

From Washington, Jan. 27. The Judges who met below the people a short time ago in Philadelphia, this day brought forth the mouse from the mountain—a petition was presented from Judge Bassett, William Titchman, Judge Griffiths, G. K. Taylor, P. B. Kay, Judge Bourne, Oliver Wolcott, and a few others, whose names you will find in the minutes in a day or two—on the subject of their salaries!

The petitions were from each individual, but literal copies of each other. They were presented by Mr. Griswold. The following is a hasty sketch of the laconic conversation which the subject produced.

Mr. Griswold said the principle of the petitions was totally distinct from that of the judiciary law repealed last session; on that occasion the question was, as to the right to repeal the law and abolish the power of the judges; the present went to determine whether or not congress could abolish the office during good behaviour or deny the payment of the salary to judges whose tenure was during good behaviour. He asserted the right of the judges to petition in conjunction with all other citizens, and that it was to be heard by counsel. It was not his intention to embarrass the house by a precipitation of the question, but he would offer two resolutions to the house; the first of which was that the house should define by law the powers that ought to be exercised by the judges appointed under the law of 13th Feb. 1801. The other that a tribunal should be chosen or formed for deciding on the constitutionality of their right to office or salaries. These resolutions he conceived would afford complete opportunities for a decision on the merits of the petitioner's claims and rights, and a plan might be devised conformable to the sense of the house by which the constitutional questions should be decisively fixed.

Mr. Nicholson would not enter into a discussion on this occasion, because the subject had already occupied so much time in the last session, as to leave no room for additional light. The gentleman had mentioned some plan which he supposed would be adopted; he did not see upon what grounds this plan was to be formed, but as the gentleman may possibly have arranged in his own mind some plan, if he would condescend to define it, the house might be better able than they could be at present to apply themselves to the subject.

Mr. Griswold had not formed any plan, but he would suggest one, that was the restoration of the petitioners to office by a revival of the law repealed last session.

Mr. Nicholson expected that this was to be the plan; it was with this presentment he had called on gentlemen for an explanation; and succeeded in his mind every further argument, he was now prepared to vote.

Mr. Randolph thought the law of last session had rendered the first resolution unnecessary—it had completely defined the power of these gentlemen; it had declared that their functions had ceased, and that their power was nothing; indeed the petitions and the observations by which they were introduced indicated by their chagrin, what it was that had induced their petitions, it was the cessation of power which superadded all definition. The question being put on the first resolution it was lost 36 to 56.

The second resolution being read Mr. Randolph observed that the house had frequently decided against the principle; it was brought forward in such a way as to embrace an extensive range. He did not see upon what principle a new tribunal was to be instituted to decide upon the claims of one class of citizens more than those of another. Why should the dismissed judges demand what has not been allowed to the veteran who has bled for the liberties of his country? Are we to forego the obligations due to those who gave us every thing and concede to a class, a chosen caste, tribunals in which they were to be the arbiters in their own assumptions. The judges of all others were the last who should demand, the last who should expect such a preposterous indulgence. Those

who support those petitions concede every thing that is essential. They admit the right to abolish the office, to annihilate the power—but what is very extraordinary after such an admission in fact the authority which annuls the power and the duty, cannot touch the salary, which is only the price of the duty! He had no conception of an officer who had no duties and could perform no duties. To make the meaning of the gentleman intelligible it would be inferred that office and salary were synonymous terms. But if the power was taken away why should the salary remain. The petitioners tell us their object is not private emolument but public good, admirable patriotism, which consists in receiving public money and doing nothing in return for it. These disinterested patriots who are thus willing to accept the public money and without any pretension to service, appeared to him rather mistaken, in their conceptions of what they have asserted, for the question has nothing to do with public good; it is altogether a private emolument, without equivalent or service. The motives for granting a salary during good behaviour, was to secure their independence while in office. Could it be said that it was to secure their independence, when they had no office.

Mr. Dana offered some arguments at length; at least we presumed that they were arguments, but perhaps it was through our own incapacity, that we could not render the words coherent or applicable and rather than do him injustice we have not attempted to report at length. The only point we could catch, was that upon the question of paying the salary solicited, it would not be expected that a reference to the comptroller of the treasury ought to decide the right, as that officer being appointed by the executive and removable at pleasure, could not be the proper tribunal for the judges to report to; and therefore the tribunal ought to be some one independent of such controul, special and impartial.

Mr. Bacon took the question really to be, whatever was ostensibly offered; whether the law of last session was or was not constitutional. What did that law do? It abolished certain courts as former legislatures had done before. It was determined that certain circuit courts should cease and be abolished, that law abolished was repealed, by the present congress; what did the abolished courts consist of? Judges; judges are officers. The courts being abolished, were not the judges abolished; and were not the judges officers! he supposed they were. Then if officers were abolished and no service is performed why pay salaries? The constitution forbids it, for though they are declared entitled to their salaries, if not in office then they cannot.

Mr. Griswold contended that this question had never been settled. That it was conceded they had the power to dismiss, but denied they had then power to deprive of salaries. There were he knew some difference in law opinions on the point, and he saw no objection that could be made to transferring the decision on the question to some other tribunal. He always thought it a fair mode of proceeding to refer matters in dispute to different persons. The present question was new and the occasion extraordinary, and he thought might be referred. With respect to personal interest of the judges, it ought not to be considered in that light; the petitioners ought to be held as acting upon their sense of the constitution, and they would not relinquish it.

Mr. T. Morris said nothing about the precipitancy of the decision on the question.

Mr. Smith asked if this was not the common case of a particular class of men. At what time did the clergy ever decide in favour of the people upon any question between them; would gentlemen refer a question between a military body and the body of the people to be decided by the military; he entertained too elevated an opinion of the gentlemen of the law to conceive they would solicit salaries without service—indeed it would not be supposed that the gentlemen who petitioned would expect or receive the public money without doing something for it—and as they were

dismissed by law, it would be wrong in the house to hurt their feelings by pressing salaries upon them.

Mr. J. C. Smith stated that the prohibition for a reference was not a novel one, as the thing had been done before; Congress had referred the claims of certain military men to be decided by the supreme court, but though some of the judges had refused, others had acted; why not refer in this case to the supreme court as well as in that? During the short time he sat in the house he never saw business so precipitated.

Mr. Nicholson said the gentleman might talk about precipitancy if the subject was a new one, but he believed there never was a question so fully discussed. It had been said that a reference had been made some years ago to the supreme court, but we were also told that the court had refused to act, how are we to tell they would act any more on the present case. If the judges refused to act on the reference of causes where men who fought our revolutionary battles were concerned, are we to expect that they will act with more sympathy and justice in the present case. If the gentlemen with that the supreme court should decide on the constitutionality of laws, let them say so, & we shall understand them, let them not drag it in as it were incidental in this way. For himself he would never consent to any arrogation of such power. If the courts are determined to interfere with the power of the Legislature and clash with its authority, it will then be time enough for the legislature to act & maintain their rights; and the people will be the tribunal to which both will have to appeal.

Mr. Ellis could not discover the distinction of a right to salary without the equivalent services; he conceived the rule of the constitution too simple and explicit to be mistaken, no salary no service. By the law of last session the office and the consequent service were abolished, and the compensation necessarily followed. There can be no hesitation on the merits of the present application—it is for salary—but it is also evidently designed as a protest against the law that has deprived them of office and salary. Every respect has been paid to it to which it is entitled, it has been fairly and liberally discussed. How a complaint could be made of precipitancy he was at a loss to account for when it was so late as yesterday that he saw the petition of an admiral who had rendered great services in our revolution, taken up without any debate and referred to the committee of claims, of which the gentleman who complains of precipitancy is chairman. He should as soon object to the payment of the salaries of the disbanded army as the salaries of the disbanded judges.

Mr. Dana admitted that the destruction of the office was the destruction of the compensation—this he always denied the right of the house to do; for the essence of the office is the power, and during good behaviour the judge's office is not susceptible of destruction. The amount of the prayer here is not so much for salary, as for the decision on the question whether in the contest for power you have not exceeded your authority and invaded a right.

Mr. Alton moved an amendment to the resolution which required the insertion of the names of all the petitioners as he wished those of the judges who had not opposed the repeal as unconstitutional, should not be comprehended in this transaction; he moved to have inserted the petition of the persons herein named, which was carried.

Upon the general question for the petitioners, yeas 35, noes 57.

Gen. Vatnien then moved that the prayer of the petitioners ought not to be granted, and that they have leave to withdraw their petitions, which was carried by a large majority.

The subject was then taken up in the house, and yeas and noes taken by the name.

House adjourned.

ALMANACKS for the year 1803, For sale at this Office.

BLANKS of various kinds, For sale at this Office.

CHILICOTHE, (State of Ohio.)

January 22.

ELECTION RETURNS.

FOR GOVERNOR.

Ross County.

Return of the election from Ross County.

Edward Tiffin, 1020 Votes. Arthur St. Clair, 21 Benjamin Ives Gilman, 5 Return Jonathan Meigs, 3

Adams County.

Return of the Election from Adams County.

Edward Tiffin, Repub. 160 Bazael Wells, Fed. 36

Fairfield County.

Return of the election from Fairfield County.

Edward Tiffin, Repub. 286 Bazael Wells, Fed. 89

Hamilton County.

Return of the election from Hamilton county for Governor, Senators and Representatives.

For Governor. Edward Tiffin, Repub. 1387 Benjamin I. Gilman, Fed. 241 For Senators, all Republicans elected, viz.

John Paul, Jeremiah Morrow, Francis Dunlavy and Daniel Symms. For Representatives, all Republicans elected, viz.

Thomas Brown, John Bigger, Wm. James, John Dunn, Ephraim Kibby, Thomas McFarland, Robert McClure, and Wm. Maxwell.

James Smith elected sheriff, and Joseph Carpenter, coroner.

Clermont County.

Return of the election from Clermont County.

For Governor. Edward Tiffin, Repub. unanimous, 403 For Senator.

— Buchanan.

For Representatives. — Ellis and Roger Warren; their politics not known, except Mr. Warren, who, we believe is federal.

Jefferson County.

Return of the election from Jefferson County.

For Governor. Edward Tiffin, Repub. 800 No opposition.

For Senators.

James Pritchard, Repub. 429 elected Bazael Wells, Fed. 423 elected. John Milligan, Repub. 414 Zenas Kimberly, Fed. 402

For Representatives.

Mr. Humphrey, Rep. 440 elected Mr. McCane, Rep. 431 elected Mr. Bear, Rep. 456 elected Mr. Meeks, Fed. 422 elected Mr. Beal, Rep. 406 Mr. Ellicot, Fed. 404 Mr. Beatty, Fed. 398 Mr. Boughman, Rep. 231

Belmont County.

Return of the election from Belmont County.

For Governor. Edward Tiffin, Rep. 452 And a few scattering votes.

For Senator.

William Vance, Fed. 217 elected James Alexander, 122 James Smith, 134

For Representatives.

Elijah Woods, Fed. 304 elected Joseph Sharp, Rep. 180 elected Josiah Hatcher, 179 Andrew Marshal, 162 Daniel McElheran, 132

Jacob Coleman, is elected Sheriff, and Moses Moorehead, coroner.

The returns of the election from the counties of Washington & Trumbull, have not yet been received.

PORTSMOUTH, [N. H.] Feb. 1.

REPUBLICANISM and FREEDOM.

NOMINATIONS.

For the Government of New-Hampshire, 1803.

For Governor—the truly honourable JOHN LANGDON.

Senator—Col. CLEMENT STORER.

Councillor—LEVY BARTLETT, Esq.

Once more the "Hardy Women of our Oaks"—the sons of freedom, and enemies of public oppression and systematic tyranny and opposition to the most happy and free government on earth, are all called on to give their invigorative support to the mild and patriotic government of the United States, and baffle the insidious views and damp the already chilling hopes of a desperate faction. Once more to enforce the ennobling truth, that

—amid her sister states, her government and laws,

New-Hampshire stands to vindicate her cause!

PETERSBURG, March 1.

From Washington, Feb. 18.

Resolutions introduced by Mr. Ross, of the senate, on the 16th ult. respecting New-Orleans.

Resolved, That the United States have an indisputable right to the free navigation of the river Mississippi, and to a convenient place of deposit for their produce and merchandize in the Island of New-Orleans.

That the late infraction of such their unquestionable right, is an aggression hostile to their honor and interest.

That it does not consist with the

dignity or safety of this union, to hold a right so important by a tenure so uncertain.

That it materially concerns such of the American citizens as dwell on the western waters; and is essential to the union, strength and prosperity of these states, that they obtain complete security for the full and peaceable enjoyment of such their absolute right.

That the President be authorised to take immediate possession of such place or places, in the said Island, or the adjacent territories, as he may deem fit and convenient, for the purposes aforesaid; and to adopt such other measures for obtaining that complete security, as to him, in his wisdom, shall seem meet.

That he be authorised to call into actual service, any number of the militia of the states of South-Carolina, Georgia, Ohio, Kentucky, Tennessee, or of the Mississippi Territory, which he may think proper, not exceeding fifty thousand, and to employ them together with the military and naval force of the union, for effecting the objects above mentioned.

That the sum of five millions of dollars be appropriated to the carrying into effect the foregoing resolutions; and that the whole or any part of that sum be paid or supplied on warrants drawn in pursuance of such directions, as the President may, from time to time, think proper to give to the secretary of the treasury.

PUBLIC AUCTION.

On the 18th instant, will be sold to the highest bidder,

THAT valuable Lot of Ground on the fourth side of Market-street, Wilmington, 55 feet on the street and running back 66 feet, with a good stone foundation in front, and adjoining A. Hall's new brick house with the privilege of the east wall thereof, 35 feet deep & at least 50 feet high, with a toothing left for the benefit of the proprietor of said lot.

The terms of sale will be one half cash and the remainder payable in 6 months, the purchaser giving bond with approved security.

LEVY & CARROL.

March 3, 1803.

United States of America,

District Court of Cape Fear.

WHEREAS, Benjamin Woods,

Esq. Attorney of the United States, for said District, has filed his libel in this Court, setting forth that the proper Officer of the port of Wilmington, hath seized as forfeited to the United States, Four Bags of Coffee imported into said port of Wilmington, in the brig Betsey, John C. Fanning, master, from Morant Bay, Jamaica, contrary to law; and in said libel praying that said Coffee may remain forfeited to the U. States.

And his honor the Judge having appointed the 5th day of April next to hear and determine the said libel at Wilmington, in the District aforesaid,

These therefore, are to give notice to all whom it may concern, to appear at the time and place aforesaid, to show cause why the prayer of said libel should not be granted, and a decree of condemnation made thereon accordingly.

CARLETON WALKER, Ck. Wilmington, March 10.

NOTICE: WHEREAS a Commission of Bankruptcy has been issued by the Honourable Henry Pomeroy, Judge of the District Court of the United States, for the District of North-Carolina, against GEORGE GIBBS formerly of Wilmington, but late of New York, merchant, and he having thereupon been deemed and adjudged a bankrupt, is hereby required to surrender himself to the Commissioners in the said commission named, on Saturday the 12th instant, at ten o'clock in the forenoon; on Friday the 11th of April, at ten o'clock in the forenoon, and on Monday the 18th of April, at 10 o'clock in the forenoon at the office of the Commissioners adjoining the Compting-house of Messrs. Jostus Potts; & make a full discovery and disclosure of his estate and effects; when & where the creditors are requested to come prepared to prove their debts; and at the second meeting to chuse an assignee or assignees of the said Bankrupt's estate and effects. As the last term of the said Bankrupt is required to finish his examination, and the creditors are to assent to or dissent from the allowance of his Certificate.

JOSHUA POTTS, C. DUDLEY, C. D. HOWARD, Commissioners of Bankruptcy, for the North-Carolina District. Wilmington, March 10.