(debate continued from first page.)

plation of law had any agency. And to contend that because a penalty is by an act of congress recoverable by an action of debt, therefore they have a right to transfer these cases to the state courts for adjudication, is to say that congress may first give themselves the power to delegate it, and then exercise the power that is acquired.

But said Mr. N. if it is true that congress have a right to impose this duty on the judges of the state courts, they must have the right to compel a performance of it. It was incompatible with the idea of sovereignty, to pass laws and not to have the power and the means of carrying them into execution.

Upon the whole, he had seen no part of the constitution that authorised congress to delegate such power to the state courts, or that authorised the state courts to execute it, and he should therefore vote against the proposed amendment.

Mr. BAYARD considered the question of the delegation of power as altogether misapplied. The proviso moved by the gentleman from Maryland related to the jurisdiction of the state courts, not over offences, but over civil suits, which were brought by the United States for debts arising out of contracts with the individuals indebted to the government. Now, it would puzzle him to say why the state courts should not decide cases in which the United States were a party, as well as in any other description of cases, when it was known that their jurisdiction extended over all actions for debt.

Mr. NICHOLAS desired to know whether there did not exist other laws than the one embraced by the proviso, to which it would be proper to extend its provisions; for which purpose he moved that the committee rise.

Motion lost—Ayes 34—Noes 37.

Mr. BIRD, wishing an amendment to the bill that would fairly and fully meet the question of constitutionality, recommended to the gentleman from Maryland to withdraw his proviso; in which case he would, at a proper period, present an amendment to that effect. Mr. DENNIS withdrew his motion.

The Chairman then read the 13th section, one clause of which is as follows:
"The circuit courts shall have cognizance "of all actions, or suits, matters or things "cognizable by the judicial authority of "the United States, under and by virtue "of the constitution thereof, where the "matter in dispute shall amount to "hundred dollars, and where original ju-"risdiction is not given by the constitu-"tion of the United States to the supreme "court thereof, or exclusive jurisdiction "by this act to the courts of admiralty "hereby established."

Mr. NICHOLAS moved to fill the blank with 500, so as to confine the jurisdiction to debts above 500 dollars. Among other reasons assigned by him, he stated, that the estate of Lord Fairfax, with the quit rents due thereon, had been confiscated during the revolution by the state of Virginia; notwithstanding the confiscation, the heirs of Lord Fairfax had sold all their rights (which the assignees contended remained unimpaired) It might be their wish to prosecute in a federal court, expecting to gain advantages in it which could not be had from the courts of Virginia. His object was to defeat this purpose by limiting the jurisdiction of the circuit courts to sums beyond the amount of quit rents, alledged to be due by any individual.

[We understand that the present assignees of the claims of Lord Fairfax are General Marshall, General Lee, and a third individual, and that they maintain their claims under the British treaty.]

The motion was opposed by Messrs. Harper and Bayard.

On the question being taken, it was lost by the casting vote of the Chairman—Ayes 37—Noes 37.

The blank was then filled up with 400—Ayes 41.

THURSDAY, January 8, 1801.

In committee of the whole on the *JUDICIARY BILL.*

Mr. NICHOLAS moved to add to the 17th section, the following clause of the act, passed September 24, 1789, and now in force, which is omitted in the bill now before the committee: viz.

"Nor shall any district or circuit court "have cognizance of any suit to recover "the contents of any promissary note or "other chose in action in favor of an assig-"nee, unless a suit might have been pro-"secuted in such court to recover the said "contents if no assignment had been made, "except in case of foreign bills of ex-"change."

Mr. Nicholas stated his object to be to leave the jurisdiction of the federal courts, as far as respected debts created by assignment, in the situation in which it now stood.

On this motion a debate of considerable length took place. The supporters of the motion were Messrs. Nicholas, Randolph, and Allston, the opponents, Messrs. Griswold, Harper, Bayard.

Those who supported the motion contended that by giving jurisdiction to the federal courts over assigned debts, a great mass of suits would be transferred from the state to the federal tribunals; that this would be done by a collusive assignment; that it would thereby be in the power of a creditor, by nominally assigning his claim to a citizen of another state or to a foreigner, to bring his debtor into any federal court he pleased, and occasion an increase of trouble and expense; that if any benefit did attach to the creditor by the right of instituting process in a federal court, which was however not granted, that very benefit would violate the established principle of law that the assignee of a debt ought not to be placed in a better situation than the assignor; that when a citizen made a contract with a foreigner, he knew the consequences, but when he made a contract with a citizen, he entertained no idea of amenability to the federal courts, and had no idea of being dragged to a distance in case of a controversy with his creditor; that in the Southern states, and particularly in Virginia, this power would be highly injurious; for that in Virginia all bonds were assignable, and a great mass of the debts contracted were in bonds and promisory notes; that if the power were bestowed, it would place the debtor at the mercy of the creditor; inasmuch as the latter would chuse his court, and the former would in many cases be drawn 200 miles from his home, where the debt had probably been contracted, where only were to be found his witnesses, and where a jury could be formed acquainted with his general character; that the power would operate severely to the prejudice of the citizens of North Carolina, as in that state there circulated a paper currency, which was 25 per cent. below par, and which was a lawful tender in the state courts; whereas judgments were given in the federal courts for specie only; the effect therefore would be that the creditor would commence his suit in the federal courts, and by that mean obtain 25 per cent. more than was really due to him, as the contracts made in that state were predicated on the depreciated state of the paper currency.

Those who opposed the motion, demanded to know whether a real *bona fide* debt could not be created by endorsement; whether it was not one of the most common operations among merchants; and whether the person who thus received an endorsement was not as completely and substantially the creditor as the original holder of the obligation? The effect of the amendment would be to shut out from the federal courts all persons of this description, whose claims would be as much affected by local passions and prejudices, as though they had not assigned. It was contended that this was one of the precise cases, for which the constitution had provided; and that the attempt to defeat this essential provision was another evidence of that invariable and unabating disposition to defeat the most important provisions of the constitution, to destroy its energy, and to withdraw from it the respect of the citizens, which on every occasion was manifested by some gentlemen in that house.

The reasons offered in defence of the amendment were declared to be fallacious. There would exist no irrational unfounded predilection of the creditor to the federal tribunals; in most cases the creditor would prefer the state courts; in all cases except those in which he had a strong dread that the undue influence of sinister feelings would bias them. If gentlemen simply desired to repress suits for demands not *bona fide* assigned, an express provision could be made to this effect, to which the house would generally agree; for that provision, while it gratified the desires of several gentlemen, would not impair one of the vital principles of the constitution, established on the conviction that an alien did not in the state courts stand upon an equal footing with a citizen.

It was contended that the observations derived from the situation of the state of North Carolina were not correct; as it was not believed that the federal courts could alter a contract from its original form; and that of course in those cases where contracts had been made in paper money, judgment would be given not for money, but in the nature of provisions or some similar way, as no power could exist to deteriorate the contract.

It was not true that the great mass of debts incurred were on bonds or promissary notes; the great mass of debts were in the shape of book debts, which were not transferable.

It was further observed that if a disposition to evade the spirit of the law existed, it would be extremely easy in the creditor, when making his bargain, to obtain a note payable to a person in another state or to an alien; and in this way his object of getting access to the federal courts would be completely effected.

It was further contended that this amendment violated the constitution. By it a citizen of one state had a declared right of suing the citizen of another in the federal courts.

As to the idea of additional expence in the federal courts, if it had any weight, it would as forcibly apply to the creditor as the debtor.

In REPLY it was contended, that facts were stubborn things, and that they established, notwithstanding the ingenious theories of gentlemen, that judgments in North Carolina were actually given in the federal courts in *specie*, while in the state courts they were given in *paper money*; and that as to the idea of discriminating between *bona fide* and *mala fide* assignments, it would produce one of the most intricate and embarrassing questions that could come before the courts; that in most cases all the knowledge to be obtained must proceed from the party interested in suppressing it; and that in consequence an extensive scene of perjury would be opened by appealing to his oath.

To this remark the *opponents of the motion* rejoined that the operation would be a very simple one, consisting only in a resort to the equity side of the court to obtain on oath of the assignee a true statement of facts; and this resort had actually been had in Pennsylvania.

The question was then put on agreeing to Mr. Nicholas's motion, and carried. *Ayes* 42, Noes 27.

Mr. Harper moved to strike out the sections 23, 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33, which established a number of distinct courts with admiralty jurisdiction.

On reflection, Mr. Harper said it had been thought advisable at present, not to constitute these new courts, but to establish two or three additional district courts in the most maritime positions, with admiralty powers; for which purpose Mr. Harper would prepare an amendment.

Motion carried without a division.

Kid, Eliot & co.

HAVE received by late arrivals, a general assortment of Hard ware and Ironmongery, which they offer for Sale at their Store opposite the Great Hotel.

They have also on hand

Madeira, Sherry & Lisbon } Wines.
Cogniac Brandy.
Jamaica Spirits,
Holland Gin,
Loaf and Brown Sugar,
Tea, Coffee, &c. &c.

Washington, Dec 18. tf.

JUST IMPORTED,

IN the ship Missouri, via Philadelphia, and now opening for Sale at the Subscriber's Store on New-Jersey Avenue Capital Hill, Square 690.

A General Assortment of Ironmongery, Cutlery, Sadlery, Brass Wares and Building Materials.

Among which are the following Articles.

Iron pots, frying pans, chaffing dishes, Brass iron and Japand Candlesticks, patent metal tea kettles and sauce pans; jappaned tea trays, waiters and Bread baskets, sad irons, wind up Jacks, Sweeping, scrubbing, hearth and shoe brushes; Mathematical instruments, mahogany knife cases, filled with ivory handled knives and forks, Cruet stands, ladies dressing cases; mill, pitt and cross cut Saws. 56, 28 and 14lb. Iron weights. Also scale beams to weigh from 5 to 10 cwt. at an end.

HENRY INGLE

November 24th, 1800.

CABINET AND CHAIR MANUFACTORY.

WILSON AND HANDY,

HAVE commenced the above buness at their shop on New Jersey Avenue between the Episcopal church and Sugar House. As they are confident from the experience they have had in the principal shops in Europe and America, that they shall be able to give general satisfaction to those who will please to favour them with their custom. They have on hands, viz.

Secretary Desks,
Portable Writing Desks,
Dressing Chests,
Card Tables, &c.

N. B. Orders from country or city thankfully received and faithfully executed.

December 30. 3tiw

JOHN BARNES,

FROM PHILADELPHIA,

Has just opened for sale the following articles at his store opposite Mr Semmes's tavern, in Georgetown, a general assortment of

Fresh Teas of the first quality, viz.

Imperial, Large Hyson,
Young Hyson, Hysonskin,
Souchong and Bohea.

SPICES.

Nutmegs, Mace,
Cinnamon. Cloves,
Four bags fresh Almonds.

LIQUORS.

Madeira, six years old, Dry Sherry & Port, Brandy, 4th proof Jamaica Spirits, and Holland Gin.

COFFEE,

Pennington's best refined sugars.

With a handsome assortment of gentlemen's fashionable London HATS and trimmings.

He has likewise for sale, ten cases well assorted STATIONARY, consisting of writing paper of different qualities, Quills, Wafers, and Ink powder, in packages from 80 to 180 dollars on the most reasonable terms for cash or approved notes.

English and American playing cards,
Pasteboard per groce,
Wrapping paper per ream,
A case of 7-8 and yard wide Irish Linen per piece.

Nov. 14th, 1800.

JOHN MINCHIN,

BOOT MAKER

FROM PHILADELPHIA.

RESPECTFULLY acquaints his FRIENDS, CUSTOMERS, and the PUBLIC, that he has removed his BOOT AND SHOE MANUFACTORY from near the Eastern Branch, to New Jersey Avenue, on the hill, near the Capitol, where he makes Gentlemen's Boots, Bootees, dress and undress Shoes on the shortest notice, in the neatest manner, and of the best materials.

December 3d. 3tw.

TO JOURNEYMEN SHOEMAKERS.

WANTED, a number of Journeymen Shoemakers, to whom constant employment and good wages will be given.

Kid, Eliot & Co.

At the Brick Store opposite BLODGET'S HOTEL.

HAVE received by the Brig UNION, Capt. Leonard, from Liverpool, a large supply of Crockery Ware. Some of which is well assorted in small casks for the country.

Also, by the some Vessel.

White Lead, ground in oil.
Spanish Brown do.
Red Lead, Patent yellow, &c. &c.

They expect by the Roba and Betsey arrived at Norfolk, an additional Invoice of crockery and a large assortment of Glass ware. All which will be sold at the Philadelphia prices.

December 28.

CONVEYANCER'S OFFICE.

THOMAS HERTY has opened an office a few yards from the CAPITOL, on the New Jersey Avenue, where he will attend daily till 3 o'clock during the sitting of Congress, and in the afternoon, at his office opposite the LITTLE HOTEL—Conveyances of land, wills, mortgages, leases, assignments, copartnership deeds and dissolutions, marriage settlements and separations, etters of licence and composition, bills of sale of vessels, slaves, and other chattels, bonds of conveyance, and other bonds, powers of attorney, awards, manumissions, partitions, exchanges, petitions, annuities, post obits, seamen's wills and powers, and all other instruments in the above line, are drawn according to the legal import of the same respectively, with the utmost punctuality, accuracy, secrecy, and dispatch, and on moderate terms.

Titles investigated, and opinions given where necessary.

N. B. Herty's Abridgment of the laws of Maryland, approved and sanctioned by the Attorney General and Legislature of Maryland, may be had at at the above office, price Six Dollars neatly bound and lettered; also Herty's Digest of the Laws of the United States, price Three Dollars, neatly bound and lettered.

December, 1800. twtf

LOTS FOR SALE,

In the City of WASHINGTON.

THE SUBSCRIBER offers for Sale a number of valuable Lots beautifully situated between the Capitol and the Eastern Branch. Also a few Lots to be let on lease for ninety-nine years in the vicinity of the Navy yard.

WILLIAM PROUT.

City of Washington. December 12, 1800 tf

N. B. A few Tons of good Meadow Hay, one Kiln of Bricks, and some Cord Wood.

W. P.

Notice is Given

THAT I shall attend at the Eastern Branch Ferry on Monday, the 29th inst. for the purpose of renting the Fishing Landing. If any person should want to rent it, with whom I am not acquainted, security will be required.

JOHN WALLACE, OF WM.

December 22, 1800.