state of North Carolina to the United States. Sir, there is no analogy in these cases. In the purchase of land for a navy-yard, the government becomes the proprietor of the soil, and in such case jurisdiction and soil are inseperable—so also in the cession by North Carolina the right of soil passed with the jurisdiction. The case under consideration is widely different; the right of soil passed not with the jurisdiction; the right of legislation *only* being vested in Congress. Congress cannot, therefore, transfer the right of soil, nor the inhabitants, to the states of Virginia and Maryland, nor to any other state or nation, without their consent.

Gentlemen complain that Congress are too often called upon to legislate for this district; and why? Is it not owing to the neglect to enact laws really necessary to the internal regulation of the city?

The Gentleman from Pennsylvania (Mr. Smilie) laments the degraded situation of the people of this district in being unrepresented & in a state of absolute despotism Mr. S. said, he did not view them in such a degraded situation as stated by that gentleman; he considered them represented as the convention and as the people of the United States intended they should be, and as they themselves expected to be. Were the inhabitants of this territory in the degraded state so much lamented by gentlemen, or were the people of the United States once persuaded that a portion of their fellow-citizens were really thus oppressed, we should have complaints and memorials from every quarter of the Union. But, Sir, we have no such complaints—they are satisfied, and I am entirely so.

We are told, and the alarm is given, that there is great danger of despotism springing up in this district—that the seeds of despotism are already sown—that the germ of aristocracy already begins to appear—and they beg us to reflect upon the certain conduct of an ambitious leader.'

Sir, I apprehend no evil, dangerous to the liberties of the country flowing from this source. Suppose, for the sake of argument that an ambitious leader, or a corrupt President, should rise up, could he, with a military force, confined to the militia of the district, give laws to Union? Can the territory afford sustenance to an army? Hence the idea of danger, held up by the gentleman, is predicated on the corruption of the legislature, and a total dereliction from the principles of liberty. While the legislature shall remain pure and uncorrupt, the liberties of the people are safe.—Without the aid of the legislature, the executive in this case is impotent. He can neither raise nor feed one soldier. But if the dangers and difficulties pointed out by the advocates of these resolutions, be real, why do they not apply at once an effectual remedy? Carry them into effect, and the *principal* evil will still remain. It is lopping off the branches while the stock remains. You still retain all, that in my opinion, can ever prove dangerous to the liberties of this country. The gentlemen concede that Congress must still legislate for the city; this acknowledgment destroys one half their argument; for it will require nearly as much time to enact laws for five miles as for ten miles square.

The advocates of these resolutions call on us to prove the advantages derived by Congress in exercising exclusive jurisdiction over this territory? If they are dissatisfied and wish to make innovations on the regulations established by the constitution and the laws, the burthen lies on them to prove that injury is done to the citizens by our exercising this constitutional power. But, Sir, this is a task too hard for them to perform.

Mr. Chairman, I will now make one observation as to the policy of the measure. I consider it bad policy at any time to make unnecessary innovations upon established laws and customs. Why, in this case I ask, set the government afloat? Or, why destroy the confidence of the citizens in their government? Our constituents are happy in the enjoyment of their freedom and liberties, the people of the district are also happy and satisfied with their present situation, and I cannot, nor do I wish to agitate the public mind without a just cause. Under the impression that to adopt these resolutions would produce much evil, without doing any good, I shall vote against them, and hope they will not pass.

MR. FINDLEY observed that after what his collegue (Mr. Smilie) and others had said in favour of the resolutions for a retrocession of the territory, exclusive of the city, he had not expected to hear any objection to the resolutions on arguments derived from the constitution; the resolutions for receding the territory to the states who had made the original cession might, he thought, have been fairly combated on the ground of expediency, on this ground only did the resolutions before the committee rest. He gave credit however to the gentlemen opposed to the resolutions for their ingenuity in taking the most tenable ground, though not directly involved in the question, but he acknowledged it was indirectly connected with it. If we had not a right to retrocede, the Representatives of the United States undoubtedly might decline to exercise jurisdiction, for whatever the rights of the people were, the legislature must be free to act or not to act. If this is not the case it could not be a sovereign legislature, Congress itself in this case would act by compulsion.

As the constitutionality of the question had been discussed by every member that had spoken on the subject, he would endeavor to be very concise in his observations on that ground. The power vested in Congress by the constitution to exercise exclusive jurisdiction over a territory not exceeding ten miles square, was evidently one of these powers left to the discretion of Congress, such as the power to regulate weights and measures, to make a bankrupt law, &c. Congress had enacted a bankrupt law and had repealed it again. They had attempted to regulate weights and measures and had dropped the subject after trial. Congress had accepted of the ten miles square, had found the exercise of the jurisdiction inconvenient and were now proposing to make a recession thereof to the states from which it had been ceded. Mr. F. said he knew of no well founded argument that would apply on constitutional ground against doing so, but what would with equal force have applied against repealing the bankrupt or the excise law, or any other law enacted under constitutional authority.

He said that though a member of the ratifying convention of Pennsylvania, and of the legislature of that state, and of Congress since that time, he did not remember ever to hear it suggested that Congress was not vested with the same discretion in this case as in others expressed in similar terms. He had indeed of late heard several members say that Congress was obliged to establish a permanent seat &c. but in taking a review of the constitution he found no such expressions. The word permanent was not in that instrument, nor any other expression that made it the duty of Congress to establish a permanent seat, more than to establish a permanent excise, direct tax, or bankrupt law. The word permanent however he found in an act of Congress, but certainly not authorised by the constitution; and this present Congress had equal power to make a retrocession as that Congress had to accept. He said it was not necessary to prove to the members of this committee that laws in their nature were not permanent but changeable with circumstances, and that one Congress had by the constitution equal powers with any other Congress. That from the express words of the constitution investing this power in Congress and from its analogy to the investiture of other powers, no argument could be drawn against the resolutions, that every argument of that kind he had heard was not taken from the words of the constitution, but from constructions given to it, which he conceived the words would not bear, and which would have a ruinous effect applied to other powers expressed in similar words. That he did not consider himself bound by what other gentlemen fancied the constitution meant or intended, but by what it said.

Mr. F. said the argument had taken a different turn from what he had expected. The resolutions did not propose to remove the seat of government, far from it; none of those who have advocated the resolutions proposed to remove the seat of government, they all agreed in declaring they had no such intention; he also declared that whatever its inconveniencies were he had no such intention, nor did not know a member who had. But he wished to be candid, he was of the opinion that Congress had authority to remove when and where they pleased. The constitution did prescribe restrictions on the exercise of several legislative powers, but it prescribed no restrictions on the power of exercising exclusive jurisdiction over a territory not exceeding ten miles square, or over forts, arsenals, &c. Of several of these he had no doubt Congress would make a retrocession. He had no doubt but a retrocession would be made of whatever of that kind Congress had received from the state of Pennsylvania, at Pittsburg, Meadsville, Presque-Isle, &c. when they ceased to be useful to Congress and became inconvenient to that state. These subjects are by the explicit language of the constitution, a language which cannot by fair exposition be perverted, vested without restriction in the legislative discretion of Congress in the same unqualified terms as the power in question. Mr. F. said twelve amendments had already been made to the constitution, and if it was found that Congress was imprisoned in a situation they did not approve, or where they could not act freely, or safely, and that they were constrained by the constitution to do so, another amendment could and would as easily be made; therefore even admitting, though not granting, the constitutional obligation, the property of the residence of Congress is not permanent. Its continuance must depend on the will of the people of the U. States. Other considerations are a greater security. In the city many have laid out large sums of money on their confidence in government, and the government has laid out very large sums of money to provide accommodations & must lay out more for that purpose. And notwithstanding some present inconveniencies, he said he believed it was nearly as central & capable of being made as convenient a situation for the seat of government as could be found. From this it was evident that justice to the city and policy with respect to the United States combined in preventing a removal of the seat of government. Justice and policy, he said, he thought were a better security for the citizens, than even the word permanent, if it had been in the constitution, which all who would be at the pains to read, would find it did not contain.

Mr. F. said that he had detained the committee longer in discussing the constitutionality of the resolutions than he had intended, and would endeavor to be short on the question of expediency, though he thought it was on this ground only it ought to have been contested.—He said he had heard the members who were in favour of the resolutions called on to prove the injury or inconvenience arising from legislating for a territory of such extent. This was done as an evasion of the question; on the other side it was required to state the advantages of rejecting the retrocession. Waving the enquiry on which side of the question the burthen of the proof lay, Mr. F. said he would state some of the disadvantages. Every session Congress since it came here, he found, had spent a large proportion of their time in making laws for different portions of this territory, and from his own experience he knew that for one important part thereof (Alexandria) they had made a law last session. That they were told this session they had been imposed on, they had repealed the law of last session and made another, and that was asserted to him, they had been imposed on again. He said he could enumerate more instances, but he would only state that Congress now sat at the expence of above 1000 dollars a day. He said, if members would recollect how many days had been spent every session legislating for this territory without giving satisfaction, and consider how many more probably may be spent, they would not enquire for the inconveniencies arising from governing the territory, but would be prepared to state the advantages;—of these he said he knew nothing nor had heard nothing.

Mr. F. said it had been frequently asked what more difficulty there was in legislating for ten miles square, than for the city alone. In answer to this, he asked these members to recollect how many applications had been made, how many laws have been passed, how many days have been occupied in legislating for other parts of the district than the city. He would ask what the people would lose by being receded to the states to which they formerly belonged, and what they gain by the members of Congress who have no common interest with them, nor even acquaintance with them or their peculiar circumstances, and liable to be imposed on by every one with whom they converse, legislating for them. He said that it had not been made to appear that the people would suffer any loss by agreeing to the resolutions and that it was indubitably evident that the public would gain advantage, he hoped they would be agreed to. He had early observed that there were nearly as many interfering interests in this ten miles square, as in the whole United States, the members of the committee would recollect that several of the most tedious debates accompanied with the greatest irritation that had taken place this session arose from such subjects.

He said the gentleman from Maryland had alledged that if Congress had a power to agree to the resolutions on the table, they had a power to transfer it to the emperor of Hayti; he conceived this observation required very little reply, the question was about a recession, a restoration of what we had, not about making an original transfer. Mr. F. said he was delighted with the gentleman's (Mr. Dennis) anticipation of the prosperity of this place, that all the parts would become one city, and have but one interest, that consequently the subjects of legislation would be fewer and less difficult. He asked in such a case what would be the consequence? In anticipating the pleasing progress of population and wealth, he supposed that at some period not far distant, the population would be equal to that of Philadelphia, which with a small district around it at present had three members on this floor, & supposed at a more distant period it would have a population equal to London or Paris, which if they could be represented, would be intituled to from twenty to thirty members. Are we to presume that in such a case the people would be contented to have no voice in their own government. The people of all the states have constitutions for their own internal governments, and are represented in the government of the union, these they consider as privileges highly advantageous. He would not say what rights the people of the district in question did enjoy, but he was confident in saying that they did not possess the invaluable rights he had just mentioned. He knew of no good reason why these people are not equally capable of governing themselves as the people of the several states, and he was surprised to observe several members who were but a few days since zealous advocates for extending the right of suffrage to the people of Alexandria even when the majority of the people of that district were petitioning against that extension. If the population encreased agreeably to the expectations of the member from Maryland, a recession, or something to that amount must take place; it is inconsistent with all our ideas and all principles of government to have such a mass of people in the center of the union without any constitutional rights, without any voice in their own government, and without having a common interest in supporting the general government or in protecting the United States in the possession of those privileges of which themselves enjoy no share. Without this they could never be represented in either Houses of Congress, or vote for a President, let their number be ever so great, they will have no independent legislature to enact laws for the election of members of Congress or appoint senators, no executive to issue writs for supplying vacancies.

Mr. F. added, that those who contemplate so great an increase of population and wealth, ought to prepare early for such an event by making an early retro-cession. He did not, however for himself believe the population of this district would encrease with the rapidity suggested. It probably with the name of a city may be but a respectable village like the Hague, the seat of government in Holland, a country where large commercial cities are numerous. The Hague though seated near the sea, has never become a commercial city, that this might be the fate of the city wherein we sit he thought probable, not only because commerce had already taken its seat in other situations equally convenient, where every political privilege is enjoyed, but because he could not believe that any great number of citizens of the United States set so little value on the rights of freemen as to exchange those rights for the pecuniary advantages arising from the seat of government, and in such as set so little value on these privileges he had not great confidence. The United States had given a sufficient pledge for the continuance of the seat of government in this place, they had laid out large sums of money, and were continuing to do so, and had thereby encouraged others to do so, and no other situation was thought of or could easily be agreed to; therefore the inhabitants would have equal advantages after the retro-cession as they had at present, with the addition of enjoying the privileges of a republican government, and the rank of free citizens; therefore being fully convinced that Congress was not restrained by the constitution, he thought every argument derived from expediency was in favor of the measure.

MR. BOYD said that although some gentlemen had left the constitutionality of the proposed measure out of the question, he was not satisfied any more on that point than he was of its expediency. The constitution was to him the polar star by which his course through the sea of politics would be regulated. The constitution had been formed by a convention composed of delegates from the several states of the union, and was afterwards adopted by state conventions, on behalf of themselves and the people. He had been a member of the convention of his state, and had agreed to ratify that instrument for himself and his constituents, under a belief that Congress would from time to time legislate on the several powers vested in them by the constitution, as their circumstances required. He was well aware at that time of the consequence of accepting a district of territory not exceeding ten miles square, as laid down in the section so often alluded to; and he did believe that that consequence would be that Congress must exercise exclusive legislation whenever they accepted the ceded district. The idea of recession was not taken up at that time. The states of Pennsylvania, of Delaware, of Jersey, of Maryland and Virginia, made offers of cession under the terms of the constitution. A partial cession was accepted by Congress from Maryland and Virginia. If a new disposition is to be made of this district, he did not see why Congress might not convey it to any of those states which had proffered to comply with the constitutional suggestion, and receive from the same another territory in lieu thereof. This statement he made merely to shew the absurdity of recession, as it had presented itself to his mind.

We are asked to recede this territory on account of the difficulty of legislating for its inhabitants. The same arguments would apply for the recession of the ceded territory of Georgia, or Louisiana; their interests are also too indistinctly understood; their distance too remote for our legislation. But no gentleman would act on such an argument in those cases; in his opinion it would be equally improper to act in the case now before the committee.

It has been said that the city of Washington would be the germ of aristocracy in this country. He did not apprehend such an effect. It would be recollected that Congress had the powers of self-defence; they had the power of the militia to suppress insurrections; they had not that power under the old articles of confederation, yet they resisted every menace, every attempt to introduce aristocracy. Look at New-York, at one time the residence of 40,000 British troops, with additional support, to the amount of 80,000.—Were these adequate to drive the people of America into the toils of monarchy and aristocracy which beset them. Neither that force nor any other could effect such an end, so long as the constitution remained, and the people preserved their virtue. But if he was in favor of a system of aristocracy, he would be in favor of laying hands upon the constitution, and changing it from day to day, 'til it had lost all that symetry and connection which endeared it to the hearts of Americans. In that event the people would throw it from them in disdain, and then would be the time to propose another system. For his part he considered the constitution a sacred instrument, which ought not to be lightly touched. Considering it thus sacred, he should ever consider it his duty to elevate his voice against its violation—and that he believed would be one of the consequences of the present measure.

MR. NELSON meant to lay his opinion before the committee, because it appeared to be the habit of members to assign reasons for voting, without expecting to make any impression upon others. He considered the present question of the greatest magnitude to the United States generally; and of peculiar importance to his immediate constituents.

He thought he should be able to shew to the satisfaction of every member present, that the removal of the seat of government, which would be the consequence of recession, was not only inexpedient but also unconstitutional. If he was successful in making out his point that it was unconstitutional, he presumed the question of expediency need not be argued; the measure would be set at rest, and not a member would be found to give it his support. But if he should prove unfortunate in this effect, which however appeared to his mind as true as that 2 and 2 make 4, he might have reference to the question of expediency.

Previous to an enquiry into the constitutionality of the proposed project he would just observe that constitutions themselves were things of recent date. Before the American revolution the word itself was never fully understood. Lexicographers who attempted to define it never could agree. There was no practice whereupon to try its meaning. No power on earth had a constitution before the American states. True, England has long boasted of possessing a constitution, and so satisfied were her statesmen and politicians of the reality of this imaginary being, that they have extolled it to the skies. The glorious constitution of England, her pride, and the envy of the world!—Fine words truly, but where is the thing itself to be found? Is it reduced to writing? No. Who has seen it? No man. Is it known to any man? If it be, no two agree as to what the boasted constitution of Britain is. How different, how honorably different is the American constitution!—With us it is reduced to writing. It is in every man's hand—it is known to the whole world, and every citizen agrees in its true and legitimate meaning. He would take this opportunity of expressing his voice, and of holding up his hand in resisting the doctrine of construction and inference formerly set up, whereby the tenor and effect of that invaluable instrument was likely to be changed. He knew that artful and ingenious men might twist and turn, and make it, like the word republican, to mean any thing or nothing, as best suited their nefarious designs. But this declaration and these attacks upon the body of that sacred work, were introduced by insinuating and artful lawyers, aided by the villainy of judges, and accepted by men employed in the administration of our public and most important national affairs.

He saw nothing to justify the present motion. Gentlemen had attempted to shew not only its policy, but also its constitutionality. He, however, could not discover any words on that paper that warranted the project in the most remote degree; perhaps it had escaped his search—but he rather suspected gentlemen relied more upon an inference than on either the letter or spirit of the instrument itself. But he here would repeat, that no man was authorised to infer or construe from the constitution any other thing, than what the plain sense of plain words would justify.

He again declared the measure unconstitutional, and would prove it. The 8th section of the 1st article authorised Congress to exercise the power of exclusive legislation in all cases whatsoever over such district as may become the seat of the government of the United States. Now, he asked, if this section did not mean that the district ceded by