



CONGRESS.

HOUSE OF REPRESENTATIVES.

TUESDAY, November 20.

Debate on the Resolution offered by Mr. Fitzsimons, on the 19th, respecting a Reduction of the Public Debt &c.

(CONCLUDED.)

MR. AMES.

It is so fashionable to introduce the funding-system upon every occasion; it would perhaps appear strange to say, that it is out of order upon any. To my mind and probably to most gentlemen present, it will be difficult to perceive, that the question before us bears any relation to that subject, or to the frontier-bill, the excise, the perpetual taxes, the encouragement of manufactures, and many other topics, which, somehow or other, have been interwoven with the debate. At this late hour of the day, and in so wearisome a stage of the question, I may be permitted to decline any further notice of these auxiliary subjects.

The great end we have in view, is the paying off the public debt—This object, truly important in itself, unites the best sense and strongest wishes of the country. It is our duty to provide means for the accomplishment of this end. All agree that a plan is necessary. It must be framed with wisdom and digested with care, so as to operate with the greatest effect, till the whole debt shall be extinguished. The true question is, which is the best mode of framing this system. Several modes have been preferred by different persons—some advocate the appointment of a select committee of this house, others insist that the house in committee of the whole, is the only proper mode, while others who defend the original motion, desire to have a plan prepared, and submitted by the secretary of the treasury. It may obviate the force of many of the arguments we have heard to remark, that it is not asserted that either of the several modes is intrinsically incapable of effecting the purpose. It would be improper to say, that a select committee could not be formed who would be able to collect the materials for an exact knowledge of the subject; and who, after acquiring that knowledge, would be able to form a sound judgment. Neither would it be just or respectful to deny, in the abstract, the capability of the house in committee to digest such a plan. But the question still returns, which of the three methods is the best to begin with? Neither this house nor a select committee are pretended to be already possessed of the knowledge which is requisite to the framing a system for a sinking fund. The very materials from which this knowledge is to be gleaned, are not in the possession of this house—they are in the treasury department. Neither the curiosity nor the legislative duty of members leads them to resort daily to the treasury to investigate official details; and even if it were so, the officer at the head of the department, having his mind incessantly occupied with his official business, must be admitted to possess a more familiar and ready, if not a more ample, knowledge of the subject.

Indeed the situation of the secretary of the treasury is so evidently favorable to his digesting the plan of a sinking fund, that it seems unnecessary to urge it even to those who are opposed to the reference. For their objections, imply the preference of the mode in point of expediency as strongly as those who explicitly recommend it. They say, the plan of the secretary will come forward with too much advantage.

Members, say they, not having the aid of those means of information which the secretary possesses, will not be able to resist the train of reasoning with which he will introduce his plan. It is even expressly admitted, that the information of the treasury department is necessary and must be called for; but they would not receive it with the reasoning of the secretary. Without wasting time to prove this point, common sense will decide instantly, that the knowledge of our financial affairs, and of the means of improving them, is to be obtained the most accurately from the officer whose duty it is made by our own law to understand them; who is appointed and commissioned for that very purpose, and to whom every day's practice in his office must afford some additional information of official details, as well as of the operation of the laws. The arguments on both sides end in the same point, that the information of the secretary would be useful. Our object being to prefer that mode of preparing a plan, which is adapted to present us the best; the argument might end here, if it were not that the constitution is alleged to forbid our resorting to the secretary.

I reverence the constitution, and I readily admit that the frequent appeal to that as a standard proceeds from a respectful attachment to it. So far it is a source of agreeable reflection. But I feel very different emotions, when I find it almost daily resorted to on questions of little importance. When by strained and fanciful constructions it is made an instrument of casuistry, it is to be feared it may lose something in our minds in point of certainty, and more in point of dignity.

And what is the clause of the constitution opposed to the receiving a plan of a sinking fund from the secretary? Bills for raising revenue shall originate in this house. I verily believe the mem-

bers of this house, and the citizens at large, would be very much surprised to hear this clause of the constitution formally and gravely stated as repugnant to the reference to the treasury department, for a plan, if they and we had not been long used to hear it.

To determine the force of this amazing constitutional objection, it will be sufficient to define terms.

What is a bill? it is a term of technical import, and surely it cannot need a definition; it is an act in an inchoate state, having the form but not the authority of a law.

What is originating a bill? our rules decide it. Every bill shall be introduced by a motion for leave, or by a committee.

It may be said the plan of a sinking fund, reported by the secretary, is not in technical, or even in popular language, a bill—nor, by the rules of the house or those of common sense, is this motion the originating a bill. By resorting to the spirit of the constitution, or by adopting any reasonable construction of the clause, is it possible to make it appear repugnant to the proposition for referring to the secretary? The opposers of this proposition surely will not adopt a construction of the constitution. They have often told us, we are to be guided by a strict adherence to the letter; & that there is no end to the danger of constructions. The letter is not repugnant; and will it be seriously affirmed, that, according to the spirit and natural meaning of the constitution, the report of the secretary will be a revenue bill, or any other bill, and that this proposition is originating such a bill? If it be, where shall we stop? If the idea of a measure which first passes through the mind, be confounded with the measure subsequent to it, what confusion will ensue? The President, by suggesting the proposition, may as well be pretended to originate a revenue bill; even a newspaper plan would be a breach of the exclusive privilege of this house, and the liberty of the press, so justly dear to us, would be found unconstitutional. Yet, if, without any order of the house, the draught of an act were printed and a copy laid before every member in his seat, no person will venture to say, that it is a bill, that it is originated or can be brought under the cognizance of the house, unless by a motion in conformity to the rules and orders. The report of the secretary in regard to manufactures, so often adverted to, has not yet been acted upon. Does that appear on our journals as a bill? Language has not yet been perverted to such a degree, as to assert any such thing; and yet the constitutional objection implies opinions no less extraordinary.

I rely upon it, that neither the letter of the constitution, nor any meaning that it can be tortured into, will support the objection which has been so often urged with solemn emphasis and persevering zeal.

If the constitution be admitted, therefore, to authorize the reference to the Secretary, why should not the mode which is proved to be the most expedient be immediately adopted? Here we meet another objection. It is said that the legislative and executive branches of government are to be kept distinct, and this reference will produce an improper blending of them. It is a truth that these departments are to be kept distinct; but the conclusion drawn from it is altogether vague. The execution of every trust requires some deliberation, and many of them call into action the highest powers of the human mind, and the most intense and persevering application of them—yet these trusts are to be executed, and it by no means follows that the officer charged with them invades the deliberative functions of congress. On the other hand, many laws are the result of plain principles or parts of the constitution, and congress, by enacting them only execute the constitution. Yet here is no encroachment upon the executive branch. The truth is, the constitution has allotted powers to the several branches of the government, and by that rule we are to judge of their several limits. The President proposes measures to the legislature in conformity to the constitution—yet no one ever supposed that his doing so is a departure from a just theory; nor has it, as far as I know, been ever insinuated till of late, in this or any other country that the calling for information from officers, any more than the calling for testimony from witnesses amounts to a transfer of our legislative duty. It is very easy to conceive how much increased information may aid us in deliberating, but it is hard to discern how we are to profit by the want of it. It is true it is our peculiar province to deliberate, but neither the letter of the constitution, nor the law establishing the treasury department, nor the reason of the case have restrained us from calling for official information. It is not true in fact that the deliberative and executive departments are blended by referring to the Secretary. Any objections deduced from an over-refining theory, and not warranted by the constitution, might need an answer if we were now framing a government, but can have no force in the administration of one. Indeed, it is a very scholastic, and very imposing mistake to abandon the letter and meaning of the plan of government we act under, and to undertake to reason independently, as if we were now settling the institutes of a political treatise.

The expediency of this question of referring to the Secretary, which is brought into dispute involves in it many others which will admit of none. In framing the plan of a sinking fund is the officer at the head of our finances to have any agency? If it be said he is not, then, it may be demanded—why is an idle officer and an useless office kept up? The sense of mankind as well as the practice of nations seems to shew that where there are finances there should be a financier; that he should possess at least common talents, and more than common industry in the application of them to his duty.

This is not a point to be proved now for the first time. The law of the old Congress and their practice were conformable to this motion. We

hear very often of the people being opposed to these references. So far as I have been informed the opposition is a novelty. The law establishing the treasury department, passed by a great majority, and that expressly makes it the duty of the Secretary to prepare and report plans of finance: Scarce a whisper of objection was then heard in the house, and not one, I believe; in the country. Our own practice of referring has passed unreflected till of late. Gentlemen now opposed to this reference, have contended openly and strenuously for references, in one instance, if I recollect rightly, to the Attorney-General to revise a plan of the judicial department, and on another to require the Secretary of State to report on the means for improving our trade and navigation. These objects partake as much of legislation, and are as incommunicable as the subject in discussion. The former votes and arguments of the gentlemen opposed to the present reference, afford some proof of its fitness as well as constitutionality.

The intrinsic reasonableness of this practice is not less than its authority from law and precedent, and what is more the precedent of its opposers.

Private affairs prosper by skill, economy, and industry in the management of them. The finances of a nation, though infinitely more important, require nothing more than economy upon a great scale. Let the monied affairs of a country be made every body's business, and nobody will do it:—Would you have them prosper, let them be confided to one man, who however shall be under the strict controul of the law, and rigidly responsible for his doings. That man, if he loves an honest reputation as much as a man of common sense and feeling may be expected to do, will make the public business his own, he will put his character at risk—his time and all his talents will be devoted to the public. Such will be his dispositions—now what will be his opportunities to render service? He will have at one view before him the whole arrangements of finance—the imports and exports, the receipts and expenditures, the operation of the laws, the obstacles that impede the collection, and the means of improving it; the frauds committed or attempted on the revenue, & the checks to guard it—the well-founded objections against the law, and the prejudices which time or conciliatory conduct may efface, the appropriations of the revenue—the places where and terms on which loans may be obtained, as well as the state of foreign trade; the regulations of foreign nations, and perhaps it may be added in subordination to the chief Magistrate, the state of treaties and negotiations. It will be seen that the ordinary discharge of his duty, as well as that which will oblige him sometimes to conflict against prejudices, and sometimes against fraud, will render the details of finance familiar to him, and will almost force him to adopt plans for reducing this great mass into system and order.

Is it to be denied that, in consequence, he will possess some means of information which this house or a committee must acquire only by flow and laborious investigation? In pursuing it the time might fall, and the materials get confused. Yet, allowing it effected, they have gained no more than it is his duty to furnish on the order of this house, and this is what we are contending for. If we call for it and he is not able to give it, we shall thus expose his incapacity or negligence. The public opinion, thus enlightened, will soon displace the officer, and a fitter man will succeed him. In this way, the people will exercise an effective controul over their servants.

Be the information given by the officer what it may, the sources from which his inferences are drawn, his facts and reasonings are publicly exposed. They are equally in possession of every member, who is thus placed on an equal, and on the best footing to attack or defend the report.

As much cannot be said of the report of a select committee or a committee of the whole.

Those who are opposed to receiving plans from the secretary, mention the first impost act as a successful instance of proceeding without the assistance of the treasury. To this it is replied, that there is no analogy between that case and this in debate. Then the treasury law had not passed, and if that department had been then organized, it could not have given the kind of information which is requisite at present. The receipts, expenditures and appropriations, all our systems and all our experience have occurred since that time. We had, in forming the impost, smooth ground to pass over, and the aid of all the local knowledge and local feelings of a representative body: yet it will not be said that the success of the proceeding affords much encouragement to adopt a similar course on this occasion. We began that act in April, and tho' we were losing revenue every day, we did not complete it till near August: the embarrassment was not less than the delay, the want of accurate information produced errors and revisions, and incessant struggles; and parts of the act were repealed, it is well known, soon after its passage.

It has been intimated, that in framing a report the Secretary would be liable to misinformations to some local or other attachments. This is possible, for he is a man—but will the committee be free from it? The Secretary is answerable for his conduct to the nation, and certainly he is not more subject to local partialities than members are to their respective districts. The advantage of impartiality in the first concoction of a report seems to be evidently in favour of a reference.

It has been said on the other side, information may be wanted, it is true, from the Secretary, but let the house first make progress in the business, and then receive it by a committee advising with the Secretary. If this may be done, what becomes of the constitutional difficulties and all we have heard of the transfer of our deliberative power?

But, if we are to have the official information, why should we set out without it? why should it not be given openly, so as to put all the members on an equality, and before prepossessions are formed with regard to plans, which might make

a late report from the treasury appear to come in aid of one party or another? Would the style of declamation be less vehement against the secret communications of a secretary with the committee, than against a report made in the face of day, and subject to the criticism not only of this house, but of an enlightened nation?

It is not to my present design to ask for what purpose of argument or of candour it is so often insinuated that the question really is, whether this house shall legislate, or whether it shall transfer, the power of making laws, to the secretary of the treasury.

With all this official information, previously before us, are we less qualified, or worse disposed to deliberate? It would be extravagant to affirm, that in proportion as our means of information are made complete, we are worse situated to legislate; and as to the spirit of enquiry, I do not remember that the reports of the secretary have blunted it. From the manner in which they have been discussed heretofore, those gentlemen will confide in the assurance I venture to give them, that they will be thoroughly sifted. They have not always passed unaltered, and never without passing through the fire of a debate.

We may repeat it, therefore, what colour is there for saying that the secretary legislates? neither my memory nor my understanding can discern any. I am well aware, that no topic is better calculated to make popular impressions; but I cannot persuade myself, that the people will charge us with neglect or violation of duty, for putting ourselves into a situation to discharge it in the best and most circumspect manner.

There is another ground of objection which is urged against the reference:—it is said, it gives undue influence to the treasury. The reasonings of the secretary, which accompany his reports, are alleged to excite an influence which cannot be resisted. There are two sorts of influence one, which arises from weight of reason, and the intrinsic merit of a proposition; the other, personal influence. As to the former, it is hard to conceive of the influence of reasoning, which cannot be analysed and made capable of exact estimation by the reasoning faculties of those to whom it is submitted; and that estimation, be it what it may, ought to obtain. No one can wish to see it under-rated.

But we are told, by the opposers of a reference, that it is incredible that one man, be his official opportunities what they may, should possess more information than the members of this house, collected from every district of the country. Then I answer, with inferior information, it would be impossible his reasoning should overpower and confound the superior information of the house. The members will be in the less danger from this officer, if, as we are told, he is misinformed by correspondents, and has repeatedly discovered, on subjects of revenue and finance, a princely ignorance. This we are told, however, by gentlemen who urge the danger of losing our independence and our faculties of discernment, as soon as we suffer a report, with its reasonings, to be made to the house.

If it be personal influence, independently of reason and evidence, which is apprehended by gentlemen opposed to the reference, for whom do they apprehend it? for themselves, or for us who advocate the motion? Surely if they do not feel, we do not fear it; we know how to respect their independence of spirit; they would disdain an imputation of the sort: their candor will permit us to say, if it be a neighborly concern they feel for us, there is no occasion for it.

On the whole, if we regard the constitution, we find not the least colour for bringing it into question on this debate: the law and usage of the old Congress corresponded with this motion. Our own treasury law expressly makes it the duty of the secretary, to prepare and report plans; and shall the practice of one branch run counter to that which is made the course of his duty by the law of the land? It would be an uncommon and very irregular mode of repealing a law. The advantages of this practice of referring, are manifest and great: more information is obtained, and more order, intelligence and system are preserved in the administration of the finances. The old Congress and the several states, have exhibited expensive and deplorable proofs of the evils incident to the want of order, as well as to the number of systems of finance and financiers. With this mass of evidence before our eyes, it cannot be believed that we shall take any step which will tend to introduce disorder and inefficiency into our finances.

WEDNESDAY, November 23.

Mr. Lawrence presented the petition of John Pray & others, collectors of the duty on distilled spirits, stating, that they have been employed in the public service fifteen months, for which their compensation amounts to the sum of about 90 dollars only, each—and praying relief—was read, and referred to the Secretary of the Treasury.

The petition of Ludwick Kuhn was read praying a settlement of his accounts, and compensation for money and supplies furnished the army of the United States during the late war; referred to the Secretary of the Treasury.

Mr. Gerry presented a petition of Samuel Shaw, Consul of the United States for Canton—it was read, the prayer of which is, that the duties on a quantity of teas, imported from China to New-York, via Orléans, by an unavoidable necessity, may be paid at the same rate as if the said teas were imported directly from China: Referred to Messrs. Gerry, Hillhouse, and Kittera.

The petition of Abigail Heart, widow of the late Major Jonathan Heart, was presented by Mr. Wadsworth, and read; the prayer of the petition is, that she may receive a pension similar to those granted to the widows of officers who were killed during the late war; referred to a select committee, consisting of Messrs. Wadsworth, Gordon, and Milledge.

Mr. Boudnot presented a petition of William Lockway, a soldier in the late war, pray-