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FIVE DOLLARS PER ANNUM. | MONDAY, FEBUARY 4th, 1805. | *PAID IN ADVANCE.*

(By Authority.)

AN ACT

For the relief of Alexander Murray.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers liquidate and adjust with Alexander Murray, the account of damages, interest and charges, in the case of the schooner Charming Betsey, recaptured by him, while commander of the frigate Constellation in the service of the United States, during the year one thousand eight hundred, and afterwards libelled in the district court of the United States, for the district of Pennsylvania, in which case judgment was ultimately rendered by the circuit court, in pursuance of a decision of the Supreme court of the United States; and that so much as may be necessary for satisfying the same, be paid out of any monies in the treasury, not otherwise appropriated.

NATHL. MACON,
Speaker of the House of Representatives.
JOS. ANDERSON,
President of the Senate pro tempore.
January 31, 1805—Approved,
TH: JEFFERSON.

AN ACT

For the relief of John Steele.

Be it enacted, by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers liquidate and settle the account of John Steele, for his services as secretary of the Mississippi Territory, from the seventh day of May, eighteen hundred and two, to the second day of March one thousand eight hundred and three, inclusively; and that there be paid to him for his salary and official expenditures, such compensation as is, by law, allowed to persons acting in that capacity.

NATHL. MACON,
Speaker of the House of Representatives.
JOS. ANDERSON, *President of the Senate,* pro tempore.
January 31, 1805—Approved,
TH: JEFFERSON.

City Lots for Sale.

THE undermentioned lots of ground are offered for sale, either separately or by squares, on liberal terms either for cash or on credit—they are all free from mortgage or incumbrance, and are subject to no litigation or contest, as the titles are derived by immediate conveyances from the chancellor of Maryland and the commissioners of Washington, to Messrs. Henry Pratt, Thom. Willing Francis, John Miller, junior, John Ashley and Jacob Baker, trustees of the Aggregate Fund.

Square No. 54 Lot no. 9 sq 72. Lots no. 2 4 8 10 12 13 14 15 18 sq 84 Lot no. 1 Sq 85 Lots no. 20 21 22—Sq 103 Lots no 7 8—Sq 145 Lots no 1 2 7 8—Sq 146 Lots no 1 2 3—Sq 147 Lot no 4—Sq 163 Lots no 5 6 7 12 13 14—Sq 258 Lots no 6 7 10 11 12 15 16—Sq 293 Lots no 1 2 3 7 8 11 12 13 18—Sq 349 Lots no 1 2 8—Sq 376 Lots 10 16 17 18—Sq 407 Lots no 3 4 7 8 9 17 18—Sq 487 Lots no 5 6 7 10—Sq 488 Lots 8 9 12 Sq 489 Lots 5 6 9 Sq 491 lots 10 11 12 16 19 20 21—Sq 493 Lots no 7 8—Sq 494 Lots no 8 9 10—Sq 531 lots 3 4 8 11 12 13 14 Sq 533 Lots no 13 15 16 17—Sq 584 Lots no 1 2 3 4 21 22 23 24—Sq 588 whole square. East of 590 whole square Sq 635 Lots no 1 2 3 5 6 9 19—Sq 638 Lots no 1 2 3—Sq 639 Lot no 1—Sq 640 Lots no 1 2 3 4 10 11 12 13 14 15 16 17 18—Sq 641 whole square Sq 642 Lots no 1 6 7 8 9 10 11 12 13 14 19—East of 643 Lot no 2—South of 643 Lots no 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 28—Sq 644 Lots no 1 5 7—West of 645 whole square—Sq 878 Lots no 16 17 18 19 20—Sq 973 Lots no 4 5 6 7 8 20 21—Sq 995 Lots no 8 9 10 11 12 13 14 15 16 17 18—South of 1019 Lots no 1 2 4—Sq 1020 Lots no 1 2 3 4 5 25 26 27 28 29 30 31 32 33 34 35 36 37 38—Sq 1021 Lot no 1—Sq 1022 Lot no 2—Sq 1023 Lots no 4 5 7 8 9 10—Sq 1024 Lot no 1 2 3 7—Sq 1045 Lots no 9 10 12—Sq 1046 Lots no 2 14 15—Sq 1047 Lots no 7 8 9 10 11 12 13 19 20—Sq 1048 Lots no 7 8 9 15 16 17 18 19 20 21 22 23

Persons disposed [illegible] purchase are desired to apply to

JAMES GREENLEAF, Agent and attorney to the trustees of the Aggregate Fund.

Washington. New Jersey avenue,
Jan. 21—3t&wtf

Valuable Land for Sale.

The executors of the last will and testament of Anthony Holmead deceased, will sell at private sale about forty acres of Land adjoining the city of Washington at the northern extremity of 20th street west. This land is generally allowed to be one of the handsomest situations near the city, having a beautiful prospect of nearly the whole of the city of Washington, Alexandria and George Town, and any person inclinable to purchase this valuable property, will be shewn the same, and know the terms by application to the subscriber near the premises

JOHN HOLMEAD.

Congressional Register.

HOUSE OF REPRESENTATIVES.

THURSDAY, January 10.

Debate on motion to concur with the committee of the whole, in their disagreement to the first resolution, for the recession of a part of the district of Columbia.

Mr. DENNIS. The discussion of the principles involved in the resolution, has taken a wide and extensive range in the committee of the whole, and the subject has generally been considered as exhausted. In the outset of that discussion, in a reply to the author of the resolution, I hastily suggested to the committee, what appeared to me, the prominent points involved in the proposition; and without going much into illustration of my own propositions, contented myself with the expectation, that they would be inforced by other gentlemen of more ability than myself. In this expectation, I have not been disappointed, and it was, therefore that I have sat as a silent and attentive observer of the several speakers, who have done me the honor of noticing my remarks, and have heard some of them perverting arguments which were used and others ascribing to me such as were never expressed, without an intention to reply. But, I have perceived, that, as the discussion in committee embraced at the same time both resolutions, some gentlemen voted then under the idea of voting on the two resolutions together, and are inclined to vote differently in the House on the first resolution from their vote in committee. I must therefore be pardoned, for reminding them, that every objection on the ground of constitutionality, expediency, and of violation of private right, applies as forcibly to a recession of part, as to the whole, and will claim the indulgence of the House whilst I make some remarks in reply to the observations of some of the speakers, in support of the resolution.

To attempt a reply to them all, and to recapitulate all the leading arguments against the resolutions, would not be admissible at this late hour of the day. I shall confine myself to replying to some prominent observations, and to the statement and illustration of such propositions as result from and go to refute them. In all discussions of this nature, those who hold with the weaker side of the question, chuse to misconceive the strong points of their adversaries, or cautiously to avoid them. It is necessary therefore, that I should distinctly state the primary objections to the resolution, on the constitutional question; and when this is done, it will be seen, that after all the fine and metaphorical speeches of our opponents, few of them have touched at all, the real point in controversy. That they have confounded together, the cession and acceptance of the district, or the object on which the exclusive legislation of Congress is to be exercised, with the power to exercise, at any given time, their exclusive legislation. And because they see that Congress may omit to exercise any given legislative power at any particular period, over a standing object of legislation, have very logically concluded that they may alienate the very object of the legislative power itself. Here let me tell these gentlemen once for all, that I do not deny the power to repeal the act of assumption, but that this repeal does not, and cannot reannex the territory and its jurisdiction to the states, to which it formerly belonged; and that the motion before us is not to repeal the act, assuming and exercising the jurisdiction, but proposes to divest us of the territory itself, which is the subject of the exclusive legislation of Congress.

Believing that Congress were limited in the exercise of their powers by the constitution, not only in relation to the number of the objects, but also in the extent of their power over any given subject, I have called on those who have heretofore expressed their enmity to constructive power, to shew me the authority for divesting themselves and their successors of one of the standing objects of the legislative power. The gentleman from Virginia (Mr. Eppes) first up in reply, contented himself in a great degree, with railing at the errors of the convention—their folly and their wickedness, in inserting into the very heart of our political systems, that cancerous principle, which unless speedily suppressed, must soon consume the very vitals of national liberty. Having exhausted the stores of his imagination on this subject, he at length thought it necessary to offer some reason and authority for the exercise of so strange a power. Admitting no express power is to be found, he enters into the wide field of construction, and tells us that it is incidental to sovereignty. That by the definition of the best writers, legislative power and the sovereign power are convertible terms, and that it is one of the incidents of sovereignty to alienate territory. (Here Mr. Eppes rose to explain.) Mr. Dennis after hearing the explanation, said, he still understood the gentleman, if he was understood by him at all, as inferring the power from the supposed convertibility of sovereignty and legislative power.

I do not deny that in some countries, the sovereignty and legislative power are the same, and that it is an incident to alienate territory and jurisdiction. But our's is a limited legislative power, and the power which we possess is more restricted than even that of the States.—For as it relates to state authority, all power is delegated except what is prohibited; but the reverse of the proposition is true as relates to the general government. I do not deny your right to sell territory, but your power to sell a legislative power, a right of exclusive legislation, vested by the constitution, for a particular purpose, and not contemplated as an object of barter, and of sale, or donation, is what I do deny.

The two gentlemen from Pennsylvania (Messrs. Findley and Smilie,) are next in order on the constitutional question. The former gentleman, whose understanding stored with the fruits of a long experience in legislative life, I have been taught every day more and more to appreciate, commenced his remarks by telling us there was no question before us but that of expediency. That the constitutionality of the proposed transfer, was a self-evident proposition. I confess, sir, I should have been better satisfied, and should have thought it more conformable with the habits of that gentleman, to have undertaken to demonstrate a proposition which his friends at least, thought required some argumentative support, than in assuming as conceded the very point in controversy. But although he considered it an axiom, and too plain to be reasoned upon, in the outset of his remarks, yet we see him afterwards undertaking to illustrate this axiom, & to prove it accordingly, he tells us, like his colleague, that the power results from the power of repeal. But does he not perceive that by the very same arguments that he undertakes to prove that we possess all the power of our predecessors in repealing laws, that our successors will possess the same that we do; and that if we repeal the act of assumption, they may repeal the repealing act and revive the jurisdiction?

But it is considered by many, and it is reasoned from as a conceded point, that Congress may not only elect to exercise their legislative power or not, over the district when acquired, but there is nothing obligatory in the constitution as to the obtaining of a Federal district at all—that if they choose they may forever hold their sessions in a place within the territorial and jurisdictional limits of a state. This is a doctrine which I deny, and of which no proof has yet been afforded in the elaborate argumentation of the friends of the resolutions, unless it was intended that a federal district should be acquired in which the operations of the federal government were to be conducted free from the possibility of control by state authority, the whole paragraph, is a dead letter, and, although I have admitted that when such a district shall have been acquired, you may exercise or not, the exclusive legislation vested in Congress; yet I do contend that the constitution is imperative, so far as that such a territory shall be acquired, and over which this exclusive legislation shall always potentially exist. In the same manner that a power, to make a bankrupt law shall always exist, although you may exercise it or not, at discretion. Surely the non-exercise of a power does not annihilate it, for if so, we have already annihilated several powers committed to our charge, and may annihilate the whole.

The next gentleman who has favored us with his remarks on the constitutional question, is a gentleman from Virginia, and whom to distinguish from the numerous speakers from that state, I will call the new member from Virginia, (Mr. Clark.) This gentleman certainly gave us a very handsome and ingenious speech, and like a man of analysis, at once saw and seized the question in controversy, laid down his premises and regularly drew his deductions. Aware of the extent that the principles advocated by his friends would carry them, and that all their doctrines were predicated on the principle that the power not expressly prohibited to Congress was granted, he admitted the correctness of the converse of the proposition, and declared he would not contend for the exercise of the power, unless it were expressly delegated. Here he conceded more than was required; for in my turn, I do admit, that we may not only exercise the powers specifically delegated, but such as are clearly necessary to carry them into effect. He then proceeds to declare that the express power of making a recession, is to be found in the words exclusive legislation. That exclusive legislation and omnipotent legislation are synonimous terms, and having the power of exclusive legislation over the district, we may do with it whatever, in the plenitude of our own potency, we may think proper.

I confess, sir, it would never have occurred to me, that the most appropriate language in which to delegate a despotic legislative power, was that of exclusive legislation; nor have I ever annexed any other idea to the use of a term which seems to some gentlemen to contain such magical force; or thought that the exclusive legislation to be exercised by Congress, meant any thing more than a legislative power to be exercised, exclusive of state authority under the same limitations as in other cases. Truly, according to this gentleman's construction it ought to have been denominated excluding legislation, as it goes to vest in us the power of excluding from ourselves and our successors, one of the permanent objects of the legislative power.

The plain and manifest meaning of the word is to be found in the nature of our government, which is an *Imperium in imperio,* and which as relates to the action of its legislative power, differs from any other nation in the world. The federal government acts over the same territory and the same persons which are operated upon by the government of the states, and they, in many cases, have a concurrent legislative authority. For example, a state may impose a tax on carriages at the same time that Congress have acted upon the same objects; and it is so in an infinite variety of cases. But in the district selected as the seat of federal authority, it was thought proper, that Congress should have the entire control; and this was to be effected by the power of legislating exclusively of state authority. I am sure the good sense of that gentleman, on a little reflection, will satisfy him of the correctness of this interpretation, and that he will admit the necessity of resorting to some other part of the constitution to find the express delegation of the power in question, without which he admits it is not to be exercised.

That gentleman, however, seems to have been aware, that he ought not to depend for the support of his doctrine on such equivocal authority as the term alluded to, and therefore resorted to the third section of the constitution as another authority, by which the power was expressly vested. It reads as follows—"The Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States and of any individual states."—What other meaning can be attached to this clause, but that of vesting in Congress the right of selling their vacant territory, that is the right of soil therein? So far from contending for this right of legislating over their territory being considered by the convention as vesting an omnipotent control over it as is now contended, and so fully were they impressed with the limited nature of the powers vested in Congress by the constitution, that they deemed it necessary to delegate to Congress an express power to sell their territory and other property. But it is not the property in the soil or any other property that you are now about to alienate, but a legislative power—a right of jurisdiction; and if this clause vests in you this power, then you may alienate every other power and transfer your whole legislative authority to some foreign state. This clause, therefore, proves too much, and the gentleman will discover that the power to alienate territory or other property is as inappropriate to the object of selling legislative authority, or abridging Congressional jurisdiction over an object of their legislative power, as the term exclusive legislation.

But, it were vain, Sir, to examine into the different theories, and authorities of my opponents on this subject. They all tell you the power exists—Some say it does not exist but by implication; others that it does exist by express delegation. Those who contend for it by construction, derive it from different sources; those who say it is plainly written in the constitution, differ as to the clause and section where it is to be found; although they are all equally astonished that no one else can discover it. Some find it expressly given in one place, and some in two. In this manner they prove themselves, that it no where exists—That it is not expressly given is clear, or else all would see it in the same place—that it is not given by construction is equally clear; for it will not be contended that it is necessary or incidental to the execution of any other delegated power, since we may carry into effect all our powers without resorting to a retrocession of the district. Indeed, Sir, it is a strange sort of constructive power which vests in Congress the right to alienate a part of its legislative authority, to put itself under the entire control of another jurisdiction, which may prevent us from going on with the national business, altogether, and executing our other powers, and to assign as a reason for it, that it is an incidental power or a power necessary to carry into effect other powers.

Mr. Speaker, the time was when the assertion of this doctrine of constructive power, was regarded as a usurpation in Congress, which, unless speedily checked, would result in melting down the state sovereignties into one mass of national authority, and end in establishing a limited, if not an absolute monarchy. The time was when the exercise of a power which appeared by fair and necessary construction to be necessary to carry into effect the powers vested in Congress, was regarded by the then jealous guardians of state and popular rights, as the acts of tyranny and oppression. I allude to the case of the alien and sedition laws. Here the exercise of a constructive power, excited the jealous apprehensions of our philosophical politicians, and Congress were equally assailed by the pop guns of newspaper paragraphists and political pamphleteers, and by the heavy artillery of legislative assemblies. The advocates of these measures admitted there was no express authority given for the exercise of these powers. But with reference to the alien law, they said, that Congress were invested with the power of the national defence; and if they had no power to expel from their shores the citizens or subjects of a hostile nation, who might from time to time be landed on our territory under the pretext of seeking an asylum in the nation, but intending in this way to insinuate them into the very heart of our country, to be in readiness to join an invading army, it were vain to undertake the execution of the important trust committed to their charge. They therefore claimed, at a dangerous crisis, the right to exercise that power as incidental and necessary to carry into effect their specified powers. The same power was inferred in the same manner to the passage of the other law, since without the power of suppressing sedition and the means necessarily leading to it, the government itself must be subverted. Can any person say there was not better ground for the authority in those cases, if constructive power is at all to be indulged, than in the present instance; and how will the former jealous opponents of constructive power, contend for a doctrine which breaks down all the barriers of the constitution interposed between the rights of the people and the states on the one hand, and Congressional Omnipotence on the other? A principle which establishes the doctrine that the powers not expressly prohibited to Congress or expressly retained, are granted to them in absolute sovereignty ‡!

But, Sir, the paragraph of the constitution and the establishment of the district which is a creature of it, have been distinguished by many and very odious ap[illegible]. By a gentleman from Jersey (Doctor Elmer) it has been denominated an excrescence of the constitution. This gentleman is a professional man, and as the doctrine of excrescences is connected with his profession, ought to be better acquainted with the term than myself. But my idea of an excrescence, is that of a fungus or other substance growing out of a preve-