

the United States, which is not committed against the individual States, and added, bonds given to the Judges of the Supreme Court, and debts due to foreigners, I believe, may be sued for in any of the State Courts. I think the inconveniences which will attend these courts have been explained.

He then cited some instances to shew that these difficulties could not be argued from past experience—there are no instances in point.

In case of a man's being committed to a State goal, the State would not grant a writ of *habeas corpus* to convey the man to the goal of the United States—and this would apply also to property.

He then traced the effects of this clashing of the judicial powers to a rencontre between the two posse committatæ, till murder was committed on both sides: In which case, said he, you must hang on both sides.

He then pointed out the advantages that foreigners would have over the citizens: A citizen can now get his money in three years, with an interest of 5 pr. cent. but in these courts, foreigners can get their debts in one year, with an interest of 7 or 8 pr. cent.

From the foregoing I conceive, that this system cannot be agreeable to the people: This must suppose a revolution in the principles of their representative assemblies.

I do not think this the proper time to establish these courts: It is a measure on which the affection and attachment of the people to the Constitution will be risked: I think it best to defer the business till the necessity for these courts shall become apparent: I could therefore wish that the power should be reserved for the occasion, and that nothing should be done the present session but what is absolutely necessary.

I am for this government's moving as silent as death—that the people should not perceive the least alteration in their situation: The exercise of this power will be the most odious that can be exercised—for as a gentleman has said, of all the wheels in the machine of government, the judicial is the most disagreeable.

Mr. GERRY was opposed to the motion for striking out the clause, and entered into a consideration of the constructions of the several State Judiciaries, by which, he said, that it is expressly against the Constitution to invest the Judges of the State Courts with authority to take cognizance of federal actions—That the Legislature of the Union being bound by oath to support and administer the Constitution—they are consequently bound to establish these courts to carry their laws into operation: As to the difficulties which gentlemen had contended will arise from the clashing of the two judicatories, these difficulties may be obviated, and a little experience will lead to the most ample provision to that point.

Mr. SUMPTER said, he did not dispute the right of Congress to exercise this authority; but he doubted the expediency at the present time.

Mr. BURKE rose to enquire of the gentleman who made the motion, whether he meant by it to knock up the bill altogether, or to offer a substitute—for if he meant to knock the bill entirely away, he would most heartily join him—as I conceive, said he, that the bill is founded in deception: It is calculated to mislead the people, for under a shew of justice, it will deprive them of their rights and privileges—I am therefore for knocking the whole of it away entirely.

Mr. LIVERMORE said that was his intention. His motion was however, as before stated, negatived by a large majority.

TUESDAY, SEPT. 1.

Substance of Mr. LAURANCE'S SPEECH on the JERSEY ELECTION.

I must confess the subject is of a nature not altogether agreeable, because if members for whom we have a personal esteem, should be excluded from a seat, the event would be attended with feelings of regret on our part. But I think it necessary that we should express freely our real sentiments. The Constitution has given this body a right to judge of the elections, qualifications, and returns of its members, though the mode of their election in the first instance has been referred to the laws of the several States. It is the business of this house, therefore, to determine, whether the election of the sitting Members has been conformable to the law which was enacted for that purpose. I presume this will be the question. If it has been agreeable to the law, it will be the duty of this house to make the declaration. If it has not, the house must declare the election invalid.

The law of New Jersey declares that the election of the members shall be in the same manner, and under the same regulations as the election of representatives for the Legislature of the State. It is necessary therefore to enquire what was that mode from which we are to conclude respecting this election. The law relative to the election of representatives in the State Assembly fixes no time of limitation for giving in the votes and declaring the election; but the practice under that law has ever been to declare the returns of the elected, previous to the meeting of the Legislature. The late law had evident respect to the

time at which Congress were to meet. By reasonable construction, therefore, we must conclude, that the intention of the law was, that the election should be declared before the day appointed for the assembling of the Congress. This is plain when we consider the uniform practice of the State.

It may be asked further, what was the sense of the people of New-Jersey on the subject. It appears that a majority of the counties in Jersey did actually close their polls, and make the returns previous to the 4th of March. If we are to reason therefore from the conduct of a majority of the State, we may conclude that their opinion was agreeable to this construction. It appears also the governor gave this construction. This appears from his letter to the members of the council, requesting their attendance on the third of March, as he expected on that day the whole election-returns. He knew what reason he had to expect it. If he had not supposed it material, he was not obliged to summon them on that day. It is clear to me from these circumstances that the election ought to have been declared on the third of March, and that the authority of the Governor expired with that day. If we admit a contrary supposition, that he had a continuing authority, it would lead to abuses. If he might extend it a day, he might protract it a month, or to an unlimited time. It might defeat the election, or it might put it in the power of the Governor to determine who should be the sitting members:—In short it would put the law in the power of the Governor; but it never can be rationally contended that the law should have an operation which may defeat the design of it, or be committed to a discretion, which may produce the same effect.

But admitting that the Governor's authority was not expended, and that he had a right to delay, it becomes a question, to what time he should extend this delay. It appears from the clause in the law which confers the power on the Governor, that he is obliged to determine from the *greater number of votes of the whole State*. The inference from this will be, that the Governor and Council were to wait till they had received all the votes from all the counties. But it may be said that this would put it in the power of a single county to defeat the law. Admitted—Whose fault is it? If the State would pass a law putting it in the power of a county to defeat the law, the State must suffer the consequences. The time fixed by the Governor for the second meeting of the council was arbitrary.

From these considerations, I think it must result, that the election of the present members from New-Jersey was not conformable to the law, and therefore not valid. [DAILY ADV.]

THURSDAY, SEPTEMBER 3.

Debate on the subject of fixing the PERMANENT SEAT of GOVERNMENT.

Mr. LEE rose and observed, that the House are called on to deliberate on a great national question; and I hope, said he, they will discuss and decide on it with that dispassionate deliberation, which its magnitude requires. He then proposed the following resolution: "Whereas the people of the United States have assented to, and ratified a Constitution for their government, to provide for their defence against foreign danger, to secure their perpetual union, and domestic tranquility, and to promote their common interests; and all these great objects will be best effected by establishing the permanent seat of government in a station as nearly central as a convenient water communication with the Atlantic Ocean, and an easy access to the Western Territory will permit; and as it will be satisfactory to the people of the United States, and give them a firm confidence, in the justice and wisdom of their government, to be assured that such a station is already in the contemplation of Congress, and that proper measures will be taken to ascertain it, and to provide the necessary accommodations, as soon as the indispensable arrangements for carrying into effect the Constitution can be made, and the circumstances of the United States will permit; "Resolved, that a place as nearly central, as a convenient water communication with the Atlantic Ocean, and an easy access to the Western Territory will permit, ought to be selected and established as the permanent seat of the government of the United States."

I wish the principles of the government to be recognized, that the people of the United States may be able to judge whether, in the measures about to be adopted, they are carried into execution by this House. If these great principles are not preserved, it will be an unhappy fulfillment of those predictions, which have been made by the opponents of the Constitution, that the general interest of America would not be consulted, that partial measures would be pursued, and that instead of being influenced by a general policy directed to the good of the whole, one part of the Union would be depressed and trampled on to benefit and exalt the other. Instead of accomplishing and realizing those bright prospects which shone upon us in the dawn of our government, and for which our patriots fought and bled, we shall find the whole to be a visionary fancy. I flatter myself, that before the House decides

on the question before them, those principles will be recognized, if it is meant that they should be regarded.

Mr. HARTLEY supported the motion of Mr. Goodhue, and pointed out Wright's ferry, on the Susquehanna, as an eligible place for the seat of government.—This I consider, said he, as the middle ground between the Delaware, which might be supposed a northern object, and the Patowmac on the south.—He went largely into a display of the natural and artificial advantages which this place presented; its safety, its easy communication with the Western Country and the Atlantic, its extreme fertility, the purity of the climate, and its abundant population.

Mr. SEDGWICK: I hope, Sir, that the motion of Mr. Lee will not obtain. The gentlemen, who moved the other day to have this business brought on this session, can not fail to recollect, that they were called on and intreated to defer this business. They were told that this was not the time, consistently with the real good of the country, to determine the permanent residence of Congress. They were told that the government was not yet in operation—that the union was not yet complete—yet THAT gentleman particularly, and the majority of the House supposed that suspending it would occasion so much dissatisfaction and agitation, that the peace and happiness of the country required a speedy decision. As my own and other gentlemen's remonstrances proved ineffectual, and it was resolved to bring the business on immediately, I am now ready to meet the gentlemen, prepared to decide upon the important subject. I shall oppose the motion of Mr. Lee, because it involves unnecessary delay.

Mr. TUCKER reprobated the motion of Mr. LEE. He wished to know what gentlemen were going about.—It seemed to him that the proposition was a preamble: Was it customary to agree to a preamble before the substance of a resolution was determined on? No.—The regular way was first to agree to the substance then to the preamble.

Mr. LEE assured Mr. TUCKER that fair dealing was his object. He wished to bring forward those considerations which ought to guide their judgment. A question is to be decided which involves present and future interests, and extends to remote generations. The question is to be settled, which must determine whether the government is to exist for ages, or be dispersed among the contending winds.—Will gentlemen say, that these principles ought not to be recognized? Will gentlemen say that the centre of government should not be the centre of the Union? Shall it not be in a situation which will admit of an easy communication to the ocean? Will they say that our western brethren are to be disregarded? These are the momentous considerations which should lead the House to a conclusion. If they are disregarded it will be an alarming circumstance to the people of the southern States. They have felt these alarms already. It was with difficulty on another occasion that their apprehensions on this score were silenced, and their difficulties surmounted. If this question is decided without regarding these interests, it will be said that a Congress is found, who are not disposed to recognize the general principles of the government. I have come forward, he said, with such explicit propositions as the interest of my country dictates. Some principles ought to be previously established as a guide, as a polar star to direct the House to just conclusions.

Mr. MADISON asked if the motion of his colleague could be supposed out of order. He submitted that to the chair; does it contain any thing, said he, which is not true? I appeal to the candid judgment of the committee. Are the truths contained in the proposition inapplicable to the subject? I appeal to the justice and policy of the people of the United States. The position is strictly in order. Is it improper or inapplicable to declare the principles which ought to govern on this question, and which are properly prefixed to the motion that lies on the table?

Mr. AMES said—I am at a loss to conceive why the gentlemen from Virginia are so agitated and anxious to press the subject of these resolutions. The gentleman has asked, Is there any thing contained in the proposition which is not true? Is there any thing not applicable to the subject? And by way of conclusion, asks whether the resolution shall not therefore pass? But is such a conclusion necessary to these premises? If they are true, why be so solicitous? Does truth acquire any new authority by being frequently voted? If they are truths, will not those truths guide us? But I have, he said, another difficulty. If the House should vote these propositions, the gentleman may bring forward other abstract questions without limitation, and supported by the same arguments; and may then ask, are these things true? Are not these things applicable? And in this way the House will have upon their journals all the arguments which can arise out of this multifarious subject.—But is there any necessity for it? Will it not embarrass the committee? It is not our business, he said, to syllogize upon abstract principles, like school logicians, but to settle facts. I insist that if the principles