

U.S. Congress.
10

THE

DEBATES AND PROCEEDINGS

IN THE

CONGRESS OF THE UNITED STATES;

WITH

AN APPENDIX,

CONTAINING

IMPORTANT STATE PAPERS AND PUBLIC DOCUMENTS,

AND ALL

THE LAWS OF A PUBLIC NATURE;

WITH A COPIOUS INDEX.

VOLUME I,

COMPRISING (WITH VOLUME II) THE PERIOD FROM MARCH 3, 1789,
TO MARCH 3, 1791, INCLUSIVE.

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BY JOSEPH GALES, SENIOR.

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1834.

The engrossed bill making appropriations for the service of the present year, being read the third time, was ordered to be recommitted to a Committee of the whole House this day.

A committee was appointed to ascertain the amount of the compensations due to the members of this House respectively, and of the several officers thereof, together with the contingent expenses of the session; consisting of Messrs. FITZSIMONS, SMITH, (of Maryland,) and BALDWIN.

Mr. GERRY, from the committee to whom it was referred to prepare an estimate of the gross amount and net produce of the Impost and Tonnage duties for one year, made a report, which was read and ordered to lie on the table.

AMENDMENTS TO THE CONSTITUTION.

The House proceeded to consider the report of a Committee of Conference, on the subject-matter of the amendments depending between the two Houses to the several articles of amendment to the Constitution of the United States, as proposed by this House: whereupon, it was resolved, that they recede from their disagreement to all the amendments; provided that the two articles, which, by the amendments of the Senate, are now proposed to be inserted as the third and eighth articles, shall be amended to read as follows:

ART. 3. Congress shall make no law respecting an establishment of religion, or prohibiting a free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

ART. 8. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation—to be confronted with the witnesses against him—to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

And provided, also, that the first article be amended, by striking out the word "less" in the last place of the said article, and inserting, in lieu thereof, "more."

On the question that the House agree to the alteration of the eighth article, in the manner aforesaid, the yeas and nays were called, and are as follows:

YEAS—Messrs. Ames, Baldwin, Benson, Boudinot, Brown, Cadwalader, Carroll, Clymer, Contee, Fitzsimons, Foster, Gale, Gilman, Goodhue, Griffin, Hartley, Lee, Leonard, Madison, Moore, Muhlenberg, Parker, Partridge, Schureman, Scott, Seney, Sherman, Sylvester, Sinnickson, Smith, (of Maryland,) Smith, (of South Carolina,) Stone, Thatcher, Trumbull, Vining, White, and Wynkoop—37.

NAYS—Messrs. Bland, Burke, Coles, Floyd, Gerry, Grout, Hathorn, Jackson, Livermore, Matthews, Page, Van Rensselaer, Sumter, and Tucker—14.

On motion, it was resolved, that the President of the United States be requested to transmit to

the Executives of the several States which have ratified the Constitution, copies of the amendments proposed by Congress, to be added thereto, and like copies to the Executives of the States of Rhode Island and North Carolina.

INVALID PENSIONERS.

The House then went into a Committee on the bill making provision for the invalid pensioners; which, after being read over in committee, they rose and reported it; and it was recommitted to a select committee consisting of Messrs. WADSWORTH, HEISTER, and GILMAN.

The House, according to the order of the day, resolved itself into a Committee of the Whole on the bill sent from the Senate, for regulating processes in the courts of the United States, Mr. BOUNDINOT in the Chair; after some time spent in considering the same, the committee rose, and reported the bill, with amendments.

The first amendment was to strike out the words "the President thereof," in the first clause; which declared, that "all writs or processes, issuing out of the Supreme or Circuit Courts, should be in the name of the President of the United States," so as to allow writs and processes to issue only in the name of the United States. On agreeing to the motion for striking out these words, the yeas and nays were called, and are as follows:

YEAS—Messrs. Bland, Burke, Coles, Contee, Floyd, Gerry, Griffin, Grout, Hartley, Hathorn, Heister, Jackson, Lee, Livermore, Madison, Matthews, Moore, Muhlenberg, Parker, Scott, Seney, Stone, Sumter, Tucker, and White—25.

NAYS—Messrs. Ames, Baldwin, Benson, Clymer, Fitzsimons, Foster, Gale, Gilman, Goodhue, Lawrence, Leonard, Partridge, Sherman, Sylvester, Sinnickson, Thatcher, Vining, and Wynkoop—18.

So the words were struck out.

The bill, as amended, passed the House, and was sent to the Senate; after which the House adjourned.

FRIDAY, September 25.

The appropriation bill was read a third time and passed.

DAY OF THANKSGIVING.

Mr. BOUNDINOT said, he could not think of letting the session pass over without offering an opportunity to all the citizens of the United States of joining, with one voice, in returning to Almighty God their sincere thanks for the many blessings he had poured down upon them. With this view, therefore, he would move the following resolution:

Resolved, That a joint committee of both Houses be directed to wait upon the President of the United States, to request that he would recommend to the people of the United States a day of public thanksgiving and prayer, to be observed by acknowledging, with grateful hearts, the many signal favors of Almighty God, especially by affording them an opportunity peaceably to establish a Constitution of government for their safety and happiness.

SEPTEMBER, 1789.]

Permanent Seat of Government.

[H. OF R.]

place, never before contemplated, is risking an improper and a dissatisfactory decision.

Mr. STONE reminded the House of the majority there was in selecting the Susquehanna, which be conceived to be the second best spot in the United States; and how much greater that majority would have been than 31 to 17, if no other question had been involved in the bill: he could hardly suppose such a change of sentiment would take place without argument, as was necessary in order to get the Senate's amendment adopted, which, he understood, was carried by a small majority indeed.

Mr. WHITE would just add one observation, which was respecting the enormous price of land in the vicinity of Philadelphia; and how imprudent it would be for Congress to subject themselves to an exorbitant demand of this nature, by fixing upon the precise spot where this Federal town should be.

The question was now taken on postponing the consideration of the amendment proposed by the Senate, until the next session; and the yeas and nays being called, were:

YEAS—Messrs. Baldwin, Bland, Brown, Burke, Carroll, Coles, Contee, Gale, Gerry, Griffin, Jackson, Lee, Madison, Matthews, Moore, Page, Parker, Schureman, Seney, Smith, of Maryland, Smith, of South Carolina, Stone, Sumter, Tucker, and White—25.

NAYS—Messrs. Ames, Benson, Boudinot, Cadwalader, Clymer, Fitzsimons, Floyd, Foster, Gilman, Goodhue, Grout, Hartley, Hathorn, Heister, Lawrence, Leonard, Livermore, Muhlenberg, Partridge, Van Rensselaer, Scott, Sherman, Sylvester, Sinnickson, Thatcher, Trumbull, Vining, Wadsworth, and Wynkoop—29.

So it was determined in the negative.

A Message from the President of the United States was received, enclosing a letter from the Governor of Rhode Island, written at the request and in behalf of the General Assembly of that State; which being read, was ordered to lie on the table. And then the House adjourned.

MONDAY, September 28.

DAY OF THANKSGIVING.

A message from the Senate informed the House that they had agreed to the resolution desiring the President of the United States to recommend a day of general thanksgiving; also, to the resolution desiring him to transmit to the Executives of the several States of the Union, and also to the Executives of the States of Rhode Island and North Carolina, copies of the amendments agreed to by Congress, to the Constitution of the United States. They have also come to a resolution appointing a committee to join with such committee as this House shall appoint, to wait upon the President of the United States, and notify him of the proposed recess of Congress.

Whereupon, the House ordered that a committee be appointed to join with the committee of the Senate, for the purpose expressed in the last resolution; and named Messrs. VINING, LEE, and GILMAN, accordingly.

The House then proceeded to consider the

amendments proposed by the Senate to the bill for the establishing the seat of Government of the United States.

SEAT OF GOVERNMENT.

Mr. SHERMAN.—In our deliberations on this occasion, we should have an eye to the general accommodation of the Union, and the best way of defraying the expense. The place fixed upon by the Senate, he presumed, was known to the members generally; hence they were able to judge of its eligibility at the first view; it certainly possessed some advantages over the other situation; and he believed it was as central, if not more so than the Susquehanna, as it respected the present inhabitants; the air, the soil, in that neighborhood, were quite as agreeable as the other. But there was an access by water, from every part of the United States, which furnished a very great convenience; but besides this, those who came from the Southern States had generally an inland navigation, with a short distance to come by land from the head of the Elk; so the citizens of the Eastern States, in like manner, would be accommodated by coming through the Sound, and crossing to Amboy, on which route they would have but about seventy miles land carriage; a distance nearly equal with the other. He admitted that Germantown was not quite so near to the Western territory as the Susquehanna was; but he contemplated a very distant day before it would be settled, and much longer before the inhabitants would have frequent occasion of travelling to the seat of Government. Added to the advantages he had mentioned, there were good buildings, and convenience for arsenals and ship yards, with abundance of artificers on the spot; these considerations, taken together, induced him to think it best to concur with the Senate.

With respect to the change which the Senate has proposed in the mode of obtaining the money requisite to defray the expense of raising the public buildings, he thought it a prudent alteration, considering the present situation of the Treasury; the Senate, no doubt, considered this circumstance, as well as that the State of Pennsylvania would be benefited by this selection, beyond her equal proportion; and that she ought, therefore, to contribute something for the advantage it procured her.

Mr. SMITH thought the honorable gentleman rather inconsistent in his argument to-day. If he recollected right, the gentleman had formerly urged in favor of the Susquehanna, that it was not accessible by vessels from sea; and now he recommends this quality as an advantage in favor of the Delaware. The gentleman admits that this position is not quite so near the Western Territory as the one chosen by the House; but then he thinks no inconvenience will arise, inasmuch as it will be some years before it is peopled: but how does this comport with the principle laid down by an almost unanimous vote of the House? At the beginning of this business, we declared that a due regard should be had to the Western Territory; he now tells us, as an argument in favor of