order of the day till to-morrow, to enable him in the mean time to ſubmit the reſoluton for electorial diſtricts.

Mr. G. GRISWOLD, agreed with the gentleman from South Carolina, that it was important that both amendments ſhould go to the ſame committee. He was in favor of the amendment for diſtricts, not, however, becauſe he conſidered himſelf bound by the inſtructions of the legiſlature of New York, given long ſince. On a former occaſion, when this ſubject was before the Houſe, ſome of his colleagues had thought themſelves bound by thoſe inſtructions, and had expreſſed his aſtoniſhment at reſiſting them. He was not diſpoſed to queſtion the correctneſs of their opinions. But for himſelf he could never conſent to be bound by ſuch inſtructions againſt the dictates of his own judgement. He was not the repreſentative of a legiſlature, but of a ſection of the people, and did not repreſent the ſtate, but them combined with other ſections of the people. He had a right then to exerciſe his own opinion. It ſo, however, happened, that this reſolution for electoral diſtricts accorded with his own opinion, and therefore he ſhould advocate its adoption. According to the reaſoning of gentlemen, this reſolution ſhould be conſidered as the firſt in rank, as it was firſt named in the reſolutions agreed to by the legiſlature of New-York. Will gentlemen who advocate the laſt (embracing the principle of deſignation) reject the firſt, or neglect to pay it the ſame attention with the firſt? He ſhould conſider the vote againſt poſtponement as a virtual vote againſt the firſt reſolution. Is it not fair and proper that both theſe points of amendment ſhould go to the ſame committee, as they both relate to the ſame ſubject? He was in favor of the diviſion of the United States into electoral diſtricts, as it carried to the people directly the election of electors, which is now three degrees removed from the people, whereas by the amendment it would be only two degrees. We may be told that the legiſlature of New-York may, under the Conſtitution, if ſhe pleaſes, diſtrict the ſtate; and we may be aſked why ſhe does not do this if deſirable. This queſtion Mr. G. could not undertake to anſwer. Gentlemen of ſimilar political ſentinſent with the majority of that legiſlature can beſt anſwer it. He could only ſay that if in the legiſlature he ſhould be in favor of it. Mr. Griſwold concluded by ſaying he was not in favor of altering the conſtitution at all, with regard to the election of Preſident, but if it were altered, he was in favor of uniting the amendment for electoral diſtricts with that on the table. He ſhould therefore vote for the poſtponement.

Mr. ELLIOT did not riſe to reply to the arguments of gentlemen, but merely to expreſs his ſurpriſe that thoſe who wiſhed no amendment whatever, ſhould thus labour to defeat the wiſhes of the Houſe. He had expected that one amendment to the conſtitution would have been ſufficient for a ſeſſion. Yet we had ſent one to the Senate, where it repoſed, and in return they had ſent us three. If theſe are not enough, where are we to ſtop? He hoped gentlemen would not add another until theſe ſhould be acted on.

Mr. RODNEY only roſe to ſay that he was in favor of dividing the United States into diſtricts, but was decidedly againſt an amendment to that effect being incorporated with the one on the table, leaſt by graſping at too much they might loſe all.

Mr. G GRISWOLD did not perceive how the agreeing to the amendment for electoral diſtricts could embarraſs the preſent amendment, as it was in the power of the different ſtate legiſlatures to agree to a part, if they ſaw fit, and not the whole.

Mr. THOMAS obſerved, that in legiſlating he had always been adverſe to incorporating different ſubjects in the ſame bill or reſolution; becauſe he thought each ought to ſtand on its own bottom—he ſaid, the reſolution ſent from the Senate propoſes an important amendment to our conſtitution, and the one which his colleague (Mr. G. Griſwold) and the gentleman from South Carolina (Mr. Huger) wiſhes conſidered, at the ſame time, propoſes another important amendment. Although he was in favor of both, he conſidered it highly improper to blend them together, he thought each ought to ſtand or fall on its own merits. My colleague, ſaid Mr. T. appears to have a high reverence for the people's opinion, in affecting to ſupport this amendment at this moment—but why has he ſuffered this zeal to ſlumber for this five or ſix weeks, ſince which this Houſe paſſed a reſolution ſimilar to the one ſent us from the Senate? Why did he not call this up before? Why has he ſuffered this thing to ſleep all this time, and at this moment urge its being taken up with ſuch warmth? I am unwilling, *Mr. Speaker*, to impute to gentlemen improper motives for their conduct, but I muſt confeſs this looks too much like an intention to embarraſs and procraſtinate the paſſage of the other amendment to admit of a doubt.

I am, ſaid Mr. Thomas, decidedly againſt conſidering this propoſition at this time, let us take up the one ſent down from the Senate, and when that has been agreed to, as I truſt it will be, and ſent out to the ſtates for their conſideration, I pledge myſelf to thoſe gentlemen that I will unite with them in not only conſidering, but, will ſupport the other propoſition.

Dr. MITCHELL ſaid he felt it incumbent on him to offer a few remarks on the propoſition to amend the conſtitution from the Legiſlature of New York. It might ſeem as if a large ſhare of gratitude was due to the gentleman from South Carolina (Mr. Huger) for his care for that ſtate, if his remarks were not coupled with a tacit reflection on thoſe who repreſented it. He would conciſely ſtate the hiſtory of this propoſition. During the 1ſt ſeſſion of the 7th Congreſs two propoſitions of amendment to the Conſtitution were received from the legiſlature of New-York, which the repreſentatives of that ſtate were requeſted to endeavour to have incorporated into the Conſtitution. At that time ſaid Dr. M. I did myſelf make a motion to bring forward both theſe propoſitions, and they were both referred to a committee of the whole houſe. They remained in this ſtate for a conſiderable time under the conſideration of the Houſe. Towards the cloſe of the ſeſſion one of them was adopted by this Houſe, but was loſt in the Senate. The other was not acted upon. I recollect that I informed the Houſe, at that time, that it was not my wiſh to have the firſt propoſition taken up. The reaſons which then induced me to be againſt taking it up were thoſe which will influence me againſt voting for taking it up at this time. I do conſider that, however a ſtate legiſlature may inſtruct their repreſentatives in Congreſs, they have a right to refuſe obedience to their inſtructions. I conſider it a ſound doctrine, that in a government like ours the repreſentative has a right to act according to the beſt dictates of his judgement. So judging for myſelf, I did believe that the firſt propoſition was of ſuch a nature as rendered it inexpedient to make it part of the Conſtitution. My further reflection ſince that time, and intercourſe with my conſtituents make me believe that it is inexpedient to bring it forward at this time.

Independent of this conſideration I ſhall be oppoſed to the taking up this propoſition at this time on other grounds. There is certainly a much better chance of wiſely deciding on amendments ſingly than by taking them together. Were I a friend of the propoſition I would be for conſidering it ſeparately.

Mr. DANA ſaid he was in favor of the poſtponement, in order to make ſome diſpoſition of the motion of his friend from South Carolina (Mr. Huger). He thought there would be an impropriety in making two diſtinct amendments on the ſame ſubject at the ſame ſeſſion. He was not a friend to the propoſition; but wiſhed to poſtpone it to the next ſeſſion, to put it out of the way.

The Yeas and Nays were then taken, at the inſtance of Mr. Huger, on his motion of poſtponement, and were Yeas 34—Noes 85.

The Houſe then went into committee of the whole—Mr. VARNUM in the chair—on the Amendment from the Senate.

Mr. ELLIOTT moved to amend the reſolution from the Senate by ſtriking out the following words: "And if the Houſe of Repreſentatives ſhall not chooſe a Preſident whenever the right of choice ſhall devolve upon them, before the fourth day of March next following, then the Vice-Preſident ſhall act as Preſident, as in the caſe of the death or other conſtitutional diſability of the Preſident."

When, ſaid Mr. Elliot, the final queſtion on the amendment to the Conſtitution paſſed, ſome time ſince, this Houſe, which contemplated the ſimple principle of diſcrimination, I contented myſelf with a ſilent vote in favor of it.—I ſhould remain ſilent on this occaſion, had I not, by intervening circumſtances, been placed in a peculiar ſituation.—My colleague, a ſhort time ago, laid on the table a reſolution paſſed, by the legiſlature of the ſtate which I have the honor to repreſent, with ſingular unanimity, by which the Senators of Vermont were inſtructed and the repreſentatives requeſted to uſe their utmoſt exertions to obtain an amendment to the Conſtitution containing the ſimple principle of deſignation. This requeſt was mingled with another, that we ſhould not be tenacious of the form if we could obtain the ſubſtance. I felt happy on this occaſion not to be under the neceſſity of diſcuſſing the principle how far a repreſentative is bound by the inſtructions of his conſtituents, as I never poſſeſſed a ſentiment hoſtile to the principle of diſcrimination. I do believe that my conſtituents, of both of the parties which divide America, are almoſt unanimous in their approbation of this principle. But I do not believe that the people or legiſlature of that ſtate wiſh to combine with it any other principles. However I may myſelf be in favor of the great principle of diſcrimination, I do not conſider myſelf under any obligation to vote for it, if combined with other principles, which I think tend, in a tenfold degree, to introduce a greater evil than that at preſent to be apprehended, to wit: to introduce a perſon to the Preſidency not contemplated by the people or the electors. I ſincerely believe the reſolution from Senate, if adopted, will have this effect. I have likewiſe objections to the language in which the reſolution is couched—In the Conſtitution, as it now ſtands, it is preſcribed that the Houſe of Repreſentatives *ſhall* elect a Preſident, in caſe there be no choice by the electors. It appears to me inconſiſtent, almoſt in the ſame breath, to ſay you may chuſe or not chuſe, as is virtually declared in the preſent reſolution. You may reject all the candidates for the Preſidency, and introduce a perſon intended for a different office. It appears to me improper to uſe this imperative language, and at the ſame time allow a wide diſcretion. Not that I believe the framers of the Conſtitution intended to coerce the phyſical or moral volition of the members of the Houſe of Repreſentatives; but I believe they intended by the ſtrongeſt language, which could be uſed, to diſcountenance the idea of no election. To this we owe the laſt election by the Houſe of Repreſentatives. I will aſk, what would have been the reſult, if, inſtead of this ſimple dignified language, this temporiſing language had been uſed? You may prolong your ſeſſion to the 4th of March, and if there ſhall not be then a Preſident elected, the Preſident of the Senate ſhall be Preſident of the United States for four years. I believe that the language of the Conſtitution ought to be imperative; but if it ought not, ſtill it ought not to ſay, you may chooſe, in the ſame ſentence that it ſays you may not chooſe a Preſident.

With this view of the ſubject, I cannot ſatisfy my mind to vote for the amendment of the Senate. I believe it is the wiſh of the people to amend the Conſtitution ſimply ſo far as regards the deſignating principle. I believe that they do not deſire many amendments to the Conſtitution—Three or four diſtinct amendments are embraced in the propoſition of the Senate. I am in favor of one amendment only. I am not prepared to vote for any other. If this motion ſucceed it may be proper to ſtrike out other parts of the propoſition from the Senate. It will then ſtand as we ſent it to the Senate, or an additional proviſion, if it ſhall be conſidered neceſſary, may be introduced, for an extraordinary election by the people; in caſe the Houſe ſhould not elect a Preſident, which will be perfectly agreeable to me.

Mr. HUGER ſaid it was unneceſſary for him to repeat arguments already ſo fully urged, to prove the improper nature of the amendment from the Senate. But, though he ſhould ultimately vote againſt it, yet he conſidered it his duty to render it as unexceptionable as poſſible. He ſhould, therefore, vote againſt the motion made by the gentleman from Vermont. If any amendment of the conſtitution were neceſſary, this was, in his opinion, preciſely the one. It had been well obſerved in another place that man was man, and that this nation muſt ultimately be prepared to meet and reſiſt the vices attached to human nature. If we could always calculate upon having our councils filled with men of virtue the conſtitution itſelf would ſcarcely be neceſſary. But all conſtitutions and all laws were predicated on the vices of men. Mr. Huger ſaid it had always ſtruck him as a moſt important circumſtance, and as one which might lead to the moſt fatal conſequences, that the election of a Preſident ſhould abſolutely depend on the votes of the Houſe of Repreſentatives; and that if thoſe votes ſhould prove equal, there would be no election. The time might come, and would come when the election of a Preſident would be brought into that Houſe, and when they would make no choice.

Mr. CHITTENDEN declared himſelf in favor of the amendment of his colleague. If the election of a Preſident ſhould be brought into the Houſe of Repreſentatives, it would be known who had been voted for as Preſident and who as Vice-Preſident. It would only then be required to fruſtrate the election of a Preſident to make the Vice Preſident, Preſident. He believed there was no danger to the rights and liberties of the people, by ſuffering the conſtitution to remain as it was.

Mr. SKINNER ſaid he believed the great ſtates ought to have ſome rights as well as the ſmall. He had always conſidered the conſtitution as formed upon principles that gave the ſmall ſtates as extenſive rights as were reaſonable, and that gave them power enough to make them ſecure in the enjoyment of thoſe rights.

As to the deſignating principle, he was fond of it. He believed it was a ſound principle that a majority ſhould govern. But he could never agree, but from abſolute neceſſity, to make a proviſion, that would offer a ſtrong temptation to an individual to intrigue, and would enable one fourth of the repreſentation of the people to fruſtrate an election. He did not think this proviſion neceſſary, as he did not belive the period would ever arrive, when a majority of that Houſe would not obey a ſolemn conſtitutional injunction. He was therefore in favor of ſtriking out that part of the amendment which eventually devolved the Preſidency on the Vice Preſident, in caſe of no election in the Houſe of Repreſentatives. He would rather take the amendment without this proviſion; and he did not know whether he would not reject the whole, rather than adopt this proviſion.

Mr. HOLLAND was in favour of the amendment from the Senate as better than the one ſent from the Houſe. He had always thought the conſtitution faulty from the want of this proviſion; and experience had ſhewn the neceſſity of it. If the caſe of a non-election in the Houſe of Repreſentatives were a poſſible caſe, this proviſion was calculated to remedy it. The only objection now urged is that the Houſe of Repreſentatives may act corruptly—Mr. Holland would not give into this idea as poſſible—Yet it was very poſſible that ſome circumſtances might ariſe which would prevent the Houſe of Repreſentatives from making an election. Some great diſaſter might occur—For inſtance, this Houſe might fall and cruſh the members to death.

Mr. SMILIE. The Senate have made two alterations in the propoſition that went from this Houſe. The only thing for us to conſider is, whether they are of ſuch a nature, as to render it better for us to adopt or reject the entire reſolution. The Senate appear to have conſidered the difficulties and evils, lately experienced, and to have provided againſt their recurrence. To this proviſion gentlemen now except. This amendment, which it is propoſed to ſtrike out, is in favor of the ſmall ſtates. This notwithſtanding, I, as a repreſentative of a large ſtate, ſhall not reject it. We have heard, on this occaſion, a great deal about ſtate intereſts. But I have never witneſſed an inſtance, in which it has influenced the deciſion on any queſtion of great importance. And if the time ever does arrive, when local intereſts ſhall direct the councils of our country, we need care little about the Conſtitution. Be this as it may, thoſe who think this amendment renders the Conſtitution better than it now is will vote for it. We muſt conſider the other branch of the legiſlature as participating with us; and in order to obtain a correſpondence of opinion with them we muſt conciliate. As I conſider this amendment as a grave for the whole buſineſs, I ſhall vote againſt it.

Mr. THATCHER expreſſed himſelf in favor of the motion of the gentleman from Vermont. As to the idea of the gentleman from Pennſylvania (Mr. Smilie) that we muſt take this reſolution from the Senate, or nothing, I do not know whence he draws his inference. I ſhould ſuppoſe we ought to make the amendment as perfect as poſſible. Are we to adopt what we think totally improper, becauſe the Senate approve it? What, in my opinion, principally renders this reſolution exceptionable is, that it carries the election of Preſident from the popular to the federative branch of the legiſlature. The friends of each candidate will be induced to ſcatter their votes, and thus aided by the influence of the Senate, prevent an election in the Houſe of Repreſentatives. There will not, in ſuch event, exiſt the ſame inducements to make an election, flowing from a dread of the evils of anarchy and of an interregnum. Another objection alſo, in my mind, is powerful. The effect of this propoſition will be to ſend a number of candidates into the Houſe, not the three or five higheſt on the liſt, but the *three higheſt numbers*, containing an indefinite number of perſons. One conſequence muſt follow, either that the election will come into the Houſe, or that the large ſtates will combine together in order to prevent it.

Mr. LOWNDES ſaid he was in favor of the motion of the gentleman from Vermont, for the reaſons which had been already urged. It appeared to him that, under the propoſitions received from the Senate, the Vice-Preſident would intrigue with the members of the Houſe of Repreſentatives. Having the whole patronage of the government in his hands, in caſe of ſucceſs, he may work upon them, as, he believed, that though they were not corrupt now, they might be hereafter. If the object be to prevent the recurrence of a late event, that would be eaſily effected by providing that in caſe of an equal vote in the Houſe of Repreſentatives for Preſident, lot ſhall decide; and if the preſent motion prevailed he would move an amendment to ſuch effect.

Mr. DANA ſaid he would make a motion, the object of which was to aboliſh the office of Vice-Preſident; he therefore moved to ſtrike out the following words:

"And if the Houſe of Repreſentatives ſhall not chooſe a Preſident whenever the right of choice ſhall develve upon them, before the fourth day of March next following, then the Vice-Preſident ſhall act as Preſident, as in the caſe of the death or other conſtitutional diſability of the Preſident.

"The perſon having the greateſt number of votes as Vice-Preſident, ſhall be the Vice-Preſident, if ſuch number be a majority of the whole number of electors appointed; and if no perſon have a majority, then from the two higheſt numbers on the liſt, the Senate ſhall chooſe the Vice-Preſident; a quorum for the purpoſe ſhall conſiſt of two-thirds of the whole number of Senators, and a majority of the whole number ſhall be neceſſary to a choice.

"But no perſon conſtitutionally ineligible to the office of Preſident ſhall be eligible to that of Vice-Preſident of the United States."

This motion being more comprehenſive than that of Mr. Elliot, ſuperſeded it.

Mr. *Sandford* obſerved that if the gentleman would have waited a ſhort time his motion would have been decided upon in determining the principle of deſignation. If there were no Vice-Preſident, no deſignation would be neceſſary.

He ſaid he was againſt the amendment of the gentleman from Connecticut, and in favor of the reſolution from the Senate.

Mr. *Dana*. Notwithſtanding the admonition of the gentleman from Kentucky, I ſhall aſſign my reaſons in favor of the motion which I have ſubmitted. The more I have reflected on the ſubject the more I am convinced that we ought not to agree to the amendment on the plain principle of diſcrimination. If the reſolution is to paſs in any form, it is my wiſh that it ſhould paſs with this modification. It has been referred to as a reaſon for altering the conſtitution, that it is a fact, that the will of the people will be in favor of one of the candidates for the Preſidency, and that it will not become the Houſe of Repreſentatives to chooſe from the two equal in votes according to their diſcretion. The object of the amendment is to guard againſt this evil. Gentlemen will well recollect, the indignant eloquence that was ſo copiouſly laviſhed at the laſt Preſidential election upon thoſe who voted for one of the candidates. This competition cannot exiſt, if the office of Vice-Preſident does not exiſt. But it is ſaid that one public benefit will reſult from the continuance of the office of Vice-Preſident after the adoption of the diſcriminating principle, that is that the Vice-Preſident will be the eventual ſucceſſor of the Preſident. But on this view of the ſubject, the adoption of the diſcriminating principle produces a great change in the preſent proviſion of the conſtitution. The Vice-Preſident is to exerciſe, in caſe of his ſucceſſion to the Preſidency, the duties of that office, until the expiration of four years, from the election of the Preſident; not until a new election is held, but for the remaining term. This amendment makes the Vice-Preſident a ſecondary character. The reaſons, therefore, for continuing the office of Vice-Preſident are not ſo great under this amendment, as under the conſtitution, as it at preſent ſtands: for it will be extremely eaſy to make proviſion for the temporary filling of the office of Preſident, in caſe of a vacancy. In Pennſylvania, and in ſeveral other ſtates, this proviſion is made by the deſignation of a particular exiſting officer. Gentlemen may be convinced there is no neceſſity for this office, if the diſcriminating principle prevails, by a recurrence to the journals of the grand convention. From them it will appear, that there was originally no idea of a Vice-Preſident; but that it was explicitly agreed that the Senate ſhould chooſe their own Preſident. The neceſſity of a Vice-Preſident did not ſuggeſt itſelf until the idea of a double ballot was introduced. In one point the members of the convention were agreed, to wit: that the ſupreme executive ſhould conſiſt of one perſon; but as to the manner of appointing him, the term of his office, and whether he ſhould be eligible in future, there exiſted great diverſity of opinion. The firſt plan was that he ſhould be choſen by the national legiſlature, by the joint ballot of both houſes: it was then propoſed that he ſhould be choſen by the people, but this was diſagreed to, as well as a propoſition that he ſhould be choſen by electors appointed by the ſtate legiſlatures; a propoſition that he ſhould be choſen by electors appointed by the people, was likewiſe diſagreed to. All theſe different propoſitions were diſagreed to, until the principle of double ballot prevailed.

Unleſs ſome great good reſult from the office of Vice Preſident, no argument for its continuance can be deduced, from the neceſſity of having an eventual ſucceſſor; that caſe can eaſily be provided for, when the Senate chooſe their own Preſident, and as in many of the ſtates the Preſident of the Senate may eventually preſide.

The principle of the conſtitution is this, in the Senate the repreſentation of the ſtates is equal, but by introducing into the chair of the Preſidency of the Senate, a repreſentative of a ſtate, you give to that ſtate the advantage of having the man, who preſides over the deliberations of the Senate; and in addition to this, when the votes are equal, he holds the balance, and one ſtate, having thus 3 votes, in particular caſes, deſtroys the equality contemplated by the conſtitution. To this amendment there is another objection; the Vice-Preſident under it being but a ſecondary character, that office will become a lure to ambitious men, who