WEDNESDAY, June 17.

R. GERRY argued that by the opeat ration of the clause there would be a would be rendered of no effect. Their power of appointment would BRRE be defeated in its object by the power in the prefident to remove; and the power of judging on impeachments, would be rendered vain by the power of dismissing; for a power of judging imolied a power of acquittal, which would, in its operation, be totally infignificant, if the prefident could nediately displace an officer whom they had judged

I that as to the danger of abuses, the rethem, which led been mentioned, that impeaching the prefident if he diffied a good man, involved an abfurdity. How could dehat he could lawfully do as he pleased? Would neach him for exercising a differetion which they had given him in the most unlimited manner? If the legislature gave him an unlimited control over Je might as well give him the d over the treatury. propriation of monies; for it would be of little confequence to make laws, when the prefident, by looking at an officer, could make it his interest to break that law. It must be expected that, from this general control, there would rife up a government of revenue infield of a government of laws. It would be easy for the president to cover all his crimes by an application the revenue to those who were his judges, and such application would certainly be made, in case of a pt prefident; and corruption in him was what it vas necessary to guard against.

Mr. Gerry further observed, that giving the president the power to remove, would virtually give him a confiderable power of appointment, independent of the senate; for if the senate should reject his favourite, and agree to his nomination of one less agreeable to him, he might immediately remove the latter on the receis of the senate, and introduce the favourite; for the constitution hath vested him expressly with the power of appointing in the recess of the senate.

It had been observed, he said, that this was a case omitted, and that congress had a power of supplying the defect.-But they ought to confider on what ground they stood. An attempt to supply such a case might appear an attempt at an amendment to the constituti-The system had provided a mode of making amendments-The legislature could puriue that alone. Any attempt to obtain amendments in another form would be a high crime and mildemeanor; perhaps something worse. Gentlemen, he said, appeared to be leading them on to what might be deemed treason against the constitution. The system, it could not be denied, was in many parts obscure and unintelligible. If it was once determined that congress might explain and declare what the constitution was, it could not be denied that they could change it at pleasure. This obscurity had been one of the great arguments against accepting it. It had been urged, that it was remarkably obicure-It was indeed, he faid, most studiedly obicute. By this very act, the house were, he afferted, stuming a power to form a constitution .- If the people of the United States supposed that it is in the power of the legislative to give constructions to the constitution, they would revolt from it. The idea of the legillature having a right to make any alterations in the nititution was repugnant to the feelings of every freeman, and to the principles of the revolution.

He then took notice of the argument that the legilauve and executive ought to be kept distinct; and alked what department the senate was, when acting with president? clearly an executive one. If so, the ent tell to the ground, -- If they acted as legislaave, it would be abfurd,—They were a constitutional council to the president, and were completely execu-

the power was vested in the fenate, it had been It was already a two headed monfter, and if it was the the fenate the power of apdeprive them of that power of dilmilling

lature of Supplying the omission in the constitution, and termined that point. Nor do I confider the questi determining by what power officers thould be removed; to be whether offices are to be held during a -The conditution had given the power to the govern- viour, or at the pleasure of those who app ment generally to remove at pleature; for it could not I suppose on a fair and accellary contraction of st during good behaviour.

The senate were allowed to possels, doubt arose respecting any part of the constitution, it to notice. should be referred to a convention, and that the different doubts of different individuals should all be settled in this way? Did he suppose that no part of the constitution was to be taken by construction? It was unquestionable, he said, that no constitution or law could possibly be formed which would not involve the necesfity of construction.

Mr. Benion proceeded to prove the impropriety of they must then proceed farther, and insist on a full fact in other states. If then the doctrine of the genwould contend for a hearing, and a fair trial? The president was then to be the complainant, and a subordinate officer the defendant; and the senate would sit in judgment between the chief magistrate of the United States, and one of his officers. He begged gentlemen to tell him if this abfurd scene looked like good government. In every instance of a proposition for rean inquiry would take place; for a man wound always have some friend to demand this in his favour. these inconveniencies would be done away by giving the prefident the power to remove the officer.

One argument, strongly urged, he faid, was, that the same power which appoints inould have the right to remove. But a distinction properly took place here. If the prefident and senate were to be considered as one body deliberating together in the business of appointments, and if the appointment itself was their joint act, and each individual had a right to make propositions, the reasoning might hold good. But on the contrary, they acted as distinct bodies; the senate had only a simple negative or affirmative, and no member had a power to offer an original proposition-The moment this simple principle was deviated from, the power the senate, which was only intended as a check, would become an original authority, and the executive department would be split, divided and distracted.

But it had been proposed, that the president should have the power of suspending. What would be the confequence of this? If the fenate should, on their convening, reftore the officer, the prefident would have a man forced on him whom he confidered as unfaithful, and who was disagreeable to him, a man who was conducted? What communication, what confidence could exist between the president and the reinstated officer? The executive administration would become impracticable; it would be made up of discordant materials, and its operations would be subject to perpetual divisions and jarring-In short, it appeared to him indispensable to the exercise of the authority which the constitution had vested in the president that he should have the power of removal; and he was convinced that the liberties of the people would not derive a particle of additional fecurity from restraining or with-holding any part of this power.

Mr. Smith (S. C.) entered into a general reply the arguments in favour of the clause, and was answered by Mr. Vining. This concluded the business of

THURSDAY, June 18. Mr. White.-This question has occasioned a solemn debate, though fome gentlemen have confider clear or fo trivial as to excite their surprise, that it has again been brought before the house. I consider it as ple, it would never have been ratified. the most important question that has been yet considered; the most important that I ever had a voice in difruffing or a vote in determining, except that of adopting the constitution itself in the convention of Virgi- ciple cont and inconfiftent with nia. I confider the day on which the fenfe of the house union, I will a theious interposition of is to be taken on this subject as a memorable day in the mark, that

Mr. Benion supposed there was a power in the legis - in the president and senate. The constitution has debe rationally contended, that all offices should be held constitution, that matter is settled. All arguments tending to thew that one or the other mode of appoint. Could the gentleman be ferious, he asked, when he ment or removal, is proper or improper; or that they suggested that this was a case to be proposed to a con- ought to be displaced by impeachment, are inapplicavention of the people for an amendment to the consti- ble to the present case. But the respectability of the tation? Did the gentleman suppose that whenever a characters who support these arguments, entitle them

> I shall proceed; Sir, to inquire, whether we are bound by the constitution, or whether we may grant to others, or assume to ourselves, powers which the constitution has not given in express terms, or by necessary implication. This I conceive to be the question.

It is not contended, that the power propoled to be vested in the president is given him in express terms, or that it can be inferred from any particular clause of the vesting the power in the senate, by shewing the diffi- constitution. It is sought for from another source; the culties and embarrasiments which would result. He general nature of executive power; it is on this prinwould put the case of the officer to which the bill re- ciple the clause is advocated, or I mistake the gentle: lated. To him were to be committed the negotiations men's argument. It was faid by the gentleman, who with foreign ministers; a very delicate trust. The fu- opened the debate in opposition to this amendments preme executive, in controling this department, would that the constitution having vested the president with a the most delicate kind, and the circumstances on which wested which were not expressly excepted, and thereit was founded, not proper to be explained. He would fore he possessed the power of removal. Sir, this is not be in a situation which would render it improper to be learned in the American governments, each state make use of the evidences of his suspicion-Was it to has an executive magistrate; but look at his powers, be supposed then that the senate would implicitly sub- and I believe it will not be found that he has, in any mit to his will and his proposal? They would not; one, the right of appointing or removing officers. they would certainly require the reasons. Suppose he In Virginia I know that all the great officers are apmould tell them that he suspected the man's fidelity, pointed by the general assembly. This is generally the communication. Was it not to be supposed that this tleman is to be supported by examples, it must be by officer would have at least one friend in the senate, who those brought from beyond the Atlantic -- We must also there look for rules, by which the executive power, in the latitude of this principle, may be circumferibed, if indeed it can be limited. Upon this principle, Sir, the same power is given to the legislature—they will possess all powers not expressly excepted. If the prefident has all executive powers which are not expressly excepted. I do not know that there can be a more arbimoval, on account of incapacity, or any other cause, trary government. The prefident, I conceive, will mave all the power of a hierarch, and the tegillature all the powers of fovereign legislation. This I take to be a clear and necessary deduction from the principle on which the clause in the bill is founded. The prefident is limited in the appointment of ambassadors, confuls, judges, and all other officers, and in making treaties. In these he is expressly limited, and no further. Take from him these, and give him all other executive powers, as exercised in a monarchy, and see what they will be. There are also exceptions to the legislative power; such as that they shall not for a time prohibit the importation of flaves; that direct taxes shall not be laid, but in a certain mode; that taxes shall be uniform; that they shall grant no titles of nobility, &c. These are the exceptions to the legislative: now give them all the powers of the parliament of Great-Britain, and what kind of government will you have? I cannot describe it. It appears to me absolute, and as extensive as any despotism.

If you go once beyond the boundaries of the conftitution, where can you draw a line with any precision? and with what fafety to liberty can the doctrine of this clause be supported? I understand our system different in its form and spirit from all other governments in the world. It is in part national and partly federal; and properly his mere instrument. How would business be though it is more extensive in its powers than most other confederated governments, yet the congress is not to be compared to national legislatures. - To these general powers are granted, some with and some without any particular refervations in favour of the body of the people; and to these only will the gentlemen's reasoning apply.--Here is, Sir, no analogy.--This is a government constituted for particular purposes only; and the powers which the people have thought proper to grant are specifically enumerated, and disposed of among the various branches. If there powers are infufficient, or if they are improperly distributed, it is not our fault, nor within our power to remedy,-Ihe people multigrant further powers--organize those already granted in a more perfect manner, or fuffer from the defect. We can neither enlarge nor modify them. Sir, this was the ground on which the friends of the

government have supported it; it was a safe ground; and I venture to fay that it would not have been supported on any other. In the state from which

Mr. White then read a part of the ratification by Virginia,

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