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HARYLAND GAZETE

THURSDAY, AUGUST 135

Proceedings of Gongress.

HOUSE OF REPRESENTATIVES UNITED STATES.

Pulpay, June 19. R. STONE.—I confider, Sir, that the decision of this question will give the a leading feature to the M D tion of the government.

The people, Sir, have adopted this

I constitution because they thought that it would more effectually secure their liberties-all the amendments which have been proposed, go to a more perfect establishment of their

there. -It is not an indifferent thing (as has been afin cases of treaty this affociation is requisite—what ined by gentlemen, we are in a hazardous fituation!

The constitution has designated a balance; the prefdent is to appoint, the senate to approve; it remains to carry this balance throughout. This proposed delegation of power destroys the balance, for the president may defeat by removals these joint appointments.

As I respect the constitution, I would distribute the powers as nearly as possible as the constitution has

The separation of the powers maintained by some is not a principle in the constitution—it is contended by case there is an exception, and we ought to follow that the constitution, it is a nullity. exception step by step.

Go through the constitution, and you do not find that the president has a single power to appoint-The convention may have done wrong; but they did not think it safe to trust even the appointment of inferior officers but by law-It is faid that the power of removal is in the prefident, and we cannot take it from him—this must be by implication; I never was fondfurdity and danger of implications, and then proceeded:-In all the departments there are officers to be appointed, there is the army, the navy, the mint; who is to have the power of making all thefe appointments? It is faid that the prefident is the executive, and may discharge all these officers by himself; what follows? med, and then there will be no difficulty about impli- superfluous expence. cations. I think there are good reasons to be given and removals—in some views the senate are more reiponsible than the president—the senate are the watchitil guardians of the constitution—the electors of the president cannot be this guard, they are scattered thus perpetuate the power and influence of the house. through the states.

militute an inquiry into the conduct of an officer below him. We seem to forget the confidence we ought to have in the constitution-Do you place more confidence in the president than in the heads of departments and the senate together?

We have expended our time, blood and treasure, to very little purpose, if we do not think that liberty and latery constitute the real dignity of human nature. think there is more real dignity of foul in a common reasant of America than in a prime minister of Europe. Mr. Stone added several other observations, and concluded with approbating the motion for striking out the clause.

Mr. Vining,-I join with every gentleman in the idea of the very great importance of this subject, as it respects the constitution and the future operations of the government:

It has been sufficiently demonstrated by gentlemen, that the executive and legislative powers should be separated: but it has been asked, where does the government exist, whose powers are not blended? To answer this question fully would lead us into too extenfive a field—but granting that in most countries this division of power is but faintly defined, yet in Greatputain, where the science has been carried to the greatest perfection hitherto known, and where the idea of checks is a leading feature of the fystem, there the powers are no farther blended than is necessary. and pleased with the great concern; which gentlemen discover for liberty—upon the same principle I

contend for the necessity of the clause. What has been the consequence of encroachments upon the executive in other countries? Anarchy, confusion, and the loss of that liberty which is now said to be at stake. The shortness of the time for which the president is elected is a sufficient preventative from abuse of power; but will you, in order to prevent him from doing barm, deprive him of the power to do good? No instances can be adduced from history to prove the infringements of the executive—but on the contrary the weakening of the executive by taking away fuch powers as are requifite, has constantly been followed by anarchy and defpotiim.

It has been said, that it is cruel to take away an office without an impeachment, a trial, &c. but the delays of impeachments will render removals almost impracticable: besides let us ressect upon the train of disagreeable and perhaps fatal consequences to the govern-Our object should be to carry the constitution into ment, which may arise from an adherence to this dent. execution upon its true principles, without considering mode. Suppose there should be parties in the senate, whether there is too much power here, or too little and they will exist, how easy will it be to support an Burke, Clymer, Coles, Gerry, Goodhue, Griffin, unworthy officer in his place, through the agency of serted) that because there is a certain quantum of power such a party in the senate, where decisions will be made to be exercised, how that power is appropriated. I by ballot, and where every man's vote will be a secret; cannot think that the affociated powers of the president what cabals and undue influence will be the conseand the senate, is so monstrous as some gentlemen quence! In what a situation will this place our chief have supposed; the association constantly takes place: magistrate? Will this be agreeable to the spirit of the constitution? I think not. Let us remember that this july is apprehended? If there is that danger predict- government, like Hercules, rose brawling from the cradle-let us avail ourselves of the practice, the wisdom and experience of former ages, and of other countries, worth. and bring it to maturity.

The senators—the representatives of the sovereignties of the states, are not chosen by men specially appoint- row. ed for that purpose; but the prefident is chosen by electors who are chosen immediately by the people for that express defign—hence the senate is an improper body to interfere with the executive.

The powers of the legislature ought to be commenfurate to the objects of legislation: it is conceded that writers on government, that the powers in general this act is a proper legislative act; but except it can be should be separated, and properly; but in the present carried into complete operation upon the principles of

Monday, June 22.

The resolve which came down from the senate, respecting the appropriation of the rooms in the federal hall, was read, and concurred.

The order of the day being called for, the bill for establishing the department of foreign affairs, as reported from the committee of the whole, with the several of implications: Here Mr. Stone dilated upon the ab- amendments, were read, and the amendments agreed to by the house.

Mr. Carroll proposed a clause to limit the duration of the bill: Among other reasons for the motion, Mr. Carroll observed, that he conceived the necessity of fuch an officer would cease in a short time, by reason of the gradual withdrawing of our intercourse with In absolute governments there is no doubt about impli- European countries; and in the course of a very few cations; they always suppose that the monarch is un- years all political connexion with those powers will be restrained. The executive contended for must be de- at an end, which would render the establishment a

Mr. Page seconded the motion, and added that he why the senate should have a voice in appointments could not conceive the propriety of gentlemen who were elected only for two years, wishing to extend the laws of their enacting to a period beyond the time when the use and design of such laws should exist, and

Mr. Ames opposed the addition of the clause, as it How far above the level of the people do they exalt would be unfavourable to the stability of government, the president, who think it derogatory to his dignity to and was little better than infusing a premature principle of mortality into the executive department.

Mr. Gerry was in favour of a limitation: He supposed, that if the expiration of the bill was not provided for at the present time, it would be extremely difficult to effect its reduction, when the officers of this department shall have formed connexions with foreign courts; and, by means of those connexions, an extenfive sphere of business, uninteresting to the United States, shall be created.

The vote being taken, it passed in the negative. Mr. Benson proposed an amendment, which he' conceived would more fully express the sense of the committee, as it respected the constitutionality of the decision which had taken place: The amendment was, to strike out, in the second clause of the bill, these words, "In case of vacancy in the said office of secretary of the United States for the department of foreign affairs," and to infert in lieu thereof the following, Whenever the faid principal officer shall be removed by the president, or a vacancy in any other way shall

This produced some debate, and the ayes and nays being called for, it was determined in the affirmative,

as follows, viz. Ayes 30-Meffrs, Ames, Baldwin, Benson, Brown, Burke, Carroll, Clymer, Contee, Fitzsimons, Gilman, Goodhue, Griffin, Hartly, Heester, Lawrence, Lee, Leonard, Madison, Moore, P. Muhlenberg, Scott, Sedgwick, Seney, Sinnickson, Smith, (Maryland) Sylvester, Thatcher, Trumbull, Vining, Wadsworth.

Nays 18-Messieurs Cadwalader, Coles, Gerry, Grout, Hathorn, Huntington, Livermore, Matthews, Page, Parker, Patridge, Van Renfellaer, Sherman, Smith, (South-Carolina) Sturges, Sumpter, Tucker,

It was then moved to firike out these words in the first clause, " removable by the president of the United

The principal reason assigned for striking out these words was, that, as the bill now stands, it appears to be a grant of power; whereas it was presumed to be the sense of the committee, that the power was vested in the president by the constitution. A recapitulation of arguments upon this point ensued, and the question was finally determined by ayes and nays. Some gentlemen voted in the negative, supposing that retaining the words would be an additional evidence of the sense

Ayes 31-Mestrs. Ames, Baldwin, Benson, Brown, Grout, Hathorn, Huntington, Leonard, Livermore, Madison, Matthews, Moore, P. Muhlenberg, Page, Parker, Patridge, Van Rensellaer, Scott, Sherman, Sinnickson, Smith, (South-Carolina) Sturges, Sump-

of the house, that the power was vested in the presi-

ter, Vining, White. Nays 19-Messrs. Boudinot, Cadwalader, Carroll. Contee, Fitzsimons, Gilman, Hartly, Heester, Lawrence, Lee, Sherman, Sedgwick, Seney, Smith (Maryland, Sylvester, Thatcher, Trumbull, Tucker, Wads-

These additional amendments being completed, the bill passed to be engrossed for a third reading to-mor-

And then the house adjourned.

TUESDAY, June 23.

The committee appointed for that purpose brought in a bill for securing co authors and inventors the benefits of their respective publications and inventions-which was read and laid on the table.

The order of the day was then called for-and the engrossed bill for establishing an executive department, to be denominated the Department of Foreign Affairs. was read a third time.

Mr. Sumpter moved, that the final confideration of

the bill should be postponed. Mr. White proposed, that the bill should be recommitted to a committee of the whole, in order that the other departments might be added, and one system formed, which should embrace the whole—this motion

after a short discussion was negatived. Mr. Sumpter then renewed his motion for postponement, and that the bill should lie on the table till tomorrow.—The vote upon this motion passed in the af-

firmative. Mr. Lawrence moved, that the house should take into confideration the amendments to the impost bill, which were yet to be decided--this motion was adopted.—And the enacting clause as amended by the senate being read, which is in these words,-" Be it enacted by the senate and representatives," &c. Mr. Thatcher proposed, that " house of" should be inserted immediately before representatives-this motion was

agreed to. The next amendment which the senate had not receded from was, to strike out the clause which makes a discrimination in the duty imposed on distilled spirits imported from countries with whom the United States were in treaty, and from those with whom no treaties had been formed-It was moved and seconded, that the house should accede to the amendment: This produced an animated debate, in which many new observations occurred, and those which had been adduced in the former discussion were repeated: The vote being taken, it passed in the negative-twenty-five being in favour of acceding, and twenty-seven against it.-So the discrimination remains as it originally stood.

The house then adjourned.

WEDNESDAY, June 24. The house met pursuant to adjournment. The engrossed bill, which was yesterday ordered to lie on the table, was taken up and read the third

On the question, Shall the bill pass? The ayes and nays were required by one fifth of the members, and were, ayes 20, nays 22.

The house then took into consideration the amendments infifted on by the senate to the bill for laying an impost on certain goods, wares and merchandite, and after refufing to concur therewith, a committee of conference was appointed on the part of the house, con-fifting of Messieurs Boudinot, Fitzsimons and Madi-

The house went into a committee on the bill for establishing the war department -- after agreeing to some amendments, they rose and reported it as amended .--But the house not being ready to go through the amendments, they adjourned till to-morrow.

THURSDAY, June 25. The house met pursuant to adjournment.