Report of the Select Committee, to whom were referred Mr. NICHOLAS's proposed amendments to the constitution in relation to the mode of electing a President and Vice President, and members of the House of Representatives.

The Committee first state the proposed amendments, for which we refer to an antecedent number of the National Intelligencer.

The committee to whom were referred the foregoing resolutions, have had the same under their consideration, and as the result of that consideration, beg leave to make the following report:

It is conceived that it may be assumed as one of the most indisputable maxims of American policy, that no change in the constitution of the United States be admitted, without a well grounded assurance of the attainment of some greater good under the proposed change, than under the existing provisions of the constitution.

In relation to the object of the first of the aforesaid resolutions, the existing provisions of the constitution of the United States are in the following terms:

[The Committee here quote the Constitution.]

Under the latitude of expression used in the foregoing provisions, a considerable variety of practice has been found to prevail, not only in different states, but at different periods in the same states. The modes adopted may be considered as capable of designation under two general descriptions: The one an appointment of electors by popular vote; the other, an appointment of electors by legislative choice.

In each mode considerable varieties have prevailed. Under the first general mode, the states have been sometimes divided into districts, in proportion to the number of electors to be appointed in each state respectively, and the inhabitants of each district having the right of suffrage, have appointed by vote, the elector for such district respectively, nearly in the manner proposed by the first resolution referred to your committee. In other instances the whole people of a state, having the right of suffrage, have appointed by general vote, such number of electors, as the state was respectively entitled to. The electors appointed under the latter modification, have been sometimes taken from the body of the people at large, in other instances, they have been selected from certain districts or divisions of the state, in conformity with certain previous legislative requisitions. In cases of death, absence or other disability of electors, appointed by popular vote, provisions have been made by law in the same states to supply the vacancies, which might be occasioned by such accidents, by means of a legislative choice.

Under the other general mode of appointment, the electors in some states have been appointed by a joint ballot of both Houses of the legislature. In some instances, the electors appointed by legislative choice have been taken from the body of the people at large without previous limitation; in other instances from a restricted list, nominated in certain proportions by each house of the legislature respectively.

In the same states, one general mode of appointment has prevailed at one time, and another general mode at another time, the changes having been made as well from one general mode as from the other.

Such are the existing provisions of the constitution of the United States, and such has been the practice under these provisions. The modes thus used are presumed to have been within the legitimate construction of the constitution, since the votes of electors appointed under almost every variety of these modes have been admitted in former elections of President and Vice-President of the United States. The latitude of expression used in those provisions, and the variety of modes practically adopted under them, seem to have been considered in the first of the resolutions referred to your committee, as inconveniences which ought to be remedied.

Your committee are persuaded, that the provisions of the constitution of the United States, can in no instance be reasonably considered as mere pleonasms or inadvertencies: and therefore, that the particular phraseology used on the above subject, was not adopted without due consideration. Your committee are equally persuaded that the varieties which have practically taken place under the terms used are not beyond the contemplation of those who framed the constitution. These varieties, it is reasonable to suppose, were foreseen, and being foreseen were viewed, not without favor as the best means of enabling the people of the United States to combine the advantages of experience with the speculations of theory in relation to this acknowledgedly the most difficult part of their government in the adjustment, so that they may ultimately settle down into one uniform mode within constitutional limits, not from constitutional restriction, but from the convictions of reason founded on experience.

The mode propoposed to be exclusively established, being clearly within the expressions of the constitution, if upon experience and comparison with other modes, equally within those expressions, it shall be found to possess superior advantages, or possessing equal advantages, to be liable to fewer or less considerable inconveniencies, your committee will not distrust the good sense of the people of the United States in ultimately selecting this mode, without constitutional restraint, as their uniform mode of electing the President and Vice-President of the United States.

Your committee hold it foreign to their duty to enter into a comparative view of the merits and demerits of the various modes, which have been or may be adopted under the existing provisions of the constitution of the United States; they hold it sufficient to authorize the rejection of any proposition for the exclusive establishment of any particular mode, if such mode shall, upon candid examination, be found liable to serious abuses, of a most dangerous consequence to the public peace, against which abuses under such mode, no practicable means have been or probably can be found for prevention or remedy.

The liability of the mode proposed, to such abuses cannot be made more manifest, than by a brief review of the essential details of that mode.

To carry into effect the mode proposed to be exclusively established, every state must necessarily be divided into a number of districts, in proportion to the number of electors to be appointed in each state respectively:—These districts must of necessity be again sub-divided, for the convenient reception of the votes of the people:—authority must be delegated to one or more officers in every sub-division of every electoral district throughout the United States for the purpose of receiving those votes.

Amidst so great a variety of officers, thus to be entrusted, it would be against the calculations of all experience, to suppose there would not be found some who might be reasonably suspected of a liability to the deviations of error, if not to those of a worse nature. No government upon earth, has or can have, competent knowledge of so great a variety of individuals, as to ensure, through the cautiousness of appointment against such deviation in all instances. Absolute prevention then is not to be expected.

The votes of some possessing the right of suffrage may be rejected; the votes of others, not possessing the right of suffrage, may be admitted; whether such rejection or admission proceed from error of judgment, or from design, it will equally lay the foundation of a contested or disputed election between the canditates for the electorship.

When the votes of the several subdivisions of an electoral district have been taken, the polls, or lists of those votes must be brought together for addition and comparison; and a return must be made of the person appointed an elector. Whether that return be made by the officers (authorised originally to receive the votes) in a collective body, or whether it be made by some other authority, to which those officers may be directed to transmit the polls or lists of the votes taken by them; there may (amidst the conflict of passions, too likely to prevail on such occasions) too probably be found means of suppressing the polls, or lists of votes of some of the sub-divisions of a district, or of preventing or delaying the transmission thereof; so that one man might be returned, in apparent conformity with law, the elector of a district, when in reality another may have been appointed by the people of that district.

The common experience of elected governments evinces that cases such as those above suggested are by no means out of the course of probable occurrence. Instances of disputed elections contested upon similar grounds, frequently occur in ordinary legislative bodies, notwithstanding the knowledge that a remedy exists within the scope of the power of those bodies. The protracted periods of their sessions give time for investigating and deciding upon the merits of such contested elections. The knowledge of the practicability of such remedy, probably tends to discourage the greater frequency of such occurrences.

But the bodies of electors in each state respectively, from the necessarily restricted periods of their sessions, are incapacitated to collect the necessary evidence, and to pursue such other steps as are essential to the investigation of, and decision upon the merits of a contested election of one of their members, were they otherwise competent thereto. Those therefore who may be returned electors, whether duly and really appointed or not, will in practice exercise the important functions of electors of the President and Vice-President of the United States. No practicable remedy against such abuses appears to exist in the present stage of the proposed system; a knowledge of the defect of such remedy moreover, it is to be feared, might act as an additional temptation to the frequency of abuse.

The votes of the electors in the several states, are next to be rendered by ballot, and when so rendered they are to be transmitted in the form of certificates, giving the result of the ballot to certain officers of the government of the United States. When the period arrives for opening those certificates, and counting the votes in the presence of the Senate, and House of Representatives of the United States, if error or abuse shall have taken place, no means exist (in case the ballot be in favor of more than two persons as President and Vice-President) for discriminating between the votes of those who shall have been duly appointed and returned, and those who shall have been defectively appointed and unduly returned as electors. To set aside votes given by persons not duly appointed, and consequently wanting the competent authority of electors, no course presents itself in such case save that of vacating the whole ballot, of which the defective vote or votes may be a component part. Thus to deprive a state of all participation in the election of the President and Vice-President of the United States, on account of the defective appointment of one or a few of its electors, would be a serious and painful duty. To vacate such ballot, and thereby to deprive those candidates for whom the found votes of such ballot may have been given, of the aid of that ballot, in order at the same time to destroy the effect of the unsound votes might result in giving to others a priority, to which, if effect could be given to the really sound votes, those others might not be entitled. This also presents an embarrassing consideration.

The vacation of a ballot, composed of sound and defective votes, ought to be the result of uniform principle; it ought to take place on all occasions where a discrimination cannot be made, or on none. Not to vacate such ballot, but to permit the election of a chief magistrate to be carried on any occasion, by the aid of one or more defective votes, would be to hazard, in a most eminent degree, the peace of the union. It is of the last importance to the happiness of the people of the United States, that a compleat conviction should prevail, at all times; that the person who may be elected chief magistrate of the union, has been really elected by electors duly and really appointed by those having competent authority for that purpose. It were painful to anticipate the consequences which would too probably attend a disputed election to the Presidency; those consequences might be more calamitous than can be foreseen.

A mode of electing the President and Vice-President of the United States, which might at once combine the expression of the public sentiments of the people of the respective states, with a due appointment of the electors for that important purpose, is a discovery greatly to be desired; that such mode may be found, under the present provisions of the constitution of the United States, and will be discovered by the good sense of the American people, when aided by further experience, is confidently hoped. Under such circumstances, to adopt exclusively the mode proposed by the first resolution referred to your committee, might not only preclude the advantages of further experience and the adoption of a more eligible mode, but might tend to perpetuate, as well as to render more frequent the occurrence of those exceptionable incidents which have been before suggested, and for which it is difficult, if not impracticable, to find adequate and convenient means of prevention or remedy.

These considerations induce your committee to prefer the existing provisions of the constitution of the United States, to the change proposed by the first of the resolutions referred to them.

In relation to the second resolution referred to your committee, they report that the objects directly contemplated therein are already within the limits of the legislative authority of the government of the United States. To convert a constitutional provision for the exercise of legislative authority, to which recurrence may be had at all times, and under which such modifications may be introduced, from time to time, as the public good and convenience may require, in the ordinary forms of legislation, into a specific constitutional prescription, seems to be both superfluous and inconvenient.

The adoption of the plan proposed in the second resolution, would also, in the opinion of your committee, indirectly tend to withdraw from the government of the United States, its existing controul over the appointment of one of its most essential branches, and to vest that authority exclusively in the state governments. Such arrangement might produce consequences not contemplated, and too unpleasant to be anticipated. Your committee therefore conceive it to be inexpedient to adopt the proposed change on this subject, and submit the following resolutions to the consideration of the House.

Resolved, That it is inexpedient to change the constitution of the United States, in the manner proposed by the first of the aforesaid resolutions, in relation to the election of the President and Vice-President of the United States.

Resolved, That it is inexpedient to change the constitution of the United States, in the manner proposed by the second of the aforesaid resolutions, in relation to the election of members of the House of Representatives of the United States.

CHEAP LUMBER.

FOR SALE,

By the Subscriber, on reasonable terms, either by large or small quantities, at his Lumber Yards, the north end of Lamberton, and at the old Sturgeon Pond, above Richards's wharf,

A QUANTITY OF

ASSORTED LUMBER, *viz.*

One and 1-4 inch, 1 1-8, and 1 do. Yellow pine heart boards—1 inch pannel, 1 1-4 do. for floors, 1 do. common, white pine do—2 do. 7 1 4 and 2 1-2 do planks, 1 do. 5-8, and 2-8 do. boards, black walnut—2 do. plank, 3 do. 1-2 do. pannel boards, bedstead setts, poplar the whole of the above are well seasoned and fit for use]—Clear heart pine, and sap pine white oak, and bilstead, hemlock and white pine scantling, assorted—best kind three feet cedar shingles, dressed and undressed, do. two feet white pine do.; do. 18 inch cypress do—cedar rails—Also, white pine sawed rails—shingling and plaistering laths, best kind; white oak waggon timber—sap pine planks, sap pine one inch boards, 3-4 cedar, best kind, 3-4 white pine, 3-4 sap pine, seasoned weather boards—A quantity of handsome chesnut pailings, sawed 1 by 3 inches and from 4 to 16 feet long, for garden fence, &c. A quantity of chesnut oak posts, dressed and undressed; a quantity of cherry boards, a quantity of large white oak joice, a quantity of chesnut posts—5000 feet of neat beach scantling for tool stocks—5000 feet of sickamore scantling for bedsteads; 2 inch white oak plank; 1 inch white oak boards, 3-4 do. do. do.—25,000 feet superior cherry boards and plank, 3,000 do. very clear 2 inch white pine plank, 3,000 do. handsome beaton wood bedstead setts seasoned, 100,000 prime North Carolina shingles, a quantity of ash plank, 150 tons plaister Paris, warranted, 3,000 bushels best Virginia pit coal, 200 bushel cleans house sand.

The subscriber intends, establishing a Lumber Yard at the Federal City of Washington, which he will keep regularly supplied as above—Any quantities may be agreed for by contract, deliverable, as the purchaser may wish, provided that the place of delivery may be comeatable by water with a navigable vessel—Any quantity that may be ordered for shipping abroad, shall be supplied with punctuality and dispatch, agreeable to order.

Gentlemen who are or may be building—as well as carpenters who may be under or may enter into contracts to build and furnish the materials, will find it well worth their attention to apply as above—Applications may be made by letter (post paid) or otherwise, to the subscriber, or left with Wm. and Anthony M. Buckley, or Benj. W Morris and Co. merchants, Philadelphia.

Also for Sale or to Let,

A large commodious Dwelling House, with out buildings complete, and from three to seven acres of land—Two small do. with lots thereto. Also, a small Store near the river—All laying in the village of Lamberton.

NATHAN COMBS.

N. B. A Screw Jack to let, that raises from 10 to 40 tons by hand—a constant supply of laister and Smith's Virginia coal.

Lamberton, New Jersey, (on Del.)

January 13, 1801. twif.

Sarah M'Karaher,

Mantua Maker and Seamstress,

RETURNS her thanks for the encouragement she has met with from the Ladies of this city, and informs them she has removed to the house of Mr. DE FRANCE, within one door of Mr. *Smith*'s Printing-Office. She will either attend Ladies at their own houses, or take in Mantua-Making, or Plain Sewing.

City of Washington, Jan. 15, 1801.