

CONGRESS.

HOUSE OF REPRESENTATIVES.
Monday, September 19.

The house went into a committee of the whole, Mr. Lawrence in the chair, on the PRESIDENT'S SPEECH.

On that part which relates to the reduction of the public debt, Mr. Fitzsimons offered a resolution to the following purport:—

Resolved, as the opinion of this committee, that measures for the reduction of so much of the public debt as the United States have a right to redeem, ought to be adopted. And that the secretary of the treasury be directed to report a plan for that purpose.

Mr. Madison wished for information before he could agree to the motion just made. The exact state of our finances he conceived necessary to be well known before measures were taken for the reduction of the debt. The house of representatives had already unequivocally expressed their general sentiments on the subject, in their answer to the President's speech; but it was not time, he conceived, for the adoption of measures with a view to realize what appeared the general wish, until the information on which those measures were to be grounded, was received.

Mr. Fitzsimons argued, that the motion, if adopted, would call for the information necessary to ground a final measure upon. The recommendation from the President was strong, and the answer of the house as positive; no difference of opinion, he therefore supposed, could exist as to the propriety of reducing the debt. The United States had paid a valuable consideration for the right of reducing it, and the first opportunity of making use of that right, he conceived the best.

Mr. Williamson was of opinion, that information would come in of course. The President, he suggested, no doubt was acquainted with the situation of the revenue when he recommended the reduction of the debt at the present time. He should be in favour of the motion. He declared it as his opinion, that our public debt was our most dangerous enemy; he wished it could be reduced twice as fast; the irredeemable quality of part of it he much disliked.

Mr. Madison again expressed it as his opinion, that information should form the basis of any provision for the reduction of the debt. If the motion was carried, information no doubt could be obtained before the final adoption of any measure; but he insisted on the necessity of making that information the groundwork of any proceeding on so important a subject.

Mr. Mercer, No question, he conceived, was of more importance than that involved in the motion before the house. He wished for time to make up his mind on it. It involved one question which had occasioned very warm debate in the house, and which was decided but by a small majority—he alluded to the reference made last session to the secretary of the treasury. He conceived it improper to commit to any man, what he was bound himself to do. He conceived the power of the house to originate plans of finance, to lay new burthens on the people entrusted to them by their constituents, as incommunicable.

As to the main object of the motion, he rather doubted the propriety of adopting, at present, a permanent system for the reduction of the public debt.

The house, he said, stood in a very delicate situation—a fuller representation will shortly succeed the present. He saw a propriety in making a temporary provision to redeem, in order to secure the right of reducing in future. He hoped the house would consent to a delay of a day or two, when members would be better prepared.

Mr. Smith, S. C. conceived, that, as the motion had been made and seconded, some decision must be obtained on it, or that the committee must rise. He saw no good reason for leaving it to a future house, to adopt a permanent plan of reduction. If it was now thought too early a period to accomplish so desirable an object, it would be a good reason for deferring it; but if it was full time, measures for that purpose should be adopted, they should go forward. If the gentleman required further time to make up his mind, the committee might rise and sit again in a day or two.

He next made some reply to the objections of the gentleman last up, to that part of the motion which contemplated a reference to the secretary of the treasury. The ultimate decision, he remarked, in no one point, was relinquished by such a reference. If such a reference was unconstitutional, he observed, much business had been conducted in the house in an unconstitutional manner, by repeated references to the heads of departments. The reference of business to select committees would be unconstitutional, he said, on the same ground.

Turning on the main question—the house, he conceived, were in possession of information already, that would warrant a beginning in the work of reducing the public debt. From the report of the trustees of the sinking fund, read in the morning, it appeared, that they had funds remaining in their hands.

The house had pledged themselves in their answer to the President's address, to proceed on the task; now to refer the business to a future Congress, would appear like great reluctance to go into the measure, and would argue great unsteadiness. The system to be adopted for the purpose contemplated, could not, he conceived, be attempted, in the first instance, in so large a body as a committee of the whole house. He hoped the question on the motion would obtain a decision at the present time; but if the gentleman persisted in requesting a delay, he wished the committee to rise and ask leave to sit again.

Mr. Sedgwick conceived, the house did not need any more information than they were in

possession of, to see the propriety of adopting immediate measures for the reduction of the debt. The United States, it was evident, he said, are paying more than the market interest upon their debt—it sells above par, and, considering the rate at which loans can be obtained in Europe on the credit of the United States, that mode of reducing the debt was, he said, incontrovertibly eligible. It would be economical for an individual, in similar circumstances, to effect a reduction, and the case was the same, the United States being in the place of that individual. It was agreed to in the house, he said, and echoed out of doors, that a public debt was a public evil; it was the duty, therefore, of the representatives of the people, to use all the means in their power, whenever opportunity offered, to reduce it.

He made some observations on the propriety of referring the business to the secretary for information and his opinion, and concluded by declaring, that, viewing the main question as he first stated, he could not see any necessity in deferring a question on the motion.

Mr. Mercer expressed some surprise at the disinclination some gentlemen appeared to shew to a full discussion on so important a subject. He again objected to a reference. That mode of conducting business in the house, he said, had given very general dissatisfaction. The mode was adopted by a small majority—the house had received, since its adoption, an accession of new members—besides, since, every member had mixed with his constituents, and opinions might consequently have varied since that time. For his part, he said, he should pay great and implicit regard to the opinion of his constituents.

He again adverted to the nature of the trust reposed in the house by the constitution, in originating money bills, &c. and dwelt on the true import of the word originate, which he conceived could not be explained away, so as to warrant a reference. Besides, he argued, is not a body selected from millions of the people, more adequate to the task of originating, than a single man.

He hoped, that respect to the President's recommendation would never make the house inattentive to the great interests of the people. The President's address had not been so long before the house, as that a short delay should argue disrespect.

But the President, in his address, did not, he said, recommend a reference to the secretary.

He was willing to give a decision on the first part of the motion—though he would prefer a delay of a day or two; if this, however, was not granted, he should call, he said, for a division of the question.

He again adverted to the propriety of taking advantage of the redeemable quality of our debt, as soon as possible; observing that the next term of payment of interest came round with the new year.

Mr. Fitzsimons observed that he was in the minority on the question adverted to by the gentleman from Maryland (Mr. Mercer)—that he had not since altered his opinion upon that subject, but considered the present reference as very different from the former, and entirely within the letter and spirit of the act for establishing the treasury department. He did not believe it would be necessary to impose additional burthens, to effect a reduction of the debt. He believed that the existing finances, assisted by a foreign loan, would enable the United States to accomplish the object.

As to the reports from the treasury or other officers,—they will stand on their own merits. If they are bad, they will be rejected.

Mr. Madison drew a distinction between the deliberative functions of the house and the ministerial functions of the Executive Powers. The deliberative functions, he conceived, should be first exercised before the ministerial began to act. It should be decided by the house, in the first instance, he conceived, whether the debt should be reduced by imposing new taxes, or by varying the burthens, or by new loans. The fundamental principles of any measure he was of opinion, should be decided in the house, perhaps even before a reference to a select committee. He did not pretend to determine whether the motion now before the house might not involve a reference of a ministerial nature merely. But he well knew, he said, that the act establishing the Treasury department had been so construed as to give it a greater latitude than was contemplated when the law passed, much against the opinion of a great portion of the people. In the infancy of our government, that latitude, perhaps might be necessary; but he saw no necessity for it at present.

Mr. Page opposed a division of the question as precluding debate. He wished the motion amended, by striking out the last part.

Mr. Findley was against a reference to the Secretary of the Treasury of a matter, which, he conceived, was made the exclusive business of the house by the constitution.

Mr. Mercer expressed himself in favour of striking out the last part of the motion.

Mr. Hillhouse was of a different opinion. His constituents, he conceived, expected their business to be done in the best manner possible, and that he should not rely on his own information only, but endeavour to avail himself of the information of others. He said he should consider himself unequal to the task of taking a share in legislating for the Union if he was to depend on his own information alone. He expected to derive information from every source. It was the intention of meeting in Congress to collect information from every quarter.

He should despise any one, he said, he should despise himself if he thought his judgment could be improperly influenced by any plan reported by any of the heads of departments. If any system, originating with the head of a department appeared the best that could be devised it should meet the approbation of the house; but if any amendment was thought of, it was the duty of the house to adopt or reject it according to its merits.

He considered reports in the light of information, and dwelt on the necessity of receiving information, from every quarter. He was against striking out.

Mr. Findley was in favour of striking out. He was a friend to information, he said, but the reports from heads of departments he did not consider in the light of information merely. It was information, and plans built on that, and those plans supported by arguments.

Though a law, he said, had made it the province of the Secretary of the Treasury to report those plans;—the constitution had not enjoined the house to refer; and he hoped the house, being the masters of their own proceedings, would originate such measures themselves.

The house had a right to, and, he conceived should call for what information was wanted to enable them to digest their own plans.

Mr. Murray observed, that the debate on the propriety of referring to the Secretary of the Treasury the business contemplated in the motion, had produced but few new arguments; it was a repetition of what was said when the subject was before the house at another time.

One new idea, however, he observed, had fallen from the gentleman from Virginia (Mr. Madison) viz. his distinction between deliberative and ministerial functions. This distinction, he conceived, is qualified by the nature of things.

It is qualified in this instance, by the law which establishes the Treasury department, that law makes it the duty of the Secretary, to digest and report plans to ameliorate our finances, without any call from the house. True the business of the house is to deliberate; but by references, neither is the power of the house to deliberate infringed, nor does it give the Secretary a right legislatively to deliberate, but to deliberate ministerially; and it was important, he conceived, in a government framed like ours that such officers should have the power to deliberate in that manner. The result of their deliberations was not obligatory on the house,—no further than it was warranted by wisdom.

He was averse to striking out—was willing to allow further time for consideration. He should like to see, for his own part, a statement of the revenue.

He again expressed it as his firm opinion, that a report from the head of a department could no further influence the house, than by the weight of the wisdom it contained.

Whenever ministerial influence, he observed, was felt in the house, otherwise than by weight of wisdom, it would but little matter, he conceived, whether Secretaries had it in their power to report plans or not. Reports, he conceived, would never have an improper influence, as long as the legislature preserved their character for wisdom and integrity.

The information to be derived from the head of a department, could never, he suggested, be obtained in a more proper manner, than by making it the foundation of deliberation. Supporting the house should undertake to originate without this previous step, and a difficulty should occur for want of information; it would be he conceived, derogatory to the dignity of the house to apply then to the Secretary for assistance, and more dangerous to proceed in error or ignorance.

He rather wished for a short delay;—but if the question was urged, he should certainly vote, he said, against striking out.

Mr. Madison saw some difficulty in drawing the exact line between subjects of legislative and ministerial deliberations; but still such a line most certainly existed. Gentlemen who argued the propriety of calling on the Secretary for information, plans and propositions, involved the propriety of permitting that officer in the shape of a plan or measure to propose a new tax, and say whether it should be a direct or indirect one. Yet, if it was proposed directly to give this power to the Secretary, few members, he believed, would agree to it. He was in favour of striking out.

Mr. Gerry said, that while the law establishing the Treasury department was under consideration, he had opposed that part of the bill which gave the Secretary power to propose to the house a tax and a plan to carry it into execution. He conceived such a power contrary to the principles of the constitution. This power is however, involved in that part of the law which authorizes him to propose, without being called on, plans for the support of credit, for the reduction of the public debt, &c. The Secretary, nevertheless, knowing probably, that that power, granted him by the law, was looked upon with a jealous eye by many members of the house, has never exercised it.

He, however, was not averse to referring the object of the motion to the Secretary. He saw an impossibility, if taken up in a committee of the whole, in rendering the intended measure an uniform part of the great financial whole. The clashing of various opinions would prevent it.

If the influence of the Secretary was formidable—he conceived, it would be much more dangerous if exerted against a select committee, than in the whole house.

He hoped the last part of the resolution would not be struck out.

On motion the committee rose, reported progress and asked leave to sit again.

House adjourned.

Sketch of the Observations which were made on

MR. MURRAY'S MOTION,
That a Committee be appointed to bring in a Bill supplementary to the Militia Law passed the last session.

Mr. Livermore rose to enquire, what particular part of the law, was the object of the resolution?

Mr. Murray explained; he informed the house that it had special reference to the clause which respects arming the militia. He said, the injunctions of the law, in this particular, imposed equal burthens, on shoulders infinitely disproportioned as to their capacity to sustain them: it

enjoins duties on the major part of the militia, of such a nature, as renders the law totally impracticable. A man not worth one farthing, is subjected to the same expence with one who may be worth ten thousand pounds a year: the inequality, evident in the operation of such a requisition, is a glaring instance of injustice, and calls loudly for legislative interposition and relief.—He adverted to the particular situation of the state of Maryland, to shew the impracticability of carrying the law into execution in that part of the Union.

Mr. Williamson suggested an alteration in the resolution. It would be better, in his opinion, to have it read, a bill to amend the militia law. He moved for this alteration.—Mr. Williamson observed, that he thought the law susceptible of several amendments; but with respect to the objection of the gentleman from Maryland, he said it applied with equal force to many other parts of the law, particularly with regard to the general performance of militia duty.

Mr. Livermore stated some objections to the indefiniteness of the resolution.

Mr. Greenup observed, that he had seconded the motion of the gentleman from Maryland, because he thought many parts of the law might be amended in such manner, as to make it more applicable to the circumstances of the state of Kentucky; which, from its peculiar situation, could not derive those advantages from the law, which other parts of the Union might; the want of which were sensibly felt. He preferred adopting the words to amend, in lieu of 'supplementary.'

Mr. Hillhouse objected to the motion: he thought that competent relief, in the case complained of, might be obtained from the state legislature. He added, that the law had scarcely got into operation; some of the states have made provision to carry it into execution; others are about doing the same: and he doubted the policy, exceedingly, of taking any steps in the business, before any experience of the law has been had.

Mr. Fitzsimons offered some remarks of a similar nature.

Mr. Mercer supported the Motion. He urged a variety of reasons, to shew the importance of taking immediate measures to amend and ameliorate the law: if this is not done, said he, it will sanction the idea, already entertained by many of the respectable citizens of the Union, that there is a disinclination, on the part of many members of the legislature, to provide for an effective militia—that a necessity may be induced for a standing army. He adverted to the injustice of the requisition, which enjoins, that a man who is not worth twenty shillings, should incur an expence of twenty pounds, in equipping himself as a militia man.

Mr. Murray's motion, for a committee, was negatived; fourteen members, only, rising in the affirmative.

Wednesday, November 21.

The petition of John Sinclair and others was read, praying a settlement of their accounts for public services—Laid on the table.

Mr. Lee moved for the order of the day on the subject of lost certificates.—This motion was waved, to take into consideration the report of the Committee of the whole on the President's speech. The several resolutions agreed to by the committee were read; but the house being thin their consideration was deferred.

Mr. Murray called for the resolution which he laid on the table yesterday, "that a committee be appointed to repeal that clause of the militia law which relates to the arming the militia;" it is being read.

Mr. Murray said he still had hopes, though his first motion the day before had failed.—The present motion was to repeal the clause which he hoped to prove obnoxious—as it was more limited than the former one—and as he did not mean by this to go into a general revision of the whole law, but confine the repeal and substitute to the arming clause, he imagined many gentlemen would support his intentions, who yesterday were averse to opening the whole law to revision. The clause in question was obnoxious to his constituents—a late and most intimate knowledge of his district had enabled him with great confidence to say so; and he had reason to believe that unless an alteration in the law took place, no act of the legislature of Maryland would give it the desired operation in that state. The clause was disagreeable to his constituents, because it was oppressive in principle, and impracticable in its operation. It was a principle of political justice which no occasion could dispense with, that protection and taxation should be commensurate: That wherever a tax was levied for the protection of society, its apportionment among individuals should be as exactly as possible correspondent with the property of each individual. There is so much justice in this, that he did not suppose it would be controverted. The oppression that would be felt in the operation of this clause, flows from the violation of that principle. The obligation to arm in a particular manner, as it will produce a uniform expence on men of unequal property, will prove a tax that will act unjustly, because unequally—men will not pay agreeably to their property. To illustrate this is easy, and the plainest mode of showing the truth. By the law, he who has paid his forty-fifth year, is exempt from militia duty. It must often happen that men of large fortune will thus contribute nothing towards this species of protection, while the man of very small fortune will be obliged to furnish largely to it, if the father of a family capable and of age to bear arms. For the sake of harmony and a ready disposition to fall into a patriotic impulse, he much doubted whether his constituents would have murmured much at the violation of the principle;