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MEMORIAL

Of the delegates appointed by various sections of the district of Columbia.

Presented the 22d of January.

TO THE SENATE AND HOUSE OF REPRESENTATIVES.

The Memorial of delegates appointed by various sections of the District of Columbia.

RESPECTFULLY REPRESENTS;

That their constituents, at the commencement of the present session, with a view to ascertain the general opinion on such objects as might require the interposition of Congress, and which by being presented in one view might supersede numerous petitions on subordinate points, so as not to distract the attention, and unnecessarily consume time claimed by national concerns, empowered your Memorialists to take into consideration the situation of the district, and submit whatever in their opinion its welfare required.

Your memorialists accordingly met at an early period, and made considerable progress in the business confided to them, when their deliberations were arrested by the propositions offered for a recession of the district. As soon as a decision was made upon them, your Memorialists resumed their sittings, and now embrace the earliest opportunity in their power of inviting the attention of the legislature to the results of their deliberations. In submitting these, they beg leave to state that they have refrained from noticing any objects, an attention to which is not at the present time of indispensable importance to the interests of the district.

The object, which, from its superior interest, first engaged their attention, is the administration of justice. By a recurrence to the laws of Congress it appears, that in organising the judiciary system of the United States, fees were allowed to the officers of the courts established in the respectives states equal to those allowed in the supreme courts thereof, with an addition of one third, together with other emoluments. The reason of this liberal allowance was doubtless the high grade of suits generally carried before those tribunals, and the great extent of country they embraced. When Congress assumed jurisdiction over this small territory, the same fees, it is presumed, from inadvertence, were allowed to the officers of the circuit court of the District of Columbia, as those allowed in the other circuits. Previous to this time, that portion of the district, which at present forms the county of Washington, was charged with fees similar in amount to those paid in the county courts of Maryland: and that portion, which now forms the county of Alexandria, was charged with the same fees as those paid in the county courts of Virginia. By this provision the fees have been increased in some instances to double, and in other instances to three times the amount paid under the states to which the portions of the district were attached. Local and peculiar circumstances, so far from creating any reason for this augmentation, strongly enforce a diminution. Among these are:

The small size of the District.

Its compact population.

The increased number of suits before the circuit court, from the extension of its cognizance to controversies for sums exceeding twenty dollars, the greater part of which arise between tradesmen and mechanics in moderate circumstances.

Without going into detail, it may be proper to state, that where the defendant immediately on being served with a writ, satisfies the demand against him, the costs are seldom less than ten dollars; that, in a suit where the debt is not contested, but which is carried into court solely for delay, the costs amount to thirty three dollars, even in cases where the debt does not exceed twenty one dollars. In the case of an appeal from the decision of a magistrate on a demand of 13 dollars, which was reversed by the court, the costs incurred by the defendant amounted to about 130 dollars, nearly one third of which was in compensation to witnesses.

Your memorialists need scarcely, after the statement of these facts, and the mass of corroborating facts herewith submitted, say, that the existing system presses with a weight upon the district, that threatens in a short time to destroy the industry of the honest citizen, or drive him from it. In order to remove these evils your memorialists pray a reduction of the fees of the officers of the circuit court, in the county of Washington, to the rates payable to the officers of the county courts of Montgomery and Prince George's, in the state of Maryland, at the time of the assumption of the jurisdiction by Congress; and of those of the officers of the circuit court in the county of Alexandria, to the rates payable to the officers of the county court of Fairfax, in the state of Virginia, at the same period.

It is respectfully submitted, whether the impartial administration of justice does not require the repeal of so much of the act of Congress, entitled an act additional to and amendatory of an act concerning the district of Columbia, as repeals the act providing for the compensation of the justices of the peace thereby created; and as directs execution on magistrate's judgments to issue from the clerk's office, and allows him a compensation therefor, and likewise so much thereof as relates to the compensation of jurors in the county of Washington: which repeal your Memorialists have no hesitation in saying, will give general satisfaction to their constituents.

Experience having proved the existence of various defects in the militia system, it is recommended as the means of obviating them, and of rendering the system more acceptable to the inhabitants of the district, that it be so altered as to reduce the number of musters from eight, as now directed to be held, to five—that is three musters in company, one in battalion, and one in legion; to reduce the number of courts for assessing fines from six, as now directed to be held, to four,—that is, two battalion and two legionary courts; to make the persons of delinquents liable to arrest and imprisonment, not exceeding twenty four hours, for each day's non-attendance, where property is not shewn whereon to assess the fines; and to devolve the collection of fines on the Marshal of the district, as practised in the first instance, instead of collectors appointed by military courts, as is now the case.

Your memorialists further request that validity may be given in the district of Columbia to letters testamentary and of administration, granted in any part of the United States, in which the testator or intestate resided at the time of his death; and that owners of slaves residing within the district, may be permitted to remove them from time to time from one county thereof to the other, without incurring any penalty or forfeiture.

Inconveniences having arisen from the want of competent authority, to lay out and keep in repair roads within the county of Washington, it is requested that adequate provision be made for this interesting object.

Your memorialists are duly impressed with the lateness of the period of their application, and its possible interference with an attention to objects under its consideration of Congress: but they are likewise impressed with the belief that a sincere disposition exists to promote the general interests of the district, and so far as they can be ascertained, to consult the wishes of its inhabitants; having however, made no request, not dictated by considerations of great weight, and justified by a regard for the interests of their constituents, they entertain the hope that their representation will obtain the early attention of Congress.

C. CONINGHAM, *President.*

N. KING, *Secretary.*

January 18, 1805.

Cheap Groceries

AND CROCK RY WARE.

THE Subscriber intending to decline business, offers for sale, on the lowest terms, a general assortment of Groceries and Crockery Ware, among which are, viz. Cogniac, Barcelona, and old Peach Brandy, Port, Sherry, Naples and Malaga Wine, Cherry Bounce, Aniseed cordial, best Wine Bitters, preserved fruits in brandy, preserved ginger Pickles, Sweet Oil, spices, Loaf and Brown Sugar, Coffee, fresh Teas, Sweeping Brushes and Scrubbing, do. Spanish Segars; Chewing Tobacco, Mustard, Hair Powder, Gun-powder, Shot, Thread by the ounce, very cheap, &c. &c &c.—China, Glass, and Crockery ware

A person desirous of following the mercantile line, in the city of Washington, cannot find a more eligible situation for business, than the one occupied, now, by the subscriber, for either a Dry Good or a Grocery Store, it being in one of the most inhabited parts of the city; the house is very convenient and the rent moderate. Such a person by applying to the subscriber on the premises, will meet with a very cheap bargain and with every thing necessary for carrying on the grocery line.

J. A. XAUPI.

F street, near the Branch Bank, city of Washington, Dec. 21—2awtf

Congressional Register.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, JANUARY 9.

Debate on receding the District of Columbia.

[*Continued.*]

MR. G. W. CAMPBELL rose with great reluctance at this late hour to detain the committee, that had been already so long engaged in the investigation of this subject; but he could not consent to give a silent vote on the question now under discussion, while arguments were used which he considered untenable, and which if unanswered, might be considered abroad, as governing the decision, that should be made. He would therefore claim the indulgence of the committee, while he submitted, very briefly, some of the reasons that would influence the vote he was about to give. In examining the subject he would consider the question with regard to the constitutional power Congress may have to remove the seat of government as separate and distinct from the question, whether in the present state of things, they have a constitutional right to recede the territory or a part of it while the seat of government remained within it. He proposed therefore to consider first whether Congress have power constitutionally to carry into compleat effect the proposed measure without first removing the seat of government—and 2ndly, if they have such power whether there exists at present such a state of things as requires the exercise of that power. In order to comprehend the first view of the subject that he proposed laying before the committee, it would be necessary to recur to the constitutional provision, on the subject, and to the acts that have taken place in pursuance thereof. By a clause of the 8th section of the 1st article of the constitution of the United States often alluded to in this discussion; it is provided, that "the Congress shall have power to exercise exclusive legislation in all cases whatsoever, over such district, (not exceeding ten miles square) as may by cession of particular states, and the acceptance of Congress, become the seat of government of the U. States," &c. This was a constitutional provision by which the power to exercise exclusive legislation, &c. might become vested in Congress upon certain events taking place. Let us now enquire what were these events? and we shall find by the terms of the provision, that in order to vest this power compleatly in Congress two things only were necessary, 1st, a cession by particular states, of a district (not exceeding ten miles square,) 2ndly, the acceptance of such district by Congress as the seat of the government of the United States—These things have taken place—A cession has been made of a district not exceeding ten miles square, by legislative acts of the states of Virginia and Maryland, (which need not now be recurred to, not being in dispute,) and the said district was accepted as the seat of the government of the U. States by an act of Congress passed in July 1790, and the territory of Columbia located pursuant thereto. The moment, therefore, that these previous requisites were complied with, the power to exercise exclusive legislation over such territory became vested in Congress by a constitutional provision, and they could exercise it at any time afterwards at pleasure. They have accordingly assumed, and for some years exercised the power of exclusive legislation, within the said territory. This power being once fully and compleatly vested in Congress, by virtue of a constitutional provision, (not as an individual that could alienate or abridge such powers, but as a body politic that cannot by their acts, bind up the hands of their successors, or abridge their powers,) it cannot be divested from them, while the seat of government remains in such territory, by any authority inferior to that from which it was derived—They may omit to exercise it, and for the present relinquish the jurisdiction, but they cannot by any act prevent a future Congress from resuming it, if they should be disposed to do so—nothing can effectually annul the authority of Congress to exercise exclusive legislation within this district, while the seat of government remains therein, but an amendment to the constitution, a revocation equally as strong, as the grant that vested the power. He called upon gentlemen to shew in what way, a constitutional power once vested in Congress could be transferred, or how the right to exercise it could be so discontinued, as to prevent a future Congress from resuming it by a repeal of the law, if the present Congress should pass one on the subject. He himself did not conceive it proper, or consistent with the fundamental principles of legislation, to give his assent to an act, the effect of which would be an attempt to abridge the powers of a future Congress. He would now notice an argument used by a gentleman from Virginia last up on this subject, (Mr. Dawson) which he believed when fairly examined would be consistent with, and support the position he [Mr. Campbell] had taken. That gentleman stated, that by the constitution Congress had power to constitute tribunals inferior to the supreme court, that they had exercised that power and established circuit courts, and that Congress by a subsequent law abolished those courts, repealing the law by which they had been established, and hence he infers that Congress may recede the territory as they may repeal the act by which the exclusive jurisdiction of the same was assumed. He supposed the gentleman would admit, that this or any future Congress could re-enact the Judiciary system that had been abolished, or constitute other tribunals inferior to the supreme court if they deemed it expedient so to do. This would not be denied. So far, therefore, as this case applied, he conceived it proved beyond a reasonable doubt, that should the present Congress relinquish the exclusive jurisdiction of this district, any future Congress could resume it at pleasure so long as it remained the seat of government of the United States. For as repealing the Judiciary law, and abolishing the circuit courts, did not deprive Congress of the power to re-enact the same system; or establish other inferior tribunals; neither would, by a parity of reasoning, a recession of the territory, or a relinquishment of the exclusive jurisdiction, deprive a future Congress of the power of resuming the same. In what situation will you put the people of this district by a recession? If the position he had stated was correct, which he firmly believed to be the case, the states of Maryland and Virginia would refuse to receive them as citizens, knowing that a future Congress may wrest them away from their control whenever they shall be disposed to resume the exclusive jurisdiction over them. It is admitted the states are not bound to receive them, and this power to resume the jurisdiction which would still remain in Congress, would be a substantial reason why they should not. The inhabitants would then be left without protectors or legislators, exposed to all the ruinous effects of anarchy and confusion. He considered it the duty of Congress, to exercise exclusive legislation either directly or indirectly, over the district of Columbia while it continued to be the seat of government. Whether this was the most eligible place for a permanent seat of government was a distinct question on which he gave no opinion; at present he was not disposed to disturb it. But that Congress should have the power of exercising exclusive legislation over such district as might be made the seat of government, was in his opinion, proper, and a wise regulation, and much superior to leaving the protection of the national government, to the state authorities, and subjecting the legislature of the union to the inconveniences that might arise from state regulations, or from the regulations that might be adopted by corporations not subject to the control of Congress.

An argument had been advanced by a gentleman from Virginia, (Mr. Clark) to prove that Congress had a right to recede, which, though it might appear ingenious, he conceived was not tenable, and could not be supported upon a fair investigation. It is insisted that the very article of the constitution that vests in Congress the power of exercising exclusive legislation over such district as should become the seat of government, does thereby, necessarily vest in Congress the power to recede such territory; and the gentleman said, "we have the power to exercise exclusive legislation within such district in all cases whatsoever, we must therefore have the power to recede." This was a conclusion not warranted by, or deducible from the premises—For the power to exercise exclusive legislation within a certain district, precludes the power of transferring that right or power, or vesting the same in another, while the power remains in Congress, a transfer of it is impossible and the very act, by which you would transfer this power, (which would be the consequence of a recession, if it could be completely effected) would destroy its existence in Congress. That is, a power would be vested in Congress, by a constitutional provision, which would be exerted to destroy or extinguish itself, and in so doing vest the right of exercising such power in another, which he conceived next to an absurdity. In fact the two propositions, of the power to exercise exclusive legislation, being vested in Congress, by a constitutional provision, and the right to destroy or transfer that power, being vested by, or necessarily included in the same provision, are in direct opposition, the one to the other, and like negative and positive quantities in algebra would destroy each other. He called upon gentlemen to shew how this doctrine contended for, could be supported according to any known system of reasoning: If they could prove that the power of exercising exclusive legislation, necessarily embraced the right to destroy that power, or to deprive themselves and their successors of it, they would discover a mode of reasoning with which he was not acquainted, and establish a kind of logical deduction, he believed, hitherto altogether unknown. He would now consider the subject in the second point of view, which he proposed, to wit, whether if Congress possessed the power to recede the territory, there existed at present such a state of things as required the exercise of that power. He would ask was it good policy to recede at this time? is there any thing imperious that demands the measure at our hands—Would it not argue a restlessness, and a disposition to change, to which mankind are in general so prone, but which he conceived ought to be checked, and kept within proper bounds, that sufficient time at least might be given for fair and mature deliberation. Two reasons he had heard advanced and principally relied upon to prove the expediency of this measure—one that the people of the district are in a state of slavery, and Congress their masters, and that having voluntarily relinquished their civil and political rights, and appearing willing to remain in this state of vassalage, they would be fit engines to enslave the rest of the Union. The other that they are continually troubling the House, and wasting our time with their petitions and counter-petitions, their memorials and remonstrances. If the people of Columbia are now slaves, he would ask what was their condition when under the states to which they originally belonged before they were ceded to Congress. By an express provision in the act of Congress assuming the jurisdiction, the laws of the states of Virginia and Maryland, as they then existed, were declared to be continued in force, in the said territory. The rights of the people were, therefore, secured to them, as far as was in the power of Congress by this measure, and they enjoy substantially, the same portion of civil liberty, which they formerly possessed. He was also inclined to believe that some respect ought to be paid to the opinion which the people themselves form of their present condition, he could not suppose them so ignorant as not to know the difference between a state of slavery, in which they had been represented to be, and that of civil liberty; and yet we hear no complaints from them on this subject. He was, however, in principle, opposed to the doctrine of governing a people, who did not enjoy the representative franchise; his political maxim on this subject was, that, in general, those who contribute to the support of government, ought to partake in the administration of it; but he conceived there might exist such a state of things, as would render it more politic, and better for the people, to deviate in some degree from this maxim; than to risque the inconveniences, that might arise from a strict adherence thereto. He would promote any constitutional measure, that would give the inhabitants of Columbia, the benefits of the representative principle. This he conceived might be substantially effected, by giving them a legislature, whose acts should be subject to the control of Congress. This would obviate in a great degree the objections that are made to the present condition of those people, on account of the trouble they give Congress and the time that is spent in legislating for them—and would leave little room to charge Congress with keeping them in a state of slavery, in the bosom of a country enjoying the most perfect liberty of any upon earth. But the people of Columbia by being degraded are to become fit