

to the constitution, was the deprivation of the inhabitants of all participation either in federal or state legislation. As by the effect of their would cease to be the subjects of state taxation, it is not expected that the states would permit them, without being taxed, to be represented.

Could any man desire to place the citizens of the district in such a state? To deprive them of the common right of participating in the passage of laws which all the citizens enjoyed?

If the construction be found, that we are bound to legislate, then all the details of proceedings which had taken place since the 1st Monday in December, whenever affected either property or persons, were mere nullities. I do not, however, believe the construction to be found. I believe it opposed both to the spirit of the constitution, and to the construction hitherto given by Congress.

But were the construction just, to adopt the proposed bill would be to act in a manner quite opposite to the importance of the subject, which involving in it a system of government for a large portion of citizens, ought not to be acted upon with precipitation, but ought to be conducted by the collected wisdom of Congress derived from mature and deliberate reflection.

Mr. H. LEE. My colleague is wrong in supposing this to be a permanent system. It is only intended to cure an evil which time means have supposed to exist from the doubtful jurisdiction of the states of Virginia and Maryland.

Mr. OTIS. The gentleman charged the committee who brought in the bill, yet I cannot discover that it contains a single new view or provision. Though myself at a loss to account for the necessity of the bill, the committee were not without rights, if they entertained doubts, to attract the attention of the house to them.

By the first act of Congress accepting the cession, the United States have legislated in the very way the gentleman now proposes. As it appeared at that time impossible to form a code of laws, those of Maryland and Virginia were confirmed till Congress should legislate.

If it were true that Congress were bound to legislate themselves, an equal obligation existed at that time with that which existed at present. Their not having done so was a strong argument against the construction now contended for.

To pass laws as that now offered, instead of removing, would be the very man of exciting doubt. The time may arrive when Congress may legislate in a detail, and make those provisions that were necessary for a great city. But at present such a step was not called for: the territory had gone on very well under the laws which the committee proposed.

Mr. BIRD. This question, in my opinion, is a fulcrum of a very clear and precise foundation. Did the cession by the states, and acceptance by Congress, take away the jurisdiction of those states, and vest it in Congress? The acts of Maryland and Virginia, make a complete cession of soil and jurisdiction to Congress. This cession has been accepted by Congress. What is the consequence of one sovereign transferring all jurisdiction to another? It does not the power that cedes give an right to the other.

The words of the constitution are that Congress shall exercise exclusive legislation. If Congress exercise exclusive legislation, does it not follow that no other body can exercise any legislative power? The gentleman from Virginia (Mr. Nicholas) does not deny the power altogether, but limits it as a power, that may or may not be exercised by Congress, and in illustration of his opinion, instances the power to naturalize and to pass bankrupt laws. But the cases are not analogous. These laws are powers that Congress may or may not exercise. The constitution does not apply to them the term cession, but that they that out by the actual words of that instrument, or by necessary inference.

Over these objects Congress have partial authority; but in this case their authority is absolute and exclusive of all others, which irretrievably follows the absolute cession of all power in the ceding body.

It was undoubtedly the intention of the framers of the constitution that this territory became the actual fact of government, not authority, but that of Congress, should be in force.

The act of cession by the states, affecting the terms of the constitution, provides that the power of legislation should be vested in Congress, shall not impair the force of the laws of Maryland and Virginia, till Congress shall otherwise by law provide.

vide. A proviso is to prevent future laws being done, that without it would be done. Congress declared the same thing when they accepted the cession with the same proviso. This proviso tends to support the cession. Having this effect, it must fall as a condition to which the states assent. It must be considered as absolutely void. A proviso is intended to prevent the operation of a particular thing, not to give an operation to it. It may become the basis for only to fetter the act, but it cannot re-annul that law.

A difference of opinion seemed to exist as to the period when the powers of the states were to terminate. It was the opinion of some gentlemen that they ceased on the completion of the act of cession. The committee consider them as ceasing on the 1st Monday in December of the present year. It became the house for only to fetter the act, before they entered into the consideration of a complicated system of government.

If the legislative powers of the states were to cease, it follows as a necessary consequence, that the judicial powers will also cease.

For these reasons I think it will be best to declare that things shall remain in the state as if the judicial authorities were established, but not competent, it may easily be made.

Mr. RANDOLPH was not prepared to enter into a discussion of the important question, that the judicial powers will also cease. He would only allude the dilemma in which the inhabitants of Columbia would be placed by the construction given to the constitution by his colleagues. He would only allude the dilemma in which the inhabitants of Columbia would be placed by the construction given to the constitution by his colleagues. He would only allude the dilemma in which the inhabitants of Columbia would be placed by the construction given to the constitution by his colleagues.

From his unpreparedness, what he offered was considered more as a suggestion than of correct arguments. But I seemed to him that if the construction contended for should prevail, it would disfranchise the corporations of George-town and Alexandria, and all other corporations within the district. Would it not place the territory in a situation if it occurred country? According to this construction, the territory was in a state of anarchy and murder, if committed, would be no crime.

Further, if the constitutional provision is obligatory upon us to assume exclusive legislation, are we not bound to legislate in a detail, and make those provisions that were necessary for a great city. But at present such a step was not called for: the territory had gone on very well under the laws which the committee proposed.

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Mr. NICHOLAS said, that he should vote for the committee rising from a different motive from that which actuated the gentleman from South Carolina. He hoped the ladies would be suffered for the present to sleep.

The construction given to the constitution by the gentleman from New York, did not render it merely expedient to Congress to claim jurisdiction, but rendered it an absolute duty. In reply to his remarks the gentleman had alluded that the authority given by the constitution in relation to this territory, extended to Congress to claim jurisdiction, but inasmuch as the former investment of power had connected with it the word exclusive; whereas the latter had not. The

meaning which Mr. Nicholas alluded to in these words, was altogether different from the one now contended for. The constitution does not say, Congress shall possess exclusive power of legislation; but that they shall have power of exercising such legislative powers as shall be granted.

The acts of cession and acceptance contained a construction directly opposed to that now made. They declare that the laws of Maryland and Virginia shall continue to be in force until Congress shall alter them. Their cession is made to depend on an uncertain event, viz. whether Congress shall legislate or not. Not a title to the territory was transferred, nor was the constitution, infringed our liberty to act or not to act.

What would be the effect of this law on the inhabitants of the Territory? It would impose on them the laws of Maryland and Virginia, as they existed on a particular day, without any capability of improvements from the improved code of those States.

Mr. NICHOLAS had heard of no incentives which had arisen from the assumption of power by Congress. The people in the territory of Columbia had been happy people more than a hundred years before the state of Maryland and Virginia had no doubt would remain without the intervention of Congress, who, at present, were unqualified to act.

After discussing the important question, that the judicial powers will also cease. He would only allude the dilemma in which the inhabitants of Columbia would be placed by the construction given to the constitution by his colleagues.

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Mr. CHASE agreed with the member from New Orleans as far as his remarks went; but he did not think that they extended far enough. He was himself friendly to the initiation of a local government for local purposes, leaving all federal powers to Congress. If the bill should be committed, he would be prepared to offer a plan conformably to these ideas. He felt no alarm at the doubts suggested of the validity of the laws of Maryland and Virginia. He believed that they were still in force; and did not think there was any absolute necessity for Congress to act at all as president. Still he thought that delay would multiply the inconveniences already experienced in the formation of a plan of government. A plan might be framed as, to protect the general government, as well as in some degree, the inhabitants of the territory from any tyrannical measures Congress might be inclined to exercise by Congress.

He concluded by expressing a hope that a completely organized system might be proposed.

Mr. DENNIS concurred with his colleague in desiring an assumption of jurisdiction by Congress. But before he committed himself by an opinion he wished to state an error, namely, that to do so will before the committee was little more than an abstract proposition.

Mr. DENNIS believed that the assumption by Congress would be agreeable to the inhabitants of the territory, if a good system were adopted.

Mr. C. GODDARD advocated the recommendation of the bill, that a more complete system might be devised, and submitted to the committee as a standing order.

The question of recommitment was carried, and two members were added to the original committee.

Mr. DENNIS reported that Unfinished business reported that their opinion that it would be proper to continue the Session Law, which expires with the close of this session, for two years longer.

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