recession heretofore unknown in a contract is introduced in the resolutions, I suppose to soften or to put the affront offered to the people of this district under disguise; by this intended *recession* they are to be transferred as a bale of goods, and if they can be transferred to Maryland and Virginia, they may be transferred to Vermont and Georgia; for the acts by which they have been severed from Maryland and Virginia are perfect and complete; and what is termed a recession in these resolutions is as completely a transfer as if the district had never been a part of Maryland and Virginia. But a gentleman from Virginia hath told us that by the cession and acceptance Congress is omnipotent over the district; for my part I am at a loss to find the reasons that can justify such an assertion; the constitution gives Congress the power "to exercise exclusive legislation in all cases whatsoever over such district." How can it be said that exclusive legislation and omnipotence are convertible terms?

Under the monarchy of France, before the revolution, the king did exercise exclusive legislation: yet he could not make a transfer of the monarchy. By fundamental laws it was descendable in a lineal succession, and not otherwise—Had the dynasty been extinguished, the three states of France would have been the sole authority competent to make the choice of a new dynasty. Thus the people of France, although under the exclusive legislation of their king, were vested by the fundamental laws of the monarchy with an eventual political right. The exercise of a power and the power itself are then obviously two distinct things.

Believing that I have proved that the consent of the inhabitants of the district was necessary to legitimate the cession made by the states of Virginia and Maryland, it being also notorious, that such a consent hath been given, and that an implied consent exists between the inhabitants of the district and the people of the United States, they have a right to the protection of Congress, as Congress hath a right to their obedience. These mutual obligations cannot, in my opinion be defeated, but by mutual consent, or at least, if Congress should find it inconvenient to exercise the power of legislation over the district: the terms of submission on the part of the inhabitants of the district; and also reason and justice require that they should be restored to themselves and not be an object of transfer. The right of a guardian over an orphan is a species of jurisdiction and government; yet a guardian cannot transfer his right to another—If he finds it inconvenient to discharge his duties, he may resign. It is the right of an orphan, if he hath attained the age of discretion to choose his own guardian. The feudists themselves acknowledge that the rights of patronage of church jurisdiction and other feudal honours are not transferable, unless as dependence of a glebe or manor.——The transfer of jurisdiction intended by the resolutions before the committee is less justifiable than if it had originated in feudal principles; it is neither a dependence nor appurtenance of any glebe or other object susceptible of transfer.

Among others, two gentlemen from Virginia have told us that the inhabitants of the district of Columbia are in a state of political *annihilation*—that they possess no right—that they are unconditionally at the discretion of Congress—I am one of those that cannot give my assent to these positions—I believe that they possess political and civil rights, which Congress hath no power to abridge or impair. I believe that Congress and they are mutually bound by moral obligations. The exercise of exclusive legislation over the district by Congress having not been introduced by violence or conquest, cannot be consequently of a despotic kind. It necessarily partakes of the qualities of the power of legislation commonly exercised by a political and civil authority. The power which the constitution authorises Congress to exercise is defined; it is to exercise exclusive legislation. The exercise is no more, as I have already said, but the use of a power, and by no means the ownership of that power. If the right of ownership is not vested in Congress, it remains in the inhabitants of the district; thus far the people of the district possess a political right; this consequence arises fairly from the premises, and is perfectly congenial with the elements of American polity.

The inhabitants of the district possess also civil rights; for the exercise of the power of legislation vested in Congress is generally qualified by the declaration of rights introduced in the amendment to the constitution: "Congress shall pass no law respecting an establishment of religion," &c. This restriction applies to all laws whatever: a law passed by Congress for the government of this district is not less a law of Congress than a law passed by Congress for the government of the United States.—Hence the people possess civil rights. As to moral rights, no society can exist without them, unless in a momentary struggle of revolution. These rights are reciprocal and obligatory upon moral agents, either in a single or corporate capacity.

Mr. Chairman, I must confess, however that the situation of the inhabitants of this district is not such as I should delight to be in. No pecuniary advantages could ever induce me to part with my elective franchise; but it hath been the pleasure of those people to part with theirs, and the constitution of the United States hath authorised them to do so—Taste hath no criterion, "*Sua quemque trahit voluptas.*" The people of this district are in such a situation as had been foreseen and intended by the good and great men who framed the constitution of the United States. To find fault with the situation of the people of this district, in point of principle, is to find fault with the constitution.—Was I so tender for their rights as some gentlemen appear to be—was I conscious that the manner in which they are governed is of a pernicious example to the people of the United States, I should endeavour to apply a radical remedy. I should move an amendment to the resolutions, by including also the city; for in principle the evil remains the same, if the district be continued within the bounds of the city.

I cannot, for my part, carry my philanthropy so far as to enforce upon persons privileges which they do not wish to have. A man who lives in Turkey would not thank us for dragging him into our free country. I do not think I should have relished the liberties of America, if I had been taken from France by force and brought here against my own will. Our choice is a necessary ingredient in our enjoyments; but if the two gentlemen from Virginia feel such tenderness for the rights of others, & are so fond of extending the elective franchise, let their charity begin at home; there they will find a full opportunity to extend and improve the system of representation.

Mr. Chairman, was I an inhabitant of the district of Columbia, having but a small property, I think that I should be very little anxious to better my condition by going to live in Virginia. I know that my political influence would be there merely nominal---I know that whatever my moral worth might be, I could not stand in competition with those who possess that kind of property, which is entitled to representation. I know that my occupation and habits would keep me a stranger among my neighbours, and render my situation uncomfortable, perhaps disgusting.

Had Congress the power to refuse to legislate over the district of Columbia, nay, had it the power to cede that district to Maryland and Virginia, would it be expedient to do it? For my part, I avow that I do not see a great utility in the constitutional provision, which authorises Congress to accept a district. I am one of those who believe that the safety and independence of Congress must rest upon their regard to the true interests of the people of the United States, and the virtue and spirit of that people. I believe that when these things shall be wanting, it is idle to think that the district of Columbia can make up the deficiency. However the sages who framed the constitution thought that a district might be useful, the Congress that did accept the district, and the several Congresses that did let it exist, are authorities of great weight and respectability. I feel averse to undo what a future Congress cannot do again. If we cede to Maryland and Virginia any part of the district of Columbia, is it to be expected, in case another Congress should wish to have those parts restored, that Maryland and Virginia, after having experienced the versatility of the present Congress, would consent to make another cession? It plainly appears to me that, if the resolutions now before the committee be adopted, any future Congress will become virtually disabled from restoring the district to its present extent. This unavoidable consequence adds, in my mind, importance to the question. Those that will sit within these walls next year will have a more recent evidence of the people's confidence than that which we now possess. Would it not be more prudent to leave them the opportunity of exercising their opinion upon these resolutions?

As to the expediency of the contemplated cession, so far as it relates to the inhabitants of the district, I shall not undertake to say any thing. They know much better than I do what suits them, and if it was their interest to be ceded again, we would have seen them offering here their consent, or petitioning for the cession.

Mr. THATCHER was opposed to the motion for a recession, and he had heard only two reasons urged in favor of the measure; that the exercise of exclusive legislation by Congress over the district of Columbia was attended with an undue expence of the public money, and occupied so much of their time, that the business of the union was interrupted and put to a stand by the interference of the local concerns of this place. This statement he did not believe to be perfectly correct; no doubt some of their time was taken up, but he would leave it to every gentlemen to say, whether if they had even more business before them than they had, there was not time enough to transact it. The House usually sat from 11 o'clock till three; but it must have been frequently observed, that the adjournment took place much earlier for want of business to employ them. But he was not an advocate for the present mode of conducting the business of the district it would perhaps be a better way to give them a subordinate government, controlable by Congress—or a committee of Congress might be appointed for the purpose. He did not see that the complaint of too much legislation was well founded, in any thing that had taken place during the present session—If the little labor they had had to perform was too great for them, what must the labor of their predecessors have been, who had passed all the laws in existence for the government of the district, and yet he had never heard any complaint made by them on the ground now taken; they knew that the constitution enjoined upon them the duty of exercising exclusive legislation over the ten miles square, and they performed it with patient attention.

His mind revolted at the idea of recession. Gentlemen had contended that the powers exercised over the people of Columbia, were derogatory of, and inconsistent with the principles of free government—Yet what does this motion for recession propose? Why to transfer them and the territory away, in the manner practised in Russia, in the transfer of provinces or manors, transferring the vassals with the soil—This may be truly called derogatory to the principles of freedom! Nor is this all; you do not transfer them merely without their consent, but in the face of their serious remonstrances against the transfer.

When he considered the doubts which had been suggested as to its being constitutional or not, he declared that such a circumstance would decide him to vote against the measure, and he supposed it would decide the vote of every member, who was not fully and clearly satisfied that Congress possessed under the grants of the constitution the power of recession. But if we have a constitutional right to recede the jurisdiction, we may transfer it to whom we please; but such a measure being merely an act of Congress, could not bind up the hands of a future Congress to assume the power over it at some future day; and if the parts of the district were severally given to the states of Maryland and Virginia, what is to prevent them from giving the whole back whenever Congress might require it. From this view of the case, he did not see that the members in favor of recession were likely to fix it on any durable foundation.

A gentleman from Pennsylvania (Mr. Findley) had contended that unless Congress was restricted by the constitution from receding this territory, Congress possessed the right, as essential to their exclusive legislation. He, for his part, considered the converse of this proposition to be the truth; and gentlemen were bound to shew that part of the constitution which gave the power now contended for—If they cannot shew this, their right may be doubted, and under such circumstances the safer mode of proceeding would be to reject the resolutions.

He was further of opinion that the inexpediency of the measure was of itself sufficient to induce the committee to lay it aside. It had been stated, and he knew the facts to be true, that at one time the old Congress had been pent up in the house in which they were sitting by a party of soldiers, and at another time insulted by an assemblage of the people. Such circumstances as induced those outrages upon the national government may occur again; but if Congress retain the power of exclusive jurisdiction, they may by a prudent caution prevent these effects. The circumstances which he had mentioned, laid the foundation for granting in the constitution the power alluded to, and while the nature of man continued the same as heretofore, he believed it would continue to be a regulation wise and expedient. He could enumerate several cases, such for instance, as a contested Presidential election, in which the danger of sitting in a large city made independent of the control of Congress would be imminent; but he would forbear as it would be as well understood as if expressed. He concluded with expressing his disapprobation of the present resolutions.

Mr. TAGGART. Mr. Chairman, as considerable time has been already spent on the question under consideration, it is not my intention to detain the committee long; but as it is one of very considerable magnitude, and one upon which there seems to be a disposition among members to express their sentiments, and not content themselves with giving barely a silent vote, I crave the indulgence of a few minutes, while I state some difficulties which are still in the way of my voting in favour of the resolutions for a recession, unremoved by the discussions which have taken place. Gentlemen who advocate the resolutions now before the committee disavow an intention to do any thing which may pave the way for the removal of the seat of government from this place, or weaken the confidence of either the citizens of the district, or of the United States at large, in their belief that it will continue to be permanent. I am disposed to give full faith and credit to the sincerity of gentlemen making this declaration; but permit me to observe that the belief that the permanent continuance of our national government at the city of Washington, will not be affected by the recession, can be founded on nothing but conjecture. That it would materially affect the probability of such a permanency and even prove an important inchoate step towards a removal, is also a matter of conjecture, which appears to me to be founded on quite as great a degree of probable evidence as the other, and so long as I retain this apprehension I cannot vote for the resolutions. So long as human nature continues what it is, and has always been, we may naturally expect that three rival places in the situation of Alexandria, Washington and George-town, when owing allegiance to, and protected by the immediate jurisdiction of three distinct independent sovereignties, would be much more likely to enter into, and prosecute measures, mutually to cramp and injure the prosperity of each other, than when under the immediate control of the same sovereign authority disposed to do justice and render protection equally and impartially to them all.

Should such a disposition prevail, while they were under distinct sovereignties, the probable consequence would be, either that one would obtain such an ascendency as to cause the others to sink, or that they would mutually weaken and injure each other. Should Alexandria, for instance, gain such an ascendency as to cause this city to dwindle and come to nothing, a removal of the seat of government, though not contemplated at present, might soon become a matter of necessity, and not of choice. Should such a necessity arise, and notwithstanding all the plausible arguments I have heard urged to the contrary, should the proposed recession take place, I cannot view it as an unimportant step towards that event,—so many and different and even clashing are the local interests, and such the variety of manners and habits in the United States which are constantly increasing with our extended and still extending population, that the fixing of another seat of government might, and probably would materially affect the union itself. As I hope not only to see the union of the states to continue during my time, but that it may descend unbroken to ages yet unborn, I cannot vote for a measure which has, in my view, a remote, or even a conjectural tendency to affect it.

I find also a constitutional difficulty in the way of the recession, which has not been, to my apprehension, satisfactorily removed, by all the variety and ingenuity of argument and all the laboured discussions I have heard on the subject. I shall not again repeat that clause of the constitution which has been already so often recited and commented upon by gentlemen on both sides of the present question, I only observe that although the members composing a particular Congress are constantly changing, and Congresses, as distinguished into first, second, third, &c. follow each other in succession, yet the constitution contemplates the Congress of the United States as being permanent, or immortal, if the expression may be permitted. When the constitution says that Congress shall have exclusive jurisdiction or the exclusive right of legislation, over a district of territory not exceeding ten miles square, it is not the particular Congress for the time being, but Congress generally, the permanent Congress of the United States which is meant. I see not, therefore, that the present Congress possess the right to recede the territory, so as in any manner of way to affect the right of their successors, or to hinder a future Congress, the next if you please, from reassuming the jurisdiction the first day of their session. Without granting the correctness of the position, yet admitting for the sake of the argument, the first proceedings of Congress, in accepting the cession of the territory from the legislatures of Virginia and Maryland, and assuming the jurisdiction over the same, to stand on the footing of mere legislative acts, repealable at any time, at the pleasure of the legislature, and that they did not partake of the nature of a constitutional provision, or an irrepealable contract, even this would not in the present instance remove the difficulty from my mind. The constitution vests Congress with the power of establishing a uniform system of bankruptcy throughout the United States. I single out this instance in particular, because I have already heard frequent allusions made to it in the course of the debate, and because certain recent transactions must render that subject familiar to the minds of almost every member of the committee.—Agreeably to this provision some years ago a bankrupt law was enacted. Congress at their last session, saw fit to repeal that law, and I believe it was done with great propriety. But will any person assert that Congress possessed a constitutional power to pass a law, affecting the proceedings and decisions which had already taken place, and been carried into effect under the law which they had seen fit to repeal, or to restrict a future Congress from either re-enacting, at pleasure, the same law, or framing another statute to the same effect? I believe this will not be asserted. But by the resolutions on the table, it is contemplated to alienate from every succeeding Congress, that right of jurisdiction vested in Congress by the constitution of the United States; an act which cannot but materially affect the proceedings which have taken place during the continuance of this session. It appears to me therefore difficult for the warmest advocate for the resolutions to prove that Congress possess any constitutional power to make such a permanent recession of this territory, as can in any way affect or impair the right of the next, or of any future Congress to reassume the jurisdiction, whenever it shall be thought proper. I believe there are several powers vested in Congress by the constitution of the United States, which have never yet been carried into effect, and probably may not for many years to come, if ever. But will any member of this committee assert that the present, or any particular Congress, has a right to pass a law, declaring that these provisions of the constitution shall not be carried into effect in future? I believe it will not be presumed that Congress possesses any such power.

Much has also been said about the expediency and necessity of the proposed recession, and a variety of arguments have been urged which, if they prove any thing, it is only that the resolutions are inadequate to the contemplated object. This expediency or necessity, is grounded principally on two points, viz. In order to restore them to their natural and political rights, and to save Congress the trouble, and the nation the expence of legislating for the territory. We have heard much ingenious declamation about the restoration of the citizens of Columbia to certain political rights of which they have been injuriously deprived by the act of cession, and such an affecting picture has been drawn of their present state of degradation and vassalage, as would lead us to believe that their situation more nearly resembled that of the slaves of a Turkish Bashaw, than that of citizens of the United States. Should a stranger be suddenly transported within these walls, and know nothing of the situation of the inhabitants of the surrounding district, only what he learnt from the picture drawn in certain discussions on this subject, what a scene of wretchedness would be pictured before his imagination? Would he not almost expect to have his ears assailed with the harsh grating sound of fetters, and the clanking of chains, upon going out into the streets, or, if there was so much liberty left as to permit their departure, to see the wretched inhabitants flying in every direction, from this land of tyranny and oppression, this worse than Egyptian bondage, to the surrounding Edens of freedom and happiness? But, on making a tour through the district, how great would be his surprise, to see the citizens of Columbia, contented, free and happy, to see the various classes, of civilised society, the man of fortune, the merchant, the tradesman, the husbandman, and the labourer, each one quietly pursuing his respective occupation, and each enjoying the fruit of his labour, under the protection of mild and equitable laws; attached as I am to the rights of man, and the principles of civil and political liberty, and wishing that those rights may be extended to every nation on the globe, capable of appreciating and enjoying them, I am not fully possessed of the propriety of doing an act, doubtful at least by the constitution of the United States, for the purpose of restoring people to certain abstract rights, contrary to their wishes, and against their warmest remonstrances. Even the servant under the Jewish law, who had such an attachment to his master as to wish to remain in his present situation, was not compelled to go out free: Congress has been represented as standing in the relation of a master to this district. If this is correct, it is some consolation, that by evidence so irresistible, he appears to have hitherto proved a good master at least.

(Mr. Taggart's Speech to be concluded in our next.)

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Aug. 29—st f.