

dy causticity, by which politicians so easily deceive themselves, will furnish an apology for a course of conduct which, in private life, such men would scorn to pursue. But even if the danger of corruption in the House of Representatives was less alarming in its magnitude, and less certain in its occurrence, the Committee would still apprehend, that the preservation of the character both of the Legislature and the Executive, and securing to them that place in the public confidence and esteem, without which their strength will be but weakness, and their wisdom folly, would require that they should be far removed even from unjust suspicion. In a country like ours, governed by public opinion, it is of the last importance, that those who are appointed to make and execute the laws, and who must always give tone to our National character, should conciliate the confidence of the People, or at least stand before them unimpeached. That a successful candidate, exalted to the Chief Magistracy by the Members of Congress, should feel a deep sense of gratitude towards those to whom he is indebted for his elevation, is neither strange, nor the subject of just exception. In the distribution of the numerous offices within his gift, it would be impossible for him so to act otherwise than to exclude altogether from the range of his choice, men in all respects qualified for the highest offices, or to subject himself, however unjustly, to the imputation of being influenced by personal and unworthy motives.

But, if the election in the House of Representatives were liable to none of these objections, still, the interruption it will give to the calm and regular progress of legislation, would, itself, be an evil of the most alarming nature. The mixing up of party feelings, personal animosities, and local interests, with ordinary acts of legislation, would, unquestionably, be one of the greatest calamities to which the country could be exposed. Unless those who create the laws, like the judges who expound them, are free from prejudice and passion, it is impossible that they can fulfil their high duties with purity and wisdom. That the acrimonious feelings, and bitter animosities excited, in a contested election, in the House of Representatives, would not subside at its close, but would, for a long course of time, exert an influence on the deliberations, and perhaps control the decisions, of the Legislature, by disturbing the tranquillity of its course, and tinging every legislative act with party views and feelings, is too certain to admit of a doubt. We may, indeed, tremble for the fate of the country, when Congress shall be degraded into a mere Electoral College, and the high duties of the Legislature shall be confided to the opposing factions, known only as the enemies of partisans of the Administration. But this is not all. The People themselves, in such a state of things, will be tempted to contribute to this evil, by sending men to represent them, on the eve of every Presidential election, not because of the depth of their knowledge, the soundness of their principles, or their peculiar fitness for legislation, but on account of their political opinions, in relation to the several candidates for the Presidency. Even after the election was over, the evil spirit of the time might continue to operate, and to demand the election of candidates who would be particularly devoted to the new Administration. That the Administration itself, should be insensible to the success of these candidates, is not to be expected from human nature. Wishes must be formed, and the knowledge, or even suspicion of these wishes, would bring an ardent and concentrated force to the support of the presumed favorite: on the other hand, all the elements of opposition would combine against him: merit would be out of the question; the public good no object; a degrading test would supercede all the recommendations of worth and talents; and even the elections of the State officers might be brought within the vortex of a system, so fatal to the interest of the country, and so full of degradation to the voters and the candidates.

In a government professedly founded upon the will of the people, that will, when known, should always be entitled to the most respectful consideration. Now, as far as the public will can be ascertained, it is decidedly opposed to the House of Representa-

tives, as an empire, in the last resort, between the Presidential candidates. Yet, a second choice, by some body of electors, is inevitable; a majority, or even a large plurality, cannot be counted upon, in our subsequent elections. To whom, then, shall it be sent back? Who shall make the second election? We have seen that the House of Representatives is an unfit place, and that the people are against it. Will the present institution of electors do better; and shall they be retained for that purpose, in defiance of all the objections which lie against them? On the contrary, they will be subject to the main objections which apply against a pre-existing body; they will be, moreover, subject to the operation of all the undue influences which might be brought to bear upon the House of Representatives, without possessing the same pretensions to high character and public confidence. Then there is no better course, than to send it back to the people, with the single limitation, of confining their choice to the leading candidates.

Clear as the propriety of this course is to the mind of the committee, it is not free from objections in the minds of others. The first and most plausible of these objections, grows out of a concern for the rights of the small states, a material portion of whose power, it is apprehended, will be lost by taking from them their contingent faculty of electing the President, by States, in the House of Representatives. Before this objection can be admitted, it ought to be shown that this privilege is actually possessed by the small states, under the present system. The committee believe that it is not; for they cannot admit that a privilege, personal to a member of Congress, can be treated as the privilege of the state which he represents. Now, it is notorious, that a large portion, if not a majority, of the representatives who have heretofore been called upon to vote for president in the House of Representatives, have given that vote according to the dictates of their own feelings and judgment. In this course they have held themselves justified on the ground, that, in giving their votes, they acted in the character of electors under the Constitution, and not in their representative capacity. It is also certain, that, as no means are provided for a distinct expression of the will of the state upon the subject, (as between the candidates who may finally be brought into competition,) it is manifest that the Representative may not know, or knowing, may feign ignorance of the opinion of the state, which he represents, even if he acknowledges an obligation to conform to it, when known. In many cases he certainly will be ignorant of it; in most, he must be without instructions; and, in all, he may disregard them. If, then, the privilege of voting for President, in the House of Representatives, is claimed and exercised by the member, as an elector under the Constitution, and not as a representative from his state; if the member, and not the state, exercises volition upon this point; if he denies the right of the state to direct his vote, or admits the right, and avoids the obligation; and, if the State has neither time nor means to manifest her will, or power to enforce it, or the right of vacating the vote after it is given; then, this boasted privilege may fairly be set down, as belonging, practically, to the member, and not to the state from which he comes. The question which then presents itself, is one of conflicting claims to power, between an individual, on one side, and the state which he represents, on the other; between a member of Congress, in his seat, and the forty thousand persons who placed him there. Holding this to be the only question presented by the objection under consideration, the committee feel no difficulty in assigning the privilege to the party which, from its own position, is farthest removed from undue influence—by its numbers, is most difficult to be corrected; which, individually, has as much, and, aggregately, infinitely more interest in the welfare of their country; and whose lack of information, if any, is amply compensated by the disinterestedness of their motives; and, in this transfer of power from the members of Congress at Washington, to the whole body of their constituents at home, it is the opinion of the committee that the state would be a gainer, instead of a loser. Still, this contingent vote for President, in the House of Representatives, is the cherished

form of a lost substance among the smaller States, and although now reduced to nothing but an idea, they may be unwilling to give it up, without receiving the benefit of some concession from the larger ones. Here, then, is room for a compromise: the door opens for one of those mutually advantageous adjustments, by help of which the Constitution was made, and without which it cannot be amended. The large States overwhelm the small ones, with the consolidated vote of the general ticket; the small States balance the great ones, with the single representative in the House of Representatives. Now, it has been shown that this apparent power in the great States to consolidate their vote, is, in reality, the usurped power of some individuals of the State Legislatures; yet, to the small States, its effect is just the same as if the real sovereignty of the State had directed its force against them. It has also been shown that this supposed power of the small States to balance the great ones in the House of Representatives, is, in fact, the power of the members in Congress from such States. Yet, to the large ones, the effect is just the same as if it was the power of the States. Here, then, is a grievance on each side; and, to get rid of it, and receive, in return, a great, substantial, and ardently desired concession from the other, the large States have nothing to do but to give up an abuse, and the small ones to surrender an idea.

The only direct objections to the second election by the People, (supposing the first to have been adopted,) which have come to the knowledge of the Committee, are few in number and easy of answer. The apprehension of violence in such renewed and protracted contest, is expressed by some. But if the Committee have been successful in showing that nothing of this kind is to be dreaded in the first election, the only proper inquiry now is, whether the second can produce that effect which the first could not. The Committee affirm the negative of this proposition, and appeal to that well known law in physiology which makes apathy succeed to violence the moment the crisis of excitement has passed away; and to the fact, that the number of candidates being reduced in the second contest, the peculiar causes of excitement, arising from personal acquaintance and local interests, will also be reduced in exact proportion to this reduction in the number of candidates. Instead of violence, indifference and neglect of the elective franchise is still more to be dreaded in the second than in the first election.

The delay of a second election is the last of the objections which has come to the knowledge of your Committee. This, as involving a question of mere detail, may be passed over with little more than a statement and explanation of the plan of the Committee on this point. It provides, that the first election shall be held on the first Thursday and Friday in August, 1828, and on the same days in every fourth year thereafter; that Congress shall be in session on the second Monday in October of these years, to receive and count the votes; and that the second election, when found to be necessary, shall take place on the first Thursday in December following. These provisions remove all objections relating to delay and want of time. The first election will take place at the period when the people are least engaged at home, and will have the further recommendation of taking place on the same day on which several of the States now hold their general elections, near the time at which many others hold them, and the one to which all the States would, in all probability, soon conform. An interval of about sixty days would then remain for collecting the votes in the different districts, and certifying the results to the President of the Senate; a period amply sufficient to send in the returns from the most remote States. A further interval of about sixty days would be allowed for giving notice of, and holding the second election; a sufficient time, in the opinion of the Committee, to communicate to the people the simple fact that a second election was ordered; the day itself being fixed beforehand, and the minds of the voters made up about the candidates, and the fact itself unofficially known before, the people would require no further notice, than that which would enable them to go to the polls. For this purpose, the time allowed will be twenty

days more than enough, in the remotest sections of the Union. For collecting the votes in the districts, and certifying the results a second time to the President of the Senate, three months would still remain, as the new officers would not be wanted until the fourth of March. The fact that Congress would be in session two months longer than usual in every fourth year, is an additional recommendation to the details of this plan; it being now well known that the short sessions (from the great increase of business and of members) have become too short for the accomplishment of the business on hand, some two hundred orders of the day usually remaining undecided at the last hour of these sessions, and all the time and labor lost which had been expended upon them.

The Resolution submitted by the Committee would, they confidently believe, entirely effect the great object of an election by the qualified voters of the states, upon the second, at all events, if not upon the first trial. But, as it is within the range of mere possibility, that more than two persons may have the two highest numbers, in the first election, and that two or more may have the same, and the highest number in the second, it was believed by some that the plan of amendment would not be complete, unless some provision was made for this remote contingency of a mere possibility; the Committee have therefore agreed, in such case, to leave the decision to the existing provisions of the Constitution; considering it superfluous trouble to write out any new provision for a case which will almost certainly never occur, and which may therefore, safely undergo a nominal reference to the same body which, as a real electoral college, has received their decided disapprobation.

RESOLUTION.
Proposing an amendment to the Constitution of the United States, as it respects the election of President and Vice President of the United States.

Resolved by the Senate and House of Representatives of the United States in Congress assembled, two-thirds of both Houses concurring, that the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States, which, when ratified by the Legislatures of three-fourths of the States, shall be chosen by the People of the respective States in the manner following: Each state shall be divided, by the Legislature thereof, into districts, equal in number to the whole number of Senators and Representatives, to which such state may be entitled in the Congress of the United States; the said districts to be composed of contiguous territory, and to contain, as nearly as may be, an equal number of persons, entitled to be represented, under the Constitution, and to be laid off for the first time, immediately after the ratification of this amendment, and afterwards at the session of the Legislature next ensuing the apportionment of Representatives by the Congress of the United States, or oftener, if deemed necessary, by the Legislature of the State; but no alteration, after the first, or after each decennial formation of districts, shall take effect, at the next ensuing election, after such alteration is made. That, on the first Tuesday succeeding Friday, in the month of August, of the year one thousand eight hundred and twenty-eight, and on the same days in every fourth year thereafter, the citizens of each State, who possess the qualifications requisite for electors of the most numerous branch of the State Legislature, shall meet within their respective districts, and vote for a President and Vice President of the United States, one of whom, at least, shall not be an inhabitant of the same state with himself; and the person receiving the greatest number of votes for President, and the one receiving the greatest number of votes for Vice President in each district, shall be held to have received one vote; which fact shall be immediately certified to the Governor of the State, to each of the Senators in Congress from such state, and to the President of the Senate. The right of electing the places in the districts at which the elections shall be held, the manner of holding the same, and of canvassing the votes, and certifying the returns, is reserved, exclusively, to the Legislatures of the States. The Congress of the United States shall be in session on the 2d Monday in October, in the year one thousand eight hundred and twenty-eight, and on the same day in every 4th thereafter; and the President of the Senate, in the presence of the Senate and House of Representatives, shall open all the certificates, and the votes shall then be counted. The person having the greatest number of votes for President, shall be President, if such number be equal to a majority of the whole number of votes given; but if no person have such majority, then a second election shall be held, on the first Thursday, and succeeding Friday, in the month of December, the next ensuing, between the persons having the two highest numbers, for the office of President; which second election shall be conducted, the result certified, and the votes counted, in the same manner as in the first, and the person having the greatest number of votes for President, shall be the President. But, if two or more persons shall have received the greatest, and equal number of votes, at the second election, the House of Representatives shall choose one of them for President, as is now prescribed by the Constitution. The person having the greatest number of votes for Vice President, at the first election, shall be the Vice President, if such number be equal to a majority of the whole number of votes given, and, if no person have such majority, then a second election shall take place, between the persons having the two highest numbers, on the same day that the second election is held for President; and the person having the highest number of votes for Vice President, shall be the Vice President. But, if two or more persons shall have received the greatest, and an equal number of votes, in the second election, then

the States shall choose one of them for Vice President, as is now prescribed in the Constitution. But, when a second election shall be necessary, in the case of Vice President, and not necessary in the case of President, then the Senate shall choose a Vice President, from the persons having the two highest numbers in the first election, as is now prescribed in the Constitution.

From late foreign papers.
The amount of 500,000 francs has already been subscribed in Paris for the benefit of the family of Gen. Foy, lately deceased—and in Lyons it has been decided that a new and splendid house should be erected for their residence.

The authority at Rouen having forbidden the representation of the comedy called *The Hypocrite*, an edition of the play was published, at a price the copy, 25,000 of which were immediately disposed of.

Two men entered the office of Mr. Joseph, in the Palais Royal, an eminent broker, and after stabbing him in an inhuman manner, succeeded in making their escape. This act was committed in the open glare of day, and during the most business part of it. Highway robberies, atrocious murders, and villainy of all descriptions, flourish to an alarming degree throughout France, notwithstanding the vigilance of the *gen d'armes*, of which there are 20,000 in actual service, independent of the ordinary Police department.

Rothschild.—It is stated in an Irish paper, that baron Rothschild, can hardly write his own name. His signature to a check can only be deciphered by those acquainted—His niece received, as part of her marriage portion from him, a million of pounds sterling, with two millions to follow at fixed prices.

"The Grand Duke Constantine is tall, stout, well made, with a fair complexion; his profile is scarcely human, his nose that of a baboon; he is near sighted, contracting his eyes when looking attentively; which are covered with uncommonly large light eyebrows, hanging over them like brambles; his voice is hoarse and husky; he has a rough soldier like manner, sarcastic, yet affable."

In the Bristol market, a lady, laying her hand upon a joint of veal, said, "I think Mr. F. this veal is not quite so white as usual." "Put on your glove, madam," replied the dealer, "and you will think differently." It may be needless to remark, that the veal was ordered home without another word objection.

The Lacedemonians applied their minds to no learning but what was useful; and would not suffer the professors of any speculative sciences to live in their government, lest, by their disputations and empty notions they should deprave the true excellency of virtue.

THE LIST OF THE MOBILIANS.
This long-expected work of the great American Novelist, has at length appeared: all fears for its author's renown have fled. The genius that first exhibited itself in the *Spy*, has re-appeared with renewed brilliancy in the work now presented to the public. We shall hereafter expect to see no more *fears expressed* that the author of the *Spy* had written his best work.
New-York Courier.

UNITED STATES ARMY.
The Secretary of War has laid before Congress, a return of the number of deaths and Desertions that have occurred in the army of the United States during the three years, ending on the 30th of Sept. last. From this return, it appears, that in the year 1823, there were 209 deaths, and 736 desertions: in the year 1824, 210 deaths, and 824 desertions; and in the year 1825, 193 deaths, and 881 desertions—making a grand aggregate for three years of 612 deaths, and 2441 desertions.
Petersburg Repub.

CONGRESSIONAL SUMMARY.
Washington, February 7.
In the Senate, there were reported by different Committees—a bill for the relief of James Dixon and Co. of Savannah; a bill authorizing the re-opening of King's road to New-Smyrna, in the Territory of Florida; a bill making an appropriation of \$15,000 for repairs on the road between Jefferson and Columbus, in the State of Mississippi; and a bill for the relief of the surviving officers of the revolutionary army. A resolution of the Gen. Assembly of Maryland, recommending Annapolis as a suitable place for the establishment of a Naval Academy, was presented by Mr. Smith. And two resolutions were offered, one by Mr. King, relative to an inquiry into the expediency of making an appropriation for removing the obstructions to the navigation of Mobile Harbor; and the other by Mr. Ellis, proposing an inquiry into the expediency of extinguishing Indian titles to land within the State of Mississippi.

The general appropriation went through the Committee of the whole in the House of Representatives yesterday. Mr. McLane, of Dela., made an important report on the subject of Finances, of which 3,000 additional copies were ordered to be printed; as well as another report in relation to the African Settlement, which will be found in our regular proceedings. Mr. Hemphill, of Pennsylvania, reported a