# NATIONAL INTELLIGENCER,

AND

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## [By Authority.]

SEVENTH CONGRESS
OF THE
UNITED STATES;

*AT THE SECOND SESSION,*

*Begun and held at the City of Washington, in the Territory of Columbia, on Monday, the sixth of December, one thousand eight hundred and two.*

### AN ACT

*For the relief of Henry Messonnier.*

*BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That there be paid to Henry Messonnier, from any money in the Treasury, not heretofore appropriated by law, the sum of six hundred and fifty five dollars, and ninety cents, being the amount of duties paid by him on fourteen hogsheads of Coffee imported in the ship Pacareau, Captain Latour, and entered at the port of Baltimore, on the eighteenth day of February, one thousand seven hundred and ninety-four, which sum had also been paid on the same fourteen hogsheads of Coffee, by Champaign and Deyme.

NATHL. MACON,
*Speaker of the House of Representatives.*
A. BURR,
*Vice President of the United States, and President of the Senate.*

APPROVED, February 10, 1803.
TH: JEFFERSON,
*President of the United States.*

### AN ACT

*Authorising the sale of a piece of land, parcel of the Navy-Yard belonging to the United States, in Charlestown, in the state of Massachusetts, to the proprietors of the Salem Turnpike road and Chelsea bridge Corporation.*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the Secretary of the Navy be, and he hereby is authorized and empowered, by indenture of bargain and sale, in common form, to convey, in fee simple, to the proprietors to the Salem turnpike and Chelsea bridge corporation, by their proper name of incorporation, a certain piece of land, lying on the Western corner, and being parcel of the Navy-yard belonging to the United States, in Charlestown, in the state of Massachusetts, containing fifteen square perches, or thereabouts, or so much thereof as is required to enable the said proprietors to lay out and make a turnpike road from Salem to Charlestown bridge, near Boston, according to the plan exhibited to Congress by the said proprietors.

Sec. 2. *And be it further enacted,* That it shall be the duty of the said Secretary, prior to the making the said conveyance, to cause the said piece of land to be valued by disinterested men, to be appointed in such manner as he shall agree with the said proprietors; the amount of which said valuation, being paid to the use of the United States, it shall then, and not before, be lawful for the said Secretary to make the aforesaid conveyance.

NATHL. MACON,
*Speaker of the House of Representatives.*
A. BURR,
*Vice-President of the United States, and President of the Senate.*

APPROVED, Feb. 10th, 1803.
TH: JEFFERSON,
*President of the United States.*


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## LEGISLATURE OF NEW-YORK.

### HOUSE OF ASSEMBLY.

*WEDNESDAY, Feb. 2.*

The House resolved itself into a committee of the whole on the draft of an address in answer to the Speech of his Excellency the Governor, and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Tompkins, from the said committee, reported, that in proceeding on the said draft of an Address, the same was read, and is in the words following, to wit:

To His Excellency GEORGE CLINTON, Esq. Governor of the State of New-York.

SIR,

The Assembly are highly gratified with your Communication to both Houses of the Legislature, and unite with your Excellency in "unfeigned gratitude" to the Supreme Disposer of all events, for the continuance of public tranquility, and the increasing prosperity of the State. We cannot, however, view without concern the conduct of the Spanish Intendant at New Orleans, which in violation of the faith of Treaties, is calculated to obstruct the enterprise and growing commerce of the citizens of the United States, and in a peculiar manner to affect our southern brethern in depriving them in a great measure of the free navigation of the Mississippi. The sensibility excited on this occasion is the natural result of injuries committed on the rights of a free people, who consider national honor above all price, and are determined to support it at every hazard. Under these impressions we believe that sound policy as well as the dictates of humanity point out the propriety of attempting to obtain redress by negociation, before an appeal to arms, and therefore highly approve the wise and temperate measures of the President to remove all cause of complaint. Should these fail, we have no doubt the people of this state will be among the first in firmness and patriotism to vindicate our national rights, "from whatever quarter they may be assailed."

The obedience to the laws manifested by our fellow-citizens affords the highest satisfaction, and ought to serve as a strong proof of the error of those who insist that the People are incapable of self-government—While such sentiments remain we have little to apprehend from the machinations or intrigues of foreign powers.

The fiscal concerns of the state are of the first importance. Our best endeavors will be exerted to render the funds more productive and to diminish the expences of government by appropriating the public money with the strictest economy. We cannot too highly approve the economical system pursued by the general government, and the salutary effects resulting from the wisdom of its measures; an example of such high authority and so worthy of imitation will be pursued with undeviating attention.

Your uniform patriotism and solicitude for the public welfare, evinced by a long course of public service, leave no reason to doubt of the faithful exercise of the various matters committed to your immediate direction. The various and important objects communicated by your Excellency shall receive the consideration they merit—And permit us to say, that we doubt not your Excellency's co-operation in all those measures which the happiness of our fellow-citizens or the public weal shall require.

Mr. Lush made a motion, that the words "*under these impressions we believe that sound policy, as well as the dictates of humanity, point out the propriety of attempting to obtain redress by negociation, before an appeal to arms, and therefore highly approve the wise and temperate measures of the President to remove all cause of complaint; should these fail,*" in the first paragraph of the said address, should be expunged; that debates were had thereon; and the question being put, it passed in the negative.

The yeas and nays were called for, and were Nays 71—Yeas 17.

That Mr. Irving made a motion, that in the said paragraph the words "we believe, that sound policy as well as the dictates of humanity point out the propriety of attempting to obtain redress by negociation, before an appeal to arms; and therefore highly approve the wise and temperate measures of the President," be expunged, and that the words, "*while we feel full confidence in the wise and temperate measures adopted by the President,*" be inserted in the stead thereof:

That Mr. Lush made a motion, as an amendment to the motion of Mr. Irving, that the words "and therefore highly approve of the wise and temperate measures of the President" be expunged, and the words "*we trust in the wisdom and temperance of the President and the General Government,*" be inserted in the stead thereof; and the question being put thereon, it passed in the negative.

The yeas and nays were called, and were Yeas 25—Nays 65.

Mr Lush made a motion, that the words "We cannot too highly approve the Economical System pursued by the General Government, and the salutary effects resulting from the wisdom of its measures; an example of such high authority and so worthy of imitation will be pursued with undeviating attention," in the second paragraph of the said address, be expunged; that debates were had thereon; and the question being put, it passed in the negative.

The yeas and nays being called, were Yeas 19—Nays 67.

Mr. Tompkins further reported, that the Committee had gone through the said draft of an address, and made an amendment thereto,* which he was directed to report to the house; and he read the report in his place, and delivered the same in at the table, where it was again read and agreed to by the house.

Ordered, That the said draft be engrossed.

### SENATE.

FRIDAY, *January* 28, 1803.

*The answer of the Senate, to His Excellency the Governor's Speech.*

SIR,

The continuance of the public tranquility, the growing prosperity of the state, the attachment of our fellow-citizens to our happy Constitution, and their disposition to pay due obedience to the laws, which your Excellency has been pleased to mention, demand our grateful acknowledgements to that over-ruling Providence from which all our blessings proceed.

We are happy to find, that notwithstanding the unwarrantable conduct of the Spanish Intendant at New-Orleans, to prevent the free navigation of the Mississippi, that all causes of complaint will probably be removed by wise and temperate measures on the part of the Executive of the United States; but if we should be disappointed in that respect, we have the highest confidence with your Excellency that every exertion will be used by our citizens to vindicate our national rights against any power by which they may be invaded.

The execution of the various matters committed to your Excellency's more immediate direction during the recess of the Legislature meets our full approbation, and it gives us much satisfaction to learn that the duties which were assigned to the different departments have been executed with wisdom and fidelity.

We are fully sensible of the necessity of replenishing our Magazines with military stores in time of peace, and of making such further appropriations for that purpose as the state of the Treasury may warrant.

The increasing attention to military duty by our citizens will excite us to make further improvements in our system for the promotion of military discipline, and the encouragement of military ardor.

It gives us great pleasure to be informed that by the amelioration of our criminal code, the number of crimes has gradually diminished for three years past, notwithstanding the rapid increase of our population. A system so successful in its operation, and so congenial with the mild spirit of our free government, cannot fail to receive our warmest support and encouragement.

The fiscal concerns of this state, shall receive from us that early and deliberate attention which their importance demands, and we assure your Excellency, that we shall readily concur in every proper and economical measure to render our funds more productive, and to supercede as far as may be practicable, the necessity of recurring again to taxation.

The speedy and regular settlement of that tract of land adjoining the Niagara river, belonging to the state, the preventing further wastes and intrusions on public lands, and the other important matters recommended by your Excellency, will demand our earliest attention.

Permit us to assure your Excellency, that we shall be happy in making the session agreeable to you and beneficial to the state.

By order of the Senate,
JER. VAN RENSSELAER,
*President.*

*Senate Chamber, Jan.* 28, 1803.

* *The amendment was the striking out the word new in the third line in the second paragraph, and substituting the word* strong.—

## National Intelligencer.

### *Congress of the United States.*

*HOUSE OF REPRESENTATIVES.*

WEDNESDAY, Feb. 9, 1803.

*DEBATE on Mr. Bacon's resolutions to recede the district of Columbia.*

[CONTINUED.]

*Mr. Bayard* hoped the committee would not agree to the resolutions. He did not believe that a constitutional power existed enabling the government of the United States to recede the territory. The territory had been acquired by the direction and under the permission of the constitution. The constitution also allows the cession by particular states. When, therefore, gentlemen say congress has the power to recede, he was at liberty to call upon them to exhibit that part of the constitution that conferred the power. He had looked over the constitution with a vigilant eye, and he could see nothing to this effect. Can it be done without power? Do gentlemen recollect that the government of the United States is federative, and of course possessed of limited powers; and what is not delegated does not exist? And that there is an express provision that powers not expressly given shall not be assumed by implication? It was difficult to point out a non entity. If gentlemen contend for an entity they should distinguish it. If congress have the power to recede this territory, they have also the power to recede the other territories, the Indiana and Mississippi territories. It is an extremely different thing to receive a cession and to recede it after it is received. Congress has the power to do the one, but not the other. How can the recession be made? Gentlemen say by law. That law may be repealed. If receded, what would be the situation of the territory? It could be no affair of contract. For a contract cannot exist without a consideration. Though on the cession there was a consideration, in receding there would be none. Would there be a power in Virginia and Maryland, if receded, to prevent a resumption? Such a measure shewed but little respect for the people of the territory. As far as he knew the sentiments of the people, it was not their wish to be receded. They were willing to live under the protection of congress. The gentleman from Pennsylvania has called them slaves. They may not thank him for the appellation. If they were slaves, there must be some corollary; and if so, we must be their tyrants. But they are not slaves; they are children, over whom it is not our wish to tyrannise, but whom we would foster and nurture. Are we, in the character of representatives of the United States, to be considered as their tyrants, because they are not immediately represented here? We ought not to decide this question until the people express their desire to return to the states.

But there is a more serious consideration relative to the people of the territory. It is proposed to recede the district to Maryland and Virginia. Once take that step and what obligation was there in congress to remain here. He felt there was none. The obligation to remain arises, in a great measure, from the cession, and by destroying that you extinguish the sense of the obligation to stay. This may be the object of gentlemen. A number of the measures lately proposed appeared to have that tendency. One motion had been made to concentrate the public buildings. Violate one stipulation of the government, or disappoint a reasonable expectation that had been excited by the measures of the government, and the ruin of hundreds follows. Now a motion is made to recede. Combine these two operations. Unfix the capitol, and recede the district, and believe me congress will soon take wings and fly to some other place. It had been truly remarked on a similar occasion by those interested, though these things may be sport to you, they are death to us. Not a motion of this kind had been made, or could be made that did not depreciate the interests of the place, and frustrate the object professed. By such means our accommodations will be impaired, all enterprise be subdued, and industry languish. He hoped, therefore, that the house by a decided vote would reject these resolutions, and put all similar ones to sleep.

*Mr. Gregg* said he had expected, that this question would have been decided by a silent vote. He, for his part, had no intention of having troubled the committee with any observations of his on the subject, but as other gentlemen had seen proper to enter into a discussion of it, he would beg the indulgence of the committee, while he assigned as concisely as possible, the reasons that would influence his vote.

Having been a member of the Legislature at the time the act was passed for assuming the jurisdiction of the territory, he foresaw pretty clearly most of the difficulties in which we are now involved by that act, and therefore had given it his opposition in every stage of its passage. A majority of the Legislature, however, at that time, entertained a different opinion, and made the assumption. From that moment he had considered a contract to be fully compleat and ratified betwixt the states of Maryland, Virginia, the people of the Territory of Columbia, and the government of the United States. That contract he considered as of permanent obligation, not to be done away, but by the unanimous consent of all the parties.

Among the specific powers of Congress enumerated in the eighth section of the first article of the Constitution, there is this one. "Congress shall have power, to exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may by the cession of particular states, and the acceptance of congress, become the seat of government of the United States." Now the states of Maryland and Virginia have made this cession, with the consent and approbation of the people in the ceded territory, and congress has accepted the cession, and assumed the jurisdiction. Are they then at liberty, or can they relinquish it without the consent of the other parties? It is presumed they cannot. In his opinion they were constitutionally and morally bound to proceed in the exercise of that power regularly assumed, either immediately by themselves, or by the intervention of a territorial legislature chosen, and acting under a special act of congress for that purpose. To relinquish the jurisdiction at this time, and recede the territory, would in his view, exhibit a surprising inconsistency of conduct in the legislature; it would discover such a versatility, such a disposition to change, as could not fail to unsettle the minds of the people, and shake their confidence in the government.

All the arguments that had been drawn from expence and inconvenience he thought admitted of an easy answer. A territorial legislature would remove every difficulty arising from these sources. It would transact all the business, now crouded on us, respecting the internal concerns of the place. The people of the territory had heretofore been averse from that measure; and no doubt that aversion had considerable influence in preventing congress from adopting such a provision; he believed, however, that the people were fast changing their opinions on that subject; they were beginning to see the necessity of a legislature of their own, and he expected the period was not very remote, when there would be a universal concurrence of sentiment in favour of it.

He said he considered, as highly improper, every proposition which might be considered as pointing, either directly or indirectly, at a removal of the seat of government from this place. The evident, the inevitable tendency of such motions was to discourage adventurers, to check improvement, and greatly to impede the prosperity of the place. Instead of doing this, he thought government ought to protect and encourage it, as far as encouragement could be given, without resorting to taxes on the other citizens of the United States. He never would agree to let his constituents be taxed one single cent, to be laid out on improvements in the city, farther than what might be necessary to erect, and