ment of this deſcription of perſons. But in civil caſes, he had never heard the leaſt imputation thrown upon his conduct even by his enemies. The laws, under which thoſe proſecutions were conducted, were now expired, and conſidering the mildneſs of the preſent adminiſtration, he did not conceive that there was any danger of falling under the laſh of the learned judge. It was extremely evident this was a matter with which the people had nothing to do; as the only queſtion was whether they ſhould have for their Judge A. or B. It had been well obſerved by a gentleman from Maſſachuſetts (Mr. Euſtis) that the Houſe ought to conſider every Judge equally learned and upright. It was, therefore, not regular or delicate to make ſuch remarks. The boon prayed was very ſmall, as in the event of the death of any one Judge, the Judges would themſelves have the right of allotting themſelves. He could not believe that any gentleman entertained ſuch hoſtility to the Judges as to wiſh to defeat a meaſure barely becauſe it would promote their convenience, and on which they were all agreed.

*Mr. Holland* obſerved that he would be in favor of this law, inaſmuch as it promoted the convenience of Judge Waſhington, were it not that it interfered with the convenience of two reſpectable ſtates.

*Mr. Smilie* was ſorry that he was obliged to aſſign the reaſons for the opinions he had advanced. But this became neceſſary from the remarks of the gentleman from Delaware (Mr. Bayard.) That gentleman has ſaid the Judge alluded to may have been harſh in his treatment of traitors, inſurgents and libellers. In the remarks he had to make, Mr. Smilie ſaid he ſhould paſs over whatever related to libels and ſedition, and confine himſelf to the obſervations of the gentleman that related to treaſon. He hoped he ſhould never ſee the time when the character of any judge ſhould be conſidered too ſacred to be noticed on fit occaſions in that houſe. It was not that he had on this occaſion any thing to ſay becauſe the judge (Chaſe) had been too ſevere upon traitors, inſurgents, or libellers; but becauſe he had conſtrued an act of inſurgency into treaſon. This was eſſentially a different thing. There was an inſurrection in Pennſylvania, in the county of Northampton.

*Mr. Varnum* aſked if there was any propriety in the diſcuſſion of the queſtion before the committee in commenting on the character of a judge.

*Mr. Randolph* hoped the gentleman would proceed.

*Mr. Smilie* proceeded. There was an inſurrection in Pennſylvania, in the county of Northampton. A perſon of the name of Fries, concerned in that inſurrection, was tried for treaſon. When the trial came on, and the counſel of Fries appeared, the judge (Chaſe) ſaid the court would not hear an argument as to what was or was not treaſon. We have, ſaid he, already decided this point, our opinion is drawn out in writing, and you muſt be governed by it. Fries had employed two of the moſt eminent counſel of the Pennſylvania bar, who, it might be proper to remark, were of different political ſentiments. But, notwithſtanding their political difference, when the judge behaved in this manner, they mutually told him, we will not degrade our profeſſional characters, or commit the rights of our client, in whoſe ſervice we have volunteered, by taking any further part in theſe proceedings. There are rights of the bar as well as rights of the bench; and while we reſpect the latter, we will maintain the former. The effect was that this man (Fries) was tried without counſel, convicted of treaſon, and ſentenced to death. After the trial the attorney general requeſted the notes of ſeveral gentlemen of the bar preſent during the trial, which were given, in which they cited a number of the moſt approved authorities from the books to ſhew that the crime committed by Fries was not an act of treaſon; but that it was particularly deſignated in the ſedition act. Theſe opinions and authorities went to the Preſident, and Fries was pardoned.

Of the abilities of this judge, Mr. Smilie entertained no doubt; as little as he entertained of the abilities of Jeffries.

Theſe circumſtances having happened in Pennſylvania was the reaſon why he was oppoſed to the aſſignment of Judge Chaſe to the ſtate he repreſented. Whenever juſtice was adminiſtered, the citizens ought to have confidence in thoſe who adminiſtered it; and it would be wrong in the houſe to force upon the ſtate he repreſented a man as a judge that would be conſidered as an evil.

*Mr. Bacon* ſaid the mention of the circumſtances ſtated by the gentleman from Pennſylvania was rather diſagreeable. It might perhaps, be neceſſary. But he did not think the trial of the judges was then before the houſe. The only ſolid objection to the bill is this; that there are ſtrong and peculiar prejudices in ſome parts of the union againſt a certain judge. Whether theſe were reaſonable, or not, it was a query whether the laws could be adminiſtered as well under a perſon againſt whom there exiſts a fixed prejudice, however unfounded that prejudice may be, as under perſons againſt whom ſuch prejudice does not exiſt. In this view of the ſubject, the objection was not entirely without weight. It was certainly of great importance that all our officers, but particularly our judicial officers ſhould be treated with reſpect; and if in New-Jerſey and Pennſylvania a certain judge is not duly reſpected, that might furniſh an argument againſt the bill.

*Mr. Bayard* ſaid he believed the gentleman from Pennſylvania (Mr. Smilie) was correct in ſaying that a man of the name of Fries had been tried and convicted of treaſon. He believed alſo there were many other men guilty of inſurgency and treaſon who had neither been tried or convicted of treaſon. He further believed that any man guilty of the crime of inſurgency or treaſon would look upon the Judge as a Jeffries. But he did not know what the character of Judge Chaſe had to do with the proviſions of the bill on the table. No man had impeached that Judge; and that was the only regular or conſtitutional mode of criminating a Judge in that Houſe. If the Judge had conſtrued an oppoſition to a particular law into treaſon, and by a falſe, and, he preſumed, what gentlemen meant to inſinuate, a corrupt deciſion, jeopardiſed the life of a citizen, only ultimately ſaved by the clemency of the Preſident, was it not the duty of thoſe who thought ſo to impeach him? Was not this the duty of the gentleman from Pennſylvania? This would be fair, honorable, and open. The charges would be regularly made; and the Judge would be heard in his defence. If the gentleman believed the Judge guilty of the charges he had made, it was a duty to himſelf and to the American people, to bring them forward in the ſhape of an impeachment. But the gentleman has aſſumed the character of a reporter of law caſes without the capacity. No doctrine had been laid down in the caſe of Fries that had not been acceded to by the whole bench; and he believed, if any Judge whatever had been on the bench he would have made the ſame deciſion. It was extremely poſſible for caſes to ariſe in which the court ſhall decide after the fulleſt argument and the moſt mature deliberation, and which it will not be neceſſary to examine again. The court may ſay we have fully conſidered the caſe, and do not require any further arguments. This was not the doctrine of a Jeffries; but of a Hale and a Camden, thoſe luminaries of law, and ornaments of the Engliſh Bench.

Mr. Bayard concluded by ſaying he regretted that ſuch an extrinſic diſcuſſion ſhould have been introduced into the debate; but he hoped the majority of the Houſe would grant the requeſt of the Judges.

The queſtion was then taken on ſtriking out the firſt ſection, and carried—Ayes 41—Noes 36.

The ſecond ſection was agreed to; when the Committee roſe and reported the bill, and the Houſe immediately took up the report.

Mr. Mott called for the Yeas and Nays on agreeing with the committee to ſtrike out the firſt ſection, which were taken as follows; Yeas 48—Nays 40.

Yeas—Meſſrs. Bacon, Biſhop, Brown, Butler, Cabell, Claiborne, Clay, Clopton, Condit, Cutts, Dawſon, Dickſon, Elmendorf, Elmer, Fowler, Gray, Gregg, Hanna, J. Heiſter, Helms, Hoge, Holland, Holmes, Leib, Meriwether, Mitchill, Mott, New, Newton, jun. Nicholſon, Randolph, jun. Smilie, Iſrael Smith, J. Smith, Virg. Joſiah Smith, S. Smith, Southard, Stanford, Stanton, Stewart, Taliaferro, jun. A. Trigg, J. Trigg, Varnum, Van Horne, R. Williams, Winn, Wynns —48.

Nays—Meſſrs. Alſton, Archer, Bayard, Boude, Campbell, Dana, Davenport, Early, Euſtis, Foſter, Goddard, Griſwold, Grove, Haſtings, D. Heiſter, Hemphill, Henderſon, Hill, Huger, Lowndes, Mattoon, T. Morris, Perkins, Plater, Read, Rutledge, Shepard, J. C. Smith, J. Smith, N. Y. Stanley, Tenney, Thatcher, Thomas, Tillinghaſt, Upham, Van Cortlandt, Van Renſſelaer, Wadſworth, L. Williams, Woods—40.

BANKRUPT LAW.

*Mr. Newton* called for the order of the day on the report of the ſelect committee, declaring that it is inexpedient to repeal the Bankrupt Law.

*Mr. S. Smith* ſaid the ſubject was important; and there was not time at this late period of the ſeſſion to give it a full and fair conſideration. Impreſſed with the neceſſity of attending to other public buſineſs that muſt be tranſacted, he had been induced to give up the conſideration, during the preſent ſeſſion, of a ſubject of great importance; (alluding to the repeal of the diſcriminating and countervailing duties) and which he had been extremely anxious to have diſcuſſed. If the Houſe purpoſed to go through buſineſs then before them, abſolutely neceſſary for the public ſervice, they muſt forego a diſcuſſion that would inevitably conſume much time. He therefore moved a poſtponement of the conſideration of the report to the firſt Tueſday in November.

*Mr. Mitchill* hoped the conſideration of the report would be poſtponed. Being oppoſed to the repeal of the ſyſtem of Bankruptcy, he had on a former day moved a poſtponement till a day, which had paſſed over, without the ſubject being taken. From its not having been called up on that day, he had ſuppoſed gentlemen did not mean to urge a deciſion this ſeſſion. The Bankrupt ſyſtem he conſidered, as a great experiment in the commercial and political world, which Congreſs had determined to try for five years when the law would expire by its own limitation. He hoped, as three years had elapſed, it would be ſuffered to continue till the period of its limitation, when from an experience of its effects they would be better enabled to decide on the propriety of perpetuating it. Should the ſubject, however, be taken up, he was prepared, while he voted againſt a repeal of the law, to offer certain amendments, which, after a mature conſideration of the ſubject, he conſidered neceſſary. He concluded by obſerving that this diſcuſſion would unavoidably take much time, and more he apprehended than the public good would admit, as he was perſuaded that even if a majority were in favor of a repeal, it could not be effected without a warm ſtruggle with its friends.

*Mr. Euſtis* hoped the motion of poſtponement would not prevail. The Bankrupt Law was extremely defective and required amendment. A committee had been appointed to amend it. Their proceedings had been paraliſed by a motion to repeal; and they had abandoned all idea of reparting until a deciſion was had on this motion. He hoped therefore that queſtion would be taken up and decided; and if the conſideration required even three days the Houſe could not ſpend their time to more advantage.

*Mr. Bayard.* If the poſtponement take place, there will be an end of the report; and it will reſt with the next Congreſs to exerciſe their diſcretion in either repealing or amending the ſyſtem. The poſtponement will have the ſame effect this ſeſſion, as a determination not to repeal; and if the poſtponement is carried, the ſelect committee will immediately go to work, and can in a ſhort time report amendments.

*Mr. Newton* ſaid it was not his wiſh to take up much of the time of the Houſe. He was in favor of a repeal of the Bankrupt Law; and he wiſhed the Houſe to go into a committee of the whole, as there muſt be decided the goodneſs or the badneſs of the law. The gentleman from Delaware alleges the importance of the ſyſtem to the commercial world—Granted; and therefore the neceſſity of inveſtigating that ſyſtem in a committee of the whole, where the greater latidude of debate is allowed. But the commercial world is not very anxious on the ſubject. On the 14th of January he had made a report on the memorial from the merchants of Norfolk; the report had then been poſtponed for three weeks; and had remained unacted upon ever ſince, and yet not a ſingle petition had been received in favor of a continuance of the law. We muſt, therefore infer that the merchants are willing to leave to us the deciſion whether it ſhall or ſhall not be repealed.

Should the Houſe, contrary to his hopes, determine not to repeal the law, he was prepared to offer amendments, one of which would be that no perſon declared a bankrupt ſhould be entitled to his commiſſion for twelve months thereafter. Mr. Newton concluded by calling for the Yeas and Nays.

*Mr. Varnum* hoped the motion would not prevail. Gentleman would recollect that all the benefits conferred by the bankrupt ſyſtem on the commercial world were ſo many injuries inflicted on the other parts of the community. Whether the law were repealed or not, there was no doubt that there ought to be amendments to it.

*Mr. Haſtings* was againſt the poſtponement. He doubted whether a majority of the merchants were in favor of this law. He believed no claſs of our citizens were more attentive to their intereſts then the merchants. He believed they conſidered themſelves injured by this law, and therefore, they did not come forward with petitions againſt a repeal. He believed there had never been a law which had produced more iniquity and fraud, and he knew of no buſineſs before the Houſe more important then a repeal or amendment of it.

*Mr. Griſwold* was in favor of a poſtponement; which would lay aſide the queſtion of repeal, and clear the way for amendments.

*Mr. Thatcher* ſaid the people were not in the habit of coming forward and dictating to Congreſs. Their ſilence, therefore, on this occaſion, was no argument of their indifference. He believed the bankrupt law required amendments, which would be made in caſe the queſtion of repeal were laid aſide, for the fair diſcuſſion of which there was not time. He therefore hoped the motion to poſtpone would prevail.

The queſtion, on the poſtponement, was then taken, by Yeas and Nays, and loſt by the calling vote of the Speaker—the Houſe being equally divided—Yeas 39—Nays 39—as follow:

Yeas—Meſſrs. Alſton, Bayard, Boude, Butler, Campbell, Claiborne, Condit, Dana, Early, Elmer, Euſtis, Foſter, Fowler, Goddard, Griſwold, Grove, Hanna, D. Heiſter, Holmes, Hemphill, Henderſon, Hill, Huger, Lowndes, Mitchill, T. Morris, Mott, Nicholſon, Read, Rutledge, J. Smith, N. Y. S. Smith, Southard, Stanly, Tenny, Thatcher, Van Cortlandt, Van Renſſelaer, L. Williams.—39.

Nays—Meſſrs. Archer, Bacon, Brown, Cabell, Clay, Clopton, Cutts, Davenport, Dawſon, Dickſon, Elmendorf, Gray, Gregg, Haſtings, J. Heiſter, Hoge, Holland, Holmes, Leib, Mattoon, Meriwether, New, Newton, jun. Randolph, jun. Smilie, J. C. Smith, Joſiah Smith, Stanford, Stanton, Stewart, Taliaferro, jun. Thomas, A. Trigg, J. Trigg, Varnum, Van Horne, R. Williams, Winn, Wynns.—39.

FRIDAY, Feb. 17, 1803.

The Speaker laid before the houſe a report from the Secretary of the Treaſury incloſing an annual return of the diſtrict tonnage of the United States.

Mr. S. Smith preſented a petition from certain aliens of Baltimore—Referred.

Mr. John G. Smith, from the committee of claims, reported againſt the claim of Tobias Lear.

Referred to a committee of the whole to-morrow.

An engroſſed bill to revive and continue in force an act to eſtabliſh trading houſes with the Indian tribes was read a third time and paſſed.

A bill on the ſame ſubject was received from the ſenate, and referred to a committee of the whole to-morrow.

Mr. Randolph, from the committee to whom was referred the propoſitions of the ſtate of Ohio, &c.—reported a bill to modify the propoſitions in the act admitting the people of the North Weſtern Territory as a ſtate into the union, &c.

Referred to a committee of the whole to-morrow.

The amendments of the ſenate to a bill to amend an act fixing the military peace eſtabliſhment were read.

Referred to a ſelect committee of three.

The amendments of the ſenate to the act ſupplementary to the act reſpecting conſuls and vice-conſuls, and for the protection of American ſeamen were taken up, and concurred in.

Mr. Nicholſon, from the committee appointed on the meſſage of the Preſident of the United States, incloſing ſundry documents reſpecting John Pickering, diſtrict judge for New-Hampſhire made a report.

The committee report that John Pickering has been guilty of high crimes and miſdemeanors—they, therefore, offer a reſolution—that John Pickering, diſtrict judge for New-Hampſhire, has been guilty of high crimes and miſdemeanors, and that he be impeached therefor.

Referred to a committee of the whole on Wedneſday, and the documents ordered to be printed.

Mr. Newton called for the order of the day on the report of a ſelect committee, recommending the adoption of a reſolution, that it is not expedient to repeal the BANKRUPT LAW.

Mr. Griſwold moved to poſtpone the conſideration of the report till the firſt Tueſday in November next.

This produced a ſpirited debate which continued beyond the uſual hour of adjournment.

On the incidental queſtion of poſtponement, the main principle of repeal was diſcuſſed; thoſe in favor of the poſtponement being againſt the repeal.

Meſſrs. Griſwold, S. Smith, Goddard, Thatcher, Bayard, Gregg, Euſtis, Dana, and Mitchill, ſupported, and Meſſrs. Newton, Varnum, Haſtings, and Bacon, oppoſed the poſtponement; when the queſtion was taken by Yeas and Nays, and carried—Yeas 40—Nays 39.

Mr. Nicholſon reported a bill to reduce the marine corps of the United States.

Referred to a committee of the whole on Monday next.

Mr. Varnum reported that it was expedient to agree to the amendments of the ſenate to the bill to amend the act reſpecting a military peace eſtabliſhment.

Mr. Griſwold moved inſtructions to the committee on the Bankrupt act to report by bill or otherwiſe, ſuch amendments, if any, as they may deem neceſſary to that act.

Mr. Alſton moved a poſtponement of the motion till the firſt Tueſday of November. He thought they had heard enough about the Bankrupt act this ſeſſion, and he hoped they ſhould for the remainder of the ſeſſion hear no more about it.

Mr. Griſwold ſaid whether the houſe did or did not act upon the amendments reported, it would be better to have them reported, that the minds of members, who held ſeats in the next houſe, might take them into conſideration, and be prepared to act upon them at the enſuing ſeſſion.

The motion to poſtpone was carried—Ayes 40—Noes 39.

Mr. Bayard reported a bill for the relief of Joſhua Harvey, and others.

Referred to a committee of the whole on Monday next.

Mr. R. Williams offered the following as an additional rule to the ſtanding rules of the houſe—

*Reſolved*, that all motions reſpecting the priority of buſineſs ſhall be decided without debate.

Ordered to lie on the table.

SATURDAY, Feb. 19, 1803.

A bill was read appropriating 2,000 dollars for the working of the ſalt ſprings on the Wabaſh rivers.

Referred to a committee of the whole Houſe on Monday.

Mr. Hoge preſented a petition from a number of inhabitants of Pennſylvania reſpecting the obſtructed navigation of the Miſſiſſippi.

Referred to a committee of the whole on the ſtate of the union.

Mr. Nicholſon reported a bill for regulating the grants of land, and providing for the diſpoſal of lands South of Tenneſſee.

Referred to a committee of the whole on Tueſday.

*Mr. Nicholſon* alſo reported a bill for ſettling ſundry claims to the public lands of the United States South of Tenneſſee.

Referred to a committe of the whole on Tueſday next.

Mr. Nicholſon, chairman of the committee who reported the above bills, ſtated that the claimants of the lands of the United States, lying ſouth of Tenneſſee, had applied to the committee to be heard before them by Counſel. The committee, being of opinion that time would be gained by hearing the counſel before the Houſe, ſubmitted a reſolution that counſel ſhould be heard at the bar of the Houſe on Tueſday.

On taken up the reſolution, a debate enſued. Meſſrs. Nicholſon, Bayard, Bacon, Griſwold, and R. Williams, ſupported, and Mr. Randolph oppoſed taken it into conſideration; when it was carried without a diviſion.

The reſolution offered by Mr. Nicholſon, then paſſed.—Ayes 47.

After diſcuſſion the bill making an appropriation for the Navy for the year 1803 in committee of the whole, it was ordered to be engroſſed for a third reading on Monday.

The bill concerning the inſuring of buildings, goods and furniture in the county of Alexandria, in the territory of Columbia, was ordered to a third reading on Monday.

Mr. Leib called for the bill to amend the naturalization act; on which the Houſe went into Committee of the whole—Mr. Varnum in the chair.

The bill exempts thoſe aliens who came into the U. States between June 1798 and April 1802 from the obligation of declaring their intention to become citizens.

Mr. Bayard ſpoke againſt and Mr. S. Smith in favor of the bill.

Mr. Goddard, being adverſe to the bill, moved that the Committee ſhould riſe, in order to diſmiſs them from any further conſideration of it.

This motion was ſupported by Meſſrs. Bayard and Thatcher, and oppoſed by Meſſrs. S. Smith, Leib and Smilie—and was loſt—Ayes 30—Noes 42.

When the Committee reported the bill, and the Houſe ordered it to a third reading on Monday.

*(A more particular detail of proceedings hereafter.)*


## NOTICE.

IN conſequence of ſeveral boundaries having been removed and miſplaced—The ſubſcriber hereby gives notice that he intends to apply to the court of Prince George's county, at the next April Term, for a commiſſion, or order to mark and bound two tracts of Land, called Warburton manor, and Frankland, laying in the ſaid county according to the acts of Aſſembly in ſuch caſes made and provided.

THOS. A. DIGGES.

Warburton, Feb. 18. 1aw5w.

FOR SALE,

A Blackſmith, who is a prime workman, and his WIFE, an excellent Waſher and Ironer. Enquire of the Printer

Feb. 21. 7t.

*District of Columbia, Washington County. February* 19, 1803.

BROUGHT before me as a ſtray and treſpaſſer, by JARED GIBSON, a ſorrel Mare, about ten years old, thirteen hands high, blaze in her face, near hind foot ſtriped black and white, and the leg white near half way up, white hairs matted tolerable thick on her back hare foot, and no artificial mark.—The owner is deſired to come and prove property, pay charges and take her away.

JARED GIBSON,

*abount one mile from the Capitol.*

Feb. 21. 3t.

TAKE NOTICE.

I WILL ſell five hundred and fifty acres of Land whereon I live, in Fairfax county, within five miles of the court houſe, and within twenty of the City of Waſhington, Alexandria, Dumfries, and twelve of the Occoquon mills, it is a healthy ſituation, the land fertile, and has about two hundred acres of wood to cut, there is a great proportion of white and red oak, popular and hickory timber—There is nearly one hundred acres of prime land for meadow. I will give ſix months credit for one fourth of the purchaſe money—twelve months for the other quarter, eighteen for the third, and two years for the laſt payment, a purchaſer will find me on the premiſes.

THOS. POLLARD

Feb 21ſt. tf.