be to be approved by the ftates. In order ultimately to fimplify it, fo as to render it the leaft objectionable to the ftates, he wifhed every member who had formed in his mind an eligible propofition would now bring it forward, that the whole might be printed.

Mr. J. Clay faid as there exifted confiderable difference of opinion, he would withdraw his motion, in order to move that the Committee fhould rife, when he would move a recommitment of the report of the Select Committee.

Mr. Nicholson faid that before the queftion was taken on the rifing of the Committee, he would offer an amendment to the refolution reported by the Select Committee. It was his opinion that the queftion of principle fhould be fettled in the Houfe; if not fo fettled, it would be impoffible for the report of any felect committee to meet the approbation of the Houfe. In the felect committee a variety of propofitions had been offered; the committee reported one, to which they had agreed; there were ftill endlefs amendments offered, which he was convinced would continue to be offered until fome principle was fixed by the Houfe. In making an amendment to the Conftitution on this point, they ought to guard againft all poffible difficulties. The amendment of the gentleman from Pennfylvania goes to guard againft thofe difficulties. But cafes may arife, in which the amendment of the felect committee will not be adequate. It fays the election fhall be made from the three higheft perfons voted for; but there may be cafes, where there are no three higheft, where four, ten, or twenty of the perfons voted for fhall be equal in number of votes. This cafe is not embraced in the refolution. For this reafon, Mr. N. faid he fhould have been pleafed in having the queftion taken on the amendment of the gentleman from Pennfylvania. But as that amendment had been withdrawn, he would move another that the principle might be fettled. He faid he could conceive of no objection to giving the Houfe of Reprefentatives the right of making a choice of Prefident from all thofe voted for by the electors. The cafe ftated fome days fince by the gentleman from Virginia, (Mr. Clopton) of one candidate having 87 votes, a fecond candidate having 86 votes, and three others having one vote, was extreme; and if it fhould occur, he could fee no inconvenience likely to refult from the Houfe of Reprefentatives enjoying the right of making a choice from the whole five. It would be remembered that the Houfe were chofen by the people, and would in the felection they made, exprefs the public will, as well as the electors themfelves. The feelings of the one would be in unifon with thofe of the other; nor could he conceive that a Houfe of Reprefentatives would ever exift that would dare to chufe a perfon having but one vote. None would be found hardy enough to violate the public fentiment. He therefore moved to ftrike out from the report of the committee all that part of it which confined the choice to the three higheft. If the majority of the committee fhould not coincide with him in opinion, he fhould wifh the gentleman from Pennfylvania to renew his propofition. And if the committee concurred in neither, he fhould wifh fome other gentleman to bring forward another principle. For if the principle were not fixed there, he was convinced they would be involved in endlefs difficulties by the reports of felect committees. Mr. N. then moved to ftrike out thefe words, "*and if there fhall be no fuch majority the Prefident fhall be chofen from the higheft numbers, not exceeding three, on the lift for Prefident, by the Houfe of Reprefentatives*"—and infert in lieu thereof the following words; "*and if there no fuch perfon have a majority then the Houfe of Reprefentatives fhall immediately choofe a Prefident from among thofe perfons who have been voted for as Prefident.*"

Mr. Dawson faid that when the gentleman from Maryland moved the appointment of a felect committee he had voted againft it, and for the very reafon now affigned by him. As to the propofitions, as at prefent offered, they had been feverally reflected upon by the felect committee; and if referred to that committee, the Houfe ought, in the firft inftance, to decide the principle. As to the amendment offered by the gentleman from Maryland, he conceived it fcarcely neceffary to make a fingle remark upon it, as the Houfe was difpofed to reduce rather than to extend the number of perfons from whom a choice fhould be made. If adopted it will give the Houfe of Reprefentatives a right to vote for 176 perfons, as no candidate might have more than one vote.

Mr. Nicholson believed the propofition of the felect committee would reduce them to the fame fituation, as if of the 176 votes given, one was given to each candidate, no one would be higher than another. The proper reply to this remark was that it was an extreme cafe not likely to happen. Mr. N. faid he was not fo anxious that his amendment fhould fucceed, as that the principle fhould be fixed in that houfe fome way or other.

Mr. Goddard faid, though he would not pledge himfelf to vote for the propofed amendment to the Conftitution in any fhape whatever, yet he was in favor of the amendment offered by the gentleman from Maryland. He thought with him, that there was no great danger from the latitude allowed the Houfe of Reprefentatives, as they were chofen by the people as well as the electors; nor could he perceive why they were more to be diftrufted than the electors. But the principal reafon that operated with him in favor of the amendment was that it extended the right of fuffrage in the Houfe of Reprefentatives. It is well known that our fyftem is that of a confederation. There appeared to him no danger of 176 perfons being voted for; the nature of the government was fuch that but few perfons would be voted for. But if no choice is made by the electors, he wifhed the right of the Houfe of Reprefentatives to be extended for this reafon, becaufe it will increafe the power of the fmall ftates. As he conceived, the original propofition went effectually to impair the rights of the fmall ftates; and indeed any amendment would have that effect; but the amendment of the gentleman from Maryland having this effect, as little as poffible, he fhould vote for it.

Mr. Smilie would wifh one principle altered in the report of the felect committee, viz. that which confined the election of a Prefident to the three higheft perfons voted for. It was impoffible for human wifdom to provide for all cafes that might occur. Their time was not well fpent in providing for cafes extremely remote. He had but one object in view, the defignation of office. And the more fimple the propofition, the more likely they were to obtain this object. It fhould be recollected that the Conftitution was the act of the people, and ought not to be altered till inconveniences actually arife under it. He believed, though particular parts might be defective in theory, they ought not to be changed till practical inconveniencies had been experienced. No fuch inconvenience had been yet felt from chufing the Prefident from the five higheft on the lift. Is it then prudent to embarrafs the great principle in which they generally concurred with incidental propofitions, when there was no neceffity for them? This amendment was to obtain the affent of thirteen legiflative bodies before it would be binding. The fimpler then the propofition the more likely it was to fucceed. His idea, therefore, was to leave the Conftitution as it now ftood, fo far as related to a choice being made from the five higheft, and only fo far to change it as related to a defignation of the office.

Mr. Sanford faid the great object of the amendment ought to be to prevent perfons voted for as Vice-Prefident from becoming Prefident. If the amendment effected this, it was fufficient. All other innovation upon the Conftitution was improper; and no dangers could arife from extending the right of the Houfe of Reprefentatives to making a choice from the five higheft.

Mr. Rodney faid that in the felect committee he had been in favor of the number ftated in the Conftitution. He was not for innovating on the Conftitution one tittle more than was abfolutely neceffary. As to the mere defignation of office, the people looked for and expected it; and if that were obtained, they would be fatisfied. He well knew that if amendments to this fimple propofition were multiplied, objections to the whole would alfo be increafed. Having been originally in favor of five, and thinking the inconveniences apprehended by fome gentlemen not likely to occur, he fhould vote in favor of the amendment of the gentleman from Maryland, principally for the reafon affigned by the gentleman from Connecticut, that it would allow to the fmaller ftates a larger fcope of choice.

Mr. Elliott hoped the amendment of the gentleman from Maryland would not prevail; and coming as he did himfelf from a fmall ftate, he trufted the houfe would pardon him for affigning his reafons for that hope. He felt confidence in the Houfe of Reprefentatives, as well as the gentleman from Connecticut; but he was of opinion that their difcretion ought to be limited. The amendment will give the Houfe of reprefentatives the unqualified power of electing from the whole number on the lift of perfons voted for as prefident; and on this ground he oppofed it. It was faid to be a queftion of larger and fmaller ftates, and thofe who reprefent the fmaller ftates were called upon to check the ufurpation of the large ftates: Our fyftem was undoubtedly federative; and there might be danger of an ufurpation of the large ftates if the fmall ones were not protected by the conftitution. His wifh was that they might be fo guarded. But he ftill thought the difcretion of the Houfe of Reprefentatives ought to be limited. When this fubject was firft difcuffed, an obfervation of a gentleman from Virginia (Mr. Clopton) had ftruck him with force. That gentleman had correctly ftated that, according to the propofition then before the Houfe, one candidate might have 87 votes, another 86, and three have one vote, and a choice be made from among the candidates having but one vote. Should the amendment of the gentleman from Maryland obtain, the fame right would exift in the Houfe of Reprefentatives. But the gentleman afks if any Houfe of Reprefentatives will dare to elect a perfon having but one vote. He hoped they always would dare do their duty, and it would then be their conftitutional right. But Mr. E. thought they ought not to poffefs this difcretion—Gentlemen further fay the great object is a defignation of the office. It is fo. It was his fincere wifh that that fimple object fhould be attained. But he believed there would be no danger in adding to the propofition an amendment reftricting the number from which the choice fhould be made.

Mr. G. W. Campbell faid he too reprefented a fmall ftate and was anxious to preferve the rights of the fmall ftates. But in a great Conftitutional queftion, while thefe rights were not loft fight of, principle ought alfo to be regarded. This, he conceived his duty, whatever effect it might have upon the ftate he reprefented. For this reafon he confidered it proper to exprefs his ideas on the prefent occafion. It was a vital principle to preferve the Conftitution as pure as poffible. This rendered it neceffary to fhew that the propofition of the gentleman from Pennfylvania (Mr. Clay) came nearer to the principle of the Conftitution than that offered by the gentleman from Maryland. He had already obferved that, there being at prefent no defignation, four was the fmalleft poffible number from which a choice could be made; to this number but one was added, making altogether five. In future elections, there will be 176 electors, and if there be a defignation of office, but one perfon can have a majority. To confine the choice to two perfons will, therefore, in principle, approach as near as poffible to the original principle of the Conftitution.

Mr C. was in favor of preferving that part of the Conftitution which directed the election to be made by ftates, wifhing as little innovation as poffible on the principles of the Conftitution. He did not, however, conceive a mere change of words dangerous, but the eftablifhment of a principle that deprived the people of the power of electing thofe who poffeffed the largeft fhare of their confidence. He was decidedly in favor of whatever had this effect, as according with the true fpirit of the Conftitution; and he was, therefore, oppofed to the amendment of the gentleman from Maryland. His own opinion too was, that it was beft to exprefs in one article whatever related to the election of Prefident and Vice-Prefident, than refer to the Conftitution, by which the provifions on that fubject would be rendered much clearer.

The queftion was then taken on Mr. Nicholfon's amendment, and loft—Ayes 29—Noes 77.

Mr. Smilie, in order to try the principle, would move to ftrike out "three," and infert "five."

Mr. Findley feconded the motion.

Mr. Dawson would only repeat a remark, which he had already made.—The felect committee, in propofing *three* as the number from which an election fhould be made, did not confider themfelves as departing in the leaft from the fpirit of the Conftitution; as when both Prefident and Vice Prefident were voted for, without difcrimination, the choice was made from *five*.

Mr. Smilie faid, he did not know that there would be any danger in this innovation; but it was his wifh not to alter the Conftitution except in cafes of neceffity.

Mr. Goddard faid he was in favor of this amendment for the fame reafon that he had been in favor of that propofed by the gentleman from Maryland. The gentleman from Tenneffee (Mr. Campbell) has told us that it is our duty to act, not from motives of intereft but duty. Mr. G. confidered it as his duty fo to act as to protect the interefts of his conftituents, and of the ftate which he had the honor to reprefent. The gentleman further obferves that in limiting the number from which a choice may be made, we fhall enfure a nearer approach to the will of the people. Now what is that will, but the will of the large ftates of Virginia, New-York and Pennfylvania. He apprehended there might be cafes where the interefts of the fmaller ftates might be materially affected. The larger ftates will generally have the firft nomination of the perfons voted for as Prefident and Vice-Prefident. If we diflike all the candidates, neither of whom fhall have a majority of all the electoral votes, we may felect from among them the one that beft pleafes us. He confidered the Conftitution fo framed as to guard all the ftates. And if gentlemen are fo tenacious of its vital principle, let them fuffer it to remain as it is. But if there is a determination to alter it, which he feared was the cafe, he hoped no greater alteration would be made than was neceffary to fecure the end gentlemen profeffed to have in view. The greater the number of candidates, the greater, in his opinion, would be the influence of the fmaller ftates. Nor could there be any danger from repofing a difcretion in the Houfe of Reprefentatives, as they were elected by the people as well as the electors; and when it was known by the people that on them devolved the eventual election, they would be chofen in reference to the difcharge of this duty, as well as the other duties conftitutionally impofed upon them.

Mr. Alston was oppofed to the amendment offered by the gentleman from Pennfylvania (Mr. Smilie) to the amendment of the felect committee, becaufe in his opinion it would have a tendency to bring the election of a prefident of the United States more frequently into the Houfe of Reprefentatives, than otherwife it would be brought; he was as much difpofed to guard againft the influence of the large ftates as any member upon that floor.

The gentleman from Connecticut laft up (Mr. Goddard) was in favor of the amendment becaufe he thought it calculated to leffen the influence of the larger ftates. For his part Mr. A. thought very different from that gentleman, he believed that provided the amendment fhould be acceded to, it would be an inducement to any one of the large ftates to prevent an election of prefident by the electors of the feveral ftates, that if the votes of a large ftate fhould be withheld from any one of the candidates propofed as prefident, it would prevent fuch candidate from obtaining a majority of all the votes of the electors. What then, Mr. Alfton afked, would be the confequence. The choice would have to be made by that houfe, which circumftance he never wifhed to witnefs again; this he conceived to be an important point to guard againft as much as poffible.

He believed the fewer the number of the candidates or perfons voted for, that the choice of prefident was confined to, the lefs chance there would be for that houfe to be called upon to make it. Should they adopt the amendment propofed, a ftrong inducement would be held out to any one of the large ftates, which might be difpleafed with the candidate propofed as prefident, to withhold the vote of their ftate, by which a majority of the votes of all the electors would not be given to any one candidate, becaufe the whole vote of a large ftate given to their favorite would be certain to bring him within the five higheft upon the lift; but on the contrary fhould they confine the choice to be made out of the two higheft upon the lift agreeably to the propofition of another gentleman from Pennfylvania (Mr. Clay) which had been withdrawn, many ftill would be more likely to promote the election of one of the candidates moft likely to get the largeft number of votes. He was therefore much better pleafed with the motion which had been withdrawn. He fhould therefore give his vote againft the prefent propofition, and fhould it be rejected, he would himfelf renew the propofition made by the gentleman from Pennfylvania on the other fide of the houfe, (Mr. Clay) fhould it not be renewed by the gentleman himfelf.

Mr. Randolph faid he came to the Houfe under the impreffion that another fubject would have occupied their attention on account of its primary importance, not meaning, however, to difparage the importance of an amendment to the conftitution. But on a fubject which muft be difcuffed in a few days, if at all, it was improper that time fhould be loft. The propofed amendment to the conftitution was not, he believed, fo extremely preffing as to require immediate attention. The fubject to which Mr. R. had expected the attention of the Houfe would have been firft directed was the Treaty with France. Hoping that the committee would have decided on the amendment at an early hour, he had refrained from any motion—But perceiving that a decifion was not likely foon to be made, he would move that the committee fhould rife, for the purpofe of taking up the Treaty refpecting Louifiana.

Mr. *Dawson* oppofed the rifing of the Committee.

The queftion was taken on Mr. Randolph's motion, and carried—Ayes 60—Noes 55. Carried.

When the Committee rofe.

General Post Office, Oct. 24. 1803.

A line of Expreffes is eftablifhed from this office to the Natchez, to commence on this day week and to continue three months from that time—during which period that mail will clofe at 5 o'clock P. M. and newfpapers cannot be admitted into it unlefs they are fully dried and clofely packed.

GIDEON GRANGER.

FOR SALE.

A pair of likely grey Virginia HORSES; will fuit for the faddle or harnefs—both well gaited young and found. Apply at W. Lovell's, Union tavern—or they will be fent away in a few days; they are a tolerable match and the purchafer may try them in a carriage. They are gentle and have run in harnefs.

Oct. 26.

WASHINGTON CITY.

WEDNESDAY, October 26.

LOUISIANA TREATY.

On MONDAY, in the Houfe of Reprefentatives, Mr. R. Grifwold made the following motion:

Refolved, that the prefident of the United States be requefted to caufe to be laid before this Houfe, a copy of the treaty between the French republic and Spain, of the firft of October 1800, together with a copy of the deed of ceffion from Spain executed in purfuance of the fame treaty conveying Louifiana to France, (if any fuch deed exifts;) alfo copies of fuch correfpondence between the government of the United States & the government or minifter of Spain (if any fuch correfpondence has taken place) as will fhow the affent or diffent of Spain to the purchafe of Louifiana by the United States,—together with copies of fuch other documents as may be in the department of ftate, or any other department of this government tending to afcertain whether the United States have, in fact, acquired any title to the province of Louifiana by the treaties with France, of the 30th of April, 1803.

On this motion a debate enfued which continued till near 6 o'clock in the evening. Succeffive queftions were taken on the different members of the motion, fome of which were agreed to, and others difagreed to; when the final queftion was taken by Yeas and Nays on the whole as amended, which was loft—Yeas 57—Nays 59.

YESTERDAY at 11 o'clock the Houfe of Reprefentatives went into Committee of the whole, on the Meffage of the Prefident communicating the Louifiana Treaty.—Mr. *Dawson* in the Chair.

Mr. *Randolph* moved in addition to the propofition, before fubmitted by him, declaring it expedient to pafs the neceffary laws for carrying the treaty into operation, two additional propofitions, the one for referring to a felect Committee fo much of the Meffage as relates to the eftablifhment of a provifional government over Louifiana, and the other for referring to the Committee of Ways and Means fo much of the Meffage as relates to appropriating 60 millions of francs, and making provifion for the payment of the demands of our citizens on the French government.

On agreeing to the firft propofition of Mr. Randolph, the debate on the conftitutionality and expediency of the Treaty was commenced by Mr. G. Grifwold of New-York, who queftioned its conftitutionality on the grounds, that the Conftitution did not authorife an extenfion of the territory of the United States, and that, in violation of the Conftitution, the Treaty gave a preference to fhips of Spain and France entering the ports of Louifiana over the Atlantic ports.

Thefe were the principal grounds of objection, and were urged by Meffrs. G. Grifwold, Jos. Lewis, Griffin, Purviance, Thatcher, R. Grifwold, and Dana; and repelled by Meffrs. J. Randolph, Elliot, Sanford, Smilie, Crowninfhield, Nicholfon, Rodney, and Mitchill. The debate did not clofe till about 8 o'clock in the evening, when the queftion was taken on the feveral motions of Mr. Randolph, and carried by great majorities. The committee then rofe and reported the refolutions; which were immediately confidered by the Houfe.

On the *firft* refolution, being a declaration that it was expedient to pafs the neceffary laws to carry the Treaty into operation, the yeas and nays were required, and were Yeas 90—Nays 25.

The queftion was then put on the *two* other refolutions; as above ftated, and carried without a divifion.

[*This interefting debate fhall be given with all attainable promptnefs.*]

FOUND,

On the 25th inftant, in the Potomak, oppofite Greenleaff's Point,

A Leather Trunk,

containing a quantity of Women's Wearing Apparel. The owner, on proving property & paying charges, may have them again by applying to

ARCHIBALD OSBURN.

Greenleaff's Point, Oct. 25. 3t

Twenty Dollars Reward.

RAN AWAY from the fubfcriber, on Friday the 21ft inft. a likely mulatto lad called BILL. He is about eighteen or nineteen years of age, and five feet feven or eight inches high. His face is covered with a number of large black freckles. He had on when he went away a new black fur hat, a fuftian round jacket, and a pair of dark gray caffimere or cloth pantaloons. But he will in all probability change his apparel, as he has carried off money with him. Whoever will apprehend faid lad and fecure him in any jail fhall receive the above reward from

JOHN T. MASON.

George-Town, Oct. 25. 1803.

N. B. All mafters and owners of veffels are hereby forwarned from employing or fecreting faid Bill at their peril.

6t