other rivers of inferior note, for the means of sending its produce to market, and of returning to itself such foreign supplies, as the necessities or conveniences of its inhabitants may require. In these rivers too the eastern parts of the state of Tennessee are deeply interested, as some of the great branches of the Mobile approach very near to some of those branches of the Tennessee river, which lie above the great Muscle shoals. Even if it should prove difficult to connect them, yet the land carriage will be shorter, and the route to the sea more direct, than the river Tennessee furnishes. These rivers possess likewise an advantage which is denied to the Mississippi. As their sources are not in the mountains, and their course is through a level country, their currents are gentle and the tide flows considerably above our boundary. This circumstance together with the depth of water which many of them afford, render them accessible to sea-vessels; and ships of two hundred tons burthen may ascend for several hundred miles into the heart of the Mississippi territory. These rivers, however, which run almost exclusively within our own limits, and which it would seem as if nature had intended for our own benefit, we must be indebted to others for the beneficial use of, so long as the province of West Florida shall continue in the possession of a foreign nation. If the province of West Florida were of itself an independent empire, it would be the interest of its government to promote the freedom of trade, by laying open the mouths of the rivers to all nations, this having been the policy of those powers who possess the mouths of the Rhine, the Danube, the Po and the Tagus, with some others. But the system of colonization, which has always heretofore prevailed, proves, that the mother country is ever anxious to engross to itself the trade of its colonies, and affords us every reason to apprehend that Spain will not readily admit us to pass through her territory to carry on a trade either with each other or with foreign nations. This right we may insist on, and perhaps it may be conceded to us; but it is possible that it may be denied. At all events it may prove the source of endless disagreement and perpetual hostility.

In this respect East Florida may not perhaps be so important, but its acquisition is nevertheless deemed desirable. From its junction with the state of Georgia at the river St. Mary's it stretches nearly four hundred miles into the sea, forming a large peninsula, and has some very fine harbors. The southern point, Cape Florida, is not more than one hundred miles distant from the Havannah, and the possession of it may be beneficial to us in relation to our trade with the West Indies. It would likewise make our whole territory compact, would add considerably to our sea coast, and by giving us the Gulf of Mexico for our southern boundary, would render us less liable to attack, in what is now deemed the most vulnerable part of the Union.

From the aforegoing view of facts, it must be seen that the possession of New Orleans and the Floridas will not only be required for the convenience of the United States, but will be demanded by their most imperious necessities. The Mississippi and its branches, with those other rivers above referred to, drain an extent of country not less perhaps than one half of our whole territory, containing at this time one eighth of our population and progressing with a rapidity beyond the experience of any former time, or of any other nation. The Floridas and New Orleans command the only outlets to the sea, and our best interests require that we should get possession of them. This requisition however arises not from a disposition to increase our territory;—for neither the Floridas nor New Orleans, offer any other inducements than their mere geographical relation to the United States. But if we look forward to the free use of the Mississippi, the Mobile, the Apalachicola and the other rivers of the west, by ourselves and our posterity, New Orleans and the Floridas must become a part of the United States either by purchase or by conquest.

The great question then which presents itself is, shall we at this time lay the foundation for future peace, by offering a fair and equivalent consideration; or shall we hereafter incur the hazards and the horrors of war?—The government of the United States is differently organized from any other in the world. Its object is the happiness of man; its policy and its interest, to pursue right by right means. War is the great scourge of the human race, and should never be resorted to but in cases of the most imperious necessity. A wise government will avoid it, when its views can be attained by peaceful measures. Princes fight for glory, and the blood and treasure of their subjects is the price they pay. In all nations, the people bear the burthen of war, and in the United States, the people rule. Their representatives are the guardians of their rights, and it is the duty of those representatives to provide against any event, which may, even at a distant day, involve the interests and the happiness of the nation. We may indeed have our rights restored to us by treaty, but there is a want of fortitude in applying temporary remedies to permanent evils; thereby imposing on our posterity a burthen which we ourselves ought to bear. If the purchase can be made, we ought not to hesitate. If the attempt should fail, we shall have discharged an important duty. War may be the result; but the American nation, satisfied with our conduct, will be animated by one soul, and will unite all its energies in the contest. Foreign powers will be convinced that it is not a war of aggrandisement on our part, and will therefore feel no unreasonable jealousies towards us. We shall have proved that our object was justice; it will be seen that our propositions were fair; and it will be acknowledged that our cause is honorable. Should alliances be necessary they may be advantageously formed. We shall have merited and shall therefore possess general confidence. Our measures will stand justified not only to ourselves and our country, but to the world.

In another point of view perhaps, it would be preferable to make the purchase, as it is believed that a smaller sum would be required for this object, than would necessarily be expended, if we should attempt to take possession by force; the expences of a war being indeed almost incalculable. The committee have no information before them, to ascertain the amount for which the purchase can be made, but it is hoped, that with the assistance of two millions of dollars in hand, this will not be unreasonable. A similar course was pursued for the purpose of settling our differences with the regency of Algiers, by an appropriation of one million of dollars prior to the commencement of the negociation, and we have since experienced its beneficial effects.

Under these impressions therefore the committee recommend the adoption of the resolution referred to them in the following words, viz.

Resolved, That a sum of two millions of dollars in addition to the provision heretofore made be appropriated to defray any expences which may be incurred in relation to the intercourse between the United States and foreign nations; to be paid out of any money that may be in the Treasury not otherwise appropriated, and to be applied under the direction of the President of the United States; who if necessary is hereby authorised to borrow the same or any part thereof, an account whereof, as soon as may be, shall be laid before Congress.

CONGRESS.

HOUSE OF REPRESENTATIVES.

MONDAY, October 24, 1803.

Amendment of the Constitution.

The House resolved itself into a committee of the whole on the report of a select committee on propositions of amendment to the Constitution.

Mr. *Varnum* in the chair.

The report was read as follows:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both Houses concurring, that the following article be proposed to the legislatures of the different states as an amendment to the constitution of the United States, which, when ratified by three fourths of the said legislatures, shall be valid to all intents and purposes as a part of the said constitution, viz.

In all future elections of President & Vice-President the electors shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President of whom one at least shall not be an inhabitant of the same state with themselves—the person having a majority of all the electors for President shall be the president; and if there shall be no such majority, the president shall be chosen from the highest numbers, not exceeding three, on the list for president, by the House of representatives, in the manner directed by the constitution—the person having the greatest number of votes as Vice President shall be the Vice President, and in case of an equal number of votes for two or more persons for vice president, they being the highest on the list, the Senate shall choose the vice-president from those having such equal number, in the manner directed by the constitution.

Mr. *Dawson* observed that at the time of the adoption of the Constitution, that part of it which related to the election of a President and Vice-President had been objected to; and evils, likely to occur, had been foreseen by some gentlemen at that day. Experience had shewn that they were not mistaken. Every gentleman in that house knew the situation in which the country had been placed by the controverted election of a chief magistrate; it was one which he trusted never would return. It had been a subject much reflected on by the people, and by the state legislatures, several of which had declared their approbation of the principle contained in the resolution reported by the committee. This house had two years since ratified a similar amendment by a constitutional majority of two thirds. At that time no objections were made to the principle of the amendment. All the objection then made was on account of the lateness of the day and thinness of the house. Mr. Dawson considered it unnecessary to make any further remarks at that time, as he could not anticipate any objections that might be urged. He moved that the committee should rise and report the resolution without amendment.

Mr. *J. Clay* though in favor of the principle of the amendment, was of opinion that, as to some of its parts, it required alteration. He, therefore, moved

"But if no person have such majority, then the House of Representatives shall immediately proceed to choose by ballot from the two persons having the greatest number of votes one of them for President; or if there be three or more persons having an equal number of votes then the House of Representatives shall in like manner from the persons having such equality of votes choose the President; or if there be one person having a greater number of votes not being a majority of the whole number of electors appointed than any other person and two or more persons who have an equal number of votes one with the other, then the House of Representatives shall in like manner, from among such persons having the greater number of votes and such other persons having an equality of votes, choose the President."

Mr. *Van Cortlandt* thought the amendment liable to objection.

Mr. *G. W. Campbell* was in favor of the principle contained in the amendment. He considered it to be the duty of that house in introducing an amendment to the Constitution on this point to secure to the people the benefits of choosing the President so as to prevent a contravention of their will as expressed by electors chosen by them; resorting to legislative interposition only in extraordinary cases; and when this should be rendered necessary, so guarding the exercise of legislative power, that those only should be capable of legislative election who possessed a strong evidence of enjoying the confidence of the people. This was the true spirit and principle of the Constitution, whose object was, through the several organs of the government, faithfully to express the public opinion. For this reason he was in favor of the proposed amendment. By it we shall make a less innovation on the spirit of the Constitution than by rejecting it, and adopting the report of the select committee. There were obvious reasons why the persons from whom a choice may be made, should be fewer in case of a designation of the office, than heretofore. At present the whole number of electoral votes is 176. As the Constitution now stands, four candidates might have an equal number of votes, or three might have a majority, viz. 117 each. According to the proposed amendment, but one can have a majority, and if two persons should be equal and highest, it is not probable that the third candidate will have many votes.

Mr. *Griswold* said it was very difficult to ascertain the precise import of the amendment offered by the gentleman from Pennsylvania, by barely hearing it read from the chair. In the meaning, therefore, which he gave it, he might perhaps be mistaken. If not mistaken, it involved a principle, and implied a change, which he had never before heard suggested on that floor, or in the part of the country from which he came. It is well known to every member that under the Constitution as it at present stands, the votes given for a President in this house are by states, and not according to the majority of the members of the whole body. The amendment, as reported by the select committee, preserves this original feature of the Constitution by prescribing that the election shall be proceeded with as pointed out by the Constitution. But the present amendment varies this mode, according to which it is to be made without respect to states. Of course a majority of the members are to decide. He submitted it to gentlemen, whether they were willing in this way to sacrifice the interests and rights of the smaller states. If this be the intention of gentlemen, we ought to have time to deliberate on the subject, before it is pressed to a decision. The gentleman from Pennsylvania will explain whether this is his intension.

MR. J. CLAY begged leave explicitly to state, for the satisfaction of the gentleman from Connecticut, that it was not his intention to change that part of the Constitution which prescribed that the votes should be by states; and if it would induce the gentleman to vote for the resolution he had moved, he would add the words of the Constitution, viz.

"But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice."

These words were accordingly added.

MR. DAWSON observed that this proposition had been submitted to the Select Committee, who had considered it more objectionable than that reported. Their object was to innovate as little as possible on the Constitution. A great part of it referred to cases so extremely remote as were not likely to happen. The only material change it made was to reduce the number of persons from whom a choice should be made from three to two. At present the election for a President and Vice-President was made from the five highest on the list. As, according to the proposed amendment a designation of the persons voted for as President and Vice-President was to be made, it was considered that by giving the three highest to the House of Representatives, from which to choose a President, and the two highest to the Senate, from which to choose a Vice-President, the spirit of the Constitution would not be changed. He hoped, therefore, the report of the Committee would be agreed to. He believed it comprehended all cases which were probable; and he further believed that if they spent a month they would not devise an amendment that would provide for all possible cases that may happen.

Mr. Clopton said he rose to express his approbation of the amendment offered by the gentleman from Pennsylvania (Mr. Clay). He said, that indeed the amendment could not but be acceptable to him, in as much as it corresponded with the ideas he had the honor to express to the committee on this subject the other day. He begged leave now to make a few remarks in addition to those which he had then stated. He said, if any thing is to be lamented, as a defect in the fundamental principles of our government, that defect perhaps, consists in a departure from the plain and simple modes of immediate election by the people as to some of the branches of the government. He did not mean, however, now to discuss, nor did he know that he ever should discuss, this point. The constitution of the United States having established a different principle in respect to the election of the several departments of the government, except that branch of the legislature, which this House composes; and the object of the proposed amendment to the constitution not being the transmutation of a fundamental principle, but merely an alteration in the mode, heretofore directed, of electing one branch of the government according to the principle already established, he said, his business and his object was to state to this committee those ideas which occurred to him on this occasion as suited to the subject as it now stands before the committee.

When the framers of this constitution, said Mr. Clopton, submitted it to the consideration of the people of the several states, drawn as it is, directing the election of president and vice-president to be made through the medium of electors chosen by the people for that purpose, never could it have been their intention in submitting, or the intention of the people in accepting the constitution, to admit a principle that any eventual legislative election would be proper, if the object of it did not bear the stamp of public confidence. They never could have abandoned that great political consideration that the people, as the primary source of all power should first give to those particular citizens, amongst whom such legislative choice might be made, the evidence of a very considerable share of their confidence. The electors are the organs, who acting from a certain and unquestioned knowledge of the choice of the people, by whom they themselves were appointed, and under immediate responsibility to them, select and announce those particular citizens, and affix to them by their votes an evidence of the degree of public confidence, which is bestowed upon them. The adoption of this medium, through which the election should be made, in preference to the mode of immediate election by the people, was no abandonment of the great principle that the *appointment of the constituted authorities ought to be conformable to the public will*. It was no abandonment of that principle in respect to the president and vice-president. The adoption of this medium in the first resort; and the adoption of this alternative of a legislative election in the last resort, were not intended as disparagements to the energy of that principle; were not intended to operate any diminution of its force. The spirit, the genius of the government is the same. The same principle was intended to influence its operations; the same principle was intended to influence its elections, though in a different form and after a different manner. It is a great characteristic feature of the government. It is a primary, essential and distinguishing attribute of the government that the will of the people should be done; and that the elections should be according to the will of the people.

Mr. Clopton, said that most seriously considering the principles of the government in such a point of view as he had the honor to state to the committee, he was irresistibly impressed with the opinion that a legislative election of President or Vice President, whenever resorted to, should be restrained to the smallest number above an unit, or to those persons who have equal electoral votes. He considered it, he said, as a position clearly and unquestionably true that, if the field of election, when not decided by the voice of the people themselves, should be left too wide, more chances will there always be for the introduction of abuses in determining on a choice, if those, whose province it shall be to decide, should be actuated by a spirit adverse to the public sentiment. Results ungrateful to the public feeling might indeed become sources of discontent truly to be lamented. The demon of discord might be called forth, and stalking over our land might unfortunately produce a state of things very different from that peaceful, tranquil state, which would follow a decision more conformable to the will of the people. Such a decision, he said, he believed, would be ensured were the election to be confined to those two persons only, who had received the most ample testimony of the public confidence, or to those, who had been stamped with equal testimonials of that confidence.

For the reasons, Mr. C. said, which he had stated, he was in favor of the amendment as proposed by the gentleman from Pennsylvania. He had indeed, he said, prepared an amendment to the same effect, but was anticipated by that gentleman. He said, if it were in order, he would offer it as a substitute for that amendment. He then read it in his place, as follows:

"The electors shall make two lists, one of which shall contain the names of all the persons voted for as president and the number of votes given to each person respectively; the other list shall contain the names of all the persons voted for as Vice-President and the number of votes given to each person respectively; which two lists they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the president of the Senate. The president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes on the list containing the votes for president shall be the president if such number be a majority of the whole number of electors appointed. If on the list containing the votes for president no person have a majority of the whole number of electors appointed, then from the two highest on that list the House of Representatives shall immediately chuse, by ballot, one of them for president, unless more than two persons have an equal number of votes and that number shall be the highest on the list; in such a case the said house shall, in like manner, chuse one of those persons for president: but, if one person only have the highest number on the list, and that number be not a majority of the whole number of electors appointed, and if two or more other persons have an equal number of votes, if that number be the next highest, then from the person having the highest number and the persons having equal votes the said House of Representatives shall, in like manner, chuse one for president."

Mr. Clopton said he was not tenacious of his own composition, but he believed that what he had prepared went somewhat further than the amendment proposed by the gentleman from Pennsylvania, and provided more explicitly as to the mode of proceeding of the electors in making lists of their votes. He said that on a subject of such immense importance as the present—a subject which might involve the liberty & the happiness of millions, yet unborn, it was necessary that the expressions should be as clear and as definite as possible, that there ought to be no ambiguity, no expressions, which might admit of misconstructions; that he had endeavored so to draw that which he had read to the committee, in which he had thought it safer to repeat phrases than refer to them by relative expressions. He hoped that the decision would be conformable to the ideas contained in the proposed amendment.

The SPEAKER said it was not in order to receive the amendment of the gentleman from Virginia, unless that of the gentleman from Pennsylvania was previously withdrawn.

MR. GREGG said it was impossible fully to comprehend the two propositions offered barely by hearing them read. Amendments to the Constitution were of great importance. He felt at a loss how to act in the present instance, not clearly understanding the resolutions proposed. He was in favor of the principle they contained, and had always been so. He had been in Congress in the year 1796 when the first proposition to this effect was made by a gentleman from New-Hampshire. The inconveniences attending the last election had strengthened his conviction of the propriety of an amendment similar in substance to that offered. He viewed, therefore, with pleasure the attention now paid to the subject by the House; and hoped an amendment would take place at the present time. The more simple that amendment was, the more likely it would