with every principle of the British constitution. From these observations it is not to be inferred, that our constitution is precisely analagous to the British in all these respects; but to shew the meaning of the term "independent," in the country from which it was borrowed, and its misapplication to our constitution. It was his wish to discard these technical, generic terms, which rather embarrass than assist us in the correct interpretation of the constitution. It was his wish to examine the instrument, and to deduce our interpretation of it from its own context. For whatever degree of independence is attached either to the judicial department or to the judges themselves *according to the constitution*, it was his wish should be fully enjoyed by the department or the judges without the smallest abatement: but the constitution, as it is, should be a standard of interpretation, not what it is described to be by general borrowed misapplied phrases.

With this general exposition of the constitution he would now proceed to examine the precise question under consideration. The question is, can Congress declare by law, what acts amount to treason against the United States under the constitution? He said that from the best reflections he had been able to bestow upon the subject, under a strong sense of the duty imposed upon him, he had no doubt but Congress can and ought to do so. And since his reflections he had wondered that he ever had doubted the legislative right. The first clause in the constitution upon which this question arises is in the following words.

"Treason against the United States shall consist only in levying war against them, or in adhering to their enemies giving them aid or comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court."

Mr. G. said that the only reason, which could be deduced from this clause, for excluding Congress from passing all laws, which might be deemed necessary and proper, for carrying into effect the power therein contained, was, that in the distribution of powers, this particular power was classified amongst the judicial powers. But it will be observed that it is not directed exclusively to the judiciary, nor legislative department, and it will also be observed, that some of the powers classified under the judicial department are particularly directed to the legislative department. Hence it may be fairly concluded, that the mere calssification of this power with the judicial powers, is not of itself sufficient, to exclude the necessary legislative power for carrying it into effect.

A reason however may be assigned, perhaps not satisfactory to all, for this classification of powers. It is derived from the last part of the clause, which seems to be a limitation to the judicial, as well as legislative department. This part of the clause requires two witnesses, at least, to the same overt act of treason, as indispensable to a conviction; whereas in other criminal cases, conviction may be had according to the ordinary rules of evidence in courts, upon the testimony of one witness. This limitation upon the ordinary rules of evidence in the courts, would of itself have justified the classification of this power according to the constitutional arrangement. Hence it appears irresistably conclusive, that according to this particular clause of the constitution, the power of declaring what act shall amount to the treason of levying war, and of adhering to the enemies of the United States, is conferred on the government generally, and not on any department exclusively.

This clause must evidently be considered, both as conferring power and limiting its exercise. The word "consist" is the word conferring power, the word "only" is the word limiting its exercise. The word "consist" is directory to the government generally and not to any department exclusively. The word "only" excludes from the whole government the power of introducing all construction or imaginary treasons, and limits its power only to the two species of treason included within that term—to wit, the treason "of levying war" and "of adhering to the enemies of the United States." The word "only" therefore in this clause relates only to the species of treasons embraced by it; and not to any particular acts, which may amount to treason under either of these species. Hence the clear and obvious language of the constitution is this; the government of the United States may declare what acts amount to the treason of "levying war, & adhering to the enemies of the United States;" but it shall not declare any other act whatever treasonable. The reason of this arrangement will be the more obvious, by reference to the doctrine of treason in the country from which these terms are borrowed. In England there are various other treasons, and many of them constructive; such as imagining the king's death, &c. shewing too much civility to the queen or princesses, &c. counterfeiting the king's coin, &c. &c. The great object therefore of the constitution was to exclude from the government of the United States this whole family of treasons; and the terms used are extremely proper for this exclusion and for the inclusion of the two species only recognised by the constitution.

But it is said treason is already defined by the constitution. Is the fact so? Let the enquiry be made; and also the extent to which the definition goes. "Treason against the United States shall consist only in levying war against them, and in adhering to their enemies giving them aid and comfort." Two species of treason are here defined; but no act amounting to either species of treason is defined. Ask the question, what is treason against the United States? The constitution answers, "levying war against them, or adhering to their enemies."—Reverse the question, what is levying war against the United States or adhering to their enemies? The answer is, treason. No act which will amount to either of these offences, is defined. This definition although extremely useful as a guide to the government, is of no practical use to the citizen, because it gives him no information of any act, which amounts to treason; and which, if he commits, he will be guilty of treason, & subject to the highest punishment known to our laws. This knowledge of the nature and tendency of acts is the only knowledge, that can be useful and necessary to the citizen.

It appeared to him wonderfully strange, that offences the most complicated in their nature, the most dangerous in their effects to society, and the most fatal to the individual committing them, which should not be explained to the people, should be locked up in the breast of the judge, and that an attempt to explain them legislatively to the people should be thought to be an alarming invasion of their rights, if not criminal in itself. But if the terms levyng war, &c. it is presumed that some gentleman in his place will tell us, what specific acts will constitute the offence: for his part he had paid great attention to the subject, and in the present state of things, he acknowledged himself perfectly incompetent to it. Nor would the difficulties be lessened by a recurrence to all the judicial opinions yet given up the subject. These attempts had demonstrated not only the incorrectness of the supposition, that these treasonable acts were defined; but the indispensible necessity of some legislative definition; for it is believed that no two judges have yet delivered the same opinions upon some of the most essential characters of many of these acts, and if judges themselves should not be able to comprehend, and precisely to fix this constitutional definition, how can it be expected that the people at large can do so? He had always been taught to believe, that one essential characteristic of a free from a despotic government consisted, in giving full information to the citizen of every penal act, and the punishment consequent upon its commission, and is there nothing in the constitution which recognizes this principle, and almost makes it injunctive upon the government? In the 6th article of the amendments to the constitution, most of which may be considered as a bill of rights, I find these words. "In all criminal prosecutions the accused shall enjoy the right to a speedy trial, &c. and be informed of the *nature and cause of the accusation*," &c. For what purpose should he be informed of the *nature and cause of the accusation*, if when he is informed of both, he is unable to ascertain by examining the law, whether he has been guilty of any offence or not? And is it not of infinitely more importance to the citizen to know the nature and consequences of any particular act he is about to commit, than to be informed of the nature and cause of his accusation, when after he shall have been thus informed, he is unable to ascertain by any law, whether the *nature and cause* of the accusation against him be criminal or not? Indeed without the knowledge of the criminality of the charge, a knowledge of the charge itself would be of very little advantage to him. Again, suppose a citizen should be indicted upon the identical words of the constitution, 'of levying war,' without the specification of any particular overt act amounting to that offence; would such definition be sufficient for conviction? Certainly not. More definition is therefore required than can be found in the constitution.

(*Mr Giles's Speech to be continued.*)

BIRTH NIGHT BALL.

THERE will be a subscription Ball on Monday the 22d inst. as no Cards will be sent out, the Ladies who attend the City Assemblies are invited.

Tickets for gentlemen to be had at the bar.

February 17.

CITY DANCING ASSEMBLIES.

In consequence of the Birth Night Ball, the next Assembly will be postponed to Thursday the 3d of March next.

THE MANAGERS.

Feb 17—3t

FRESH GARDEN SEEDS, &c.

THE Subscriber having recently received a supply of *European Garden Seeds*, &c. which added to the various sorts saved by him the last summer, makes his assortment extensive and which are for sale at his Nursery Garden, Eastern Branch and at Dr

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WASHINGTON CITY.

FRIDAY, FEBRUARY 19.

A few copies of the COLUMBIAD, by JOEL BARLOW, have been left at the office of the National Intelligencer, for sale.

Having given but a few minutes, snatched from the interruptions of business, to the inspection of this work, we are altogether unable to offer any view of it, or to express any opinion of its merits that would be entitled to the respect of the reader. This duty must be reserved for a future day. In the mean time we may say, without hazard, that the typographical execution of the work is superior to any thing which has yet appeared in this country, equal to any thing which has appeared in Europe, and shews the power we already possess of rivalling the highest efforts of many of the arts on the other side of the Atlantic.

We are, however, perfectly aware that the Columbiad is to stand or fall by another criterion, and that the elegance of the printing, and the splendor of the prints can be only viewed in the light of embellishment. Without risquing a premature judgment, we may be bold to say the Columbiad ought to be considered as a national work, entitled to the just and liberal judgement of criticism. Having passed this ordeal with reputation, the pride of our country should cherish it as one of its dearest and proudest monuments. The high literary character of its author is the best pledge of the final award which shall be made.

THE COMMISSIONERS

APPOINTED under the act of the Congress of the United States, "Authorising the ERECTION of a *BRIDGE* over the RIVER POTOMAC, within the *District of Columbia*" to receive Subscriptions for erecting the same, hereby give notice that the BOOKS of SUBSCRIPTION, will be opened at *Stelle's Hotel* in the city of Washington, on the 1st *Monday* in *April* next, at 12 o'clock at noon, and continue open until 3 P. M.

ROBERT BRENT,
DANIEL CARROLL,
of Duddington,
THOMAS MUNROE,
JAMES D. BARRY,
FREDERICK MAY,
SAMUEL H. SMITH,
JONAH THOMPSON,
JONATHAN SWIFT,
THOMAS VOWELL,
CUTHBERT POWELL,
ELISHA JANNEY,
CHARLES ALEXANDER.

THE act of Congress authorises the Sascription of *Two Thousaud Shares*, and requires the payment of Ten dollars on each share at the time of subscription. The residue to be paid in Installments of Ten dollars at such times as the company shall fix.

Form of Power required from those who make use of an agent.

I empower ———— to subscribe for me, in my name, for ——— shares of Potomac Bridge stock, under the "Act authorising the erection of a bridge over the river Potomac, within the district of Columbia."

February 19—

Extract of a letter from Londonderry, dated the 18th November, 1807.

"The harvest in this part of the North of the kingdom has proved very unproductive, as much so, 'tis said, as that which preceded the very dear and calamitous year of 1800. We do not understand that it is very abundant in any part of the kingdom, and as England will not be able to supply us we should not be surprised if government in the Spring and Summer opened our ports for the admission of bread provisions from America."

IMPERIAL PRIZE MEDAL.

The following intelligence contained in a letter from Paris to Dr. Mitchill, may be interesting to some of our citizens:

"By the order of the Emperor, a Prize of Twelve Thousand Francs is offered for the best Dissertation on the Angina Membranosa, or Croup, which lately carried off the heir apparent of the French throne. The nature of the disease must be explained, & also its developement, its affinity with other diseases, mode of cure, and means of arresting its progress. Foreign Physicians are invited to write; and memoirs on the subject will be received until the first of January, 1809"

The following communication was made by the governor of Maryland to the Legislature:

Council Chamber, December 19, 1807.

Gentlemen of the Senate, and House of Delegates,

By the last northern mail I received a letter from the governor of Vermont, of the 7th instant, covering the enclosed resolutions of the legislature of that state, to be laid before the legislature of Maryland for their cooperation.

While I discharge this duty, I have taken the liberty to remark, that in England where the Executive is hereditary, the House of Lords hereditary, or for life, and the House of Commons elected for seven years, their judges till the time of William the 3d, held their commissions during pleasure, that by the statute of 13th William 3d, chap. 2d, it was enacted that the judges should hold their commissions "during good behaviour," removable on the joint address of the House of Lords and Commons; that this statute remains in full force—and their judges, under this tenure of office, have been long a republican government, where the chief Magistrate is elected for four, the Senate for six, and the House of Representatives for two years, where the frequent appointment to office is held a vital principle to secure the honest discharge of the duties thereof, that the judges would possess all necessary independence, if removable on the joint address of a majority of both Houses of Congress.

I have the honor to be, with great respect, gentlemen, your most obedient servant,

ROBERT WRIGHT.

HOUSE OF REPRESENTATIVES.

MONDAY, FEBRUARY 17.

Mr. D. R. Williams re-appeared and took his seat.

An engrossed bill making additional compensation to the marshals of the district of North-Carolina and New-Jersey, was the third time and passed.

An engrossed bill making appropriations to carry into effect certain Indian treaties, was read the third time and passed.

On motion of *Mr. Chittenden* the House went into committee of the whole, *Mr. TRIGG* in the chair, on the bill in addition to an act entitled "An act further to amend the judicial system of the United States." *Mr. Troup* having introduced an amendment including an alteration in the times of session of the courts of the United States for the district of South-Carolina, Georgia and North-Carolina. Some objection being made to this, from want of immediate information, as to the effects of the alterations, by Messrs. Marion, Blackledge and Taylor, the committee rose, ayes, 55, and obtained leave to sit again. In the course of observations on the motion for rising, as a reason against it, *Mr. Pitkin* stated that for two or three terms last past of the courts of the districts of Connecticut and Vermont there had no judge attended to hold them, from a defect in the present arrangement.

On motion of *Mr. Boyle*, the House went into committee of the whole, *Mr. CUTTS* in the chair, on the bill making provision for the disposal of such lands as have been heretofore reserved for the disposition of Congress. The bill being gone through without debate, the committee rose and reported it, & it was ordered to a third reading tomorrow.

Mr. G. W. Campbell, from the committee of Ways and Means reported a bill making appropriations for the support of the military establishment of the United States for the year 1808; and a bill to amend an act entitled "an act for laying and collecting duties on imports and tonnage within the territories ceded to the United States by the treaty of the thirtieth of April, one thousand eight hundred and three, between the United States and the French republic, and for other purposes;" which were twice read and referred to a committee of the whole.

WEDNESDAY, FEBRUARY 17.

The *Speaker* laid before the House the resignation of Mr. D. Thomas, a Representative from the state of New-York.

On motion of *Mr. Van Allen*, a resolution was adopted that the Speaker address a letter to the Executive of the state of New-York, notifying him of the above vacancy.

Mr. Poindexter offered the following resolution, which was agreed to. He deemed it unnecessary to say any thing in favor of the object till reported on, this being a mere resolution to enquire:

Resolved, That a committee be appointed to enquire into the expediency of repealing so much of the ordinance for the government of the several territories of the United States, as empowers the governors of said territories to prorogue and dissolve the House of Representatives elected by the people, and that they have leave to report by bill or otherwise.—Agreed to.

The bill for the relief of Samuel Whiting was read the third time and passed by yeas and nays, 56 to 41.

[This bill provides for allowing Mr. Whiting a certain sum for services rendered and expences incurred in prosecuting a deputy post-master for embezzling certain letters containing bank notes belonging to Whiting. The objection to the bill proceeded from its being supposed to sanction the principle that the Post-office department is liable for notes sent through the medium of the post-office.]

On motion of *Mr. Fisk* the House went into committee of the whole on the bill for increasing the military peace establishment of the United States, Mr. TRIGG in the chair.

Mr. Chandler moved to strike out the section authorizing the President of the United States on an emergency to increase the companies at present in service to one hundred men. *Mr. Dawson* made a motion superceding this: that the committee should rise that the subject might be postponed. On this question an animated debate took place which occupied the House till the usual hour of adjournment, when the committee rose and obtained leave to sit again, ayes 79.

[A sketch of this debate, now excluded by other matter, shall be given in our next.]

petition of Jared Shattuck; which was referred to a committee of the whole.

Mr. J. Montgomery, from the committee to whom was committed the bill concerning courts martial and enquiry, reported it with amendments; which having been read, the House adjourned without referring it.

THURSDAY, FEBRUARY 18.

Mr. J. Clay, a representative from Philadelphia, re-appeared and took his seat.

On motion of *Mr. Desha*,

Resolved, That the committee on Public Lands be directed to enquire into the expediency of opening a waggon road from the Ohio river opposite Port William at the mouth of Kentucky, to intersect the road leading from Cincinnati to Fort Wayne, near or at Fort Recovery, and that they be authorised to report by bill or otherwise.

Mr. D. also presented a resolution of the legislature of Kentucky requesting the representatives from that state in Congress to have a new road instituted on the above route, which was referred to the same committee.

On motion of *Mr. Dana*,

Resolved, That the committee of committee of Commerce and Manufactures be instructed to enquire into the propriety of causing such buoys to be provided and placed as may be requisite for the security of navigation at or near the entrance of Connecticut river, and to report by bill or otherwise.

Mr. Chandler offered the following resolution, which he did not wish to interfere with any bills now under consideration, and wished it to be referred to a committee to see what result they would produce:

Resolved, That a committee be appointed to take into consideration the expediency of raising by inlistment, and organizing a number of volunteer troops not exceeding twenty four thousand men, for the service of the U. States, and that they report by bill or otherwise.

Agreed to, Ayes 71.

On motion of *Mr. Dawson*, the House went into a committee of the whole, Mr. PITKEN in the chair, on the bill authorising the raising an additional army.

The blanks in the bill were so filled as to provide as follow:

That there be raised nine regiments of infantry of 1090 men each, one regiment of artillerists of 1200 men, two regiments of cavalry of 600 men each, two regiments of riflemen of 600 each, for three years unless sooner discharged; to be commanded by two major-generals, four brigadier-generals, one inspector-general, and two assistant inspectors.

After the bill was gone through the committee rose, 47 to 46, reported progress and asked leave to sit again.

Mr. Van Dyke offered the following resolution which the House agreed to consider, Ayes 55.

Resolved, That the President of the United States be requested to communicate to this House such information touching our forreign relations as he may deem consistent with the public interest, the better to enable this House to judge how far the military establishment of the U. S. ought to be increased.

This motion was supported by Messrs. Van Dyke, Elliot, Lyon, Cook and Quincy, and opposed by Messrs. Dawson, Van Horne and Bacon. When the House adjourned without taking a question, 53 to 52.

[A brief sketch of proceedings on this day will be given in succession to the proceedings of yesterday.]

New-York, Feb. 13.

A mercantile friend has obligingly favored us with the following extract of a letter from the house of Daniel Crommelin and Sons, of Amsterdam.

AMSTERDAM, Dec. 30, 1807.

"We have to inform you that this morning we received official intelligence of a proclamation issued by the French Emperor from Milan, respecting the navigation of neutrals—the following are the chief heads of this important state paper:

"Every vessel which has been visited by an English ship, or which has submitted to make a voyage to England or has paid any duty to the English government, is by this alone declared to have become *denationalise*, to have forfeited the rights of her flag, and shall be considered as English property.

"All vessels which thus through the arbitrary measures of the English government have forfeited the rights of their flag, and might come into our harbors or in those of our allies, or might fall into the hands of our ships of war or privateers are declared good and lawful prize.

"Every vessel of whatever nation she may be, or whatever description her cargo may be, which is cleared out in the harbors of England, or in English colonies, or in places in possession of English troops or steering her course to England, English colonies, or to places in possession of the English troops, shall be considered good and lawful prize.

"The British Island are declared in a state of blockade both by sea and land!!!

"The above decree is dated at Milan the 17th December 1807.

Feb. 13.

A vessel has arrived at Philadelphia in a short passage from Marseilles. Letters brought by her have been received in this city dated the 4th of January.

The brig Thomas, Captain Southworth, arrived at this port last evening from Amsterdem, which place she