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1st Session. }

HOUSE OF REPRESENTATIVES.

{ REPORT  
{ No. 627.

## LEGAL RELATIONS OF THE DISTRICT OF COLUMBIA AND THE UNITED STATES.

JUNE 1, 1874.—Recommitted to the Committee on the Judiciary and ordered to be printed.

Mr. POLAND, from the Committee on the Judiciary, submitted the following

### REPORT:

*The Committee on the Judiciary, to whom was referred, by the House, the following resolution, "Resolved, that the Committee on the Judiciary be instructed to inquire and report to this House the legal relations between the Federal Government and the local government of the District of Columbia, and the extent and character of the mutual obligations in regard to municipal expenses; and, further, to inquire and report whether some accurately-defined basis of expenditure cannot be prescribed and maintained by law," have had the subject under consideration and submit the following report:*

#### THE LEGAL RELATIONS BETWEEN THE FEDERAL GOVERNMENT AND THE DISTRICT OF COLUMBIA.

Upon that branch of the resolution, with respect to the legal relations existing between the Federal Government and the local government of the District, the committee remark that the Constitution of the United States would seem to determine, as accurately as it is possible to do, the exact legal attitude of the District of Columbia toward the Federal Government. In clause 17, section 8, article 1, of the Constitution, among the enumerated powers of Congress is the following:

To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings.

Your committee understand this clause of the Constitution to vest in the Congress of the United States absolute legislative authority over every rightful subject of legislation within the District, without any reservation whatever to any State or States or to the people within the District itself.

This absolute control by Congress is a question no longer admitting of doubt, if any ever existed.

It may be assumed, therefore, that the Congress has supreme legislative power over the District of Columbia, and that in the exercise of this power the citizens of the District have no right to participate, and can have no right except such as may be delegated to them by Congress

itself. How far this power may be delegated is a question not necessary at this time to discuss.

The debates which occurred on the adoption of the Constitution, the public sentiment which found expression in various ways contemporaneously, are full of interest, and are suggestive of the reasons which impelled the States to provide for this exclusive control by Congress. But as they shed no light upon the question of power other than to corroborate the view here expressed and now no longer questioned, the committee have not thought it necessary to present a historical review of the adoption of this clause of the Constitution. That it was necessary to bestow dignity and independence upon the Government was not then and cannot now be questioned.

Upon this question Mr. Madison wrote, in the *Federalist*:

Without it, not only the public authority might be insulted and its proceedings be interrupted with impunity, but a dependence of the members of the General Government on the State comprehending the seat of government, for protection in the exercise of their duty, might bring on the national councils an imputation of awe, or influence equally dishonorable to the Government, and dissatisfactory to the other members of the Confederacy. This consideration has the more weight as the gradual accumulation of public improvements at the stationary residence of Government would be too great a public pledge to be left in the hands of a single State, and would create so many obstacles to a removal of the Government as still further to abridge its necessary independence.

In strict legal sense, there can be said to be no such thing as a local government of the District of Columbia, for there can be no government within the District independent of that of the Federal Government; and whatever local authority there may be now existing, or which may hereafter be set up within the District, it can only be regarded legally as an agency of the Federal Government; and whatever authority this local government may exercise, it must be regarded as the act of the United States through their delegated representative.

#### THE EXTENT AND CHARACTER OF THE MUTUAL OBLIGATIONS IN REGARD TO MUNICIPAL EXPENSES.

As to the extent and character of the mutual obligations between the local and General Government respecting municipal expenses, the committee have found the question one of greater difficulty, yet capable, as they believe, of a clear solution. This branch of the resolution would seem to invite an examination, first, into the question as to the character and extent of expenditures contemplated in laying out the Federal city; and second, the mutual obligations of the Federal Government and the citizens to defray these expenses.

In answering this branch of the resolution it becomes necessary to examine somewhat the history attending the location of the capital. Every student of American history knows that few questions aroused greater attention in the Continental Congress, at the close of the Revolution, than the question as to a permanent seat of the Government. The archives of the Government are full of debates on that subject. Not only the future tranquillity and well-being of the United States were thought to depend upon it, but that every principle of pride and honor, and even of patriotism, were involved in it. The act to establish a permanent seat of government was approved July 16, 1790. The first section accepted a district of territory upon the Potomac, not exceeding ten miles square, for the permanent seat of government of the United States. Section two provided that "the President be authorized to appoint \* \* \* three commissioners, who \* \* \*

shall, under the direction of the President, survey, and by proper metes and bounds define and limit, a district of territory under the limitations above mentioned; and the district so defined . . . shall be deemed the district accepted by this act." Section three authorized the commissioners to purchase or accept such quantity of land within said district "as the President shall deem proper for the use of the United States." Under the authority of this act the commissioners selected the territory embraced within the present limits of the city of Washington as that portion of the District within the exclusive control of Congress, which they deemed necessary for the use of the United States.

When the selection was made, the ground now occupied by the city was a primeval forest, with few inhabitants upon it, who had no purpose of laying it off for a city. The selection of an uninhabited territory for the capital city was directly in accordance with the views of the founders, who believed it to be a wise policy for the Government to establish its capital at a point remote from the immediate influence of any present or prospective great commercial city. The language of the act declares distinctly the object of the Government to be to mark out, within the ten miles square mentioned in the Constitution, a tract "for the use of the United States," the purpose of Congress being to provide a Federal capital, and not to make provision for any other interest whatever.

This is clearly evidenced by the deed of conveyance made by the original proprietors of the soil, on the 29th of June, 1791. The conveyance was made upon certain special trusts, some of which it is important to notice in this connection.

The first one was :

*That all the said lands are hereby bargained and sold, or such part thereof as may be thought necessary or proper, to be laid out, together with other lands within the said limits, for a Federal city, with such streets, squares, and parcels and lots as the President of the United States for the time being shall approve.*

The proprietors parted with all the soil for the purpose of building here a Federal city, leaving it exclusively with the President to select from the whole whatever he might deem necessary or desirable for that purpose. No reservation was made in the deed for the benefit of the proprietors other than that after the President had indicated all the streets, squares, parcels, and lots that he should deem proper for the use of the United States, there should be "a fair and equal division of the remaining lots, and the United States should pay for its reservations and lots at the rate of 25 pounds sterling per acre." The deed does not provide for the dedication of any public squares, streets, or avenues to the public use; but the absolute fee simple vested in the United States, so that the Government could at any time close a street or occupy a public square for such purposes as it deemed proper. The question as to the scope of the deed in this regard came up early in a dispute between the commissioners and proprietors. The latter thought that the United States had the right only to use the streets as public highways, and not to alienate them or divert them to other uses. Attorney-Generals Breckenridge, Wirt, and Cushing advised that the fee-simple title to the streets, avenues, and reservations was in the United States, and it was so held by the Supreme Court in the case of *Van Ness et al. vs. The City of Washington*, (4 Peters, 232.)

This absolute control is further seen in the following clause of the deed :

But the said conveyance to the said grantor—

The Government was to reconvey to the grantor what it did not require—

his heirs or assigns, as well as the conveyance and purchase, shall be on and subject to such terms and conditions as shall be thought reasonable by the President for the time being, for regulating the materials and manner of the buildings, and improvements on the lots generally in the said city, or any particular streets, or parts thereof, for common convenience, safety, and order.

By this clause of the deed it would appear that the construction of the houses and the improvements generally were to be subject to the discretion of the President.

An examination of these old conveyances shows very conclusively that the Federal Government determined that no other interests than those of the United States should be primarily considered, and that all others should be subordinate to these.

The plan of the capital city, determined upon under authority of Congress, and subsequently, on December 13, 1791, submitted to Congress by President Washington in a message of that date, further illustrates the purpose of the Federal Government in establishing its capital.

This brings us to the consideration of the question as to the extent and character of expenses contemplated in building the Federal city. It is perfectly manifest from a moment's examination of this plan that a city was laid off here for the use of the United States upon a scale hitherto unknown in this or any other country; upon a plan to carry out which would inevitably lead to an expenditure entirely beyond the requirements of a city for business purposes. It was a plan having reference peculiarly to the wants of the Government, and not to those of its inhabitants; its streets and avenues, in number, length, and width, are upon a scale that was appropriate for a national capital, but was entirely inappropriate to the demands of a sparse population not engaged in manufacturing or commerce, and when manufactures and commerce were not encouraged to come. Not only are the streets unusually wide and numerous, but throughout the city are large reservations, so that it may be estimated that the whole area thus set apart embraces much more than one-half of the whole city, the streets and avenues alone, of which there are 260 miles, varying in width from 90 to 160 feet, amounting to one-half of the entire area of the city.

The following table of comparative street areas will illustrate the scale of magnificence upon which the city was laid out :

*Ratio of street areas of certain cities.*

	Per cent.
Paris.....	25. 08
Vienna.....	35. 08
Philadelphia.....	29. 08
Berlin.....	26. 04
Boston.....	26. 02
New York.....	35. 03
Washington.....	54. 05

The original plan was the work of Major L'Enfant, an engineer and architect who had attached himself to our cause during the Revolution, and had been upon Washington's staff. The final plan, and the one subsequently submitted to Congress, was by Major Ellicott. As illustrating the grandeur of this plan, and the magnificent intentions of the Government in adopting it, the committee have deemed it of sufficient importance to give in this report the observations explanatory of it, to be found upon the original draught now in the possession of the engineer in charge of public buildings and grounds.

## OBSERVATIONS EXPLANATORY OF THE PLAN.

First. The positions for the different grand edifices, and for the several grand squares, or areas of different shapes, as they are laid down, were first determined on the most advantageous ground, commanding the most extensive prospect, and the better susceptible of such improvements as the various intents of the several objects may require.

Secondly. Lines or avenues of direct communication have been devised to connect the separate and most distant objects with the principal, and to preserve through the whole a reciprocity of sight at the same time. Attention has been paid to the passing of those leading avenues over the most favorable ground for prospect and convenience.

Thirdly. North and south lines, intersected by others running due east and west, make the distribution of the city into streets, squares, &c., and those lines have been so combined as to meet at certain given points with those divergent avenues, so as to form on the spaces first determined the different squares or areas, which are all proportioned in magnitude to the number of avenues leading to them.

## BREADTH OF STREETS.

Every grand transverse avenue, and every principal divergent one, such as the communication from the President's House to the Congress House, &c., are 160 feet in breadth, and thus divided :

	Feet.
Ten feet of pavement on each side .....	20
Thirty feet of gravel walk, planted with trees on each side.....	60
Eighty feet in the middle for carriage-way.....	80
	160

The other streets are of the following dimensions, to wit:

	Feet.
Those leading to public buildings or markets .....	130
Others .....	110
Others .....	90

L'Enfant then informs us how these lines were drawn.

In order to execute the above plan, Mr. Elliott drew a true meridional line by celestial observation, which passes through the area intended for the Congress House. This line is crossed by another line due east and west, which passes through the same area. These lines were accurately measured and made the basis on which the whole plan was executed. He ran all the lines by a transit instrument, and determined the acute angles by actual measurement, and left nothing to the uncertainty of the compass.

## REFERENCES.

A. The equestrian figure of George Washington; a monument voted in 1783 by the late Continental Congress.

This is the site now occupied by the unfinished Washington monument.

B. A historic column, also intended for a mile or itinerary column, from whose station (a mile from the Federal house) all distances of places through the continent are to be calculated.

This spot is now what is known as Lincoln Square, near the terminus of East Capitol street.

C. A naval itinerary column, proposed to be erected to celebrate the first rise of the Navy, and to stand a ready monument to consecrate its progress and achievements.

This spot is near the steamboat-landing, at the foot of Seventh street.

D. This church is intended for national purposes, such as public prayer, thanksgivings, funeral orations, &c., and assigned to the special use of no particular sect or denomination, but equally open to all. It will be likewise a proper shelter for such monuments as were voted by the late Continental Congress for those heroes who fell in the cause of liberty, and for such others as may hereafter be decreed by the voice of a grateful nation.

E. Five grand fountains intended with a constant spout of water.

N. B. There are within the limits of the city above twenty-five good springs of excellent water, abundantly supplied in the driest season of the year.

These fountains were to have been located: one on Pennsylvania avenue, between Twentieth and Twenty-second streets west; another on New York avenue, between Twelfth and Thirteenth streets; another on Pennsylvania avenue and Ninth street; one on New Jersey avenue and G street, southwest; another on Maryland avenue and Eighth street, northeast.

F. Grand cascade formed by the water from the source of the Tiber.

This was at the base of the Capitol.

G. Public walk, being a square of 1,200 feet, through which carriages may ascend to the upper square of the Federal House.

This is what is now known as the Mall.

H. Grand avenue, 400 feet in breadth and about a mile in length, bordered with gardens, ending in a slope from the houses on each side. This avenue leads to the Monument, A, and connects the Congress garden with

I. The President's park, and the

K. Well-improved field, being a part of the walk from the President's house, of about 1,800 feet in breadth and of three-fourths of a mile in length. Every lot deep-colored red, with green plats, designates some of the situations which command the most agreeable prospects, and which are the best calculated for spacious houses and gardens, such as may accommodate foreign ministers, &c.

L. Around the square, (Capitol Square,) and all along.

M. The avenue from the two bridges to the Federal House, the pavement on each side will pass under an arched way, under whose cover shops will be most conveniently and agreeably situated. The street is 160 feet in breadth and a mile long.

The squares colored yellow, being fifteen in number, are proposed to be divided among the several States in the Union for each of them to improve, or subscribe a sum additional to the value of the land for that purpose, and the improvements around the squares to be completed in a limited time.

The center of each square will admit of statues, columns, obelisks, or any other ornaments such as the different States may choose to erect, to perpetuate not only the memory of such individuals whose counsels or military achievements were conspicuous in giving liberty and independence to this country, but also those whose usefulness hath rendered them worthy of general imitation to invite the youth of succeeding generations to tread in the paths of those sages or heroes whom their country has thought proper to celebrate.

The situation of these squares is such that they are the most advantageously and reciprocally seen from each other, and as equally distributed over the whole city district, and connected by spacious avenues around the grand Federal improvements, and as contiguous to them, and at the same time as equally distant from each other as circumstances would admit. The settlements around these squares must soon become connected.

The figures colored red are intended for the use of all religious denominations, on which they are to erect places of worship, and are proposed to be allowed them in the manner as those colored yellow to the different States in the Union, but no burying grounds will be admitted within the limits of the city, an appropriation being intended for that purpose without.

N. B.—There are a number of squares, or areas, unappropriated, and in situations proper for colleges, academies, and of which every society whose object is national may be accommodated.

The committee believe there can be no question, in laying out such a city as is here described, that it was fully contemplated by Government that the extent of expenditures would keep pace with the magnificence of the plan to be ultimately carried out. The founders of the capital city evidently did not believe that in their time this plan could be consummated, but they were establishing the permanent seat of government. It was as the Supreme Court said in *Van Ness vs. The City of Washington*: "The grants were made for the foundation of a Federal city, and the public faith was necessarily pledged when the grants were accepted to found such a city." And again in the same opinion, "that the city was designed to last in perpetuity—*capitoli immobile saxum*."

The Federal city was to be a temple erected to liberty, toward which the wishes and expectations of all true friends of every country would necessarily be directed; and, considered under such important points of view as evidently controlled the minds of the founders, it could not be calculated on a small scale. Everything about it was to correspond with the magnitude of the object for which it was intended. It foresaw a far distant future when it was to be the center of a continent under one form of government looking to it for its laws and for its protection. It was to be a city where all improvements made and expenses incurred were to be for the benefit of the whole people.

Viewing the capital city in this national aspect, we may well understand the motives which governed its founders in imposing upon all who were to come after them such duties and responsibilities toward it as would be peculiar to the capital city alone, and which would fully justify a liberal if not a munificent policy in expenditures.

As to the mutual obligations of the Federal Government and the citizens to defray these expenses, the committee find little difficulty. It is clear, if this national capital was founded for the use of the United States, and was placed under its exclusive government and control, and upon a scale of magnificence appropriate only for a national capital, it never could have been contemplated that the burden of expenditures should fall upon those citizens of the United States who might temporarily or permanently take up a residence at the capital. Originally we know there was no population here to which the Government could look for contributions toward these expenditures; and as the city was not to become one of trade and commerce and manufactures, the local population could not be looked to in the future as being sufficient, either in numbers or wealth, to carry out the magnificent intentions of the founders. Nor, indeed, would it have been just to impose this burden upon them; for, upon the theory upon which the capital was founded, all these expenditures would ultimately be for the benefit of the whole people, and justice would dictate that the burden should fall upon the whole people.

In November, 1800, when Congress first assembled here, President Adams congratulated the people of the United States on the assembling of Congress at the permanent seat of their Government, and upon the prospect of a residence not to be changed. He said:

*It is for you, gentlemen, to consider whether the local powers of the District of Columbia, vested by the Constitution in the Congress of the United States, shall be immediately exercised. If, in your opinion, this important trust ought now to be executed, you cannot fail, while performing it, to take into view the probable situation of the territory, for the happiness of which you are about to provide. You will consider it as the capital of a great nation, advancing with inexhaustible rapidity in arts, in commerce, in wealth, and in population, and possessing within itself those energies and resources which, if not thrown away or lamentably misdirected, will secure to it a long course of prosperity and self-government.*

The Senate replied:

We meet you, sir, and the other branch of the National Legislature, in the city which is honored by the name of our late hero and sage, the illustrious Washington, with sensations and emotions which exceed our power of description. Great, indeed, would have been our gratification if his sum of earthly happiness had been completed by seeing the Government thus peaceably convened at this place.

The question whether the legal powers over the District of Columbia, vested by the Constitution in the Congress of the United States, shall be immediately exercised, is of great importance, and in deliberating upon it we shall naturally be led to weigh the attending circumstances and every probable consequence of the measures which may be proposed.

The House replied:

A consideration of those powers which have been vested in Congress over the District of Columbia will not escape our attention, nor shall we forget that, in exercising these powers, a regard must be had to those events which will necessarily attend the capital of America.

That Mr. Adams and the Congress addressed by him regarded this capital city as the child of the Union, whose ultimate greatness and grandeur would depend solely upon the Government, there can be no doubt.

Upon the second question involved in this branch of the resolution, to wit, the extent and character of the mutual obligations of the General

and local Governments to defray the necessary expenses to carry out the intention of the founders, the committee would remark that the early history of legislation relating to the capital would indicate that the founders looked to the General Government almost entirely for means to improve the capital city. The original government of the city was in the hands of a board of commissioners created by the act of 16th of July, 1790. On May 1, 1802, an act passed abolishing the office of commissioners and providing that the affairs of the city should be thereafter under the direction of a superintendent to be appointed by the President.

The act of March 3, 1803, fixes the salary of the superintendent, and appropriates from the Treasury of the United States \$50,000, among other purposes, for keeping in repair highways between the Capitol and other public buildings. The government of the city up to this time was directly by legislation of Congress; but as it was anticipated the growing wants of the city would require local municipal legislation, which it would be inconvenient always to be obliged to apply to Congress for, a charter was given to the city, approved May 3, 1802.

The mayor was appointed by the President and the council elected by the free white-tax payers. No authority was extended over the streets and avenues other than that the corporation was permitted to keep them in repair agreeably to the plan of said city. This charter was renewed from time to time with extended power. Meanwhile the interest of the United States passed into the control of an officer known as the Commissioner of Public Buildings and Grounds, now the Engineer in Charge of Public Buildings and Grounds.

The original deed of conveyance, it will be remembered, provided that the Government should have each alternate lot. The fund derived from the proceeds of the sale of these lots by the United States was thought at the time to be sufficient, by judicious management, to go far toward the improvement of the city, and the act of 1802 directed the sale of lots to re-inforce this city fund.

Upon January 11, 1802, Mr. Jefferson, in a message to Congress, says: "If indulgence for the funds can be adopted, these lots will probably create a reserve of great and permanent value." He further says: "If the sale is forced for the payment of Government loans, I fear the whole property will be sacrificed and the residuary interest of the city entirely lost." This residuary interest was the right to the proceeds of the sale of lots for the purpose of improving the city.

In the charter act of 1820 the Commissioner of Public Buildings is directed to re-imburse the corporation of Washington a just proportion of expenses incurred in opening, paving, or otherwise improving any of the streets or avenues in front of public buildings, squares, and reservations out of moneys arising from the sale of lots belonging to the United States. A similar provision was in the act of May, 1826, and the act of May, 1848.

The 12th section of the last-mentioned act provides that the Commissioner of Public Buildings shall—

From time to time cause to be opened and improved such avenues and streets, or parts or portions thereof, as the President of the United States shall deem necessary for the public convenience, and he shall defray the expenses thereof out of any money arising, or which shall have arisen, from the sale of lots in the city of Washington belonging, or which may have belonged, to the United States.

There can be no doubt that if the fund intended to be provided through the proceeds of the sale of lots had been judiciously managed and expended, it would have gone far toward developing the plan upon which the city was laid out.

This fund had amounted in 1834 to \$741,024.45, (see report to the



Senate, February 2, 1835,) nearly all of which had gone toward the construction of public buildings, leaving but little for the improvement of streets, avenues, and reservations.

Your committee have no means of ascertaining the motives of Congress at that period for abandoning the improvement of the city wholly to the citizens themselves. But we may well infer that a Government which had to borrow money from States bordering upon the District to commence the construction of public buildings at the capital would have no resources out of which to carry on extended improvements. The necessities of the young republic required the exercise of the closest economy, and this left little beyond the absolute necessary expenses of the Government to be devoted to the adornment of the capital. While it is true that for many years the Government did little toward improving its capital, it is equally true that it has always acknowledged its obligation to do so.

In 1834 the question involved in the resolution now under consideration was fully before Congress, and was acted upon affirmatively in accordance with the views herein expressed. A very full report was made to the Senate, February 2, 1835, in which the relations of the District are very clearly defined. After referring to the unusual magnitude and extent of the city, the great width of the avenues and streets, the creation of a city in a short space of time, the pressure for public improvements being sudden, the sparse population upon whom the burden fell, the report says :

The committee are of the opinion that the Government was bound by every principle of equal right and justice to pay a proportion of the expenses incurred upon this subject equal to the amount of property which it held, and which was to be increased in value and benefited by it, and this would have been greatly more than one-half. If the streets are its property, and to be regarded as altogether under its control, it is not easy to perceive why it should call upon or permit others to keep that property in order; and if the streets are to be regarded as for the joint convenience of the Government and the inhabitants, the expenses of maintaining them should be joint, and in proportion to their respective interests; and that the early action of the Government was in conformity to this principle.

The report further notices that the immense property of Government which has been equally benefited by the expenditures of the citizens for improvements has been at all times free from taxation, while the property of individuals adjoining has been subject thereto; that in several States of the Union where the Government holds landed estate it has paid taxes upon it, and those taxes have been expended for the ordinary municipal expenses of the place where the same is situated.

Whether this latter fact be true or not your committee have no evidence. The report further calls attention to the fact that the hardships to private property-holders in exemption of Government property from taxation, is strikingly illustrated when it is remembered that the Government has been the owner of lots held for sale ever since the capital was located here, and yet these lots not reserved for public use, but held by the Government for speculation, have paid no taxes. The report concludes as follows :

In the investigation of the subject committed to them, and of the relief to be proposed, the committee have been unable to separate the interests of the District from the interests of the United States. They regard it as the child of the Union, as the creation of the Union for its own purposes. That the design of the Constitution and its founders was to create a residence for the Government, where they should have absolute and unlimited control, which should be regulated and governed by them without the interference of partial interests in the States; which should be built up and sustained by their authority and resources, not dependent upon the will or resources of any State or local interest.

If this had not been the design, a temporary or permanent seat of Government

would have been selected in some populous city, or some territory, subject to State jurisdiction; and if this was the design it is not easy to comprehend either the principle which would prevent the Government from a liberal appropriation of the national resources to accomplish the object, or the policy which could confine the city to the means possessed by the inhabitants for its improvement.

In these views your committee entirely concur. The committee believe that they express the relations of the General Government and the District government with respect to municipal expenses.

There is something revolting to a proper sense of justice in the idea that the United States should hold free from taxation more than one-half of the area of the capital city, should require to be maintained a city upon an unusually expensive scale from which the ordinary revenues derived from commerce and manufactures are excluded; that in such a case the burden of maintaining the expenses for the capital should fall upon the resident population.

A very large proportion of this population are temporary residents, and only brought here to serve the Government in various capacities. They acquire no permanent interest and generally hold but little property. The remaining portion of the population is made up chiefly of persons engaged in minor traffic, and in supplying the wants of the Government, of themselves, and of the temporary residents referred to, so that there is absolutely no source of revenue which can be looked to as a permanent support for the necessary expenditures of this city. Aside, then, from all question of sentiment or patriotism or pride in the national capital, your committee are impressed with the belief that the Federal Government sustains at least such relation toward the citizens and the local government as would require it to contribute to municipal expenses an amount bearing the relation to the whole amount required, which the interest of the Federal Government here bears to the interest of the local government; and this they believe to be at least one-half.

#### AN ACCURATE BASIS OF EXPENDITURE SHOULD BE DEFINED.

As to the third and last branch of the resolution asking whether some accurately defined basis of expenditure cannot be prescribed and maintained by law, your committee remark that they believe this to be of paramount importance, both to the Federal and local government.

There never has been, since the location of the capital at this place, any consistency, or even intelligence in the adjustment of these expenditures. For example, the Government is now paying two-thirds of the expenses incurred by the police force of the city, and by law is also paying one-third of the expense of the fire department of the city, and yet it must be admitted that both these departments are equally important to the Federal as well as local government; while at the same time the Government is contributing nothing toward the support of other branches of the local government that have equal claims upon it for assistance.

In the matter of lighting the city the District is paying an annual expense of \$150,000, and is lighting over three thousand lamps, many of them around Government property, and within Government reservations, while the General Government is lighting but about one hundred lamps at an expense of about five thousand dollars, all of this being for the lamps immediately about the Capitol building and the President's house.

The health department is, in part, sustained by the General Government, while the public schools receive no aid whatever. And yet in these schools it is found that over seventy-three per cent. of the parents whose children attend school pay no taxes; that over thirty per cent.

are the children of parents in Government employment, and over thirty-two per cent. the children of colored parents.

The committee find, also, that the expenditures of Government have never been upon any fixed principles, but have been unsteady and fitful, and in such manner as to almost entirely fail to carry out any of the features in the plan of the city.

From a statement of expenditures by the Government by the Treasury Department up to 1871, we find that some years the Government would appropriate quite a large sum, and other years quite a small sum. In the year 1869, for example, the expenditures were over three hundred thousand dollars, while the year following they were but about two thousand dollars; and the year following that, \$10,000; the total expenditures up to 1871 for improvements of avenues and streets being but a little over one million dollars, during which period the local government for the District has expended over nine times that amount.

Your committee will not attempt to present a comparative statement of expenditures made by the Federal and local governments. Reference has been made to expenditures only, to show the utter lack of any policy toward the District, which runs through the whole legislation of Congress, and this is sufficiently illustrated in the one fact, that the Forty-second Congress appropriated more money toward the improvement of the capital than had been appropriated during the seventy years preceding. It is believed that it would be much wiser and much more economical, both to the national and local governments, to fix upon a definite sum, or proportion, to be contributed by both, and that it is more important that these appropriations should be made regularly and upon some well-defined principle, than that they should be large. Such a course, had it been adopted in 1800 and steadily pursued toward the capital, would have made it to-day the most beautiful capital city in the world; and such a course now, steadily pursued, will make it so at no very distant day.

Your committee would not hesitate to undertake the preparation of a bill looking to this well-defined basis of expenditures; but in view of the fact that a joint committee of the Senate and House have been charged with an examination into all the questions in their detail, which should be first examined before maturing such a measure, and your committee is not so charged, nor in possession of the necessary facts, they therefore feel constrained to submit these general views and wait the further order of the House, should the joint committee referred to fail to present a bill answering the inquiry of the resolution.