CONGRESS.

PHILADELPHIA.

HOUSE OF REPRESENTATIVES,

MONDAY, DECEMBER 19.

DEBATE ON THE REPRESENTATION BILL.

[Continued.]

[*The Senate had amended the bill by encreasing the ratio from* 30,000 *to* 33,000; *the Houſe had diſagreed to this amendment; the Senate voted to adhere. It was moved in the Houſe this day, that they ſhould recede from their diſagreement.*]

MR. FINDLEY.—From the various obſervations which had been made on the ſubject, ſaid it had become neceſſary that a vote ſhould be given with due deliberation—ſuch a vote as conſtitutional juſtice ſhall require—on the ground of conſtitutional juſtice, for as to general juſtice, it is entirely out of the queſtion—and indeed he ſaid that general juſtice could not be done on the principles of any government under heaven.—He adverted to the particular ſituation of the reſpective ſtates, and ſaid that this general juſtice was not attainable in any one of them. We are not to be moved by any threats; we act on principle, and we will entrench ourſelves in principle—and this principle of conſtitutional equality is all that we can pretend to. But it is objected that the ratio will produce fractions—and to get rid of this difficulty of fractions, we are to reduce the repreſentation of the people from the conſtitutional number of one to every 30,000—that is, we are to ſtrike off one ſixteenth part of the whole repreſentation of the Union—he urged that the repreſentation on the ratio of 30,000 would not be too great—he inſtanced the repreſentation of Geneva, and other foreign ſtates.—If there ſhould ariſe any inconvenience from the preſent ratio of 30,000, government were not obliged to wait for the expiration of ten years to remedy the defect; it was always in the power of Congreſs to order another cenſus to be taken at any time. For his own part he had not conſidered fractions as an obſtacle to the bill; on the contrary, he was rejoiced that the population of the country increaſed ſo rapidly as to make thoſe fractions always quickly increaſe to an whole number. To conclude, he was for going on general principles, which would certainly reflect the moſt honor on the proceedings of the legiſlature.

Mr. W. Smith ſaid he had hitherto voted uniformly in favor of a ſmaller repreſentation than that which was contemplated in the bill, and in doing ſo he had acted from principle, without any reference to the doctrine of fractions—as the enumeration of his ſtate was not yet known, it muſt be evident to every gentleman in the Houſe that this was the caſe: but he now ſaw the neceſſity of changing his vote, ſince the bill had been returned from the Senate, where it ſeemed there was a diſpoſition to modify every bill and every proceeding of this Houſe juſt as they pleaſed. He thought it would have a very awkward appearance to the world, if the Houſe ſhould give way in all caſes whatever, and more eſpecially in the preſent inſtance, where the Senate had been equally divided, and the queſtion was decided by the vote of a ſingle member of that body—the Vice-Preſident. For theſe reaſons, and the locality and fractions that had been introduced into the debate, he would vote for an adherence to the former deciſion of the Houſe, in order to ſupport that balance which ſhould be preſerved between the two branches of the legiſlature.

Mr. Benſon ſaid, that if this buſineſs is in future to be made a lottery, let us at once declare it—for if principle is entirely out of the queſtion, it remains that we ſhould declare explicitly the truth.

Mr. Sedgwick ſaid, that it was impoſſible for him to underſtand on what principle the gentleman from South-Carolina, and his colleague, were to give their votes, (contrary to their former expreſſed opinion, excepting that they had diſcovered that the Senate concurred with them, which would not, he hoped, be generally conſidered as a good ground for changing; as it ſeemed to be embracing contradiction for the purpoſe of contradiction;) unleſs, as the gentleman had declared, that at the time he formed his opinion he did it on principle, by the abandonment of which, he could acquire an undue weight to the diſtrict of country from which he came, by departing from a juſt equality in repreſentation.

Gentlemen had ſeemed to wiſh to obſcure the merits of the preſent controverſy, by conſidering it as a conteſt between the larger and ſmaller ſtates, and by ſuppoſing that the latter would be compenſated for their loſs of weight and influence in this houſe, which would reſult from an unequal apportionment of the repreſentation, by the undue influence which they poſſeſſed in the Senate. He himſelf came from a very large and important ſtate. Juſtice, however, obliged him to declare that this mode of conducting the argument, only tended to divert the judgment from the true merits of the queſtion. What had the diſtribution of the powers of the government which by the conſtitution was adjuſted to the intereſts and ſovereignty of the ſtates, to do with the apportionment of repreſentation, as it reſpected either its numbers or the various intereſts which were to be ſecured by equality of influence? Was it poſſible that any mind ſhould be ſo weak as to diſcover that the conſtitutional organization of the Senate was not wholly irrelative to thoſe conſiderations which ſhould influence in the deciſion of the preſent queſtion?

In contemplating the ſubject before the Houſe, he obſerved, that a vaſt variety of circumſtances were entitled to deliberate conſideration. Among others, the number of repreſentatives compared with the number of inhabitants of the United States. In determining which, the nature and objects of the government we were adminiſtering, its machinery, the diſtribution of its parts, the conſtruction of the other branch of the legiſlature, and many other objects were to be conſidered. That we had not on any of theſe ſubjects the aid of experience, and that the government itſelf was a novel experiment. He need not therefore add, that there were no data from which any certain concluſion could be drawn. All was uncertainty and conjecture. Was an apportionment of a ratio of 30,000 eligible? as an abſtract propoſition he was diſpoſed to give it a preference to any other. But if he was aſked wherefore, he could only anſwer, that it was rather an inclination of ſentiment, than the reſult of rational reflection. He would not therefore, becauſe juſtice would not permit it, ſacrifice to the effect of conjecture, which might be only the reſult of whim, the important and indiſpenſable duty he owed to reſpect the claims of ſtates to equality.

If an apportioment was made by a ratio of 30,000, the members would be 7 more than if the amendment of the Senate were adopted. Which ever propoſition was agreed to, would any one venture to affirm that the liberties of the people would be more or leſs ſecure, the Houſe aggregately more or leſs wiſe, or the due balance between the two Houſes better or worſe adjuſted? Conſidering thus the ſubject, does not the earneſtneſs with which gentlemen contend for the propoſition of the Houſe, appear perfectly unaccountable? But in the progreſs of this buſineſs, it is diſcovered that an application of the principle of the Houſe, gives a balance of weight and influence to one part of the United States, to which it is not entitled by the equal apportionment contemplated by the conſtitution, This is agreed by all, it is demonſtrated by figures. Nor can it be denied that equality is among the moſt eſſential principles of repreſentation, and expreſsly provided for by the conſtitution, as far as would conſiſt with the ſtate of our ſociety, having a due regard to our particular circumſtances. Yet all important as this conſideration is, it is to be ſacrificed with all the intereſts involved in it, to a fanciful idea of theory. Theory unſanctioned by experience.

For his own part, he believed that wiſe policy would be found perfectly to coincide with, and reconcile the various intereſts of this extenſive country. It could not, however, have eſcaped the obſervation of every gentleman, that there exiſted an opinion of an oppoſition of intereſts between the northern and ſouthern ſtates. The influence of this opinion had been felt in the diſcuſſion of every important queſtion which had come under the conſideration of the legiſlature. The extreme anxiety of gentlemen on the preſent occaſion, would render all other evidence ſuperfluous on this ſubject. Such a belief, he ſaid, however ill founded, would as long as it continued, have the ſame effect as if it exiſted in fact; feeling the weight of this obſervation, and the influence it ought to have to give to every part of the United States as nearly as might be, a due proportion of conſtitutional weight in the public councils, he was incapable of reconciling the conduct of members who were diſpoſed to ſacrifice the moſt important intereſts of their immediate conſtituents, to their ſtrange ideas of conjectural perfection. It ſeemed to him that the gentlemen who came from the north, and on this occaſion diſſented from their neighbours, were diſpoſed blindly to ſurrender all the important intereſts of their immediate conſtituents to the arbitration of thoſe, the whole courſe of whoſe conduct had demonſtrated that they tho't thoſe intereſts adverſe to their own.

He concluded, by warning thoſe who had hitherto compoſed a majority on this ſubject, to reflect on the danger that would reſult from a pertinacious adherence to a meaſure ſo productive of the ſources of jealouſy. And he called on their generoſity, magnanimity and juſtice, to reſpect the claims of the minority to an equal weight in the government, on the principles of the conſtitution.

Mr. Gerry made ſome reply to his colleague, Mr. Sedgwick, reſpecting locality of intereſts, and declared that he never would agree to a reduction of the people's repreſentation.

Mr. Lawrance ſaid he had always advocated a large repreſentation, without any reference to the part of the Union from which the members are to come—30,000 will give the largeſt number that we can get—he could have wiſhed it had been larger—but as it could not, he ſhould vote againſt 33,000, which would diminiſh the number—and this was the principle he acted upon. If an equality is the object, is there not a number which will produce a ſtill greater equality than that propoſed by the Senate—if there is, there is no principle in the ratio of 33,000, for it ought to be carried to the full extent to make it perfectly equal. He was ſorry that the diſcuſſion of the queſtion had excited thoſe diſagreeable reflections which had been made, and that the diſcuſſion of general principles was dwindled into a debate on fractions, and on the intereſts of the northern and ſouthern parts of the Union. He was perſuaded this would not be the proper mode of obtaining the end, which ought to be in view, but would only tend to diſturb the tranquility and harmony that ought to exiſt in inveſtigating and determining this ſubject.

Mr. Kittera having at firſt voted for 30,000, he thought it proper to offer a few reaſons for altering his opinion.—He had voted for 30,000 becauſe it would give the largeſt repreſentation—but finding its unjuſt and unequal operation, in reſpect to a majority of the ſtates, he had determined to vote for the ratio of 33,000.—He then noticed the remark of Mr. Findley, that the injuſtice may be corrected by an enumeration at an earlier period than that propoſed in the conſtitution—he obſerved that this was in effect ſaying, let us do injuſtice, and wait a number of years, and then juſtice ſhall be done. Why not do juſtice now, as far as is in our power?—Mr. Lawrance had ſaid, why not adopt a ratio that would leave leſs fractions than 33,000?—He ſaid this was in effect ſaying, that becauſe we could not do complete juſtice, we would not do it to any degree whatever.--The ſuperior degree of equality which would reſult from the amendment of the Senate, had been ſo fully demonſtrated, that he ſhould now vote to recede from the diſagreement of the Houſe to it.

The motion to recede was negatived, as has already appeared.

MONDAY, January 9, 1792.

The bill to eſtabliſh poſt-offices and poſt roads in the United States, was brought in, engroſſed, and read the third time—Mr. Murray moved to recommit the bill, in order to amend the ſection reſpecting newſpapers, by reducing the poſtage on them to an half cent—Some oppoſition was made to this motion, and the queſtion being put it was negatived.

The Houſe then proceeded to fill up the blanks—the blank for the term of the contract was filled with "*five years*"—Penalty for obſtructing the tranſportation of the mail 100 dollars—For negligence on the part of any ferry-man, by which the mail may be delayed, 10 dollars for every half hour—Advertiſement for contract to be publiſhed 12 weeks—The blank for the Poſt-Maſter General's ſalary was filled with 2000 dollars—that of the aſſiſtant 1000 dollars—The new rates of poſtage to commence the 1ſt day of March next—Penalty for exacting a greater rate of poſtage than that eſtabliſhed by law 100 dollars—Penalty for ſetting up poſts for carrying letters, &c. in oppoſition to the general poſt-office 200 dollars—for continuing ſo to offend, 300 dollars per week—For the deputy poſt-maſter's neglecting to account with the poſt-maſter general for way letters, 100 dollars—Penalty for unlawfully opening, detaining or embezzling letters, packets, &c. by any perſon in the poſt-office department, 300 dollars, or impriſonment for *ſix* months—For quitting and deſerting the mail ſo that it ſhould not reach its deſtination in ſeaſon, 100 dollars—For carrying letters contrary to the proviſions of the law, 50 dollars—The compenſation to any deputy poſt-maſter not to exceed 20 per cent on the poſtage, and in no one inſtance to exceed dollars—1500, 2000, and 2500 dollars were ſeverally propoſed to fill this blank; after ſome debate 2500 and 2000 were put and negatived—1950 were then propoſed, the debate on the motion was renewed, and continued till the time of adjournment, which took place without a deciſion.

TUESDAY, JANUARY 10.

A memorial of George Turner, one of the judges of the Weſtern Territory, was read, and referred to a ſelect committee, conſiſting of Meſſ. Livermore, Lawrance, White, Williamſon and Smith, (S. C.)

A petition of James Demar was read, and referred to the Secretary of War—as were alſo the petitions of Henry Skinner, Elizabeth Jones, Barnabas Murphy, Aaron Stratton, James Shields,