

CONGRESS.

SEVENTEENTH CONGRESS—FIRST SESSION.

FROM THE NATIONAL INTELLIGENCER.

IN SENATE—THURSDAY, JAN. 17.
CUMBERLAND ROAD.

The bill to provide for the repair of the Cumberland Road, (by erecting gates, and collecting toll thereon, to be expended in repairs of the road) was next in order; and the presiding officer commenced the reading of it.

Mr. Lowrie said he apprehended it was not necessary to proceed with the reading of the bill; for, if gentlemen would turn their attention to all to the contents of it, they must see, that it was a revenue bill, and that this house had therefore nothing to do with originating it. To try the sense of the Senate on this point, he moved to lay the bill on the table.

Mr. Johnson, of Ky. expressed his surprise at this objection to the bill; and urged briefly the great importance of this road, and the indispensable necessity of establishing some system for keeping it in repair. He could not view this at all in the light of a revenue bill.

Mr. Lowrie said, that the bill proposed that gates should be erected, and tolls received, on the road, which of course accrued to the Treasury, and out of this fund the expenses of repairing the road were to be paid. Now, Mr. L. said, levying a tax at all, or in any shape, is the province of the House of Representatives. He was perfectly willing that the subject should be investigated as it deserved; but it was evident to him that the bill ought not to take the shape in which it now presented itself to the Senate. In order to try that question, he moved to postpone the bill indefinitely.

Mr. Talbot said, he hoped the bill would not be postponed. This road, which had cost an immense sum to the United States, was going to ruin, and it was all important to its preservation that this bill should pass. The bill, he said, does not contemplate the raising of a revenue, within the terms of the constitutional limitation of the origination of such bills to the House of Representatives.—For, said he, what is a revenue bill? It is a bill laying a general imposition on the people of the United States, for the general purposes of government. This bill was not, he said, such a one. It proposed to collect money for a specific object, and for no other; a mere imposition of a toll for a special purpose could not be considered as raising a revenue. This road, which had cost so much money, which was a monument of the wisdom and liberality of the general government, and was of vast importance in a commercial as well as political view, ought to be preserved from dilapidation and other injuries, and he trusted that the Senate would not concur in the objection which was now taken to the bill which had been reported for that purpose.

Mr. Johnson of Ky. wished to record his name on this question of postponement. If the construction which had been put on that part of the Constitution which regards revenue bills, was correct, the Senate would have very little indeed to do with originating laws. Gentlemen certainly would not say that the Senate could not pass the bill on that ground.—If it was opposed on other grounds—that, for example, of a want of power over the road now it was made, that was another and a fair ground of opposition. But, in the words of the Constitution, "All bills for raising a revenue shall originate in the House of Representatives," he could discover no objection to this bill. Perhaps his zeal in favor of the object of the bill had blinded him: certain it was, he said, he could imagine nothing much further from a revenue bill than this bill was. If, he said, this great road was to be suffered to go to decay, after the million of dollars which had been spent upon it, to connect New Orleans and Boston by an interior communication, let it go. He could trudge over the mountains and through the valleys, without the road, as well as others, but he should lament it: and he hoped the question on this bill would be tried on its merits, and not on an incidental question.

Mr. Otis said he was not at present reconciled to an indefinite postponement of this bill, in regard to the object of it, on which there had been so great an expenditure of public money, but which was so cherished by a great portion of the people of the United States, and in which perhaps every portion of the People of the United States began to feel some interest. He never had been, he said, an advocate for expending on this road so great a mass of the public money as had been laid out upon it. But, after the road had been made, it was certainly incumbent on Congress to see whether or not they had the constitutional power to keep that road in repair. The objection which was now made to this bill was new; and he should be glad, for his own part, to have time to examine it. When it was first suggested that it was a revenue bill, the objection had appeared to Mr. Otis to be plausible; but further consideration led him to doubt on that point. He was inclined to think, that this is not a reve-

nue bill. The tax, which it proposes, is a voluntary and self-assumed tax. No man was obliged to pass over the road unless he chose; and, if he chose to avail himself of this easement granted by the United States, under the condition of paying at a certain rate therefor, Mr. O. said it struck him, with great deference to the opinion of others, it was to be regarded rather as a matter of compact than as a matter of taxation: Heretofore, the United States had granted to those using it the free enjoyment of this road, created at the expense of the government: The question which this bill presents is, whether a consideration shall be annexed to and made the condition of this grant.

Mr. King, of New-York, said he should prefer that this bill should lie on the table, rather than be postponed. [Mr. Lowrie assented to this course.] If, said Mr. King, the bill be not a revenue bill, it is so very near to it as to be likely to produce a collision between this and the other house as to its real character. On the whole, he thought it the best course to lay the bill upon the table, and to let it lie there until the other house should have acted on this subject.

Mr. Lowrie said, he had not objected that Congress could not pass this bill because it was a revenue bill, but that, being such, the Senate could not originate it. By forcing it upon the Senate, as originating here, some gentlemen, among whom Mr. L. said he was one, would be compelled to be against the bill, though in principle favorable to its provisions.

The motion of Mr. King, to lay the bill on the table, was then agreed to, and The Senate adjourned.

HOUSE OF REPRESENTATIVES.

Mr. Floyd, from the committee to whom was referred an inquiry into the expediency of occupying the mouth of the Columbia river, and of regulating the intercourse with the Indian tribes, reported, in part, a bill to regulate the intercourse with the Indian tribes within the United States, and territories thereof; which was twice read and committed.

APPORTIONMENT OF REPRESENTATION.

Mr. Campbell, of Ohio, moved that the orders of the day prior to the apportionment bill be postponed, with a view that that bill be now acted upon.

Mr. Blair opposed the motion. The complete returns from South-Carolina had not been made. He had reason to believe they would be so in a few days.—With regard to the reason that had been drawn from the convenience to the legislatures of the states now in session to locate their congressional districts, he thought the inconvenience of postponing it for another year was less than that a state should be deprived of its ratio of population.

The question was then put and the motion was carried.

The House thereupon resolved itself into a Committee of the Whole on the bill for apportioning the representatives of the several states to Congress, according to the Census of 1820, Mr. Smith, of Md. in the chair.

Mr. Lowmder thought it improper to consider the bill at this time, not only for the reasons that had been assigned—but because the State of Delaware was without a representative on the floor—one (Mr. Rodney) having been elected a Senator, and the other (Mr. McLane) having gone home on account of sickness.

Mr. Bail, thereupon, moved that the committee rise and report—which motion was negatived.

After some discussion of the subject, the House agreed, *nem. con.* to consider the word "forty," before the word "thousand," in the bill as reported by the Committee a blank, so as to leave the apportionment unfettered by any rules or questions of order. The following numbers, for the ratio of apportionment, were thereupon proposed:

By Mr. Keyes, of Vermont,	75,000
By Mr. Van Wyck, of New-York,	55,000
By Mr. Morgan, of New-York,	52,000
By Mr. Tracy, of New-York,	50,000
By Mr. Williams, of N. C.	49,000
By Mr. Upham, of New Hampshire,	48,000
By Mr. Mallory, of Vermont,	47,000
By Mr. Abbot, of Georgia,	46,000
By Mr. Wood, of New-York,	45,000
By Mr. Barber, of Ohio,	44,000
By Mr. Gebhard, of New-York,	43,000
By Mr. Edwards, of N. C.	42,000
By Mr. Ross, of Ohio,	41,000
By Mr. Rochester, of New-York,	40,000
By Mr. Gist, of S. C.	39,000
By Mr. Tucker, of Virginia,	38,000
By Mr. Baylies, of Massachusetts,	37,000
By Mr. Farrelly, of Pennsylvania,	36,000
By Mr. Baldwin, of Pennsylvania,	35,000

Mr. Wood, in support of the number (45,000) he had proposed, remarked that it was impossible to fix any standard that should give a precise ratio for representation. It ought, however, to be such as would be most sure to introduce intelligence, integrity, and dispatch in the performance of the duties confided to this house by the constitution. Seventy-five thousand and thirty-five thousand were the extremes that had been named. *In medio tutamen.* Seventy-five thousand was, in his opinion, too large; and thirty-five thousand too small a ratio. The number should be so small that the elector and elected could be supposed reciprocally to know each other, and that the representative should fully understand the interest of his constituents. It would be

recollected, however, that the facilities of intercourse were greatly improved within the last twenty years. A bill could hardly pass through the house with the ordinary forms, before its drift and bearing were not only known, but discussed, even in the remoter States of the Union. There was less necessity, therefore, than formerly that the districts should be large. In addition to which it would be considered that the qualifications of a representative to Congress and a member of a state legislature, were very different. In the latter case a minute local knowledge of the concerns of their constituents was necessary; but in the former case the knowledge required was less of a local character. It was general in its object; it related to questions of war and peace, foreign relations, revenues, &c. The policy of the nation was settled, and the wheels of government were moving on. Where a number was agreed to of great extent, there was a better opportunity of selecting men of talents; but, on the other hand, a body, if too small, was more liable to intrigue. The ratio of 45,000 would increase the present number of Representatives but one, and the present was, in his opinion, a sufficient number for the despatch of public business. A greater number would diminish responsibility; and, so far as public sentiment in the state he had the honor in part to represent, had been expressed, both by the old constitution and that proposed by the recent convention, it was opposed to a numerous legislative body.

Mr. Campbell, of Ohio, stated the ratio and numbers that had been heretofore successively adopted. In the first Congress, the number of representatives was 65, but the apportionment was made upon an uncertain ratio. It was the effect of mutual compromise and opinion. At the census of 1790 the number of representatives was increased to 101, upon a ratio of 33,000. At the census of 1800 the same ratio was retained, which increased the number of representatives to 141. At the census of 1810 the ratio was increased to 35,000, which gave the present number of 187 representatives. The first increase was 36, the second 40, and the third 40. He (Mr. C.) was in favour of the number of 42,000 under the present apportionment, which would give an increase of thirteen. This increment was small, in comparison with the progress of wealth and population. A great reduction naturally exposed the body acted upon to executive influences; and a small body must ever be considered as more assailable than a larger. He agreed with the gentleman from New-York, (Mr. Wood,) that by reducing the ratio to 35,000 the body would become too numerous. A medium should be preserved, and he doubted whether any number could be found less objectionable than that which he supported. The members of this House ought to correspond in some just proportion to the numbers of the Senate; but it was very obvious that within a few years past that body had increased in a ratio altogether disproportionate to this House.

The question being about to be put by the Chairman, on the largest number, (75,000.)

Mr. Keyes rose and observed that having proposed that number as the ratio, it was perhaps incumbent on him to state the reasons by which he was influenced. Each member would admit that his voice was not loud enough to be heard in the various parts of this hall. Where business was to be done, it was expedient that those who do it should be heard—otherwise it cannot be understood. This was one reason. Another was, that in so numerous a body it was next to impossible for the Speaker to preserve that order which was requisite as well for a due decorum, as the despatch of public business. Another essential reason was, that it would reduce the expenditures upon the civil list, and be a great saving to the nation.

The question was then taken on the number proposed, and negatived.

The next number in order was 55,000. Mr. Van Wyck stated, briefly, his reasons in favor of that number. His object was two-fold—to expedite public business and to economize the public expenditure. Mr. V. W. adverted to the reasons that had influenced the framers of our Constitution to adopt a small ratio, but contended that they were wholly inapplicable at present. The facilities of intercourse had so much increased of late that there was no difficulty, on the part of the representative, in the way of obtaining every necessary knowledge of the situation of all his constituents; and, in point of economy, his proposition would save \$92,500 per annum to the public treasury.

The question was then taken on the ratio as proposed by Mr. Van Wyck, and negatived.

The numbers of 52,000, 50,000, and 49,000, were successively put, without debate, and lost.

48,000 was also put and lost—eyes 35.

47,000 was put and lost—eyes 53.

46,000 was next put, and lost—eyes 50.

45,000 was then put, and lost—eyes 67, noes 80.

44,000 and 43,000 were also rejected, without division.

The question was then taken on 42,000, and carried—eyes 81, noes 73.

Mr. Campbell moved that the residue of the bill be so amended as to correspond with the ratio that had been adopted; which was agreed to.

The Committee then rose and reported the bill as amended.

In the House, Mr. Campbell moved that the question of concurrence be taken by Yeas and Nays; which was agreed to.

Mr. Durfee spoke at considerable length in opposition to the concurrence with the committee of the whole in the ratio 42,000. Want of room precludes at the present time any but a very brief sketch of his remarks. He thought that an increase of the numbers of the national legislature would not retard the passage of wholesome and necessary laws—and if unnecessary laws were precluded, it might be considered as a benefit to the country; for few things were more pernicious than experiments in legislation. It had been said that the room in which the House of Representatives assembled was not sufficiently capacious to accommodate a greater number than it now contains. On a question of this magnitude, he did not expect to hear an argument of this sort.—Would it be seriously said, that, in defining the number of the representatives of the people, a resort should be first had to the architect? that representation should be dealt out by the cubic foot or the yard? and the Congress of the United States be regulated by the size of the representatives' chamber, and not the chamber to the Congress? Such a principle, he thought, it would be difficult to sustain. There were perhaps no other nation on earth where the representative system was known, in which, with nine or ten millions of people, the number of representatives was so few as in our own. In the last three apportionments it would be seen that 2000 was the only increase in the ratio—and now, in a single apportionment, it was proposed to leap at once over no less than 7000. This, he thought, would be inconsistent with the principles both of policy and justice. In the earlier periods of our government, the people were scattered over a wide extent of territory, and their pursuits were in a great degree similar. But, in the progress of our unexampled prosperity, population had become dense—instead of the humble occupation and simple habits of husbandmen, our people had entered upon every species of employment that ingenuity could contrive—manufactures were extended, and commerce, in its ten thousand forms and multiplied connexions, had spread over every sea, and visited every clime. These complications of business necessarily produced intricate and multifarious interests. A more extended representation, therefore, was necessary now to do justice and protect their varied concerns, than when our population was scarce and our occupations few and simple. There were other reasons. By combination, four or five large states might carry any measure they thought proper; and, although he was far from entertaining or expressing any jealousy in relation to present concerns, yet it was a contingency that ought to be guarded against—and there was no mode of guarding against it so effectually as by permitting a numerous representation. By increasing the representation, you increase the sympathies of the smaller states with the larger. They feel that they have a voice in making the law that is promulgated to govern them, and they yield to it a willing and cheerful obedience. Mr. D. also adverted to the subject of Executive influences, of which they had heard, and although it could not perhaps be said they were now felt, yet all would admit it was prudent to guard against it.

Mr. Randolph made a few preliminary remarks on the impossibility of keeping apart power and wealth, which, whenever separated by any revulsion, seek a reunion by a tendency as true as gravitation, and as naturally as the sexes. It has been so from the beginning, said he. Male and female created he them, and do what you will they will get together. He went on to observe that he looked with some dismay upon the present political prospect before us. He saw the old members of the confederacy about to be placed in the back ground. He could see two of the members of the old family of the good old thirteen United States—God bless them! about to be—he would not say proscribed—but submitted to an operation by which they would be deprived of a moiety of their representation on this floor: And this too in the absence, and the necessary absence, of the whole representation of one of these states. The state of Delaware, to which he alluded, had produced many illustrious men—men who were eminently useful in the revolutionary war, both in the cabinet and in the field. For himself, he was disposed to pay her all that deference to which she was entitled by her gallantry, ability, and, if he might so express himself, by her weakness; a weakness, however, not in nerve—not in the arm, nor in the head, but a weakness—a weakness of numbers, when compared with the magnitude of other states.

Mr. R. therefore moved that the further consideration of the bill be postponed until next Monday week, which was put and carried—eyes 91.



SALISBURY:
TUESDAY, FEB. 5, 1832.

No. 2, To the Board of Internal Improvement, is necessarily postponed.

The third annual Report of the Managers of the Auxiliary Bible Society of Ashville, N. C. will be published in our next.

No mail from Fayetteville was received last week. The only excuse which we know of is, muddy roads, as the streams could not have been high; and this is an excuse, we apprehend, that the Post-Master General would not pronounce good. This is the third time, now, within four or five weeks, the mail from Fayetteville has failed; once, on account of high water; and the two other times on we know not what account. If the contractor has a sufficient excuse, we are satisfied; if not, we trust suitable representations will be made to Mr. Meigs, so that the demands of the contract may be satisfied.

As the writer paid twelve and a half cents to get the following poetic effusion to us, we cannot in our consciences refuse to gratify him. We hold with Horace: Let bards be licens'd, then, themselves to kill; 'Tis murder to preserve them 'gainst their will. It is published as we received it, verbatim, &c.

To a Lady, who once asked, "Is your heart pre-engaged?"

My heart from chains of love is free,
But ever ready to be bound;
In Hymen's silken bands with she,
Whose heart a kindred one would own.
If yours fair Lady should be so free,
As I have just own'd mine;
How happy, happy, should I be,
Were mine a kindred one to thine.

AGAIN: WHO SHALL BE THE NEXT PRESIDENT?

This is a question that begins to excite considerable interest among our brother editors, and it would seem, no little concern among the members of Congress. Rumour says, that in the course of the present session, a caucus is to be held at Washington to designate a fit person for that high station—by way, no doubt, of saving the people the trouble of thinking for themselves. Indeed, the editors of the National Intelligencer seem to think that the salvation of the republic depends upon a timely step of that sort. After deprecating the consequences that would follow from the election being brought into the House of Representatives, in the event there should be no choice by the people, they go on to say,—"The only refuge we now discover from that danger, is in a nomination, which may have the effect to produce a majority in favor of some one of the candidates. This is an alternative we contemplate without pleasure, but it seems to be unavoidable." Now against all this parade about the necessity of a caucus, we enter our humble dissent. In the first place, there is as yet but little grounds of apprehension that the election will fall upon the House of Representatives; and in the next, suppose it does, have not the people of the United States, on certain contingencies, entrusted that body with the power? As to the contest between Mr. Jefferson and Mr. Burr, such another is not likely soon to occur again; indeed, cannot, as it is guarded against by an amendment of the constitution. But it is a wily policy to paint in frightful colours an imaginary evil, in order to lessen the objections against a real one. We are told the only way to escape the direful consequences of an election by the House of Representatives, is for a caucus to make a nomination, or, which is nearly the same thing,.... to elect him.

The same men who, in a caucus, will act with wisdom and purity, when they are called upon to act in a constitutional capacity are not to be trusted: They are in danger of intrigues, and corruption. Where is the consistency in all this? If Clinton or Crawford, Adams or Calhoun, could influence those men in the House, why not in a Caucus? And we would not be understood as meaning that members of Congress are not capable of corrupt influences; on the contrary, we think they are; but certainly not more so in the House of Representatives, where they are acting under the solemnity of their oaths, than in a caucus, where the constitution does not know them. But, we would be glad to know how it is that members of Congress are better qualified to judge who should be President, than any other intelligent citizens? Is it because they have seen the capitol, and breathed for a few months the atmosphere of the city? Or, are they better qualified to weigh the talents and merits of Mr. Crawford, or Mr. Adams, because they have eat dinner with the one, or drank tea with the other? The abilities of public men can alone be estimated from their acts and performances, and they are not commonly kept hid under a bushel solely for members of Congress to peep at; they are made public, and we at a distance can see them and judge them as well as those who recline under the shadow