WASHINGTON CITY.

MONDAY, DECEMBER 28, 1801.

CONGRESS OF THE UNITED STATES,

HOUSE OF REPRESENTATIVES.

MONDAY, Dec. 21, 1801.

A memorial was presented from sundry inhabitants of Alexandria, stating that under the laws of Virginia, personal property only is bound for the payment of taxes, and praying that real property may be also bound for the payment of taxes.—Referred.

Mr. Randolph from the joint committee of the Senate and House of Representatives, made a report on the disposition of the library, which was read, and ordered to lie on the table.

Leave of absence was given to Mr. Nicholson for 10 days.

Mr. Bayard moved a resolution directing the Secretary of State to cause each member of the two houses to be furnished with a copy of the laws of the sixth Congress.

On motion of Mr. Davis, the house went into a committee of the whole on the report of the Committee of Elections, which concludes with a resolution that the Mississippi Territory has a right to send a delegate to Congress, with the right of debating, but not of voting; and that on examination, it appears that Narsworthy Hunter is duly elected said delegate.

MR. MILLEDGE considered himself bound to oppose the report of the Committee of Elections, as an infringement of the sovereignty and jurisdiction of Georgia over the Mississippi Territory. He regretted the situation in which he was placed, which constrained him to oppose the gentleman from the Mississippi Territory taking a seat in the house. But his duty to the state which he represented was paramount to his personal feelings. Persuaded that no view that could be taken of the subject would place the rights of Georgia in a plainer light than the memorial of that state, presented during the last session of Congress, he called for the reading of that document.

Mr. Milledge hoped the house would devote to its contents a close attention, and that they would not, after a knowledge of them, countenance an infraction of principles so clear and sacred as those on which the rights of Georgia rested.

The memorial was read by the Clerk.

On the question to concur with the report of the committee, Mr. Milledge hoped the house would not concur. It must appear, from the memorial, that Georgia possessed an undoubted right to the tract of country described in it. The gentleman claimed his seat under the laws of Congress. Now it was certain that the territory from which he came was distinct from the state of Georgia. The constitution had provided that no new state should be formed without the consent of the state from which it was taken. Such consent had never been given by Georgia. The laws, therefore, on this subject, were unconstitutional, and every measure taken under them must fall to the ground.

Expediency had been talked of. Mr. Milledge would ask what weight should be attached to expediency that was navisive of the constitution. He hoped, therefore, the power usurped by the laws of Congress would be no farther extended; particularly as commissioners had been appointed, who were now on the spot, and might, in the course of three or four weeks, present a plan of mutual accommodation. Mr. Milledge concluded by moving a resolution that it was inexpedient to make any decision on the question.

The chairman declared the motion not to be in order.

Mr. Bayard thought the gentleman mistaken in his ideas respecting the effect of the report of the Committee, which did not go to erect a new state, but only to admit to a qualified seat in this house a delegate from a territory. It was well known that under the old confederation, territories had been formed of three grades. In the first grade the governor and judges possessed all power. In the second, when the population of the territory reached 5,000 they were entitled to a legislative council & house of representatives; and they were further entitled to send a delegate to Congress with a right to debate but not to vote. In the third grade, when the population reached 60,000 they were admitted as a state into the union. The report only contemplated the Mississippi territory as having arrived at the second grade, and could not therefore implicate the rights of Georgia.

The rights which the territory now claimed were derived from acts of Congress, by which that house was bound; and if gentlemen wished to divest themselves of the obligation to observe them, the only way was to move for a repeal. Until repealed they must remain in force.

On r[illegible]ation it would be found that the measures of the general government had not been unjust or inequitable; but that they had, on the contrary, been fair and moderate, and that they involv[illegible] adoption of every principle calculat[illegible] to ensure accommodation.

This is a dispute respecting territory. The United States allege that it belongs to them, and Georgia that it is hers. The United States had acted as if the rights between her and Georgia were equal, and was of opinion that it ought to be referred for decision to disinterested persons, if such could be found; and for this purpose they had appointed commissioners to negociate with commissioners appointed by Georgia.

It would be found by a recurrence to the act establishing this territory, that by the 5th section of it, it was expressly declared that its provisions should not be so construed as to impair the rights of Georgia, or of persons claiming under those rights.

The step now to be taken followed of course; and it contained nothing invasive of the rights of Georgia. If any such thing did exist, it would be found in the act establishing a government over the territory. But the truth was that measure was a measure of necessity. The people were without government, when the territory was ceded by Spain to the United States—the United States were in possession of the territory—a government was absolutely necessary; and under these circumstances it was most fit that the United States should frame the government. Nor did Mr. B. recollect that Georgia had opposed the passage of the law establishing the government.

MR. MILLEDGE declared in every stage of the proceedings of the general government, from the first to the last, the state of Georgia had opposed them, under a conviction that they violated the constitution, and infringed the rights of Georgia.

MR. DAVIS delivered his sentiments at some length, which as they coincided with those of Mr. Bayard, on an agreement to the report, without, however, pronouncing on the propriety of the antecedent measures of the general government, we omit noticing.

MR. RANDOLPH thought that neither of the gentlemen who had spoken had considered as candidly as they ought to have done the situation of the gentleman from Georgia. That state had from the beginning to the end protested against the measures of the general government on this subject; and it became its representatives to continue to protest against them. He perfectly agreed with gentlemen, that as the law stood it scarcely left to that house a discretion to refuse admitting the delegate from the territory to a seat. But he differed widely from gentlemen in the opinions they entertained of the measures of the general government. The United States had appointed commissioners who were to be the judges. In the act establishing a government they had prejudged the point in dispute, and had at the very moment of prejudication declared that no prejudice should attach to the rights of Georgia.

Mr. Randolph thought that a mode could be pursued that would conciliate both sides. We were told that, in obedience to the laws, the house was compelled to admit a delegate. Granted.—We were told also that the claims of Georgia were in a train of amicable settlement. Let then the decision on this point be postponed. There was no immergency that called for an immediate decision. Rather, then, than throw a serious obstacle in the way of accommodation, let the business be deferred for some time. He, therefore, moved that the committee rise.

On this motion a debate of considerable length ensued.

Those who supported the rising of the committee were messrs. Randolph, Bacon, Dana, Macon, Milledge, and S. Smith; those who opposed were Messrs. Bayard, Griswold, Claiborne, and Davis.

In the discussion the merits of the main question were incidentally noticed. Those who supported the rising of the committee contended that the report of the select committee did not require, an immediate, if any decision by the house; that it had been the uniform practice of the house to make no decision on the report of the committee of elections, unless the right of any member to a seat in the house was formally disputed by petition, or on some point being made by a member of the house; that the obvious reason was that the House should not commit itself by a premature decision; that the credentials of a member appearing on their face to be fair, the member was permitted to retain his seat, until that seat was formally contested; that this was the mode which should be pursued in this case, inasmuch as it had been pursued in all others; that by adopting this mode an amicable adjustment of contending claims might be effected; whereas the step now attempted to be taken might inflame the state of Georgia, and prove a serious obstacle to settlement.

It was further observed that if gentlemen *would* go into the merits of the controversy between the United States and Georgia, they must be told that the measures of the former were not irreproachable, that in truth they had relied more upon power than right; that in a case where the claims were equal between them and Georgia, they had possessed themselves of the territory, given it a government of their own erection, and had then, and not till then, said that what they did should not prejudice the rights of Georgia; that the measures of the United States involved a dangerous principle which it became that house to repel—the principle that if an enemy by force possessed itself of the territory belonging to a state, which the United States recovered by force or negociation, the United States had a right to seize and govern it. For these reasons, it was contended a delay should be permitted, which would operate not in the least to the injury of the sitting delegate, while it would save the state of Georgia from painful feelings that might be excited by an agreement to the report.

On the other hand, those who opposed the rising of the committee, contended that this was not similar to other usual reports of committee of Elections; that in other cases, there was no dispute respecting the right of a state to send a member, the dispute being only on the due election of the member returned; that in this case the right of the territory to send a delegate was formally contested, not by individual petition, but by the representatives of a state; that under these circumstances the house was obliged to decide: their duty was prescribed by the laws—laws which they had not power to revoke, and which they dared not disobey; that a respect to the feelings of the sitting member, and a respect to the Government of the Mississippi territory enjoined a decision, that, should such decision be contrary to their sentiments and wishes, they might have time and opportunity to pursue such steps as they should deem expedient; that as to the delay asked, even if granted, it would not relieve gentlemen from their present embarrassment, as the period of that delay could not be foreseen, as it was likely to be of great duration, and as even when over, the house would still have to decide.

They contended that this step was altogether ministerial; it established no new principle, confining itself solely to carrying an old principle into effect; and that if Georgia did complain, it would not be at this, but at the antecedent measures on which this step was founded.

It was further contended that on the ground of principle, the United States had acted as they ought to have done; that, in truth, they could not have acted otherwise. For that the Mississippi territory had been received by them from Spain without a government; that a government was absolutely necessary; that the inhabitants had prayed for one; and that Congress, from the necessity of the case, had assumed the government, with an express reservation of the rights of Georgia. That considering the claims of the United States and Georgia as equal, it was most fit that the United States should assume the government until those claims were settled. It was denied that the remarks, made on the other side, that the principle, involved in this case, would permit the United States to seize and govern the *ascertained* territory of a state, previously conquered by an enemy, and reconquered by, or returned by treaty, to the U. States, applied. For these reasons it was hoped the committee would, without further delay, as they possessed all the information that was wanted, make a decision. The question was then taken on the committee rising, and lost—Ayes 36—Noes 47.

The house immediately took up the report of the committee of the whole, which was, on the motion of Mr. Griswold, so modified as to conform to the usual style of resolutions.

On the question for concurring with the committee in the resolution reported, Mr. Milledge said he hoped he would be indulged with the yeas and nays, that it might appear on record that the representatives of the state of Georgia had faithfully discharged their duty.

The yeas and nays being taken, were
Yeas, 77—Nays, 8.

A letter was received from the Secretary of the Treasury, enclosing two statements respecting the internal revenue. 1. Exhibiting the names of the officers employed in the collection of the internal revenue, with their official emoluments and expenditures from January 1, 1800 to Dec. 31, 1800.

2. Exhibiting the receipts from the internal revenue from Jan. 1, 1800 to Dec. 31, 1800.

Referred to the Committee of Ways and Means.

Another letter was received from the Secretary of the Treasury, enclosing a report from the Commissioners of the City of Washington, presenting a view of all the business confided to them from the 18th November, 1800 to the 12th November, 1801.

Mr. Sprigg presented a petition from sundry inhabitants of the City of Washington, praying Congress to adopt fit regulations for a market.—Referred to the Committee on the Territory of Columbia.

TUESDAY, December 22, 1801.

On motion of Gen. Smith, the house went into a committee of the whole on the state of the union, Mr. L. R. Morris in the chair.

GEN. SMITH made the following motion, Resolved that it is expedient to fix the military peace establishment.

This motion was opposed by several members as unseasonable. The President in his message, had informed Congress that the Secretary at War would lay before them a statement of the military force of the United States, and of the posts and fortifications requiring protection. Until this information was received, it was thought premature in the house to come to any decision.

After a conversation of some length, Gen. Smith withdrew his motion.

MR. GREGG then moved three resolutions.

The first was amended, and agreed to. It was in substance—That it is expedient that the laws for regulating the militia of the United States be revised and amended. This was afterwards confirmed in the house, and a committee of 9 appointed.

The *second* was for the appointment of a committee to enquire whether any, and what additions are necessary to be made to the military stores of the United States.

The third was for the appointment of a committee to enquire whether any, & what amendments are necessary to be made in the laws respecting the fortifications of the harbours of the United States.

These two resolutions were agreed to by the committee, and reported to the house, who postponed the consideration of them till Monday, for the purpose of gaining the information promised on this subject in the President's message.

MR. RANDOLPH then moved that the Secretary of War be directed to lay before the house a statement of the present military establishment, together with an estimate of all the posts and stations where garrisons will be expedient, and of the number of men requisite for each garrison.—Agreed to.

An engrossed bill, extending the privilege of franking, and making the usual compensation to the delegate from Mississippi territory, was read the third time and passed.

A message was received from the President of the United States, by Mr. Lewis, his Secretary, transmitting certain documents supplemental to those already transmitted; and informing the house that two other documents, viz. one respecting the Barbary Powers, and the other exhibiting a view of the officers of the government of the United States would be transmitted as soon as prepared.

The documents received were 1. The Census of Tennessee—2 A letter from Mr. Humphreys respecting Algiers—3. Extract of a letter from Commodore Dale to the Secretary of the Navy—4. Extracts of letters from Capt. Sterret—5. Letters from the Bashaw of Tunis, dated April 15, 1801, and the answer of the President, dated Sept. 9, 1801.

Ordered to be printed.

Such papers as respected the Barbary Powers were referred to the committee already appointed on that subject; and the Census of Tennessee was referred to the committee on the Apportionment bill.

Gen. Smith called up the resolution, yesterday made by him, for the adjournment of the two houses from the 26th inst. to the 2d of January.

On which, the question being taken, it was lost—Ayes 23.

Wednesday, December 23.

A petition was read from sundry inhabitants of the district of Columbia, praying the aid and patronage of Congress in the establishment of a company for building a bridge over the Potomac.

Referred to the committee on the Territory.

A message was received from the President, transmitting a more correct return of the Census of Maryland, just received from the Marshal, than that before presented.

The House went into a committee of the whole on the resolutions respecting the Library; when after a very long debate, and after agreeing to an appropriation of 1,000 dollars for the purchase of books during the ensuing year, the resolutions, as amended, were recommitted to a select committee.

Thursday, Dec. 24.

The Apportionment bill was made the order of the day for Monday week next.

A report was received from the Post Master General, stating the post roads which have not produced one third of the expence of carrying the mail, after having been established two years.—Adjourned till Monday.

In the debate inserted in the National Intelligencer on the Apportionment bill MR. VAN NESS is represented as stating the population of Tennessee at 92,000 only; whereas he stated, what we did not at the time hear, that the free inhabitants amounted to 92,000, and that there were besides 13,000 slaves.

For Sale,
Or to To Let, on Ground Rent for ever,
FIFTY LOTS,

SITUATE between the President's House and Capitol.—The titles to which is indisputable.

ISAAC POLOCK.

Dec. 16. eptf

MICHAEL ROBERTS,

Has just received from Europe and Philadelphia, a large supply of the best Stationary, &c. which he is now opening at his store, High-Street, George-Town, viz.

ATLAS, imperial, superroyal, royal, medium, demy, folio post, fools cap, hot pressed, gilt, wove, & plain 4to post papers of a superior quality,
Folio and 4to post for the copying press,
Royal cartridge, demy, French marble & blotting ditto,
Paste boards,
Blank books, suitable for public offices, & merchants counting-houses,
Best Holland quills and ready made pens,
Black and red ink, and ink powders,
Sealing wax and wafers,
Large red and white office wafers,
Silk Taste,
Carnation Tape,
Ball and hank twine,
Parchment,
Scuttle fish bone,
Pounce and pounce boxes,
Erazing knives and paper scissars,
Round and flat rulers,
India rubbers,
Black sand,
Gum Arabac.
Slates and slate pencils,
Middleton's black lead ditto and silver cases,
Sheet almanacs,
Ladies' and gentlemen's pocket do for 1802,
sheep and calf skins dressed for book-binder's use.
Portable writing desks, with apartments for dressing apparatus,
Printers ink in kegs,
English and American playing cards.
Ivory chessmen,
Back gammon tables,
Cribbage boxes,
Billiard balls and dice,
Drum battle doors,
Fine Cutlery of every description,
Fowling pieces,
Pistols and sportmen's apparatus, navy, infantry, horsemen, and dress swords.
Officers camp equipage,
Gold and silver epaulets, and sword knots,
Military sashes, lace cord, &c.
Travelling pouches and dressing cases,
Ivory tortoise shell and horn combs, and a general assortment of perfumery,
Bailey's patent shoe blacking,
Curling tongs, & crimping irons,
Morocco skins,
English bend and cork soals,
Boot and girth webbing,
Buckskin gloves,
Pantaloons and breeches,
Elastic braces,
Gentlemen's, ladies,' and children's beaver hats,
Ditto green silk umbrellas,
Travelling trunks,
Patent shoe latchets,
Segar boxes, and silver tubes,
Patent, plated, and common spurs,
Coach lamps,
Gigg springs, and plated furniture for harness,
Green wire fenders with brass tops, ornamented,
Fashionable brass andirons,
Shovels and tongs,
Coal hods and cinder sifters,
Japanned hearth, sweeping, scrubbing, dusting, clothes, hat, and tooth brushes,
Switch and chair whips,
Walking sticks & sword canes,
Elegant plated tea and coffee urns, with an assortment of plated ware,
Upholsterers ware,
Mills, cross cut, whip, and hand saws,
Spades and shovels,
Locks and hinges,
Taylors shears.
Shoemakers knives,
Awls and tacks,
Gentlemen's tool chests,
Shoe and horse brushes,
Curry and main combs,
And an assortment of carpenter's plains, &c.

Also for sale at the above store, by
EDGAR PATTERSON,

Madeira and sherry wines, best French brandy, and cherry bounce, imperial and hyson teas, loaf sugar, cheese, liquor cases, demijohns, &c.

Dec. 28. 1801. ep6t

FOR SALE.

A TRACT of land containing 2,500 acres lying immediately on the river Potowmac, in the county of Northumberland, Virginia, late the residence of PRESLEY THORNTON, Esq. Seventeen hundred acres of which are of the most valuable kind of low grounds on the river; between three and four hundred acres heavily timbered, the remainder is wavy high land extremely productive. The soil of this tract is equal to any in the state for cultivation of corn, wheat, tobacco, timothy, and small grain of all kinds. On this tract are a large commodious two story brick mansion house and two offices, a large brick stable, a valuable barn, cow house and many other out-houses, all in good repair. The orchards and garden contain a variety of valuable fruit trees, and the waters abound with excellent fish and oysters. It is situated about a day's sail from Alexandria, Baltimore or Norfolk.—There are two good mill seats for grist, or saw-mills on this estate, and plenty of cedar and chesnut timber, exclusive of the heavy timber, which if sawed up into scantling will command a price in the City of Washington, nearly equal to the value of the land.

The terms will be made easy to the purchaser or purchasers, and the tract will be divided into two or more plantations if necessary.—Apply to

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Philadelphia, Nov. 12. eptf

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OFFICE FOR SALE OF CITY LOTS,

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THOMAS HERTY has connected with the business of drawing Conveyances of Land, Wills, Mortgages, Leases, Bonds, Assignments powers of Attorney, petitions, and every other species of deed or contract in the profession; that of buying, selling and leasing lots and houses in the City, negociating loans, &c.

His long experience as a draftsman, and knowledge of the laws relative thereto—the knowledge which he has acquired by residence of the situation of City Lots, and how their titles have been acquired, or are liable to be affected; together with his impartial and strict regard to the interest of those who may be pleased to employ him, will, he hopes, secure to him a continuance of public patronage.

Titles to real property investigated, and opinions given thereon when required.

☞ For sale a great variety of Lots, in desirable situations in the City.

N. B. At the above office may be had, his Abridgement of the Laws of Maryland, price 6 dollars. Also his Digest of the Laws of the United States, price 3 dollars. As the Laws of Maryland are in full force on this side the Potomack, it behoves settlers to avail themselves of that information which affects their lives, liberties and property. He who is without a knowledge of his own "rule of conduct" is like a stranger in his native land.

May 4. 2aw4w. 1aw4