(XLVth YEAR.) THE (No. 2224.)

# MARYLAND GAZETTE.

THURSDAY, AUGUST 27, 1789.

## *Proceedings of Congress.*

### HOUSE OF REPRESENTATIVES OF THE UNITED STATES.

TUESDAY, *July* 14.

MR. AMES, of a committee on elections, made a partial report on the contested election of the state of New-Jersey, which was laid on the table.

The engrossed bill to regulate the collection of the duties on goods, wares, and merchandise imported into the United States, was read—after which the house proceeded to fill up the blanks. Among others the following:

All imported distilled spirits of twenty-four degrees, by the hydrometer, to be reckoned Jamaica proof.

The cost of goods to be estimated at the following rates:

| | *Dollars.* | *Cents.* |
|---|---|---|
| The pound sterling of Great-Briain, | 4 | 44 |
| The livre tournois of France, | | 18½ |
| The florin, or guilder of the United Netherlands, | | 39 |
| The mark banco of Hamburgh, | | 33⅓ |
| The rix dollar of Denmark, | 1 | |
| The rix dollar of Sweden, | 1 | |
| The ruble of Russia, | 1 | |
| Real plate of Spain, | | 10 |
| The millree of Portugal, | 1 | 24 |
| The pound sterling of Ireland, | 4 | 10 |
| The tale of China, | 1 | 48 |
| The pagoda of India, | 1 | 94 |
| The rupee of Bengal, | | 55½ |

And all other currencies in value as near as may be to the said rates.

All duties to be paid in gold and silver

| | *Cents.* |
|---|---|
| The gold coin of France, Spain, England and Portugal, and all other gold coin of equal fineness, to be valued at | 89 dwt. |
| The Mexican dollar, | 105 |
| The crown of France, | 111 |
| The crown of England, | 111 |
| And all other silver coin of equal fineness, | 111 cents per oz. |

The blanks being filled—the question, Shall the bill pass? was carried in the affirmative.

The title of the bill was then determined, viz. An ACT to regulate the collection of duties imposed on tunnage, and on goods, wares, and merchandise imported into the United States.

Mr. Fitzsimons introduced a motion, That leave be given to bring in a bill to provide for the government of the western territory, agreeably to the acts and ordinances of the late congress. This motion was adopted, and Messrs. Fitzsimons, Sedgwick and Brown appointed as the committee.

Another motion was then made by Mr. Fitzsimons, That a committee be appointed to bring in a bill providing for the settlement of accounts between the United States and the individual states, agreeably to the acts and ordinances of the late congress: This was also agreed to, and Messrs. Baldwin, Sturgis and Smith, (of S. C.) appointed as the committee.

Adjourned till 11 o'clock to-morrow.

WEDNESDAY, *July* 15.

Mr. Ames moved to take up for a second reading the partial report of the committee appointed on the subject of the Jersey election. This report stated, that certain allegations in the petition referred to them, must be supported by the testimony of witnesses, which the house had not given them authority to collect, requesting the aid and direction of the house in what manner they should proceed to collect that testimony. And further moved a resolution prescribing a mode of ascertaining evidence in New-Jersey by depositions taken before a judge of the supreme court of that state.

Mr. Boudinot was opposed to this. He said the dispute lay between the two parties, who by their petitions contended for and against the legality of the election. He himself, with his colleagues, had come forward under the sanction of a full and unequivocal commission from the executive of New-Jersey, who had declared the election legal. The petitioners on behalf of the election, had a wish to be heard by counsel, on the facts to be brought before this house; but he was willing to relinquish any advantages which could arise from this, on account of the great delay that must attend it, and its establishing a precedent which, in future, might be found extremely inconvenient. Similar cases, he said, might occur in the extreme parts of the continent. As to the irregularities which, it had been said, had taken place in the conduct of the election, he observed, that the laws of the state were competent to punish any misdemeanor which had been committed. The true point was, whether the house would make the inquiry on the evidence already before them, or at most, from a few additional witnesses which might conveniently be adduced.

The clerk then read the charges and the papers submitted to the special committee, which pointed out the irregularities in the conduct of the governor of New-Jersey, and of the officers who managed the election, the certificate of the governor as far as those charges concerned himself, and the resolve proposed by Mr. Ames relative to the procuring testimony in New-Jersey.

Mr. Benson said the point first to be determined by the house was, whether the facts respecting the manner in which the election was conducted, were cognisable by this house.

Mr. Vining was opposed to the sending a commission into Jersey. There was no mode in which the facts could come up fairly in evidence, but before this house. The judges might be interested and biassed. They were, possibly in a question which agitated the whole state, themselves parties concerned. The facts to be evidenced were few, and a few witnesses might support or overthrow them.

The clerk then read the counter-petition of several inhabitants of New-Jersey in behalf of the election, praying that the house would permit them to be heard by counsel on the question, whether the proceedings in Jersey, under the election law of that state, were cognisable by this house?

Mr. Lawrence was convinced, for his own part, that the house had a complete constitutional power to judge of the elections and qualifications of its own members, and of all proceedings respecting these elections. If there were doubts, he wished to take the sense of the house upon that point.

Mr. Benson then moved, that the petitioners should be heard, by their counsel, on this question, whether an inquiry could constitutionally take place before the house, relative to the facts alleged.

Mr. Jackson thought that no such question could be admitted. It was improper that any individual should be allowed to call in question the powers of this house. There was no doubt of the jurisdiction. It had been declared in the case of Mr. Smith, of South-Carolina. It would be inconsistent and very unjust to subject a member to a trial before the house in one instance, and immediately deliberate whether they should do it in another.

Mr. Seney said, he had no doubt as to the jurisdiction of the house; still, as the petitioners had objected to the jurisdiction, and prayed the point to be settled, he thought they ought to be regarded; and that every citizen, where his rights were concerned, had a right to be heard in his defence.

A motion was then made, that the report of the committee should lie on the table, in order to take up the proposition of Mr. Benson; which was carried.

On this question, Mr. Ames made a number of observations to prove the impropriety of bringing this great question before the house. He repeated the arguments which had been advanced relative to the unimpeachable jurisdiction of the house.

Mr. Benson withdrew his proposition.

Mr. Lee, after some remarks to prove the great delays and difficulties which would take place in the general subject of the election, with all the proofs that came before the house, proposed that the report be recommitted, and the committee be authorised to send for evidence, papers and records, and report a special state of facts. He enforced the propriety of this measure by the examples of Great-Britain, and almost all the American states.

Mr. Seney thought the committee could not be invested with this power of sending for papers, &c. The power was in the house; but it could not be assigned to any other body.

This motion was also withdrawn.

This question then remained on the original report and request of the committee, that the house would determine whether they should have authority to apply for depositions to be taken by the judges of Jersey.

Mr. Ames moved, that the deposition of witnesses should be taken only in West-Jersey.

Mr. Boudinot again contended that this mode of procuring evidence was improper, and a precedent big with inconveniencies.

The question was then taken on the first clause of the original propositions, submitted with the report of the committee, to wit: That the judges of the supreme court of New-Jersey, be authorised to take depositions on the subject of the facts alleged in the petition. This was negatived.

Mr. Seney then moved, that Wednesday next be assigned for the parties to appear and be heard by their counsel before the house, of which they should have notice, and that the committee be discharged.

Many other objections were made to this. It was said the committee could not be discharged.—Their report was still before the house; which was only a request to the house for an explanation of their powers. That they had not yet discharged the business which was committed to them.

The motion was negatived; and after some further conversation, in which no question was taken, a motion was made to adjourn; which was carried.

The house adjourned.

THURSDAY, *July* 16.

The house took up the report on the subject of the compensations to be allowed the president, vice-president, &c. Several amendments were attempted to the first clause, proposing different sums, from 15 to 30,000 dollars, as a salary for the president. After some debate, the house fixed on 25,000 dollars per annum, including all expences.

Mr. White moved to amend the clause establishing the salary of the vice-president at 5000 dollars. He proposed allowing him daily pay in common with the senators and representatives. His argument was, that all the constitutional services he could perform were in capacity of president of the senate, except in case of a vacancy of the office of president of the United States, when he was willing he should have the president's salary. The vice-president, he said, might absent himself whenever he pleased from congress, and no officer ought to be paid unless actually in the service of the public.

This motion occasioned a long debate. Various arguments were adduced in opposition to the above; and on the question being put, the clause was retained, and the salary fixed at 5000 dollars.

The house proceeded through the other parts of the bill —In the clause proposing six dollars a day as the pay of the senators and representatives, Mr. Sedgwick moved for a discrimination between the allowance of senators and that of representatives; that the latter should be five dollars, and the former left blank for the present; much opposition and warm debate took place, and at last the question was carried in the negative.

A motion was then made to refer the report, as amended, to a special committee, to draught a bill thereon. Accordingly Mr. Burke, Mr. Stone and Mr. Moore, were appointed for that purpose.

The report of the committee appointed to prepare a bill for the establishment of the government of the western territory, was read, and ordered to lie on the table. This bill recognises and re-establishes the system which subsisted under the acts and ordinances of the late congress, and provides that all executive powers before exercised by the said congress, relative to the direction and control of this system, shall be exercised by the president of the United States.

The house then went into a committee on the bill for establishing light-houses, and regulating pilots.

Mr. Boudinot in the chair.

The bill provides that each state may, on application to the secretary of the treasury, and a cession of such spots as may be proper for building light-houses, have power to establish as many as shall be thought necessary. The expences to be defrayed from the federal treasury, and paid in advance.—And that pilots may be established in each state, by law, subject to the revision and control of congress.

Mr. Tucker moved to strike out the whole bill, except the enacting clause, and to substitute another, which he laid on the table.

The principle of this was, to place the establishment both of light-houses and pilots in the hands and under the control of the state governments; the former to be supported by the appropriation of a certain proportion of the duty on tunnage of vessels, not exceeding six cents per tun—and in case that were insufficient, that each state should have power to lay an additional tunnage-duty on all vessels entering the ports where such houses were erected, and that pilots should be under the direction of the states.

This motion occasioned some debate.

Mr. Fitzsimons said, the whole of these provisions were unconstitutional, and entered into a variety of reasoning to prove that they were inadequate to the object. The constitution, he said, in giving the regulation of commerce to congress, had conferred every power which was incidental and necessary to it—That regulations respecting light-houses and pilots were a part of the commercial system, and had been given up by the states. The means of providing for defraying the expences of them, by the states laying an impost, was also unconstitutional. The provisions were inadequate, because there were many light-houses established, and there might be many more, in places distant from any harbour, on the extremities of capes, &c.

Against these arguments it was contended by Mr. Tucker and Mr. Smith, (S. C.) that the bill was an infringement on the rights of the states; that these establishments were not necessarily incidental to the power of commerce; that the requiring a cession to the United States of such places as were proper for the building of light-houses, was an improper entrenchment upon the territorial jurisdiction of the states, and