



CONGRESS.

PHILADELPHIA.

HOUSE OF REPRESENTATIVES, MONDAY, FEBRUARY 13.

IN COMMITTEE OF THE WHOLE. On the new Representation Bill.

MR. SMITH (S. C.) in the Chair.—The bill was read through by the Clerk.

The first section being repeated by the Chairman—Mr. Seney moved that the blank in the 16th line should be filled with the word thirty—

which would determine that the ratio of representation should be 30,000.

This motion was opposed by Mr. Hillhouse, on the old ground of its unequal operation.

Mr. Gerry replied to Mr. Hillhouse—He observed that this apportionment on the aggregate federal number, would be more equal than by the ratio of 33,000—but this had been rejected by the Senate; and as the ratio of 33,000 would not perfectly cure the difficulty, and would operate to reduce the whole number of the representatives, he conceived that no new light had been thrown on the subject to induce the House to consent to such diminution.

Mr. Mercer entered into a general view of the subject—He supported a large representation—and urged its importance, as it respects the democratical part of the community.—The theory of government is the same, said he, whether it respects a free or a despotic government—it is not a small number that can govern in any country—Standing armies supply in despotic governments, the place of a large representation in a free government—Still the operations of government in both cases, depend on a large number of people.

The question for inserting 30,000 was carried in the affirmative, 30 to 21.

Mr. Mercer then moved to strike out the third day of March, 1793, and to insert the first day of October, 1792—referring to the period when the states shall be represented by the number arising from the first enumeration.

He informed the House that Virginia had already made provision to send forward their supplementary numbers.—He urged the right of the states respectively to fill up their representation agreeable to the enumeration, &c.

Mr. Gerry supported the motion.

Mr. Hillhouse suggested another mode—He proposed that the present Congress should expire after the present session, and a new House be elected agreeable to the census, to meet at the time to which the present Congress may be adjourned—He urged many advantages which would result from this plan.

Mr. Mercer said his idea was, that the choosing these additional members would be only filling up vacancies.

Mr. Murray was for striking out the third day of March, 1793, for the purpose of inserting an earlier day—The great objection is an inconvenience—It is said the members which now compose this House will have to continue by law another session, and the supplemental members would have to continue but to fill the intermediate space of time from the election to the third of March. He begged gentlemen to give him leave to say, that the only possible obstacle to their thinking as he did, arose from themselves:—from a desire, he would not say how disinterested, to continue in power longer than they were entitled to remain under the constitution. The act of Congress declaratory of the time which members were to continue, was the sole obstacle to the gratification of the people in one of their best rights—This act, founded in error, ought previously to be repealed, and then no difficulty either from the construction of the constitution or from inconvenience, could be raised to the wish that the additional representatives should take their seats immediately after the next general election. This act produced a mischievous and unthought-of solecism in the government—It separated representation from confidence, and violated responsibility, which is the very soul of the government.—The people could not but be astonished, that after the last general election, the members of Congress whom they had not chosen, still continued there to hold their seats, and to act as upon their confidence and trust. Surely one of the most obvious truths in a government by representation is, that election shall be the criterion of confidence—and that a continuance to discharge a trust after it is withdrawn, overturns every idea of representation. He wished the committee to reflect that the principal objection to the motion was easily removed, if members

would act a disinterested part:—and that if it be admitted that the duration of the present Congress is the objection to the admission of the supplemental members, gentlemen cannot hesitate between the gratification of what evidently appears to be the rights of the people under a fair construction of the constitution, and a declaratory law which is repealable, and which is so contrary to reason—The objection is removable—the right is permanent. It is certainly of more consequence to adhere to the principle of a just and numerous representation, and to adopt an early day to give it operation, than to give the principle the go-by, merely to support a stretched duration of our term, under a law that oversets the most obvious truths and reasoning on representation. As to the members from Georgia, if the law giving an extra term to the seats of members were not repealed, he would still vote for Georgia's having three members till the term expired—but at all events he hoped the motion would be agreed to.

The motion was finally disagreed to.

TUESDAY, FEBRUARY 14.

In committee of the whole on the bill relative to the election of a President and Vice-President, &c.

A motion made yesterday, to insert a clause restricting the number of electors to the number of the present Senate and House of Representatives being put and negatived.

Mr. Gerry moved to insert a clause, which specifies that "the electors shall be equal to the number of Senators and Representatives, to which the several States may by law be entitled at the time when the President and Vice-President thus to be chosen should come into office; provided always that where no apportionment of Representatives shall have been made after any enumeration, at the time of choosing electors, then the number of electors shall be according to the existing apportionment of Senators and Representatives."

This motion with very little objection was adopted; its propriety will appear from the following remarks made by Mr. Murray who said, he was in favor of the whole, both the proposition and the proviso; the first meditates a more equal representation of the wishes of the people of America in the election of the two great officers of the State; the proviso guards against a confusion which might take place without the provision. The present representation in Congress is by no means equal—the States in their conventional deliberation produced the present proportion of representatives, more from compromise than authenticated data; no census had then measured to the public the proportions of population, which one State bore to another, and Representatives including Senators and electors of President and Vice-President, being the same in number, and the scale of Representatives being unfounded in facts and evidence, the inequality which is evident, is not to be wondered at. This proposition remedies the inequality; the proviso was not perfectly agreeable to his wishes; but as it refers the number of electors to a scale of representation ascertained by an actual enumeration, and at the same time will remove the probability of confusion by making each State uniform with others as to the rule of fixing the number of electors, he should vote for it. This was a great object attained. It is not a difficult thing to foresee, without jealousy or suspicion, that unless the States are uniform as to the rule of apportioning electors, the repose of the Union might be violated. Should this law refer to an apportionment to be hereafter made by Congress this event might take place. A disagreement might happen between this House and the Senate, and in the tumults and contumacy by which they might be agitated towards each other, no apportionment might be made; in this situation the executive would be left at the mercy of the two Houses and the order of things violently deranged.—But even if the people having a census before them, though not acted on by Congress, were to make their elections agreeably to what might be their respective ideas of the apportionment to which the census apparently entitled them, yet we are not certain that they would all act by a uniform rule—and if they acted without such rule, there might appear before the tribunal of the public two Presidents, or two men of great power claiming the Presidency of America—This would be an evil of great and alarming size—and one which he so much deprecated, that he willingly yielded to the proviso, which he thought would tend to lessen the opportunity by which designing men could effect it.

SATURDAY, MARCH 17.

The Speaker laid before the House a Report from the Secretary of the Treasury, on the petition of the trustees of Wilmington College, and a report from the Attorney General, on the petition of A. Jackson—which were read and ordered to lie on the table—as also another from the Secretary of the Treasury, in obedience to a resolution, passed on the 8th instant, directing him

to report to the House the Ways and Means, by which, in his opinion, the additional sums, necessary for the public service, ought to be raised.

In this last report the Secretary proposes an alteration in the impost duties on certain foreign articles, and to have them rated as follows:

Table listing various goods and their duties in cents and dollars. Includes items like Madeira Wine, Sherry, St. Luca, Lisbon, Spirits distilled from Grain, Beer, Ale and Porter, Steel per cwt, Cocoa and Chocolate, Playing Cards, Shoes and Slippers, Do. of leather, Glafs (except bottles) guns, Vessels of tin, copper, &c., Oils, Cosmetics, Dentrifice Powders, printed Books, &c.

Which, with the surplus in the Treasury of the preceding year, will make up the sum wanted. Ordered, that this report be taken up in committee of the whole on Friday next.

A motion laid on the table by Mr. Williamson, on the 6th inst. being called up and agreed to, a committee was pursuant thereto appointed, to bring in a bill to amend the impost law, so far as to permit the landing of salt at certain ware houses belonging to the fisheries, and to provide for an allowance of a drawback of the duties on the salt used on provisions exported.

The House then took up for consideration the amendments proposed by the Senate to the representation bill.

The first amendment, by which the Senate propose, without any fixed ratio applicable to the respective number of inhabitants in each of the several states, to increase the representation from 112 members (the number settled by the House, at the ratio of one for every thirty thousand) to 120, by the addition of one member to each of the following states, viz. N. Hampshire, Massachusetts, Vermont, Connecticut, N. Jersey, Delaware, N. Carolina, and S. Carolina,—was productive of a warm debate, in which a dissolution of the government was talked of as an event in no very distant perspective, in case the House should, in compliance with the views of the Senate, adopt a mode of apportionment, so arbitrary, and so directly tending to destroy the individuality of the states, and to swallow them all up in a general consolidation.

The question being finally taken on concurring with the Senate, it passed in the negative—Yeas 30—nays 31. Y E A S.

Messrs. Ames, Benson, Boudinot, S. Bourne, B. Bourne, Clarke, Fitzsimons, Gerry, Gilman, Goodhue, Gordon, Hartley, Jacobs, Kitchell, Kittera, Lawrence, Learned, Livermore, Niles, Schoonmaker, Sedgwick, J. Smith, I. Smith, Steele, Sylvester, Thatcher, Treadwell, Vining, Wadsworth, Ward.—30.

N A Y S.

Messrs. Ashe, Baldwin, Barnwell, Brown, Findley, Giles, Gregg, Griffin, Groves, Heister, Hillhouse, Huger, Key, Lee, Macon, Madison, Mercer, Moore, Muhlenburg, Page, Parker, Seney, W. Smith, Sterrett, Sturges, Sumpter, Tucker, Venable, White, Williamson, Willis.—31.

The other amendments being also disagreed to—Mr. W. Smith moved for the appointment of a committee, to confer with such committee as the Senate might appoint, to consider said amendments. The motion being agreed to, Messrs. Madison, Findley, Baldwin, Hillhouse, and W. Smith, were appointed for that purpose.