Either the office of a judge is abulished, | may be desir syed. or it remains without duties. If abolished, by these means, which are, as we there is one criterion of the constitutionhave seen, strictly constitutional, there | ality of the repealing act, which ought, is an end of the discussion. If it hense, in our government, to be conclusive; by these means, shootened, it follows one, which could not be urged when the that the office remains without the judge havi g any datter to perform. On this | made to public remion; and the people point, as if its occurrence had been foreseen by the Constitution, it speaks an explicit language, and at once crushes the absurdity, by declaring that " the judges shall hold their offices during good behaviour, AND shall, at stated times, receive for their services, a compensation, which shall not be diminished | Representatives were sixty eight, and | more than that given in the account of | neighbourhood of Naichitoches. All during their continuance in office."

separable the tenure of office with the rendering services, and the rendering services with receiving a compensation. The union is indissoluble. If there are no services there can be no compensa-

If the alledged officer is divested of duties, which is an equivalent term for services, and of compensation, what remains?

It is no mean confirmation of this reasoning, that congress are made the constitutional judges of the services rendered, by that article of the constitution, which provides that "no money shall be drawn from the treasury, but in consequence of appropriations made by law." By this provision and the antecedent one requiring service, congress are prohibited from giving a cent to a judge except for his services.

It may be said that this is an indirect way of abolishing the officers Let this for the sake of argument, be granted. It cannot be doubted that the power, indirectly to abolish, by taking away by piece meal the parts which compose the office, until nothing remains, involves the power of direct abulition, which is no more than doing that, by one legislative act, passed at one point of time, which, in the other case, was accom--plished by several acts, passed at different times.

Other arguments in favor of the constitutionality of the repealing act were adduced; but this, of itself, is sufficient. In natural science, it has become a standing rule that no more causes shall be assigned than are sufficient to account for particular effects; it would be well if this fundamental rule were applied to moral disquisition. It would propably free it from much of the an biguity in which it is at present involved; and it would certainly save much time at present unprofitably spent.

It is not a little extraordinary, notwithstanding the use made of the term, that the word " independence," as applicable to the judiciary, is not to be four in the constitution. That wise system, so lar from countenancing the independence of any public agents, le-- gislative, executive, or judicial, has provided the most efficient checks to make them all dependent. By declaring that the judge shall hold his office during good behaviour, it has made him independent of the executive; but that circumstance, so far from creating a claim to legislative independence, really produces a necessity in several cases for

legisla ive interference. This consideration presents a great the power exercised by congress, but on its expediency. Many of the most important laws passed by congress require | Hamburg the aid of the judiciary to earry them into effect. We all know that the judges have assumed the power of pronouncing laws unconstitutional; and of refusing to -execute them. Such laws may be of vast importance. They may affect the lives and properties of citizens, and may implicate the prace of the nation. Opinion may be divided on them. A great majority of congress, the president, and the people may consider them constituti onal; the judges alone may pronounce them unconstitutional. It is as probable, may more probable that the judges should err on this point, than the legis lature, elected for the special purpose of passing laws. Their decision, supported by that of another department of time government, & by the people-greatly multiplies the probabilities on their side. Still the judiciary put their veto upon the laws, and thereby jeopardise life and property. they to give an absolute control over the laws to the judiciary ? For it is apparent that the power of impeachment may be futile, as any number over a third of the senators may frustrate a conviction, and as this number may be found among those senators who do not represent quite one winth of the people of the United States. If this absolute control is not to be given, then the power of abolishing ! the office is the only effectual remedy. This absolute authority is opposed to the | go.

Grant the legislature to be in error. The opinion they express is that of the people most ditectly expressed, and if incorrect, the people themselves will ex perience the evils resulting from it. Un less supported by the enlightened and permanent impressions of the people, it will be short lived ; it will not be likely to endure for more than two years. But an error of the judges, if paramount, will be of great dyration, as d will admit of no tem opes are appointed. Belois this | ed by the captain.

whole theory of our government, and

opposes all responsibility to public opini

event there can be but two results. I shall occur, the liberties of the people

To bring these remarks to a close, law passed. A lively appeal has been have been called upon to displace those who supported the measure. In every. instance, except one, they have re-elected those who supported it; and in numerous instances they have ejected its opponents. In the congress that passed | part of the prosecution. this act the republicans in the House oto effecting, if necessary, a correspendent alteration in the constitution, had that been necessary.

CURTIUS. HARTFORD (Conn.) October 4. It is said that Jee Thomas was chairman of a federal meeting at Wethers field. This does not surprise us. It is also said that the honorable John Rit. ledge, sometimes called the 'i-lustrious stranger, has been treated with great attention by some of our federalists. who call themselves the holy men of the earth. This is not very surprising; ;-Yet can it be-true—that Doctor Dwortt, and Messrs: Talmadge Tracy, & Allen, received him with great joy? Let the federal sts reflect on their late roaring about the MURDER of Hamilton. Wi at did Mr. Rutledge to Doctor Center?-Center has lest a widowed mother mourning brothers, a long train of friends; he fell in a duel by the hand of Rutledge; This is an undeniable sact, yet where are your tears now, where your consist-

Heaven and earth are called by you to witness your sanctity and our depravity, yet you often forget the old adage, evil communications corrupt good manners In almost every federal publication, lederalists speak of themselves as the chosen people of God, and of us as of the Jebersites and Hittites, whom they are to dispossess. There is more truth in the parallel than they would be willing to

PHILADELPHIA, October 8. By captain M'Allister, of the Lovely Lass, we have received Dutch papers to the 25th July. They contain nothing particularly new. The following we insert for the information of our commercial readers:—

AMSTERDAN, July 20. Course of Exchange question, not on the constitutionality of Bordeaux question, not on Fr. 54 stivers 87b. 3 2 uso 87b. 5 figt. figt banco 33 a 11-16 2 uso banco Weenen ditto 25 ± a 1 7-6 Zeeland 14 p. Ct. Rotterdam 1 3.6 p.c.

COMMUNICATION. On Thursday the 4th inst, about helf past 12 o'clock, the barn of William Ridgway, Springfield, Burlington county, (N. J) was consumed by fire, together with his stables, and his grain, and a cow house 100 feet in length, contain. ing all his crops of hay -by the carelessness of his boy in shooting at a pidgeon from the barn. Thus in an hour is all the summer's labor of the farmer consumed, besides several valuable build. ings; let this be a warning for others not to risque the loss of several thousand dollars for the sake of a small bird.

FROM GIBRALTAR. By a letter from Gibralta; dated July 25th, we learn that the United States and the peace of the country. Are the | frigate Joun Adams, captain Chauncy, of 26 days, and was to leave that place on the 25th (the date of the letter) for A'giers and Malta.

The following is a list of American vessels then at Gibraliar.

Brig Joseph, Lee, from Moca, with coffie and drugs, owned by Gotham Parsons, of Boston.

Schooner Mary, Ellis, from Philadelphia, with flour, pork, rice, fish and staves, owned by Mr. Burger, supercar-

Schooner Eleanor, Grayson, from Alexandria, with stores for the United States squadron, owned by W. Brens, of Washington.

Brig Success, Rodgers, from Boston with flour, staves, fish, rice and tobacco, owned by N. Parsons and the captain .-

Brig Molly, Adams from Lisbon, with Brazil tobacco and bale goods, owned by John Dickie, of Philadelphia. Schooner Ann, Nye, from Trieste.

with a an, dil, and sundries, owned by

Robert and John Oliver, of Baltimore. Schooner Fainty Bridger, Grandiher, temedy until the exis ing judges die and from Salore, with brandy and wine; own-

American.

BALTIMORE WEDNESDAY, OCTOBER 10, 1804.

PRICE. who had robbed the Aurora of lits navigation from appearance was good fice, came before the Mayor's court of much higher. White river has been naed not guilty, witnesses were cailed on the | and highly important river, but i's navi-

the federalists thirty-eight; and in the ! the robbery in last Saturday's American | these rivers empty their waters into the Thus does the constitution render in | Senate the republicans were eighteen, | Extra The prisoner had been, former | Mississippi. The track of country a and the federalists fourteen. In the pre- : Iv, in the employ of W. Duane as a car- bout Red river is known to afford gold sent congress the republicans in the rier, and the key with which he obtained and silver mines, and large quantities of House are ninety six, and the federalists; access into the compling house, had been | salt. The Buffaloe, which abound in thirty eight; and in the Senate the repub- i missing since the fall 1802. The evilicans are twenty five; and the federalists | dence of J. Stone corroborate: that of nine. The increase of republican mem. | C. Kean. The prisoner did acknowbers in the House is twenty eight; and ledge the robbery when taken before in the Senate seven; white the federal | a ingistrate, the morning after it was | ists have los' five senators, and have not I committed. first said he had sent the gained a single representative, notwithe | papers to Bethlehem by the waggons, standing the increased representation. and afterwards said he had sold them; that side, are supposed to run not far More than two thirds of both branches, in town. On being asked to whom from, if not across, these rich mines and three fourths of the states are like- | he had sold them, he replied to Mr. wise republican. Public opinion, there. Brown, tobacconist in North Second- portant discoveries from the American fore, the a ghest a d the only competent | street, and to Mr Bartholomew, tobaccotribunal, in litigated cases, has decided | nist N. Third-street. Accordingly, inthis question, with a strength adequate | quiry was made, and the property found in the houses of those persons, who said they had paid at the rate of one quarter of a dol'ar or two shillings and four perce per hundred news papers. That at the house of a Mr. Cross, N. Second street, had been found a quantity of papers belonging to the files, which the prisoner had on one occasion taken, and which were sold to Mr Cross.

The testimony having been closed on the part of the prosecution, the prisoner was asked if he had any questions to put to the witnesses or any thing to say in defence-he replied he had not.

The jury shortly after leturned a verdict of guilty—and the prisoner was sentenced to one year's imprisonment, to pay the amount of goods storen, as stated in the indictment, with the costs of suit, and to stand committed until the sentence abould be compied with.

The Osage Indians passed through Circinnati, (Ohio) on Su day the 16th of S.pt: mber, on their way home.

DELAWARE ELECTION.

We have understood from a correct s vice. that the federalists of the state of D aware have carried their candidates for governor and representative to congress, by a majori y of about about 350.

The quids or third party, of Delaware, voted to a man for the federal ticket; and we k ow it to be a fact that some of the quids of Philadelphia have exulted at the viumph of federalism in Delaware. Yet these men pretend to be demicrats, to hav principle and to support the present administration!

OSAGE INDIANS.

The Adam is ration have evinced great foresight in the arrangements leading to the v sit which these Ind ans have pand to the United Sates. It is well known that capter is Clark and Lewis, with a par y of 20 men, are now performing a journey into the interior of Liu is.ana. Their attention being directed to exploring that country as far as the west in shores of the continent, and passing through numerous tribes of Indians. mar y of winch are conected with, and in some instances ir butary to the Osages, it was sound poricy to induce their chiefs to visit our cities. Here they may be considered as bostages for the safety of the American adventurers. Their countrymen will not in all probability a:tempt to surprise our party, while some of their principal chiefs are in our hands, and before their return, captains Clark & Lewis Will have accomplished the object of their expedition. We have been told from good authority, that if these gentlemen find it hazardous to return by the way they proceeded, they will endeavour to procure a passage from the western coast of America to China. Several American vessels trading for sea otter skins, are known to be on the coast, and a passage to Canton will readily be procured. If this route is pursued, and they return home by the way of the Cape of legislature, in this case, to submit? Are arrived there on the 22d, after a passage Good Hope, captains Clark and Lewis will be the first persons who have circumnavigated the globe in a sim lar direction. The English traveller, Mr. M'Kenzie, only passed from Canada to the western shore; peeped at the sea, and hastily returned very much in the track he went. But he accomplished all that could be expected of him, considering that he pursued a northern passage. (for he never passed under the latitude of 45 in the first journey, in 1789, and then he had not progressed in that la'i tude farther than Lake Huron and saw the ocean in lat. 52, 21, N. long. 128 2, W. on the 22d July, 1793, while on his second journey) M Kenzie wished to di vert the Fur trade from the Americans, and it appeared to be of primary impor tance to him that the English should se: cure the head woters of the Mississippi, & by that channel transport their fers to the Atlantic Ocean; and how far his Government has endeavored to second his views by a inte-convention regisins to be seen Capis. Lewis and Clark will di rect their passage at least 15-or 20 degrees of latitude more towards the touth, where it is expected the country will af-

ford skins and furs in as great abundance as the nothern regions of Canada. The tribes of Indians in Louisiana are more numerous. They kill as much game. The rivers are larger, and communicate directly with the Mississippi. The Missouri is navigable more than 1000 or 1500 miles from issiun Dion with the Nississippi. The Arkansaw river has been On Saturday last the trial of Luke | navigated 1000 miles by large boats, and Philadelphia. The prisoner having plead- | vigated 900 miles | Red river is a long gation is said to be in part obstructed by The evidence of Charles Kean is little | a considerable fall in the water in the Louisiana, as well as other anima s, resort to the salt springs, and are killed by the hunters without much difficulty. It is said to be only 900 or 1000 miles from the mouth of the Omo river, upon a due west course, to the Spanish mines of St. Fe, and the boundaries of Louisiana, on The public have a right to expect imtravellers, and we si.a.l wait an anxious suspense for their stafe return.

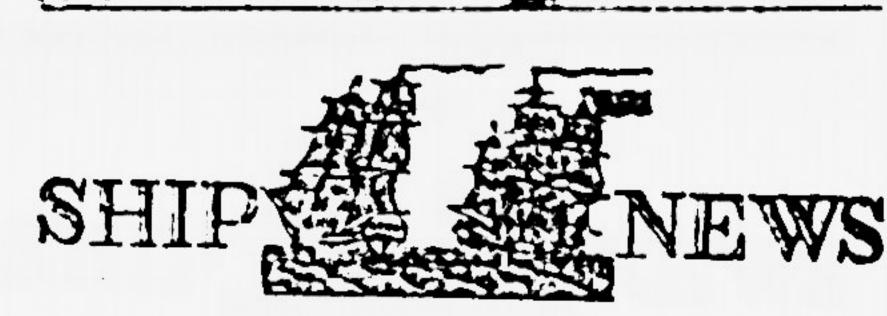
[Salem Register.]

Departed this transitory life on Saturday evening last, in the 33d year of her age, after a short but painful illness, which she bore with christian fortitude and a calm resignation to the will of her Maker, Mrs. Sarah Carroll. She left a disconscilate husband and 5 small children, as d'a numerous circle of relations and friends to deplore her loss.

List of Deaths in the different burial grounds of the City and Liberties of Philadelphia, from the 29th ult. to the 6th Adults. instant.

Children,

Total,



PORT OF BALTIMORE.

American vessels at Amsterdam, July 25th: Ships Orlando, Marschalk, for New York, August 5; Atalanta, Tucker, Ballimore; Columbine, Rusaton, Boston; Heraid, Little, Charleston.

From Bryden's Marine List.

October 9.

Arrived last night, schooner Franklin, Ridgeway, from New-York-sundries-I. Mankin and others.

New-York, October 5.

Arrived at quarantine, schooner John and William, Jones, Point Petre (Guad.) 28 days. Left schooner Roebuck, Daw. son, to sail for New-York in 10 days: schooner Traveller, Wynkoop, do. in 6; ship ----, Gallop, do. in 6 or 8. Sailed in company with schooner ---, Bacon, for Boston-spoke a Danish schooner from Baltimore for st. Thomas. Captain Jones informs, that they experienced on the 4th ultimo, the severest gale of wind, that has been known for these last 20 years; fortuna ely very little damage was done at Point Petre; that no vessels were at Bassaterre at the time; that every versel at Dominique were lost. Also, quaranthied, ship Mary, from Cuba.

Just received and for sale, BRETAGNES, Platillas, Listadoes, Ceas a la Morlaix, Osnaburgs, Ticklenburgs, Ravens Duck, White Rolls, &c.

1 trunk Cambrick and Lawns. I B. A ALLEGRE, Enquire of No. 5, Comme: ce-street, Who has on hand, A quantity of Coffee, in barrels and bags. october 10 en4i+

For Boston,

HOPE,
Captain John Wardell;
Will be ready to receive a cargo The Brig in three or four days. Apply to the captain on board, at Spear's wharf, or to JOHN BOLTE, Ship-Broker.

For Petersbrug and Richmond,

The Schooner REGULATOR, Rdud. Sears, master, Will sail on Friday or Saturday. The vessel is entirely new, and burthen about 400 barrels. Por freight or pastage, (having good accommodations) apply to the master on

board, at Bowly's wharf.

cetober 10

october 6

For Amsterdam, The Hamburg Ship JUNO, Capt. P. J. de Jong. Will sail in ten days, having all her cargo, engaged, except some articles of small

JOHN BOLTE, Ship, broker.

bulk, which will be taken on moderate freight.

Sale by Auction.

TI'I JAY, The 10th instant, at 10 o'click, will be said on the premises, on terms that will then be made

known. FIVE valuable BUILDING LOTS, in fig simple, situated on hast-street, between Chailes aud M'Cicilate-streets and opposite the dwel-

ling of William Goodwin, ergr. VAN WYCK DOFSEY, aud're

Sale by Auction

THIS DAY, The 10th October at 11 o'clock, will be sold on the premises, and on terms that will then be made

THAT commodious well finished three-story Brick HOUSE, lately in the tenure of mrs. Niche ison, suruate at the corner of Mulberry. street and James alley, on an extensive lot, in fee simple, and has every convenience necessary for a large family, such as a pump of excellent water at the door, a smoke-house, stable, &c. VAN WYCK & DORSEY, *u&' ...

Sale by Auction.

THIS DAY, The 10th inst. at 12 o'c ock, at Tenant's wharf, Tell's Point, where she now lies, will be sold on 2 and 4 morths credit,

El.JZA.

Burthen about 1000 barrels. She
is a staunch built vessel, and re-The fine Brig markably well found, having been completely fitted on her late voyage to Lundon. Her inven-

LEMMON & CAMPBELL, suctive.

Ship Phœnix.

tory may be seen at our cou-ting room.

THIS DIY, The 10th inst. at 12 o'click, will be sold at pub-Lie auction, at the head of Smith's dock,

PHOENIX.

She is a strong faithful built vessel, sails remarkably tast; was sheathed and coppered at Bristel last - year ; 18 well found in all respects, and is in complete order to receive a cargo. Her inventory may be seen at our auchon room Terms of sale 2, 4,

and & months. VAN WYCK & DORSEY, suctise. Sale by Auction.

TO-MORROW. The 11th instant, at 10 o'clock, at the auctionroom, bend of Gay street deck, in addition to the W. ollens ulready advertised, will commence

the raie of A variety of DRY GOODS, among which

2 trunks cotton shawls 3 dr. prints

2 cases wersted hose

1 bale cloths 60 doz i di. s extra long kid glaves

2 trunks cam! rick and book muslin 1 do Baudanna handkerchiefs

Also on liberal serms for the benefit of creditors, 4 parkages Dr. Goods 2 casks Hardware.

After which, at 12 o'clock, 73 hhds Mu-cavado sugar

14 . layed ditto, without reserve 573 bigs coffee 12 pipes Bordeaux brandy

17 ; uncheons : um 500 baxes white and brown Trieste soap

10 pipes r. wine

3 cables and a sew crates queensware 17 b xes cho clate.

Lemmon & Campbell auct'rs;

octrbe= 10

Sale by Auction.

Just arrived in the ship Fame, and will be sold at the auction room, at the head of Cay-street, TO-MORROW, the 11th, i.st. Nine bales of

Well assorted Woollens. LEMMON & CAMPBELL, aud're. oAcber 10

Molasses and codfish. 29 hhds. Molasser, represented of superior quality for retailing, and

66 boxes Codfish, Will be landed to-morrow on Smith's wharf, from schooner Franklin, Capt. Ridgway, from New York, and offered for sale, on accommudating terms by

ISAIAH MANKIN. october 10

Just Received

From New Providence, and for eale by the cub-12 tons LIGNUMVITAE

17 barrels fresh LIMES A few GREEN "UNTLE. JOSHUA & GEO. WARD,

No. 17, Cheapside. october 10

For Sale, On board the Schooner Hercules. Fonathan, Fait, master, laying at Bowly's wbarf, A few hhds. Molasses

23 casks of Red Wine, entitled to debenture. 50 bags Pepper, ditto A few barrels of Oil

A small quantity of Sole Leather, with A number of other articles.

october 10 d2t roatf Baltimore Theatre.

THIS EVENING. Will be presented a celebrated Play, m 5 alls,

COUNT BENYOWSKY;

Or, The Conspiracy of Camschatka. Translated from the German of Korzebue. To which will be added, a musical, Farce, in a acts, not acted these 4 years, talled The FLITCH OF BACON:

Or, The Custom of Dunmord Priory. Box 1 Dallar-Pit 75 cents.

The doors of the theatre will open at half past 5 and the curtain rise at a quarter past 6 o'clock.

"." Tickets to be had, and the places in the bexes to be taken at the effice in front of the theatre, from 10 o'cleck in the morning till four in the afternoon,

THE President and Directors of the Baltimore Water Company, will meet on FAIDAT. next, to ap: oint a Secretary to the in tiruit a salary of 600 dollars per annum will be allowe. ed. Written applications will be received by the Directors until Thur day evening pentil cacher 9