cutive branch of the government. Now all the States have an equal vote in the Senate, and the Vice-President is ex officio President of the Senate. He enjoys therefore all the influence necessarily attached to such an office and to the character of heir apparent; and he has in addition the peculiarly important right of giving the casting vote in all cases of an equality of votes in the Senate, an assembly composed of so very few members. Such then, is the importance of the Vice-Presidency, and such the influence and protection, which in every point of view the indiscriminate mode of electing the two first officers in our government affords. And is all this nothing, Sir? Does the alteration proposed, really constitute a proposition so plain, so self evident, so unencumbered with any thing like a difficulty or doubt, as not to require a moment's thought, or be worthy of the least investigation or discussion? Is it possible, that any one within or without these doors will deny, after what I have just stated, that we are about to make a serious and important innovation in the vital principle, the very essence of the constitution. Are we not in fact and in truth, acting upon the maxim, "that from those who have not, that which they have shall be taken away, whilst to those who have, more shall be given." Shall we not by this alteration, lessen the chances of the smaller states, and take from them one of the most effectual checks, one of the most essential safe-guards in respect to the election of the executive branch of the government, which was secured to them by our national compact, and add at the same time to the preponderating and overweening influence which the larger states have heretofore possessed, the evident means and moral certainty of disposing at pleasure of the whole executive department? These must necessarily be the consequences of the proposed alteration in the constitution; and for my own part, I must say, that it appears to me to give a death blow to that portion of the state sovereignties, which has been reserved to the several states, and that we thereby take a monstrous and more than a gigantic stride, towards that very consolidation of the states against which gentlemen have been wont of yore so bitterly to exclaim. For we may boast as much as we please; we may say what we will of our moderation, sincerity and political virtue—We may give every security which can be devised, upon parchment or upon paper, and endeavor to render it more sacred by seals and even by oaths.—Still so long as human nature remains human nature, where power exists on the one side and weakness on the other, there ever will arise ambition, and the inclination to obtain additional power, on the part of the most powerful;—and consequently in proportion as you add to the means of encroachment, already possessed by the large and lessen those of defence and self-protection heretofore given to the small states; in the same proportion do you throw the latter at the mercy, and invite the aggression of the former, and thereby carry us further from a federative, and draw us nearer to a consolidated government.

I am perfectly aware, Mr. Speaker, that the ground I take, is not the popular one of the present day. I well know, that the principles for which I contend, and upon which our national compact were originally formed, have no longer the same influence on the public feelings, nor are they regarded in the smaller states with that degree of interest with which they were wont to be at the time the convention met and the constitution was adopted. The prosperity we have enjoyed for 14 years past under the auspices of the general government, has happily done away state jealousies in a very considerable degree. The occurrences which have since intervened, the new interests, which have sprung up, and the different shapes which parties have assumed, have all contributed to lessen the impressions and obscure the grounds and basis upon which the great bond of our union was framed and bottomed. This happy and natural effect of the successful experiment we have made in our political association, must give pleasure to every friend of his country—and so long as the original compact, which unites and forms us into a band of brothers, continued to be held sacred, and no attempt is made to innovate upon and alter the principles upon which it was formed—I should rejoice as much as any man at this union of sentiment—this mutual confidence among the members of the confederacy—but when I see (it matters not whether intentionally or from inadvertence) that advantage is about to be taken of this circumstance—that in the moment of party irritation and party zeal, and at a time, when it may be truly stated, the influence and interests of the larger states are completely triumphant, and many of the smaller states unconscious of danger, are enlisted from various causes under their banners, that at such a moment a proposition is brought forward to alter the constitution in one of its most important features, and under the plausible pretext of giving effect to the will of the people, the small states are at one blow, to be deprived of the checks and safe-guards, secured to them by the federal compact in the election of the executive, and this important branch of the government is henceforward and forever more to be put entirely and exclusively into the hands of the larger states—when I see and behold all this, I acknowledge I do feel the most serious alarm, and feeble and unavailing as my voice may be, I still deem it a duty incumbent on me as one of the immediate citizens of a small state, no less than as a member of this House, and consequently a sworn guardian of the constitution, to raise that voice and loudly to protest against the innovation, which it is contemplated to effect in the fundamental and vital principles of the compact which unites these states together.

I am not ignorant however, that a very different turn has been given to this business, that the proposed alteration in the mode of electing the President and vice president, has been presented under a very different aspect to the public view.—A respectable member from Pennsylvania (Mr. Gregg) has indeed undertaken to give us the whole history of the amendment, as he terms it, and infers from thence, that such an alteration in the constitution has been long contemplated and wished for by all parts of the union. He tells us that a former member from South Carolina, the state I have the honor at this time to represent, had brought forward a proposition to the same effect, that a similar one had once originated in New-Hampshire, that the state of New York had two years ago submitted to the consideration of Congress a resolution, proposing in substance the very alteration, now about to be adopted, and that it had been before us during both of the last sessions. All this, sir, is no doubt true, but I draw a very contrary inference from it to that of the honorable gentleman—He has proven to be sure, that certain individuals; some parts even of the union, have at different times, for party and local purposes or from whatever cause, proposed and perhaps been desirous that an alteration of this kind should be made in the constitution. He has proven however at the same time and not less evidently, that the great body of the union have always been opposed to any such change, that the public mind has not heretofore been ripe for it. And even at this moment, sir, I feel the most perfect conviction, if the people had time and could take a correct and temperate view of the real merits of the question; if the irritation of the moment, the party feelings of the day could be laid aside, the small states in particular could never become so wantonly felo de se—commit such evident self murder, (if I may be allowed the expression) nor could the constitutional majority in the two houses of congress, still less the constitutional number of states, ever be found to ratify so great, so all important an innovation and change in the fundemental principles of the federal compact. The chance of ultimate success depends I am confident even now, upon the party feeling and party zeal of the times, and the irritation, which was excited and has been so industriously kept up since the late contested election of the President. I was myself, as you know, sir, one of the actors in that scene, and I may venture to say that from the peculiar situation, in which I was placed, I had it in my power to judge more cooly and dispassionately of the occurrences of that day than almost any other individual in the United States. It is well known to every one, who knew any thing of me at the time, that I was a warm, sincere and zealous advocate of the two gentlemen who were understood to be the federal candidates. The majority of the electors, however, having given their votes to the two candidates, who were brought forward and supported in opposition to them, and they having been found to have equal votes, it devolved upon the house of representatives to fix upon the one of the two characters, who should fill the office of chief magistrate. In this state of things, it is no secret, sir, although we afterwards voted by ballot, that I separated from my political friends and those of my colleagues who were on the floor and performed the painful task of acting in direct opposition to them. I consequently voted invariably for the candidate, who ultimately prevailed; and now fills the office of chief magistrate of the United States, until the last ballot when I withdrew into an adjoining committee room, in order to facilitate a decision of the contest. Situated as I was therefore, it may well be imagined, that I could not be over zealous or feel any very peculiar interest in the success of either of the two candidates who were opposed to each other—I had acted according to the best of my judgment, and in compliance with the dictates of my conscience, in voting for the one, whilst my political friends gave a preference to and supported the other. I could consequently take a perfectly dispassionate view of the subject and I must say, that the zeal and violence of party appeared to me to give much more importance to the contested election than it was intrinsically entitled to. I shewed by my vote my own opinion and wishes to be in favor of the person who was elected—and in as much, as I believed, he would be more acceptable to the majority of our fellow citizens out of doors, and more especially to those in that portion of the union, from whence I came, and of whose opinions and feeling I could judge most correctly—insomuch I acknowledge, that I should have regretted and deemed it a misfortune, if the election had terminated differently. But, sir, I could not then suppose, nor do I yet think, that the salvation and political happiness of the republic, depends so entirely on the election of any one man as president, however great or good he might be—nor could I persuade myself, that it would be so monstrous and terrible an event in an elective, yet complicated government like ours—if of two individuals brought forward by precisely the same description of electors, to fill the two first offices under the government, that one of them, whom they were supposed to hold up for the second office (and consequently (in case of accident to the other to supply his place and be to all intents and purposes chief magistrate) should have been preferred by their political opponents, and through their means have in the first instance been constitutionally elected to the highest office—I well know that of the two federal gentlemen whom I had originally advocated, although I should no doubt have given a preference myself to the one—yet I should have been perfectly satisfied to see either of them put at the head of the government, had they had the majority and equal votes, for I repeat it again, I cannot persuade myself that the political salvation of the republic depends upon the election of any one man as President—To me indeed it appeared during the whole course of the election, that there was one result far more to be deprecated, & which might have given rise to consequences beyond the ken of human foresight. I frequently shuddered at the idea, that it might possibly happen from the enthusiasm of party zeal, the violence of party prejudices and the irritation of the moment; that neither side would give way, and the country might be left in a sort of interregnum, without executive officers, or perhaps any constitutional means to obtain them, and it has often struck me as a peculiarly fortunate circumstance, that the contest was between two individuals originally brought forward by electors of the same political description and not between the favorite candidates of the two opposite parties, each supported by his immediate party friends. In my humble opinion, the great desideratum, the only thing necessary to be done, is to make some provision, which would ensure in such or any other case in which the election of the executive devolved on the House of Representatives, that a selection of one or other of the candidates should take place before the house separated, or its political dissolution took place, or that if an election did not take place, one of the candidates, in consequence of superior age or whatever other cause of preference might be deemed most eligible, should of course be the President; I have not however touched upon the late contested election, in the intention of discussing the pro and con with respect to the relative merits of it, neither is it my intention to deny the abstract proposition, that the will and the wishes of the people ought to be consulted in elections—I wish only to shew that this alteration—even allowing it for a moment to be desirable yields but a partial remedy, to a partial and comparatively speaking trivial and temporary inconvenience whilst we leave a most awful and very possible event unnoticed and unguarded against.

My further object has been, to recall to the recollection of this House and as far as my feeble voice avails of the nation at large, that our government is not only republican but federal, that the provisions of the constitution are of a very complicated nature, that they have been formed upon the general principles of free government, so modified, as to comport with those of a federative alliance, and at the same time to quiet the fears, jealousies and apprehensions, and to compromise the clashing interests and opposite pretensions of the respective states which compose this great and flourishing union. I beg of gentlemen therefore to pause and reflect, and then decide, whether it be really correct and agreable to the dictates of sound sense and good policy to alter or rather totally annihilate one of the great and leading features of an original compact in order to obviate, at the most a momentary inconvenience. For I trust, I have gone far enough to prove, whilst I venture to foretel, without pretending to the gift of prophecy, that a case similar to the one which has lately taken place, will never again happen, yet that if such an event should again turn up, and of two individuals who had an equal number of the votes of all the electors appointed, the one should be made president (by the selection of the house of Representatives voting by states) and in consequence of the present indiscriminate mode of election, who might not perhaps be the most immediately acceptable to the majority of all the inhabitants of the union, taken in the aggregate (and the inhabitants of the large states must of necessity form such a majority,) yet I say, should such an event take place in the course of things, I have I trust gone far to prove that it is at worst, but a partial temporary and very restricted evil, arising necessarily out of our peculiar form of government, the natural consequence of our territorial divisions and the political provisions and modifications advisedly adopted to compromise our various interests, foreseen at the time our national compact was formed, yet adopted as a *minor and necessary sacrifice* to prevent far greater evils; and as presenting the best, perhaps the only mode of compromising the jarring interests, of satisfying the opposite pretensions, and of quieting the jealousies, fears and apprehensions of the various members, so unequal in size, power, population and riches, who are at this time so happily united in one great confederacy.

Such, Mr. Speaker, is in my humble opinion, the true point of view in which this and ever other proposition to alter our national compact ought ever to be considered—such is the point of view in which the subject now under consideration has presented itself to my mind.—I have therefore complied with my sense of duty and obeyed the dictates of my conscience in opposing the alteration to the constitution, which it is now proposed to make——I know full well the popular feelings and sentiments are against me on this question, and that what falls from a gentleman on this side of the house, is in the actual state of things not very favourably received out of doors, and for the most part attributed merely to party feelings and party opposition. In the present instance however, I can in honor and with truth declare, that I act from no party motive or party considerations whatever. My objections and opposition to the resolution on your table, are the result of a sincere conviction in my own mind, after the most dispassionate and attentive consideration, I have been able to bestow on the subject, and I most fervently pray, that whilst we are endeavouring to extricate ourselves from a dilemma of *secondary importance, necessarily growing out of our peculiar mode of government*, and to provide a remedy against a partial inconvenience, we may not inadvertently place ourselves in a labyrinth of difficulties and expose our posterity to a multitude of evils, more fatal to the peace and happiness of this union, than we are any of us at this time aware of.

Mr. HASTINGS.—Mr. Speaker, I do not rise for the purpose of going into an elaborate discussion, upon the subject of the proposed amendment to the constitution (for that has been already very fully debated) but merely to state some of the reasons, which will influence me in voting against it.

I have always believed, sir, that the federal constitution, was as much the result of compromise and mutual concession, as of great deliberation and wisdom; and that alterations in this charter of our national union, ought to be made with extreme caution.—In respect to the amendment proposed, I have understood that in the convention of delegates that framed the constitution a variety of ways for electing a President and vice president were proposed and all rejected, until the new constitutional one was offered, which was agreed to: with this mode of electing a President and vice president, I am satisfied—I believe many advantages result from it—by the present mode, the electors in giving their votes for two persons to be President and vice president, will be induced (from the uncertainty which of the two voted for will be elected President) to give their ballots for two persons, either of whom shall be well qualified to discharge the important powers or duties of first magistrate of the nation—But if the proposed amendment prevails, will not the office of vice president in all future elections, be considered as a mere sinecure? and although the person voted for to fill that office may be well qualified to perform the duties incumbent upon him as President of the Senate; yet he may be wholly unqualified to fill the office of President of the United States; and a person in whom the American people would have no confidence as such: but by the proposed amendment upon such unfit person, in the event of the removal of the President from office—his death, resignation, or his inability to discharge the duties and powers of the office, will devolve all the duties and powers of first magistrate—Another advantage that I conceive may be the effect of the existing constitutional mode of electing a President and vice president, is that it may be the means of checking and moderating the rage and violence of party spirit, and of controling and putting down faction, by the election of a President, who may be agreeable to the wishes of the minority, and thereby producing an equilibrium of power between contending parties.—Besides, sir, I fear if the amendment obtains, that it may give a weight and influence to the large states in the union in the election of a president and vice-President that they ought not to possess—and though I have the honor of being a representative from a state of some consequence in the union, on account of its population and resources, still I cannot wish that Massachusetts in this or any other way should acquire any undue advantage or improper influence over the smaller states.

In fine the reasons and arguments that I have heard in this House in the course of the debate, particularly those offered by the honorable gentleman from South-Carolina last up (Mr. Huger) have convinced me that the proposed amendment ought not to be made. I will not say, Mr. Speaker, that the constitution is perfect in all its provisions—there is a particular part of it, in article first, section second and third paragraph, that fixes the rule of representation, which I wish to see altered in due time—I wish to see this part of the constitution altered, because I wish to see upon the floor of this House an equal representation of free citizens, and of free citizens only. As the constitutional rule now is, the representation is made unequal. But this it will be said was also the effect of a spirit of accommodation and compromise. It was a compromise, however, by which one part of the union has obtained a great, and in my opinion, unjust advantage over other parts of the union. A compromise, Sir, by which the southern states have gained a very considerable increase of representatives and electors, founded solely upon their numerous black population. I hope, Sir, that in the year 1808, an alteration will be made in this part of the constitution, & that the representation by being proportioned only to the number of free persons, will be rendered equal and just. I hope also, that those gentlemen, who now advocate the proposed amendment to the constitution, will then, if members of this House, be also the advocates for altering and amending this part of the constitution—the friends and advocates of an equal representation, founded upon the population of free persons only. I will not occupy the attention of the House with further observations, or repeat what has already been said by gentlemen against the amendment: I will only say that in my opinion it is neither necessary or expedient to make the proposed alteration in the constitution, and that I hope it will not be made.

*(To be continued.)*

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## PROCEEDINGS
### OF THE
## HOUSE OF REPRESENTATIVES.

TUESDAY, November 15.

A message, in writing, was received from the President of the United States, by Mr. Harvie, his Secretary, as followeth:

"To the Senate, and House of Representatives of the United States:

"I now communicate a digest of the information I have received relative to Louisiana, which may be useful to the legislature in providing for the government of the country. A translation of the most important laws in force in that province, now in the press, shall be the subject of a supplementary communication, with such further and material information as may come to hand."

"TH: JEFFERSON."

"November 14, 1803."

The said message was read, and, together with the digest of information transmitted therewith, ordered to be referred to the committee appointed the 27th October last, on so much of the President's message of the 21st of the same month, as relates "to permanent arrangements for the government of Louisiana."

A petition of John Wood was read, praying compensation for services rendered,—personal injuries sustained, and advances of money made by the petitioner, whilst a captain of a detachment of the militia of the state of New-York, commanded by colonel John Hathorn, in the actual service of the United States, on an expedition against the hostile Indians, during the revolutionary war with Great Britain, in which expedition the petitioner was captured, and afterwards closely confined for a considerable time, by the said Indians.

*Ordered*, That the said petition, together with the memorial of James Gillespie, of the state of North-Carolina, presented the 12th of Feb. last, be referred to the committee of claims.

Mr. Samuel L. Mitchill, from the committee of commerce and manufactures, to whom was referred, on the 3d inst. the petition of Henry Prescott, jun. and William P. Prescott, presented the 26th of Feb. last, made a report thereon, which was read and considered: Whereupon,

*Resolved*, That the petitioners have leave to withdraw their said petition, together with the documents accompanying the same.

The House, according to the order of the day, resolved itself into a committee of the whole House, on the report of the committee of commerce and manufactures of the 7th inst. to whom were referred a letter and report from the Secretary of the Treasury, with sundry accompanying documents, relative to a survey of the harbour in the island of Nantucket, in the state of Mas-