An extensive meaning has been given to the word *office*. How far such a construction of the meaning of this word is warranted I leave for others to decide. That all contracters are not officers I am certain. A man, for instance, makes a contract with the government to furnish supplies. He certainly is not an officer according to the common and known acceptation of that word. He is however a contractor, and under this resolution excluded from a seat here. A carrier of the mail approaches very near an officer. The person takes an oath, is su ject to penalties, the remission of which depend on the Executive. His duties are fixed and prescribed by law. Near however as this species of contract approaches to an office, I do not consider that the word office in the constitution can include even this species of contract. I consider the word "office" in the constitution ought to be construed according to the usual import and meaning of that term, and as I do conscientiously believe that the word office and the word contract cannot be tortured to mean the same thing, I shall vote against the resolution.

Mr. ALSTON. While I am as much opposed as any man to see any holder of public money within these walls, I cannot justify myself in declaring in this way what is or what is not the constitution. If in any case this ought to be done, this surely should be the last. What is its effect? To deprive a member of his seat on the vote of a bare majority—when the constitution has declared that no seat shall be vacated but on the vote of two-thirds of the members. Let this House say so, and what becomes of a contracter, if there be any such within these walls? The decision of the House will be in violation of the constitution. No man who knows me will imagine that I have any partiality for contractors holding seats within these walls. I have never held a contract, or received a cent of the public money but for my wages as a member of this House. I am therefore as disinterested as man can be on this point. If there is a contractor within the meaning of the constitution, let him be pointed out. I am not certain how I shall vote upon such a proposition. But I will not declare before hand a particular construction of the constitution. If I believe the case comes within the constitution, of which I am not certain, I will vote for clearing the House of such a member. But I will not consent to a majority declaring in this way what they cannot carry into effect. How can this be done? If you cannot get two-thirds of the members of this House to vacate the seat, I ask what becomes of the resolution declaratory of the meaning of the constitution? But it is idle to pass a declaratory resolution unless it can be carried into effect. One thing I will say, if the mover will modify his resolution so as to impose a penalty on any officer who shall make a contract with a member of Congress, I will give it my consent. For I wish to see no man in these walls dependent on the government. I still adhere to the principle which I set out with, when I entered into public life—for I became a member of the legislature of the state which I have the honor to represent, at the age of twenty-one—but there was no office in the gift of any government which I would possess. This is a principle to which I strictly adhere, and I do not believe I have any relation on earth who holds an office, numerous as my relations are.

Mr. J. CLAY. The gentleman says he is willing to vote for the expulsion of any member on this floor who holds public money——

Mr. ALSTON explained by observing, that he had not absolutely said so.

Mr. J. CLAY. If this cannot be done under the constitution, with what consistency can the gentleman vote for the measure he proposes, as under the provision of the constitution alluded-to, we have no right to expel a member but for some offence committed by him.—The judges of your courts as well as the state courts have assumed the right of expounding the constitution, inasmuch as they are bound on oath to support it. Are we not bound by the same oath to support it? And have we not, by parity of reasoning, the same right to construe it? Are not gentlemen indeed, by their negative vote, giving the constitution their own exposition? I have no doubt of our right to expound the constitution. Let us take things as they are. What is an officer? A man holding a public charge or agency.—What is an office? A public charge or agency. Is not a contract an agency? A man contracts to carry letters in the mail—is not that an agency? So a man contracts as an agent of the post master general to carry letters from Washington to Baltimore—is he not as much an officer as if he resided at Washington or Baltimore? The only difference is that one is moving and the other stationary. Every officer under the government is a contractor, inasmuch as he contracts to do certain things for a certain sum of money. I believe, likewise, the converse of the proposition is true, and that contractors are likewise officers.

Mr. FINDLEY said, were this proposition proposed as an amendment to the constitution, he should vote for it; but for reasons very different from those which had been assigned. He did not believe that every contractor was an officer under the constitution. for if this was the case, every man who furnished the public with the least article of supply would be an officer. The miller who sold flour for the use of the army, as well as the stationer who supplied the House with paper and quills.—Every man who sold any thing to the government must, in this light, be considered as an officer. Would gentlemen be disposed to exclude all persons of this description from a seat in this House? Great weight had been attached to that clause in the constitution which made the two Houses judges of the qualifications of their members; but it was a sufficient answer to this argument to observe, that though the constitution gives the two Houses the power of *judging* of the qualification of their members, it does not give them the power to make those qualifications. He agreed that it was discretionary with each House to expel a member, but then the act could only be effected by a vote of two thirds of the members. He had always understood, and believed it to be correct, that it was an essential attribute of office for a man to possess some power, to be exercised on behalf of the government. Now a mere contractor receives no such power—he only enters into an engagement to perform certain specified duties.

Mr. J. RANDOLPH desired that part of the constitution to be read, which authorises the expulsion of a member, by which, he said, it would appear that such expulsion could only be made for disorderly behavior.

The *Clerk* read the article as follows:

"Each House may determine the "rules of its proceedings; punish its "members for disorderly behavior, and, "with the concurrence of two-thirds, "expel a member."

Mr. G. W. CAMPBELL said he would assign the reasons, on account of which he would not give his vote in favor of the resolution under consideration. It proposed to decide what shall, and what shall not be the true construction of the constitution as to the term *office*. He was of opinion that it was not competent for that House to put a construction upon the constitution except in a particular case under their consideration; and that they could then and then only act upon it. If there were any gentlemen upon the floor of the House who were contractors, and a motion should be made to expel them, he would then be ready to give his vote upon such a motion; but he was not prepared to give a general construction to the constitution as to the existence of any such case. With regard to the case under consideration, he was not prepared to say whether a contractor was an officer within the meaning of the constitution. The constitution declared that no senator or representative should be appointed to an office—when therefore they were enquiring what constituted an office under the constitution, it was necessary that they should refer to the constitution itself, to determine the meaning of the word office. It declares in the 3rd section of the 2nd art. that the President shall commission all the officers of the United States. I am not prepared said Mr. C. to say that a man is an officer who is not so commissioned under the constitution. It appears to me that a person must have a commission before he can be considered an officer under the constitution. Mr. C. said he was clearly of opinion that it would be advisable to make a provision to remedy the evil, and he would cheerfully agree to any measure which would have this effect, as he did consider it extremely indecorous for any man holding a contract and the money of the public to participate in the making of laws for its application.

Mr. R. NELSON said he was sorry that he could not on this occasion, consistent with the oath he had taken to support the constitution, advocate the resolution under consideration. He agreed that it was highly improper for contractors to hold seats in that House, as there were many cases in which they could not give a free and impartial vote; but in his opinion there was no power to exclude members from a seat, unless that power was contained in the constitution. He said he would give his idea of the spirit and meaning of the constitution on this point. They were bound by its letter—where the letter and the words of it were plain, they were bound strictly to adhere to them: where from the wording, the meaning was doubtful, or difficult every member was bound to put that construction which his judgment dictated. But where there was no difficulty, where the words were plain and obvious, he would ever raise his hands against what was called the spirit of the constitution, or in other words, giving it a meaning which the words would not bear. If this power existed in the constitution, it must be found under that section, which declares, that "No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the U. States, which shall have been created, or the emoluments of which shall have been increased during such time; and no person holding any office under the U. S. shall be a member of either House, during his continuance in office." The question then comes to the single point—is a contractor an officer under the constitution? If he is, there is no doubt he may be excluded from a seat in this House; but if he is not, he cannot be excluded. What then is the idea of an officer under the constitution? It either muſt be recognized by the conſtitution, or ſome law paſſed in conformity to it, for no man under the government has a right without law to create as many offices as he pleaſes. The poſt maſter general has a right to contract for carrying the mail; he may employ for this purpoſe fifty, five hundred, or five thouſand men. Will any body thence contend that the poſt maſter general has the right of creating five thouſand offices? Our conſtitution has been juſtly extolled as the freeſt in the world, and as the beſt calculated to promote the happineſs and ſecurity of the people. It has been called free, in contradiſtinction to those deſpotic governments, where all the offices are held up to ſale. Is not this the caſe with contracts? Are they not uniformly given to the loweſt bidder? What government of principle then is this, which propoſes to put a conſtruction upon the conſtitution, by which offices under the government ſhall be thus expoſed to ſale? But are they in truth officers of the U. S. recognized either by the conſtitution or laws? No, they are not officers of the U. S. they are the mere hirelings of the poſt maſter general, he has not the power of ſetting up the conſtitution to the higheſt bidder. If ſo, it is no longer a free conſtitution—it does not deſerve the eulogiums which have been ſo juſtly paſſed upon it.

Mr EARLY. I would not riſe to trouble you were not the yeas and nays to be recorded on this queſtion. I am as fully ſenſible as the hon. mover of the reſolution, or any other gentleman on this floor, of the extreme impropriety, to ſay the leaſt of it, of perſons remaining members of this Houſe who hold a contract under the government to which any emolument is attached. With him and them I believe, that of all deſcriptions of appointment, this is the moſt improper to be moſt blended, where the emoluments are not fixed by law, but riſe or fall with circumſtances. I am therefore as willing as any perſon can be to adopt any meaſure to effect a remedy of this evil, which we poſſeſs the conſtitutional right of doing. My difficulty on this ſubject is not the ſame with that preſented to the minds of ſome gentlemen that we are not authoriſed to pass a reſolution, putting a conſtruction upon the conſtitution. On this ſubject, by the conſtitution, we are made judges of the qualifications of the members of this Houſe. If ſo, we are neceſſarily judges of their disqualification alſo. One power implies the other. I therefore have no difficulty on this ſcore. The ſimple queſtion is, in my mind, whether a contractor is an officer under the conſtitution? My own opinion is decidedly in the negative—an opinion formed after the moſt mature reflection. I can appeal to you, ſir, that I have ſought after truth on this ſubject with induſtry; and I can appeal to other members to atteſt my having contemplated early in the ſeſſion the offering a reſolution as the foundation of a law, to give effect to the object of the gentleman from Virginia to declare void any contract made by any officer under this government made with any member of either Houſe. So far I am prepared to go, if any member ſhall introduce ſuch a propoſition. The paſſage of ſuch a law will remove the inconvenience which might ariſe from interfering deciſions made in this Houſe at different times, and will prevent the exiſtence of a different rule in the two branches of the legiſlature.

(To be continued.)

From the Alexandria Expositor

THE CATERPILLARS.

This pest, which has so suddenly bust into existence, is the subject which now absorbs the general attention. Our accounts from the head waters of the southern branches of Potomac, from the borders of James River, Culpepper and Orange counties, in Virginia, and the state of South Carolina, are truly alarming.——In this vicinity they seem to attack only particular spots of earth, and to confine their ravages principally to wheat & grass. In a very beautiful wheat field near this town they have stripped the leaves entirely from the wheat, eaten the three or four lower grains from the ear, & seem apparently to have absorbed the milky substance from those more exposed to the heat of the sun. Several gentlemen in Alexandria are preparing to watch the transformation of this animal, whose natural history merits, and will no doubt receive attention. An idea, however, prevails, which we can but deem unfortununate, viz.—that the wheat will ultimately prove not to be injured by them—We shall not enter into the physiology of Plants, nor enquire into the truth (which, however, is believed) of the assertion, that leaves are necessary to the nourishment of plants, but content ourselves with observing, that such an idea is productive of indolence, and where it is believed that these caterpillars are innoxious, no attempts will be made to get rid of them. Impressed with an opinion that they are destructive, the Editor of this paper procured some powdered Plaister of Paris:——on some of them he let fall small quantities of it, others he surrounded with it, & he placed some of it immediately in the path of others; the result of these experiments give room to hope that this valuable substance may be usefully employed, if not altogether to destroy them, at least to preserve our fields from their ravags, as it appeared almost instantly to kill some on whom it was placed, and occasioned others to eject a quantity of greenish matter; those that were surrounded seemed to search every passage to escape without passing over it, and those in whose path it was strewn took a different direction. Upon the whole it evidently appeared as if all disliked it, but the small scale on which these experiments were made will justify no positive assertion, and it is therefore hoped that some of our intelligent agriculturalists will give their attention to the facts stated.

WASHINGTON CITY.

MONDAY, JUNE 16.

Died, on the 8th inst. the venerable and distinguished patriot, GEORGE WYTHE, Chancellor of the Richmond district, Virginia, in the 80th year of his age.

The Senate of Massachusetts have, after a warm debate of 5 days continuance, agreed to the report of a committee of the two Houses, which declares that there is no election of Governor by the people—Yeas 20—Nays 19. It still remains to be acted upon by the House of Representatives.

The ship Charleston, capt. Hall, arrived at New-York in 38 days from Liverpool, brings London papers to the 1st of May, by which the following intelligence is received.

Information from Gibraltar represents a war between Spain and Portugal as certain, and that 50,000 French troops were on their march to Portugal.

The return of the French troops from Germany, had not only been suspended, but new defensive operations been commenced.

General Kalkreuth had been ordered to take military possession of Pomerania and the Isle of Rugen.

HAMBURGH, April 9.

Some fermentation is said to exist in Sweden—The chamber of Commerce of Stockholm having been convoked lately, a letter was read from the King, in which he demanded a contribution to enable him to fit out 15 ships of the line or frigates to protect the Swedish ships against the French privateers, which had taken a great number. The discussion enabled some members to depict the miseries to which Sweden was subjected by her fatal alliance with England.—It was unanimously decided that no sum should be granted to the King.

IN pursuance of an order from the Orphan's Court of Prince George's county, will be sold at Public Sale on Saturday the 12th July, at 12 o'clock at the tavern of Mr. Samuel T. Coollidge in Upper Marlboro', a NEGRO MAN late the property of John Nevett, deceased. The terms of sale will be 6 months credit, the purchaser giving bond, with approved security. All persons indebted to the said John Nevitt, deceased, are requested to make immediate payment, and those having claims are requested to present their accounts properly authenticated to the subscriber,

THOMAS NEVITT, Exct'r of J Nevitt, deceased.

June 16—w3w.

WHEREAS my son RICHARD ANDERSON has left me without any just cause, this is to forwarn all persons from harboring, employing, or crediting him on my account as I am determined to prosecute any person or persons so offending.

SAMUEL ANDERSON.

Washington city, June 16—3t

PUBLIC SALE.

IN obedience to the direction of Wm: Cranch, esq given in the case of Henry Schnively an insolvent I shall sell at auction, on Saturday the 28th inst. at the house owned by Mr. Voss and next adjoining the one occupied by the hon. James Madison in F street, Washington. The personal property of said Schnively consisting of store goods, &c. The terms of sale are cash, for all purchases not exceeding 20 dollars, for purchases above that sum on a credit of six months, securities to be approved of by the judge to be given. Hour of sale, 11 A. M.

Those who have claims against the said Schnively will please to exhibit them to me within six months from this date proven in the same manner as is required by the Orphan's court. Creditors will be allowed to bid to an amount which will not exceed their dividends.

JOHN HEWITT, Trustee.
JOHN STEPHEN, Auctioneer.

June 16—tdf

LAND FOR SALE.

THAT valuable plantation called Swan Point lying on the river Potomac, Charles county, Maryland, containing 214 acres, about 45 of which are in oak and cedar.

This land is the property of Dr Charles Lancaster, and if not sold at private sale, of which timely notice will be given, will be sold on the premises the 14th day of July next if fair, if not the next fair day, by the subscribers living in Cob Neck; the soil is well adapted to the production of corn, wheat and tobacco. The convenience which this land possesses of fish, fowl and oysters, is exceeded by none on the river—Any farther description is unnecessary, as it is presumed the purchaser will view it before the day of sale. The terms of sale as follows: bond to be given with approved security bearing interest from the first day of January next, on which day possession will be given, one half to be paid on the 1st day of January 1808, and the remainder on the 1st day of January 1809,

The above sale is in virtue of a power of attorney to

JOHN LANCASTER, Sen & BENJAMIN LANCASTER, or either of them.

ALSO will be sold on same day and place a tract of Land adjoining the above Swan Point, and originally part of same tract containing 142 acres, about one third of which is in oak and cedar. This place will be a great acquisition to the purchaser of Swan Point, it will be sold on three years credit by giving bond with approved security bearing interest from the first day of January next, on which day possession will be given by

BENJAMIN LANCASTER.

June 16—3t

FOR SALE,

AT Bath (Berkeley Springs) Virginia, a HOUSE & LOT thereto belonging (late the property of Thomas Palmer, deceased.) The premises are calculated for a genteel family, or would make an excellent Boarding house, having thereon a smoke house, coach house and stables, with a garden laid out with much taste and inclosed with a good board fence.

Also near the town, are for sale, SEVEN acres of LAND, inclosed with a stone wall.

The whole will be sold very low, or exchanged for property in or near any of the large towns or cities. Apply to John Davidson, Washington city, or to Wm. Alexander, esq. Bath, aforesaid.

Note—If not sold, it will be let for the season.

April 16—tf

TO RENT,

THE COMMODIOUS BRICK STORE near the Capitol, now in the occupation of Messrs. P. Healy & Co.

Possession to be given on the 1st of May. Enquire of Frederick May.

March 28—tf

On a liberal credit.

THE subscriber will dispose of at private sale, his estate called Chichester, lying on the eastern branch, immediately opposite the city of Washington. This tract of land containing 697 acres is laid off in lots from 83 to 144 acres for the convenience of purchasers. Plats of the estate and the terms of sale are in the hands of colonel Hanson at the navy yard, and Charles Wayman of George Town. The lots will be shewn by Mr Wedden, living on the premises, near the Eastern Branch bridge.

ANTHONY ADDISON.

Barnaby, 12th June 1805—tf

PUBLIC AUCTION.

FOR Sale at Auction, on Wednesday the 18th inst. at the house occupied last winter by MICHEL KROMENACKER, on Capitol Hill, a quantity of

Household Furniture,

consisting of Beds, Mattresses, Bedding, Bedsteads, Curtains, Tables, Looking glasses, Chairs, Carpets, Kitchen Furniture, &c and a small quantity of Plate.

The sale will commence precisely at 10 o'clock and the terms will be for all sums under 20 dollars cash above that amount good notes, with approved endorsers, at 90 days will be required.

N. L. QUEEN, Auctioneer.

June 9—5t

ELIAS B. CALDWELL,

ATTORNEY AT LAW,

HAS removed his Office, to the house lately occupied by Mr. Law, on Capitol Hill.

Washington, July 26—tf

Wm. S. NICHOLLS.

HAS removed his store to the house, lately occupied, by Mr. Melvin, next door to Mr. John Goulding where he has just received from Philadelphia, and are now opening a very handsome assortment of Spring and Summer Goods, consisting of

Cambric muslins, | crapes,
Dimities and cambric dimity | Lappett lace cambric and tambored shawls,
Calicoes and chintzes, | Sattin pelonge,
Irish linens, | White and pink sarsnets,
Long awns, |
Linen cambrics, |
Pink and buff cross bar ginghams, | Ladies parrasoles, Umbrelloes,
Checks and stripe cottons, | Handsome Ribbons, Laces and edgings,
Silk, cotton, and thread hosiery, | Fans assorted, Diapers
Silk and cotton Chamberry muslins, | Gurrahs and baftas and thin India muslins,
Black and colored lutestrings, | Dowlasses and Tickienburgs,
Plaid Martuas, | Bandano and Madrass handkerchiefs,
Plain do. |
Silk and kid gloves, | Brown Holland,
Men's raw silk, beaver and thread do. | Shirt and dress buttons, Catgut and Pasteboard,
Cotton cassimeres, | Superfine blue and drab cloths.
Yellow and blue nankeens, | London hats,
Plain colored do. | Sewing silk of all kinds,
Fancy Marseilles waistcoating, | Thread tape, and bobbin,
Do. Janes and Muslinets | Tortoise shell combs, Morocco Shoes with many other goods which will be sold on the lowest terms,
White India dimity, |
Handsome silk Shawls & Handkerchiefs, |
Black and white Italian |

For Cash only.

June 4—4w

JOHN LAW,

HAS commenced the Practice of the Law, & opened an Office on the Capitol Hill, near the office of Mr. Wm. Brent, clerk of the County Court.

May 21—2m

ALEX'R. COCHRANE,

F STREET NORTH,

HAS just received by Captain Ealwood, 4 chests of fresh Teas, viz. Imperial, Hyson, Young Hyson & Hyson skin.
Best chocolate, mustard, & pickling vinegar,
Men's fine shoes, and women's Morrocco slippers,
Yellow and blue Indians nankeens,
Also from Baltimore.
Kerseymere's, dimities and linen checks,
India and British muslins and shawls,
Italian plaid silks and fancy waistcoating,
Trafalgar chintzes, calicoes, and chambrays,
4 4th and 7 8th Irish linens and lawns,
Sundry diapers and diaper table cloths,
Silk and cotton hosiery, gloves,
Fine lawn bordered handkerchiefs,
Silk and cotton, do.
China, glass, and Queens ware,
Cut and wrought nails,
Ironmongery,
and is constantly supplied with the best Liquors and Groceries; all of said good and will sell on the most reasonable reasonable terms.

June 11—3w