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## CONGRESS OF THE UNITED STATES.

### HOUSE OF REPRESENTATIVES.

MONDAY, FEBRUARY 5, 1861.

### DISTRICT OF COLUMBIA.

House in committee on the bill for the government of the District of Columbia. While the question was taking for the hour to resolve itself into a committee, Mr. Smilie rose and moved the postponement of this order, till the third day of March next. He made this motion, he said, in order to try the sense of the house, whether they were determined to affirm the jurisdiction, or not. He hoped it would not, and was proceeding to show his reasons, when the speaker reminded him of the order of the house. He could not be permitted to discuss the merits of the bill under this motion.

Mr. Smilie conceived the question to affect the bill generally, and inquired to whether the house would agree to disannul the choice of thousands of persons of this political rights, which they had just granted. If this was not considered an object of importance, enough to demand attention, he must confess other gentlemen saw it a very different light from that in which he viewed it. In the passage of the bill, the people of the district would be reduced to the state of subjects, and deprived of their political rights, and he very much doubted whether not of their civil rights. If indeed there was such an important necessity of affirming the jurisdiction, of which he was by no means convinced that it must be done, but that great and immediate necessity did not exist, why should this provision of rights be taken? If it was necessary to reduce the city of Washington to a state of local government by an incorporation, he contended that it could be done by the legislature, as he did not consider the demands of the people called for something they could want no such assumption as the bill contemplated; and as he could perceive no advantage to be derived to the general government thereby, and as the assumption would certainly injure the people, he trusted it would be postponed a year.

Mr. Rutledge said, he had always uniformly opposed any motion for postponement, but the consideration of which the house had not gone into. Although it might be in order, it could not be perfectly fair in various considerations. However, it was only from its tendency to proceed the investigation of the bill, however inefficient. The gentleman had stated it must be necessary; who are to judge? Most assuredly the people belonging to the territory, and what have they said? Why, they have passed the bill, and affirmed the jurisdiction. From this petition the subject was referred to a committee, and this committee have reported a bill, and bill will be discussed and well matured in its details. To refer this bill, would be a denial of finality, would be to insult the committee and to insult the people of the territory. If the gentleman wishes to please the people, why does he not refuse the consideration of the bill, to proceed to afford his aid in making it what he supposes their desire would concur in. Perhaps the gentleman had not read the bill. Mr. R. said he had not, nor was he to know whether it was good or bad. Something must be done, he would get at that something, but was precluded by the motion. It certainly became the gentleman to show how this bill would operate injuriously upon the people, as a reason for his motion. Deference might be shown, but had been mentioned as the result of this bill; but how were the house to know that would be its tendency, except by going into its investigation.

Mr. Croft also considered this order of the house as the most unfair one among the rules of the house. However, it must be permitted, whilst the order continued.

The gentleman had failed, the people were in a state of vacillation, how was this declaration to be referred. If the order of the house forbade the investigation into the application of this bill to the liberties of the people? The gentleman further said that the people did not desire this assumption of jurisdiction. Were he, Mr. Croft, to give an opinion upon the subject, it would be drawn from the same source with that expressed by the gentleman, but of a very different import. He should say, for as his knowledge of their sentiments, he would, and he would be as well acquainted with their ideas upon this subject, that their feelings, their interests, and their desires, conformed to encourage the assumption, and to prevent the assumption of the subject. As the immediate representative of a large portion of them, he could say that such uncertainty and dissent convulsed the minds of many good and wise men among them, that their present uncertainty was not restorable; that serious doubts existed with judicious men how far the grant and acceptance of lands, or of their property, afforded them facilities, and that they doubted whether all their acts of negotiation, whether their respective laws held any government over them. And this state of insecurity as to their property, could not be taken as an inducement. They doubted whether all other jurisdiction did not immediately cease upon the removal of Congress to the district, and should Congress break up, and secondly, the jurisdiction was not taking other suitable measures to fix the government, it would not fall to paralyze every exertion and effort towards a successful establishment. No man at present could affirm himself of the right by which he holds his property, or exercise his agencies. They now called loudly upon the national government to remove from them this state of doubt and uncertainty. This is the effect of the bill, to take the heart; by this bill, a large number of mechanics are removed, and the government their effort to make their freedom at least more certain, and he had no doubt, more life and desirable. This is an incident in the government to do, and this he trusted a majority of the house would be disposed to do. If the objects or provisions of the bill did not meet that gentleman's desires, he wished an opportunity to be given to the people to give him as much power to remove them.

Mr. Smilie was proceeding to show that at any rate such a bill as the present one tends to pass, when the Speaker interrupted him, saying that any arguments that were to be made that the 23 of March was a more proper than the present time for this bill to pass would only be in order. Again Mr. Smilie continued to show the importance of the bill, and the inevitable injury that must be sustained, when he was again reminded of the question of order. Mr. S. proceeded that it might be the will of some of the people to be would not say, but he would say that such a bill has been presented, and he would be contented as corrected. As to the question of doubt on the minds of the people, whether or not they held their property there, not being certain of the existence of their former bills, he referred to the acts of congress, passed by the states of Maryland and Virginia respectively, the words of which were, that the laws of those states remained in force until Congress should have otherwise provided. Under this explicit provision this session was made by the two states; and under this provision the government of the United States accepted the grant of the various rights. And therefore, until Congress by law should have otherwise provided, and until the jurisdiction and nullify the laws of those states over the district, there could be no doubt but they remained in full force, and property was held as secure under the laws of their former bills. He observed, he contended that an act of incorporation could be obtained for the city of Washington without this bill. For this he trusted grounds, he believed the bill to be of perfect unnecessary.

Mr. H. Lee did not wonder at this opposition, considering the quarter from which it came; he said, if he had come from Pennsylvania, the idea of abolishing the general government, might induce him to wish to give the flapping blow to every act which should go to the building of first government in another place. But he trusted, as these local reasons could not influence gentlemen from other states, they would not occur in his arguments. He trusted other gentlemen would lay to their hands and join to make this district a federal government, and go into the examination of the principles proposed to accomplish that kind. He hoped not merely words of kind, but words from the lips of gentlemen would be deemed by them sufficient, but that their efforts would be used to produce a well digested and valuable government for the security of their civil and political rights.

With respect to the act of the conference he contended that the solemn injunction of the constitution were violated in violation upon which the most critical could not be made, and he would say, that the Congress of the United States were enjoined to "exercise exclusively jurisdiction." When was this jurisdiction to commence but at the period when the general government was ready to be organized, then, this fact became the permanent act of the government of the union, were not the different departments, executive, legislative, and judicial, assembled and organized, the constitution in this district would then could the respective States of Virginia and Maryland, a moment longer possess the jurisdiction? It was completely done away and nothing was now wanting to remove the miserable farce of the people now felt, but the declaration of the government that it was the case; that moment would all their fears be appeased. As a friend to those people, then, as much as that gentleman could do, he hoped an opportunity would be given to examine the bill, not debating but it would be made to meet the wishes, as it was affirmed it would be the interest of the people to be governed by.

Mr. Mason said the motion was perfectly in order, and explained the nature of the case for which it was established as a rule of the house. As to the jurisdiction of Congress, he said that the jurisdiction of Congress was not in the nature of a bill, but in the nature of a case, not only by the bill would it be affirmed, but the acts of the two states must have created from the day Congress first met, a jurisdiction by an act, not a mere paper. The only exception the house had of the desire of the people to come especially under the national government was a petition from Alexandria, which was taken from the district, but learned by among his friends, but did that express the will or wishes of the inhabitants of the surrounding country?

As he believed the laws of the states to be in full force, he believed they would remain to until otherwise provided by Congress, and as possession of the bill till the 3rd of March would afford the people a full time to refer to the subject, and express their will more accurately, he hoped the postponement would take effect. He reminded the house that this measure could not be undone, and therefore, evidence would dictate that time should be taken, and the act could not be repealed without amending the constitution. If the gentleman only enquired upon an opposition from Pennsylvania, he was mistaken. Mr. M. presumed that he would not be disposed to have local attachments, referring very far from the former, or the present form of government; he was, notwithstanding, opposed to taking up this subject at present, and even during the present session. The delay of acceptance could not be made, but he would be satisfied as to the present jurisdiction, which did not, in his opinion, admit of a doubt. It was impossible that the postponement could be attended with any inconvencience, they had been in the same situation for ten years, and whether

could be the inconvenience of their remaining so? Nay, there must be advantage in their stages and customs being continued to them, without this matter to be postponed till another future time.

Mr. B. never could suppose that the members of the legislature would be satisfied with their removal from a place of accommodation to a wilderness, and with subjecting themselves to the inclemencies of this place, without exercising all the powers entrusted to them, and taking the jurisdiction to the government, the members and inhabitants of which were to subject themselves to the code of laws under which they should place themselves. A motion therefore to continue the jurisdiction out of the hands of the government, must have fulfilled them. All the arguments which the gentleman in favor of a postponement would operate fully to the entire abandonment of the subject; and did he suppose that all the expense attending the removal of the whole government, all the incumbrances, all the expenses, or ought to be borne, without the enjoyment of that constitutional right, jurisdiction, of "exclusive legislation?" He could not have been the reason why Congress was to affirm the jurisdiction, and did not the members of the convention know that a great quantity of public treasure would be drawn together, must, much fulfilled them, not suppose it of importance to secure the exercise of rights of foreign ministers, who would necessarily be brought to reside in this district? Why did not confide the number of persons attached to the government, worthy of the local regards of the national legislature? Could any gentleman conceive that there were not too great powers to be entrusted to any state whatever? If he would see the provision for exclusive jurisdiction made to avoid putting those powers into execution, he firmly believed would be emitting a great and important duty. But were it not for the words of definition, the words of the acts of definition, and the limits were as ample upon the subject as one foreign power in the act of granting, and another foreign power in the act of receiving a certificate could make. This was precisely the case of the two States, was a full and complete cession of the jurisdiction to the general government, upon the terms of the constitution, which were to exercise exclusive jurisdiction in all cases whatsoever, over the said district, which had by the cession of those particular States, and the acceptance of Congress, become the first of the government of the United States. How, he would ask gentlemen, could this be granted, and yet retained? It was affirmed to deposit a man would grant a piece of land, and by the same instrument receive it.

But suppose this was a doubtful subject, were it not the laws of the two States were in force in the district, would the gentleman still wish to leave it in doubt? Surely no law could be made by the States, after the cession, actually making the first of government, and he contended that none of the laws whatever did exist here, and that the power of the civil officers actually had ceased; it therefore required no pointing to the fact that the State of the place was truly desolate, and the gentleman yet wish to leave the district without laws, and thereby left it in a state to know their future? That the people could be represented in the general government, Mr. B. admitted; but where was the blame, if any could attach? Certainly not to the men who made the act of cession, not to those who accepted it. It was to those who framed the constitutional provisions, who were to be held responsible, and under the national flag, and government. But he contended there was no injury sustained. What less compensation than the particular jurisdiction of this district was required by the general government, whereby in their annual unnumbered words the beginnings of a rich and prosperous city was commenced, and the capital of the United States?

(To be continued.)