tion we shall find the whole of the great powers of the government concentred in the Senate. They have the sole power of trying impeachments, and of making treaties. Congress may declare war; but once declared they cannot make peace, that power as well as the boundless undefined treaty making power generally, are exclusively vested in the Senate; in the legislative power they possess an absolute veto on the passage of every measure sanctioned by the representatives of the people, and how are they chosen? Two from each state, the smallest state has the same influence in that body with the largest. In the choice of electors of President the small states have this additional extraordinary privilege of chusing one elector for each Senator, and if the election of President comes into the House of Representatives each state has equal power. The small states also possess the power under the constitution of reducing the Representatives on this floor to one from each state, and in such event of completely controlling the power of the large states in every department of the government; for the constitution says:

"The number of Representatives shall not exceed one for every 30,000, but each state shall have at least one Representative."

I therefore think that in the formation of this constitution the accommodation was exclusively on the part of the large states, and that of course it was not reciprocal. Though the large states have not their due share of power I do not complain. I only infer that as the small states have almost all the power of the government or may get it by amendments, and as they are vested with all this power without an equivalent given to the large states, they are most interested in the existence of the constitution, and if most interested in its preservation they are also most interested in the adoption of this amendment, because I have proven that intrigue and corruption are more likely to occur under the constitution wanting the discriminating principle, than under the amendment now proposed; and I ask gentlemen whether any engine that can be set in motion will be more destructive to this constitution than fraud, intrigue, venality and corruption. Sir, the friends of republican government have justly considered that the great danger it has to dread is from overgrown executive power, and from the desperate efforts of aspiring individuals to obtain it. Render the election a matter of chance, make the electors vote blindfolded as they now do, and often indeed will the election come into the House of Representatives where (I wish to be understood, I speak not of the present time, I believe the present Representatives would spurn at every effort to influence them improperly) intrigue, venality and corruption will be brought to a focus with wealth and all the allurements of office in the train; arrayed against virtue, and the wishes of the nation; will there not be great danger that corruption and intrigue will be played off here in such a way as to induce the members to disregard the voice of the people and elevate to supreme executive power an aspiring individual. Sir, experience has borne testimony against the present mode of election, let us not reject its admonitions—by recurring to the situation of this country not long since, it will be recollected that there was serious danger of a dissolution of the government, and I believe it was felt in the most remote parts of the United States. Under the discriminating principle now contemplated, the election will not probably in one case out of a hundred be brought into the House of Representatives, and the awful crisis of alarm to which I have alluded never occur again.

I observed upon a former occasion when this subject was before us, that the polar star of republicanism was that the majority should govern, and that so far as we have deviated from that principle our constitution is anti-republican; shall we reject the present favorable opportunity to give efficacy to that *principle* in a most essential branch of our government; and by adhering to a mode which experience has proven is fraught with imminent danger; suffer the minority of this nation to chuse a President of the United States;—for unless we sacrifice the election of Vice-President they may vote for him whom we intend for that office and thereby make him, contrary to the wishes of the majority, the President of the United States. If we desire to reward talents and patriotism with the highest office in the power of the nation to bestow, we shall be obliged to give up the Vice Presidency to the minority, and thereby set a price of 80,000 dollars on the head of the President with all the honors and offices of the nation to be given to a political enemy. I hope, Sir, as such a state of things may happen we shall take care to guard against it. The gentleman from Connecticut says this subject is not understood by the American people and that it may be fully understood, he wishes it to be discussed here, in the newspapers, in the state legislatures. Sir, it has been long since discussed here and elsewhere and is in my opinion well understood. In several state legislatures whose politics correspond with those of that gentleman (and which will therefore be allowed by him to have been uninfluenced by party zeal) as well as in states which correspond in political opinion with the majority of this House, it has been repeatedly examined, and the states have almost invariably concurred in recommending the discriminating principle, in the election of President and Vice-President. Can there be a stronger evidence of its justice than its being recommended at a time when party views were out of the question? The gentleman is correct when he says the interests of the states are implicated by this amendment. Sir, I believe there are talents and virtue sufficient in the state legislatures to discern the import of measures implicating their interests, and to adopt or reject them as those interests dictate—they will not be thankful to the gentleman and his political friends for attempting upon this, as upon a former occasion, to guard the people against themselves as their worst enemies. Much has been said against the details of this amendment. I acknowledge, Sir, I am one of those who do not like them all, but I think the cases in which inconvenience is apprehended, so extreme and unlikely to occur, that I am unwilling to hazard the great principle of the amendment on account of them. I am not disposed to risk a certain good, by guarding against a visionary evil which it may be supposed will result from it. I believe the guarding against the right of the Senate to elect a President would be providing for an extreme case that will never happen, for as I before observed, it is not likely that the election will come into the House of Representatives for a century to come, if the discriminating principle be adopted; and when it does come into this House, it is not to be presumed they will neglect to make a choice, when in that case they know the Senate have the authority. I ask if a man would not be esteemed mad who having a ship and its cargo in the hands of an enemy should refuse to accept the restoration of the one without the other. As the constitution at present stands it has in a great measure placed the election (as I have attempted to shew) in the hands of a minority, in the hands of political enemies; and out of the control of the majority. Shall we suffer this to be the case because we cannot make the resolution more perfect; although we acknowledge it contains a most essential amendment, and almost all the states before the prevalence of party spirit declared an alteration necessary. These are my reasons for voting for the resolution—and I hope it will be agreed to.

Mr. STANTON. Mr. Speaker, I exceedingly regret that I cannot forbear troubling the House with a few remarks in justification of the vote I am about to give on the all important resolution on your table for amending the constitution of the United States. Sir, that venerable body, who was the framers of that valuable instrument, presupposed that after its merits had undergone the ordeal of experience it would need amendment. All intelligent well disposed men of every description, agree that the main object of government is, or ought to be such as expressed in the language introductory to our constitution, "To promote the general welfare and secure the blessings of liberty to ourselves and our posterity," that being the case it strongly recommends the adoption of the resolution in contemplation. That part of the national compact that relates to the choice of President and Vice President, which does not permit the electors to designate on their ballots who they vote for as President and Vice President, which envelopes the electors in darkness and cannot be reconciled with the good purpose of the convention—but by their own sentiments expressed in their letter to the President of Congress, signed by their illustrious President, the words are emphatical, "This important consideration, seriously and deeply impressed on our minds led each state in the convention to be less rigid on points of inferior magnitude than might have been otherwise expected, and thus the constitution which we now present, is the result of a spirit of amity, and of that mutual deference and concession which the peculiarity of our political situation rendered indispensible," for it evidently appears that the divided situation of the convention was such, in consequence of the difference among the several states as to their particular extent, habits, and particular interests, this being the case, the convention was obliged to submit to improprieties and imperfections, and to wait the test of experience, on the merits of the compact. Sir, I am hostile to the doctrine advanced on this floor, that the least innovation in this sacred charter would endanger the tranquility of the union. At the same time, I admit, that it should not be touched, but for cogent reasons and emergencies like the present—Sir, that constitution which in its operation, tends most to promote the happiness of the people, by rewarding intrinsic merit, defending the innocent, and affording speedy and effectual redress of grievances, is the best; no doubt but the framers of the national compact, in all their deliberations kept in view the greatest good of the people; and while I am disposed to pay homage to their superior talents and patriotism, I am unwilling to pay them a compliment or encomium, that may in the least degree depreciate the good sense of their Creator, the people. I believe our constitution is as free from imperfections as any on earth, yet it is like all other human productions, susceptible of improvement. Sir, the 5th article in the constitution, which says, "The congress when two thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which in either case shall be valid to all intents and purposes as part of this constitution when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof as the one or the other mode of ratification may be proposed by the Congress, and that no state without its consent shall be deprived of its equal suffrage in the Senate."

This article, that forever keeps open the door for amendments, and secures an equal suffrage in the Senate, and gives an equal vote, in the choice of a President, in the event of no choice by electors, is the life, beauty and quintessence of the constitution. Sir, I recollect that yesterday when this subject was discussed, an hon. member from Connecticut repeatedly called on the friends of the resolution to point out one evil that had resulted to the people of the Union, from the existing constitution; sir, permit me to ask the hon. gentleman where he was at the awful crisis of the Presidential election, when the public mind was agitated and tossed to and fro on the tempestuous sea of doubt, and forced to the verge of despair? Surely the hon. gentleman must have been out of the United States or out of his senses, or he must have lost his usual sagacity, patriotism, and sound regard for the honor of his country, or he must have recollected the alarming catastrophe; even had he been among the antipodes, who walk on the other side of the globe with their feet opposite to ours, he would almost have heard the destructive sound, which seemed to be from the clouds, and penetrate the solid earth—Sir, I ought to apologise for this digression, and detention of the House, but while I am up, I hope to be indulged to make a few remarks on what dropt from an honorable gentleman from Pennsylvania, who appeared an able advocate for the discriminating part of the resolution, and opposed to the clause relative to the Vice-President acting as President in the event of certain contingencies. But he suddenly seems to change his ground, and says—the most objectionable part of this amendment in the opinion of many gentlemen, and against which the gentleman from Vermont in particular has levelled his keenest darts, is that which vests the Vice-President with power to discharge the duties of President in the event of a President not being elected, and proceeds by saying at first view it appears liable to objections, but on a fair and candid investigation the objections lose their weight and the principle is found, in his opinion, correct. Sir, I beg leave to differ with the hon. gentleman not only in this, but also on another position, where he says—it will also operate as a stimulus to the House of Representatives to make an election. I think, Sir, it will produce a contrary effect; they will, I fear, consider themselves exonerated from the imperative language of the present constitution, that says—they shall immediately chuse a President. Sir, after viewing the whole ground, and notwithstanding the imperfections of the resolution in its present form, as it contains the discriminating principle, which alone was all I wished to obtain, I shall give it my feeble support. Being fully impressed in my mind that by adopting the designating principle contained in the resolution, it will frustrate the machinations of factions, secure in future a fair expression of the public will, and tend to increase domestic happiness, and national prosperity and glory.

Mr. GREGG said, he regretted the expression he had made yesterday, as it appeared to have given dissatisfaction to some gentlemen. That expression had however been misconceived. He had said that the people were in favour of the discriminating principle. He had said that this country was divided into two parties, and that an amendment for the establishment of this principle had at one time been brought forward by one party and then by the other. He had said that one of these parties was called republican, and the other federal. He did not consider this last term an imputation on any gentleman. Some gentlemen were called federalists, he was called a republican. They differed, it was true, in political sentiment; but he had never understood that gentlemen thought there was any thing reproachful in being called federalists; on the contrary, he knew the time when the epithet was deemed honerable.

Mr. LEIB moved a postponement of the subject till Monday.—Lost, Ayes 41.

A motion to adjourn was then made and lost.

Mr. ELLIOT. There are two or three remarks which fell from me in the animation of debate, I wish to explain. I used the observation of rash precipitancy as applicable to the majority in this business; of personal indecorum, imperious necessity, and Senatorial authority as applicable to particular members. I also observed that there were men of both parties, who, in my opinion, were aspiring and unprincipled. I beg leave explicitly to state, that I did not, at the time I made this remark, entertain an idea of any individual citizen. I alluded to no particular person. The remark was general, and I believe it to have been just. As to the charge of rash precipitency, I did mean to apply it to the majority. Perhaps I was wrong in making it; I hope I was. When at an advanced hour of debate, I intimated a wish to be heard, when no more than one day had been spent on the subject, and when I declared myself too much exhausted and indisposed to declare my opinions at that late hour of the House, by a great majority, deprived me of the time necessary to do justice to my ideas. For a moment I felt myself placed in a humiliating & degraded situation; in such a situation, as I thought no representative, and particularly a representative of one of the largest districts in the Union, containing a population of between fifty and sixty thousand souls, ought to be placed. If there was in this procedure any thing of rash precipitancy, it was perhaps the error of the moment; and what I considered at the time as the offspring of temper and passion may have been nothing more than an evidence of that disposition to which the greatest men have told us the first bodies in the world are sometimes exposed. If the body did for a moment yield to this disposition, I am ready to acknowledge that it has amply attoned for it by the magnanimity and patience it has since exhibited. I also made the charge of personal indecorum. I thought that it really existed. I thought it indecorous for any gentleman to tell other gentlemen that they had personal knowledge of dishonorable intrigue practised on a late important occasion. As to the imputation of Senatorial authority, I am still of opinion that this charge is merited by gentlemen who say we must take this resolution precisely as it came from the Senate, or lose every thing. I conclude what I have to say on this subject by declaring, that whatever warmth I may have exhibited in this debate, the vote which I am now about to give is the result of the coolest deliberation, and in conformity to the most sincere dictates of conscience.

*(To be continued.)*

## REPORT.

*The committee, to whom was referred on the 15th November last, "the report of the committee appointed at the last session of the last Congress on so much of the message from the President of the United States, as relates to the fostering of the fisheries of the United States," with instruction to enquire, whether any, and if any, what measures are necessary for the encouragement of the Whale and Cod-Fisheries—*

REPORT——

That they have taken into consideration the report of the committee made to the last congress, on the subject of the fisheries; that they coincide in opinion with that committee, as to the importance of the fisheries; and find the facts stated by them, and the inferences they have drawn from those facts, to be generally correct. The additional information, which has been obtained, leads them moreover to believe that the conjecture hazarded in the above report—to wit; "that the cod-fisheries have gained ground since the revolution, more especially since the present government first went into operation, whilst our whale fisheries on the other hand, have for some time past been more or less on the decline," is well founded. The documents A. B C. D. which have been received from the Treasury department, and which the committee beg leave to include, as a part of their report, seem to corroborate this opinion.

According to the document A. there were in 1799, 26 vessels, and 5,055 34-95 tonnage; in 1800, 17 vessels & 2,814 40-95 tonnage, and in 1801, only 15 vessels and 2 849 32-95 tonnage employed in the whale fishery: so that there was evidently a gradual and annual decline in this branch of business.

The document C. gives the quantity of oil, of spermaceti candles, and whale bone exported from the United States during the 12 years preceding the year 1802. From this it appears, that in the year 1791, there was exported 131, 595 gallons spermaceti, and 447 323 gallons whale oil, 182,400 pounds spermaceti candles, and 124,829 pounds whale bone—but in the year 1802, only 28,470 gallons spermaceti, and 379, 976 gallons whale oil, 135,637 pounds spermaceti candles, and 80,334 pounds whale bone. During the intermediate period, the quantity of these articles, the productions of the whale fisheries, exported from the United States varied considerably; the greatest quantity of each specific article, exported in any one year being as follows, viz. of spermaceti-oil 221.762 gallons; of whale-oil, 1,176,650; of spermaceti candles 290,666 pounds; of whale bone 452, 127 pounds. The annual quantity on an average for 12 years from 1791 to 1802 inclusive, of each article is, in round numbers, of spermaceti oil about 106,493 gallons of whale oil 573,941; of spermaceti candles 197,967 pounds; and of whale bone 191,334 pounds. It may be proper to add that there would seem (from document B) to have been a somewhat greater number of vessels and larger quantity of tonnage employed in the whale fisheries during the last than the two preceding years—20 vessels and 3,201 tons having been employed in this business during that year.

With respect to the cod fisheries, the above quoted document C. proves, that this branch of our fisheries has been though slowly yet gradually progressing. In 1791, there were 383,237 quintals of dried and 57,424 barrels of pickled fish exported from the United States, and the quantity of these articles annually exported, has annually encreased from that period to the year 1802; when 440,254 quintals of dried and 75,819 barrels and 13.229 kegs of pickled fish were exported from the United States. The average quantity of these articles exported annually during this period, was of dried fish 402,226 quintals, and of pickled fish 61,743 barrels; to which is to be added during the 7 years, an annual average exportation of 10,125 kegs of pickled fish. Agreeably to the report made to the last Congress on this subject, there were employed in the cod-fishery in 1800, twenty-five thousand tons of shipping and 3,840 men, and on an average of ten years preceding, rather upwards of 33,000 tons of shipping and somewhat less than 5,000 men.—In the year 1802, (document B.) there were 1,140 vessels, 39,399 tons of shipping, and 4,533 men employed in the same fisheries; exclusively of vessels and boats under the size of five tons, and the men navigating them, the number of each of which, the committee have reason to believe, has of late years considerably encreased. Such is the least imperfect view of the subject referred to them, which the committee find themselves enabled to present to the House. As the official information with respect to the fisheries heretofore received at the treasury department, does not appear however to have been as full and as satisfactory, as might perhaps be desired—the committee have ventured to suggest the propriety of a more detailed account of their actual state, being required annually from the proper officers, and they doubt not but that the necessary steps will accordingly be taken by that department to carry this desirable object into effect.

In the mean time, the committee beg leave to state, in compliance with the instruction given them by the House, "to enquire, whether any, and if any, what measures are necessary for the encouragement of the whale and cod fisheries"—with respect to the last, (i. e the cod fishery,) that, as it seems to have been gradually progressing under the present laws and regulations, they deem it unnecessary at this time to make any change in them, or to propose any further measure in regard to the cod-fishery; unless the House should in their wisdom think proper to adopt the resolutions submitted to the House of Representatives at the last session of Congress. It having indeed, been suggested to them that there was a larger proportion of foreign fish imported into the United States, than they were aware of, the committee had it in contemplation to propose an encrease of duty on foreign fish: But understanding that a proposition to the same effect will ere long be submitted to the House from another quarter, they deem it unnecessary to interfere further in the business than to express their approbation of the measure.

The whale fishery on the other hand, presents itself under a much less favorable aspect, it having been for some years past more or less on the decline. And yet there is no branch of industry whatever perhaps, more highly important to the public.—Strongly impressed with this truth, the committee think it a point of true national policy to afford it every encouragement and to endeavor, as much as possible, to invigorate and re-animate it. They are perfectly aware however, of the many demands on the treasury, and feel a strong disinclination to draw unnecessarily on the public funds at this particular period. Yet believing that in the critical situation, in which the whale fisheries appear to be placed, some little encouragement, similar to that, which seems to have had so beneficial an effect on the cod fisheries, might turn the scale, and give new life to this interesting branch of our national industry, they venture respectfully to submit to the House the following resolution:—

*Resolved*, That there shall be paid to every vessel, carrying on the whale fishe-