

lie interest may suffer extremely in cases of sickness or embarrassments, which may prevent a member from attending.

This argument from the body's not existing to whom the resignation ought to be made, will apply to the President of the United States, whose resignation is expressly mentioned in the Constitution. The objection urged from the executives of the States judging of vacancies, he conceived had no great force, for Congress would finally judge in every case of election.

It is uncertain how the practice of the British Parliament originated. Blackstone says nothing of resignations. When a member wants to resign in that legislature, he gets appointed to some fictitious office which disqualifies him from sitting in the house.—He thought it best to establish some precedent, rather than oblige members who may wish to resign, to have recourse to some similar method, by accepting of some appointment in the State which is incompatible with a seat.

Mr. Murray said he was in favor of accepting the report, both on account of propriety and convenience—Vacancies may happen from various causes—by resignation, by death, or by expulsion—the executive of the State is the proper judge in the first case. He stated certain differences between a resignation after a person has taken his seat, and a resignation before that event—in the former case, Congress will of course give notice to the executive of the State—in the latter, the executive alone can take cognizance of the resignation. He stated the extreme inconvenience which would result from the ideas of the gentleman from Virginia, as it would respect the State of Georgia. He then stated several particulars to shew that Mr. Pinckney was not a member of the house agreeable to the Constitution, and therefore the house cannot proceed with him as one.

He said that we ought to be willing to derive information from the experience of every country—but he conceived that no precedents could be drawn that would apply in the present case from a country which had none, to one which had a constitution that so clearly defined and guarded the rights of the citizens.

The custom which had been mentioned as obtaining in that country, arose from a wish to prevent a frequency of elections.

From what had been offered by the gentleman from South-Carolina, and the ideas he had suggested, he hoped the committee would be induced to accept the report.

Mr. Williamson said it appeared to him that the Constitution contemplates that a member may resign. He read the clause, which says that no member of the legislature shall accept of an office made during the time for which he was chosen—from hence he inferred that resignations were clearly contemplated.

Mr. Gerry said that he had heard nothing to shew that Mr. Pinckney had ever accepted of his appointment, and therefore it ought to have been expressed that he had declined—but granting he had resigned after accepting his appointment, he asserted that nothing had been offered to prove that resignations might not take place in one house, as well as in the other—and the Constitution plainly expresses that a Senator may resign.

The House of Commons originated with the Kings, who formed that body to controul the Lords; and hence arose the prohibition against resignations, as they would weaken the body, and the expence of a new election would fall on the King. With respect to the executive declaring improper vacancies, he observed that Congress was invested with full power to controul the executives of the States in respect to such declarations.

Mr. Seney observed upon a distinction made by Mr. Giles, between a resignation on the part of a Senator and a member of the House—he supposed a resignation on either part would equally vacate a seat, and that no difference did really exist.

Mr. Sedgwick observed that if a power of adjudication was vested in the executives of the States to determine on a vacancy in cases of resignation, it would involve this consequence that a power of judging of vacancies in all possible cases would be the necessary result; he thought the proposition involved the most serious effects, with respect to the privileges and independency of this House.

This subject was further discussed the next day, and ended in an acceptance of the report of the committee, which was in favor of Mr. Mercer's election.

FRIDAY, DECEMBER 2.

IN COMMITTEE OF THE WHOLE.

On the Appropriation Bill for the year 1792.

Mr. Parker observed that the sum contemplated to be granted by the bill before the committee, was nearly double the amount of that granted for a former year. He conceived it was the duty of the committee who reported this bill to have examined into the expenditure of the former appropriations, and called on them for information on this head.

Mr. Lawrance said that it was not the duty of the committee to collect the information called for. Public officers had their accounts settled according to law, and those settlements were open to the inspection of the members. It was only the duty of the committee to examine the estimates contained in the report of the Secretary of the Treasury, and to report a bill, providing for the expences of government and the discharge of claims due in 1792. The committee of the whole would also examine those estimates.—The amount of salaries depended upon the positive laws of the legislature, and the estimates from the different offices stated to what purpose the money called for by each was intended to be applied. If from the documents in the possession of the committee it was found that money was wanted, money would be granted, he supposed;—If money was not found wanting grants would not be made. When the former Congress made grants of money for particular purposes, they necessarily relied on the honor of their officers, that it would be expended agreeably to appropriation.

Mr. Parker said he did not doubt but that the committee had done what they thought their duty, but his wish in rising was to provoke an enquiry into the expenditure of money heretofore appropriated. He had no doubt of the integrity of the officers into whose hands the money was entrusted, yet he thought it the duty of the representatives of the people to enquire in what manner the money of their constituents was expended. The sums intended for the war department he considered as very considerable, and for the treasury department sums were called for to pay a number of clerks, who perhaps were not all employed. He concluded by declaring that he could not vote in favor of the bill until he had obtained the information he called for.

Mr. Fitzsimons remarked that the allowance of the different clerks of the treasury would not be paid, if it was not shewn to the proper officer that they had been employed and had done their duty.

Mr. Baldwin said the committee, of which he was a member, had not been appointed to enquire into the expenditure of former appropriated money, but to bring in a bill agreeably to the report; yet as an individual member he had called at the register's office, and had been induced to look over the accounts. In that of the secretary of the Senate, 3000 dollars had been appropriated last year for contingent expences. He did not see that that sum had fallen short, though that officer now called for 4500 dollars as an appropriation for the expences of 1792. The reason for granting this increased sum, was stated that some articles had risen in price.

Mr. Dayton observed, that the objections which Mr. Parker made to the bill, were indefinite. He wished he would point out those parts on which his dislike to it was grounded. They appeared to amount to this, that he would not vote for an appropriation bill.

Mr. Smith, (N.H.) said the bill was intended to make provision for the expences of government, and he could see no necessary connection between the object of it and an examination into the expenditure of money already appropriated. He saw no reason, he said, for suspending his determination on this, till he had received satisfactory information on the other head: For if the officers were not able to account for one farthing of the money appropriated, yet it would be necessary to provide for future expences. He agreed that the information called for was necessary, but contended it need not interfere with the business now before the committee, or interrupt its progress.

Mr. Clark thought the enquiry not only necessary, but well-timed. There was no doubt that the money appropriated had been expended; but he wished to know whether it had been properly expended. It was necessary to know how it was expended, before any more was appropriated. This information should form the ground of future appropriations.

Mr. Parker declared he had no intention of unnecessarily impeding the progress of the bill before the committee; but he saw no necessity for harrasing the business—to give two or three days for enquiries would be no injury to it. He said he did not know that any money had been applied by any of the officers of government improperly; but he conceived it his duty to enquire. As soon as the enquiry was made, and the information he called for obtained, he was ready, he said, to grant every requisite supply; because he was confident that these enquiries once made, would never be neglected, and a habit would follow to look into the expenditure of all public appropriations. He again adverted to the great increase of expence, by comparing the appropriation of the 2d session of Congress and the one proposed by the bill before the committee. The first was about 600,000 dollars, and this upwards of 1,000,000. Perhaps there was a necessity for this increase, and all money heretofore granted had been properly expended, but this he wished might be made to appear.

Mr. Lawrance said, he wished every part of the bill thoroughly examined, and every member satisfied that the sums called for were necessary before they were appropriated. The gentleman from Virginia who first objected to the bill, he observed, only took a comparative view of the sum total of former appropriations and of that contemplated by the bill. He wished the gentleman would turn to the particulars, and view the variety and nature of the calls on the Treasury for 1792. He noticed the mention that had been made of the increased sums called for, for the contingent expences of the Senate, and said, that if the whole of this was not expended, the remainder would lay in the treasury, and such parts as were expended must be accounted for by the proper officer, to the proper office where it was open to inspection.

Mr. Smith (S. C.) wished that the gentleman from Virginia, to satisfy his doubts respecting the expenditure of former appropriations, would take the trouble of examining the accounts of the Treasurer, which had already been laying on the table for three weeks. He mentioned some of the objects that occurred at the present session, and which called for an encrease of the sum to be appropriated. Among these he enumerated the encrease of our army in consequence of the attacks on our frontiers—the expence incurred in taking the census—the additional claims on government—and the expence of the government of the South Western Territory. He wished the gentleman to state the particular parts of the bill he objected to. If he did this, the attention of the committee would be turned to one point, and progress might be made in the business.

Mr. Steele thought the objections made by the gentleman from Virginia (Mr. Parker) proper; and fully agreed in the propriety of checking the progress of the bill until the information called for by that gentleman could be obtained. The intention, he conceived in appointing a select committee was that they should examine the estimates on which the appropriation bill was to be founded. He wished to know how it happened that the Secretary of the Senate for contingent expences of that body should call for 4500 dollars, when the clerk of the House of Representatives only called for 5500 dollars, though the last mentioned body is so much more numerous than the first. He was of opinion that the annual contingent expences of the auditor's and comptroller's offices must now be well known from experience, and that supposition was no longer proper in estimating the sums necessary to be appropriated for those objects. He conceived that the last years expences being enquired into would give the sum necessary for the next. He wished to depend on the select committee for every information of this kind, and if they were not able to give it, he conceived they had not done their duty.

Mr. Lawrance supposed, it was the duty of Members to inform themselves on every subject that came before the House. In this instance want of time could not be pleaded in excuse for a neglect of this duty. The estimate of the Secretary of the Treasury had early in the session been handed in, was printed for the use of the House, and a copy put into the hands of each member; so that they had a full opportunity of examining it. The bill now before the committee had been reported two weeks since; so that from the time of the bill's being reported, the business had not been precipitated. Gentlemen knew the subject was before them, and if they had examined into the subject, their minds would be made up, because there were materials on which their opinions could be formed. Relative to the two particulars adverted to, first the encreased estimate of the Secretary of the Senate, he observed, that it was impossible for any member of the committee positively to declare that the additional sum of 1500 dollars to the former allowance was too much. With respect to the estimate of the clerk of the house, it was particular, it was easily examined, and the committee of the whole were competent to determine whether any items of it appeared unreasonable. The contingencies in the war department, in the comptroller's office, &c. if they were higher than heretofore, it should be considered that rents are raised, and wood higher, and an allowance should therefore be made. He was sorry to hear it said that the committee had not done their duty. The information called for, he repeated, was on the table. It was impossible for the committee to say the exact quantity of wood, paper, &c. necessary for the houses—something must be left to the honor and integrity of the persons entrusted with making the purchase of these articles.

Mr. Gerry said, that the committee were directed to report a bill pursuant to the estimate made, and their duty had no relation to the examination of the last year's expenditure. Yet he conceived it the duty of the house to make some such enquiry, and he hoped the committee would rise to give time to collect this information. He wished the house would make it a rule that every executive should, at every session lay before the house an account of the expenditure.