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*Secretary of Foreign Affairs.*

[JUNE 22, 1789.]

power of removal to be in the President. The clause enacted, that there should be a chief clerk, to be appointed by the Secretary of Foreign Affairs, and employed as he thought proper, and who, in case of vacancy, shall have the charge and custody of all records, books, and papers appertaining to the department: and the amendment proposed that the chief clerk, "whenever the said principal officer shall be removed from office by the President of the United States, or in any other case of vacancy," shall, during such vacancy, have the charge and custody of all records, books, and papers appertaining to the department.

Mr. BENSON declared, if he succeeded in this amendment, he would move to strike out the words in the first clause, "to be removable by the President," which appeared somewhat like a grant. Now, the mode he took would evade that point, and establish a legislative construction of the constitution. He also hoped his amendment would succeed in reconciling both sides of the House to the decision, and quieting the minds of gentlemen.

Mr. PAGE expressed a desire of calling the yeas and nays on the question which had so long agitated them. He was apprehensive that, by shifting the ground in the manner now proposed, the journal would not declare truly the question which had been so long contested.

Mr. LAWRENCE viewed the clause as a legislative declaration; for which reason he should be well satisfied with it as it stood. He should be glad to meet gentlemen on ground of accommodation; but he did not think it likely to be effected by the proposed alteration.

Mr. MADISON admitted the objection made by the gentleman near him (Mr. BENSON) to the words in the bill; they certainly may be construed to imply a legislative grant of the power. He wished every thing like ambiguity expunged, and the sense of the House explicitly declared, and therefore seconded the motion. Gentlemen have all along proceeded on the idea that the constitution vests the power in the President; and what arguments were brought forward respecting the convenience or inconvenience of such a disposition of the power, were intended only to throw light upon what was meant by the compilers of the constitution. Now, as the words proposed by the gentleman from New York expressed to his mind the meaning of the constitution, he should be in favor of them, and would agree to strike out those agreed to in committee.

Mr. SMITH, of South Carolina.—I believe gentlemen are convinced of the impropriety of the clause carried in the committee; and though they are not willing to relinquish openly their principles, yet they will do it by agreeing to the amendment. Will they pretend to carry their point by a side blow, when they are defeated by fair argument, on due reflection? For my part, Mr. Speaker, I hold any declaration whatsoever an infringement on the constitution; but at the same time, if it be done, I hold it more

candid and manly to do it in direct terms, than by an implication like the one proposed.

Mr. SEDGWICK.—I wish the honorable mover of the amendment had been content with the decision of yesterday; because I apprehend the discussion of the question which he has agitated will take up some time, without any possible advantage. For my part, I do not see the difficulty which seems to strike his mind. If I understand the subject rightly, there seem to be two opinions dividing the majority of this House. Some of these gentlemen seem to suppose that, by the constitution, and by implication and certain deduction from the principles of the constitution, the power vests in the President. Others think that it is a matter of legislative determination, and that they must give it to the President on the principles of the constitution. Now, suppose either of these sentiments to be just, there is no impropriety in the other's assenting to the mode of expression already adopted: yet, if the latter opinion which I stated is the true one, there is an evident impropriety in agreeing to the amendment, and it may tend more to divide than unite the House. I hope the gentleman will therefore withdraw his motion, at least until the old question on striking out be decided.

Mr. BENSON had no objection to let his motion lie on the table. But his objection to the clause arose from an idea that the power of removal by the President hereafter might appear to be exercised by virtue of a legislative grant only, and consequently be subjected to legislative instability; when he was well satisfied in his own mind, that it was fixed by a fair legislative construction of the constitution.

Mr. MADISON withdrew his second to the gentleman's motion for the present, and proposed to the gentlemen who thought the constitution vested the power in the President and Senate, to try their opinion, by moving to add after the words "to be removable by the President," "by and with the advice and consent of the Senate." This motion, he thought, would give gentlemen a fair opportunity of trying the question, and recording their opinions. He begged gentlemen in opposition would not consider the motion of the gentleman from New York (Mr. BENSON) as a dereliction of the principle hitherto contended for; because it had no other effect than varying the declaration which the majority were inclined to make; consequently, there was no room for exultation on the part of the minority.

[Here followed a desultory conversation respecting the manner in which the question should be put; during which Mr. SEDGWICK said he would admit Mr. BENSON's amendment, because it could do no harm, being only a repetition of the words in the first clause; but he would vote against striking out in the first clause, when that question came before the House.]

The question on the amendment proposed by Mr. BENSON was taken by the yeas and nays, which are as follows:



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YEAS.—Messrs. Ames, Baldwin, Benson, Brown, Burke, Carroll, Clymer, Contee, Fitzsimons, Gilman, Goodhue, Griffin, Hartley, Heister, Lawrence, Lee, Leonard, Madison, Moore, Muhlenberg, Scott, Sedgwick, Seney, Sinnickson, Smith, of Maryland, Sylvester, Thatcher, Trumbull, Vining, and Wadsworth.—30.

NAYS.—Messrs. Cadwalader, Coles, Gerry, Grout, Hathorn, Huntington, Livermore, Matthews, Page, Parker, Partridge, Van Rensselaer, Sherman, Smith, of South Carolina, Sturgis, Sumter, Tucker, and White.—18.

So the amendment was carried in the affirmative.

Mr. BENSON now moved to strike out of the first clause the words "to be removable by the President."

Mr. PAGE insisted that gentlemen had changed their ground by the amendment which had just taken place. It was now left to be inferred from the constitution that the President had the power of removal, without even a legislative declaration on that point, which they had heretofore so strongly insisted upon. He would submit to the majority, how far this comported with their arguments, and leave them to say if they had not evacuated untenable ground.

He did not wish to say much more on the subject, after it had been so well discussed; but could not help observing, that to a man of common sense, nothing appeared in the constitution from which it might be inferred that the power of removal vested in the President. All that was expressed in the instrument itself, related to removing by impeachment. How far they were tied down by the letter of the constitution, he would not positively say; but if any thing was to be drawn even from analogy, it was in favor of the President, by and with the advice and consent of the Senate. Besides, the exercise of such a prerogative by a Chief Magistrate is incompatible with the principles of a free Government. The gentlemen tell us that these are the principles of the constitution. I know not what were the intentions of its framers, but I see and judge of the work by my faculty of understanding; and nothing appears to convince me that the constitution distributes the power in the manner gentlemen have said. If we were framing a constitution, it might be proper to discuss the propriety of vesting the power of removal in the President; but as we are acting under one which we are sworn to support, I presume we are not at liberty to vary it by implication. I observed on a former occasion, that in doing this we do what is not only unnecessary, but dangerous. It will excite the jealousy of the people, raise fresh alarms, and create new rumors. We shall lose the confidence of our constituents, without which no Government can be well administered. I said before, that gentlemen did not consider the extent of their doctrine, when they contended so strongly for energy in Government. Energy in Government may become a despotism. The people of America, I will be bold to say, do

not wish a Government energetic to this degree. They wish the Government to be as the constitution has fixed it, and its powers to be exercised in the manner it has pointed out; and not to be accumulated upon the Chief Magistrate, in order to make him like a Sovereign whose yoke they disdained to bear.

Let me remind gentlemen once more of the situation of this country. There are thousands of our fellow-citizens dissatisfied with this feature of the constitution. There are two whole States which have not adopted our constitution. Can this be the time to make your Government more odious—to show a disposition towards monarchy? It cannot be. The patriots of America will never do aught to drive their country into that anarchy from which it is but just arising; they will not force the people to be loudly clamorous for amendments; yet such is the evident tendency of the present policy.

I earnestly hope that the words which we have all along contended against may be struck out; for, desirable as this bill is, I would rather lose it altogether than pass it in its present form.

Mr. MADISON.—I am in favor of the motion for striking out, but not upon the principles of my worthy colleague. I will briefly state my reasons for voting in the manner I intend. First, altering the mode of expression tends to give satisfaction to those gentlemen who think it not an object of legislative discretion; and second, because the amendment already agreed to fully contains the sense of this House upon the doctrine of the constitution; and therefore the words are unnecessary as they stand here. I will not trouble the House with repeating the reasons why the change of expression is best, as they are well understood. But gentlemen cannot fairly urge against us a change of ground, because the point we contended for is fully obtained by the amendment. It was truly said by the gentleman from New York, (Mr. BENSON,) that these words carry with them an implication that the Legislature has the power of granting the power of removal.

It is needless to assign my reasons why I think the Legislature not in possession of this power; they were fully explained before. I therefore shall only say, if there is a principle in our constitution, indeed in any free constitution, more sacred than another, it is that which separates the legislative, executive, and judicial powers. If there is any point in which the separation of the legislative and executive powers ought to be maintained with greater caution, it is that which relates to officers and offices. The powers relative to offices are partly legislative and partly executive. The Legislature creates the office, defines the powers, limits its duration, and annexes a compensation. This done, the legislative power ceases. They ought to have nothing to do with designating the man to fill the office. That I conceive to be of an executive nature. Although it be qualified in the constitution, I would not extend or strain that



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qualification beyond the limits precisely fixed for it. We ought always to consider the constitution with an eye to the principles upon which it was founded. In this point of view, we shall readily conclude that if the Legislature determines the powers, the honors, and emoluments of an office, we should be insecure if they were to designate the officer also. The nature of things restrains and confines the legislative and executive authorities in this respect; and hence it is that the constitution stipulates for the independence of each branch of the Government.

Let it be understood that the Legislature is to have some influence both in appointing and removing officers, and I venture to say the people of America will justly fear a system of sinecures. What security have they that offices will not be created to accommodate favorites or pensioners subservient to their designs? I never did conceive, that so far as the constitution gave one branch of the Legislature an agency in this business, it was, by any means, one of its most meritorious parts; but so far as it has gone, I confess I would be as unwilling to abridge the power of that body as to enlarge it. But considering, as I do, that the constitution fairly vests the President with the power, and that the amendment declares this to be the sense of the House, I shall concur with the gentlemen in opposition so far as to strike out these words, which I now look upon to be useless.

I have a great respect for the abilities and judgment of my worthy colleague, (Mr. PAGE,) and am convinced he is inspired by the purest motives in his opposition to what he conceives to be an improper measure; but I hope he will not think so strange of our difference, if he considers the small proportion of the House which concurs with him with respect to impeachment being the only way of removing officers. I believe the opinion is held but by one gentleman besides himself. If this sentiment were to obtain, it would give rise to more objections to the constitution than gentlemen are aware of; more than any other construction whatever. Yet while he professes to be greatly alarmed on one account, he possesses a stoic apathy with respect to the other.

Mr. SEDGWICK did not mean to trouble the House with the reasons upon which his opinion was founded. He supposed every gentleman had made up his mind upon full deliberation. He had made up an opinion for himself, and intended to be guided by this opinion in giving his vote.

He believed there were a thousand circumstances which would demand a removal from office, of which the President alone could be the proper judge; therefore, the President alone ought to possess the power. He excluded cases of impeachment; but he thought it was the discretion of the Legislature to authorize the exercise of it, because they had complete power over the duration of the offices they created. Hence he deemed it necessary to make an ex-

press grant of the power of removal: but strike out these words, and there is no express grant in the bill. Now if he was right in his construction, it became necessary to retain the words; they could do no harm for the reasons before mentioned, and they stand very well with the amendment already agreed to. If he erred in judgment, no injury could arise from the error. But if other gentlemen err in their construction, we have a weak, decrepit explanation, which the President may not easily understand. For if he supposes the constitution totally silent, he can hardly draw authority from your law; and he will be reduced to the dilemma of acting in the manner related of the late Governor of Virginia, by an honorable gentleman from that State, (Mr. WURRE,) which is by no means to be wished.

Mr. GERRY was glad to find the majority had relinquished the right of the Legislature to grant this power. If they would go further, and leave the operation of the constitution uninfluenced, they would do right; but certainly it is improper for the House to throw its weight into the scale with the President, to counteract what gentlemen think a constitutional imbecility.

Mr. MOORE expressed his approbation of the motion, after what had been carried, because he would not have it thought that the Legislature possess a right to confer powers not vested in them by the constitution.

Mr. LAWRENCE was against striking out the words, because he thought the Legislature had power to establish offices on what terms they pleased. The constitution secured the independence of the judges, by making their appointment during good behavior; but would any gentleman contend, that Congress could not make this the tenure of other offices, if they thought such tenure likely to be most productive of public good? If this was admitted, the Legislature might abridge the constitutional power of the President respecting the removal of such officers. To avoid this clashing of opinions, he wished the words to remain in the bill.

Mr. BOUDINOT was against the motion, because the constitution vested all executive power in the President. The power of designating and appointing officers to execute the laws, was in its nature executive. Consequently, the President would appoint *ex officio*, if he had not been limited by the express words of the constitution. Hence he inferred, *ex officio*, he would remove, without limitation; but as debate had arisen, and the question been seriously agitated, he was clear for making a legislative declaration, in order to prevent future inconvenience.

He had another reason. The arguments on a similar motion had taken up four days; they were such as convinced a large majority of the House that the words ought to remain in the bill. Now, to strike out after such mature deliberation, argued a fickleness which he hoped never to see affect this honorable body. No



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new arguments have now been urged. The former ones were conclusive, or they were not conclusive; if they were conclusive, we did right in keeping in the words; if they were not conclusive, we ought to have given them up. They appeared then to be conclusive, and appear still to be so; therefore he would vote against the motion.

MR. TUCKER.—I am embarrassed on this question, as the yeas and nays are called; because the vote is taken in such a manner as not to express the principles upon which I vote.

In the Committee of the whole, I voted for striking out the words that are now proposed to be struck out; and my reason was, I was doubtful whether it was proper to vest on this occasion the power in the President alone. It appears to me, that the power is not necessarily vested in the President by the constitution, neither in the President and Senate. I find no words that fix this power precisely in any branch of the Government. It must, however, by implication, be in the Legislature, or it is no where, until the constitution is amended. I presume the implication is at least equally favorable to the Legislature as to any other branch, if it necessarily belongs to the Government. I apprehend a law is necessary in every instance to determine the exercise of the power. In some cases, it may be proper that the President alone should have it. I am not clear in my own mind, what general rule, if any, can be established on this subject. Perhaps in other cases it may be lodged with the President and Senate; or it may be given to the heads of departments. But whosoever is invested with it, it must be in consequence of a law; and the Legislature have a right to vest it where they please. For my part, I am not under those serious apprehensions which gentlemen have expressed. I do not apprehend that vesting it in the President, or President and Senate, will effect a change of Government; but at the same time, I am anxious to preserve a consistency, and that the business should be settled upon proper ground.

I said I was against the words in the committee, because I doubted if the President was the proper person to exercise this authority. The amendment adopted this morning I likewise voted against, because I do not wish that the law should imply that the power of removing officers at pleasure is a constitutional right vested in him. Now, I would rather a law should pass vesting the power in improper hands, than that the constitution should be wrongly construed. If we say the President may remove from office, it is a grant of power; and we can repeal the law, and prevent the abuse of it. But if we, by law, imply that it is a constitutional right vested in the President, there will be a privilege gained, which the Legislature cannot affect; at least, the reversion of such a solemn opinion will occasion much inconvenience, not to say confusion.

For these reasons, I shall now be against

striking out the words, though I wish to have some modification of them; but the last question being carried, has left me in doubt what to propose, to be consistent with my opinions. I am precluded from adding, by and with the advice and consent of the Senate; and perhaps it would be out of order to change the word remove into suspend.

MR. HARTLEY was against striking out, and so would every gentleman be, he trusted, who was not fully convinced that the power of removal vested by the constitution is in the President. He owned he had some doubts on that head himself; perhaps some others might be in the same predicament; but he had none with respect to the propriety of the President's exercising that prerogative, and therefore should readily consent to grant it. This might be done by retaining the words, and without going beyond the avowed limits of the legislative authority.

MR. VINING acquiesced in striking out, because he was satisfied that the constitution vested the power in the President; and he thought it more likely to obtain the acquiescence of the Senate on a point of legislative construction on the constitution, than to a positive relinquishment of a power which they might otherwise think themselves in some degree entitled to.

A desultory conversation followed; and the question was put and decided by the yeas and nays, as follows:

YEAS.—Messrs. Ames, Baldwin, Benson, Brown, Burke, Clymer, Coles, Gerry, Goodhue, Griffin, Grout, Hathorn, Huntington, Leonard, Livermore, Madison, Matthews, Moore, P. Muhlenberg, Page, Parker, Partridge, Van Rensselaer, Scott, Sherman, Sinnickson, Smith, (of South Carolina,) Sturgis, Sumter, Vining, and White.—31.

NAYS.—Messrs. Boudinot, Cadwalader, Carroll, Contee, Fitzsimons, Gilman, Hartley, Heister, Lawrence, Lee, Schureman, Sedgwick, Seney, Smith, (of Maryland,) Sylvester, Thatcher, Trumbull, Tucker, and Wadsworth.—19.

The words being struck out, the bill was ordered to be engrossed, and read the third time to-morrow.—Adjourned.

TUESDAY, JUNE 23.

MR. HUNTINGTON, from the committee appointed for the purpose, reported a bill to promote the progress of science and useful arts, by securing to authors and inventors the exclusive right to their respective writings and discoveries, which passed its first reading.

DUTIES ON IMPORTS.

The House took up for consideration the Senate's amendments to the impost bill, which the House on the 16th instant had refused to concur in, and which a message from the Senate now informed them they would not recede from.

MR. THATCHER moved to agree to the amendment of the Senate in the enacting style, with



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an amendment. The House originally sent the bill up in this form, "Be it enacted by the Congress of the United States;" the Senate proposed as an amendment, "Be it enacted by the Senate and Representatives;" and Mr. Thatcher wished to add the words "House of" before "Representatives"—observing that the word Senate spoke of the collective body of the Senators, and the word Representatives alluded to the individual members of this House only, and did not comprehend their legislative function. There ought to be an equality in the enacting style; therefore the words "House of" were necessary. This motion was agreed to.

The clause discriminating between the distilled spirits of nations in treaty, or otherwise, was now taken into consideration.

Mr. LEE was disposed to agree with the Senate on this article, because it would have but little effect, and therefore was not worth the delay; but he should be immovable with respect to the discrimination in the article of tonnage. He was far from abandoning his principle by this concession; it was merely the effect of deference and respect for the Senate, and a desire to set the Government in motion.

Mr. PAGE.—Gentlemen on a former occasion called this discrimination an empty compliment to our allies; yet it is that very compliment for which nations have stickled. It is the practice of nations to reciprocate advantages to each other's commerce; and hereby we manifest that spirit of attention and generosity which will do honor to the councils of America.

Mr. GERRY said, there were various opinions respecting the treaties which the United States had entered into. But admitting them to be beneficial, what are the principles upon which they are formed? Upon principles of reciprocity. What obligation are we laid under by them? Merely to fulfil the part we have stipulated to perform. Are there other obligations? If there are obligations of honor and generosity, will a difference of two cents on a gallon of distilled spirits discharge them? Will this be considered by our allies as paying a debt of gratitude? I apprehend not. Will it draw on a war, as it has been called, of commercial regulations, with a kingdom which has much in her power? If it does, will the benefit equal this disadvantage? If it does not compensate it, we shall be bad politicians to adopt measures injurious to our common good. Coercive measures ought not to be pursued in preference to lenient ones, unless there is a moral certainty of success by the former, and but a doubtful chance by the latter. If we should fail in our object, our impotence will become the scoff of the world, and our commerce be destroyed. Gentlemen ought to be well assured that they will not be compelled to recede with disgrace from a system of this kind, before they venture to adopt it. I have no conviction of this nature; and therefore I am willing to strike out the clause.

Mr. PAGE declared treaties to be beneficial, and gratitude a principle by which nations

ought to be actuated. He feared nothing from retaliation; he was too confident of success to dread a commercial war with the nation alluded to. It had been demonstrated by his worthy colleague, (Mr. MANISON,) and by a respectable commercial character and worthy member of this House from Pennsylvania, (Mr. FITZSIMONS,) that Great Britain, consistently with her interest, could not be disposed to retaliate; and while her interest opposed retaliation, there was no apprehension of defeat. Is Virginia compelled to recede from her commercial warfare? She has discriminated in a superior manner to what is now proposed; but Britain, careful of her interest, does not choose to enter the lists against her; she is tenacious of the American trade, and will be cautious how she throws it from her. I need not go, said he, over the old arguments. I trust they are sufficiently impressed on the mind of every member, and will determine him to adhere to that vote which, I am bold to say, does honor to the Government, and will terminate in promoting the common interest and general welfare of our constituents. Either, Mr. Speaker, let us insist upon our disagreement, or appoint a committee of conference; but by no means relinquish our object without a single new reason being offered to induce us thereto.

Mr. BOWDINOT was clearly for holding up the discrimination in this place as well as the other, though he admitted we were under no obligation by treaty to do either. And are nations deprived of discretion? Can we, ought we, to do nothing unless bound thereto by treaty? Certainly it may be demonstrated that the contested discrimination is salutary to the national interest; hence it is a proper measure for this House to pursue. It has been hinted, that treaties are not beneficial to the United States. Was this the language that venerable patriots of America held when they formed our treaty of alliance with the French nation, when they solicited the attention and friendship of the princes of Europe in the day of calamity and danger? Far other were our sentiments then. But now it is thought another opinion may be entertained—away with the idea.

Treaties, Mr. Speaker, no doubt are beneficial, when properly and reciprocally made. The United States, desirous of settling their intercourse with the European nations and their dependencies, wish to meet them on this ground. Hence it is we propose a discrimination as an inducement for them to treat. Without something of this kind, what temptation have they to listen to our desires? If we do not employ the means an efficient Government has put into our hands for bringing about this wished-for event, it is to be feared our supineness will never permit us to take that station among nations, for which God and nature have designed us. This moment is the happy one by which the world may be taught our character: much depends on first impressions. We have little to fear from a nation which knows the value of



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our friendship, but which our imbecility has encouraged to take an advantage of us. She can never be disgusted at our policy; she has shown us an example. But if she even were displeased, she is not in a situation to enter into a commercial warfare. Yet it by no means follows, because we take measures to regulate our commerce, that Britain must attempt to fetter our intercourse with her. She has it in her power to become a favored nation at the moment she deigns to enter into treaty with us. What can she require more? What more can be granted to her? So far, Mr. Speaker, will this measure be from promoting a commercial war, that I apprehend it will be productive of happy commercial alliances; therefore I hope this House will have firmness enough to persist in their vote of discrimination.

Mr. BENSON.—The more he reflected, the more he was convinced that the former decision of the House was unwise. He had heard no advocate for this measure, except within these walls; from which he inferred that it was not a favorite measure with the people of America. He thought we were in possession of as many advantages in our intercourse with nations between which and the United States no commercial treaty subsisted, as we were with those nations with which Congress had formed treaties. From this consideration, and because he apprehended consequences inimical to the interests of the Union, he hoped the House would agree with the Senate in their amendment.

Mr. MADISON had spoken so much on former occasions on this subject, that he had little more to say. He presumed that it had been fully proved that the voice of America was in favor of the motion. He had been informed that the Senate did not differ with the House in the principle that discrimination was proper, but they contemplated a detached and pointed law on this subject. Perhaps their method might be eligible, but he was not inclined to risk a certainty for an uncertainty. Their measures might not be proposed this session, or, if proposed, might not be acted upon; but, if they could, then this part of the impost law might be repealed. He was clearly for adhering to the disagreement.

Mr. BENSON thought the voice of the Union was against the measure; he formed this opinion from such materials as came to his hands. But waiving that point, he conceived the measure impolitic, and that was sufficient to induce him to vote against it; and since he found the Senate of the same opinion with himself, he had no hesitation to declare against it.

Mr. SEDGWICK said the public opinion was too uncertain a ground to decide the present question upon; it might be one thing in Massachusetts, another in New York, and a different one in Virginia. The principle of gratitude might also be left out of the question. It then would stand upon its true bottom—is the measure just in itself, and conducive to the interest of this country? Is it justice to give up part of

our revenue, when we have unceasing demands upon it? Certainly not. Is it our interest to lessen the duty on distilled spirits? Certainly we lose revenue by it, which we are not in a capacity to do. From these two considerations he would vote in favor of the Senate's amendment.

Mr. AMES called upon gentlemen to recollect the situation of the United States, and the urgent necessity there was for passing the revenue laws. He submitted to the House how much better it would be to let this subject be taken up distinctly, than make it a reason for delaying the great business they were sent here to complete. He was, however, strongly opposed to being led by the principle of gratitude in matters relative to the public weal. The obligation of a treaty never required more than what its terms stipulated for; therefore, in matters of commerce and matters of revenue, interest ought to be the predominating principle.

Mr. MADISON thought this bill would gain nothing by an immediate passage, because it could not operate until the collection bill was passed, and that would certainly, by the specimen the House had had of it, take some time. He would not agree to relinquish the present discrimination in hopes of obtaining a future one; and he contended that a discrimination was warranted upon the predominating principle alluded to by the gentleman last up; but he would agree to appoint a Committee of Conference on this clause, in hopes a compromise might take place.

Mr. WADSWORTH opposed the discrimination as ineffectual, and not because it was on unjust principles. He knew one or two things in the power of Congress, which would compel Great Britain to treat with us on terms of reciprocity. If gentlemen were disposed to pursue these, he would join them with all his heart, but any thing short of it will only irritate, and not produce any real national advantage whatever. His first object would be to interdict the trade which supplied the British dependencies with the necessaries of life. He was bold to say that Nova Scotia, the settlement founded by Britain to rival the United States, could not exist without such aid; her West India settlements would also feel the want of our commerce; the whole body of her colonies would be clamorous to regain the advantages thus suspended, and compel the mother country to adopt measures for their and our mutual convenience and interest; this he apprehended would be good policy, and perfectly warrantable. But a trifling discrimination may lose us the advantages we now have in British ports, without obtaining a compensation in exchange; for of whom are we to expect a compensation? Not of Britain, unless she is compelled; not of France, for the inducement is too trifling. I am sorry, said he, that I am drawn to make some observations on national generosity, because they may not tend to show that our allies display that virtue towards us in a very conspicuous manner.



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*Secretary of Foreign Affairs.*

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When this and the tonnage bill were first before the House, the commercial advantages granted the United States by Great Britain were pointed out; they appeared to exceed the privileges of our commerce with France in substance, though perhaps the latter were, in some instances, more showy. With respect to the British West Indies, we are on a footing with other nations, so that gentlemen ought not to complain, as they have done, of our suffering an indignity by submitting to such restrictions. But what shall I say with respect to our intercourse with the French islands? Our trade there is exposed to the most exorbitant charges; our vessels and seamen to indignities which I wish not to mention. But gentlemen need not be surprised at this view, when they look around and behold the custom-houses we have suffered them to erect in America. We cannot visit an island without a passport from them. I will not dwell upon what they exact for this necessary paper; but we admit, by paying it, their authority in this country over our commerce. If this picture of our situation be not sufficiently humiliating, I could color it with an enumeration of the contumelies and insults which our people have actually received. I could inform this honorable body, that our captains, with their officers and seamen, have been dragged from on board their ships at midnight, for the breach of laws never promulgated, by the caprice or wanton cruelty of a petty officer. Our venerable heads of families, our most virtuous citizens, have been thus, and more, ignominiously treated by the subjects of our great ally. Perhaps we have obtained a promise of better treatment in future, by making our well-grounded complaint; but let me pause a moment, and ask gentlemen whether they know a nation on earth whose friendship is worth purchasing at such a price? For my part, I know of none. Is the advantage of exporting to the place of consumption as many hogsheads of tobacco as the Government will admit, a compensation? In my mind, it is a question whether this article does not yield a better return from Great Britain than elsewhere; therefore the trade in it to other countries is not valuable enough to induce the freemen of America tamely to submit to impositions and indignities which debase the rank of an independent nation. Gentlemen may have formed high notions of our commerce with France; but I submit it to the enterprising and most assiduous of our merchants, to those who have had long connexions with that country, and who have formed their judgments upon the sure ground of experience, to say if the French trade is profitable to America; if this were the fact, many more of our traders would have found it out; for I believe the citizens of the Union are as sagacious in making such discoveries as any people whomsoever.

With these impressions on my mind, I cannot but join with the Senate in their amendment, which I hope may be carried; but I shall never oppose, on the contrary, I will support,

every effectual measure for compelling the nations of the world to treat with us on the principles of reciprocity.

The question for concurring with the Senate in striking out the discrimination on distilled spirits was put; upon which the House divided, and there appeared twenty-five in the affirmative, and twenty-seven in the negative; so the question of concurrence was lost. Adjourned.

WEDNESDAY, June 24.

## DEPARTMENT OF FOREIGN AFFAIRS.

The engrossed bill "for establishing an Executive Department, to be denominated the Department of Foreign Affairs," was read the third time.

Mr. SUMTER.—This bill appears to my mind so subversive of the constitution, and in its consequences so destructive to the liberties of the people, that I cannot consent to let it pass, without expressing my detestation of the principle it contains. I do it in this public manner, in order to fulfil what I think to be my duty to my country, and to discharge myself of any concern in a matter that I do not approve.

Mr. PAGE discovered the fate of the bill; he knew it must pass, but, nevertheless, he would decidedly give it his negative, and he hoped the respectable minority which he had the honor of voting with hitherto on the question of removability, would unite with him firmly in their opposition; and in order to record to their constituents the sentiments they maintained, he moved to take the question by the yeas and nays.

One-fifth of the members present joined in requiring the yeas and nays; whereupon they were taken, and are,

YEAS.—Messrs. Ames, Benson, Boudinot, Brown, Burke, Cadwalader, Carroll, Clymer, Contee, Fitzsimons, Gilman, Goodhue, Griffin, Hartley, Heister, Huger, Lawrence, Lee, Madison, Moore, Muhlenberg, Schureman, Scott, Sedgwick, Seney, Sinnickson, Sylvester, Trumbull, and Vining.—29

NAYS.—Messrs. Coles, Gerry, Grout, Hathorn, Huntington, Jackson, Leonard, Livermore, Matthews, Page, Parker, Partridge, Van Rensselaer, Sherman, Smith, of Maryland, Smith, of South Carolina, Stone, Sturgis, Sumter, Thatcher, Tucker, and White.—22

So the question was determined in the affirmative, and the clerk directed to carry the bill to the Senate, and desire their concurrence.

## DUTIES ON IMPORTS.

The House now resumed the consideration of the message from the Senate, touching their amendments to the Impost bill.

After going through the same, and agreeing to three amendments, and rejecting six, it was

*Ordered*, That a Committee of Conference be desired with the Senate, upon the subject-matter of the amendments disagreed to; and Messrs. BOUDINOT, FITZSIMONS, and MADISON were appointed managers at the said conference, on the part of the House.



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War Department.

[H. OF R.]

## DEPARTMENT OF WAR.

The House then went into a committee on the bill for establishing the Department of War. Mr. TRUMBULL in the chair.

Mr. BENSON proposed, with respect to the Secretary's being removable by the President, a similar amendment to that which had been obtained in the bill establishing the Department of Foreign Affairs.

Mr. SHERMAN thought it unnecessary to load this bill with any words on that subject; he conceived the gentleman ought to be satisfied with having had the principle established in the other bill.

Mr. PAGE was of the same opinion, but further thought it argued a doubt, even in the mind of the majority, of the truth of their principles, and they wanted, by repetition, to force that upon the mind which was not impressed by right reason. The question on the amendment was taken without further debate, and carried in the affirmative, twenty-four to twenty-two.

Some other small alterations being made, the committee rose, and reported the bill as amended; which being partly considered, the House adjourned.

THURSDAY, June 25.

Mr. WYNKOOP presented the petition of Samuel Briggs, of Philadelphia, praying for the exclusive privilege of constructing and vending a machine for making nails by mill-work. Ordered to lie on the table.

## DEPARTMENT OF WAR.

The House resumed the consideration of the amendments reported by the Committee of the whole to the bill for establishing the War Department; which being agreed to, the bill was ordered to be engrossed.

A message from the Senate informed the House that they agree to the amendment proposed by this House to their amendment to the bill for laying a duty on goods, wares, and merchandises imported into the United States; insist on their fourth and fifth amendments to the said bill; agree to the proposed conference on the subject-matter of the other amendments thereto, and have charged their managers to confer also on the said fourth and fifth amendments. The Senate likewise agree to the amendments proposed by this House to their first and ninth amendments to the bill imposing duties on tonnage; and also to the proposed conference on the subject-matter of the other amendments to the said bill.

## TREASURY DEPARTMENT.

The House then resolved itself into a Committee of the whole on the bill for establishing the Treasury Department, Mr. TRUMBULL in the chair. The second clause being under consideration,

Mr. PAGE objected to the words making it the duty of the Secretary to "digest and report

plans for the improvement and management of the revenue, and the support of the public credit;" observing that it might be well enough to enjoin upon him the duty of making out and preparing estimates; but to go any further would be a dangerous innovation upon the constitutional privilege of this House; it would create an undue influence within these walls, because members might be led, by the deference commonly paid to men of abilities, who give an opinion in a case they have thoroughly studied, to support the minister's plan, even against their own judgment. Nor would the mischief stop here; it would establish a precedent which might be extended, until we admitted all the ministers of the Government on the floor, to explain and support the plans they have digested and reported: thus laying a foundation for an aristocracy or a detestable monarchy.

Mr. TUCKER.—The objection made by the gentleman near me is, undoubtedly, well founded. I think it proper to strike out all the words alluded to, because the following are sufficient to answer every valuable purpose, namely, "to prepare and report estimates of the public revenue and public expenditures." If we authorize him to prepare and report plans, it will create an interference of the executive with the legislative powers; it will abridge the particular privilege of this House; for the constitution expressly declares, that all bills for raising revenue shall originate in the House of Representatives. How can the business originate in this House, if we have it reported to us by the Minister of Finance? All the information that can be required, may be called for, without adopting a clause that may undermine the authority of this House, and the security of the people. The constitution has pointed out the proper method of communication between the executive and legislative departments; it is made the duty of the President to give, from time to time, information to Congress of the state of the Union, and to recommend to their consideration such measures as he shall judge necessary and expedient. If revenue plans are to be prepared and reported to Congress, here is the proper person to do it; he is responsible to the people for what he recommends, and will be more cautious than any other person to whom a less degree of responsibility is attached. Under this clause, you give the Secretary of the Treasury a right to obtrude upon your plans, not only undigested, but even improper to be taken up.

I hope the House is not already weary of executing and sustaining the powers vested in them by the constitution; and yet it would argue that we thought ourselves less adequate to determine than any individual what burthens our constituents are equal to bear. This is not answering the high expectations that were formed of our exertions for the general good, or of our vigilance in guarding our own and the people's rights. In short, Mr. Chairman, I



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can never agree to have money bills originated and forced upon this House by a man destitute of legislative authority, while the constitution gives such power solely to the House of Representatives; for this reason, I cheerfully second the motion for striking out the words.

**Mr. BENSON.**—If the proposed amendment prevail, the bill will be nearly nugatory. The most important service that can be rendered by a gentleman who is at the head of the Department of Finance, is that of digesting and reporting plans for the improvement of the revenue, and supporting public credit; and, for my part, I shall despair of ever seeing your revenue improved, or the national credit supported, unless the business is submitted into the hands of an able individual. I thought this subject was well understood, from the debate on the original motion. It was then insisted upon by an honorable gentleman, **Mr. GERRY**, who opposed the appointment of a Secretary of the Treasury, that his important duties ought to be “to consider of the means of improving the revenue, and introducing economy into the expenditures, and to recommend general systems of revenue.” Now, what more than this is required by the clause?

For my part, I am at a loss to see how the privilege of the House is infringed. Can any of the Secretary's plans be called bills? Will they be reported in such a form even? But admitting they were, they do not become bills, unless they are sanctioned by the House; much less is the danger that they will pass into laws without full examination by both Houses and the President. From this view of the subject, so far is the clause from appearing dangerous, that I believe it discovers itself to be not only perfectly safe, but essentially necessary; and without it is retained, the great object of the bill will be defeated.

**Mr. GOODHUE.**—We certainly carry our dignity to the extreme, when we refuse to receive information from any but ourselves. It must be admitted, that the Secretary of the Treasury will, from the nature of his office, be better acquainted with the subject of improving the revenue or curtailing expense, than any other person; if he is thus capable of affording useful information, shall we reckon it hazardous to receive it? For my part, when I want to attain a particular object, I never shut my ears against information likely to enable me to secure it.

**Mr. PAGE.**—I can never consent to establish, by law, this interference of an executive officer in business of legislation; it may be well enough in an absolute monarchy, for a minister to come to a Parliament with his plans in his hands, and order them to be enregistered or enacted; but this practice does not obtain even in a limited monarchy like Britain. The minister there, who introduces his plans, must be a member of the House of Commons. The man would be treated with indignation, who should attempt in that country to bring his schemes before Parliament in any other way. Now, why

we, in the free republic of the United States, should introduce such a novelty in legislation, I am at a loss to conceive. The constitution expressly delegates to us the business of the revenue; our constituents have confidence in us, because they suppose us acquainted with their circumstances; they expect, in consequence of this knowledge, we will not attempt to load them with injudicious or oppressive taxes; but they have no such security, if we are blindly to follow perhaps an unskillful minister. It does not answer me, **Mr. Chairman**, to say the House has a right of deliberating and deciding upon these plans, because we may be told, if you prune away this part or that part of the system, you destroy its efficiency. Therefore we must act with caution; we must either take or reject the whole; but if we reject the whole, sir, we are to depend upon ourselves for a substitute. How are we to form one? For my part, I should not despair, that the united wisdom of this House could procure one; but if we are to do this in the second instance, why cannot we attempt it in the first? I have no objection to our calling upon this or any other officer for information; but it is certainly improper to have him authorized by law to intrude upon us whatever he may think proper. I presume, sir, it is not supposed by the worthy gentleman from New York (**Mr. BENSON**) that we shall be at a loss to conceive what information would be useful or proper for us to require, that we must have this officer to present us with what he chooses. When the President requires an opinion of him, the constitution demands him to give it; so under the law, let him send his opinion in here, when it is asked for. If any further power is given him, it will come to this at last: we, like the Parliament of Paris, shall meet to register what he dictates. Either these reports of the Secretary are to have weight, or they are not; if they are to have weight, the House acts under a foreign influence, which is altogether improper and impolitic; if they are to have no weight, we impose a useless duty upon the officer, and such as is no mark of our wisdom.

**Mr. AMES** hoped the subject might be treated with candor and liberality; he supposed the objections were made on those principles, and therefore required a serious answer. The worthy gentleman who first expressed his aversion to the clause seemed to be apprehensive that the power of reporting plans by the Secretary would be improper, because it appeared to him to interfere with the legislative duty of the House, which the House ought not to relinquish.

Whenever it is a question, **Mr. Speaker**, said he, whether this House ought, or ought not, to establish offices to exercise a part of the power of either branch of the Government, there are two points which I take into consideration, in order to lead my mind to a just decision; first, whether the proposed disposition is useful; and, second, whether it can be safely guarded from abuse. Now I take it, sir, that the House, by their order for bringing in a bill to establish the



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Treasury Department in this way, have determined the point of utility; or, have they erred in adopting that opinion, I will slightly make an inquiry. How does it tend to general utility? The Secretary is presumed to acquire the best knowledge of the subject of finance of any member of the community. Now, if this House is to act on the best knowledge of circumstances, it seems to follow logically, that the House must obtain evidence from that officer; the best way of doing this will be publicly from the officer himself, by making it his duty to furnish us with it. It will not be denied, sir, that this officer will be better acquainted with his business than other people can be. It lies within his department, to have a comprehensive view of the state of the public revenues and expenditures. He will, by his superintending power over the collection, be able to discover abuses, if any, in that department, and to form the most eligible plan to remedy or prevent the evil. From his information respecting money transactions, he may be able to point out the best mode for supporting the public credit; indeed, these seem to me to be the great objects of his appointment.

It is, perhaps, a misfortune incident to public assemblies, that from their nature they are more incompetent to a complete investigation of accounts than a few individuals; perhaps in a Government so extended, and replete with variety in its mode of expenditure as this, the subject may be more perplexing than in countries of smaller extent, and less variety of objects to guard. The science of accounts is at best but an abstruse and dry study; it is scarcely to be understood but by an unwearied assiduity for a long time; how then can a public body, elected annually, and in session for a few months, undertake the arduous task with a full prospect of success? If our plans are formed upon these incomplete investigations, we can expect little improvement; for I venture to say, that our knowledge will be far inferior to that of an individual, like the present officer. Hence I contend, sir, that the Secretary is a useful and invaluable part of the Government.

I would not have it understood that I am against an inquiry being made into this subject at every session of the Legislature. I think such a practice highly salutary, but I would not trust to a hasty, or perhaps injudicious examination of a business of this magnitude; on the contrary, I would take every precaution in ascertaining the foundation upon which our revenues are to stand.

If we consider the present situation of our finances, owing to a variety of causes, we shall no doubt perceive a great, although unavoidable confusion throughout the whole scene; it presents to the imagination a deep, dark, and dreary chaos; impossible to be reduced to order without the mind of the architect is clear and capacious, and his power commensurate to the occasion; he must not be the flitting creature of a day, he must have time given him competent for the successful exercise of his authority. It

is with an intention to let a little sunshine into the business that the present arrangement is proposed; I hope it may be successful, nor do I doubt the event. I am confident our funds are equal to the demand, if they are properly brought into operation; but a bad administration of the finances will prove our greatest evil.

But is our proposed arrangement safe? Are the guards sufficient to prevent abuse? I am perfectly satisfied it can be made so, and hope the united exertions of both Houses will effect it. How is the power complained of by the honorable gentlemen over the way (Mr. PAGE and Mr. TUCKER) unsafe? We are told, the plans reported may have an undue influence. Upon what ground is this opinion rested? Do the gentlemen apprehend the facts will be fallaciously stated? If so, I would ask, cannot they be detected? If facts are faithfully stated, and the deductions are fair, no doubt the plan will be patronized; and will gentlemen say that it ought not? I believe there is little danger of imposition, for a person in this situation would hardly run the risk of detection, in a case where detection might be easy by an examination of the books and vouchers, and his reputation be destroyed.

What improper influence could a plan reported openly and officially have on the mind of any member, more than if the scheme and information were given privately at the Secretary's office?

Nor, Mr. Chairman, do I approve what the gentlemen say with respect to calling on the Secretary for information; it will be no mark of inattention or neglect, if he take time to consider the questions you propound; but if you make it his duty to furnish you plans of information on the improvement of the revenue and support of public credit, and he neglect to perform it, his conduct or capacity is virtually impeached. This will be furnishing an additional check.

It has been complained of as a novelty; but, let me ask gentlemen, if it is not to an institution of a similar kind that the management of the finances of Britain is the envy of the world? It is true, the Chancellor of the Exchequer is a member of the House that has the sole right of originating money bills; but is that a reason why we should not have the information which can be obtained from our officer, who possesses the means of acquiring equally important and useful knowledge? The nation, as well as the Parliament of Britain, holds a check over the Chancellor: if his budget contains false calculations, they are corrected; if he attempts impositions, or even unpopular measures, his administration becomes odious, and he is removed. Have we more reason to fear than they? Have we less responsibility or security in our arrangement of the Treasury department? If we have, let us improve it, but not abridge it of its safest and most useful power. I hope the committee will refuse their approbation of the present motion.



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Mr. LIVERMORE.—I shall vote for striking out the clause, because I conceive it essentially necessary so to do. The power of originating money bills within these walls, I look upon as a sacred deposit which we may neither violate nor divest ourselves of, although at first view it may appear of little importance who shall form a plan for the improvement of the revenue. Although every information tending to effect this great object may be gratefully received by this House, yet it behooves us to consider to what this clause may lead, and where it may terminate. Might it not, by construction, be said, that the Secretary of the Treasury has the sole right of digesting and reporting plans for the improvement of the revenue? This construction may appear a little extraordinary, but it is not more so than some constructions heretofore put upon other words; but however extraordinary it may be, it may take place, and I think the best way to avoid it, will be to leave out the words altogether. It is certainly improper that any person, not expressly entrusted by our constituents with the privilege of taking their money, should direct the quantum and the manner in which to take it.

But if there is not the danger I have mentioned, of giving power exclusively to this officer, I would ask gentlemen, and I submit it to their candor to say, whether it must not have a tendency to render the minds of the members indifferent on the subject, if the business is to be arranged and conducted by another, who, we are told, is better capable of understanding it than ourselves? Certainly, we shall hardly think it worth while to trouble our heads about the business. How far this will disappoint the object of our election, may be plainly seen. For my part, I think the power too great to be entrusted in any hands but those of the representatives of the people, where the constitution has deposited it, unless it be to a committee specially appointed by the House for that purpose.

Some allusions, Mr. Chairman, have been made with respect to the origin of this power. Gentlemen have intimated that it was copied from the powers vested in the First Lord of the Treasury. I am not of this opinion. I rather believe the committee, in searching for precedents, have turned to the former appointment of a Superintendent of Finance under the late Confederation, and, having discovered this enumerated among his powers, have copied it into the bill, not advertent to the different circumstances of the present and former Congress; for to them alone was not confined the power of originating revenue plans. Besides, it might be safe in them, because they possessed the legislative and executive power; they could abolish his plans and his office together, if they thought proper; but we are restrained by a Senate, and and the negative of the President. We have no power over him, therefore we ought to be cautious of putting dangerous powers into his hands.

Mr. SEDGWICK.—If the principle prevails for

curtailing this part of the Secretary's duty, we shall lose the advantages which the proposed system was intended to acquire. The improvement and management of the revenue is a subject that must be investigated by a man of abilities and indefatigable industry, if we mean to have our business advantageously done. If honorable gentlemen will for a moment consider the peculiar circumstances of this country, the means of information attainable by the individual members of this House, and compare them with the object they have to pursue, they will plainly perceive the necessity of calling to their aid the advantages resulting from an establishment like the one contemplated in the bill; if they weigh these circumstances carefully, their objections, I trust, will vanish. Coming, Mr. Chairman, as we do, from different parts of the Union, from States where the objects of revenue are different, where the circumstances and views of the people are different, and in a great degree local, it appears to me that no one member can be so fortunate as to possess the extensive knowledge attainable by this officer. Another circumstance induces me to draw the same conclusion. We shall find systems adopted to defeat the collection of the revenue, but it will be impossible for any of us to become so well acquainted with these machinations as to defeat their object; but from the advantageous position we give the Secretary of the Treasury, and the multifarious objects of his attention, he may watch over and detect their plans; he will have a better capacity to propose a remedy than any member of the Legislature.

I do not apprehend any undue influence operating on the members of this House, because I am persuaded there will ever prevail an independent and indignant spirit within the walls of Congress, hostile to every venal attempt. Nor do I believe it possible to color, with a semblance of justice, either false or base measures against the public welfare; the wisdom of this House can never be thought so meanly of. I trust a majority will always be found wise and virtuous enough to resist being made the tools of a corrupt administration. I, therefore, with confidence, approve the object of the clause.

I will mention one other circumstance, of no inconsiderable force, in favor of the bill. Coming, as I said we do, from districts with different ideas, perhaps different objects to pursue, much time will necessarily be consumed before a current is found in which the mind of the majority will run; and even then, gentlemen will not be certain they have procured all the information that could be obtained. It appears, therefore, to me, from the reason and nature of things, to be our duty, as wise legislators, to form such a reservoir for information as will supply us with what is necessary and useful at all times.

Mr. BORDINOT.—A proper jealousy for the liberty of the people is commendable in those who are appointed and sworn to be its faithful guardians; but when this spirit is carried so far



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as to lose sight of its object, and instead of leading to avoid, urges on to the precipice of ruin, we ought to be careful how we receive its impressions. So far is the present measure from being injurious to liberty, that it is consistent with the true interest and prosperity of the community. Are gentlemen apprehensive we shall be led by this officer to adopt plans we should otherwise reject? For my part, I have a better opinion of the penetration of the representation of the people than to dread any such visionary phantom.

Let us consider whether this power is essentially necessary to the Government. I take it to be conceded by the gentlemen, that it is absolutely so. They say they are willing to receive the information because it may be serviceable, but do not choose to have it communicated in this way. If the Secretary of the Treasury is the proper person to give the information, I can see no other mode of obtaining it that would be so useful. Do gentlemen mean that he shall give it piecemeal, by way of question and answer? This will tend more to mislead than to inform us. If we would judge upon any subject, it would be better to have it in one clear and complete view, than to inspect it by detachments; we should lose the great whole in the minutiae, and, instead of a system, should present our constituents with a structure composed of discordant parts, counteracting and defeating the operation of each other's properties.

Make your officer responsible, and the presumption is, that plans and information are properly digested; but if he can secrete himself behind the curtain, he might create a noxious influence, and not be answerable for the information he gives. I conceive this great principle of responsibility to be essentially necessary to secure the public welfare: make it his duty to study the subject well, and put the means in his power; we can then draw from him all the information he has acquired, and apply it to its proper use. Without such an officer, our plans will be ineffectual and inconsistent. I have seen too much the want of a like officer in the State Legislatures, not to make me very desirous of adopting the present plan. It has been said, that the members coming from the different parts of the Union are the most proper persons to give information. I deny the principle. There are no persons in the Government to whom we could look with less propriety for information on this subject than to the members of this House. We are called from the pursuit of our different occupations, and come without the least preparation to bring forward a subject that requires a great degree of assiduous application to understand; add to this the locality of our ideas, which is too commonly the case, and we shall appear not very fit to answer the end of our appointment. Witness the difficulty and embarrassments with which we have hitherto been surrounded. If we had the subject digested and prepared, we should determine with ease on its fitness, its combination, and its principles,

and might supply omissions or defects without hazard; and this in half the time we could frame a system, if left to reduce the chaos into order.

MR. HARTLEY rose to express his sentiments, as he did on every occasion, with diffidence in his own abilities; but he looked upon the clause as both unsafe and inconsistent with the constitution. He thought the gentleman last up proved too much by his arguments; he proved that the House of Representatives was, in fact, unnecessary and useless; that one person could be a better judge of the means to improve and manage the revenue, and support the national credit, than the whole body of Congress. This kind of doctrine, Mr. Chairman, is indelicate in a republic, and strikes at the root of all legislation founded upon the great democratic principle of representation. It is true, mistakes, and very injurious ones, have been made on the subject of finance by some State Legislatures; but I would rather submit to this evil, than, by my voice, establish tenets subversive of the liberties of my country.

Notwithstanding what I have said, I am clearly of opinion it is necessary and useful to take measures for obtaining other information than what members can acquire in their characters as citizens; therefore, I am in favor of the present bill; but I think these words too strong. If it was modified so as to oblige him to have his plans ready for this House when they are asked for, I should be satisfied; but to establish a legal right in an officer to obtrude his sentiments perpetually on this body, is disagreeable, and it is dangerous, inasmuch as the right is conveyed in words of doubtful import, and conveying powers exclusively vested by the constitution in this House.

One gentleman (MR. AMES) has said, that the Secretary would be responsible for the plans he introduces. Very true; but how are we to detect the impositions they contain; for, he says, we require more time and leisure to make the scrutiny than falls to our lot, so that it does not afford the degree of responsibility which his observations supposed.

MR. GERRY expressed himself in favor of the object of the clause; that was, to get all the information possible for the purpose of improving the revenue, because he thought this information would be much required, if he judged from the load of public debt, and the present inability of the people to contribute largely toward its reduction.

He could not help observing, however, the great degree of importance they were giving this, and the other executive officers. If the doctrine of having prime and great ministers of state was once well established, he did not doubt but we should soon see them distinguished by a green or red ribbon, or other insignia of court favor and patronage. He wished gentlemen were aware of what consequences these things lead to, that they might exert a greater degree of caution.



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The practice of Parliament in Britain is first to determine the sum they will grant, and then refer the subject to a Committee of Ways and Means: this might be a proper mode to be pursued in this House.

Do gentlemen, said he, consider the importance of the power they give the officer by the clause? Is it not part of our legislative authority? And does not the constitution expressly declare that the House solely shall exercise the power of originating revenue bills? Now, what is meant by reporting plans? It surely includes the idea of originating money bills, that is, a bill for improving the revenue, or, in other words, for bringing revenue into the treasury. For if he is to report plans, they ought to be reported in a proper form, and complete. This is giving an indirect voice in legislative business to an executive officer. If this be not the meaning of the clause, let gentlemen say what is, and to what extent it shall go; but if my construction is true, we are giving up the most essential privilege vested in us by the constitution. But what does this signify? The officer is responsible, and we are secure. This responsibility is made an argument in favor of every extension of power. I should be glad to understand the term. Gentlemen say the Secretary of the Treasury is responsible for the information he gives the House—in what manner does this responsibility act? Suppose he reports a plan for improving the revenue, by a tax which he thinks judicious, and one that will be agreeable to the people of the United States; but he happens to be deceived in his opinion, that his tax is obnoxious, and excites a popular clamor against the minister—what is the advantage of his responsibility? Nothing. Few men deserve punishment for the error of opinion; all that could be done would be to repeal the law, and be more cautious in future in depending implicitly on the judgment of a man who had led us into an impolitic measure. Suppose the revenue should fall short of his estimate, is he responsible for the balance? This will be carrying the idea further than any Government hitherto has done. What then is the officer to be responsible for, which should induce the House to vest in him such extraordinary powers?

It was well observed by the honorable gentleman over the way, (Mr. PAGE,) that when his bill or plan is before the House, we must take or reject the whole; for if the individual members are so uninformed on the subject as they have been represented, it will be next to presumption to prepare an alteration; we should be told it was his duty officially to present plans, and our duty officially to pass them; that he is better informed than any other man, nay, better than the collective wisdom of the country. But this argument goes further still, and it may be justly asked, what occasion is there for a session of Congress? It incumbers the nation with a heavy expense, without rendering it any service. For, if we can neither alter nor improve the Secretary's plans, we can only con-

sume our time to no avail. Under these circumstances, it will be patriotic to lay down our authority, and vest it in the great minister we have established.

Mr. LAWRENCE.—I do not see consequences so dangerous as some gentlemen seem to apprehend; nor did they appear to them, I believe, when the subject was last under consideration. I recollect, Mr. Chairman, that some difficulty was made about establishing this office, because it was feared we could not find men of sufficient abilities to fill it. The duties were then properly deemed of a high and important nature, and enumerated as those proposed in the bill. It was supposed by an honorable gentleman, that the powers here expressed might be lodged in a board, because an individual was incompetent to undertake the whole. But now we have the wonderful sagacity of discovering, that if an individual is appointed, he will have capacity to form plans for improving the revenue in such an advantageous manner, as to supersede the necessity of having the representatives of the people consulted on the business; he will not only perform the usual duties of a Treasury Board, but be adequate to all purposes of legislation. I appeal to the gentleman for his usual candor on this occasion, which will assure us that he has wire-drawn his arguments.

I hope, sir, if we give this power to an individual, we shall have judgment enough to discover whether his plans are consistent with the public happiness and prosperity; and while we exercise this judgment, there can be no cause to apprehend the chimerical effects portrayed by the gentleman last up.

It is said to be giving him the power of legislation. Do we give him the power of deciding what shall be law? While we retain this power, he may give us all the information possible, but can never be said to participate in legislative business; he has no control whatever over this House. I see no danger, but a great deal of benefit, arising from the clause; by making it his duty to study the subject, we may reasonably expect information.

How is it said, that the power of reporting plans for the improvement of the revenue, is the power of originating money bills? The constitution declares that power to be vested solely in this House. Now, will gentlemen say a money bill is originated by an individual member if he brings it forward? It cannot be originated, in my opinion, until the sense of the House is declared; much less can a plan for the improvement of the revenue be said to be a money bill.

Mr. GERRY admitted that he gave it as his opinion, that it was not an easy thing to find a proper person for conducting the finances in this country; there were but few in Europe who possessed abilities equal to the undertaking. He said before, that he knew but one in America, and believed there were not many to be found. These were his sentiments then, and



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he had made no discoveries since that warranted a change of opinion. But perhaps the advocates of the bill are acquainted with a gentleman fit for the business; if they are, it is more than he pretended to be, unless, as he said before, it was an honorable member of the Senate, who had made more progress in acquiring a knowledge of this difficult science, than any other person he had heard of.

He would not proceed on this subject, because the House had determined to appoint such an officer, and thereby put an end to the debate. By that vote, they supposed they could find a man equal to the task; he hoped they might, but he was really apprehensive of a disappointment, when he considered the confused and embarrassed state of our public debts and accounts; however, he submitted to the voice of his country.

The gentleman last up, said he, did me the honor of noticing what I said on a former occasion; but I appeal to himself whether my words were conveyed in the language of the bill. Did I advise any thing like this? Has not the gentleman sagacity enough to discover that my arguments went no further than this, that he was the proper person to give information respecting the public revenues and expenses, the mode of collecting, and the probable remedy for abuses?

But certainly, this House contains more information relative to the proper means of supporting the national credit, and how far our constituents are capable of sustaining an increase of taxes, or which mode of assessment would yield most satisfaction. Yet gentlemen propose to give the power of advising the House, in all these cases, to the Secretary of the Treasury. It was always my opinion, that the representative body, from their sense of feeling, was a better judge of taxation than any individual, however great his sagacity, or extensive his means of information.

The gentleman says, we only give him power to give information; that is what I wish, but the clause goes further. Is digesting and reporting plans merely giving information? These plans will have to undergo the consideration of the House, I grant; but they must have some influence coming from such high authority, and if they have this in any degree whatever, it is subversive of the principles laid down in the constitution.

The gentleman says, a bill is not originated until it has obtained the sense of the House; what is it then? The bill now under consideration has not obtained the sense of the House, yet I believe that gentleman himself conceives it to be a bill; he uses the term when he is speaking of it, and will hardly deny that it has originated. I think, sir, whenever the House order a committee to bring in a bill, or give leave to a member to read one in his place, that by that order they originate the bill; and here it is that I am apprehensive of a diminution of our privilege. By this law you give the Secretary the right of digesting and reporting all plans,

which is but another word for bills, for the management and improvement of the revenue, and supporting public credit. To what an extent these last words may reach, I shall not pretend to say; but certainly they may include the operations of more departments than one. If the clause will bear the construction I have mentioned, it is altogether unwarrantable. I said, I differed from the gentleman with respect to the origin of bills, but perhaps this phrase may be applicable to a bill on its passage; all bills, from the time they are admitted before the House, may be said to be on their passage; but they are originated, as I take it, at their introduction.

Mr. FITZSIMONS was not certain that he understood the objections which were made against the clause; but if he did, it was a jealousy arising from the power given the Secretary to report plans of revenue to the House. No gentleman, he believed, had objected to his preparing a plan, and giving it in when it was called for. If this were the case, perhaps harmony might be restored to the committee by changing the word report into prepare; he would therefore move that amendment, in order to try the sense of the House.

Mr. MADISON.—After hearing and weighing the various observations of gentlemen, I am at a loss to see where the danger lies. These are precisely the words used by the former Congress, on two occasions, one in 1783, the other in a subsequent ordinance, which established the Revenue Board. The same power was also annexed to the office of Superintendent of Finance, but I never yet heard that any inconvenience or danger was experienced from the regulation; perhaps, if the power had been more fully and frequently exercised, it might have contributed more to the public good.

There is a small probability, though it is but small, that an officer may derive a weight from this circumstance, and have some degree of influence upon the deliberations of the Legislature; but compare the danger likely to result from this clause, with the danger and inconvenience of not having well-formed and digested plans, and we shall find infinitely more to apprehend. Inconsistent, unproductive, and expensive schemes, will be more injurious to our constituents than the undue influence which the well-digested plans of a well-informed officer can have. From a bad administration of the Government, more detriment will arise than from any other source. The want of information has occasioned much inconvenience and unnecessary burthens under some of the State Governments. Let it be our care to avoid those rocks and shoals in our political voyage, which have injured, and nearly proved fatal to, many of our cotemporary navigators.

A gentleman has asked, what is meant by responsibility? I will answer him. There will be responsibility in point of reputation, at least a responsibility to the public opinion with respect to his abilities; and supposing there is no per-



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sonal responsibility, yet we know that men of talents and ability take as much care for the preservation of their reputation as any other species of property of which they are possessed. If a superior degree of wisdom is expected to be displayed by them, they take pains to give proofs that they possess it in the most unequivocal manner; this of itself will ensure us no small degree of exertion.

With respect to originating money bills, the House has the sole right to do it; but if the power of reporting plans can be construed to imply the power of originating revenue bills, the constitution is inconsistent with itself, in giving the President authority to recommend such measures as he may think expedient or necessary; but the construction is too unnatural to require further investigation.

I have admitted there is a small probability of a small inconvenience, but I do not think it any more an argument against the clause, than it would be an argument against having windows in a house, that it is possible the wind and the rain may get in through the crevices.

Mr. LIVERMORE expressed an apprehension that the clause originated from a clause in an ordinance of the former Congress; he found now he was not mistaken; but he wished gentlemen to distinguish, in the manner he had attempted to do, between properties of this Congress and that, from which they might discover the impropriety of adopting it.

He thought gentlemen had sufficiently extolled the excellence of this office, and its advantages. He remembered that the grant of this power to the officer who formerly presided at the head of the finances, had produced some morsels of this kind; the five per cent. impost, a poll tax, and a land tax, if his memory served him right, were submitted; how far these were likely to meet the approbation of the Union, he did not say; but certainly one of them would meet few patrons. From this specimen, he did not form so favorable an opinion as some gentlemen expressed of the revenue plans, prepared, digested, and reported by a Secretary of the Treasury.

Mr. PAGE added, that the late Congress were obliged to submit their plans to the State Legislatures; consequently, there was less danger of undue influence. As this was his principal fear, he would vote against every thing like giving him authority to bring his plans before the House.

Mr. LIVERMORE declared the amendment proposed by Mr. FITZSIMONS unsatisfactory, and by no means removing the ground of complaint.

Mr. TUCKER likewise objected to the amendment, because its effect would be precisely the same with the words standing in the bill. Why, said he, should the Secretary be directed to prepare plans, unless it is intended that the House should regularly call for them? The views of the gentleman are to have a uniformity in the system of finance; but how can this

be effected, without the plans are always brought before us? Whatever the House shall presume to do on independent principles, may break in upon the Secretary's system, or make him vary his propositions, in order to accommodate them to what we have done. If we must adopt plans for the sake of uniformity, we must adopt them at all times, or lose our object.

However useful it may be to obtain information from this officer, I am by no means for making it a matter of right in him to intrude his advice. I admit, information may at all times be acceptable, but I think advice should never come but when required. Are we to be advised on all occasions, because we don't know when to require it? Are the members of this House incapable of asking for assistance when they want it? Why have we not affronted the other branches of the Government, as well as this House? Why have we not said that the Secretary of Foreign Affairs should prepare and digest plans for the formation of treaties, and report them to the President and Senate, who are exclusively to manage that concern? The cases are exactly similar; but we did not choose to offer them such an indignity. If it is right in one instance, it is equally so in every other. We ought to have given the Secretary at War an opportunity of exercising his ingenuity, in devising plans of fortifications to strengthen our shores and harbors; we ought, in every case, where we have to decide, appoint officers with the same view to aid our deliberations, and, in fine, to perform the whole duties for which we were elected.

Mr. HARTLEY expressed himself satisfied with the amendment proposed by Mr. FITZSIMONS.

Mr. STONE was not afraid of giving the officer the power of reporting plans, because he was sure Congress would, in every case, decide upon their own judgment. A future Congress would not pay such a deference, even to their predecessors, as to follow in their footsteps, unless they were convinced of the good policy of their measures. He thought, if the House wanted to make use of the information acquired by the Secretary, they ought to give him notice of their intention; consequently, something of this kind was proper in the bill.

Mr. SHERMAN thought the principle held up by the clause, was absolutely necessary to be received. It was of such a nature as to force itself upon them; therefore it was in vain to attempt to elude it by subterfuge. It was owing to the great abilities of a financier, that France had been able to make the exertions we were witnesses of a few years ago, without embarrassing the nation. This able man, after considerably improving the national revenue, was displaced; but such was the importance of the officer, that he has been restored again.

The honorable gentleman, said he, from South Carolina, (Mr. TUCKER,) has asked why we did not make a similar provision in the case of the Departments of Foreign Affairs, and of War, to assist the President. If he had consulted the con-



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stitution, he would have found it unnecessary, because it is there made the duty of the heads of departments to answer the inquiries of the President in writing. It is the proper business of this House to originate revenue laws; but as we want information to act upon, we must procure it where it is to be had, consequently we must get it out of this officer, and the best way of doing so, must be by making it his duty to bring it forward.

I do not contend for a word; if the spirit of the clause is retained, I am satisfied.

Mr. BALDWIN.—I do not see what we are guarding against by striking out the words, unless gentlemen mean to go so far as to introduce a prohibitory clause, and declare that the Secretary of the Treasury shall be restrained from digesting or preparing plans for the improvement of the revenue. If there is any evil in having him attend to this branch of the business, I cannot see how to avoid it. Suppose the officer is a bad man, and there are others like him in this House, (for this must be what the gentlemen are afraid of;) and suppose he has prepared a scheme for speculation, which he hopes to get adopted by making dupes of the honest part; how are you to hinder it from being brought forward? Cannot his friends introduce it as their own, by making and seconding a motion for that purpose? Will you restrain him from having access to the members out of doors? And cannot he infuse his dangerous and specious arguments and information into them as well in the closet, as by a public and official communication? But, Mr. Chairman, can this House, or if it can, will it, prevent any of their constituents from bringing before them plans for the relief of grievances or oppressions? Every individual of the community can bring business before us by petition, memorial, or remonstrance, provided it be done in a decent manner. How then do you propose to restrain the Secretary of the Treasury?

I think the clause is very well as it stands, and shall therefore be against the amendment.

Mr. PAGE's motion for striking out the clause being put and negatived:

The question on Mr. FITZSIMONS's motion to amend the bill, by striking out the word report, and inserting prepare, was taken and carried by a great majority.

After which the House adjourned.

FRIDAY, June 26.

A number of the members attending the interesting conference which to-day took place with the Senate on the impost and tonnage bills, no business was done in this House.

SATURDAY, June 27.

The engrossed bill for establishing the Department of War was read the third time, passed, and sent to the Senate for its concurrence.

#### REVENUE BILL.

Mr. BOUDINOT, from the managers on the part of this House in the conference with the Senate, on the subject of the amendments to the Impost bill, reported that the conference had agreed to pass the bill as amended by the Senate, with some additional amendments, viz: the duty on distilled spirits of Jamaica proof, to be reduced from fifteen cents to ten cents per gallon. The duty on all other spirits, to be reduced from twelve to eight cents per gallon. The duty on beer, ale, porter, or cider, imported in casks, from eight to five cents per gallon. The duty on beer imported in bottles, from twenty-five to twenty cents per gallon. The duty on coal, from three to two cents per bushel.

#### TONNAGE BILL.

Mr. BOUDINOT reported further with respect to the Tonnage bill, and the House agreed to the Senate's amendment, in the third section, whereby foreign vessels are allowed to carry goods coastwise, upon paying fifty cents per ton at each entry.

And in the first section, whereby all ships built within the United States, and afterwards sold to foreigners, pay twenty cents per ton at each entry less than if such vessel had been built in a foreign country.

The House then took up the amendment proposed to strike out the clause discriminating between the tonnage of vessels belonging to nations in treaty, and those not in treaty.

On this clause it was observed by Mr. MADISON, that nothing had been urged at the conference, by the managers on the part of the Senate, in favor of this amendment, but what had been repeated over and over again, by the opponents to the clause, in its original form in this House. But it was not contended by the Senate, that the principle was improper; so far from it, they thought some measure of a similar tendency to be necessary, and were inclined to take the subject up, but on a different scale, and to extend it further than the House had hitherto contemplated. He had, however, some doubts whether it would not be more prudent to adopt the moderate style of the bill, than apply to rasher expedients; if the end could be attained, without departing from the principles of moderation, it would redound to the honor of the Government; but, at all events, it was prudent to begin with measures of this temper; if they were found ineffectual, it might then be time enough to attempt more coercive regulations. For these reasons, he was in favor of the bill as it stood, without the Senate's amendment.

There was another circumstance that had considerable weight on his mind; it was universally admitted, that something ought to be done this session, both for the dignity of the United States, and to answer the high expectation of the people; but if the proposed discrimination be relinquished, there is little pro-



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bability of any other plan being adopted, inasmuch as the time of both Houses will be fully occupied in organizing the Government, and cannot, without some inconvenience, be diverted to any other object. Yet, if it should so happen, that the plan proposed by the Senate can be gone through, the law may contain a clause for repealing this part of the Tonnage bill, and no inconvenience will arise,

Mr. LAWRENCE presumed, if the question was not carried for striking out the discriminating clause, the bill would be lost; and as it was a matter of great consequence in the scale of revenue, he wished to show the part he took, and would call for the yeas and nays, if he was supported.

Mr. VINING declared, with much decision, that he would rather the bill should be lost than passed without a discriminating clause. He had listened to the arguments used at the conference yesterday, with the greatest attention, and a mind open to conviction, and had discovered that the good of the country required the absolute adoption of the principle. He was by no means actuated by resentment to Britain for her former usage; she had pursued what she took to be her interest; and we, as an independent nation, have a right to do the same. He hoped a majority of this House would join with the voice of their constituents, and contend for discrimination to the last.

Mr. JACKSON had also attended the conference, and with a disposition similar to that declared by the honorable gentleman from Delaware, (Mr. VINING,) but his convictions were directly the reverse. The proposed discrimination would irritate the nation against whom it is aimed, without being of any service to us. He thought the idea a mistaken one, though several States had adopted it. The State he represented, among the rest, pursued this plan of increasing the shipping; but he was bold to say, that not a single French vessel had been induced to come to Georgia, in consequence of the favor shown them by the discrimination; but the planter had paid the additional impost on all the British shipping they employed. He apprehended the same consequences would result from this clause, and therefore joined with the Senate in striking it out.

Mr. FRYSIMONS did not mean to go into any argument on this subject, but he thought it necessary for the United States to meet the regulations of Britain with other regulations; for that reason he wished the bill to pass as it went from the House; but if the Senate, or any other member of this House, thought proper to come forward with a more effectual plan, he would give it his support, and then repeal this part of the present bill. Yet he should be extremely sorry to lose the bill, as it was essential to the mercantile interest in the United States; for without the bill, English ships would pay no more duty than our own.

Mr. SHERMAN was well convinced there was a large and decided majority in both Houses,

and that it was the universal voice of the Union, that America should meet commercial restrictions with commercial restrictions; but there might be some disagreement about the best way to effect this point. He did not think it the voice of the people that Congress should lay the commerce of a nation under disadvantages, merely because we had no treaty with them. It could not appear a solid reason in the minds of gentlemen, if they considered the subject carefully; therefore it was not the proper principle for the Government to act upon. He would mention one that appeared to him more equitable, namely, lay a heavy duty upon all goods coming from any port or territory to which the vessels of the United States are denied access; this would strike directly at objects which the honorable gentleman had in view, without glancing upon other ports to which we are allowed access.

Mr. LIVERMORE approved the bill as it went up originally; but since there was great danger of losing it by persisting in the discrimination, he would accede to the Senate's amendment, hoping that something more effectual might be fallen upon; in the mean time, he consoled himself with the advantage the amendment procured to the revenue, for it was intended by the House to charge our allies but thirty cents per ton, whereas the Senate have set them all equal at fifty cents per ton.

Mr. MOORE favored the principle of discrimination, but feared if it were laid on tonnage, it would operate unequally; those States paying most who employed the greatest quantity of foreign shipping.

Mr. GOODHUE proposed to let the Tonnage bill lie on the table, in order to give the Senate an opportunity of originating a bill on the subject of discrimination, which the Committee of Conference had informed them was in contemplation. If the House consented to this, they might have their choice of the two schemes, and prefer the most eligible.

Mr. MADISON agreed to this expedient, though he doubted if any thing better could be procured. He should regret the loss of the bill, but he would be extremely sorry to give up the point. The House had shown a spirit of accommodation by giving up the discrimination in the Impost bill on brandy and spirits; and he believed it was on the principle of adhering more firmly to it in the bill now before them; he hoped, therefore, if the question was taken, that they would decide the point as they had hitherto done.

The question was put, by consent, on Mr. GOODHUE's proposition for letting the bill lie on the table; which being rejected,

The motion for agreeing with the Senate being about to be taken, Mr. LAWRENCE withdrew his call for the yeas and nays; whereupon it was decided in the usual manner; and there were twenty-five in favor of the motion, and twenty-six against it. So the question was lost.

Adjourned,



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MONDAY, June 29.

A petition from William Finnie, deputy quartermaster general in the Southern Department during the late war, was read, praying a reimbursement of moneys expended by him in the public service.—Ordered to lie on the table.

Mr. GOODHUE, from the committee to whom the collection bill was committed, reported, that the committee had prepared an entire new bill as an amendment and substitute to the former one, which was read, and ordered to be committed to a Committee of the whole.

A message from the Senate informed the House that they agree to the amendments proposed by the House to the Senate's amendments to the Impost bill.

Mr. SCOTT moved to take up the report of the committee appointed to consider and report the state of the unappropriated lands in the Western Territory, observing to the House that the Treasury bill embraced this matter, and he wished them to have the whole subject fairly before them, so as to connect it in a satisfactory manner.

Mr. BENSON wished the business of the Western Territory to lie over till the Treasury bill was gone through.

Mr. SEDGWICK reminded gentlemen, that their attention had been called to the treasury business last, and it would be best to finish it before they went upon fresh matter.

## TREASURY DEPARTMENT.

Mr. SCOTT's motion being negatived, the House went into a Committee of the whole, Mr. TRUMBULL in the chair, on the Treasury bill.

On motion of Mr. VINING, the following words were struck out, being part of the powers assigned to the Secretary of the Treasury, "to conduct the sale of the lands belonging to the United States, in such a manner as he shall be by law directed;" and afterwards these were inserted, "to execute such services respecting the sale of the lands of the United States, as may by law be required of him."

Mr. BURKE gave notice that he meant to bring in a clause to be added to the bill to prevent any of the persons appointed to execute the offices created by this bill from being directly or indirectly concerned in commerce, or in speculating in the public funds, under a high penalty, and being deemed guilty of a high crime or misdemeanor.

Mr. MADISON observed, that the committee had gone through the bill without making any provision respecting the tenure by which the Comptroller is to hold his office. He thought it was a point worthy of consideration, and would, therefore, submit a few observations upon it.

It will be necessary, said he, to consider the nature of this office, to enable us to come to a right decision on the subject; in analyzing its properties, we shall easily discover they are not purely of an executive nature. It seems to me

that they partake of a judiciary quality as well as executive; perhaps the latter obtains in the greatest degree. The principal duty seems to be deciding upon the lawfulness and justice of the claims and accounts subsisting between the United States and particular citizens: this partakes strongly of the judicial character, and there may be strong reasons why an officer of this kind should not hold his office at the pleasure of the executive branch of the Government. I am inclined to think that we ought to consider him something in the light of an arbitrator between the public and individuals, and that he ought to hold his office by such a tenure as will make him responsible to the public generally; then again it may be thought, on the other side, that some persons ought to be authorized on behalf of the individual, with the usual liberty of referring to a third person, in case of disagreement, which may throw some embarrassment in the way of the first idea.

Whatever, Mr. Chairman, may be my opinion with respect to the tenure by which an executive officer may hold his office according to the meaning of the constitution, I am very well satisfied, that a modification by the Legislature may take place in such as partake of the judicial qualities, and that the legislative power is sufficient to establish this office on such a footing as to answer the purposes for which it is prescribed.

With this view he would move a proposition, to be inserted in the bill; it was that the Comptroller should hold his office during ——— years, unless sooner removed by the President: he will always be dependent upon the Legislature, by reason of the power of impeachment; but he might be made still more so, when the House took up the Salary bill. He would have the person re-appointable at the expiration of the term, unless he was disqualified by a conviction on an impeachment before the Senate; by this means the Comptroller would be dependent upon the President, because he can be removed by him; he will be dependent upon the Senate, because they must consent to his election for every term of years; and he will be dependent upon this House, through the means of impeachment, and the power we shall reserve over his salary; by which means we shall effectually secure the dependence of this officer upon the Government. But making him thus thoroughly dependent, would make it necessary to secure his impartiality, with respect to the individual. This might be effected by giving any person, who conceived himself aggrieved, a right to petition the Supreme Court for redress, and they should be empowered to do right therein; this will enable the individual to carry his claim before an independent tribunal.

A provision of this kind exists in two of the United States at this time, and is found to answer a very good purpose. He mentioned this, that gentlemen might not think it altogether novel. The committee, he hoped, would take a little time to examine the idea.



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Mr. STONE thought it necessary to have time allowed the committee for considering the proposition; it was perfectly novel to him, and he dared to say the same of many other members; but, at the first view, he thought he saw several objections to it. As the Comptroller was an inferior officer, his appointment might be vested in the President by the Legislature; but, according to the determination which had already taken place, it did not necessarily follow that he should have the power of dismissal; and before it was given, its propriety ought to be apparent. He did not know whether the office should be held during good behavior, as the gentleman proposed; for if it was intended to be held during a term of years, and then the officer to be re-appointed, if he had not been convicted on impeachment, it would be tantamount to holding it during all the time he behaved well. But he thought all officers, except the judges, should hold their offices during pleasure. He also thought it unnecessary to consider the Comptroller as a judge, and give, by an express clause in the bill, a right to the complainant to appeal from his decision. He considered this as the right of every man, upon the principles of common law, therefore securing it by the statute would be a work of supererogation.

Mr. SMITH, of South Carolina, approved the idea of having the Comptroller appointed for a limited time, but thought during that time he ought to be independent of the Executive, in order that he might not be influenced by that branch of the Government in his decisions.

Mr. SEDGWICK did not rise to oppose the measure, but to suggest some doubts of its effects. The first was, as mentioned by the gentleman from Maryland, (Mr. STONE,) that the officer would hold his office by the firm tenure of good behavior, inasmuch as he was to be re-appointed at the expiration of the first term, and so on.

Mr. MADISON begged the gentlemen would excuse him for this interruption, but he suspected he was misapprehended; he said the officer should be re-appointable at the expiration of the term—not re-appointed.

Mr. SEDGWICK acknowledged he had misunderstood the gentleman; but, as he had now explained himself, he did not see that the proposition came up to the intention he had expressed: so far from making him independent, as a judge ought to be, it subjected him to more subordination than any other officer.

He also conceived that a majority of the House had decided that all officers concerned in executive business should depend upon the will of the President for their continuance in office; and with good reason, for they were the eyes and arms of the principal Magistrate, the instruments of execution. Now the office of Comptroller seemed to bear a strong affinity to this branch of the Government. He is to provide for the regular and punctual payment of all moneys which may be collected, and to di-

rect prosecutions for delinquencies; he is to preserve the public accounts, to countersign warrants, and to report to the Secretary. These are important executive duties, and the man who has to perform them ought, he thought, to be dependent upon the President.

He did not mean, by what he said, to give a decided opinion, but merely to suggest for consideration some doubts which had arisen in his mind since the subject was introduced.

Mr. BENSON did not like the object of the motion, because it was, in some measure, setting afloat the question which had already been carried.

He wished there might be some certainty in knowing what was the tenure of offices; he thought they were well fixed now, if nothing more was done with the question. The judges hold theirs during good behavior, as established by the constitution; all others, during pleasure. He was afraid that the present motion would lead to a different construction from the one lately adopted; by devices of this kind, he apprehended the Legislature might overthrow the executive power; he would therefore vote against it, if it were not withdrawn.

Mr. MADISON did not wish a decision on the subject, farther than gentlemen were prepared.

When I was up before, said he, I endeavored to show that the nature of this office differed from the others upon which the House had decided; and, consequently, that a modification might take place, without interfering with the former distinction; so that it cannot be said we depart from the spirit of the constitution.

Several arguments were adduced to show the Executive Magistrate had constitutionally a right to remove subordinate officers at pleasure. Among others it was urged, with some force, that these officers were merely to assist him in the performance of duties, which, from the nature of man, he could not execute without them, although he had an unquestionable right to do them if he were able; but I question very much whether he can or ought to have any interference in the settling and adjusting the legal claims of individuals against the United States. The necessary examination and decision in such cases partake too much of the judicial capacity to be blended with the executive. I do not say the office is either executive or judicial; I think it rather distinct from both, though it partakes of each, and therefore some modification, accommodated to those circumstances, ought to take place. I would, therefore, make the officer responsible to every part of the Government.

Surely the Legislature have the right to limit the salary of any officer; if they have this, and the power of establishing offices at discretion, it can never be said that, by limiting the tenure of an office, we devise schemes for the overthrow of the executive department.

If gentlemen will consult the true spirit and scope of the constitution, they will perhaps find my propositions not so obnoxious as some seem



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*Tonnage Bill.*

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to think. I did not bring it forward for immediate decision; I am very willing to let it lie over for further consideration.

The committee rose and reported progress, after which the House adjourned.

TUESDAY, June 30.

TREASURY DEPARTMENT.

The House again went into a Committee of the whole on the bill establishing the Treasury Department, Mr. TRUMBULL in the chair.

Mr. MADISON withdrew the proposition which he yesterday laid upon the table; and Mr. BURKE introduced his additional clause, which, after some alteration and addition proposed by Mr. FITZSIMONS and others, was made part of the bill.

The committee then rose, and reported the bill, with the proposed amendments, which were ordered to lie on the table.

WEDNESDAY, July 1.

TREASURY DEPARTMENT.

The House took up the report of the Committee of the whole on the bill establishing the Treasury Department; when the several proposed amendments were agreed to, and the bill was ordered to be engrossed for a third reading.

TONNAGE BILL.

A message was received from the Senate, informing the House that they had concurred with the House in an amendment, (by which the wording of the bill was somewhat altered,) but that they adhered to their amendment for striking out the discrimination in favor of the shipping of our allies, and against others.

The House proceeded to the consideration of the said message.

Mr. SHERMAN observed, that the House had the ultimatum of the Senate; therefore, all that remained was for the House to decide.

Mr. PAGE owned this to be a necessary bill, but necessary as it was, he would sooner lose it than renounce the doctrine contained in the contested clause.

Mr. FITZSIMONS saw, if the House persisted any further, that the bill would be lost; from a knowledge of this fact, he was induced to adopt the Senate's amendment; but he left them to answer for the consequences to their constituents and to the world. If gentlemen would take a retrospective view, they would see that the House had done all that was incumbent upon them to carry a measure through, which they conceived to be essential to the national interest; they had insisted upon their determination; they had adhered to their opinion; and now they were reduced to the alternative of losing the bill, or foregoing their sentiments. In this dilemma, he thought it best to accede to the proposition of the Senate, because the provision which this bill contained was all that the mercantile interest got for the sacrifices they had made in the Impost bill. They certainly expect-

ed some advantages from another part of the system, when they assented to pay all the duties in advance by way of impost.

Mr. VINING hoped, as the gentlemen had stood firm in three trials upon this point against the Senate, they would persevere to the end. He said it would be committing the dignity of the House to recede from an opinion they had so often solemnly declared, without any new argument being offered against them. But was it true, that nothing could be done if the bill was lost? Could not the subject be taken up in another, or might not the bill lie over for two or three weeks, in order to compare it with the discrimination intended by the Senate? But if the decision now took place, he hoped it would be as heretofore, otherwise it might be considered that the House was under the government of the Senate, and adopted their opinions without arguments being offered to convince their judgments.

He would not add a syllable on the propriety of the measure, because it was well understood.

Mr. SEDGWICK said, he was informed there was a very considerable majority in the Senate in favor of the amendment, and reminded the House there was but a majority of one on this floor when the bill was last before them. If, said he, we set out with a determination that a bill shall be lost, unless the whole body of the Senate will submit to a majority of one in this House, the whole legislative business must cease; because it is hardly possible that an independent body will submit in this manner.

The point in dispute is not, as has been intimated, the most important in the bill, which contains a discrimination in favor of our own navigation against all foreigners whomsoever; the other object is, a discrimination between foreign nations. In the first, and primary object, the Senate agree with the House: in the second, they only differ in the mode. If we would defend ourselves, and be really independent of foreign nations, we ought to make the first species of discrimination; but it does not follow that we ought to sacrifice this advantage because we cannot attain the other.

Nor can acting on the principles of conciliation be beneath the dignity of this House. There is a particular virtue in moderation; it often gains where it seems to lose. We may relinquish the discrimination in this bill, and bring forward another, in which we can contend for it without prejudice to any other concern.

The question was now reduced to this: whether we should prefer a small advantage to a great one? Whether the whole revenue arising from the foreign navigation should be given up for the sake of exercising a fanciful predilection and preference for one foreign nation over another?

Mr. STONE.—The constitution supposes, that the two branches of the Legislature may disagree, because it gives both Houses the power of proposing or concurring with amendments. If they have not this power, whenever the two



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Houses disagree, the business would be at an end. The same consequence would result from the doctrine advanced by the honorable gentleman from Delaware, (Mr. VINING.) If it was honorable to adhere, neither House ought to retract its opinion; but, while the gentleman made this an argument in favor of our determination, what is to become of the honor and dignity of the Senate? Certainly he intends to compel them to make a sacrifice of it to what he thinks the public good. If this opinion is well founded, it must happen in every case of disappointment, where a law is passed by an accommodation, that one or both branches are dishonored.

If we cannot do all the good we wish, let us do all we can; and while we remember the present state of our commerce, we shall hardly be satisfied in our own minds with the loss of such an important bill. I have still the same opinion with respect to the discrimination, but I am willing to forego it, rather than lose the whole.

Mr. JACKSON was willing to go as far as any gentleman to obtain what appeared to be for the public good; actuated by this principle, he had given up his private opinion on the subject of tonnage, to what appeared to him to be the sense of the Union. He was well satisfied that the discrimination between foreign and domestic shipping would bear hard on the State from which he came, but he submitted to it. After having sacrificed so much, he would not attempt to defeat the bill by standing out for a trifling discrimination between foreigners.

He rose only to make this observation, and hoped other gentlemen would give up their private sentiments, when the good of their country required it.

Mr. GERRY informed the House, that the Senate had appointed a committee to prepare a plan for accomplishing the end proposed to be attained by the contested clause; he therefore hoped the House would accede.

Mr. VINING said, the clause had been carried through the House by a larger majority than there was in the Senate; but he owned the majority had diminished. But then the question did not turn upon the policy of the measure; it was barely whether the bill should be lost or not; yet, even on this question, there was a majority who would prefer losing the bill, rather than give up the principle.

He did not understand what gentlemen meant by the term accommodation, as applied in this instance. Was there any thing like accommodation on the part of the Senate? No, they insist peremptorily upon their amendment; they have taken no middle ground on which we could meet them; we must either give up the principle of policy, or lose the bill. They have not even informed the House that they meant to insist upon the principle, by applying for a joint committee, to frame a bill, for carrying it into effect, which they might have done with propriety, as the subject has been so long before both Houses. Perhaps it may be a question

whether they have authority to originate a bill of this kind; it is a matter of revenue; and, as such, must be exclusively brought forward by the House of Representatives.

He wished to accommodate the business, but it must be on other ground than giving up or abandoning the principle.

Mr. MADISON.—Those who suppose that the loss of the present bill will be irreparable, may do right to agree with the proposition of the Senate; but it does not appear to me in this light. I believe a bill might be substituted, within a convenient time, for securing the advantages to our own vessels, in as full a manner as is done by the present, about which neither House would differ.

It is said, that the Senate are nearly unanimous, and the majority here is but small; but, let me ask gentlemen, what is it that produces unanimity there, or has diminished the majority of this branch? It is not that either are averse to take measures for the vindication and support of our national interest. The Senate proceeds on the idea that the measures ought to be more effective, and gentlemen here are afraid of losing all in endeavoring to attain all. But if in this struggle the bill should fall, and the Senate does not adopt what is for the common good, they will be answerable for the consequences.

Mr. SHERMAN.—Every gentleman looks upon this bill as important to the commerce of the United States. Now, if it falls, I take it to be a clear point, that we cannot resume the subject during the present session. I submit it, therefore, to their prudence, whether they ought to agree with the Senate or not.

Mr. LAWRENCE requested gentlemen to think what an actual loss the revenues would sustain, besides the disadvantage to our commerce. He said it had been stated, in the course of the debate, that the shipping employed by the United States exceeds 600,000 tons, of which two-thirds are foreign; a duty of fifty cents would bring in a large sum. But admitting, as perhaps was near the fact, that something more than one-third is foreign, it must bring in \$124,000. Nor is this all that is to be considered; it will operate as a bounty to that amount, in favor of foreigners, if the bill be not passed.

Mr. PAGE would rather lose any bill, than have the doctrine established that this House must submit to the Senate; yet, if it was done in this instance, it would serve as a precedent in future decisions. The danger of losing the bill is an improper argument; it goes to destroy the balance of the constitution, and might be urged on every occasion when the policy of the measure is unquestionable. This was not his way of forming a decision; if the principles of a bill were just and politic, he would adhere to them at all events. But his principal reason for troubling the House, was to observe that the bill is not in so much danger as is apprehended, because, conformably with the rules of Parliamentary proceedings, a bill is not lost till after a second adherence; but if he was mis-



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taken, he thought the House had better continue their former decision.

Mr. GERRY observed, that it would be useless to originate another bill if this clause was inserted in it; but if it were to be left out, the House might as well save time, and pass it now without it.

The question being called for, and the yeas and nays demanded, they were taken as follows:

YEAS.—Messrs. Ames, Baldwin, Benson, Burke, Cadwalader, Fitzsimons, Gerry, Gilman, Goodhue, Hathorn, Huntington, Jackson, Lawrence, Lee, Livermore, Matthews, Moore, Partridge, Sedgwick, Sherman, Sinnickson, Smith, (of Maryland,) Smith, (of South Carolina,) Stone, Sylvester, Thatcher, Trumbull, Tucker, Wadsworth, White, and Wynkoop—31.

NAYS.—Messrs. Boudinot, Brown, Carroll, Clymer, Coles, Contee, Griffin, Grout, Hartley, Madison, Muhlenburg, Page, Parker, Van Rensselaer, Scott, Seney, Sturgis, Sumter, and Vining—19.

So the question was determined in the affirmative.

Mr. GERRY reported a bill for the establishment and support of light-houses, beacons, and buoys, and for authorizing the several States to provide and regulate pilots; which was read the first time, and then the House adjourned.

THURSDAY, July 2.

The engrossed bill establishing the Treasury Department was read the third time, passed, and sent to the Senate for concurrence.

The bill for the establishment and support of light-houses, beacons, and buoys, and for authorizing the several States to provide and regulate pilots, was read the second time, and committed to a Committee of the whole.

#### COLLECTION OF DUTIES.

The House then resolved itself into a Committee of the whole on the new bill to regulate the collection of duties imposed on goods, wares, and merchandises imported into the United States, Mr. TRUMBULL in the chair. After some time spent thereon, the committee rose, and asked and obtained leave to sit again.

FRIDAY, July 3.

#### COLLECTION OF DUTIES.

The House again went into a committee on the new collection bill, Mr. TRUMBULL in the chair.

A motion was made to strike out the clause which restricts foreign ships to particular enumerated ports, which occasioned some debate, the substance of which will be found in the former discussion on this subject. The motion was finally withdrawn.

Mr. GERRY then moved that the names of the particular ports which were the object of the above motion should be struck out, and the following words substituted: "Nor shall any foreign vessel enter or unlade but at those ports

to which a collector, naval officer, and surveyor, have been appointed." This proposition was also negatived.

The committee then proceeded to add several ports to the list, at which foreign vessels might enter, and to make other amendments to the bill. After which they rose, reported progress, and obtained leave to sit again.

MONDAY, July 6.

The SPEAKER laid before the House a letter from his excellency Beverly Randolph, Governor of Virginia, enclosing an account of the exports and imports of that State for the preceding year, which was referred to the committee appointed to prepare estimates, &c.

Mr. PAGE laid before the House the petition of Andrew Ellicott, praying that money may be advanced for defraying his expenses, and to enable him to execute an act of the late Congress, for determining the western boundary of the State of New York, and to ascertain the quantity of land lying west of the said boundary, and included between the northern boundary of the State of Pennsylvania and Lake Erie.

Ordered to be referred to Messrs. PAGE, SCOTT, and BALDWIN.

On motion,

*Resolved*, That there be prefixed to the publication of the acts of the present session of Congress a correct copy of the constitution of Government for the United States.

This resolution was sent to the Senate for concurrence.

#### COLLECTION OF DUTIES.

The House then went into committee on the collection bill.

Mr. CARROLL stated to the committee that the gentlemen from Maryland had met, and endeavored to accommodate the peculiar situation of that State to the principles of the bill, but he was sorry that they could not do it in a satisfactory manner. He reminded them how much the collection depended on the good will of the merchant, and what care ought to be taken to avoid oppressing one part of the Union more than another. There was a leading principle that ought to be established in order to give satisfaction, and that was, to make the regulations general; then no part could complain; but if the ports were variously restricted, it might tend to create some degree of acrimony towards the Government, among that class of citizens who had warmly patronized it, and upon whom much depended for furnishing it with revenue. He mentioned these general ideas to the committee, and hoped they would be carried along, and have their weight in every future regulation.

Mr. FITZSIMONS was well satisfied that the subject was difficult; the House had found it so, for they had labored the point for some weeks without success. He hoped every gentleman was disposed to concede something, in order to



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bring the business to an end. He acknowledged the peculiar situation of the navigation of the Chesapeake and its numerous waters; but he begged gentlemen would not insist upon any extraordinary privileges on that account, if they could avoid it, because it would tend to retard the great work they had in hand; besides, as there was a likelihood of getting considerable revenue from that quarter, they ought to submit to more restraints to secure it, than those ports at which little or no business is done.

Several gentlemen contended that a spirit of mutual forbearance and conciliation was indispensably necessary; that concessions and sacrifices must be made to secure the great object in contemplation; and that every indulgence not incompatible therewith, would certainly be extended.

The committee then proceeded to the consideration of other clauses, and after some time spent therein, they rose and reported.

Adjourned.

TUESDAY, July 7.

A message from the Senate informed the House, that they had concurred in the resolution for prefixing to the acts of the present Congress a correct copy of the constitution, and had appointed a committee to act jointly with a committee of this House to examine enrolled bills.

#### COLLECTION OF DUTIES.

The House again resolved itself into a Committee of the whole on the new collection bill. Mr. TRUMBULL in the chair. After some time spent therein, the committee reported progress, and obtained leave to sit again.

WEDNESDAY, July 8.

Mr. PAGE, from the committee to whom the petition of Andrew Ellicott was referred, made a report, which was ordered to lie on the table.

#### COLLECTION OF DUTIES.

The House again went into a Committee of the whole on the new collection bill. Mr. TRUMBULL in the chair, and made further progress therein; but, not having got through the same, had leave to sit again.

THURSDAY, July 9.

Mr. GERRY, from the committee appointed to prepare and report an estimate of the supplies requisite for the present year, and of the net produce of the impost, as agreed to by the House, made a report, which was ordered to lie on the table, and be printed.

#### COLLECTION OF DUTIES.

The House, in Committee of the whole, Mr. TRUMBULL in the chair, again resumed the consideration of the new collection bill. Not having got through the bill, the committee again rose and reported progress.

FRIDAY, July 10.

#### COLLECTION OF DUTIES.

The House again went into a Committee of the whole, Mr. TRUMBULL in the chair, on the new collection bill; and after going through the same, rose, and reported the bill, with the proposed amendments, to the House. The House resolved to take up and consider the report to-morrow.

SATURDAY, July 11.

#### COLLECTION BILL.

The House proceeded to consider the report of the Committee of the whole on the bill to regulate the collection of duties imposed on goods, wares, and merchandises imported into the United States; and the proposed amendments having been read and amended, were agreed to by the House.

*Ordered*, That the bill, as amended, be engrossed for a third reading.

MONDAY, July 13.

#### WESTERN LANDS.

The House resolved itself into a Committee of the whole on the state of the Union, Mr. BODINOT in the chair.

Mr. SCOTT requested that the report of the committee on the Western Territory might be read, which was read accordingly, as follows:

*Resolved*, That it is the opinion of this committee, that an act of Congress should pass for establishing a Land Office, and to regulate the terms of granting vacant and unappropriated lands in the Western Territory.

Mr. SCOTT.—In endeavoring, sir, to open the interesting subject now before you, I shall avoid the repetition of those ideas which I threw out on a former occasion, as far as my memory will serve me, and the nature of the subject will permit.

This subject, sir, will appear of great magnitude in point of interest, if we consider the extent of the territory; I think I shall not be far beyond the mark, if I say it is one thousand miles long by five hundred broad; nor if I say it is sufficient to contain two millions of farms; nevertheless, for greater caution, say it will contain one millions, (which is notoriously and greatly within the real contents,) and that each of these farms may be peopled by six souls, they will amount to six millions of inhabitants, double the number of the present inhabitants of the United States. From this view, it is an object of great concern. It will appear also an object of concern, if we contemplate the climate, the soil, and the waters of that country; consider that it lies in the heart of the temperate zone; its soil infinitely more rich and more fertile than any in the Atlantic States; its waters pure and good—in a word, it is such a territory as must command inhabitants, and will be peopled. Its situation in the middle of our conti-



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ment, gives the climate a salubrity that accommodates it to the emigrant from both Northern and Southern States. It is meeting them on a middle ground, softening the harsh restrictions of the rugged North, and breathing bland the zephyr grateful to the sun-scorched South. In short, it is such as gives to all who have seen it the utmost satisfaction—it is both healthy and agreeable.

If we consider the sources of wealth in that country, we shall at the present moment view it as a subject of no inconsiderable magnitude. From that country has been drawn, and hereafter may be drawn, considerable quantities of the most valuable exports our country affords; but of this the gentlemen in trade can give you a better account than I shall pretend to do; but I am of opinion the trade, and the furs and peltry it produces, are of great consequence to our commerce.

It will appear further, to be a subject worthy of our consideration, if we attend to the profit already derived to the United States from the sale of the soil, and which may be extended to any degree whatever; this will prove a valuable source for relieving the embarrassments to which the United States are subjected. But a very inconsiderable part of the soil, and that far from being the most excellent, has been disposed of, yet the sales amount to 4,936,863 dollars; land for almost five millions of specie dollars has been already sold in that district, a sum amounting to near one-fifth—to more than one-sixth—of the whole domestic debt of America. This treasure, which we possess, has done thus much towards extinguishing a debt bearing hard upon every part of the Union. Have any of the States done as much? Have any of them made an exertion equal to this inconsiderable effort? No, they have not. Have all the States together done as much? No, they are incapable of doing what this wilderness has done. This consideration alone renders it an interesting subject of immense future consequence, and worthy of the immediate attention of Congress.

We may consider further, that besides the sales, we have made satisfactory donations to the officers and soldiers of the late army, which may be fairly carried to swell the account; but after all this, the parts we have disposed of bear no proportion to the parts yet remaining, and from which money may be drawn. Can we hesitate then to call into operation a fund so immense and important to the immediate interests of the United States?

If we place it in another point of view, it will also appear a subject in which the United States are deeply engaged in point of national honor and good faith. The officers and soldiers to whom we made those donations, as a part of the price of their blood, and a reward for their long enduring toils and painful sufferings in the noblest cause, the freedom of their country, are certainly entitled to the fatherly assistance of Congress, in point of protection

and government. Can it be thought, without an outrage to humanity, that Congress intended to send them into the wilderness as outcasts from society—that the hand of Government should not be extended to them to protect them in their lives and property—that our gift was an abandonment, was an allurements to draw them without shelter, and leave them devoid of those blessings which their successful efforts have secured to us? My spirit rises indignant at the unjust suspicion.

But these are not the only circumstances in which the honor of Congress is engaged to extend its fostering care into that country. It is expressly stipulated by Congress, with the State of Virginia, that the French and Canadians, and other ancient settlers within her cession, should be protected and governed by Congress. These were, among other terms, agreed to by Congress when the conveyance of that territory was made; and Congress, by that act, plighted the good faith of the Union for the faithful performance thereof. People have gone upon those lands; they have been regularly purchased, and are paid for; they are consequently entitled to look to us for protection in their property.

A due observance of the treaties heretofore entered into with Indian tribes, must be enforced; if the country is settled by a lawless banditti, they will keep the nation in a perpetual broil with the savages; therefore, the guidance of the United States must go with the settlers, in order to procure the observance of such treaties. This is a further obligation in point of national honor and good faith, under which we lie with respect to that country.

I am likewise of opinion, that we shall find it a subject of considerable magnitude in point of policy. I presume the first two points will be readily given up, because they are incontrovertibly established by facts; but I feel aware that the point of policy may be contended with me. It may perhaps be objected, that the measure now proposed will lead or tend to a depopulation of the Atlantic States, and therefore ought not to be adopted. This is a circumstance I by no means wish. I am as far from desiring a depopulation of the Atlantic shores, as I am from fearing it on this ground. I am confident it will not operate in any considerable degree to bring about that event; but if it should be thought it would, that could be no solid objection against the measure. Whilst the desire of emigration continues, and lands are to be procured, settlers will find their way into that territory; nor is it in the power of Congress to withhold lands altogether, because they are to be got of others on better terms. There is superior encouragement held out to the people settling on the other side of the river Mississippi, where the soil is fertile, and the climate equally agreeable. In proof of this assertion, I will read to the committee the translation of a kind of proclamation issued by the Governor of the Spanish posts at the Illinois. [This paper contains an invitation to all persons inclined to



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settle in the Western country, offering as inducements, lands without charge, exemptions from taxes, protection in civil and religious liberties, besides provision and the implements of husbandry.] After this, Mr. S. proceeded: Now, sir, if Congress fear to sell their lands lest it tend to depopulate the Atlantic States, what must they apprehend from propositions like these? They will certainly have all the effect which encouragement from this quarter can have. It may be said, that Americans will not venture to live under the Spanish Government, or settle a Spanish colony. To this it may be replied, that when people, from their necessities or inclinations, are determined to emigrate, in order to mitigate their distresses, they think little of the form of Government; all they care for is relief from their present or approaching wants and troubles.

Nobody will emigrate from the Atlantic States but a certain description of men, and they will go whether you hold out this encouragement to them or not; they will pay little regard to Congressional restrictions. And here let me make one remark, drawn from my own observation. The forming settlements in a wilderness upon the frontiers, between the savages and the least populated of the civilized parts of the United States, requires men of enterprising, violent, nay, discontented and turbulent spirits. Such always are our first settlers in the ruthless and savage wild; they serve as pioneers to clear the way for the more laborious and careful farmer. These characters are already in that country by thousands, and their number is daily increasing, and will continue to increase; for congenial spirits will assimilate maugre all our endeavors to the contrary. But how will you prevent them? I should be glad to see a plan for hemming in the emigration to that territory; I think the thing wholly impracticable, therefore it becomes the immediate interest of Congress; to direct the emigration to a proper point; direct it to their own territory, rather than be inactive spectators of its silent, though rapid course to the Spanish and British dependencies; rather sell your lands and get something for them, than let your citizens leave your dominions. By improving a part, you add to the value of the remainder; their population will produce a hardy race of husbandmen and warriors, always at the command of the United States, to support and defend your liberty and property. These being facts, I leave it to the wisdom of the House to draw the inference.

I will make one further remark, with respect to the encouragement or discouragement of emigration. Suppose it was in the power of Congress to stop the course of the impetuous current, which has already won its way through insuperable obstructions, and spread itself over the fertile lands of the Ohio. I ask, with perfect security, if it is not such an act of contumacy, and inconsistency with the fundamental principles of the Government, that Congress

could not adopt it? Consider that many of your citizens are destitute of the comforts, nay, the common necessities of life, without a prospect of providing for the subsistence of themselves and families: I ask, would Congress prevent the emigration of such persons if they could? I think not; they would not act as kind protecting fathers to their people if they did. I presume this would be too serious an objection for any man to face, with a restraining proposition. I question if any man would be hardy enough to point out a class of citizens by name, that ought to be the servants of the community; yet, unless that is done, to what class of the people could you direct such a law? But if you passed such an act, it would be tantamount to saying that there is some class which must remain here, and by law must be obliged to serve the others, for such wages as they please to give.

This being the case, let us make the best of liberty, our people, and our land. Your citizens, I tell you, are already there by thousands; they are going by thousands more, and are every hour growing up into consequence. They never expect to return into the Atlantic States; plant them in your soil, add this wealth of population to your own, and form an empire illustrious as it is extended. Remember, ye sages of my country, an historic truth recorded for your instruction, that empire has been slowly, but invariably, moving from East to West; emigration has uniformly receded in that direction, from the time that our common parents quitted the garden of Eden, till the present hour; nor doubt but it will continue to pursue that course, as long as there are lands to be inhabited.

Those people, Mr. Chairman, who are there, growing up, must be provided with a Government in that country. Perhaps to this it may be objected, that they will not long continue in union with us. Perhaps arguments may be brought from the other side of the Atlantic, and we may be told with confidence that an extension of territory is infallibly the ruin of kingdoms. For examples in support of this opinion, we may be carried as far back as the eleventh epocha of the Romans, and there we may learn from judicious writers that the weight of the distant provinces brought about the fall of that empire. Now if I could grant this to be a fact, which I cannot, for I rather attribute that event to the pernicious privileges granted, and the immense sums thrown away on the capital of Constantinople, while the preservation of the ancient city was so difficult, and the division of the empire among the children and nephews of Constantine; but if it could be attributed to the extent of her territory, the comparison does not hold. The foundation of the Roman empire was laid upon fraud, rapine, and murder; they conquered, and their footsteps were marked with the blood of men more civilized than themselves; or they, with their wives and daughters, were carried captives, and sold at the shambles of Rome; their territory was laid waste, and colonies of children, purchased of their parents,



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were founded upon their ruin. Was it to be supposed that men would bear this savage barbarity longer than the arm of victory was pressing on them? Is this the manner in which we propose to settle the Western country? The comparison is too odious to be insisted upon.

There is a striking difference between the Government of the United States and that of the Roman provinces. The citizens of the first are bound together in the bond of equal liberty, and every State possesses within itself independent powers necessary to its support. The wretched inhabitants of the Roman provinces were the abject slaves of their lordly masters, who seldom behaved with moderation; their history is nothing but a series of injustice more or less disguised.

Another instance may, perhaps, be drawn from the separation of this continent from Great Britain. Here I would make two remarks: the first is, that the Atlantic ocean, of three thousand miles extent, formed such a natural boundary as to be a reason for separation when we should be prepared for it: the second is, that even this natural boundary did not furnish the reason for our independence. We were driven into that measure by necessity: our separation was brought about by the impolicy and oppressions of Great Britain. She wished to deprive us of the fruits of our industry, by establishing the doctrine of the omnipotence of Parliament, and wanted to attach us to them as provinces of slaves. I will not say, that if a like conduct were to take place on our part, with respect to the Western country, similar effects might ensue; but this can hardly happen under a Government founded upon the true principles of democracy; besides, I think we have had a sufficient lesson before our eyes to guard us against the attempt.

Much will depend upon the energy and force of the Government established in that country; it ought to be such as will furnish sufficient power for its own internal purposes, and also to secure it to the Union. But that is not the only tie by which its union is held. That country is attached to the Atlantic States by its natural situation. To be convinced of this truth, nothing more is necessary than to look upon the chart: all the commerce of that country must come through the States upon the sea-coast. We know, at Pittsburg, that we are a thousand miles nearer to the market than settlers at the mouth of the Ohio river. When we export our produce by that and the Mississippi, we know we can get easier home with our returns by the way of Philadelphia, than the others can by turning up and stemming the current of the Mississippi. Therefore, the imports for all that territory must come through the United States. From these considerations, I conclude it would be madness in the extreme for them to think of a separation, unless they were driven to it by a fatal necessity; they will be too sensible of its ill effects ever to attempt it.

But suppose, for a moment, that they break

off from the Union, and even become our enemies, it would be good policy in us to get as much as we can from them first, especially as they are disposed to give it us; let us make them extinguish part of our national debt before they leave us. The soil and climate of that country, as I said before, will be great inducements for emigrants to settle there. If they were to break off, they would know how to get money enough from the sale of the territory to support their Government, without any other resource whatever. If I, as a resident in that country, had the remotest view of a separation from the Atlantic States, I should be sorry to see Congress sell an acre of that land; for selling it, in that case, would be neither more nor less than preventing us from putting the money into our pockets when we became independent. If they meditate independency, the most likely way to make them so, will be to let their lands alone, in order to supply them with funds sufficient to support them in the measure. If they are sold, it will not be in their power.

Another consideration which shows the subject to be of great consequence to the Union, is the sales already made there, a partial mention of which I made in one of my former observations. By the terms of those sales, the United States are obliged to complete the surveys; this has not hitherto been done; of consequence, the money due for them cannot be had, nor the accumulating interest be suspended. The amount, as I stated before, is near five millions of dollars: of this sum, \$771,310 have been paid into the Treasury; the whole of the remainder will continue unpaid till the surveys are completed, namely, \$4,165,553, paying a daily interest of \$684½. This, gentlemen, is what we actually lose every day, for want of establishing some regulations on the subject. Is not this a matter of serious concern to the people of the United States, which requires our immediate attention? Then, if this is the case, if the subject is of such vast magnitude in all these points of view, it only remains to consider what is to be done with respect to it to procure the greatest good to the United States, and greatest benefit to the people.

I apprehend it will be found that a Land Office will effect these objects better than any other plan that can be devised. If this should be effectual, and no doubt can be entertained but it will, the inhabitants of the United States cannot, with a good grace, be called upon for heavy taxes in order to pay the interest on a debt which can be so easily and properly extinguished. Every individual who contemplates the subject, will see how much it is his interest to buy a few dollars in certificates, and purchase a piece of land with them, which will annihilate the debt, and prevent the demand for taxes to pay the interest; besides, it will remain as a security to reimburse the principal to the proprietor, as the population of the country extends; but, at all events, it would be but advancing four or five years' interest, and the



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whole debt would be absorbed. How much better is this than paying interest during our lives, and leaving our children to discharge the principal, or continue on their own shoulders the burthen of an annual interest of six per cent. From this view of the subject, it would appear every man's interest to become a purchaser in that country. This mixing of the interest would incorporate the body, and tend to increase the bands of union; it will occasion ties of consanguinity and affinity among us, which, added to the similarity of laws, customs, and manners, will form an inseparable cement, and compress the whole into the closest union. If it should be thought inconvenient for the citizens in the Atlantic States to purchase so largely as I have intimated, let them lay out but the amount of one year's tax in this way, and it will nearly extinguish the domestic debt, for which, otherwise, they will have to pay annually, forever, an equal sum to what I propose for them to advance. By the establishment of a Land Office such purchasers could be supplied.

I think this plan better on another consideration. If we mean to sell our lands for ready money, or mean to trust, we have a superior advantage. It is more probable that the necessitous person who wants the land for the subsistence of himself and family, will labor harder to procure a property of this kind, and secure it for himself, than the speculator who never means to pay a farthing until he has received it from the sale of the land; besides, the necessitous person is better able to buy of Government than of the speculator, because he can get it cheaper. The purchasers of large tracts retail out their land to this class of men, and certainly charge them something for their trouble. But if we sell on credit, as under the Proprietary Government was the practice in Pennsylvania, those who take out small quantities get their land surveyed, and set themselves down; they cultivate the ground, and erect buildings for their own accommodation. Land, in this improved state, furnishes a better security to Government for any arrearage of purchase money, than a large tract sold on speculation, and which lies in the same state of nature as it did when it was disposed of, perhaps adding thereto the expense of making the survey. If the land must revert to Congress at last for default of payment, we get nothing in the latter case; whereas, when sold in lots, if a man has settled himself down, and paid for his warrant and survey, which costs the Union nothing, but for the first price and interest thereon, it must strike every gentleman's mind that it would be disagreeable, after a man had made a settlement for three or four years, to have to turn out. Rather than do this, he would make every exertion to discharge the price; if his situation was so wretched as not to furnish the means, some of his neighbors, on such security, might befriend him; but at any rate Government would be secure. By this argument, I do not mean to insist that Congress should sell

their lands on trust; they may do so, or sell for ready pay, as their wisdom may think eligible. I shall be satisfied either way.

This plan does not prevent the sale of large tracts, (your million acre purchasers may be accommodated with the quantity they desire;) it only admits the sale of smaller quantities; and to that kind of people who stand in need of land, this plan would be much better than the one heretofore pursued. It would be an immense saving, we should have no expense attending on the sales, no surveys to pay for, which have already been very expensive. We find that two thousand and eighty-one miles of a common survey line, has been run, at the rate prescribed by Congress, to 20,690 specie dollars, more than nine hard dollars for every mile. This expense is absolutely so enormous, that Congress had better give away their lands to those who will take and settle them, than pay it.

I think the convenience of the people is a subject not unworthy of being taken into view. My plan proposes that they should be able to perfect their titles on the spot. I fear not the objection which has been raised. It may be said, the titles ought not to be completed until it was done immediately under the eye of Congress. Let this be as it may, I will make one remark: can we not have every tie, every check, and security upon these officers that we have upon the collectors of the revenue? I think there is as much room for confidence in the one case as in the other. We can take care that the Secretary of the Land Office shall send in his accounts of patents and warrants. I think we may depend here upon a true return.

The Receiver of the office shall take nothing but public securities, which are not quite so great a temptation to embezzlement or illicit practices as money. The Surveyor will be a check upon both. I think the gentlemen employed in this business cannot be of very trifling character. In short, this department may be as well checked and balanced as any other; the expense of it will be nothing, because the officer may be supported out of the fees. This being the case, I shall conclude with moving that the committee adopt the resolution reported by the committee, and recommend it to the House to appoint a select committee to bring in a bill accordingly.

Mr. FRZSIMONS asked if it would not be better to settle all the principles of the bill first, that the select committee might not lose their labor, as had been once or twice experienced, for want of this precaution.

He was in favor of some measure of this kind, though he had some doubts of the necessity there was supposed to be of establishing a Land Office.

The question was now taken on the resolution, and agreed to.

Mr. SCOTT then brought forward a string of propositions, to be put into the hands of the select committee, containing the principles upon which he wished the Land Office established, and the manner in which it should be regulated.



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One proposition was, to place the office under the direction of the Governor of the Western Territory.

Mr. STONE objected to this, because he conceived the Legislature would in this case appoint the officer, which is contrary to the constitution.

Mr. SHERMAN thought it best to delay the decision of this subject. It is certainly a matter of high importance to the Union, that this land be disposed of in the best manner. No doubt, if it is properly managed, but it will pay the principal and interest of all the debts of the United States, said he; but I have great objection to the manner of settlement proposed by the honorable gentleman from Pennsylvania. I think it would tend to greater advantage, to settle the country gradually, in compact bodies, as the inhabitants can be spared from the other parts of the Union. But this business ought to be managed with a degree of caution, lest we open a door to that field of speculation in the certificates of the United States, by which the holders of the securities may be treated with injustice.

It will be a better plan to settle the country by townships; so far I would be willing to go, and also make arrangements for completing the survey of those tracts already disposed of. Perhaps it might be well to give some of the township lots to settlers, without any charge, reserving others to sell at some future day, when they become more valuable, in consequence of the settlements around them. I apprehend we should get more money in this way than in that proposed. If men are to take out warrants, and lay them where they please, the settlers will break up the ground, and we shall be forced to sell after a while, for less money, because the lands will be picked and nothing but the refuse left; besides, people not knowing where others have located, may take up the same lots, and lay a foundation for eternal lawsuits and discontent.

Mr. LEE thought the Land Office ought to be at the seat of Government, consequently he differed from the gentleman from Pennsylvania (Mr. SCOTT) in his first principle. This being the case, he advised the rising of the committee, and wished the appointment of a select one, to investigate the subject, to examine all papers and contracts respecting the Western Territory, both of Congress and the several States, the deeds of cession, and the articles of confederation; from the report of such an examination, the House might be able to discover some proper plan for conducting the business. The magnitude of the subject demands the fullest investigation, and the wisdom of the Legislature will no doubt induce them to treat it according to its importance. He had no other view in moving the rising of the committee; but if gentlemen insisted upon a decision, he should vote against the resolution.

Mr. SCOTT.—The first gentleman who remarked upon my proposition, thinks we have no right

to appoint the officer who is to direct the business. If I understand what I brought forward, it does not go to appoint the officer, but to give additional duties to an officer already appointed; therefore, that objection falls to the ground.

The gentleman last up alleges, that the Land Office ought to be at the seat of Government. I would ask him if all those who want the lands live at the seat of Government? or rather will not the applications come from the remotest corners of the continent? It will be more difficult for real settlers to go to the seat of Government, than to purchase the land; but will it accommodate any class of men? There are few, who know what they are about, will come here to buy land, and then go up to the Ohio to look for it; if they act the part of prudent men, they will go and see the land first, and when they are there, they can more conveniently apply for what they want, than return by a circuitous march to the seat of Government for that purpose. I had the convenience of the purchasers in view when I made the proposition, and by far the greater part of them reside in the neighborhood. Men who are well able to pay you the price of the land cannot afford to travel to New York; they would be losers by the bargain if you were to give them the land without charge, for a journey down here would require three times the price of a common farm.

The gentleman from Connecticut (Mr. SHERMAN) seems to run away with an idea of settling that territory that can never take place; it has been tried without any success; the experiment shows that it tends to cull and destroy the land more than any other mode; besides, a man will give a third more for a spot of ground when he takes his choice, than he will if obliged to take it good or bad as it may be. There is no necessity for compelling people to settle close together in townships; the nature of the country and dread of the Indians will force them to do this; they always settle in strong parties for their own convenience.

The late settlers from New England experience the inconvenience of settling by townships; if they had suffered the pioneers I spoke of to precede them, their settlements would be more safe than they are.

Mr. SEDGWICK had no doubt of the necessity and propriety of disposing of the lands in the Western Territory, but he thought the office ought to be kept at the seat of Government, because it would be necessary to check the enterprising spirit which might grow up under the regulation. He knew much might be said on both sides; but he thought the people who were generally the first settlers on a frontier, were of that class who had little money or property, and consequently unable to purchase; if they wanted real purchasers, they must go to those who had the money to pay; not that he meant to argue against the accommodation of the one class or the other; indeed, he should be happy to serve both, if it would enable Congress to get the best market and highest price for their lands.



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To bring the question fairly before the committee, he would move to strike out "Governor of the Western Territory," and insert "the principal officer of the Treasury Department."

Mr. VINING said it was a very important subject, but perhaps gentlemen were not prepared for a decision; if so, the question had better be put off till to-morrow. For his own part, he felt some diffidence in saying much on the subject, but he agreed perfectly with the honorable gentleman from Pennsylvania (Mr. SCOTT) in the principles of his plan. He concluded with moving that the committee rise.

Mr. MOORE thought very well of the plan, but was not prepared to decide. He suspected that if the last motion obtained, it would tend to favor speculators, and therefore he should be against it. He believed there was some justice in the observations thrown out by the gentleman from Connecticut, (Mr. SHERMAN,) but this might be complied with by limiting the sales to certain boundaries, that so the purchasers should not run over the whole Territory.

A desultory conversation arose, whether the resolution reported by the select committee, and adopted by the Committee of the whole on the state of the Union, should be reported to the House; when it was understood to be only one of the number brought forward by Mr. SCOTT, and, as such, not to be reported till the whole were gone through.

The committee now rose, and Mr. BOUDINOT reported that the committee, according to order, had the state of the Union under consideration, but had come to no resolution thereupon.

#### COMPENSATION OF THE PRESIDENT, &c.

Mr. VINING wished to call the attention of the House to a business he apprehended not very lengthy; it was the report of a committee on the subject of compensation to be made to the President, Vice President, the members of the Senate and House of Representatives, for their services; he wished gentlemen to consider the situation of every one concerned in this business, themselves, and the continent at large. He hoped they would consent to take it up, and he flattered himself the discussion would not last longer than a day.

Mr. WHITE wished to go into a Committee of the whole on the business.

Mr. FRIZZIMONS did not like to enter upon a lengthy discussion of a point that was incapable of much elucidation by reasoning; he therefore was against going into a committee at this stage of the business. He observed, that the committee had reported something, and the members had been pretty generally consulted on the same. He hoped the House would despatch the business without delay or loss of time, if they were at all inclined to take it up.

Mr. WHITE thought it necessary to go into a committee, because there were a number of things mentioned, the reasons for which appeared to him very uncertain.

Mr. VINING said it was a subject of considerable delicacy, and he supposed very few gentlemen would be inclined to speak three or four times on a point; yet this was all the advantage gained by going into a committee. He was no more interested than others; every gentleman might judge of his own case, but after it had been before a committee of twelve, in order to get the fullest sense of the House upon the subject, he was inclined to receive it without so much circumlocution. He observed, that the business had originated in a Committee of the whole, and it was unusual to recommit it without showing some reasons why.

Mr. WHITE gave up his motion for a Committee of the whole, and said, before he consented to the report, he should be glad to know in what style it was expected that the President would live. He observed there was provision for the expenses of a house, furniture, secretaries, clerks, carriages and horses. Perhaps the sum proposed might be too much or too little. He should like to see an estimate of how much was necessary for keeping the table, the equipage, &c. before he decided. He hoped the committee would elucidate this subject.

There was another thing he wished to inquire of them. The Vice President's salary was charged at five thousand dollars; he could not conceive upon what principle that sum was reported. Did it bear a proportion to his services, or was it in proportion to what the members of the Senate and this House were to be allowed? There is nothing which obliges him to be attentive to his business. No doubt but the gentleman who holds that office at present will be regardful and diligent in executing the business assigned him; yet there is nothing to prevent the Vice President from residing at home and receiving his salary, without coming within the walls of the Senate-room. The Union is obliged to support him; but I, said he, would make that support conditional; he should have a liberal provision while in public life, but no longer. As to delicacy, I know of none, sir, that ought to be used while we are in pursuit of the public good. I speak therefore with candor what are my sentiments on this subject. Other gentlemen, no doubt, do the same; but I am clearly for examining into the principles before I agree to the conclusion.

Mr. PAGE was sorry to see gentlemen spinning out the time to little purpose; certainly, after having the subject under consideration for nearly three months, they might be able to decide.

If this business was fixed, and gentlemen knew they were to have but moderate salaries, it might perhaps tend to make them more expeditious; but at all events, they ought to know the rate at which they attend, in order to regulate their expenses. To some it might be a matter of no concern, because they could bear every thing of this kind for a twelvemonth, without inconvenience; but they ought to consider the situation of others. We are, said he, keeping the President here without any provision



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for his support; but in this we may think ourselves right, because, in his patriotic ardor, his love for his country, he told us he was willing to pursue that illustrious example which he set during the period of our calamity; he refused compensation for his services. But the constitution requires that he shall receive a compensation, and it is our duty to provide it. We must also provide something for our own expenses, or it may reduce gentlemen not better prepared than I am to depend upon a friend for what the public ought to furnish.

Mr. VINING had said the subject was delicate, but he did not conceive there was any indelicacy in asking or answering questions on this or any other occasion, where the good of his country was concerned.

Mr. LAWRENCE did not know, whether the sum proposed was enough for the President or not; but according to the terms of the constitution, it ought to be granted as one sum, because he is to receive no other emolument whatever from the United States, or either of them. Now, if it is declared he shall receive twenty thousand dollars, and, exclusive of that sum, we make him an allowance for furniture, horses, carriages, &c., such an allowance is an emolument beyond the compensation contemplated in the constitution; but I have no objection to blend these sums together, declaring the whole to be the compensation required by the constitution. Besides, if we establish salaries for his secretaries and clerks, we establish them officers of the Government; this will be improper, because it infringes his right to employ a confidential person in the management of those concerns, for which the constitution has made him responsible. For these reasons, Mr. L. moved to strike out all that related to horses, carriages, furniture, &c.

Mr. SHERMAN thought it much better to give a net sum, because the President would then have no accounts to settle with the United States.

Mr. SEDGWICK considered this a constitutional question, and therefore thought it deserved serious investigation. The provision made in the report, for paying the expenses of enumerated articles, does not leave the President in the situation intended by the constitution, which was, that he should be independent of the Legislature, during his continuance in office; that he should have a compensation for his services, not to be increased or diminished during that period; but there is nothing that will prevent us from making further allowances, provided that the twenty thousand dollars is all that is given as a compensation. By this construction, one of the most salutary clauses in the constitution will be rendered nugatory. From these considerations, he was led to believe that the report was founded on unconstitutional principles.

Mr. BALDWIN said, the Committee of the whole, when the business was before them, had not determined any thing on this point; that,

consequently, the select committee were to frame a report upon such principles as they judged proper. In order then to have every thing distinct and accurate, they had brought their opinion forward in the form it now appears. If it be deemed proper to grant an aggregate sum, the House would no doubt add to the twenty thousand dollars, what it was supposed these expenses would amount to.

However, he did not think the constitution was infringed; it was intended that the compensation should not be increased or diminished, during the President's continuance in office. Now it might be as well fixed, by making the allowance in part money, and part furniture, &c. as by declaring a precise sum; it will still be a stated compensation.

Mr. TUCKER thought furniture and plate ought always to be provided by Government, because, if it was necessary for every new President to buy these articles, it might put him to great inconvenience, unless he received a year's salary in advance; besides, when he retired from his situation, they would not sell for half the first cost. He therefore wished this part of the report to stand, together with the rent of a house; but would join in striking out all the rest.

Mr. MADISON did not think the report interfered with either the spirit or letter of the constitution, and therefore was opposed to any alteration, especially with respect to the property of a fixed nature. He was sure, if the furniture and plate, and house rent, could be allowed, some of the other articles might also. The horses and carriages will cost money, and sell for little, after being used for four years; this will be a certain loss to the President, or his family; besides, the House have already undertaken to defray expenses of this kind, and so set a precedent for the enumeration which had been reported.

Mr. WHITE said, if a certain sum was assigned for the expenses, the report would be better; but as it now stood, there was no certainty in it. One President might circumscribe it to a quarter part of the expense another would; consequently, the compensation could not be fixed.

He admitted the propriety of paying the salary in advance for the first year, as mentioned by the gentleman from South Carolina. He expected this would be sufficient to defray the extra expenses without subjecting the President to any inconvenience.

Mr. BODINOT.—If the Legislature may provide the house and furniture, they may go further on the same principle, and provide for the rest; he was satisfied it should be so, because it could be no infringement on the constitution.

Mr. LIVERMORE hoped the words would be struck out; indeed he was sorry they had ever been put in. The clause in the constitution is intended to tie down the Legislature, as well as the President; they shall make him no com-



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pliments while in office, he shall receive nothing but a fixed compensation for his services. Give him then this compensation, let it be equal to his usefulness; but do not direct him to employ so much to one use, and so much to another; it cannot be called a compensation when you direct how it is to be expended; besides, it was wrong on another account; why should we pretend to direct him in the style in which he shall live? Let him have a salary, and expend it in the manner he shall think proper.

Mr. PAGE was for striking out all the words, because he conceived it would be against the spirit of the constitution. It would be much more handsome to make one general provision, than to be thus particular in enumerating the articles of expense. It has been hinted, that these articles of expense would amount to half the sum mentioned in the report to be given as a compensation; if so, he would propose to strike out all that related to the subject, and so insert twenty-five or thirty thousand, as the House shall deem most eligible.

Mr. STONE thought the President ought to be at liberty to live in any style he thought proper, and that the House ought to give him such compensation as they thought his services merited. If you furnish him with a house, horses, and carriages, you declare that this is the house, the horses, and the carriages which he shall use. There is certainly some degree of indelicacy in this; if he was a private gentleman, he would be at liberty to use such as he liked best. Suppose he dislikes them, and will not have them, he is guilty of a breach of the law, is it intended by the House to impeach him for it? I apprehend it is not, for no part of the constitution gives us a right to dictate to him on this head. He would rather let the President set the example how he ought to live, than see the Legislature direct him. Economy is by no means disadvantageous to the United States; if the President chooses to live in an economical manner, we ought not to prevent him.

Mr. VINING thought, as the President was the representative of the nation, that there ought to be a proper degree of dignity attached to the office; he did not wish for splendor, but hoped to avoid the appearance of penury. If he was right in this opinion, the House had a right to show what they expected of the President, and, consequently, had a right to enter into the enumeration proposed in the report, and establish a uniform rule of conduct in the presidential chair.

With respect to its constitutionality, his mind was perfectly easy, the constitution appeared to be silent; if so, the House had the right of interfering. He wondered how gentleman could agree to provide plate and furniture, yet hesitate with respect to the clerks and secretary. Were not the latter as necessary as the former? If so, they ought to be equally provided for.

The question on Mr. LAWRENCE's motion was now taken, and decided in the affirmative.

Mr. PAGE now moved to strike out twenty thousand dollars, and insert thirty thousand.

Mr. SMITH inquired whether it was the intention of the House to saddle the President with the expense incurred, in consequence of their resolution of the 15th April. He understood that near ten thousand dollars had been laid out in purchasing furniture, and putting the house in order for his reception; it might be disagreeable to the President to take it. Perhaps he would be a considerable loser by such a bargain, and many of the things might be of a nature he disliked. He thought the House had been inconsistent with itself in ordering these things for the President, and then refusing to let them be applied to his use.

Mr. SHERMAN thought the House need not be embarrassed on this point. The expense is to be paid by the United States, and the furniture will be their property, to do what they please with. Neither did he think the House inconsistent, because it was the object of the Legislature, by their former vote, to provide only for the temporary accommodation of the President.

Mr. BENSON said, the business had been properly conducted. It was not in contemplation to throw the furniture or any other expense upon the President. He presumed the property belonged to the United States, but they would sell to the President such part as he chose to purchase. As to the House, the President was not confined to it; he might give it up when he pleased, and take another if he thought proper.

The question on striking out twenty thousand and inserting thirty thousand was divided, and the first part was agreed to, but the latter rejected.

It was now moved to strike out the words secretary and clerks.

Mr. MADISON thought the Executive Magistrate ought not to have the power of creating officers; yet if he appointed his secretary and clerks, and they were recognised, either with respect to salary or official acts, they became officers of the Government.

Mr. BENSON did not think it necessary to recognise any such officers: they were to be esteemed the mere instruments of the President, and not as sharing in the administration.

The motion was put, and carried in the affirmative, and then the House adjourned.

TUESDAY, July 11.

#### NEW JERSEY ELECTIONS.

Mr. AMES, from the Committee of Elections, to whom was referred the petition of a number of the citizens of New Jersey, complaining of the ineligibility of the election of the members holding seats in this House, as elected within that State, made a report, which was read, and ordered to lie on the table.

*Ordered.* That a committee be appointed to prepare and bring in a bill or bills to provide



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for the Government of the Western Territory.

And a committee was appointed, consisting of Mr. FITZSIMONS, Mr. SEDGWICK, and Mr. BROWN.

*Ordered*, That a committee be appointed to prepare and bring in a bill or bills to provide for the settlement of accounts between the United States and individual States, agreeably to the ordinance of the late Congress.

And a committee was appointed of Mr. BALDWIN, Mr. STURGIS, and Mr. SMITH, (of South Carolina.)

An engrossed bill to regulate the collection of duties imposed on goods, wares, and merchandises imported into the United States, was read the third time, and the blanks therein filled up.

*Resolved*, That the said bill do pass, and that the title be "An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares, and merchandises imported into the United States."

*Ordered*, That the Clerk of this House do carry the said bill to the Senate, and desire their concurrence.

And then the House adjourned.

WEDNESDAY, July 15.

#### NEW JERSEY ELECTIONS.

The House proceeded to consider the report made yesterday by the Committee of Elections on the petition of a number of the citizens of New Jersey, complaining of the illegality of the election of the members holding seats in this House, as elected within that State.

This report stated that certain allegations in the petition required the testimony of some witnesses, which the committee did not think themselves authorized to collect: they, therefore, requested the direction of the House in the manner of proceeding with respect to such testimony; also with respect to the request of the petitioners in favor of the sitting members, that they might be heard by counsel.

Mr. BORDINOT observed, that he could answer for himself, and he believed for the other Jersey members, that the suffrages of their constituents had not been solicited by them, nor had they been anywise concerned in any of the transactions at the election complained of. In consequence of the commissions received from the Governor and Council of New Jersey, who had declared the election legal, he and his colleagues appeared in the House; the Governor's conduct had been censured on the occasion; however, their proceedings have been published and laid before the House, and the petitioners have agreed that they shall be admitted as evidences in this case. He thought it unnecessary that the petitioners in favor of the election should be heard by counsel. He said the sentiments of the other sitting members coincided with his. They gave up every advantage that might arise from this, rather than occasion the great delay that must attend it.

The committee, said he, have applied to the House for a power to send a commission into New Jersey, to take testimony, in contradiction of what has been certified by the Executive Magistrate; now I submit to the House, whether this certificate, admitted to be true on all hands, is not the best evidence the nature of this case requires, and whether it will be necessary to send through that State a commission to examine every person, who chooses to offer evidence on the subject. I think such a measure will produce great evils, as a precedent, and many others in its operation; in the first place, such evidence will be taken *ex parte*, because it will be next to impossible for the opposite party to attend, in order to cross-examine the witnesses. It will put the petitioners to great expense and inconvenience, and, after all, the certainty will be as great as it is at this moment.

But the precedent, I conceive, will be extremely dangerous. If a contested election should take place in New Hampshire or Georgia, we shall be obliged to send a commission into those States, for the purpose of obtaining testimony, which, after all, can never be so satisfactory as *viva voce* evidence; and more time may be spent in executing this commission, where the judges have to travel from district to district, through a State of 5 or 600 miles extent, and examine every judge, inspector, and elector, than the representation is chosen to sit.

We thought it proper to lay these reasons before the House, and there leave the matter to their decision, to which we shall submit with all cheerfulness. We came here with an ardent desire to carry the constitution into effect: actuated by this motive, we mention to the House the great attention which ought to be paid to secure the freedom of election, upon which alone the whole fabric depends. It is not that we dread the fullest investigation, that we submit these sentiments; it is our anxiety to have the question of our election speedily determined, and not delayed by what we conceive a useless measure.

The question before the House appears to be, whether it is necessary to obtain a few additional witnesses, at great uncertainty and expense; or whether the evidence already before them, and what may further be advanced by the petitioners, *viva voce*, is not sufficient to decide upon.

Mr. AMES brought forward several resolutions, which he thought would bring the question alluded to by the honorable gentleman from Jersey (Mr. BORDINOT) fairly before them; the first prescribed the mode of taking depositions by commission.

This being read, together with the papers containing the charges, &c. and the certificate of the Governor;

Mr. BENSON observed that the House had referred this business to the Committee of Elections, to report facts arising from the proofs; that it appeared to the committee, that certain facts respecting the manner in which the elec-



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tion was conducted, might be material, but the testimony could not be procured by them, without the aid of the House; they had therefore made a report of this nature. He thought the House had better consider whether the facts alluded to by the committee were material or not; if they were not material, the House would not adopt the resolutions proposed by Mr. AMES; but if they were, then those resolutions will come properly before them.

Mr. VINING opposed Mr. AMES's proposition for empowering the judges of New Jersey to take this evidence. He was in favor of receiving the testimony *viva voce* before the House: the vicinity of that State would render this mode not inconvenient; and if it should be found necessary to form commissions for this purpose in distant States, provision might be made accordingly.

Mr. LAWRENCE remarked, that it had been questioned how far the House had a right to interfere in the election of particular States, but that Congress has received a discretionary power from the constitution to regulate the time, manner, and place, of holding elections; and it is stated in another clause, that the election and qualification of its own members shall be judged by the House; by this means, all transactions relative to such elections are included; consequently they may determine in what manner the investigation of such a subject shall be prosecuted. If any doubts arise on that point, the sense of the House must be taken thereon.

Mr. BENSON proposed a day to be assigned on which the parties should have a hearing before the House on the question, either by themselves or by counsel, whether, by the constitution, an inquiry can take place before the House relative to the facts alleged.

Mr. WHITE objected to counsel being introduced in the present instance; he judged the House as competent to decide this business as they had already been to determine many other constitutional questions.

Mr. JACKSON was of opinion, that no such question could be admitted with propriety: One election has been determined without the aid of counsel or *ex parte* evidence, and he saw no reason in the present case why a different mode should be substituted. The authority of this House is not to be called in question by an individual; there cannot be a doubt of its jurisdiction in the case. One gentleman has been tried by the House upon the evidence that was brought before us: it will not be pretended that the delicacy and feelings of that gentleman could be less than those of the gentlemen concerned in the present question; it would be inconsistent and unjust to subject one member to a particular mode of trial, and then deliberate whether that same mode shall be adopted with respect to another.

Mr. SENEY said, he did not doubt the jurisdiction of the House, but as some objections had been made by the petitioners, and they had prayed to have the point settled, he thought

they ought to be indulged; that every citizen had a right to be heard in his own defence, where he considered his right concerned.

It was then moved that the report of the committee should lie on the table, in order to take up the proposition of Mr. BENSON.

Mr. AMES objected to this proposition, as the greatest inconveniences might arise from it; it would discourage a number of people from applying for justice, especially those who lived remote from the seat of Government, provided they were obliged to attend in person, and give their testimony. The eligibility of taking depositions in many instances, particularly the present, in preference to the delays, uncertainty, and enormous expenses that would inevitably tend the mode proposed by the motion, was clear to his mind.

After some desultory conversation, Mr. BENSON withdrew his proposition.

Mr. LEE proposed, that the report should be recommitted, and the committee authorized to send for evidence, papers, and records, and report a special state of facts. He said that it was the custom of the British House of Commons, upon similar occasions, to leave the whole business to a committee; and observed, that the example of so old and so experienced a legislative body could be followed with safety and propriety.

This motion was withdrawn, after some desultory conversation had taken place upon it.

The question on the report of the committee then recurred, on the question whether the judges of the Supreme Court in New Jersey should be authorized to take depositions on the subject of facts alleged by the parties; when,

Mr. SENEY moved that Wednesday next be assigned for the parties to appear and be heard by their counsel before the House, of which notice should be given; and that the committee be discharged.

Mr. LIVERMORE observed, that the House was much embarrassed; but, sir, I saw it from the first appointment of the committee. I object to counsel being introduced into this House to discuss a previous question. This House is the judge of its own elections. We have appointed a committee to examine, but have not vested them with power to determine. They have not so much as a power to hear. If we have pursued a wrong step, why should we proceed any further? Let the committee be discharged, and a day appointed to hear the parties. It is my determination to hear, before I judge. The committee should be discharged, if they cannot proceed further without our aid. The subject now before the House is material, and of the greatest importance; and although we have been heretofore wrong, we may now set ourselves right.

I have no objection that counsel should be heard upon the merits of the principal question. Though after an investigation of facts, we have determined in one instance, and why we cannot do the same now I cannot conceive.

Each House is to judge of the elections, re-



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turns, and qualifications of its own members. What means the word judge? Why it corresponds with the ancient maxim, to hear and determine. Now how can the House determine without hearing? If the House is to judge, we must bring all the evidence before us, although the committee may have heard it twenty times over.

Mr. MADISON thought, if the jurisdiction of the House was called in question, it would be proper to hear counsel on that point, because it must be indelicate to determine a question respecting their own jurisdiction, without hearing what could be advanced against it.

Mr. PAGE was in favor of recommitting the report, and letting the committee proceed upon the duty to which they were originally appointed. He said, if the jurisdiction of the House was questioned, the parties had an indubitable right to be heard by counsel, and he hoped no gentleman would refuse the people of the United States a privilege of this important nature, which had been always enjoyed by the subjects of Great Britain.

Mr. STONE thought the authority of the House to determine any question respecting the election of any of its members, was so clearly expressed and understood, from the fifth section of the first article of the constitution, that no doubt could be entertained by the petitioners, or any one else; consequently, it would be a waste of time to spend any in hearing counsel on that point. He had no objection to admitting a limited number on the merits of the main question, if required.

Mr. BOUDINOT informed the House that the petitioners meant to withdraw their request to be heard by counsel.

Whereupon Mr. SENEY withdrew his motion for making it the order of the day.

The question again recurred for inserting a commission to go into Jersey to take evidence; but it growing late, the House adjourned.

THURSDAY, July 16.

A petition of John Christopher Stoebel, of the city of Philadelphia, was presented to the House and read, praying that an exclusive privilege may be granted him for a term of years, to construct and navigate boats with wheels, upon the principles of a model which he has invented, to facilitate the passage of boats up and down streams and rapids, without the use of oars.

*Ordered*, That the said petition do lie on the table.

Mr. BALDWIN, from the committee appointed, presented, according to order, a bill for settling the accounts between the United States and individual States, which was received and read the first time.

Mr. FITZSIMONS, from the committee appointed, presented, according to order, a bill to provide for the government of the Territory north-west of the river Ohio, which was received and read the first time.

#### LIGHT HOUSES, &c.

The House, according to the order of the day, resolved itself into a Committee of the whole House, on the bill for the establishment and support of light-houses, beacons, and buoys, and for authorizing the several States to provide and regulate pilots.

Mr. BOUDINOT took the chair of the committee; and after some time spent therein, the committee rose and reported progress.

#### COMPENSATION OF THE PRESIDENT, &c.

The House resumed the consideration of the report of the committee on the compensation to the President, Vice President, and members of Congress.

The blank occasioned by striking out on Monday last, was now proposed to be filled.

Mr. LIVERMORE moved to fill it with 18,000 dollars.

Mr. BURKE said, there were some members of the committee in favor of 15,000 dollars; others indeed were for a much larger sum—he believed they went so far as 70,000 dollars; that 20,000 dollars was an accommodation, and as such he had agreed to it; but he was of opinion that 15,000 dollars was sufficient; that 20,000 had been once agreed to, but the expenses were added at a subsequent meeting of the committee; now, as the House had concurred in striking out 20,000 dollars, and a proposition was come forward more correspondent to his judgment, he should give it support.

Mr. FITZSIMONS presumed it was not a question before the House what the report of the committee had been, nor were the sentiments any gentleman had there delivered to operate against the sense expressed by the committee in their report; if any thing done in committee was to influence the decision of the House, it must be the report, which spoke the sense of the majority. He further presumed, that when the 20,000 dollars were struck out, after all the expense had been erased, it was in the contemplation of the honorable mover to increase the sum so as to include both articles. It was with this view he voted in favor of striking out the 20,000 dollars.

Mr. TUCKER said it might happen, that the expenses a President would incur at the first entering on the office would be so great as to injure his private fortune, and distress his family. A quarter's salary might be insufficient to defray the expense; yet if the President continued but three months in office, this sum would be all he was entitled to. He thought it just and requisite to provide against accidents of this kind, if it could be done consistently with the constitution. With this object in view, he would propose that the President's compensation should be 26,000 dollars for the first year, and 16,000 dollars for every other year; that 10,000 dollars should be paid him in advance, on his coming to the chair, and the remainder in quarterly payments. Its amount, he said, would be nearly what was proposed by the gen-



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tleman from New Hampshire, (Mr. LIVERMORE;) and if the House was disposed to fix on that sum, as a proper compensation, they might, without any material change, admit his proposition; but if they meant to grant either a greater or less sum, he hoped they would accommodate it to his principle.

Mr. STONE said, that a sum of 25,000 dollars would be as small a sum as would answer the purpose; and provided that amount should be agreed to, the expense of the Executive would be less to the people than that of any Government in the world. If it is considered that the unavoidable expense will be great, and that the assistance of two or more secretaries will be necessary for the President to discharge his high and important trust, and that it cannot be expected that persons in such a station should be in straitened or dependent circumstances, this sum will not be found to exceed the absolute expense, with a moderate compensation for the services of the President. It is also a maxim of sound policy, that executive officers should be independent.

Mr. WHITE.—Sir, I do not say that 25,000 dollars will or will not be sufficient; but in order to determine the necessary sum, I should wish to know the style in which the President is expected to live. If a style of magnificence and splendor is to be adopted, this sum is too small; and if economy is pursued, it may be too much. Until this is known, it will be extremely difficult to decide upon a proper sum; and when I give my vote, I wish to do it on such information as will satisfy my mind with respect to its propriety, and show my constituents the reasonableness of the measure. Will he live in a more expensive style than the former Presidents of Congress, or will he live nearly in the same? If so, what was that expense, or what will be the probable increase? How was that money applied, and what will now be necessary? If these questions can be answered, gentlemen may decide with more precision than they can while the subject is left afloat.

Mr. BALDWIN said, it was impossible to get the information the gentleman required; the committee had made all the examination in their power with respect to the actual expense of supporting the office. They found former Presidents of Congress, whose office, by the by, was less important, and whose assistants were less numerous, expended 7,000, 8,000, and so on to 13,000 dollars annually. From this, some gentlemen were led to believe 17,000 dollars might be sufficient in this instance. But we were, said he, left without any thing satisfactory on this subject; and when the question was pressed on the committee, they varied from 15,000 to 25,000 dollars; we were therefore obliged to average the sum.

We were satisfied that it must be left to experiment to determine what the allowance ought to be; and we were certain that the gentleman who had to make the first experiment would do it in such a manner as to give satisfaction to

every body. He knows the way to blend dignity and economy; and I would rather, on this account, make the allowance too much than too little. I would, therefore, prefer making the experiment at 25,000 dollars; a sum that, in the President's hands, will give umbrage to no one.

Mr. BOUDINOT made some further observations respecting the examination made by the committee, from which it appeared that the expenses of the President of the United States would exceed the expenses of the late President of Congress, in a variety of cases. Two secretaries would be wanting; they must be men of abilities and information; but the committee conceived extra provision would be made for them by the House. If the whole was to be comprehended in one grant to the President, he would rather increase the sum reported by the committee than diminish it. Originally he was in favor of allowing 16,000; but then he thought the expense of secretaries, carriages, furniture, &c. was to be an additional allowance. Since the House had determined otherwise, he favored an addition to the 20,000 dollars.

Mr. JACKSON was disposed to move 30,000 dollars; but he was willing to accommodate, and agree to 25,000 dollars.

Mr. VINING observed, that the committee had no documents whereby they could form a judgment; they had no light to guide them. They could not foresee what ambassadors and foreign ministers might be sent to this country, nor the expenses the President must necessarily incur upon that account, to support the honor and dignity of the United States. He further remarked, that there are cases in which generosity is the best economy, and no loss is ever sustained by a decent support of the Magistrate. A certain appearance of parade and external dignity is necessary to be supported. Did I, said he, represent a larger State, I would speak with more confidence on the subject. We are haunted by the ghost of poverty; we are stunned with the clamor of complaint throughout the States. But under the auspices of an energetic Government, our funds will be established and augmented, and, I make no doubt, will be found sufficient to answer all the purposes of the Union. But our calculations ought not to be confined to the present moment alone. If it should be contended by any gentleman, that we have it not in our power to support the Government in a proper style, then there is an end of the business. We should remember that the present time is the season for organizing the Government. A patient and mature deliberation is requisite to investigate it, and by that means the amount of the civil list will be increased; in future the sessions will be short, and the load of expense greatly diminished. He was opposed to any reduction of the sum, as he had always thought it too small, and would rather propose to fill the blank with 30,000 dollars.

Mr. PAGE mentioned that 30,000 dollars had been proposed; though he thought the sum ade-



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quate, it was not sufficient to support pomp and parade. Those, he said, were entirely out of the question. He had made a calculation upon the probable necessary expenses, and found, that exclusive of that dignity and pageantry talked of, this sum would suffice. If he had contemplated the splendor and pageantry alluded to, he should not have thought of 30,000 dollars, nor 40,000 dollars, for he believed 100,000 dollars insufficient. But if the committee, upon investigation, were convinced that 20,000 dollars would be a compensation for his services, exclusive of an allowance for his expenses, when the whole was taken together, it must at least amount to 30,000 dollars; for this reason, he moved to fill the blank with that sum.

The question on 30,000 dollars was put, and rejected.

Mr. PAGE then moved 25,000 dollars, which was carried; affirmative 30, negative 17.

The House then proceeded to the second part of the report, viz: "That there be paid in like quarterly payments to the Vice President of the United States, 5,000 dollars per annum."

Mr. WHITE.—I do not like the principle on which this provision is made for the Vice President; there is nothing, I believe, in the constitution which gives him a right to an annual sum; it fixes no duty upon him as Vice President, requiring a constant attendance. He may be called upon to act as President, and then I would give him the salary of the President; at other times, he is to preside as President of the Senate, then I would pay him for his services in that character. On this principle, I shall move to strike out the clause; if that is agreed to, I propose to offer one, allowing him the pay of President, when he acts as President; and a daily pay during the time he acts as President of the Senate.

Mr. PAGE would second the motion for striking out five thousand dollars, but with a different view from what had been intended by his worthy colleague. He wished it struck out, in order to introduce a larger sum. His idea was, that a proper proportion was not observed between the salary of the First and Second Magistrates. As to the utility of the office, he had nothing to say. He had no hand in forming the constitution; if he had, perhaps he should never have thought of such an officer; but as we have got him, we must maintain him; and those gentlemen who talk of respectability being attached to high offices, must admit, in a comparative view, that he is not supported with dignity, provided a situation derives its dignity from the money given him by way of salary; for his part, he thought money, abstractedly considered, could not bestow dignity. Real dignity of character proceeds from a much nobler source; but he apprehended the people of the United States, whose representative the Vice President was, would be displeased to see so great a distinction made between the President and him.

Mr. SEDGWICK said, the arguments of the honorable gentleman from Virginia, (Mr. WHITE,)

did not strike him with any force, nor did he see the impropriety spoken of. One reason why the pay of the members of the Senate and House is per diem is, because they contemplate their being together but a very inconsiderable part of their time; but I suppose, said he, that every gentleman who has considered the subject, has determined in his own mind that the Vice President ought to remain constantly at the seat of Government; he must always be ready to take the reins of Government when they shall fall out of the hands of the President; hence it will be necessary that he should, for this cause, if not for any other, preclude himself from every object of employment, and devote his whole time to prepare himself for the great and important charge for which he is a candidate. Under these circumstances, it is necessary that he should be provided with a constant salary, to support that rank which we contemplate for him to bear; I therefore conceive it must be such a perpetual salary as the President is entitled to receive. If the principles of the motion are inadmissible, it cannot be supported by argument, because very little information can be obtained on which to ground our reasoning.

Mr. SENEY said, that, according to the constitution, a compensation is to be made for services performed. The Vice President may absent himself the whole time. He proposed giving him a handsome allowance while employed, but thought he ought to be paid per diem.

Mr. SHERMAN adverted to the circumstance of salaries being allowed to Lieutenant Governors in the several States where such officers are appointed; so that, according to this mode, the grant made to the Vice President would correspond with the practice of the States individually. It appeared also, he said, to be necessary, inasmuch as this officer would be taken from all other business.

Mr. WHITE.—If I thought, sir, the attendance of the Vice President as necessary as that of the President, I would not hesitate to allow him an annual salary; but I do not conceive it to be so necessary; it is not made so by the constitution. If he had been appointed Vice President as a perpetual counsel for the President, it would have altered the case; he would then have had services to render, for which we ought to compensate him. The honorable gentleman from Massachusetts (Mr. SHERMAN) has intimated that he will be precluded from following any other business; there is nothing in the constitution which precludes him from following what profession he thinks proper. I am willing to pay him a full and liberal allowance for all the services he renders; but I do not think we are authorized to institute sinecures for any man.

It ought to be considered that the Vice President has personal advantages from the appointment to that office; it holds him up as the successor of the President; the voice of the people is shown to be considerably in his favor;



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and if he be a deserving person, there will be but little doubt of his succeeding to the presidential chair; not that I would make this an argument to diminish his compensation. I would pay him amply for all the services he renders, at least as amply as the Government and circumstances of the people will admit. When performing the duties of President, he should receive the salary as such.

The constitution has stipulated, that the President shall be compensated for his services, that we shall ascertain it by law; but it has not said one syllable with respect to the pay of the Vice President; hence I consider it would be improper to pay him on any other principle than in proportion to his services. If these require five thousand dollars a year, it may be made to amount to that sum, at so much per diem.

As to the observations of the gentleman from Connecticut, (Mr. SHERMAN,) that Lieutenant Governors receive salaries in the several States, and therefore it will be proper to grant one to the Vice President, in order to comport with the practice of the States individually, I shall only remark, that in some States they have no such officer; in others, where they have such an officer, they give him no pay at all; in some, they are paid according to their attendance on business, in the manner that I propose to pay the Vice President. But admitting that every State had an officer of this kind, and that they paid him a salary like that proposed in the report, it would be no argument why the General Government should pursue a practice inconsistent with that economy and sense of propriety which it ought to be the study of the Representatives of the people of the United States to preserve to their constituents.

Mr. MADISON.—I do not concur, Mr. Speaker, in sentiment, with my colleague on this subject. I conceive, sir, if the constitution is silent on this point, that it is left to the Legislature to decide according to its nature and its merits. The nature of the office will require that the Vice President shall always be in readiness to render that service which contingencies may require; but I do not apprehend it to be in our power to derive much advantage from any guides furnished by the examples of the several States; because we shall find them differently provided for by the different Governments. If we consider that the Vice President may be taken from the extremity of the continent, and be from the nature of his office obliged to reside at or within the convenient reach of the seat of Government, to take upon him the exercise of the President's functions, in case of any accident that may deprive the Union of the services of their first officer, we must see, I think, it will often happen that he will be obliged to be constantly at the seat of Government. No officer under a State Government can be so far removed as to make it inconvenient to be called upon when his services are required; so that, if he serve with-

out a salary, it may be he can reside at home, and pursue his domestic business; therefore the application in that case does not appear to me to be conclusive.

My colleague says that he will derive advantages from being in the line of appointment to the presidential chair. If he is to be considered as the apparent successor of the President, to qualify himself the better for that office, he must withdraw from his other avocations, and direct his attention to the obtaining a perfect knowledge of his intended business.

The idea that a man ought to be paid only in proportion to his services, holds good in some cases, but not in others. It holds good in legislative business, but not in the executive or judicial departments. A judge will be sometimes unemployed, as in the case of the Vice President; yet it is found necessary to claim the whole of his time and attention to the duties for which he is appointed. If the principle of proportioning the allowance to the quantum of services performed obtains, it will be found that the Judiciary will be as dependent on the legislative authority, as if the Legislature was to declare what shall be their salary for the succeeding year; because, by abridging their services at every session, we could reduce them to such a degree, as to require a very trifling compensation indeed. Neither do I, Mr. Speaker, consider this as a sinecure; but that will appear from the reasons already given. The office of a judge is liable, in some degree, to the same objection; but these kinds of objections are levelled against the institutions themselves. We are to consider his appointment as a part of the constitution; and if we mean to carry the constitution into full effect, we ought to make provision for his support, adequate to the merits and nature of the office.

Mr. AMES said that the Vice President's acceptance of his appointment was a renunciation of every other avocation. When a man is taken from the mass of the people for a particular office, he is entitled to a compensation from the public; during the time in which he is not particularly employed, he is supposed to be engaged in political researches for the benefit of his country.

Every man is eligible, by the constitution, to be chosen to this office; but if a competent support is not allowed, the choice will be confined to opulent characters. This is an aristocratic idea, and contravenes the spirit of the constitution.

Mr. SENEY.—This, sir, is a subject of a delicate nature, and the discussion of it rather disagreeable; but I think it my duty to declare my sentiments freely upon it. No argument has been adduced to convince me that the Vice President ought to receive an allowance any more than the other members of the Legislature. He cannot be compelled to perform any duty. This is an important subject, and ought to be maturely considered, as a great deal depends on the decision which will now take place.



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Mr. BURKE observed that the situation of our finances was so much embarrassed, as to disempower us from giving such ample salaries as we might, under different circumstances, think necessary; that it was but reasonable the Vice President should receive a compensation adequate to the second officer in the Government. He will be subject to extra expenses by living at the seat of Government, and will be obliged to maintain his dignity. Mr. B. further suggested that the sum might not be fully sufficient, but in our present situation, it was as much as we could afford.

Mr. AMES, in his reply to Mr. SENEY's observations, pointed out the difference of the situation of the Vice President and the members of the Legislature.

Mr. SEDGWICK made some additional remarks of a similar nature, and further observed, it would be necessary that the members of the House should return and associate with their constituents, in order to learn their sentiments and their feelings, and witness their situation and wants, that they may consequently resume their former occupations: but with respect to the Vice President, his acceptance must be considered as an abandonment of every other pursuit; he must reside at the seat of Government, and will necessarily incur extra expenses in consequence of his office.

Mr. STONE.—I am for giving such salaries to the officers of this Government, as will render them easy in their situation. But we are confined by the constitution; salaries are to be given for services performed; they are considered in no other light. The Vice President cannot be viewed in any other light than that of the President of the Senate. I am for his being paid per diem, but would allow him a generous support. I do not think five thousand dollars are sufficient; I would allow him a larger sum, which allowance, per diem, would amount to what would be fully adequate.

Mr. SMITH, of South Carolina, said, that by the constitution, the Vice President could not be considered as a Senator, and therefore could not, with any propriety, be paid as such. Considering him as an officer in the Government, next in dignity to the President, and particularly designated by the constitution, he must support a correspondent dignity in his style of living, and consequently ought to have a competent allowance for that purpose. He did not think five thousand dollars would be considered too much, and would vote for that sum. The idea of a daily allowance must be given up, as inapplicable to the situation assigned him by the constitution. He is there recognised as Vice President, and as such ought to be provided for. A daily pay of twenty-five or thirty dollars would appear a large compensation; yet if Congress sat but one hundred days, which, in all probability, would be the length of their future sessions, it would be insufficient for his support. But suppose it one hundred and fifty days; this, at thirty dollars per day, would

come so near the proposed salary, that the saving would be an inconsiderable trifle; but if the session was longer, it might amount to more than is contemplated by any gentleman.

Mr. PAGE was clearly for making the allowance by annual salary, because the office was permanent; a daily allowance could not be relied upon, because if the Senate sat but a few days, it would be incompetent, even at one hundred dollars per day; whereas, if the session was of long continuance, that sum would be more than the services could require, if they are to hold a comparison with those of the President. If the House agreed to strike out the five thousand dollars, he would propose eight thousand, which was not one-third of what was given the President.

Mr. BOUDINOT.—The question seems to turn merely on this point, whether the Vice President shall receive a per diem allowance, or an annual salary? The constitution ought to serve as the ground on which to determine it; therefore we are to consider the point of view in which this office is placed by that instrument. The second article calls him into view with the President; he is to be elected in the same manner as the President, in order to obtain the second best character in the Union to fill the place of the first, in case it should be vacated by any unforeseen accident. The constitution considers him a respectable officer; he is to supersede the President, when it shall happen that the First Magistrate dies, or is removed on impeachment and conviction. These are the great objects of his appointment. His duty as President of the Senate is only collateral; consequently he ought to be respected, and provided for according to the dignity and importance of his principal character. If still inferior duties were attached to him, would it be an argument for reducing the compensation to an equality with what ought to be granted, if he performed such inferior duties only? I apprehend it is a principle of this nature which urges gentlemen on to press the amendment. I cannot see any reason for differing with the constitution on a point in which I think it ought to guide our decision.

I think there is an affinity between the duration of the office and the compensation. The constitution establishes the office for four years; the compensation ought to be made commensurate with that idea.

The question on Mr. WHITE's motion was taken and lost, as was Mr. PAGE's motion for striking out 5,000 and inserting 8,000 dollars.

The proposition being then agreed to,

The House proceeded to consider the following: That the daily pay of the members of the Senate, and House of Representatives, for their attendance at the time appointed for the meeting of their respective Houses, and for the time they shall be going to, and returning therefrom, allowing the travel of twenty miles for each day, be six dollars, and of the Speaker of the House of Representatives twelve dollars.



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Mr. SEDGWICK moved to amend this proposition, so as to give to the members of the Senate six dollars per day, and five to the members of the House of Representatives. His reasons for introducing this distinction was, that the convention had made it in the constitution. The Senators are required to be of an advanced age, and are elected for six years. Now this term taken out of the life of a man, passed the middle stage, may be fairly deemed equal to a whole life; for it was to be expected, that few, if any, of the Senators could return to their former occupations, when the period for retirement arrived; indeed, after six years spent in other pursuits, it may be questioned whether a man would be qualified to return with any prospect of success.

He did not say six dollars was more than a compensation for their services and expenses; but as economy ought to be particularly studied by the Legislature, he had moved to reduce it. He hoped gentlemen would pay some deference to the public opinion, on the present occasion; this he thought to be in favor of small salaries. Not but a different sentiment might prevail in some of the States; perhaps different circumstances might warrant the difference of opinion. It was probable that five dollars, laid out in that part of the Union from which he came, would be more advantageous to the person, than a like sum laid out at the other extremity of the continent; but he believed, nevertheless, that something would be left to those gentlemen, out of the five dollars per day, after their expenses were paid; but even if a little self-denial was the consequence of this reduction, it would do but little harm; whereas the precedent might have a salutary influence upon the future administration of the Government.

Mr. JACKSON.—I am opposed to this discrimination, because all have alike abandoned their particular pursuits in life, and all have equally engaged in the service of their common country. On what principle can this distinction then be contended for? Is it expected that a Senator shall eat more, or drink more costly liquors, than a member of the House of Representatives? I presume it is not; their expenses must be nearly equal. I can see but one reason that can be assigned for this difference, which is, that the Senate may sit longer than the House; but considering they are to receive pay accordingly, this reason is of no weight. The duties of both Houses are equal, and the pay ought to be alike.

I will submit to the gentleman who brought this motion forward, whether it is not much worse to the personal interest of men in business to be taken off in the prime of life, than after the successful pursuit of some profession at an advanced age, when the natural and proper time of retirement arrives; and if so, his argument falls to the ground. But if the reverse is true, it will not support his motion, because, if we look around, our senses will inform us that this House contains as venerable and aged members as any within the walls of

the Senate; thus again we are upon a footing. Now, unless gentlemen mean that we should depress ourselves, and thereby set the Senate above us, I cannot conceive what foundation there will be for a discrimination.

Mr. LEE.—I am in favor of the motion for discriminating between the Senate and this House, because the constitution has done it in a variety of modes. The qualifications are superior; a Senator must be a man advanced in life, and have been nine years a citizen of the United States; while a younger man, who has been but seven years a citizen, may obtain a seat in this House.

The constitution has made a difference in the mode of election. The Senators are selected with peculiar care; they are the purified choice of the people, and the best men are likely to be preferred by such a choice; those who have shown the fullest proofs of their attachment to the public interest, and evinced to their countrymen their superior abilities. In order to bring forth such characters to partake of our public councils, I think every motive of honor and of interest ought to be called into action. If men are not brought forth who will maintain their own dignity, and promote the public interest by a firm and independent conduct, regardless of every risk, regardless of the voice of calumny or popular clamor, our Government will soon lose its importance and its energy. I contemplate, Mr. Speaker, the Senate as a barrier between the Executive and this branch of the Legislature, shielding the people from any apprehension of being attacked by an aspiring Magistracy on the one hand, and on the other from being desolated by the anarchy often generated by a time-servingness to veering popularity. We shall gain these desirable objects at a trifling price, if we make a distinction of two or three dollars per day—a trifling allowance indeed to our most worthy sages. But, said the gentleman last up, there are as young men in the Senate as in this House; although there be, the time will come when none but the most venerable and respectable of our citizens, men whose hoary heads are silvered over with the honors of an experienced old age, men illustrious by their virtues and capacity, will have the public confidence ensured to them by the purity and notoriety of their principles.

Now is the time to deliberate and view every future circumstance which may arise from our decision; the importance of this principle hereafter, is infinitely above every advantage which the present members may derive from it. By it alone you may secure dignity and permanency to the Government, and happiness under its administration.

It is with difficulty, Mr. Speaker, that you can draw forth men of age and much experience to participate in the political concerns of their country. Retirement and reflection are incident to that period of life; they are sought for, and, when obtained, they are highly prized. The wise and virtuous sage, who from the mo-



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nitions of nature has discovered that his remaining years will be but few, must be incited by every motive that can operate on the human heart to continue those labors which he seeks to bury the remembrance of in the deeps of solitude. Honor may stimulate the ingenuous mind; but interest is a great reason of action, and may be usefully employed to influence old age.

What I have now urged is in favor of the constitutional distinction; I approve of the amendment, but I wish the sum had been left out, that the provision might be determined according to the sense of the House, and not affect the principal question of discrimination. I am satisfied, sir, that there is no heart within these walls but beats with patriotic ardor, and has determined to pursue the noblest object, the public good. Nothing but the anxiety I feel for this, as connected with the present question, could have induced me to trouble the House with a repetition of what was dilated upon, on a former occasion. Let it then be considered, that on our decision depends the dignity of the Legislature, and the perpetuity of that Government, the glory and the hopes of the people of America, which, if now disappointed, must be succeeded by confusion and gloomy despair.

Mr. WHITE.—I object, sir, to a discrimination. I cannot perceive that difference in the constitution alluded to by the gentlemen. Among the Senators and the people in some of the ancient commonwealths, an artificial and political distinction was established, which was the case at Rome, in particular. There the Senators were considered as possessing some degree of divinity, and the rest of the people were not admitted to associate with them. Can it be supposed that the name of Senators will render those members superior to their fellow-citizens? I cannot see any difference in the general estimation between a Senator and a Representative, however great their sentiments may vary in their respective States; and cannot conceive why any discrimination should be made in their allowances.

The independence of the members of this House may be injured by such a distinction; and the Senate, at some future day, may have it in their power to carry points, and be enabled to prolong the session, when it may be of great inconvenience to the House.

Mr. MADISON was of opinion that a discrimination was necessary; he observed, that it had been evidently contemplated by the constitution, to distinguish in favor of the Senate, that men of abilities and firm principles, whom the love and custom of a retired life might render averse to the fatigues of a public one, may be induced to devote the experience of years, and the acquisitions of study, to the service of their country. And unless something of this kind is adopted, it may be difficult to obtain proper characters to fill the Senate, as men of enterprise and genius will naturally prefer a seat in the House, considering it to be a more conspicuous situation.

Mr. MOORE did not see the propriety of the discrimination proposed; the business of each House is equal, or if there is a difference in their legislative concerns, it is in favor of the House. He had no idea of giving the public money for such an idle purpose as the support of a fanciful dignity and superiority. His idea of the business was, each member ought to be compensated for his services, and nothing further.

Mr. VINING.—The arguments brought forward by my honorable friend from Virginia, (Mr. LEE,) have not proved satisfactory to my mind, that his favorite opinion with respect to discrimination is right. He has told us that the sages of America will be selected, and placed in this distinguished situation. True, sir, I expect venerable and respectable characters will find their way into every branch of the Government; but when I consider the mode in which the Senate is elected, I apprehend we may have there men whose wealth has created them the influence necessary to get in. If any thing is to be expected by this refined choice, it is that men of rank and opulence will draw the regard of the small and select circle of a State Legislature; while the Representatives in this House, being the choice of their fellow-citizens, among whom rank and dignity is rather unpopular, will consist of men in middling circumstances. Now if any thing is to be drawn from arguments like these, it is in favor of this House. But the whole of this is a subject on which we are better able to decide from our feelings, than from our discussions.

I am against the motion for another reason, sir; it goes to reduce the compensation, which I think is already set too low, to furnish good security for the happy administration of the Government. In considering this subject, there are two important objects necessary to engage the attention of the Legislature. First, that the compensation be not made an object for indigence to pursue; and second, that it be not so low as to throw the business of legislation into the hands of rich and aspiring nabobs, but such as to compensate a man in the middle grade of life. These are generally men of business, who are fittest to conduct the concerns of their fellow-citizens. Now, in compensating this class of men, (for I would have the compensation proportioned to this class,) I do not take into consideration the sacrifices they make, by dedicating their time and abilities to the service of their country; but I confine myself merely to a compensation for their time and services. If the compensation is made an object for indigence, we shall have the sessions protracted to an extreme length, and the expense will be increased; if we make the reward barely commensurate with the services, you will have men of abilities, who will despatch the public business, and return to their private pursuits. If the business is done without pay, it may be productive of the most enormous evils. Were every member of the British House of Commons allowed a thousand guineas a year, they would



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be less venal; we should not find them purchasing their seats, and selling their votes for places and pensions. The very money given in this way would furnish a handsome compensation for every member, and add something considerable, annually, to their sinking fund.

I apprehend, in establishing a compensation, we shall put it in the power of gentlemen, while here, to live as independent as they can at home. Perhaps I hazard a conjecture, when I say there is not a gentleman on this floor, I am certain there are not many, but have found, from experience, that six dollars per day is adequate to that object; certainly it cannot be the wish of any man to make the public service unpleasant, by rendering the situation of the members of Congress less eligible than a solitary retirement from patriotic pursuits would be. Any man who lives decently, will find six dollars a day not more than sufficient to defray the expense of a casual residence in a splendid city.

The experiment has been made. If a gentleman keeps a servant and his horses, and means to reciprocate the civilities he receives, I again assert the compensation is inadequate. It is true, we may live for two dollars a day; but how? There is a dignity attached to the situation of a Representative, with respect to his country; and the compensation might be 7 or 8 dollars per day, without granting the members more than a bare compensation. From all these considerations, I am induced to hope that gentlemen will indulge a little, and rather support an increase, than a diminution of pay.

As to the discrimination, it has been once decided against by a considerable majority; I have no doubt but it will now meet a similar fate; but be the decision of the House what it may, with respect to the quantum, or manner of compensation, I shall never fear to deliver my sentiments. On the present occasion, I wish them known to my constituents, and I am much mistaken if they are not coincident with their own.

Mr. SENEY—I am sorry, sir, that the question of discrimination has been brought before the House. Can any reason be assigned for making this distinction? Are the services of the Senate of more importance than those of the Representatives? I think not. Gentlemen have brought forward the constitution upon this occasion, but I conceive it to be opposite to the very principle they mean to advocate. This will destroy the independence of the several branches, which is to be strictly observed. If a discrimination should be established in favor of the Senate, will it not naturally tend to create a sense of inferiority in the minds of the Representatives? And the time may come when they may find it their interest to become subservient to the views of the Senate. I feel so sensibly, sir, the impropriety and unconstitutionality of this measure, that had I the most distant idea it would comport with the sentiments of a majority of the members of this House, I should call for the yeas and nays on

a division of the House upon the question. But as I do not conceive that to be the case, I shall waive the proposition for the present.

Mr. SEDGWICK said, that whenever he had a motion to make before the House, he endeavored to satisfy himself of the reasonableness and propriety of it. If he thought it proper, he did not consider the mode of decision that might be adopted of any material consequence; but in determining the present question, he hoped the yeas and nays would not be called. There is a principle in mankind which revolts at the idea of inferiority: a proposition, for example, shall be made, that has for its object the establishment of a superiority (howsoever necessary;) that principle is alarmed and excited to opposition; to discuss such a question as the present, we ought to be divested of every partiality and prejudice, that might bias our judgment in deciding an affair that will not bear the test of reason and experience. I conceive the precedence of the Senate has been clearly pointed out by the Constitution. There are grades in society which are necessary to their very existence. This is a self-evident proposition; it is recognised by every civilized nation, and by the House in the report before us. For what reason have we made a difference between the President and Vice President? Is it not on account of his superior station and his dignity? And between the Vice President and the Senate? This distinction is likewise established by the constitution in the difference of the terms for which the members of the Senate and those of the House of Representatives are chosen. The time for which the Senate is chosen, demonstrates the propriety of a difference being made in the pay they ought to receive; the duties of their office require they should renounce every other avocation; their attention will be wholly taken up in the discharge of public business; therefore they should have an adequate and an independent allowance. The generality of the members being so far advanced in years, will drop every idea of engaging any more in their several professions, after having once engaged in the service of their country. Their age, wisdom, and experience, all warrant this discrimination. He concluded by saying, that the real dignity of the House was, he thought, so far from being diminished by adopting the proposition, that he conceived it was essentially connected with it.

Mr. STONE thought the House ought not to assist in elevating one branch of the Government more above the other than the constitution had done. This had given influence to the Senate by a negative in the cases of treaties and appointments. It had given importance to the House, by vesting them with the sole power of originating money bills. But both these powers could be exercised without a discrimination being made in the pay of the members; therefore he inferred that it was not contemplated by the constitution to make any such distinction.

A discrimination may eventually operate to



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the public injury; the House of Representatives may be desirous of terminating the session, but the Senate, finding the compensation they receive quite agreeable, may be inclined to protract it. He thought the true way of deciding on this subject, was to make the same allowance to both, and let it be such as not to induce them to protract the session on the one hand, or have a tendency to hurry over the business on the other.

Mr. JACKSON said, in reply to the inquiry of Mr. SEDGWICK—"Why have we made a difference between the President and the Vice President?" that the whole of the President's time would be taken up in the duties of his station; that the Vice President might retire to his farm whenever he thought proper. We refer, said he, to the wisdom of the Senate; but how is this superior wisdom to be discerned? If on this account a distinction is to be made, it necessarily follows, that a difference should be made between the members of this House, and those of the Senate. We cannot be too cautious how we establish an undue pre-eminence, and give an influence and importance to one branch of the Legislature over the other. All Governments incline to despotism, as naturally as rivers run into the sea. Despotism makes its way gradually, by slow and imperceptible steps; despotic power is never established all at once; we shall, ere we are aware, get beyond the gulf, and then we shall be astonished how we reached there. The services of the Senate are not more arduous than ours: their proper business is legislation, and I will never consent to any discrimination. If I imagined the question would be determined in favor of discrimination, I would call the yeas and nays, and should it be determined in favor of it, I will still call them on purpose that my constituents may see that I have voted against a measure which I look upon as injurious to the Government.

Mr. PAGE.—If he thought the discrimination proposed would have the tendency which some gentlemen apprehended, he would be the last man on the floor to support it. He would be as careful as any man how he extended the influence of any part of the Government, or gave it the least inclination towards aristocracy. But he apprehended gentlemen were deceived in their principle—he did not believe the doctrine that money confers importance, and he wished to evince to the world, that money, under this Government, would have no such effect. The Senate having more duties to perform, may require a larger pecuniary gratification; but this will not add to their importance. It will require something of this kind to stimulate gentlemen to undertake the service; for his part, he might consent to come here for two years, in order to assist in public business, but no inducement, hardly, could engage him to undertake it for six years. On this consideration, he thought the Senate ought to have annual salaries, and to such an amount as would render their situation independent and eligible.

If gentlemen are afraid of an aristocracy, they ought to be careful not to make the compensation too low, so as to exclude men of middling fortunes; the men of rank and distinguished opulence might serve without any pecuniary compensation; but the Government would not be safe, if it was exclusively in such hands. He wished to discriminate in favor of the Senate, but he would rather increase their pay to eight dollars, than reduce that of the members of this House, while he considered it but a moderate compensation.

The question on Mr. SEDGWICK's motion was taken, and lost by a considerable majority.

The House having now gone through the report, it was *Ordered*, that a bill or bills be brought in, pursuant thereto, and that Messrs. BURKE, STONE, and MOORE, be a committee to prepare and bring in the same; with instructions to insert a clause or clauses, making provision for a reasonable compensation to the Secretary of the Senate, and Clerk of the House of Representatives, respectively, for their services.

After which the House adjourned.

FRIDAY, July 17.

A petition from Leonard Harbough was presented to the House, and read, praying that an exclusive privilege may be granted him for a term of years, to make, use, and vend three machines, which he has invented for threshing and reaping grain, and for deepening docks, and which are calculated to facilitate labor, and aid the two great objects of agriculture and commerce.

*Ordered*, That the said petition do lie on the table.

The Speaker laid before the House a letter from Ebenezer Hazard, Postmaster-General of the United States, submitting the propriety of some immediate provision, by law, for the arrangement of that Department, which was read, and ordered to be referred to Messrs. BOUDINOT, GOODHUE, and LEE; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

A bill for settling the accounts between the United States and individual States, was read the second time, and ordered to be committed to the Committee of the whole House on Tuesday next.

A bill to provide for the government of the Territory northwest of the river Ohio, was read the second time, and ordered to be committed to a Committee of the whole House on Monday next.

The House, according to the order of the day, resolved itself into a Committee of the whole House, on the bill for the establishment and support of light-houses, beacons, and buoys, and for authorizing the several States to provide and regulate pilots; and after some time spent therein,

The Chairman reported that the committee



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had, according to order, had the said bill under consideration, and gone through the same, and made several amendments thereto, which he delivered in at the Clerk's table, where the same was twice read and agreed to by the House.

*Ordered*, That the said bill, with the amendments, be engrossed, and read the third time on Monday next.

MONDAY, July 20.

A message from the Senate informed the House, that they had passed the bill for establishing an Executive Department, to be denominated the Department of Foreign Affairs, with several amendments, to which they desired the concurrence of the House; that they have also passed a bill to establish the Judicial Courts of the United States, to which they desire the concurrence of the House.

*Ordered*, That a committee be appointed to bring in a bill or bills, providing for the establishment of hospitals for sick and disabled seamen, and for the regulation of harbors; and that Mr. SMITH (of South Carolina,) Messrs. CLYMER and CARROLL, do prepare and bring in the same.

The House resumed the consideration of the report on the petition of Andrew Ellicott, which lay on the table.

Whereupon,

*Ordered*, That the said report be re-committed to the same committee.

The House then proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act for establishing an Executive Department, to be denominated the Department of Foreign Affairs," and the same being read, were agreed to.

The bill sent from the Senate, "to establish the Judicial Courts of the United States," was read the second time, and ordered to be committed to a Committee of the whole House on Monday next.

The House resolved itself into a Committee of the whole House, on the bill to provide for the government of the Territory northwest of the river Ohio, Mr. BOUDINOT in the chair;

And after some time being spent in considering the same, the committee rose and reported that they had, according to order, had the said bill under consideration, and gone through the same.

*Ordered*, That the said bill, with the amendments, be engrossed, and read the third time tomorrow.

TUESDAY, July 21.

An engrossed bill to provide for the government of the Territory northwest of the river Ohio, was read the third time and passed, and sent to the Senate for concurrence.

#### AMENDMENTS TO THE CONSTITUTION.

Mr. MADISON begged the House to indulge him in the further consideration of amendments

to the constitution, and as there appeared, in some degree, a moment of leisure, he would move to go into a Committee of the whole on the subject, conformably to the order of the 8th of last month.

Mr. AMES hoped that the House would be induced, on mature reflection, to rescind their vote of going into a committee on the business, and refer it to a select committee. It would certainly tend to facilitate the business. If they had the subject at large before a Committee of the whole, he could not see where the business was likely to end. The amendments proposed were so various, that their discussion must inevitably occupy many days, and that at a time when they can be ill spared; whereas a select committee could go through and cull out those of the most material kind, without interrupting the principal business of the House. He therefore moved, that the Committee of the whole be discharged, and the subject referred to a select committee.

Mr. SEDGWICK opposed the motion, for the reasons given by his colleague, observing that the members from the several States proposing amendments would no doubt drag the House through the consideration of every one, whatever their fate might be after they were discussed; now gentlemen had only to reflect on this, and conceive the length of time the business would take up, if managed in this way.

Mr. WHITE thought no time would be saved by appointing a select committee. Every member would like to be satisfied with the reasons upon which the amendments offered by the select committee are grounded, consequently the train of argument which gentlemen have in contemplation to avoid, must be brought forward.

He did not presume to say the constitution was perfect, but it was such as had met with the approbation of wise and good men in the different States. Some of the proposed amendments were also of high value; but he did not expect they would be supported by two-thirds of both Houses, without undergoing a thorough investigation. He did not like to refer any business to a select committee, until the sense of the House had been expressed upon it, because it rather tended to retard than despatch it; witness the collection bill, which had cost them much time, but after all had to be deserted.

Mr. SHERMAN.—The provision for amendments made in the fifth article of the constitution, was intended to facilitate the adoption of those which experience should point out to be necessary. This constitution has been adopted by eleven States, a majority of those eleven have received it without expressing a wish for amendments; now, is it probable that three-fourths of the eleven States will agree to amendments offered on mere speculative points, when the constitution has had no kind of trial whatever? It is hardly to be expected that they will. Consequently we shall lose our labor, and had better decline having any thing further to do with it for the present.



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But if the House are to go into a consideration, it had better be done in such a way as not to interfere much with the organization of the Government.

Mr. PAGE hoped the business would proceed as heretofore directed. He thought it would be very agreeable to the majority of the Union, he knew it would be to his constituents, to find that the Government meant to give every security to the rights and liberties of the people, and to examine carefully into the grounds of the apprehensions expressed by several of the State conventions; he thought they would be satisfied with the amendments brought forward by his colleague, when the subject was last before the House.

Mr. PARTRIDGE knew the subject must be taken up in some way or other, and preferred, for the sake of expedition, doing it by a select committee.

Mr. JACKSON was sorry to see the House was to be troubled any further on the subject; he looked upon it as a mere waste of time; but as he always chose the least of two evils, he acquiesced in the motion for referring it to a special committee.

Mr. GERRY asked, whether the House had cognizance of the amendments proposed by the State conventions? If they had not, he would make a motion to bring them forward.

Mr. PAGE replied, that such motion would be out of order, until the present question was determined.

A desultory conversation ensued, and it was questioned whether the subject generally was to be before the Committee of the whole, or those specific propositions only which had already been introduced.

Mr. GERRY said, that it was a matter of indifference how this question was understood, because no gentleman could pretend to deny another the privilege of bringing forward propositions conformably to his sentiments. If gentlemen, then, might bring forward resolutions to be added, or motions of amendment, there would be no time saved by referring the subject to a special committee. But such procedure might tend to prejudice the House against an amendment neglected by the committee, and thereby induce them not to show that attention to the State which proposed it that would be delicate and proper.

He wished gentlemen to consider the situation of the States; seven out of thirteen had thought the constitution very defective, yet five of them have adopted it with a perfect reliance on Congress for its improvement. Now, what will these States feel if the subject is discussed in a select committee, and their recommendations totally neglected? The indelicacy of treating the application of five States in a manner different from other important subjects, will give no small occasion for disgust, which is a circumstance that this Government ought carefully to avoid. If, then, the House could gain nothing by this manner of proceeding, he

hoped they would not hesitate to adhere to their former vote for going into a Committee of the whole. That they would gain nothing was pretty certain, for gentlemen must necessarily come forward with their amendments to the report when it was brought in. The members from Massachusetts were particularly instructed to press the amendments recommended by the convention of that State at all times, until they had been maturely considered by Congress; the same duties were made incumbent on the members from some other States; consequently, any attempt to smother the business, or prevent a full investigation, must be nugatory, while the House paid a proper deference to their own rules and orders. He did not contend for going into a Committee of the whole at the present moment; he would prefer a time of greater leisure than the present, from the business of organizing the Government.

Mr. AMES declared to the House, that he was no enemy to the consideration of amendments; but he had moved to rescind their former vote, in order to save time, which he was confident would be the consequence of referring it to a select committee.

He was sorry to hear an intention avowed by his colleague, of considering every part of the frame of this constitution. It was the same as forming themselves into a convention of the United States. He did not stand for words, the thing would be the same in fact. He could not but express a degree of anxiety at seeing the system of Government encounter another ordeal, when it ought to be extending itself to furnish security to others. He apprehended, if the zeal of some gentlemen broke out on this occasion, that there would be no limits to the time necessary to discuss the subject; he was certain the session would not be long enough; perhaps they might be bounded by the period of their appointment, but he questioned it.

When gentlemen suppose themselves called upon to vent their ardor in some favorite pursuit, in securing to themselves and their posterity the inestimable rights and liberties they have just snatched from the hand of despotism, they are apt to carry their exertions to an extreme; but he hoped the subject itself would be limited; not that he objected to the consideration of the amendments proposed, indeed he should move himself for the consideration, by the committee, of those recommended by Massachusetts, if his colleagues omitted to do it; but he hoped gentlemen would not think of bringing in new amendments, such as were not recommended, but went to tear the frame of Government into pieces.

He had considered a select committee much better calculated to consider and arrange a complex business, than a Committee of the whole; he thought they were like the senses to the soul, and on an occasion like the present, could be made equally useful.

If he recollected rightly the decision made by the House on the 8th of June, it was that



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*Amendments to the Constitution.*

[JULY 21, 1789.]

certain specific amendments be referred to the Committee of the whole; not that the subject generally be referred, and that amendments be made in the committee that were not contemplated, before. This public discussion would be like a dissection of the constitution, it would be defacing its symmetry, laying bare its sinews and tendons, ripping up the whole form, and tearing out its vitals; but is it presumable that such conduct would be attended with success? Two thirds of both Houses must agree in all these operations, before they can have effect. His opposition to going into a Committee of the whole, did not arise from any fear that the constitution would suffer by a fair discussion in this, or any other House; but while such business was going on, the Government was laid prostrate, and every artery ceased to beat. The unfair advantages that might be taken in such a situation, were easier apprehended than resisted. Wherefore, he wished to avoid the danger, by a more prudent line of conduct.

Mr. TUCKER would not say whether the discussion alluded to by the gentleman last up would do good or harm, but he was certain it ought to take place no where but in a Committee of the whole; the subject is of too much importance for a select committee. Now, suppose such a committee to be appointed, and that the amendments proposed by the several States, together with those brought forward by the gentleman from Virginia, are referred to them; after some consideration they report, but not one of the amendments proposed by either State; what is the inference? They have considered them, and as they were better capable than the House of considering them, the House ought to reject every proposition coming from the State conventions. Will this give satisfaction to the States who have required amendments? Very far from it. They will expect that their propositions would be fully brought before the House, and regularly and fully considered; if indeed then they are rejected, it may be some satisfaction to them, to know that their applications have been treated with respect.

What I have said with respect to the propositions of the several States, may apply in some degree to the propositions brought forward by the gentleman (Mr. MADISON) from Virginia; the select committee may single out one or two, and reject the remainder, notwithstanding the vote of the House for considering them. The gentleman would have a right to complain, and every State would be justly disgusted.

Will it tend to reconcile the Government to that great body of the people who are dissatisfied, who think themselves and all they hold most dear, unsafe under it, without certain amendments are made? Will it answer any one good purpose to slur over this business, and reject the propositions without giving them a fair chance of a full discussion? I think not, Mr. Speaker. Both the Senate and this House

ought to treat the present subject with delicacy and impartiality.

The select committee will have it in their power so to keep this business back, that it may never again come before the House; this is an imprudent step for us to take; not that I would insinuate it is an event likely to take place, or which any gentleman has in contemplation. I give every gentleman credit for his declaration, and believe the honorable mover means to save time by this arrangement; but do not let us differ on this point. I would rather the business should lie over for a month, nay, for a whole session, than have it put into other hands, and passed over without investigation.

Mr. GERRY inquired of his colleague, how it was possible that the House could be a federal convention without the Senate, and when two-thirds of both Houses are to agree to the amendments? He would also be glad to find out how a committee was the same to the House as the senses to the soul? What, said he, can we neither see, hear, smell, or feel, without we employ a committee for the purpose? My colleague further tells us, that if we proceed in this way, we shall lay bare the sinews and tendons of the constitution; that we shall butcher it, and put it to death. Now, what does this argument tend to prove? Why, sir, to my mind, nothing more nor less than this, that we ought to adopt the report of the committee, whatever the report may be; for we are to judge by the knowledge derived through our senses, and not to proceed on to commit murder. If these are the arguments to induce the House to refer the subject to a select committee, they are arguments to engage to go further, and give into the hands of select committees the whole legislative power. But what was said respecting a public discussion? Are gentlemen afraid to meet the public ear on this topic? Do they wish to shut the gallery doors? Perhaps nothing would be attended with more dangerous consequences. No, sir, let us not be afraid of full and public investigation. Let our means, like our conclusions, be justified; let our constituents see, hear, and judge for themselves.

The question on discharging the Committee of the whole on the state of the Union from proceeding on the subject of amendments, as referred to them, was put, and carried in the affirmative—the House divided, 34 for it, and 15 against it.

It was then ordered that Mr. MADISON's motion, stating certain specific amendments, proper to be proposed by Congress to the Legislatures of the States, to become, if ratified by three-fourths thereof, part of the constitution of the United States, together with the amendments to the said constitution, as proposed by the several States, be referred to a committee, to consist of a member from each State, with instruction to take the subject of amendments to the constitution of the United States generally into their consideration, and to report thereupon to the House.



JULY 23, 1789.]

*Western Lands.*

[H. OF R.]

The committee appointed were, Messrs. VINING, MADISON, BALDWIN, SHERMAN, BURKE, GILMAN, CLYMER, BENSON, GOODHUE, BOUDINOT, and GALE.

Then the House adjourned.

WEDNESDAY, July 22.

Mr. BURKE, from the committee appointed for the purpose, presented a bill for allowing a compensation to the President and Vice President of the United States; which was received, and read the first time.

*Ordered*, That it be an instruction to the committee appointed to bring in a bill for making a compensation to the members of the Senate and House of Representatives, that they do insert a clause or clauses, making compensation to the Serjeant-at-Arms, Messengers, and Doorkeepers of the two Houses, for their services.

A petition was presented from Hannah Adams, praying that an exclusive privilege may be granted her, for a limited time, to publish and vend a work which she has compiled, entitled "An Alphabetical Compendium of the various religious sects which have appeared in the world, from the Christian era to the present day, with an appendix, containing a brief account of the different schemes of religion now embraced among mankind."

*Ordered*, That the petition do lie on the table.

The House resolved itself into a Committee of the whole House on the bill for settling the accounts between the United States and individual States, Mr. BOUDINOT in the chair; and, after some time spent therein, the committee rose, and reported that they had gone through the same, and made no amendment thereto.

On motion, *Ordered*, That the Committee of the whole House be discharged from further proceedings on the said bill, and that it be re-committed to Mr. BALDWIN, Mr. STURGES, and Mr. SMITH of South Carolina.

#### WESTERN LANDS.

The House then resolved itself into a Committee of the whole House on the state of the Union, Mr. BOUDINOT in the chair; and, after some time spent therein, the committee rose and reported that they had had the state of the Union under consideration, and come to a resolution thereupon, which was read and then delivered in at the clerk's table, where the same was twice read, and agreed to by the House, as follows:

*Resolved*, That an act of Congress ought to pass for establishing a Land Office, and for regulating the terms and manner of granting vacant and unappropriated lands, the property of the United States; that the said office be under the superintendence of the Governor of the Western Territory; that the land to be disposed of be confined to the following limits, viz:

That the tracts or parcels to be disposed of to any one person, shall not exceed — acres; that the price to be required for the same shall be — per acre;

and that every person actually settled within the said limits shall be entitled to the pre-emption of a quantity not exceeding — acres, including his settlement.

*Ordered*, That a bill or bills be brought in, pursuant to the said resolution, and that Mr. SCOTT, Mr. SYLVESTER, and Mr. MOORE, do prepare and bring in the same.

THURSDAY, July 23.

A bill for allowing a compensation to the President and Vice President of the United States was read the second time, and ordered to be engrossed and read the third time to-morrow.

On motion,

*Resolved*, That a committee be appointed to examine into the measures taken by Congress and the State of Virginia respecting the lands reserved for the use of the officers and soldiers of said State, on continental and State establishments, in the cession made by the said State to the United States, of the territory northwest of the river Ohio, and to report the same to this House, and that Mr. WHITE, Mr. PETER MULLENBURG, and Mr. SENEY, be of the said committee.

#### HOME DEPARTMENT.

On motion of Mr. VINING, the House resolved itself into a Committee of the whole on the state of the Union, Mr. BOUDINOT in the chair.

Mr. VINING introduced a resolution for the adoption of the committee, by which it is declared: That an Executive department ought to be established, and to be denominated the Home Department; the head of which to be called the Secretary of the United States for the Home Department; whose duty it shall be to correspond with the several States, and to see to the execution of the laws of the Union; to keep the great seal, and affix the same to all public papers, when necessary; to keep the lesser seal, and to affix it to commissions, &c.; to make out commissions, and enregister the same; to keep authentic copies of all public acts, &c., and transmit the same to the several States; to procure the acts of the several States, and report on the same when contrary to the laws of the United States; to take into his custody the archives of the late Congress; to report to the President plans for the protection and improvement of manufactures, agriculture, and commerce; to obtain a geographical account of the several States, their rivers, towns, roads, &c.; to report what post-roads shall be established; to receive and record the census; to receive reports respecting the Western Territory; to receive the models and specimens presented by inventors and authors; to enter all books for which patents are granted; to issue patents, &c.; and, in general, to do and attend to all such matters and things as he may be directed to do by the President.

Mr. BENSON objected to some of the duties mentioned in the resolution. He thought the less the Government corresponded with particular States the better, and there could be no necessity for an officer to see to the execution of



H. OF R.]

*Home Department.*

[JULY 23, 1789.]

the laws of the United States, when there was a Judiciary instituted with adequate powers.

Mr. WHITE was not convinced that there was a necessity for establishing a separate department for all or any of the duties contained in the resolution. The correspondence with the States belonged to the Executive. To see to the execution of the laws was the duty of the Judiciary. The great seal might be kept by the Secretary of Foreign Affairs; the lesser seal might be deposited in the same hands. Commissions might be made out by the departments to which the officer is connected. The Secretary of the Senate and Clerk of the House might transmit the public acts, and keep records thereof. What have Congress to do with the acts of States? If they interfere with the constitutional powers of the Government, the Judges will prevent their operation. The papers of the late Congress may be distributed among the officers to which they relate; the rest may be deposited with the officers of Congress. The want of the reports on manufactures, agriculture, and commerce, may be supplied by Congress. The post roads may be left to the Postmaster General. The census must be returned to Congress, and they will preserve it among their files. And it can hardly be thought necessary to establish a great department for the purpose of receiving the models, specimens, and books, presented by authors and inventors. If none of these things are requisite to be done by a great department, why should the United States incur the expense which such an arrangement must necessarily draw along with it.

Mr. HUNTINGTON thought the Secretary of Foreign Affairs was not so much overcharged with business but that he might attend to the major part of the duties mentioned in the resolution.

Mr. VINING said he had waited until the great Executive departments were established; but none of those had embraced the duties contained in his proposition, which he conceived to be of great importance: many of the duties were as essential as those of any other department, except the Treasury. As for their belonging to the Executive, as was said by the gentleman from Virginia, he admitted it; but they were, nevertheless, as proper to be put into the hands of a principal officer under the President, as the War office, or office of Foreign Affairs; the duties of these were specially within the Executive department of the Government. He conceived that the President ought to be relieved from the inferior duties of his station, by officers assigned to attend to them under his inspection; he could then, with a mind free and unembarrassed with the minutiae of business, attend to the operations of the whole machine.

If the office was admitted to be necessary, and he was certain the performance of the duties were useful and essential, the expense could be no solid objection, because the information it would furnish would more than counterbalance that article.

The question he conceived to be reduced to this, whether a confidential officer would not be more useful than any other, and whether the duties could be distributed among the officers already instituted. For his part, he conceived most of them foreign to either of those officers; and that they could not be performed with advantage any other way than by an officer appointed specially for the purpose. He thought every gentleman would admit that the duties were important, and he assured them that his only reason for bringing the motion forward was, to provide for the public good. He had no personal motives in pressing it; he disclaimed every idea of serving any particular man by the arrangement, and rested it solely upon its merits.

Mr. SEDGWICK believed the honorable gentleman in his assertions, that he had no personal motive in pressing this business. He believed that he thought it essential, and if his sentiments were the same, he would join the gentleman in supporting the motion; but after duly considering the subject, he was inclined to believe that the office was unnecessary, and that it would be squandering the public money, at a time when the greatest economy is requisite. He thought the principal part of the duties might be assigned to the Secretary of Foreign Affairs; and he would, if the committee negatived the present motion, introduce another for that purpose.

Mr. GERRY thought the burthens of the people would be sufficiently great in providing the supplies absolutely necessary for the support of the Government; therefore it would be improper to add expenses which might possibly be avoided. The people are viewing the proceedings of Congress with an attentive solicitude, and if they observe that we erect offices for which there is no apparent necessity, they will be apt to think we are providing sinecures for men whom we favor; they will reluctantly pay what is extracted from their earnings to a Government which they think is regardless of economy. They will suspect a further view in the change of Government. They will suppose that we contemplate the establishment of a monarchy, by raising round the Executive a phalanx of such men as must be inclined to favor those of whom they hold their places.

Mr. VINING.—Why do gentlemen say that such an office is unnecessary, when they are forced to admit that all the duties are essential? Or how can they say it is more expensive to establish it in this way than in another? Suppose these duties distributed in the manner which some gentleman have mentioned, is it not fairly to be presumed that the departments to which any of them are attached, will require an extra pay for these extra services? If so, will there be any economy in this mode of procedure? All that is to be wished for, is to have a confidential person employed, let his salary be what you please: if it is not worth fifteen hundred dollars per annum, let it be five hundred. But



JULY 24, 1789.]

*Committee of Ways and Means.*

[H. OF R.]

it would be better to have a principal to manage the business than to have it consigned to clerks in the other departments.

Mr. LAWRENCE said that something was necessary to be done with respect to the business brought forward by the honorable gentleman from Delaware. He conceived that an officer of the rolls, or some inferior officer, ought to be appointed to transact the business detailed in the resolution; he did not insist upon making a great department.

Mr. SEDGWICK agreed with the gentleman from New York; but, he thought, the business might be thrown into some other department, and save to the Union the expense of the one which the gentleman from Delaware wished to establish, by the name of the Home Department. He thought the resolution proposed altogether so improper, that he hoped the committee would rise.

A desultory conversation arose, whether the committee should decide upon the resolution or not; after which a question was taken on the rising of the committee, and decided in the negative.

Then the question was put on the first part of Mr. VINING's proposition, viz. "That an Executive Department ought to be established, to be denominated the Home Department;" and lost by a considerable majority.

It was then moved and seconded, that the committee rise, which being agreed to, the committee rose and reported that they had, according to order, had the state of the Union under consideration, but had come to no resolution thereon.

A motion was then made by Mr. SEDGWICK, that a committee be appointed to bring in a bill supplementary to the act for establishing the Department of Foreign Affairs, declaring that department to be hereafter denominated —, and that the principal officer in that department shall have the custody of the records and seal of the United States, and that such bill do contain a provision for the fees of office to be taken for copies of records, and further provision for the due publication of the acts of Congress, and such other matters relating to the premises, as the committee shall deem necessary to be reported to this House.

And the question being put thereupon, it passed in the negative.

Another petition from Baron de Glaubeck was presented and read, praying the attention of Congress to his former petition, to be compensated for certain losses and military services rendered during the late war.

Mr. PAGE, from the committee appointed for the purpose, made a further report on Andrew Ellicott's memorial, after which the House adjourned.

FRIDAY, July 21.

The engrossed bill allowing a compensation to the President and Vice President, was read the third time; when, on motion, it was com-

mitted to a Committee of the whole House: whereupon the House resolved itself into a committee on the bill, and made some amendments therein. They then reported the bill with the amendments to the House, which were ordered to lie on the table.

Mr. GERRY presented a bill for registering and clearing vessels, ascertaining their tonnage, and for regulating the coasting trade, which was read a first time, and ordered to lie on the table.

Mr. BALDWIN, from the select committee to whom was committed the bill for settling the accounts between the United States and the individual States, reported, that the committee had, according to order, had the said bill under consideration, and made amendments thereto, which he read in his place, and afterwards delivered in at the Clerk's table, where the same was again read twice, amended, and agreed to by the House, and ordered to be engrossed.

A petition from Nathaniel Gorham, of the State of Massachusetts, was presented and read, setting forth that Oliver Phelps, Esq. and the petitioner, are interested, by purchase from the said State of Massachusetts, in certain lands which will be materially affected by the line directed to be run between the United States and the State of New York, and praying that such measures may be taken therein as shall be consistent with a due regard to the rights of the said Phelps and the petitioner.

Ordered to lie on the table.

#### COMMITTEE OF WAYS AND MEANS.

Mr. FITZSIMONS.—The finances of America have frequently been mentioned in this House as being very inadequate to the demands. I have ever been of a different opinion, and do believe that the funds of this country, if properly drawn into operation, will be equal to every claim. The estimate of supplies necessary for the current year appears very great from a report on your table, and which report has found its way into the public newspapers. I said on a former occasion, and I repeat it now, notwithstanding what is set forth in the estimate, that a revenue of three millions of dollars in specie, will enable us to provide every supply necessary to support the Government, and pay the interest and instalments on the foreign and domestic debt. If we wish to have more particular information on these points, we ought to appoint a Committee of Ways and Means, to whom, among other things, the estimate of supplies may be referred, and this ought to be done speedily, if we mean to do it this session.

Mr. GERRY said, the estimate reported by a committee was as accurate as possible. From this it appeared, that eight millions of dollars would be necessary for the support of Government, for the interest and instalments becoming due, and for the arrearages already due. He remarked, that we had been already dunned on this subject by foreigners, and that Congress would have to make provision for their pay-



H. OF R.]

Rules for Enrollment.

[JULY 27, 1789.]

ment. If three millions of dollars were employed to this use, it would only be carrying the arrearages into another year; but, as they must be paid at last, he recommended making an immediate exertion as a better way of giving satisfaction than procrastination would be. He thought it best to lay the real situation of this country before the House, and not endeavor to make things appear better than they really are.

With respect to the publication of the estimate in the papers, he knew nothing about it; he admitted that it was such a one as ought not to be published by order of Congress. He approved of the idea of appointing a Committee of Ways and Means, if it were only to ascertain what part of the interest on the debt should be paid, and what of the principal extinguished within the current year, from the funds already provided.

Mr. FITZSIMONS did not mean to reflect upon the committee who had reported the estimate, in any thing he had said; but he thought it of such a nature as to require it to be referred to a Committee of Ways and Means. He observed, that the arrearages were due by several of the States on the former requisitions of Congress, and if these were paid up, the great demand might be satisfied. He doubted whether the whole arrearages of interest on the domestic debt would be expected to be provided for at the first session of Congress; but he was certain, that, in a little time, the Government would be able to discharge all these incumbrances, and to pay the interest on their debt with such a degree of punctuality, as would give satisfaction to every individual creditor.

A Committee of Ways and Means was then appointed, consisting of Messrs. FITZSIMONS, VINING, LIVERMORE, CADWALADER, LAWRENCE, WADSWORTH, JACKSON, SMITH, (of Maryland,) SMITH, (of South Carolina,) and MADISON, to whom it was referred to consider the report of a committee appointed to prepare an estimate of supplies requisite for the services of the United States for the current year, and to report thereon.

The House then adjourned.

MONDAY, July 27.

The engrossed bill for settling the accounts between the United States and individual States, was read the third time, and the blanks being filled, the bill passed.

#### JOINT RULES FOR ENROLMENT.

The House resolved itself into a Committee of the whole House, on the report of the committee appointed to confer with a committee of the Senate, in preparing joint rules to be established between the two Houses for the enrolment, attestation, publication, and preservation of the acts of Congress, and to regulate the mode of presenting addresses and other acts to the President of the United States, Mr. BOUNDINOT in the chair.

After some time the committee rose, and re-

ported, that they had had the said report under consideration, and gone through the same, and come to several resolutions thereupon, which were delivered in at the Clerk's table, where the same were severally twice read, and agreed to by the House, as follows:

*Resolved*, That it is the opinion of this committee, that the following ought to be established joint rules between the two Houses, to wit:

That while the bills are on their passage between the two Houses, they shall be on paper, and under the signature of the Secretary or the Clerk of each House respectively.

After a bill shall have passed both Houses, it shall be duly enrolled on parchment by the Clerk of the House of Representatives, or the Secretary of the Senate, as the bill may have originated in the one or the other House, before it shall be presented to the President of the United States.

When bills are enrolled, they shall be presented by a joint committee of one from the Senate, and two from the House of Representatives, appointed as a standing committee for that purpose, who shall carefully compare the enrolled with the engrossed bills, as proposed in the two Houses, and correcting any errors that may be discovered in the enrolled bills, make their report forthwith to the respective Houses.

After examination and report, each bill shall be signed in the respective Houses, first by the Speaker of the House of Representatives, and then by the President of the Senate.

After a bill shall thus have been signed in each House, it shall be presented, by the said committee, to the President of the United States for his approbation, it being first endorsed on the back of the roll, certifying in which House the same originated; which endorsement shall be signed by the secretary, or clerk, (as the case may be,) of the House in which the same did originate, and shall be entered on the journals of each House. The said committee shall report the day of presentation to the President, which time shall be also carefully entered on the journals of each House.

All orders, resolutions, and votes, which are to be presented to the President of the United States for his approbation, shall also, in the same manner, be previously enrolled, examined, and signed; and shall be presented in the same manner, and by the same committee, as provided in case of bills.

That when the Senate and House of Representatives shall judge it proper to make a joint address to the President, it shall be presented to him in his audience chamber, by the President of the Senate, and in the presence of the Speaker and both Houses.

*Resolved*, That it is the opinion of this committee, that a committee ought to be appointed to prepare and bring in a bill or bills, to provide, without the establishment of a new department, for the safe keeping of the accounts, records, and seal of the United States; for the authentication of records and papers; for establishing the fees of office to be taken for commissions, and for copies of records and papers; for making out and recording commissions, and prescribing their form; and to provide for the due publication of the acts of Congress.

*Ordered*, That a committee be appointed, pursuant to the second resolution, and that Messrs. SEDGWICK, MATTHEWS, and WYNKOOP be of the said committee.



AUGUST 3, 1789.]

*Registering of Vessels.*

[H. or R.]

TUESDAY, July 28.

Mr. VINING, from the committee to whom it was referred to take the subject of amendments to the constitution generally into their consideration, and to report thereon, made a report, which was ordered to lie on the table.

A message from the Senate informed the House, that they had passed the bill to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares, and merchandises imported into the United States, with several amendments, to which they desired the concurrence of the House.

The House immediately took said amendments into consideration, and concurred therewith.

The petitions of the Baron de Glaubeck, heretofore laid on the table, were referred to a select committee, consisting of Messrs. PAGE, SUMNER, and HEISTER.

The bill for registering and clearing vessels, and for regulating the coasting trade, was read a second time; and, on motion, the House resolved itself into a Committee of the whole upon it, Mr. BOUDINOT in the chair; and, after making some progress in its consideration, rose, and obtained leave to sit again.

WEDNESDAY, July 29.

The House again resolved itself into a Committee of the whole, Mr. BOUDINOT in the chair, on the bill for registering and clearing vessels, and for regulating the coasting trade; and agreed to some amendments thereto; but not having got through the same, rose, and obtained leave to sit again.

THURSDAY, July 30.

Mr. LIVERMORE introduced a resolution to supply each member, at the public expense, with two newspapers of the city, daily, such as he should choose. Ordered to lie on the table.

A message from the Senate informed the House that they had passed the bill for settling the accounts between the United States and the individual States, without amendment.

## REGISTERING VESSELS.

The House again went into a Committee of the whole on the bill for registering and clearing vessels, and for regulating the coasting trade; and having gone through it, reported the bill with the proposed amendments. The House agreed to some of the amendments, negatived others, and made some additional ones. The House adjourned before the discussion on the bill was closed.

FRIDAY, July 31.

Mr. PAGE, from the committee to whom the petitions of the Baron de Glaubeck were referred, made a report, which was ordered to lie on the table.

Mr. SCOTT, from the committee appointed for the purpose, brought in a bill for establishing a Land Office for the Western Territory, which was read and laid on the table.

On motion,

*Resolved*, That a standing committee be appointed to examine the enrolled bills, and to present the same to the President for his approbation and signature.

Messrs. WHITE and PARTRIDGE were accordingly appointed.

Mr. WHITE, of the committee appointed to examine into the measures taken by Congress and the State of Virginia, respecting the lands reserved for the use of the officers and soldiers of said State, &c. brought in a report, which was read and laid on the table.

The House then resumed the consideration of the amendments agreed upon in Committee of the whole, to the bill for registering and clearing vessels; which being finished, the bill was ordered to be engrossed for a third reading on Monday next.

A message from the Senate informed the House that they had passed the bill for establishing the Treasury Department, with amendments; to which they desired the concurrence of the House.

Mr. SEDGWICK, from the committee appointed for the purpose, brought in a bill to provide for the safe keeping of the acts, records, and great seal of the United States, for the publication, preservation, and authentication of the acts of Congress, &c.; which was read and laid on the table.

MONDAY, August 3.

A message from the Senate informed the House that they had passed the bill for the establishment of light-houses, beacons, and buoys, with several amendments; to which they desired the concurrence of this House.

The amendments of the Senate were immediately considered and agreed to.

The engrossed bill for regulating the coasting trade was read a third time; and, on motion, recommitted to a Committee of the whole, to be taken up to-morrow.

The bill for establishing a Land Office for the Western Territory was read a second time, and made the order of the day for Thursday.

The bill to provide for the safe keeping of the acts, records, great seal, &c. was read, and made the order of the day for Friday.

The report of the committee on amendments to the constitution was, on motion of Mr. MADISON, made the order of the day for Wednesday sennight.

Mr. BENSON made a motion as follows:

*Resolved*, That a committee be appointed to join with a committee of the Senate to be appointed for the purpose, to consider of and report when it will be convenient and proper that an adjournment of the present session of Congress should take place; and to consider and report such business now before Congress, necessary to be finished before the ad-