of the judges for public ſuſpicion, without ſpecifying any ſuppoſed miſconduct. It marks them as public objects of ſuſpicion throughout the whole of their judicial life, and without naming any thing, invites private enemies to accuſe them of every thing.

To ſupport ſuch a reſolution, common fame has been mentioned in the courſe of debate, as a ſufficient ground of proceeding; and this idea is ſuppoſed to be authoriſed by Engliſh precedent. Whatever may have been done formerly and in a period of rudeneſs or violence, the more improved ſyſtem of modern juriſprudence ſhould diſcard ſuch a doctrine if it ever prevailed.—But even that doctrine if admitted, would not juſtify you in adopting the preſent reſolution. You cannot thence infer the propriety of proceeding againſt a perſon who is not accuſed of any thing puniſhable.—Will it be pretended, that the common fame, which is to be a ground of proceeding, does not refer to any offence or to any tranſaction? Common fame, if admitted for proof, muſt be ſuppoſed to apply to ſome ſubject of complaint. On the principle even of this very queſtionable doctrine, a ſtatement of ſome charge is requiſite. What then, in the preſent caſe, is the accuſation, which could be ſupported by common fame? If there be any ſuch let it be ſtated!

The gentlemen who advocate the reſolution in its preſent form, fail in their efforts to ſupport it, notwithſtanding all the aid which they have ſought from 'the leading ſtrings and crutches of precedents,' (to uſe the language of the gentleman from Virginia) On general principles on the broad baſis of univerſal right, the reſolution is condemned; and no precedent is adduced which can juſtify it. I do not wiſh to ſhield any public officers, whether judges or others, who may merit impeachment; but I wiſh the Houſe when acting as public accuſers, to proceed in ſuch a manner as not to do injury to any individual. Juſtice is due to the individual as well as to the public.—No public duty can require this houſe to adopt a reſolution of general reproach, yet ſtating no public offence. And it but ill accords with the principles of juſtice, to ſubject the judicial officers of the union, to all the inconvenience, vexation and expence of being obliged to vindicate themſelves againſt ſecret accuſations, which it may be more difficult to diſcover than to overthrow.

You will obſerve, ſir, that I do not enter into any particular examination of the caſe referred to by the gentleman from Pennſylvania, Mr. Smilie, whether there was a controverſy as to prerogative and privilege between the court and the bar, in which the pride of profeſſional rank appeared in oppoſition to judicial authority. Whether the judge very properly refuſed to yield to the counſel, or whether the court committed an error in pronouncing the law, theſe are topics which I think it needleſs to examine in conſidering the reſolution now on the table. For the reſolution itſelf ſtates nothing, and there is no caſe before us for examination.

On ſo grave a ſubject as the preſent, when we are called upon to aid in the adminiſtration of juſtice, it was to be deſired that the advocates of the reſolution ſhould ſo far regard their own exhortations as to refrain from attempting to enkindle the animoſity of party. The gentleman from Pennſylvania, Mr. Smilie, ſeems to have thought himſelf at liberty to purſue a different courſe.—But conſidering the nature of the queſtion, on which our votes are to be given, I hope to be excuſed, if I deem it not proper, in this debate, to reply to him, on the various topics of party diſcuſſion, which he has choſen to mention, although the taſk might be eaſy indeed to repel his charges againſt the former adminiſtration.—A ſingle obſervation, however, may be proper, on a law to which he has alluded in the language of cenſure. There was at leaſt one prominent feature which might recommend it to the friends of truth. It expreſsly declared, that the truth might be given in evidence.

Mr. DENNIS ſaid that in the courſe of the remarks which he had the honor of making yeſterday, he had declared himſelf in favor of the propoſed inveſtigation, provided it were made on proper principles. And in order the more clearly to illuſtrate his ideas and evince his ſincerity, he had read in his place, a reſolution embracing all the facts which were ſuggeſted to the Houſe as the foundation of this proceeding. He had then ſaid he would not pledge himſelf to offer a reſolution ſuch as he then read, but would vote for it if offered by others. As the gentleman from Virginia, (Mr. Randolph) had not accepted his overtures, and in the courſe of his obſervations had done him the honor of noticing ſome of his ideas expreſſed in yeſterday's debate; he roſe principally for the purpoſe of offering an amendment, and partly for the purpoſe of replying to one or two of the gentleman's remarks. He was not a little ſurpriſed at the animated ſtrain in which that gentleman had addreſſed the Houſe in the courſe of this morning, nor did any thing appear to have fallen from any gentleman in the courſe of the diſcuſſion, which appeared to him calculated to produce ſo much excitement as he had manifeſted. But as he did not claim to ſet up his own feelings or his own conduct as the ſtandard by which the feelings or actions of others were to be guided and as the gentleman had applied his obſervations without implicating motives, he had not at all interrupted the equanimity of his diſpoſition. He had exerciſed a right which he ſhould always be diſpoſed to accord to that gentleman and every other member—the right of placing the obſervations of his opponents in the moſt ludicrous point of view of which they were ſuſceptible—In this right he would alſo indulge himſelf, whenever the ſubject required it.

The gentleman from Virginia, in replying to ſome of his obſervations, had ſaid that he had conceived the charge exhibited was of a very ſerious nature, but did not appear to comprehend in what reſpect he conſidered it ſo, and therefore he wiſhed to explain in what manner he conſidered it as ſuch. He conſidered it as ſerious, inaſmuch as it was calculated to excite ſuſpicion and aſperſe the official conduct of the gentlemen in queſtion; but did not mean to inſinuate, but on the contrary repelled the idea of its being ſerious as regarded its ſufficiency, if true, as a foundation of impeachment—In order to ſhew that the conduct of the judges had not been ſo highly cenſurable even as the ſtatement of the gentleman from Pennſylvania, (Mr. Smilie) or his colleague and the gentleman from Virginia, ſeemed to ſuppoſe, he begged leave to ſtate his ideas as to the rectitude of their conduct. Here he might uſe the obſervation of the gentleman from Virginia, applied to one of his own remarks, and ſay, that gentleman had with no great dexterity confounded two principles as diſtant from each other as the nothern from the ſouthern Pole. He ſeemed to aſſimilate the caſe in which the court have arbitrarily withdrawn the queſtion of law entirely from the jury—to the conduct of the court in this caſe which only went to reſtrict the counſel from arguing before the jury, a caſe already ſettled in the minds of the court, by a train of judicial determinations in ſimilar caſes, and in which they left both law and fact to the determination of the jury: directing them as to the law upon the ſubject.—He was warranted in his opinion, becauſe the gentleman from Virginia, in illuſtrating ſome of his poſitions, had cited the caſe of Libel as decided by Lord Manſfield—and Mr. Fox's celebrated declaratory bill, which grew out of that deciſion. What analogy has that caſe to the caſe in queſtion? Lord Manſfield decided that in the caſe of a libel, all the jury had to do was to find the fact of publication or not, and that whether when publiſhed it were criminal or not, they had no right to determine; and thus withdrew the queſtion of law altogether from their deciſion. This was juſtly regarded as a groſs violation of that principle of the criminal law of that country, which inveſts the jury with the right to decide as well on the law as the fact. This principle I fully acknowledge, and if the court in the caſe of Fries, had deprived the jury of that right and withdrawn the queſtion of law from them, there might be ſome foundation for this reſolution. But according to the ſtatement of the gentleman from Pennſylvania, the queſtion of law and fact were both ſubmitted to the jury, with the inſtructions of the court on the legal queſtion. He had always been taught to believe that the court were the proper organ through which the law was to be communicated to the jury, though he did not deny but the jury had the right which they ſhould cautiouſly exerciſe, but which they would always exerciſe, when they diſcover an inclination in the court to oppreſs the citizen or exculpate the guilty, to reject the direction of the court and decide for themſelves.

But the complaint is that the court denied to the counſel, the privilege of arguing the law before the jury. Mr. Dennis ſaid he believed the court poſſeſſed a power of this nature, to be regulated by a ſound diſcretion. If the court ſhould believe that a queſtion had been put at reſt by a long train of judicial deciſion, ſuch as was the caſe in this inſtance, they not only have the right, but it becomes their duty to prevent a uſeleſs conſumption of time, and to prohibit the counſel from agitating the queſtion. Indeed it is indelicate in counſel to impreſs on the jury an opinion of law contrary to the known opinion of the court; nor is there any court who will not take on themſelves the right of checking counſel, in an attempt to miſlead the jury on a queſtion of law. Such was the practice of the courts in Maryland, and in that country from which we derive all our notions of juriſprudence.

But though he did not conceive there was any ground for impeachment in the ſtatement of the gentleman from Pennſylvania, yet he knew that this diſcuſſion would produce a vague and undefined cenſure, which he believed the judges in queſtion ought to have an opportunity of repelling. He therefore moved the following amendment by way of preamble to the reſolution.

WHEREAS information has been given to the houſe by one of its members, that, in a certain proſecution for treaſon on the part of the United States, againſt a certain John Fries, pending in the circuit court of the United States in the ſtate of Pennſylvania; Samuel Chaſe one of the aſſociate juſtices of the ſupreme court of the United States, & Richard Peters diſtrict judge for the diſtrict of Pennſylvania, by whom the ſaid circuit court was then holden, did inform the counſel for the priſoner that as the court had formed their opinion upon the point of law and would direct the jury thereupon, the counſel for the priſoner muſt confine their argument before the jury to the queſtion of fact only—And whereas it is repreſented that in conſequence of ſuch determination of the court, the counſel did refuſe to addreſs the jury on the queſtion of fact, and the ſaid John Fries was found guilty of treaſon and ſentenced by the court to the puniſhment in ſuch caſe, by the laws of the United States provided, and was pardoned by the Preſident of the United States.

Reſolved, That a committee be appointed to inveſtigate the truth of the ſaid allegations and to report a ſtatement of facts in the caſe aforeſaid, with their opinion thereupon, whether the ſaid Samuel Chaſe and Richard Peters or either of them have ſo conducted themſelves on the trial aforeſaid, as to render neceſſary the interpoſition of the conſtitutional powers of this houſe.

This amendment embraces all the facts ſtated by the gentleman from Pennſylvania, points out a ſpecific charge as the foundation of the proceeding, and yet, when attached to the reſolution, gives to the committee the power of general enquiry.

We are told that the facts have been ſtated by a member on the floor, and there is no reaſon for ſtating them in the reſolution. Will the ſtatement of the gentleman from Pennſylvania appear on your journals, and how will it hereafter be known that any fact was ſtated as the foundation on which to erect a committee with general inquiſitorial powers? Poſterity will only ſee the reſolution, and to them it will be a precedent which will juſtify the creation of a committee of enquiry into the official conduct of any officer, without the allegation of a ſingle fact, whenever a member may chuſe to be of opinion that a vexatious and expenſive proceeding ſhall be inſtituted. It was therefore that he wiſhed to reſiſt the principle and for that purpoſe moved the amendment.

MR. HUGER ſaid he had before ſtated, and he now repeated, that he was not averſe to an inveſtigation; but he did not conſider himſelf bound to vote for a reſolution ſo general and vague. If the amendment of the gentleman from Maryland were adopted he ſhould vote for the reſolution.

MR. NICHOLSON moved to amend the amendment by ſtriking out the whole of it after the word "whereas," and by inſerting, "members of this Houſe, have ſtated in their places that they have heard certain acts of official miſconduct, alledged againſt Samuel Chaſe, one of the aſſociate juſtices of the Supreme Court of the United States, and Richard Peters, judge of the diſtrict court of the diſtrict of Pennſylvania.

Mr. Huger had no objection to the inſertion of the laſt amendment, but he had to ſtriking out the firſt, he therefore called for the Yeas and Nays upon ſtriking out.

The queſtion was taken by Yeas and Nays upon ſtriking out and carried—Yeas 79—Nays 41.

The queſtion was then taken on inſerting the amendment of Mr. Nicholſon, and carried—Yeas 71.

The queſtion was then put upon agreeing to the amendment thus amended.

MR. PURVIANCE ſaid he could not vote for it, becauſe it did not ſtate the fact. It declared that members of the Houſe had ſtated that they had heard of official acts of miſconduct of both the judges, when but one act had been charged againſt judge Peters.

MR. J. RANDOLPH obſerved that he perceived no reaſon for the preamble. He hoped, therefore, it would not be agreed to. General enquiry was his object: and as going to limit it, he was againſt the preamble.

MR. ELLIOT ſaid that, had the amendment of the gentleman from Maryland prevailed, he might have reconciled it to his mind to vote for the reſolution thus amended. But as it ſtood, he could not.

MR. NICHOLSON remarked that when he offered the amendment, the incorrectneſs ſuggeſted by the gentleman from North-Carolina had not occurred to him. To obviate this incorrectneſs he would move to amend the amendment by ſaying "a certain act of Richard Peters."

Mr. Speaker ſaid this amendment was not in order.

MR. NICHOLSON ſaid, under ſuch circumſtances he muſt vote againſt the whole amendment.

The queſtion being taken, the amendment as amended was loſt without a diviſion.

When the reſolution for appointing a committee of enquiry was carried—Yeas 8[illegible]—Nays 40—as follow:

YEAS—Meſſrs. Alſton, junior. Alexander, Bard, Bedinger, Biſhop, Blackledge, Boyd, Boyle, Brown, Bryan, Butler, Caſey, J. Clay, Clopton, Crowninſheild, Cutts, Dickſon, Earle, Early, Elmer, Eppes, Euſtis, Findley, Fowler, Gilleſpie, Gray, Gregg, Hanna, Haſbrouck, Hoge, Holland, Holmes, Jackſon, Jones, Kennedy, Knight, Leib, Lucas, Lyon, M'Cord, Meriwether, R. Moor, T. Moore, Morrow, New, Newton, jun. Nicholſon, Olin, Palmer, Patterſon, Phelps, J. Randolph, jun. T. M. Randolph, J. Rea, (of Pennſylvania) J. Rhea, of (Tenneſſee) Richards, Root, Sammons, Sandford, Sevier, Skinner, Sloan, Smilie, J. Smith, (of Virginia) Stanford, Stanton, Stewart, Thomas, Thompſon, A. Trigg, J. Trigg, Van Cortlandt, Van Horne, Varnum, Verplank, Walton, Whitehill, M. Williams, Winn, Winſton, and Wynns.—81.

NAYS—Meſſrs. Baldwin, Betton, J. Campbell, Chamberlin, Chittenden, J. Clagget, Cutler, Dana, Davenport, Dennis, Dwight, Elliott, Griffin, G. Griſwold, R. Griſwold, Haſtings, Hough, Huger, Hunt, J. Lewis, jun. T. Lewis, Livingſton, Lowndes, N. Mitchell, S. L. Mitchill, Mott, Plater, Purviance, Sands, J. C. Smith, J. Smith, (of New-York,) Stedman, Stephenſon, Taggart, Tenney, Thatcher, Tibbits, Van Renſſelaer, Wadſworth, and L. Williams. 41.

WASHINGTON CITY

MONDAY, JANUARY 30.

On FRIDAY laſt, the *acquiſition* of LOUISIANA was celebrated in this city by a numerous company aſſembled at Stelle's Hotel, on Capitol Hill. A moſt ſuperb dinner was given by a number of the MEMBERS OF CONGRESS, to the Preſident of the United States, the Vice Preſident, the heads of departments and the other officers of government. The Preſident was eſcorted from his own houſe to the place of entertainment by members of both houſes, the Brigadier General and the Colonel of the Waſhington militia, and the officers of government generally. His approach was announced by a diſcharge of artillery from the Hill, and he was received at the door by the Preſident & Vice-Preſidents of the day, and welcomed by a full band of muſic playing 'Jefferſon's march'. The company, conſiſting of about one hundred, ſet down to dinner at 5 o'clock; Gen. *S. Smith* preſided, and Mr. *Nicholſon* and General *Varnum* acted as Vice Preſidents. On no occaſion have the ſame number of countenances exhibited more real ſatisfaction, as never offered itſelf upon which mutual congratulation could be more ſincere, or mutual good will more generally felt. An aſſemblage ſo numerous, to celebrate an event, at once ſo glorious and ſo happy, may not occur again for centuries to come. The reduction of a petty fortreſs which has coſt the lives of thouſands; the conqueſt of a town, in which the widow, the orphan, and the helpleſs virgin have had ample cauſe to heap curſes on the heads of the conquerors, have too often furniſhed occaſion for joy and feſtivity. But what muſt have been the ſenſations of thoſe who were now aſſembled, when they reflected, that without exciting the anguiſh of one heart, they had extended the bleſſings of liberty to an hundred thouſand beings who were added to the population of their country; and by means unſtained with the blood of a ſingle victim, they had acquired almoſt a new world, and had laid the foundation for the happineſs of millions yet unborn!

After dinner the following toaſts were drank, each accompanied by a diſcharge of artillery, and the intervals filled up with appropriate muſic, from the Italian band.

1. The people of the United States.
2. The Conſtitution of the Union.
3. Our brothers of Louiſiana.
4. The nations in amity with the United States.
5. The Union of the States.
6. The State governments.
7. The rights of neutral powers.
8. Peace when peace is honorable, war rather than diſgrace.
9. Arts and Sciences.
10. Agriculture, commerce and manufactures.
11. The river Miſſiſſippi——a high road of commerce between citizens of the ſame country, not a barrier between rival nations.
12. The militia of the United States.
13. The army and navy of the United States.
14. The American ſeamen, protection to them in their youth, and ſupport for them in old age.
15. The memory of General Waſhington and the other departed heroes who fought for our independence.
16. The memory of Franklin, Hancock and Adams, and the deceaſed ſtateſmen of our revolution.
17. Livingſton and Munroe, our miniſters who negociated the treaty of ceſſion.

Volunteers.

The Preſident of the United States.

The Vice-Preſident.

Governor Claiborne, General Wilkinſon, and that part of the army and militia which deſcended the Miſſiſſippi with them to take poſſeſſion of the newly acquired territory of Louiſiana.

By the Speaker of the House of Representatives—The real ſovereigns of the United States—The American Fair.

The annexed Ode, tranſlated from the Latin, by one of the company, and adapted to the occaſion, was ſung by ſeveral voices accompanied with inſtrumental muſic.

PAX BELLO POTIOR.

Almighty Jove, thy Suppliants hear,
Indigent grant our ardent prayer;
May ſmiling Peace, with olive wand,
Long ſcatter Bleſſings o'er the Land,
And give to grateful Man the power
Of wiſely uſing every hour.

Where Peace extends her ſilken wing,
The Graces ſport, the Muſes ſing;
There Trade expands the flowing ſail,
And Commerce courts the breathing gale;
There Juſtice ſacred Vigil keeps,
To guard the couch where Virtue ſleeps

But where the thundering God of War
Spreads havoc round in blood ſtain'd car,
Religion ſeeks the gloomy ſhade
And drooping Juſtice hangs her head,
And Virtue loſes all her charms
Amid the horrid din of Arms.

To Jefferſon, belov'd of Heav'n,
May golden Peace be ever given,
And when Death at laſt ſhall come,
To lay him in the ſilent tomb,
May weeping Angels gather near,
And Laurels ſtrew around his bier,
And waft him, on the wings of Love,
To everlaſting Peace above.

The Senate have, for ſome days paſt, been engaged on the bill for the *government of Louiſiana*. After a debate of conſiderable length, it has been decided—Yeas 22—Nays 7—to prohibit the importation into Louiſiana of ſlaves from all foreign countries. We flatter ourſelves that this important principle will be confirmed by the ultimate vote of the two Houſes, and that Congreſs will thereby evince an unabating ſpirit to exert every legitimate power, with which they are inveſted, to reſcue the national character from its greateſt degradation, and ſave the people they repreſent from the deepeſt evils which futurity might otherwiſe have in ſtore for them.

TO BE LET

And entered upon immediately, a two ſtory BRICK HOUSE in good repair on Twelfth ſtreet near Pennſylvania Avenue, oppoſite Morin's tavern—The houſe is the property of the Waſhington Building Company, and will be rented low.

Apply to THOMAS CARPENTER.

Jan. 30—3twtf

WANTED TO HIRE,

THREE or four young Negro Men, to go to Waſhington county, Maryland near Hager's Town, who are accuſtomed to a farm—60 dolls. per annum will be given and the negroes humanely treated—Apply to WM. LEE in George Town.

A liberal price would be given for two or three Negroes of good character from 15 to 23 or 30 years old—apply as above.

Jan 30—6t

District of Columbia County of Washington to wit:

ON the petition of Charles Baſtian an inſolvent debtor confined in the priſon of Waſhington county for debt It is ordered that notice be given to the creditors of the ſaid Baſtian, that on Monday the ſixth day of February next, at the court room in the capitol at eleven o'clock in the forenoon the oath of an inſolvent debtor will be adminiſtered to the ſaid Charles Baſtian agreeably to the ſtatute in ſuch caſe lately made and provided & a truſtee appointed unleſs ſufficient cauſe be ſhewn to the contrary It is further ordered that this notice be publiſhed three ſeveral times in the National Intelligencer and the Waſhington Federaliſt previous to the ſaid 6th day of February by order of the honorable Nicholas Fitzhugh one of the judges of the circuit court for the Diſtrict of Columbia.

URIAH FORREST, Clk.

Jan 30—3t

GARDEN SEEDS.

DAVID HEPBURN,

GARDENER, Tyber Gardens ſouth of the Center Market, has received from Philadelphia a ſelect aſſorted of Garden ſeeds, which he now offers for ſale.

☞ A practical gardener to be heard of as above.

Waſhington Jan. 30—w3t

NOTICE.

THE Inhabitants of Waſhington city and all others concerned are hereby informed, that the aſſeſſment by order of the corporation of Waſhington for the year 1803, is now compleat, and that the tax on real and perſonal property muſt be paid at the City Treaſurer's office on or before the firſt day of March next. The owners of ſlaves and dogs are alſo informed that the tax on the ſame muſt be paid on or before the firſt day of February next.

WASHINGTON BOYD, City Treaſurer.

Jan. 13—5t2aw