

fact, removed in all of the states three degrees from the people; the electors in many of the states, are chosen by the state Legislatures, and where that is not formally the case, yet it is point of fact effected through the agency of those bodies. But what mainly distinguished the Legislature and executive branches, as it regards their actual responsibility to the people, is the nature of their operation. It is the duty of the former to enact laws, of the latter to execute them. Every citizen of ordinary information, is capable in a greater, or less degree, to form an opinion of the propriety of the law; and consequently to judge whether Congress has or has not done its duty; but of the execution of the laws, they are far less competent to judge. How can the community judge, whether the president, in appointing officers to execute the laws, has in all cases been governed by fair and honest motives, or by favor or corruption? How much less competent it is to judge whether the application of the public money has been made with economy and fidelity, or with waste and corruption? These are facts that can be fully investigated, and brought before the public by Congress, and Congress only. Hence it is that the Constitution has made the President responsible to Congress. This, then, is the essence of our liberty: Congress is responsible to the people immediately, and the other branches of government are responsible to it. What then becomes of the theory of the government, if the President holds offices in his gift, which, as it regards honor or profit, are more desirable than a seat in this House, the only office immediately in the gift of the people? Here Mr. C. checked himself. He found himself, he said, committing an unpardonable error, in presenting arguments to this body. The ear of this House, on this subject, said he, is sealed against truth and reason. What has produced this magic spell? Instructions? Well then, has it come to this? have the people of this country snatched the power of deliberation from this body? have they resolved the government into its original elements, and resumed to themselves their primitive power of legislation? Are we, then, a body of individual agents, and not a deliberate one without the power, but possessing the form of legislation? If such be the fact, let gentlemen produce their instructions, properly authenticated. Let them name the time and place, at which the people assembled, and deliberated on the question. O no! they have no written, no verbal instructions; but they have implied instructions. The law is unpopular, and they are bound to repeal it, in opposition to their conscience and reason. Have gentlemen reflected on the consequences of this doctrine? Are we bound in all cases to do what is popular? If it is true, how are political errors, once prevalent, ever to be corrected? Suppose a party to spring up in this country, whose real views were the destruction of liberty; suppose that by management, by the patronage of offices, by the corruption of the press, they should delude the people, and obtain a majority—and surely such a state of things is not impossible—what then will be the effect of this doctrine? Ought we to set quiet? Ought we to be dumb? or rather ought we to approve, tho' we see that liberty is to be ingulphed? This doctrine of implied instruction, if I am not mistaken, is a new one, for the first time broached in this House; and if I am not greatly deceived, not more new than dangerous. It is very different in its character and effects, from the old doctrine that the constituents have a right to assemble and formally to instruct the representative; and though I would not hold myself bound to obey any such instructions, yet I conceive that the doctrine is not of a very dangerous character, as the good sense of the people have as yet prevented them from exercising such a right, and will, in all probability, in future prevent them. But this novel doctrine is of a far different character. Such instruction may exist any day and on any subject. It may be always at hand to justify any aberration from political duty. Mr. C. would ask its advocates in what do they differ in their actions: from the mere politician, the political weathercock? It is true, the one may have in view his own advancement, in consulting his popularity, and the other may be governed by a mistaken but conscientious regard to duty; yet, how is the country benefited by this difference, since they equally abandon the plain road of truth and reason, to worship at the shrine of this political idol. It was said by a member from Massachusetts (Mr. Conner) that this right of instruction is only denied in monarchies, and as a proof of it, he cited the opinion of Mr. Burke, whom he called a pensioner at the Bristol Election. So far is he from being correct, that in none of the free governments of antiquity can he point out the least trace of his doctrine. It originated in the modern governments of Europe, particularly that of Great Britain. The English Parliament had, at its origin, no other power or duty, but granting money to the

crow; and as the members of that body were frequently urged to enlarge their money grants, it was a pretty convenient excuse to avoid the squeeze, to say they were not instructed. The gentleman was incorrect in calling Burke a pensioner at the time he delivered the celebrated speech at the Bristol polls. Burke at that time, whatever may have been his subsequent character, was a first rate champion in the cause of liberty and of this country; and if the gentleman would recur to the points in which he refused to obey the instructions of his constituents, it will not greatly increase his affections for such doctrines. That mind must be greatly different from mine, said Mr. C. who can read that speech, and not embrace its doctrines.

I too, said Mr. C. am an advocate for instruction. I am instructed. The constitution is my letter of instruction. Written by the hand of the people, stamped with their authority it admits of no doubt as to its obligation. Your very acts in opposition to its authority, are null. This is the solemn voice of the people, to which I bow in perfect submission. It is here the vox populi is the vox Dei. This is the all-powerful creative voice which spoke our government into existence, and made us politically as we are. This body is the first orb in the political creation, and stands next in authority to the original creative voice of the people; and any attempt to give a different direction to its movement, from what the constitution and the deliberate consideration of its members, point out, I consider as an innovation on the principles of our government. This is necessary to make the people really happy; and any one invested with public authority, ought to be as sensibly alive to the people's happiness, as some gentlemen wish the House to be to mere popularity. He knew that such was the stricture of our government, that the permanent feeling of the community would impress itself on this House. He rejected that such was the fact, as there would be no security for liberty, were it otherwise. The sense of the people, said he, operating fairly and constitutionally through elections, will be felt on this very subject at the very next session; but surely the question by whom the repeal is effected, is one of no slight importance. It can by our successors, if they think proper, be at least consistently done; by us, it cannot. Should we reduce it to the old rates, when it is well known that the sense of a great majority of this House is wholly averse to it, besides the great loss of individual character which we must sustain, it is calculated to bring into suspicion all political characters, to the great injury of the public. You may rely on it, the public wish and expect us to act by the convictions of our mind and will, not to tolerate the idea that either on this or any other important occasion, you are acting a part, and that you studiously shape your conduct to catch the applause of the audience. Mr. C. said, he hoped he would not be misunderstood; that while he combated the idea that we are bound to do such acts as will render us popular, for such he understood the doctrine, we are to overlook the characters of those for whom we are to make laws. The laws ought, in all cases, to fit the permanent and settled character of the community. The state of public feeling, then, is a fact to be reasoned upon, and to receive the weight on any particular question to which it may fairly be entitled. But, for his part, he preferred that erectness of mind which, in all cases, felt disposed to embrace what was, in itself, just and wise. Such characters he thought more useful, under our form of government, than any other, and were more certain of the applause of after ages. If he was not mistaken, it constituted the very essence of the admired character of antiquity, such as Cato, Thucydides, and Aristides; and if we could conceive them divested of this trait, they would cease to be the objects of our admiration.

Mr. C. said, taking it for granted that he succeeded in proving that this House was at liberty to decide on this question according to the dictates of its best judgment; he now would resume the argument where he had dropped it. He had proved that this House is the foundation of our liberty; that it is responsible to the people for the faithful discharge of its duties and that any other branch of government is responsible to it as the immediate representatives of the people, and that it is essential to the fair operation of the principles of our constitution, that this body should not be any degree under the influence of the other branches of the government. How then stood the fact? He begged that no one would attribute to him factions views. He would speak in relation to no particular measure or men. He wished simply to illustrate general principles; to speak to the constituents as the laws. How then he repeated, is the fact? Are there not in the power of the President a multitude of offices more profitable, and many both more profitable and

honorable in public estimation than a seat in this House—the only office in the general government in the gift of the people? Have we not seen, in many instances, men attracted out of this House to fill subordinate executive offices, whose only temptation was pay; and what is far more dangerous, in every respect much more to be dreaded, do we not see the very best talents of the House, men of the most aspiring characters, anxious to fill the departments on foreign missions? Let me not be understood to throw blame on them.—the fault is not so much in them as the system. Congress, then, is only the first step in the flight of honorable distinction. So high the people can raise the aspirant, to go beyond, to rise to the highest, the Executive must take him by the hand. On what side then must his inclination be! On the side of his constituents, who can do no more than to keep him where he is or that of the executive power on whom his future hope must depend? Setting corruption aside, which I believe had made no inroad on us, but take human nature as it is: can you expect with ordinary viri ut, that vigilant and bold oversight over the executive power which the constitution supposes, and which is necessary to control a power possessed of so much arrogance? He was aware the evil was difficult to be cured. It was the opinion of some, that no member of either house ought to be capable of being appointed to any office for the term for which the President is elected. It is worthy of reflection. For his part but one objection occurred to him which he could not surmount. He feared that so long as the executive offices which he had mentioned, continued to be more desirable than a seat in this house, it would tend still further to depress the legislature. The best materials for politics systematically avoid Congress, and approach Executive favour through some other avenue. Whether this or some other plan be adopted in part, he was confident it was necessary to make a seat in Congress more desirable than what it is even at the present pay. What sum was sufficient for that purpose he stated last year in debate, and had only to regret that the country did not see the same necessity with him on this point. Gentlemen say we ought to come here for pure patriotism and honor. It sounds well; but, if the system be adopted to its full extent, there will be found neither patriotism or honor sufficient for continual privations. We must regard human nature as it is, said Mr. C. and particularly that portion for whom we legislate. Our countrymen, with many admirable qualities, are in my opinion, greatly distinguished by the love of acquisition. I will not call it avarice, and the love of honorable distinction. He objected to neither of these traits. They both grew necessarily out of the character of our country and institutions. Our population advances beyond that of all countries, marriages in all conditions of life take place at an early period. Hence, the duty imposed almost every one to make provision for a growing family. Hence, our love of gain, which in most instances, is founded on the purest virtues. The love of distinction is not less deeply fixed. In a country of such blended qualities, reliance ought not to be had wholly on honor or profit. They ought to be blended in due proportion. The truth is, that no office requiring long continued privations, will be honored, unless duly rewarded for it ceases to be an object of pursuit. If these views be correct the effect of an adequate reward is not only to attract talent to the place where it is most needed, the legislature, but you make it more stationary there, and what is more essential, place it more beyond Executive control; and thus realize the full effects of the theory of your government. The additional expence would not be felt; and he knew of no other objection, which had the least plausibility, except that we cannot plead the example of any other country, and that it is calculated to produce too much competition for a seat in Congress.

He acknowledged the want worth serious investigation, what effect it had had on the permanency of their liberties, but why should we look for examples either to the state legislatures or to other countries? In what other instance has the duties of legislation involved so great a sacrifice of time and domestic pursuits? Compare our services here, with that of a judge, or most Executive offices, and they will be found not less burdensome. Nor did he fear, that the competition for a seat in Congress would be too animated. He believed a sharply contested election, if corruption did not enter, was of public advantage. It brings the proceedings of this body more fully before the people, and makes them much better acquainted with their interest. It even makes a seat here more honorable in public estimation. Nor was he afraid that competitions would produce corruption. Fifteen hundred or two thousand dollars a year would not be sufficient for this purpose. An election to Congress was, in this respect, more safe than to a state Legislature; as it requires so many more to elect to the former than the latter. This security grows with the increasing growth of the country; as the

number of constituents will be relatively to the representatives, increase. There were other, and important considerations, connected with a just pay to the members of this body; but as they had been fairly presented by the report of the committee, he would not fully discuss them. By an inadequate pay, you close the door of public honor on some of the most deserving citizens. Talents in this country are principally from the middling and lower classes. These, in fact, constitute the great body of the community. A young man of talents spends his property and time to acquire sufficient information to pursue a profession. He proves worthy of public confidence: ought he not to receive indemnity for the application of his time and talents to the service of his country? It would be economy with a vengeance to exclude all such from the floor of legislation, or to make them mere political adventurers, who would enter here only for further promotion. The extent of our country said he, points another and powerful reason why the pay should be respectable. No one is fit for legislation who does not constantly bear in mind that our republic is distinguished from all other free countries that has ever existed, by the extent of our territory. While we derive from this distinction many advantages, we are liable to great and menacing dangers. While we behold our growth with pride, it must at the same time impress us with awe. It is our duty to overcome space by every effort in our power. We ought to attract suitable talents from the most distant part of our republic by a full and generous allowance. Distance itself constitutes a great objection to many to perform the duties of this body. Should the men who by nature and study are endowed with requisite qualities for public service, be forced by a miserable parsimony either to divert their talents to private pursuits, or to affairs of the respective states, and men of inferior capacity be sent to this body who can measure the public misfortune? What could tend more powerfully to disserve this union? Some have taken up the idea, as extraordinary as it may seem, that the increased pay to members is in its nature aristocratical. What, is it aristocratical! to compensate the public servant for his services to the public? Can it be considered as favoring the power of a few to extend the power and influence of the people in the affairs of the general government? It enables them to select the best talents for their own immediate service; it raises them in the scale of influence by causing the most shining and aspiring talents to be dependent on them for promotion and honor.

It makes the service more desirable, than that of Executive employment; and by a simple process enables them through their immediate agents, this House, to hold a controlling power over any department of the government. Such is the aristocratical tendency of this reprobated measure. Mr. C. said that he might extend his observations much farther on this most important subject; but so much had been well said by others that he would abstain. He must however present to the House a reason which he believed had not as yet been touched on; he meant the happy effect, which an adequate compensation would have on the tone of parties in our country. Make a seat in Congress, what it ought to be, the first post in the community, next to the Presidency, and men of the greatest distinction in any part of the country will seek it. The post then of honor and distinction being in the people, and not in the President, will be open to all parties in proportion to their ascendancy in the union. That entire monopoly of honor and public profit by the majority will not be experienced, which must be felt, when the honors of the country are principally in the hands of the Chief Magistrate. Those who best understand our nature can the most fully appreciate the consequences. Although it may not abate the heat of party, it will greatly effect their feeling towards our happy political institutions.

The bill to repeal the compensation law, and all laws on the same subject, from and after the end of the present session of Congress, yesterday passed the Senate; and, having passed both Houses, now wants only the signature of the President to become a law.

The bill to erect the western part of the Mississippi Territory into a State, yesterday passed the Senate, and will now come before the House of Representatives. There are some who prefer that the whole territory should be included within the limits of the new state, instead of a part of it which this bill contemplates. This will probably be a subject of discussion in the House, when the bill is taken up.