

which money flowed into the treasury—how that money was applied—under what authority, and to enquire at different times what balance actually remained in the treasury. This he conceived could best be done by appointing a committee periodically to examine the books of the Treasurer, see what balance appeared on the face of them, and enquire whether that balance was really in the treasury.

He mentioned the practice of the former Congress to appoint four committees to inspect the operations of the four departments under them. These departments, he observed, however, now belonged more to the executive; but still as the representatives were by the constitution, made the guardians of the public money, they had a right and it was their duty to inspect the operations of the treasury department. This right could not be conveniently exercised, in his opinion, by the whole body, but should by a detachment from it who would report the necessary information. This mode of proceeding was usual,—he instanced the practice of the British House of Commons, and of several state legislatures. Even if these enquiries procured no more information than was obtained by means of reports from the different officers of government, yet being made by the immediate representatives of the people they would give more satisfaction. So far as it was useful to ascertain the real balance in the treasury, so far these periodical committees would be of the first utility. A question arose, whether the progress of the bill before the committee should be stopped to make those enquiries, or whether it should be suffered to go on, on the supposition that all was right. He wished the proper regulations on this subject settled, as standing regulations, and to be adopted before any idea of their necessity should arise from suspicious circumstances.

Mr. Lawrence wished to proceed in the bill as far as the information already in the possession of the House would carry them.

Mr. Gerry made some observations to show that accounts from the treasury could never give the information wanted—they generally stated sums of money paid to individuals, without mention of particular objects to which they were meant to be applied. This was a favorable opportunity, he observed, to establish some such regulations as were contemplated by members. Our officers have and deserve the confidence of the people;—it would be too late to attempt to make those regulations when there were reasons for suspicions, the influence of suspected officers would be exerted to oppose them.

Some further remarks were made by Messrs. Baldwin, Giles, and Fitzsimons, after which the question was put, and the committee rose to sit again.

TUESDAY, DECEMBER 6.

IN COMMITTEE OF THE WHOLE.

On the Post-Office Bill.

Mr. Sedgwick moved to strike out all that clause which designated the roads and to insert, instead thereof, these words, "by such route, as the President of the United States shall, from time to time, cause to be established."

It had appeared, he said, to be the sense of the House, when this subject was formerly under consideration, that the demarcation of the particular roads should be entrusted to the executive:—the only difference had been with respect to the mode of expression; but the effect was still to have been the same; some gentlemen thinking it best to leave the details of this business entirely to the supreme executive, others wishing to name the postmaster-general. The members of the house, he observed, could not be supposed to possess every information, that might be requisite, on this subject; and their opinions were liable to be biased by local interests:—he had ever considered it as highly incumbent on the house to give the people every possible information on public concerns:—but in this, as in every other subject, he thought it sufficient that the house should establish the principle, and then leave it to the executive to carry it into effect.

Mr. Livermore observed, that the legislative body being empowered by the constitution "to establish post-offices and post-roads" it is as clearly their duty to designate the roads, as to establish the offices; and he did not think they could with propriety delegate that power, which they were themselves appointed to exercise:—some gentlemen, he knew, were of opinion, that the business of the United States could be better transacted by a single person, than by many; but this was not the intention of the Constitution:—but that, it was provided, that the government should be administered by representatives, of the people's choice; so that every man, who has the right of voting, shall be in some measure concerned in making every law for the United States.—The establishment of post-roads he considered as a very important object; but he did not wish to see them so diffused, as to become a heavy charge where the advantage resulting from them would be but small; nor on

the other hand, for the sake of bringing a revenue into the treasury, consent to straiten them so as to check the progress of information.

If the post-office were to be regulated by the will of a single person, the dissemination of intelligence might be impeded, and the people kept entirely in the dark with respect to the transactions of government;—or the post master, if vested with the whole power, might branch out the office to such a degree, as to make them prove a heavy burden to the United States.—In many instances, the expense is productive of a benefit sufficient to counterbalance it: in others, no public benefit arises; but some individuals reap a private advantage from the institution, whilst it is injurious to others.—The most material point in his opinion, was to determine the road itself:—if the house gave up that, they might as well leave all the rest of the business to the discretion of the post-master, and permit him to settle the rates of postage, and every other particular relative to the post-office, by saying at once "there shall be a post-master general, who shall have the whole government of the post-office, under such regulations, as he, from time to time, shall be pleased to enact."

Mr. Sedgwick felt himself by no means disposed to resign all the business of the House to the President, or to any one else; but he thought that the executive part of the business ought to be left to executive officers:—he did not, for his part, know the particular circumstances of population, geography, &c. which had been taken into the calculation by the select committee, when they pointed out the roads delineated in the bill; but he would ask, whether they understood the subject so thoroughly, as the executive officer would, who being responsible to the people for the proper discharge of the trust reposed in him, must use his utmost diligence in order to a satisfactory execution of the delegated power?—As to the constitutionality of this delegation, it was admitted by the Committee themselves, who brought in the bill:—for if the power was altogether indelegable, no part of it could be delegated; and if a part of it could, he saw no reason why the whole could not:—the second section was as unconstitutional as the first; for it is there said, that "it shall be lawful for the post-master-general to establish such other roads as post-roads, as to him may seem necessary."

Congress, he observed, are authorized not only to establish post-offices and post-roads, but also to borrow money:—but is it understood that Congress are to go in a body, to borrow every sum that may be requisite? is it not rather their office to determine the principle on which the business is to be conducted; and then delegate the power of carrying their resolves into execution? They are also empowered to coin money; and if no part of their power is delegable, he did not know but they might be obliged to turn coiners, and work in the mint themselves:—nay they must even act the part of executioners, in punishing piracies committed on the high seas.—In the delegation of power, the whole purpose, in his opinion, is answered, when the rules, by which the business is to be conducted, are pointed out by law:—nor could he discover any thing in the constitution, to restrict the house from adopting this mode of conducting business.

Mr. Hartley.—I cannot agree with the gentleman from Massachusetts, that as often as this business had been agitated, there had been a majority in the house in favor of leaving it to the executive to designate the post-roads.—Nay, so far as my recollection (which is perhaps not so good as that gentleman's) serves me, we uniformly have had a majority for Congress to point out the post-roads.

The Constitution seems to have intended that we should exercise all the powers respecting the establishing post-roads we are capable of, but the gentleman says we are not competent to this duty—that it must be entrusted to the executive.

Sir, In many questions, concerning the property or geography of the United States, we had full information on this floor from every quarter. The people's interests and circumstances have been known, however distinctly or differently situated.

On the subject of the post-office there has been much discussion—almost the whole of the roads here stated, have appeared in bills before, and though the gentleman (who made the motion for striking out) may not perfectly understand all the roads, yet if he will be so good as to attend to the gentlemen who represent the different parts of the Union, he ought to be satisfied.

Unless they are prejudiced they can certainly give the best information.

If it was left to the President or Post-Master-General, neither is acquainted with all the roads contemplated, they must depend in a great degree upon the information of others.

We represent the people, we are constitutionally vested with the power of determining upon the establishment of post-roads, and as I understand at present, ought not to delegate the power to any other person.

A general post-office is intended to be established by the bill, and the collection of the revenue is put under the superintendance of a Post-Master-General, the minutæ is submitted to him.

I should imagine there ought to be a limitation of the law in point of time, say three, four or five years—when we come to the proper place a motion to that purpose may be made.

No one in the United States has a greater respect for the President than myself, and I hold that the several departments are filled with gentlemen of the first abilities and fitness, but we are not to confine ourselves to a view of the moment—this bill has the complexion of a perpetual law; we must have some regard to consequences.

If the amendment takes place the office as well as revenue will be thrown into the power of the executive, who may increase the roads and offices as far as the revenues go. The revenue of the post office is at present not great, but if proper seeds are now sown it may hereafter be productive.

In Great Britain much has been obtained from the post-office, and most of the European nations count upon it as a considerable branch of revenue.

Will it be prudent for us to grant this power to the executive in the latitude contended for—we must not suppose that this country will always remain incorrupt, we shall share the fate of other nations.

Through the medium of the post-office a weighty influence may be obtained by the executive; this is guarded against in England by prohibiting officers in the post-office department from interfering at elections. There is no such guard or caution in the present bill.

By the amendment we are unnecessarily parting with our revenues, and throwing an improper balance into the executive scale, and which our constituents do not expect from us.

The Senate heretofore have disagreed with us, but if they will take the same pains we have, the means of information is within their reach—upon a review they may probably change their sentiments.

This is a law of experiment, let us try it a few years—if upon experience we find ourselves incompetent to the duty, we must (if the constitution will admit) grant the power to the executive, or if the constitution will not allow such a delegation, submit the article for amendment in a constitutional way. I am against the amendment.

Mr. B. Bourne was in favor of the amendment, which he thought both expedient and constitutional.—In speaking of post-offices and post-roads, the constitution, he observed, speaks in general terms, as it does of a mint, excises, &c.—in passing the excise law, the house, not thinking themselves possessed of sufficient information, empowered the President to mark out the districts and surveys: and if they had a right to delegate such power to the executive, the further delegation of the power of marking out the roads for the conveyance of the mail, could hardly be thought dangerous: the constitution meant no more than that Congress should possess the exclusive right of doing that, by themselves, or by any other person, which amounts to the same thing: the business he thought much more likely to be well executed by the President, or the Post-Master-General, than by Congress. He had himself been of the committee who framed the bill; but could not tell whether the roads, marked out in it, were better than any other, except so far as relates to the State which he represents; and he imagined the other members of the committee were in a similar predicament: The President, he observed, having opportunities of obtaining information from the different members of the house, from the Post-Master-General, and from others, will be more competent to determine the proper road: it will be occasionally necessary to change the route, and lay out new roads: and he could see no inconvenience from entrusting either the President or the Post-Master-General with the necessary powers for these purposes:—at all events, the house could guard against any apprehended danger, by the insertion of such a clause as had been proposed [by Mr. Hartley] limiting the operation of the bill to three, four or five years: at the expiration of that term the power would revert to Congress, and they might then retain the exercise of it in their own hands, if they found that any improper use had been made of it.

Mr. White made several observations on the expediency and constitutionality of the measure. No individual, he said, could possess an equal share of information with that House on the subject of the geography of the United States. He disapproved of the amendment for many other reasons, and particularly its approximating to the custom of England. Such advances towards monarchy, if not checked in season, he was apprehensive would tend to unhinge the present government. If this government retains its present republican form, it will be owing to the members of this House. It is easy to see what