

States establishes the office, mal practice in the execution of the duty of it, will, therefore, make a case arising under the laws of the United States. It is by the authority of the United States that the duties are annexed to the office: negligence in the performance, or mal practice in the execution of those duties, which in contemplation of law would be criminal, must therefore, be an offence cognizable under the authority of the United States.

Again, by the "act for the punishment of certain crimes against the United States," provision is made for the punishment of murder, larceny and a variety of other offences committed within any place or district of country under the sole and exclusive jurisdiction of the United States, but no punishment is thereby prescribed in cases of arson, rape, and many others, which may be committed within such jurisdiction, and which are violations of the peace of society and the safety of the citizens. Are the perpetrators of such enormities within the sole and exclusive jurisdiction of the United States, to pass unpunished or rather are they to be considered as innocent and unoffending until the Congress shall have enacted that they shall be deemed criminals? surely this is not that excellence of the law of which Sir William Blackstone speaks, that it seems to the public the "benefit of society by preventing or punishing every breach or violation of those laws which the sovereign power has thought proper to establish for the government and tranquillity of the whole." 4 Bl. Com. 7.

The truth is the constitution of the United States does not give or grant judicial powers; it only directs in what courts these powers shall be vested, and to what cases they shall extend. "To all cases arising under the laws of the United States"—not such cases as may be specified in the laws of the United States—with respect to crimes and misdemeanors; not to such only as shall be created by the law; but to all such as may arise under the law. How arise? by implication or construction of law. This is what I mean by a common law jurisdiction.

Upon the whole, Finding the facts proved against the defendant upon his trial, constitute an offence of which a court having criminal jurisdiction will take cognizance; that it is an offence at common law arising on a law of the United States; that the judicial Court of the United States have competent authority to take cognizance of it; and observing that the "act to establish the judicial courts of the United States vests them with exclusive cognizance of all crimes and offences cognizable under the authority of the United States; I conclude that this court hath no jurisdiction in the case.

CONGRESS.

HOUSE OF REPRESENTATIVES.

Wednesday, February 17.

Mr. New of the committee on enrolled bills, reported the bill further extending the time for receiving on loan the domestic debt of the United States as truly enrolled. The Speaker signed the same—some private petitions were read and committed.

The report of a committee which proposes referring to the committee of claims the report of a select committee on the petition of sundry Canadian refugees made to the Congress of 1794, was taken up.

Mr. Livingston was opposed to this motion, he considered the subject as not coming properly under the cognizance of that committee. He observed that the petition is founded on an express contract made by the government under the confederation, the justice of the claim he presumed was not now to be investigated—the only question he conceived was how the contract should be fulfilled, he thought the proper mode was to direct the select committee who brought in the report, or some other to devise a mode of executing the engagement on the part of the Government.

Mr. Sedgwick considered the claim as analogous to those which had been uniformly referred to the committee of claims, and he saw no good reason for deviating from the system hitherto pursued.

Mr. Livingston observed, that there was a manifest difference between the case of the petitioners and those of persons whose claims are unliquidated, the services were performed, and are undisputed, and the only thing that remains is the performance of the contract on the part of the Government.

Mr. Williams was opposed to the reference to the committee of claims—headvocate the claim of the petitioners. Their merits and services were acknowledged, the faith of the government is engaged to reward them. He cited the example of New York in reference to other refugees from Canada. That state had granted them farms and stock, and had rendered their situation in a degree comfortable.

Mr. Giles moved that the report should be referred to a committee of the whole: this was agreed to. A former report on the case of certain refugees from Nova Scotia was referred to the same committee, and made the order of the day for Monday next.

Mr. Tracy moved that the federal returns made by the Secretary of War to the last Congress, respecting invalids, be referred to the committee of claims—this was agreed to.

Mr. Wm. Lyman moved for a re-consideration of the order of the House for postponing the case of Mr. Lyon to the 29th March—this was agreed to without any opposition.

The question then was to rescind the above order; this was also carried in the affirmative.

Mr. Smith, (M.) then moved that the House should agree to the report of the committee of elections.

This was superceded by a motion to recommit the report, which motion was agreed to, 53 members rising in the affirmative.

In committee of the whole on the Land-Office bill—

Mr. Gallatin's motion of amendment to the second section was further discussed.

The second section provides, that the lands on the North West side of the River Ohio, in which the titles of the Indian Tribes have been extin-

guished, and which are not already disposed of, should be surveyed and parallel lines marked through the same at the distance of six miles from each other, in such manner as shall be most convenient for dividing the said lands into townships of six miles square.

Mr. Findley said he approved the amendment—The smaller the number of parallel lines, the better. The natural boundaries must be adhered to all along the Ohio, and may also with convenience in many other situations. Mr. Findley then noticed the remarks of Mr. Nicholas, who had observed that he did not suppose the farmers or actual settlers would be the purchasers in the first instance. Mr. Findley considered the matter in a quite opposite light—the farmers were the only persons he considered as eligible purchasers, and he was for such a distribution as would enable them to come forward as the purchasers, independent of others, and of all second hand purchasers.

Mr. Gallatin withdrew his amendment in order to bring forward another, which appeared principally to engross the attention of members, let the object of discussion be what it will. He referred to the principle of selling the lands in small quantities. He accordingly moved an amendment which proposes dividing and sub-dividing one half of the township into tracts consisting of acres.

Mr. Rutherford, referring to the whole bill, said he had serious objections to it. He complimented the committee who reported it, by introducing a simile of a painter, who being directed to paint a swan, an ostrich, or a peacock, should, instead thereof, paint a lapwing, a jay, or any other bird; he would, he said, thank the painter for his ingenuity, but would say to him, Sir, this is not the bird I employed you to paint. The bill was unlike the thing he had contemplated. He was then proceeding to consider its defects generally, when the chairman called him to order, by remarking, that an amendment to the second section of the bill only was under consideration—on this he sat down.

Mr. Dayton objected to a re-commitment in this stage of the bill. He thought it of the highest importance that some principles should be established in committee of the whole, previous to a re-commitment. He then adverted to the amendment proposed by the gentleman from Pennsylvania—he thought it was in some degree superceded by some of the provisions already contained in the second section.

Mr. Gallatin observed, that it was immaterial where the amendment was introduced, as the bill would probably be re-committed; when a new arrangement of the several parts will take place.—He then entered into a consideration of the subject, as referring to purchasers:—He divided these into three classes; speculators, or men of capital, who will never settle on these lands; farmers of property, and a more numerous class who have no money. With respect to the last class, were it not for certain considerations he should be of opinion that it would be best to sell the whole land to these persons on credit; but considering that these lands were one grand source of revenue, on which great dependence was placed for the extinguishment of the public debt; from particular regard to this class, he should wish that the government should avail itself of this fund to pay off the debt: on this ground, the accommodation of the other class, the farmers of property, should be taken into view.—He had no doubt, that by a judicious use of the funds in possession of the government the debt might be sunk in ten years. Mr. Gallatin then alluded to the farmers, or land holders; and, in opposition to some opinions which had been advanced, said, that on this class of citizens our principal dependence should be placed, in respect to the sale and settlement of the vacant territory.

Mr. Nicholas said, he had not the smallest objection to the amendment, so far as it would conduce to the accommodation of the classes he had mentioned; but thought that the object of revenue required, that the monied interest should also be attended to.

Mr. Rutherford rose again, and entered at large into the subject. He was again called to order—On this he said, he was against the amendment, and then proceeded to read his substitute for the bill, which he brought forward yesterday. He was again called to order.

Mr. Tracy said he wished the gentleman might be permitted to proceed—he was as much in order as he had been at any time since he rose.

Mr. Rutherford said again that he was against the amendment, and would give his reasons for it. The reasons were, that he disliked opening an office in the Western country. He said it would only accommodate the speculators.

Mr. Crabb said, he approved the amendment—it would serve to unite all parties—it would answer the valuable purpose of accommodating the two classes of citizens that had been mentioned—those who can purchase and pay for the land, & those who have little or nothing to pay, may also be accommodated. The laying out the land in large and small lots will accommodate all classes, and will bring eventually the largest sum into the treasury. Mr. Crabb referred to some provisions of the bill which he disapproved of as tending to embarrass the purchasers of large tracts.

Mr. Havens observed that he had proposed an amendment to the first amendment under consideration, the effect of which would be to subdivide the whole of the lands to be sold into small tracts or lots of about one mile square, and each of these subdivisions to be sold separately, he felt himself strongly opposed to the idea of selling the public lands in large tracts which would be the operation of the bill as it had been reported to the house, and the amendment which had been proposed to the bill went no further than to subdivide one half of the land to be sold and left the remaining half to be disposed of on the whole sale principle or in tracts not less than three miles square as the bill had expressed it. He could see no reason why one half of the land should be sold in such large tracts in effect to produce a monopoly in favor of those who hold large capitals or who are purchasers upon speculation, and at the same time the very same description of persons would have an opportunity to engross or come into the market and out bid the

persons of moderate capital in purchasing, that half of the land that was to be sold in small tracts. He observed that gentlemen certainly reasoned upon wrong principles when they presumed that if the persons who were holders of small capitals and who generally wished to purchase new lands for the purposes of cultivation were permitted to come into the market and offer terms for the purchasing small tracts that they would be able to outbid and exclude all persons from purchasing these small tracts who are holders of large capitals, and are purchasers of lands only for the purposes of speculation; the fact was otherwise; these persons having more money at command would be better able to give a high price for all the most valuable of the small tracts; and in that way they would stand an equal and even a better chance to purchase all the small tracts than the very cultivators themselves, and by these means, if his amendment did not prevail, the whole of the land might be engrossed by that class of citizens who generally purchase lands for the purpose of speculation. He presumed that he might speak with some confidence on a subject of this kind, because he was well acquainted with the experience of the state which he represented on the subject of the disposition of lands; that state had certainly experienced a benefit from selling lands in small tracts, in preference to a disposition of lands by large tracts. He hoped his amendment would prevail.

Mr. Nicholas remarked that the object which gentlemen appeared to have in view, that of cutting up the whole country into small parcels, had a direct tendency to exclude all capitalists from the market; and by this means disappoint the public expectation of revenue from this source.—He thought there was no necessity for this. In order to accommodate the small purchasers, particular tracts might be so divided, as not to interfere with the view of those who purchase to sell again.

Mr. Dayton was opposed to the amendment. He was in favor of dividing the land into different portions of 1, 2, 3 and 6 miles square. The purposes of government and the accommodation of the various classes of citizens who may be disposed to become purchasers require that the lands should be divided into smaller and larger tracts.

Mr. Dearborn was against both the amendment and the amendment to the amendment.—He was of opinion that the plan of a general division into small tracts would tend to defeat one great object of the bill, revenue.

He had his doubts of the policy of holding out extraordinary inducements to persons to go, and settle in that country; but, to accommodate those who might be disposed to go and settle there, without destroying the principal object of the bill, he suggested as an expedient, that every fourth town might be partially divided into small lots; say one fourth part; this would accommodate individual settlers, or companies who wished to settle together; and leave townships or other large tracts for those who may wish to purchase a quantity.

Mr. Duval, was in favor of the amendment—he stated the impossibility of finding a sufficient number of purchasers who would settle the lands provided the whole was laid out in tracts as large as those mentioned in the bill. He was opposed to the idea of such extensive surveys in small lots as had been proposed; the expense would be enormous.—His opinion was in favor of accommodating the different descriptions of purchasers.

Mr. Livingston was in favor of the amendment to the amendment; he thought it would combine both objects, the accommodation of individual settlers, and the bringing of money into the public treasury.

Mr. Venable was in favor of the amendment—His opinion was that the great mass of money which would be applied to the purchase of these lands was in the hands a great number of persons; persons scattered over the whole extent of the United States. The bill therefore ought to be adopted principally to accommodate this extensive class of citizens.

Mr. Findley said he had seconded the motion of amendment, altho it did not entirely meet his ideas—He thought the cutting up the whole or parts of townships into such small lots as were proposed, would counteract the wishes of companies who might want to settle together for the purposes of forming congregations and establishing schools. He thought an amendment might be added to remove this objection to the general regulation.

Mr. Havens, adverting again to the experience of New-York, said he should not think he did his duty, if he did not remark on what he considered the fallacy of the reasoning drawn from the large and small divisions of the lands proposed by the amendment, he said so far from tending to prevent the monopoly so much dreaded, it will produce that effect; his idea was that the only plan justified by experience was to divide the land into equal parts.

Mr. Dayton said that the unequal division contemplated for, will conduce to the accommodation of all classes, whereas the contrary plan would exclude the capitalists from the market.

Mr. Crabb, said laying out the lands in equal portions commensurate to the abilities of one class of purchasers would preclude the other two classes; the rich and the poor—This will defeat the object of revenue; and discourage the settlement of the country.

Mr. Sherburne said if the lands are divided into small lots, all competition will be precluded, for the speculator will never purchase while he can be underfold by the government; and this will defeat the principal object of the bill, viz. bringing money into the public treasury; for if the purchases are confined to actual settlers, he conceived the United States would derive very little advantage in a pecuniary point of view from the sales. He did not believe there was by any means the number of families ready to go to that country which had been stated; he should be sorry if that was the case; much less did he wish that inducements should be held out to entice the atlantic settlers to quit their farms, to go to the western county—He was clearly of opinion that if the government ever mean to derive any advantage from the western territory, they will sell the land to persons who will pay for large tracts; those who are called speculators; these purchasers will not contemplate sudden settlements by the citizens from the atlantic states; but will turn their

eyes to Europe, and bring settlers from thence, who will be a valuable addition to the inhabitants of the country.

Mr. Claiborne was in favor of small divisions of the land.

Mr. Van Allen offered a substitute for the second and the amendments.

The Committee rose and reported no progress.

Mr. New informed the house that the committee of enrolment had this day laid before the President of the United States for his approbation the act further extending the time of receiving on loan the domestic debt of the United States.

Adjourned.

PORT OF PHILADELPHIA.

ARRIVED.

Brig Betsy, Platt	St. Kitts 16 days
Sch'r Three Josephs, Madeira, via St. Bartholomew's	New-York
Robert, Cottrell	New-York
Captain Platt sailed from St. Kitts the 25th ult. at which time the following American vessels lay there:	
Brig Hope, West	Philadelphia
do.	do.
Fame, Medin	New-York
Neptune, Jacobs	Charleston
Polly, —	Newburyport
Catherine, Cadwis	condemned not fit for sea
Trinidad, Parlon	New-York, do. do.
Sally, —	Broadway
Experiment —	New-York
Glasgow, Coldwell	New-England
Schooner Jay, Freeman	Salem
Whim, Townsend	New-England
Sloop Hampstead, —	New-England
Sloop Hero, Brewster, Dukesbury, from Boston to Philadelphia after being 47 days on the coast, was blown off, and put in distress, as did some of the above mentioned vessels.	

The brig Lady Washington, capt. Trennels, belonging to this port, from Guadalupe, homeward bound, was captured by a Bermudian privateer brig of 18 guns on the 20th January, and sent in there on the 25th.

Ricketts's New Amphitheatre, CHESNUT-STREET.

TO-MORROW EVENING,

Thursday, the 18th, and Saturday, the 20th.

Will be exhibited,

Surprising Feats of Horsemanship,

AND

Pleasant AMUSEMENTS on the STAGE.

Mrs. Spinacuta will perform her pleasing FEATS on HORSEBACK.

Mr. Ricketts will also perform

The Sailor's Frolic; or, New Metamorphosis.

Together with

RICKETTS'S NEW PANTOMIME,

called,

The Triumph of Virtue;

OR, HARLEQUIN IN PHILADELPHIA

++ The Doors in future to be opened at FIVE and the Entertainment to begin at SIX o'clock.

* Boxes, one dollar—Pit, half a dollar.

Those Gentlemen who intend to take places for the Boxes, are desired to send in time.

There are a number of Stoves placed in the Amphitheatre which render it perfectly comfortable.

NEW THEATRE.

On FRIDAY EVENING, February 19,

Will be presented,

A COMIC OPERA, (written by the author of the

Four Soldiers) called

The Cattle of Andalusia.

[The original Overture & Accompaniments, selected and composed by Dr. Arnold, with additional Airs by Shield.]

Don Scipio,	Mr. Francis,
Don Fernando,	Mr. Marshall,
Don Cesar,	Mr. Darley,
Don Juan,	Mr. Morris,
Don Alphonso,	Mr. Darley, jun.
Pedrillo,	Mr. Bates,
Spado,	Mr. Wignell,
Sanguino,	Mr. Green,
Philippo,	Mr. Warrell, jun.
Banditti,	Messrs. Warrell, Mitchell, Robbins,
	Morgan, Beets, Blissett, &c.
Victoria,	Mrs. Warrell,
Lorenza,	Mrs. Marshall,
Isabel,	Mrs. Bates,
Catalina,	Mrs. Willems.

End of the Opera,

Une Divertissement Pastorale.

Composed by Monsr. Lege.

By Messrs. Lege, Warrell, jun. Doctor, J. Warrell, Darley, jun. Morgan, Mitchell and Francis.

Miss Milbourne, Miss Willems, Mrs. Harvey, Mrs. Bates,

Miss Rowlen, Mrs. Doctor, L. Lege, & Mrs. De Marque.

To conclude with a Grand GARLAND DANCE.

To which will be added,

A DRAMATIC TRIFLE, in one act, never performed here) called

AS IT SHOULD BE.

Lerd Megrim,	Mr. Moreton,
Mr. Fidget,	Mr. Francis,
Winworth,	Mr. Green,
Sparkle,	Mr. Harwood,
Lucy,	Miss Willems,
Celia,	Mrs. Francis.

* * * On Saturday, a Comedy, called THE ENGLISH MERCHANT—with, for the last time this season, The Burletta of TOM THUMB.

† The Public are respectfully informed that there will be no performance on Monday.

The PRESIDENT'S BIRTH DAY.

MONDAY, the 22d instant, being the President's Birth Day, the Officers of the First Division of the Militia of Pennsylvania are requested to meet at the State House, precisely at TWELVE o'clock, from whence they will proceed to the President's, to congratulate him on the return of the Day; and demonstrate their satisfaction on his commencing another year of exertion for the Happiness of their Country. Such Members of the Cincinnati, or Officers of the Army as may be in town on that day, are requested to join in the procession.

W. STEWART, Major-General.

Philadelphia, February 18, 1796.

Notes, Wanted.

MESSRS. MORRIS & NICHOLSON'S NOTES, for which valuable and well situated Lots in the City of Washington, will be given.

THOMAS NOBLE.

February 18.

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