

CONSIDERATIONS

On the Government of the TERRITORY of COLUMBIA.

No. III.

The first enquiry which will present itself in considering the government of the Territory of Columbia in relation to its local concerns, is whether the Federal Government ought to exercise it by its general depositaries of legislative, executive, and judicial authorities; or whether a special, subordinate, legislative, executive, and judicial authority, ought to be created for that purpose.

Two objections occur against the exercise of legislative, executive, and judicial authority, over the Territory of Columbia, by the ordinary depositaries of those authorities, in the Federal government.

It will be attended with great difficulty in the execution. No policy can be worse than to mingle *great* and *small* concerns. The latter become absorbed in the former; are neglected and forgotten. The legislative mind, applying its power to the regulation of great national objects, is not in a state to regard with proper attention the minute necessities of a town, a City, or a District. The institution of local legislations for domestic purposes is peculiar to America; and is the greatest improvement which has been made in the science of government in modern ages. Liberty can never be well secured in a very small state. Some more powerful nation by force or fraud subverts it. The liberty and autonomy of America depend on the preservation of a great and powerful empire on this Continent; capable of concentrating its energies, and directing them by a single impulse. But the great objection to instituting such a government has been that it cannot well be republican. Montesquieu has almost obtained for this idea, by the force of his erudition and eloquence, the authority of a maxim. But the institution of subordinate legislations, such as are found in the Federal Government, removes the objection. These are the nurseries of talent, and of courage; and keep alive in the great body of the people the habits of republicanism. These answer the purpose of Guardians, and of Censors. These keep off tyranny abroad, and tyranny at home. In the midst of danger and revolution, they guard against the evils of anarchy; which has always afforded the first step for the tyrant to mount in the ladder of ambition. Had France possessed any institutions of this nature, we should not have seen in that country, four successive constitutions, each the bloody victim of the other, in the same period that one has answered for this country.

Independent of the difficulty of execution, another objection arises which deserves attention. It will impair the *dignity* of the national legislative, executive, and judicial authorities, to be occupied with all the local concerns of the Territory of Columbia.

The only remedy for these evils is to erect a subordinate authority for each of these powers. Let us begin with the legislative.

Pursuing the constitutions of the United States, and of the individual states, in some measure, as models; let the legislative power be confided to two houses, one to be termed the Senate, the other the Assembly, and both together the Legislature.

Until the territory shall have attained a population of thirty thousand, let the number of members in the first be eight, in the second twenty. After it has attained a population of thirty thousand, let the permanent numbers be sixteen and forty.

From so numerous a legislature, an ample knowledge might be expected, of all the various interests in the Territory of Columbia; and a wise, steady, and impartial regulation of its local concerns would result.

A legislature so numerous, and probably so able as this would be, would supercede the necessity of any corporate and inferior institutions within the Territory.

Let the Senators be elected out of citizens of the United States, *bona fide* resident in the territory of Columbia, by the inhabitants of the territory at large, without regard to districts. Let the Senate be divided into four classes; and the seats of one expire annually.

Let the Assembly-men be elected out of citizens of the United States, *bona fide* resident within the territory of Columbia,

and *bona fide* resident within some particular district thereof, by whose inhabitants they are chosen; and let them hold their seats for one year.

Let the legislature meet at two stated times in every year in the city of Washington. A frequency of meetings will be necessary, as attention must be constantly alive; and as the members will probably be able to spend but little time from their private concerns. A few days will be sufficient for a session, if the periods recur often.

We come now to the executive authority. Let this be vested in a governor. Let the governor be nominated by the President of the United States, and by and with the advice and consent of the senate of the United States, appointed and commissioned by him.

Let him be a citizen of the United States, *bona fide* resident within the territory of Columbia.

Let him have the power of nominating, and by and with the advice and consent of the senate of the territory, of appointing and commissioning all executive and judicial officers of the territory of Columbia.

Let him have the power of removing all such officers at pleasure; and let himself be removable at the pleasure of the President of the United States.

Let the governor have a qualified veto on the acts of the legislature, as in the constitution of the United States; and let the congress of the United States retain the right to repeal any law passed in the territory, and to prescribe or make any regulation respecting the territory, at their pleasure.

The consequence of this system would be, that in matters *purely local*, the federal government would seldom interpose; and in matters of *national moment* their authority would be sovereign and undiminished.

It remains to consider the judicial authority.

Let there be a court of justice for the territory, to be termed the general court, to sit in the city of Washington, and to possess original *common law* and *equitable* jurisdiction without limitation, subject to appeals in all cases, directly to the supreme court of the United States.

Let there be appointed a limited number of *aldermen* in the city of Washington, in the town of Alexandria, and in the corporate limits of George town. Let there be appointed a limited number of *justices* for the country North of the Patowmac; and a limited number for the country South of the Patowmac.

Let each alderman and justice have authority to render judgments in all controversies, where the *debt* or *damage* does not exceed one hundred dollars; and for the finding of facts, and ascertainment of damage, let him be attended by a jury of six freeholders.

Let an appeal lie in all cases from the judgment of an alderman or justice, both *on the law*, and *on the fact*, to the general court of the territory directly.

This system brings justice home to the door of every citizen. It gives uniformity to the whole Territory. Those who do not personally know the jurisprudence of both Virginia and Maryland, cannot imagine the wide difference which exists between them. If they are both *good*, it is a sufficient objection to them that they are *different*. If one is entitled to a preference over the other, it is still better to desert both, than to attempt to introduce the one as a substitute for the other.

The same motive which operated in submitting the form of an instrument in the second number, will plead my apology for adopting the same course in this. It would not be rendering justice to the subject, it would not be demonstrating so incontrovertibly the facility of carrying into immediate operation a plan of this nature, unless a detail of some kind is presented. No other mode so well enables the mind to form a judgment with promptitude and precision.

It will be remembered, however, that various provisions, on subjects totally permitted here, will require attention hereafter, when the system is in operation. To aim at correctness and nicety; to embrace every point and to leave nothing unfinished; has been as far from the intention, as it is from the talents, of the author of these considerations. In the practical exemplification of any system, whose outlines are well defined, affairs generally fall into a natural train, and as it were regulate themselves. The organization once made, the Territory of Columbia will experience no further anarchy or confusion: but will advance, in the career of glory, with firm and steady steps, at the front of that confederacy, whose collected statesmen the re-

ceives into her bosom, and returns to convey her science and her arts, her wisdom and her polish, to the remotest corners of this wide-spreading empire. Supported by the firm and solid *pillars* of the State Governments, the crowns, with a light majestic dignity, the *dome* of the edifice. With greater justice may it receive the inscription of the Louvre at Paris,

"*Non orbis, talem gentem; nulla gens, parem urbem, habet.*"

EPAMINONDAS.

City of Washington,
December 22d, 1800.

LONDON October 26.

OF THE ENGLISH FLEET.

The mind receives, with a degree of incredulity, accounts it wishes to believe untrue. We heard that an unsuccessful attempt had been made by our troops on Cadiz; but conceiv'g that, benefitting by the experience we had so dearly purchased, we should avoid further disasters:—that the yet fresh recollection of Holland and of Ferrol, would have removed every possible cause of miscarriage, and that increased discredit would not, by elating the enemy, augment the danger our gallant soldiers must have to contend with when they come to action.—We would not credit the account, till we yesterday received letters from the fleet and army, dated the 21th of September, and 2d and 7th inst. from which the following painfully important particulars are extracted.

On the 15th of September, Lord Keith, accompanied by Sir Ralph Abercromby, and 10,000 of as brave fellows as the world can boast, arrived from Minorca at Gibraltar.—The return of this army was unexpected, and the contiguous coast of Spain defenceless; but the alarm created by the intelligence was accompanied by preparations, and troops began to collect from various quarters to Cadiz, and to the lines and fortresses at St. Roche. On the 18th, the Spaniards moored in the Pontal six sail of the line and a frigate, with springs on their cables, in such a manner as to form a powerful protection to the carracks and the dock-yard; and dismantling these ships, sent half their crews into gun-vessels, and to assist at the batteries.

On the same evening Sir R. Bickerton, who with about six sail of the line had effectually blockaded Cadiz, fell in with Sir J. M. Pulteney and 15,000 men, not inferior to the others, and informing him of the progress of preparation at Cadiz, urged his stay, whilst he, the Admiral, dispatched a frigate to Gibraltar to apprise Lord Keith and Sir Ralph Abercromby: but the General's orders were peremptory, and he proceeded to Gibraltar, where he arrived on the 19th of September.

The Rock being unable to supply the necessary quantity of water to this increased number of persons, 70 of the troops ships were sent to the Bay of Tetuan, 14 leagues distant, about half way to which, passing Ceuta, a Spanish post which had resisted several sieges, the garrison was so weak that it is stated they only waited a summons to surrender. At Tetuan a body of troops were landed to prevent all communication with the Moors during the watering; but a gale from the west having driven most of our fleet far into the Mediterranean, it was the 6th of the present month before we were in a state to make the purposed attack on Cadiz.

The arrangements being made to land between Rota and St. Lucars, and after carrying those posts, to take the fort of St. Catherine's, by which the fleet would be enabled to get to the N. W. side of the bay and co-operate with the army, and 800 soldiers got into the boats for that purpose; but when the general saw that the boats were not competent to take a greater number at one time, conceiving that they were not equal to the object to be accomplished, the undertaking was relinquished, and the fleet and Army ordered to proceed to Tetuan, from whence our Letters express a belief that they are to go to Leghorn.

Assured by authorities, in which we place much confidence, that Cadiz could have been carried the beginning of last month, by 3,000 men, and apprised of the infinite importance of such an acquisition, we cannot enough lament the delay and universal notification of attack to which we have to attribute our failure and disgrace.

The impossibility of deriving succour from Gibraltar and the difficulty of getting from thence, which on account of a strong western current, can only be effect-

ed with a breeze at East, renders that place peculiarly ineligible as a rendezvous for an enterprise to the westward. It is alike painful and extraordinary, that the planners of this expedition, knowing, that it was to comprize 25,000 men, &c the importance of debarking at once as many as possible, did not provide the means to land more than 3,000; and that the Officers who directed it did not know, till the men were actually in the boats, that these boats could not contain a sufficient number of troops to afford a probability of success.

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December 5, 1800.

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JAMES R. DERMOTT,

St. Elizabeth, Dec. 15, 1800.

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