



CONGRESS.

PHILADELPHIA.

HOUSE OF REPRESENTATIVES,

TUESDAY, DECEMBER 6, 1791.

IN COMMITTEE OF THE WHOLE.

On the Post-Office Bill.

(CONTINUED.)

Mr. Sedgwick's motion under consideration.

MR. STEELE said he would not take up the time of the House in considering whether the motion was constitutional or not; but he was apprehensive it would be burthensome to impose the duty on the President, who must feel very disagreeably to hear that after he had exerted his utmost abilities to give satisfaction, discontents had taken place. He hoped the gentleman from N. York, who had hitherto shewn himself so staunch a friend to the present Constitution, would not oppose the diffusion of knowledge and information amongst the people, upon an idea of a supposed deficiency in the revenue of the post-office, for it might very soon increase to a sum more than sufficient for the expences of the establishment.

Mr. Vining said that since this subject had been before the last House, during the recess, he had seen many lights thrown on it, and he was convinced that the members were as fully competent to judge of the business as any one man could be: this he thought a fact not now to be disputed, as well as that more satisfaction would be given to the country in general. There is no analogy between the United States and Great-Britain, when the subject of the post-roads and post-offices are to be considered: this country, from its great extent and uncultivated state, as well as from a thousand other causes, is not at all similar to the situation of Great-Britain; therefore any attempt to imitate their regulations would be improper. With regard to the regulation being given to the President, two things should be considered; to a good President it would be burthen, to a bad President a dangerous power of establishing offices and roads in those places only where his interest would be promoted, and removing others of long standing, in order to harass those he might suppose inimical to his ambitious views. The Constitution has certainly given us the power of establishing posts and roads, and it is not even implied that it should be transferred to the President—his powers are well defined; we create offices, and he fills them with such persons as he approves of, with the advice of the Senate. Having thus far stated his opinion, he said he would vote against the amendment to the bill, and when the first section was got over he would propose a clause to be inserted in the second section, which he hoped would meet the ideas of the gentleman from New-York, viz. that the cross-roads and offices should be so regulated as not to exceed the surplusage of the revenue of the general establishment. The doubt of the bill's not passing the Senate should have no weight in his mind: he would rather fifty bills should be lost than shrink from his trust; and he hoped the House of Representatives would show their firmness in the present instance; and if the Senate should afterwards reject the bill, as they had done before, let them be answerable for their own conduct: they can do these things more gracefully than this House, as they are not seen in the act. Mr. Vining concluded by drawing another argument from that part of the speech of the President, at the opening of the present session, which respects the post-office and post-roads, wherein he so warmly recommends it to the Legislature to take up the subject: this expression is as strong an argument as can possibly be adduced, to shew that he had no other conception of the matter than that it was the peculiar privilege of the Legislature.

Mr. Barnwell was not surprised that a diversity of opinions should prevail on such a subject; but that there should be any question respecting the constitutionality of the amendment astonished him: it was very natural to suppose members from the same State would differ in opinion, and this shewed the greater degree of necessity there was to vest the power in the hands of a high responsible officer to determine the business, for by doing so, there would be less partiality exhibited in the delineation of the roads, &c. But if left to the House, it would be almost impossible to reconcile any line to all parties; for the members from each State would probably be guided more by the principle of domestic convenience

than by a sense of general good.—In reply to Mr. Vining's argument, that it would be a burden to a good President, he thought it would be a pleasure to him to render service to his country. Upon the whole, he was in favor of Mr. Sedgwick's motion.

Mr. Gerry took a general view of most of the arguments in favor of the motion; replied to each; and concluded by asking why the commercial interest only should be accommodated, and the inland inhabitants excluded from the advantages of post-roads—why one class of citizens should be preferred to another? The diffusion of knowledge and information is as necessary to one as the other; and the revenue from the post-office, he had no doubt would increase from year to year, to defray the expence of the additional post roads which are proposed in the bill.

Mr. Steele defended the committee who had reported the bill, and explained the grounds on which they had proceeded in laying out the roads for the general advantage of the United States rather than to accommodate a few trading places only on the sea coast; and with regard to the route to Charleston, to which Mr. Barnwell had objected, he said it would cause letters to arrive there 4 or 5 days sooner than by the old route.

Mr. Benson observed, that the constitutionality of the amendment is denied—and it is said that the legislature alone is competent to establishing post-offices and post-roads; notwithstanding this there is not a single post-office designated by the bill; much has been observed respecting the legislative and executive powers, and the committee are cautioned against delegating the powers of the legislature to the supreme executive; without attempting a definition of their powers, or determining their respective limits, which he conceived it was extremely difficult to do—he would only observe that much must necessarily be left to the discretion of the legislature. He was very doubtful whether it would ever be in the power of the House to form any bill that would give satisfaction. This he spoke from experience; for it had been often tried in the old Congress, and was as often defeated by the partial and local clauses proposed by the different members. For these reasons he believed it would be better to delegate the power, and let the regulations be made by the President, than to be always enacting supplementary laws year after year, at the instance of individual members.

WEDNESDAY, DECEMBER 7.

Mr. Sedgwick's motion under consideration.

Mr. White observed that there was a necessity for changing many of the present routes of the post, and although gentlemen have said that information on the subject cannot be so well obtained from this House as from the executive, because no one member knows all the roads, yet it must be allowed that every road is known to some of the members. The people of the United States have suffered too long under the present establishment—486,000 inhabitants on the western side of the river Patowmac, in the State of Virginia, are deprived of the benefit of a post-road: will any gentlemen say, that nearly half a million of persons shall not have the privilege of a post-office, or the means of information? He said he should not go into any lengthy observations, as the subject had been so fully discussed yesterday. He then declared his opinion that the House had a right to send a person to lay out the post-roads, agreeably to their directions, and therefore hoped the amendment would be negatived, and that the bill would be gone through with, with such reasonable amendments as might be suggested.

Mr. Livermore said that gentlemen had drawn arguments from the second clause of the bill before it was yet under consideration, from which they endeavored to prove an absurdity in the first clause, and thus take an uncandid advantage of the liberality of the committee in leaving the appointment of the deputy post-masters and branching offices to the Post-Master-General: if however there be any defect in the second clause, it can be amended when we come to it; but to attempt bringing forward this section as a bar to the adoption of the first, is an unfair mode of proceeding, and seems as if intended to throw the bill out at any rate. With regard to what has been said of the responsibility of an high executive officer, he did not deny the wisdom and integrity of the President, who would no doubt conduct this as well as he had always done any business committed to his care; but this would be a very troublesome business to impose upon him, and those who were desirous of doing it, were not acting a friendly part. The constitution has pointed out one certain mode for the legislature to proceed in, and it is more proper for the House to determine on the subject than any one man: let the experiment be made for three years, or for ten years, and it will always be found in our power to amend the defects in the system as they arise to our view.

(TO BE CONTINUED.)

MONDAY, DECEMBER 12.

Read, a report of the Secretary of the Treasury, on the petition of George Webb, late a receiver of continental taxes in the state of Virginia, praying compensation for services, and indemnification for a sum of public money, of which he had been robbed.

Read, and referred to the Secretary of the Treasury, two petitions from a number of the inhabitants of Northumberland County, against the duty on spirits distilled from articles the growth of the United States—also the petition of Gilbert Dench, praying compensation for loss sustained in contracts for transporting cloathing and military stores during the late war.

A second petition from Charles Hateley was read, and referred to the Secretary of State.—Several other petitions, were read and referred to the Secretary of War.

The following Message from the President of the United States, was presented by his Secretary, Mr. Lear.

UNITED STATES, Dec. 12, 1791.

Gentlemen of the Senate, and of the House of Representatives,

It is with great concern that I communicate to you the information received from Major-General St. Clair, of the misfortune that has befallen the troops under his command.

Although the national loss is considerable, according to the scale of the event, yet it may be repaired without great difficulty, excepting as to the brave men who have fallen on the occasion, and who are a subject of public as well as private regret.

A further communication will shortly be made of all such matters as shall be necessary to enable the Legislature to judge of the future measures which it may be proper to pursue.

GEORGE WASHINGTON.

[The foregoing message was accompanied with three letters from General St. Clair—the two first dated Oct. 6, and Nov. 1—these contain a detail of the movements of the army from its leaving Fort-Washington, till the time of the action with the enemy—the interesting transactions of that day are related in the third letter, which follows.]

Fort-Washington, Nov. 9, 1791.

SIR,

YESTERDAY afternoon the remains of the army under my command got back to this place, and I have now the painful task to give you an account of as warm and unfortunate an action as almost any that has been fought, in which every corps was engaged and worsted, except the first regiment—that had been detached upon a service I had the honor to inform you of in my last dispatch, and had not joined me.

On the 3d inst. the army had reached a creek about twelve yards wide, running to the southward of west, which I believe to have been the river St. Mary, that empties itself into the Miami, of the lake at the Miami village, about four o'clock in the afternoon, having marched near 9 miles, and were immediately encamped upon a very commanding piece of ground in two lines, having the above mentioned creek in front. The right wing composed of Butler's, Clarke's and Patterson's battalions, commanded by Major-General Butler, formed the first line, and the left wing, consisting of Bedinger's and Gaither's battalions, and the second regiment commanded by Lieut. Colonel Darke, formed the second line, with an interval between them of about seventy yards, which was all the ground would allow.—The right flank was pretty well secured by the creek, a steep bank and Faulkner's corps; some of the cavalry and their piquets covered the left flank. The militia were thrown over the creek, and advanced about one quarter of a mile and encamped in the same order. There were a few Indians who appeared on the opposite side of the creek, but fled with the utmost precipitation on the advance of the militia. At this place, which I judged to be about fifteen miles from the Miami village, I had determined to throw up a slight work, the plan of which was concerted that evening with Major Ferguson, wherein to have deposited the men's knapsacks, and every thing else that was not of absolute necessity, and to have moved on to attack the enemy as soon as the first regiment had come up; but they did not permit me to execute either, for on the 4th, about half an hour before sunrise, and when the men had been just dismissed from the parade (for it was a constant practice to have them all under arms a considerable time before day-light) an attack was made upon the militia—these gave way in a very little time, and rushed into camp through Major Butler's battalion, which, together with part of Clarke's, threw them into considerable disorder, which, notwithstanding the exertions of both, and those officers, was never altogether remedied, the Indians following close at their heels. The fire, however, of the first line, checked them, but almost instantly a very heavy attack began upon that line, and in a few minutes it was extended to the second likewise—the great weight of it was directed against the centre of each, where the artillery was placed, and from which the men