

Gazette of the United States.

A NATIONAL PAPER, PUBLISHED WEDNESDAYS AND SATURDAYS BY JOHN FENNO, No. 69, HIGH-STREET, PHILADELPHIA.

[No. 81, of Vol. III.]

SATURDAY, FEBRUARY 4, 1792.

[Whole No. 289.]

FROM THE DELAWARE GAZETTE.

CONSTITUTION OF GOVERNMENT.

PUBLISHED FOR THE CONSIDERATION OF

THE CITIZENS OF THE DELAWARE STATE;

Pursuant to an Order of the Convention of the 31st Dec. 1791.

(CONTINUED FROM THE GAZETTE OF SATURDAY LAST.)

ARTICLE III.

SECT. 1. THE Supreme Executive power of this State shall be vested in a Governor.

2. The Governor shall be chosen on the first Tuesday in October, by the citizens of the State having right to vote for Representatives, in the counties where they respectively reside, at the places where they shall vote for representatives.

The returns of every election for Governor shall be sealed up, and immediately delivered by the returning officers of the several counties to the Speaker of the Senate, or in case of his death to the Speaker of the House of Representatives, who shall keep the same until a Speaker of the Senate shall be appointed, to whom they shall be immediately delivered after his appointment, who shall open and publish the same in the presence of the members of both Houses of the Legislature. The person having the highest number of votes shall be Governor; but, if two or more shall be equal in the highest number of votes, the members of the two Houses shall by joint ballot choose one of them to be Governor; and if upon such ballot, two or more of them shall still be equal and highest in votes, the Speaker of the Senate shall have an additional casting vote.

Contested elections of a Governor shall be determined by a joint committee, consisting of one third of all the members of each House, to be selected by ballot of the two Houses respectively: Every person of the committee shall take an oath or affirmation, that in determining the said election, he will faithfully discharge the trust reposed in him; and the committee shall always sit with open doors.

3. The Governor shall hold his office during three years from the third Tuesday in January next ensuing his election, and shall not be capable of holding it longer than six in any term of nine years.

4. He shall be at least thirty years of age, and have been a citizen and inhabitant of the United States twelve years next before the first meeting of the Legislature after his election, and the last six of that term an inhabitant of this state, unless he shall have been absent on the public business of the United States or of this state.

5. No member of Congress or person holding any office under the United States, or this state, shall exercise the office of Governor.

6. The Governor shall at stated times receive for his services an adequate but moderate salary, to be fixed by law, which shall be neither increased nor diminished during the period for which he shall have been elected.

7. He shall be commander in chief of the army and navy of this state, and of the militia; except when they shall be called into the service of the United States.

8. He shall appoint all officers, whose offices are established by this Constitution or shall be established by law, and whose appointments are not herein otherwise provided for; but, no person shall be appointed to an office within a county, who shall not have a right to vote for Representatives, and have been an inhabitant therein one year next before his appointment, nor hold the office longer than he continues to reside in the county. No members of Congress, nor person holding or exercising any office under the United States, shall at the same time hold or exercise the office of judge, treasurer, attorney general, secretary, clerk of the supreme court, probationer, register for the probate of wills and granting letters of administration, recorder, sheriff, or any other office under this state with a salary by law annexed to it, or any other office which the Legislature shall declare incompatible with offices or appointments under the United States. All commissions shall be in the name of the state, shall be sealed with the great seal, and be signed and tested by the Governor.

9. He shall have power to remit fines and forfeitures, and to grant reprieves and pardons, except in cases of impeachment.

10. He may require information in writing from the officers in the executive department, upon any subject relating to the duties of their respective offices.

11. He shall from time to time give to the General Assembly information of affairs concerning the state; and recommend to their consideration such measures as he shall judge expedient.

12. He may on extraordinary occasions convene the General Assembly, and in case of disagreement between the two Houses with respect to the time of adjournment, adjourn them to such time as he shall think proper, not exceeding three months.

13. He shall take care that the laws be faithfully executed.

14. On the death or resignation of the Governor, or his removal from office on impeachment, or for inability, the Speaker of the Senate at that time shall exercise the office of Governor, until a new Governor shall be duly qualified; and on the death or resignation of the Speaker of the Senate, the Speaker of the House of Representatives at that time shall exercise the office, until it be regularly vested in a new Governor. If the trial of a contested election shall continue longer than until the third Tuesday in January next ensuing the election of a Governor, the Governor of the last year, or the Speaker of the Senate, or of the House of Representatives, who may then be in the exercise of the executive authority, shall continue therein until a determination of such contested election. The Governor shall not be removed from his office for inability, but with the concurrence of two thirds of all the members of each House.

15. A Secretary shall be appointed and commissioned during the Governor's continuance in office, if he shall so long behave himself well. He shall keep a fair register of all the official acts of the Governor; and shall, when required by either branch of the legislature, lay the same, and all papers, minutes, and vouchers relative thereto, before them; and shall perform such other duties as shall be enjoined him by law. He shall have a compensation for his services to be fixed by law.

ARTICLE IV.

SECTION 1. All elections of Governor, Senators, and Representatives, shall be by ballot; and in such elections every white freeman of the age of twenty-one years, having resided in the State two years next before the election, and within that time paid a State or county tax, which shall have been assessed at least six months before the election, shall enjoy the right of an elector; and the sons of persons so qualified, shall between the ages of

twenty-one and twenty-two years, be entitled to vote, although they shall not have paid taxes. The returning officers of all elections of Governor, Senators, and Representatives, shall be chosen by the people.

2. Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from them.

ARTICLE V.

SECTION 1. The House of Representatives shall have the sole power of impeaching; but two thirds of all the members must concur in an impeachment. All impeachments shall be tried by the Senate; and when sitting for that purpose, the Senators shall be upon oath or affirmation to do justice according to the evidence. No person shall be convicted without the concurrence of two thirds of all the Senators.

2. The Governor, and all other civil officers under this State, shall be liable to impeachment for treason, bribery, or any high crime or misdemeanor. Judgment in such cases shall not extend further than to removal from office, and disqualification to hold any office of honor trust or profit under this State; but the party convicted shall nevertheless be subject to indictment, trial, judgment, and punishment according to law.

3. Treason against this State shall consist only in levying war against it, or in adhering to the enemies of the government, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses of the same overt act, or on confession in open court.

ARTICLE VI.

SECTION 1. The judicial power of this State shall be vested in a supreme court, and courts of oyer and terminer and general goal delivery, in a court of common pleas, and in an orphan's court, register's court, and a court of quarter sessions of the peace for each county, in justices of the peace, and in such other courts as the legislature, two thirds of all the members of each branch concurring, may from time to time establish.

2. The judges of the supreme court and of the common pleas shall hold their offices during good behavior; but for any reasonable cause which shall not be a sufficient ground for an impeachment, the Governor may in his discretion remove any of them, on the address of two thirds of all the members of each branch of the legislature. They shall at stated times receive for their services adequate but moderate salaries to be fixed by law, which shall not be diminished during their continuance in office, and shall be payable quarterly to their respective orders upon the treasurer, out of any moneys in the Treasury; but they shall hold no other office of profit, nor receive any fees or perquisites, except such fees as shall be fixed by law for business to be done out of court.

3. The judges of the supreme court shall be not fewer than three, nor more than four, one of whom shall be chief-justice. There shall be a judge residing in each county. The jurisdiction of this court shall extend over the State. The judges shall, by virtue of their offices, be justices of oyer and terminer and general goal delivery in the several counties. Any two of the judges may act as if all were present.

4. The judges of the common pleas shall be not fewer than three, nor more than four, one of whom shall be chief-justice. There shall be a judge residing in each county. The jurisdiction of this court shall extend over the State. Any two of the judges may act as if all were present.

5. Any judge of the supreme court, or of the common pleas, shall issue the writ of habeas corpus in vacation time and out of term, when duly applied for, which shall be immediately obeyed.

6. Any judge of the supreme court or of the common pleas may, unless the legislature shall otherwise provide by law, out of court take the acknowledgment of deeds; and the same being thereon certified, under his hand, such deeds shall be recorded, and have the same effect as if acknowledged in open court.

7. In civil causes when pending, the supreme court and common pleas shall have the power, before judgment, of directing upon such terms as they may deem reasonable, amendments in pleadings and legal proceedings, so that by error in any of them the determination of causes according to their real merits shall not be hindered; and also of directing the examination of witnesses that are aged, very infirm, or going out of the State, upon interrogatories de bene esse, to be read in evidence in case of the death or departure of the witnesses before the trial, or inability by reason of age, sickness, bodily infirmity, or imprisonment, then to attend; and also the power of obtaining evidence from places not within the State.

8. Suits may originate in the supreme court or common pleas.

9. One judge of the supreme court or of the common pleas may, if the other judges come not, open and adjourn the court, and may also make the necessary rules preparatory respectively to the trial or argument of causes.

10. At any time pending an action for debt or damages, the defendant may bring into court a sum of money for discharging the same and the cost then accrued, and the plaintiff not accepting thereof, it shall be delivered for his use to the clerk or prothonotary of the court; and if upon the final decision of the cause, the plaintiff shall not recover a greater sum than that so paid into court for him, he shall not recover any costs accruing after such payment, except where the plaintiff is an executor or administrator.

11. By the death of any party no suit in chancery or at law, where the cause of action survives, shall abate; but, until the legislature shall otherwise provide, suggestion of such death being entered of record, the executor or administrator of a deceased petitioner or plaintiff may prosecute the said suit; and if a respondent or defendant dies, the executor or administrator being duly served with a scire facias, thirty days before the return thereof, shall be considered as a party to the suit in the same manner as if he had voluntarily made himself a party; and in any of those cases, the court shall pass a decree, or render judgment for or against executors or administrators, as to right appertains. But where an executor or administrator of a deceased respondent or defendant becomes a party, the court, upon motion, shall grant such a continuance of the cause as to the judges shall appear proper.

(TO BE CONTINUED.)

FROM THE QUEBEC HERALD.

HALIFAX, Sept. 27.

FREE SETTLEMENT on the COAST of AFRICA.

THE SIERRA LEONE COMPANY, willing to receive into their Colony such Free Blacks as are able to produce to their Agents, Lieut. Clarkson, of his Majesty's Navy, and Mr. Lawrence Hartshorn, of Halifax, or either of them, satisfactory Testimonials of their characters (more particularly as to honesty, sobriety, and industry) think it proper to notify in an explicit manner upon what terms they will receive at Sierra Leone, those who bring with them written certificates of approbation from either of the said Agents, which certificates they are hereby respectively authorized to grant or withhold at discretion.

It is therefore declared by the Company,

That every Free Black (upon producing such a certificate) shall have a grant of not less than Twenty Acres of Land for himself, Ten for his wife, and Five for every child, upon such terms and subject to such charges and obligations (with a view to the general prosperity of the Company) as shall hereafter be settled by the Company, in respect to the grants of lands to be made by them to all settlers, whether Black or White.

That for all stores, provisions, &c. supplied from the Company's warehouses, the Company shall receive an equitable compensation, according to fixed rules, extending to the Blacks and Whites indiscriminately.

That the civil, military, personal, and commercial rights and duties of Blacks and Whites, shall be the same, and secured in the same manner.

And for the full assurance of personal protection from slavery to all such Black settlers, the Company have subjoined a copy of a clause contained in the Act of Parliament, whereby they are incorporated, viz.

“Provided also, and be it further enacted, that it shall not be lawful for the said Company, either directly or indirectly, by itself or themselves, or by the agents or servants of the said Company, or otherwise howsoever, to deal or traffic in the buying or selling of slaves, or in any manner whatsoever to have, hold, appropriate, or employ any person or persons in a state of slavery, in the service of the said Company.”

Given under our hands, London, 2d Aug. 1791.

DIRECTORS.

Henry Thornton, Chairman, Joseph Hardcastle, Phi. Sanson, Dep. Chairman, Thomas Clarkson, Charles Middleton, Vickeris Taylor, William Wilberforce, William Sanford, Granville Sharp, Thomas Eldred, John Kingston, George Wolff, Samuel Parker.

N. B. For the convenience of those who are possessed of property which they cannot dispose of before their departure, the Company will authorize an Agent, who, on receiving from any proprietor a sufficient power for that purpose, shall sell the same for his benefit, and remit the purchase money (through the hands of the Company) to such proprietor at Sierra Leone.

PARIS, October 26.

WE learn from Stockholm, that since the notification of the King's acceptance of the constitutional charter, the preparations for the military service do not go on with the same vigor; the minister, however, who was charged with this important communication, has not yet received his dispatch—of course, we are all anxious for his Swedish Majesty's answer; the more so, as we cannot doubt of the ardor with which that sovereign had adopted the interests of the court of France, there being a report, which meets with considerable belief, that he was incognito at Paris, attended only by the Baron de Breteuil and two valets de chambres, at the time of the King's evasion.

The decayed popularity of M. Neckar is a home lesson to the vanity of statesmen. It is more than probable, that this minister, who is now almost universally execrated in France, is the best and honestest politician in Europe.

The assembly go on forming their committees. Their numbers will make a considerable majority of the whole house; so that if they have a mutual indulgence for one another, they are sure of each carrying his point.

FREDERICK-TOWN, January 21.

By a gentleman arrived in town yesterday from the Westward, we learn, that Capt. Dark, son of Colonel Dark, had died of the wounds he received in the late engagement with the Indians.