Mr. Southard had not considered this subject of much consequence in the outset, but he found that its importance increased as it rolled along. He tho't this morning it would have occupied but a short portion of their time; in that he found himself deceived; and he believed he was not singular in these opinions. He suspected many other members were in the same predicament. He therefore would vote for the committee's rising. That navigable waters are considered as high ways, is a matter of great notoriety: but he did not know that to deepen a channel by contracting its surface, was considered as obstructing the free navigation of a river, nor could he conceive that the body of sediment meant to be removed, would descend *en masse* and deposit itself at the confluence of the next stream it met. On the contrary, he imagined it would be separated by the force of the current giving it action into millions of particles, some of which would settle promiscuously on either side, while a part would ultimately be deposited in the ocean.

The committee hereupon rose and reported progress, and asked leave to sit again. On the question, shall the committee have leave to sit again?

MR. J. RANDOLPH requested that the act of cession by Virginia might be read—by which it would clearly appear that she had not ceded, or intended to cede to the United States any right acquired under her compact with Maryland. [The act was read.]

It is plain from the preamble, said Mr. R. that the intention of the state was to make a cession above tide water—that she expected the seat of government would be fixed in some place contiguous to the limits of Maryland and Pennsylvania. It is not contended that the U. States were bound to select any particular spot. This circumstance is mentioned only to shew what was contemplated at the time by the legislature of Virginia. Her act of cession was more broad. It extended to any tract of country not exceeding ten miles square "*to be located within the limits of the state.*" Over this she had relinquished to Congress her jurisdiction as well of soil as of persons. But her limits did not extend beyond high water mark on the Western bank of Potomac. Her right of high way on the river was a natural right acknowledged and secured by convention with Maryland. Her civil jurisdiction over its water was a conventional right, entirely derived from compact with that state—was a jurisdiction *not within* her limits, and which the words of the act just read could not embrace or convey.

Mr. Dawson would vote against the committee having leave to sit again—He was convinced that the objection made by his colleague (Mr. J. Randolph) was conclusive; the fact was, that neither Maryland nor Virginia had ceded their joint rights to this river, nor could they do so, by their separate acts. The terms of the compact requiring that any thing done respecting the navigation of the Potomac should be done by their joint act. It was worthy of remark, that the petitioners for this causeway were the identical persons who petitioned against the bridge as a violation of the compact between the two states, and denying the authority of Congress to legislate on the subject of the navigation of the Potomac.—He thought them right then, and he voted against the bridge. His opinion had not changed with their opinions, and therefore he should vote against the causeway now.

MR. R. GRISWOLD said that from the vote just taken he presumed that the question of expediency had been settled. But it is now objected that Congress have no exclusive jurisdiction over the Potomac. In reply he would submit a few observations. By the constitution, Congress were empowered to exercise exclusive jurisdiction over any place not exceeding ten miles, which might be ceded by particular states. The states of Maryland and Virginia had ceded this district to Congress, and the cession had been accepted. But the gentleman from Virginia (Mr. Randolph) had said that Virginia did not cede the jurisdiction of the Potomac, because she did not own it separately. To this he would answer that the river Potomac must have been under the jurisdiction of either Maryland or Virginia or both. And as both allowed Congress to accept of any part of their territory not exceeding ten miles square; and Congress chose to accept of part from one and part from the other, he presumed the jurisdiction of the Potomac, let it have been held by either of the states, or jointly, must have passed to the United States. He was of opinion, that if Congress had no jurisdiction over the Potomac, they had none over the district. The constitution provides only for the cession of one district of country not exceeding ten miles square. The act of Congress made in pursuance of the constitution had also provided for the laying out one district. If the arguments of the gentleman from Virginia were correct, and Congress had no jurisdiction over the Potomac, the commissioners and the then President of the United States under whose direction the district was laid off, had been mistaken, and had taken two districts of territory instead of one. This being the case, Congress had no jurisdiction in the district, because it not being laid off conformable to the constitution and the law of Congress, the acceptance by Congress was absolutely void. If this was correct, there was an absolute necessity for giving leave to the committee to sit again, for the purpose of deliberating whether Congress had jurisdiction or not. If they had not and were legislating for the people of the district without authority, the sooner they put an end to such an assumption of power the better.

Mr. J. Randolph declared that the opinion which he had just given was the result of his most deliberate judgment. To what it might lead he should not at that time undertake to determine; but when that question should come before the House he was not sure that he should deny the corollary of the gentleman from Connecticut (Mr. R. Griswold) at least as far as related to the territory on the other side of the river. The question, however, then was whether Congress possessed exclusive jurisdiction over the Potomac. How could they acquire it? From Maryland? It was more than she had to give. At farthest she could only grant her own qualified right. Had they obtained it from Virginia? not at all. She had granted a jurisdiction exclusively her own—over a tract of country within her limits. And could any man pretend to say that this was a grant of her concurrent jurisdiction over the Potomac, confessedly without her limits? She had, to use the expression, issued her warrant to Congress, to be located somewhere within the state, and, under this pretext, her property out of the state was about to be usurped. Suppose the gentleman from Connecticut were to convey by deed his exclusive property, by certain metes and bounds, would his joint interest in other property not contained within those bounds pass by such a deed? Surely not. To a person setting up a claim to such property he would probably say, produce the evidence of your title, and in like manner Mr. R. demanded to be shewn the conveyance by which Virginia had relinquished her concurrent jurisdiction over the Potomac? And in answer to this, gentlemen refer to a conveyance relinquishing something else in no wise connected with it, and tell us we always believed that we had a grant for this jurisdiction—we shall be grievously disappointed if we have not—it will be a great inconvenience to us to do without it and therefore we must have it. And Virginia is to be forcibly dispossessed of her right, to suit the convenience of Congress.

He had another objection to the bill. This might be but the commencement of a scheme which should compel all boats coming down the Potomac to unlade their cargoes here—This would be effected by obstructions in the river above, and a canal terminating in a bason in this city. Thus diverting to the exclusive benefit of Washington, all the labour and expence which had been jointly incurred by Maryland and Virginia, for opening the navigation of the Potomac. When the constitution of the United States was under consideration, that section, which gave Congress exclusive legislation over a district not exceeding ten miles square, to be afterwards ceded to them, was viewed with a jealous eye. It was regarded by some of the best and greatest men who ever had lived, or who, he believed, ever would live, as the germ of incalculable mischief—as the ambush from which the masked monarchy of the constitution was to spring upon the people. At one time this prediction seemed to be verifying itself. Accordingly we had seen a city laid out on a gigantic scale. Edifices the most stupendous were planned. We seemed determined not only to vie with Paris or London, but to rival Thebes or Babylon of old. Happily these splendid visions had ended in a monstrous abortion. He wished to see the people of the district restored to their rights—So long as they remained in their present condition, he should be averse to promote the growth of a city which he considered to be as much the nursery of despotism as the Newcastle trade of England was of seamen.

MR. JACKSON did not stop to enquire whether it was proper for Congress to retain the jurisdiction over this district, but he was willing to remove a grievance, which the people complained of and required to be done. He was not one of those who was disposed to guard the people against their worst enemies themselves, as he did not believe the doctrine to be true. The objection that Virginia and Maryland had only ceded their exclusive property, and not the joint property of the free navigation of the Potomac, might perhaps be extended further than gentlemen wished, or were aware of—By the treaty of Paris, France had ceded Louisiana in full sovereignty to the United States, but expressly reserved the right of free navigation of the Mississippi; if then the United States were disposed to shorten the navigation by cutting through a bend of that river, or in any other way improve the same, will it be necessary for the United States to consult and obtain the assent of France to the measure before they ventured to put it in execution?

MR. NICHOLSON had but few observations to make upon the question before the House. His opinion was the same, as at the last session when a petition was presented for the erection of a bridge. He then thought that the erection of a bridge over the Potomac, would tend much to the improvement of the place. He thought so still. But he then thought, that Congress had no right to interfere in the least with the free navigation of the Potomac, and of course was opposed to the bridge. The same reason operated in his mind against the bill now in question. Neither of the states of Maryland or Virginia could have passed such a law previous to the cession of the district to Congress. The question to be determined then, was "whether the jurisdiction of the Potomac was ceded to Congress." If this should be answered in the negative by the committee, all questions as to the expediency of the measure would be at an end. Previous to the compact between Virginia and Maryland, the latter claimed the river Potomac as its exclusive property. By that compact it was declared that the navigation of said river should be free. Virginia therefore acquired a kind of property in the river inasmuch as she acquired the right to the free navigation thereof. The question then to be enquired into was, Had Virginia parted with this right? He conceived she had not. By the act authorising the cession of ten miles square or less to the United States, this could not have been done—Virginia had no power to make the cession of the Potomac, because she had not the jurisdiction over it; and could not grant more than she possessed. After this grant by Virginia, the state of Maryland granted to Congress a portion of territory not exceeding ten miles square for the seat of government. Had Maryland the sole property in the river, it could have passed in this grant, provided Congress accepted that part of her territory. But she had not this sole property, because the state of Virgina had a right by compact to the free navigation thereof. How then had the United States acquired the jurisdiction over the Potomac. Would it be contended that they had acquired it from Maryland? This did not appear from the act of cession. Had they acquired it from Virginia?—That could not be, because Virginia had no power to make such a grant. So long as he had the honor of a seat in the House; he would hold up his hands against any measure like the present, which would go to affect the rights of any of the states. If Congress had a right to interfere in the least with the free navigation of the Potomac, they had a right to stop it altogether. He conceived they had no right to pass any law on the subject, and believing so, he would certainly vote against the committee having leave to sit again.

Mr. Crowninshield was of opinion that due notice ought to have been given by the applicants of their intention to petition Congress on the subject that private property might not be injured without the knowledge of the owners; he believed the causeway might be of use, but he was not a competent judge; but others very probably would be benefitted, beside the inhabitants of George Town, and he thought it reasonable that such should likewise contribute to the expense. Till these circumstances should be ascertained he would vote against the committee having leave to sit again.

(To be continued.)

WASHINGTON CITY.

WEDNESDAY, DECEMBER 26.

The custom of our country devotes the ensuing week to enjoyment and festivity. The cares of business, the painful remembrance of past misfortunes, and the torturing apprehension of future evils, are dismissed, the social circle is formed, and that species of pleasure, which is the most satisfactory, because it springs from the heart, is indulged. At such a season, whatever may be the heedlessness of the superficial mind, it is impossible for a reflecting being to avoid analysing the sources of his happiness, and comparing his lot with that of those who surround him. This mixture of reflection with enjoyment, if the expression be admissible, so far from disturbing his train of pleasurable sensations, will in reality aid it. The highest enjoyments, of which man in his most improved state is capable, are those which combine intellect and sense, and he only is a true Epicurean, who habitually mixes these two ingredients in proper proportions.

Let not then that morality be deemed severe which at this season of mirth and joy invites to reflection. Boundless is the field that lies before us, and it is our own fault if we do not properly improve it.

In exploring the sources of our happiness, we are irresistibly arrested by the consideration that peace and plenty prevail throughout the whole of our land, and that these pre-eminent enjoyments are crowned by the proud, because distinctive blessings of liberty. Here, almost literally, every man sits under his own fig-tree, and there is none to make him afraid. Is it possible for the father of a family to contemplate the little groupe around him, animated by the gaities of youth, with hearts alive to pleasure, and not rejoice that he is the citizen of a nation, over whose destiny no dark clouds lower, but which, on the contrary, promises to become more and more prosperous? Can he behold the dawning independence of his son, without rejoicing in the assurance that no tyrant here reigns, or threatens to reign, possessed of an unlimited power, over mind itself? Or can the partner of his bosom behold an ingenuous and blooming daughter, without exulting in the conviction that she is perhaps destined to lighten the cares of some distinguished benefactor of his country, and to sustain and animate his patriotism, or to discharge the less brilliant, though not less useful duty of rendering worthy of the rights of freedom a numerous offspring? What must be the pleasure derived from these reflections, at the thought that the whole world does not present a spot of which the like can be said? Trusting the further improvement of the subject to our readers, we sincerely wish them all the innocent and rational enjoyments of the season.

Congressional Register.

HOUSE OF REPRESENTATIVES.

MONDAY, DECEMBER 24.

Leave of absence was granted to Mr. J. C. Smith, from Thursday next to the end of the session.

Mr. *Holmes* requested on the part of Colonel Thompson his colleague, leave of absence from this day 'till Saturday next, and leave was granted accordingly.

Mr. *Lewis* requested, and obtained leave of absence for his colleagues Mr. Griffin, from this day 'till Saturday, and Mr. Stephenson for the same term.

Mr. *Leib* from the committee appointed for the purpose, reported on the motion for completing the arsenal on the Schuylkill, a resolution that dollars be appropriated for the completion of the arsenal near the river Schuylkill, which being read, on motion was referred to the committee of the whole on Monday next.

Mr. *Hastings* moved to refer the petition of Captain Thomas Marshal Baker, of the militia, praying to be placed on the pension list, in consideration of wounds received in an engagement with the British on Rhode Island in 1778; or such other relief as Congress in their wisdom and justice shall deem meet. It was accordingly referred to the committee of claims.

On the third reading of the enrolled bill, regulating the clearance of armed merchant vessels, a debate of considerable length took place. Messrs. Dana, R. Griswold, and Dennis spoke at considerable length against the same, and were replied to by Messrs. Eppes, Smilie, Jackson and Eustis.

The Yeas and Nays on the passage of the bill were called for by Mr. J. Clay, and were Ayes 76—Noes 33—and the bill was passed accordingly.

A message was received from the Senate with a bill for dividing the Indiana territory into two territories.

The engrossed bill for amending the charter of Alexandria being on its third reading.

Mr. *Lewis* proposed a postponement 'till the 15th January next.

Mr. *Gregg* did not wish so long a delay, he proposed this day week, to which the mover consented, and on the question to postpone the bill to that time, it was lost—46 to 48.

Mr. *Stanford* moved to postpone 'till Friday next, which was agreed to.

On motion of Mr. Jackson the petition of the inhabitants of Randolph county, in Virginia, praying the establishment of a post road from the town of Franklin to Clarksburg, to pass through Beverly, was referred to the committee on post offices and post roads.

And then the House adjourned 'till Wednesday next.

The legislature of Maryland have agreed to allow William Pinckney twelve thousand dollars, for his services in effecting the transfer of stock in the British funds belonging to Maryland.

The British packet brings London advices to the 20th October. They contain nothing sufficiently important to interfere with the publication of the Debates of Congress.

It is with regret, which we know not how to express, that we inform our readers that the Senate of South Carolina have rejected by a single vote the bill to prohibit the importation of slaves. Two members of the Senate being absent when this decision was made, hopes are entertained of the eventual passage of a similar bill now before the House of Representatives.

COMMUNICATION.

Vermont Election, S. E. District.

In this district there are 44 towns, 32 of which are returned and give Mr. Elliot a majority of 700 over Mr. Richards, the other republican candidate. From general information, this majority will be greatly increased by the remaining towns.

It has been reported that the federalists in the district all voted for Mr. Elliot. We are authorised to say that the report is not correct. Besides an equal number with Mr. Richards, Mr. Elliot's majority alone will exceed the whole number of votes given for the federal candidate at the former trial; and there are now about 100 scattering votes.

Erratum in Friday's proceedings—Mr. Rhea's motion is *represented* as requiring statements from the Secretary of War for 1804—5. It should have been for 1803—4.

At a meeting of the citizens of Washington, at the Theatre, on December the 22d, 1804, at the instance of the Mayor.

ROBERT BRENT, Esq. being called to the Chair, and WILLIAM R. COZENS appointed Secretary.

After the reading of communications from the citizens of the City and county of Alexandria, it was resolved that this meeting should be adjourned, to meet at Rhodes's Tavern on Wednesday the 26th instant, at four o'clock P. M. to take into consideration the affairs of the District generally.

ROBERT BRENT, Chairman.
WM. R. COZEN, Secretary.

NOTICE.

THE Legionary Court of Enquiry of the 1st Legion of the Militia of the District of Columbia, adjourned to meet at Wm. Rhodes's Tavern, in the City of Washington, the 20th instant, at 10 o'clock in the morning, is further adjourned to meet at same time and place the 19th January, 1805.

The members are earnestly requested to be punctual in their attendance.

By Order,
WM. D. BEALL, Ck.
1st L. M. D. C.
December 26, 1804. law19J.

DESERTED from on board the United States frigate United States, on Saturday December 22nd 1804, JOHN DERBY, a lad about 19 years of age, 5 feet 6 or 7 inches high, marked badly with the small pox and has a scar on each cheek and across his nose whoever will apprehend the said deserter and deliver him to the subscriber shal receive a reward of TEN DOLLARS.

JOHN CASSIN.
Dec. 26—3t

Twenty Dollars Reward.

RAN AWAY from the subscriber's farm at Haywood in Westmoreland county, Virginia, a negro fellow named Daniel, a blacksmith by trade, he was lately purchased of Mr. George Fitzhugh of the aforesaid county—he is a very likely dark complexion'd negro, a very round face, about five feet one or two inches high and well made, he is about twenty-three or four years of age—he was lately seen in King George County, and had with him a forged pass, supposed to have been written by some negro in the neighbourhood. Whoever takes the said negro and will deliver him to Mr Churchill Blackburn, at Haywood, or commit him to any jail so that I may get him again, shall receive ten dollars besides what the law allows, and if taken without the state twenty dollars. All masters of vessels are forwarned from carrying the said negroe out of the state.

WILLIAM AUGUSTUS WASHINGTON.
December 26th, 1804. wtf

FOR SALE

At Mr. Duane's Bookstore in this city a few copies of

"The Temple of Truth."

In which many important passages of the holy scriptures are elucidated, and their harmony and divine sanctity defended, both against D. Driscol, at that time editor of the "TEMPLE OF REASON, in Philadelphia, and two Theological Lectures delivered in Baltimore by Elihu PALMER.

By
The revd JOHN HARGROVE, Minister of the *New Jerusalem Church,*
In Baltimore,
Dec. 24, 1804. 3t

Public Sale.

WILL be sold at public sale, on Saturday the 22d of December instant, at the Union Tavern, George town, the following property, to wit; one moiety of 42 acres of Land situate on Rock Creek—bounded on the North and East by Mr. Holmead; on the South by Mr. Rowles: and on the west by Rock Creek; the other moiety was lately held by the trustees of Mr. Contee.

ALSO, 15 and a half acres higher up the creek, bounded on the north by Mr. Pearce, on the east and south by Mr. Holmead, and on the west by Rock Creek.

Also, one moiety of the mill usually called Lingan's mill, situate on Rock Creek, a little below Rowles mill. And also 10 Potomac Bridge shares.

A credit of 12 months will be given, upon the purchaser's giving bond with good security—the sale to commence at 12 o'clock, meredian.

ELIAS B. CALDWELL,
Trustee of Gustavus Scott's estate.
Dec. 15—eptf

N. B. The above sale is postponed to Thursday the tenth day of January next, at 12 o'clock, meredian.

E. B. CALDWELL,
Trustee of Gustavus Scott's estate.
Dec. 26th, 1804.