

Congress

OF THE  
United States of America.

HOUSE OF REPRESENTATIVES.

Concluded from yesterday's American.

Mr. Lucas moved to strike out the 9th section, and assigned for reason that Congress ought not to attempt to do that indirectly which could not be done directly. The fundamental principle of the constitution was the separation of the powers of the government. The judge therefore ought to be independent of the executive for the tenure of his office; by this section he is rendered altogether dependent upon the will of the president. There is no limitation as to the time or to the power which the executive may exercise over the judge. He may not hold his office even during the present war, for during the present war it is on a mode lawful for the President to appoint such an officer, and by this section it is also made lawful for him to abolish the same when in his opinion it shall be proper so to do. It may be said that the judge cannot be removed, unless the court is suppressed; this is but an evasion, for the president has not the power of actually removing him, yet he can virtually do so, & the effect upon the judge is exactly the same. This power is unconstitutional in itself, and dangerous as a precedent. He hoped it would not be granted, nor did he see any necessity for it on the ground of expediency even supposing Congress had a right to vest the power in the President. It is well known that Congress are enjoined by the constitution to meet annually and if the usefulness of the judge should cease on the cessation of the war, the inconveniences which, in my opinion, or the expense which might accrue, would be short and inconsiderable; for Congress will meet in 9 months after the close of the present session. It will be therefore better to leave it to Congress to abolish this court when they see cause for it, than transfer the power into other hands.

Mr. Rodney had no great objection to striking out the clause, because he thought the bill adequate to its object without it. The eighth section he observed, established a principle that had heretofore been considered of considerable importance, viz that a judge shall not receive a salary beyond the time he continues in the exercise of the duties of his office. The committee had supposed it possible that a speedy end might be put to this war, and thereupon conceived it unnecessary to charge the treasury with the payment of the judges and others' compensations beyond the term of service. He was himself much averse to vesting in the President any unusual or extraordinary power; but he thought a proclamation by the President was an official proceeding proper to attract the attention of the executive authority of foreign nations to this subject matter. He was the proper organ to express the will of the law and to give information to those interested. Although in all human probability, the war will not continue long, he had no objection to the clause being struck out.

Mr. Smilie said, if it had not been in the bill, would have been well enough without it; but as it was in he was not inclined, through an unbounded jealousy, to strike it out. He would ask gentlemen to point out any probable ground for jealousy of the President in the exercise of this power; for he took it for granted, that the constitution furnished no obstacle. Its conjunction in regard to judges holding their offices during good behavior, extended to the courts of the United States, within the limits of the several States represented on this floor. Now the law itself cannot affect the person or property of any citizen within the United States, and as its usefulness may suddenly cease after the close of the session, he did not see why we should subject ourselves to a single dollar's expense, which might be prevented by the immediate publication of the President's proclamation.

Mr. Lucas was not governed by jealousy of the executive in making his motion. The present executive possessed his entire confidence; but when we do get legislative on the confidence we have in the executive, but on those circumstances which are most likely to produce happiness to our fellow citizens, and secure their liberties on the basis they have themselves established them, and my colleague will recollect that the executive will not always be filled by the same person, and that a change of men may produce a change of measures. If the man is the standard of legislation, but if we legislate upon principles, the principles will remain after the persons who propounded them are forgotten. He did not consider the inference made by his colleague (Mr. Smilie) correct, for he did believe the officers and crews employed in the Marine of the U. States were particularly interested, and that they were citizens of the United

States. He observed, upon the remark made by Mr. Rodney, that foreign nations would be more likely to take notice of the President's proclamation than of a law. He did not see that the President would be prevented from issuing his proclamation in the event of peace, if the abolition of the court depended upon Congress.

Mr. G. Griswold expressed a jealousy for the preservation of the constitution, and conceiving the proposed regulation, in enmity with one of its most important injunctions, he hoped it would be struck out, and he, for one, would never give his consent that a judge, under the constitution of the United States, should hold the tenure of his office by presidential will.

Mr. Southard differed with gentlemen who thought the section a violation of the constitution. The law itself grew out of the exigency of the war with the Barbary powers, and it expresses itself. It therefore carries its own remedy with it; during the existence of the war and so long as any nation at war with the same power shall consent or permit the United States to establish a judge of admiralty within its territory, so long shall the office remain, but no provision is made for its remaining any longer. Nor can the judge complain of the abolition of his office or consequent loss of salary, because he consents to receive it upon the terms of the law. He considered the section a proper one, though not absolutely necessary. If peace takes place, the president will be the first person to know it and his proclamation of the court will render it of greater notoriety than any law can possibly render it. One more observation, and he had done. It may be suggested in favor of a determinate abolition of the court, that the judge may become arbitrary, and the court prove injurious, in which case the sooner it was abolished the less would be its evil.

Mr. Dana thought the section very objectionable. It is true it does not say that the judge shall hold his office during the pleasure of the president and no longer, in those precise terms, but it says what is tantamount, that when in the opinion of the president it shall be proper to do, it shall and may be lawful for him by proclamation to abolish the said court. This is not the precise form of expressing the pleasure of the crown; the president must manifest his pleasure by proclamation; the crown might manifest its pleasure privately before the act of settlement; but the power of the judges in both cases is held by the loote and insecure tenure of will and pleasure. Gentlemen cannot set up a good distinction between judges of courts of admiralty acting within or without the boundaries of the United States, and if you once declare that the president shall have power to dismiss one of your judges, nothing can prevent you from giving him power to dismiss them all. The principle once established goes through. For his part, he, for one, was decidedly against granting such power. The question ought not to be considered for a moment on the light ground of being a good or a bad bargain for the judge; but on the broad and solid ground of preserving what remains of the due administration of justice.

Mr. Rodney would not have risen again but in consequence of Mr. Dana's remarks and refined distinction, where there was no difference. The bill provides that the judge shall receive his salary so long as he has jurisdiction, and that jurisdiction is limited by the duration of the war. This itself is a limitation of the office. The president has no power over the individual person of the judge; he cannot turn out A. and put in B. So the tenure is not precarious; it is fixed and depends upon the abolition of the jurisdiction; and this principle is strictly conformable to what was formerly decided to the general satisfaction of a great majority of the people.

The observation of the gentleman from Connecticut (Mr. R. Griswold) respecting a distinction between judges within the limits of the United States and within the territory of Louisiana concluded nothing; for he will find the judges of that territory exercising all their functions under the constitution and laws of Congress, and he believed there was a time when the gentleman thought differently on the subject before the committee. He referred to the Yeas and Nays called on passing a bill limiting the duration of office in respect to the judges or justices of the territory of Columbia, by which they are continued in office for the term of five years only, while the constitution declared as it does now, that judges of the supreme and inferior courts shall hold their offices during good behavior. He hoped the gentleman would abandon the idea of the officer continuing to receive a salary after the office was abolished.

Mr. Dana had no idea of an officer totally destitute of office, receiving a salary, but until he was divested of all judicial authority he ought to be independent, and salary was but a mere contingency.

Mr. J. Randolph said that the first section established the court during the continuance of the Mediterranean war, and the ninth gave a power to the president to abrogate it, at his discretion. He thought the section, to say the best of it, superfluous. So soon as we or the nation within whose limits this court shall be erected, shall have made peace with Tripoli, its jurisdiction would terminate

the provisions of the bill itself. It might indeed be expedient to prolong the existence of the court beyond the term contemplated by the bill, but circumstances could arise which would render it necessary to shorten it.

Mr. Eustis, thought the judge ought to hold the office, during good behavior, and yet this section makes him dependent on the executive. Congress could not vet the executive with any power which they had no right to exercise themselves; yet this section proposes to do so. And on this precedent occasion may hereafter be taken to frustrate and contravene the constitution in its most important regulations.

Mr. Jackson meant only to make a single observation with a view of refusing the section from the inconsistency charged upon it by Mr. Eustis. The first section was not at variance with the last, the first declared the duration of the office to be during the war; the last that the President may by proclamation abolish the court. There might be something formed as a substitute to designate the precise duration of the court, as from the mode of expression used in both sections it seemed not sufficiently definite.

Mr. Gregg would vote for striking out unless his colleague (Mr. Lucas) would modify his motion, for he would never vote to vest the President with the power intended to be given by the 9th section, yet he thought that a modification of the clause would cure the defect without striking out; if the time was precisely defined for which the court should continue, the President might not be the expiration of the office by proclamation.

Mr. R. Griswold. The gentlemen who advocate this measure appear to differ in this contradiction; some entertain an opinion that the first section does not limit the tenure of the office of the judge; other gentlemen think the office limited by that section to the duration of the war. He thought the first section explicit, that the President should appoint a judge of the admiralty during the existence of the war, and in conformity to this idea the second section was penned. The said judge shall exercise the admiralty jurisdiction for trying captures in the said war; these last words show expressly the limitation of the law. The true and far meaning of which is, that the judge shall hold his office during the war and no longer. The 9th section gives the power to the president of shortening this period and it was this power he believed the constitution never meant should be exercised by the executive. As to the observation about the judges or justices of this district, it did not bear on the present question, the constitution providing only for the tenure of offices held by the judges of the supreme and inferior courts of the United States and not for justices of peace; beside in the district of Columbia the constitution gave them the power of exclusive legislation.

Mr. J. Clay would vote for striking out with a view to add a new section in its stead.

On the question to strike out the ninth section the House agreed thereto without a division, and

Mr. J. Clay moved a new section declaring that the existence of the court should terminate with the war and that the President should make proclamation of that event.

This section was agreed to, 51 being in favor of it, and 45 against it.

No other amendments being made, the committee rose and reported, and the bill took the course mentioned in the minutes of proceedings in Congress.

MONDAY, DECEMBER 17.

The amendment proposed to the bill by the Senate concerning drawbacks on goods, wares, and merchandise, exported from the district of Orleans, was ordered to lie on the table.

Mr. Gregg presented the petition of Hannah Crawford of Pennsylvania, praying relief in consideration of the loss of her husband who was killed in an action with the Indians whilst a colonel in the Virginia line during our revolutionary war.

Referred to the committee of claims.

A petition was presented by Catharine Davis of Baltimore county in Maryland, praying that compensation may be made for the services of her late husband whilst a soldier in the regiment of Royal American's commanded by Colonel Bouquet, in the years 1760 and 1761.

Referred to the committee of claims. A petition was presented from the inhabitants of Amelia county, a state of Virginia, praying that a post office may be established at the county court house. Referred to the committee on post offices and post roads.

The House resolved itself into a committee of the whole on the bill for establishing rules and articles for the government of the armies of the United States.

Mr. J. C. SMITH in the chair. After going through the same, the committee rose and reported the bill with amendments, the same were taken up in the House and agreed to, and the bill was ordered to be engrossed for a third reading on Friday next.

The House resumed the consideration of the amendment reported from the committee of the whole on the bill to regulate the clearance of armed merchant vessels. Some further amendments being made the bill was ordered to be engrossed for a third reading on Monday

next, and in the mean time it was ordered to be printed.

On motion of Mr. Lattimore a committee was appointed to consider what alterations if any were necessary, to the Act regulating the grants of land and providing for the disposal of lands of the United States South of Tennessee; and authorized to report by bill or otherwise.

On the motion of Mr. J. Clay a committee of five were appointed to consider the petitions from Alexandria, Washington City and Georgetown, on the subject of erecting a permanent bridge across the Potomac.

On motion of Mr. Thompson the message of the President relating to the public buildings in Washington was referred to a committee of seven.

And then the House adjourned.

TUESDAY, DECEMBER 18, 1864.

An engrossed bill, respecting the clearance of armed merchant vessels, was read the third time; and on motion recommended to a select committee.

The bill, authorizing the Marine Insurance Company of Alexandria, to extend their insurances to buildings, was read the second time, and ordered to be engrossed for a third reading to-morrow.

NEW-YORK, December 18.

FIRE-WOOD inspected in this city, during the month of November last.

Hickory 6359 loads, Oak 18 227 1/2 loads, Pine 1503 loads. Total 26,299 1/2 loads. Equal to 8766 1/2 cords (traded measure). The average price of Hickory per load was 3 dol. 6 1/2 cents. Oak 2 dol. 10, and Pine 1 dol. 53 cents. Making the aggregate value 62,619 DOLLARS and 56 cents.

[Perhaps a sum nearly equal to the above, has been expended for coal, which never sold at so high a price in this market, as during the last fall.]

RALEIGH (N. C.) December 13.

On Tuesday the bill for ascertaining the duties and salary of the Public Printer, was passed in a law; and the Editor of the Register was yesterday re-elected Printer to the State by a majority of 71 votes. M. Boylan having 52 votes, and himself 123.

In Johnson County, a few days ago, Mr. Isom Bouchem and his wife, returning home from work, found their house in flames, and notwithstanding every exertion was used, their dwelling with its contents was consumed. We are sorry to add, a fine babe of 2 months old, perished in the flames.

CHARLESTON, December 7.

The schooner Weasel, capt. Brewster, 45 days from Malaga, anchored off the port this morning. The accounts by this vessel state, that the pestilence had nearly ceased; but the action of the inhabitants of that place, and the country adjacent, was disastrous in the extreme, from the want of provisions; wheat was selling at the enormous price of three dollars per bushel; & even at this price could only be obtained by favor. Reports at Malaga stated, that the pestilence had extended to Alicante and Barcelona. In Valencia great numbers were carried off; but it was hoped that the westwardly winds which generally prevail in September, would check the disease.

Some idea may be formed of the dreadful ravages of this pestilence, when we state, on the authority of a gentleman, passenger in the Weasel, that the official list of deaths published at Malaga, stated in one day 386 persons as having fallen victims; the average daily number was about 280; but in the country adjacent, was said to be 450.

Captain Brewster did not touch at any other port in the Mediterranean, & passed Gibraltar and Cadiz without going in.

P. E. Thomas

Has on hand, a handsome assortment of

CUT NAILS,

By the quantity, at the following prices for cash, or approved paper,

3d nails	23 1/2 cents
4d	21 1/2
5d	20
6d and 7d	18
8d	16
10d, 12d, 16d and 20d	9 1/2

N. B. He will sell them, in small parcels, and by retail at the usual prices.

For sale,

On board the Schooner Bliga Thomas Whittrids, master from Salem, lying at Bowly's wharf, 8 hds. N. E. rum; 3 do. S. L. Croix do. 7 bis. cherry rum, 12 do. muskard, 7 hales fine tanned suanah, 1 do. johannah emery, 3 bespore cossah, 1 do. johannah mamoodi, 3 hales fine bottom, 1 hals sally emery, 1 trunk Bandan-moh, 1 do. sewing silk. Also 100 pieces check, 49 do. plattias royales, 20 do. dowless and 100 do. black line, entitled to debentures; 200 wt. sewing twine, 3 hds. molasses, 4 boxes shal-ed almonds, 4 do. china, 3 pipes brandy, 1 ton cordage, 100 wt. annaga, 20 bags pepper, 10 boxes chocolate, 1 do. muskard, 300 wt. side leather, 200 men and women's shoes, 18 cwt. tin in pigs, 2 chests hyson tea, 1 hhd. codfish and 20 bbls train oil.

100 doz. Sheep Skins,

JUST received and for sale, in good order for book-binding.

JAMES BOSLEY,  
No. 14, Water-street.

December 19

FIRE!!!

Extract of a letter from a gentleman in New-York to the editors of the American, dated

New-York, Dec. 18, 1864.

"This morning (December 18th) at about three o'clock, a fire broke out, which raged until sun-rise; it consumed upwards of 20 houses, most of them good brick; together with property to a very considerable amount; it commenced in Front-street, and burnt the whole block of Front and Water-street, except three houses: the Old Coffee House, the office of the MORNING CHRONICLE (brick buildings) &c. &c. are entirely consumed. Being low water, the shipping could not pull off from the wharves and a number of vessels caught fire—but were extinguished, with the loss of considerable rigging, &c. &c. Three or four framed houses on the east side of the Coffee-House Slip are consumed. Such a conflagration has not been witnessed in New-York, these many years. One fireman was nearly crushed to death by the upper part of the Old Coffee-House falling on him. The fire proof store of Mr. A. Steward prevented the Tontine Coffee House from taking fire.—It is not yet known how it originated."

P. S. Have just learnt that the above fireman is not yet dead, though no hopes are entertained.

Another letter of same date to a mercantile house in this city contains the following further particulars of the above disastrous event:

"We have now to inform you of a distressing occurrence that took place early this morning. The two squares of buildings from Water to South street, between the Coffee-house slip & Governor's lane, are entirely consumed, with the exception of one house in Water street, and Governor and Kemble's stores on their wharf. Bailey and Bogart's two new fire-proof stores, with all their contents, are involved in the conflagration—not even a book or paper was saved by them. Mr. Bailey's dwelling house in Water-street is also destroyed. The Old Coffee-House, 8 or 9 brick houses, in Water-street—and both sides of Front-street. Joshua Jones's block of buildings are entirely gone and most of all their contents.—The fire must have broke out between 4 and 5 o'clock this morning. The wind was very fresh about west. The flames extended across the Coffee-House Slip and consumed three or four small buildings on the east side. The loss must be immensely great. Among the sufferers we recollect at present, are Joshua Jones, Bailey and Bogart, D. Sullivan, John D. Martin, John R. Wheaton, John Sullivan, J. B. Keerstedt, Josiah Blackwell, E. Duyckink, Stedford and Marschall, Byrne and Smith, Byrne of the Old Coffee-House, J. B. Patterson, D. Bailey, Morning Chronicle Office, H. Wiley, S. Gomez, &c."

We feel a pleasure in stating that the materials belonging to the office of the Morning Chronicle have been fortunately saved. To-morrow's mail will furnish us with further particulars.

The Electors of South-Carolina, the whole number of ten being present, have given an unanimous vote for THOMAS JEFFERSON as President, and GEORGE CLINTON as Vice-President.

The Electors of Tennessee, viz. David Deardrick, George Ridley, William Martin, Robert Houston, and Richard Mitchell, met at Knoxville on the 5th instant, and gave an unanimous vote for THOMAS JEFFERSON as President, and GEORGE CLINTON as Vice-President.

The forensic eloquence and patriotism of Mr. ENGLISH, has long been the boast of England. His talents have excited the admiration, and his independence the esteem of all ranks and parties; and a Mr. Cant, of Leicestershire, lately deceased, has left him no less a sum than 23,000. (nearly a hundred thousand dollars) for his animated and noble defence of Horne Tooke, the great disciple of Liberty in this country, in the year 1794. [Richmond Enquirer.