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EASTON, MARYLAND. SEMI-WEEKLY. SATURDAY, FEBRUARY 13, 1836.

Mr. Adams's Speech.

THE THREE MILLION APPROPRIATION OF 1835.

HOUSE OF REPRESENTATIVES. *Friday Jan. 22, 1836.*

Mr. J. Q. ADAMS asked the consent of the House to submit the following resolution:

Resolved, That so much of the Message of the President of the U. States to Congress at the commencement of the present Session, as relates to the failure at the last Session of Congress, of the bill containing the ordinary appropriations for fortifications, be referred to a Select Committee, with instructions to inquire into and report to the House, the causes and circumstances of the failure of that bill.

Objection being made, Mr. Miller moved to suspend the rule of the House to enable the gentleman from Massachusetts to offer his resolution.

Mr. Vanderpoel asked for the yeas and nays on the motion to suspend the rules, which were ordered, and were—Yeas 129; nays 60.

Mr. Adams then submitted the foregoing resolution.

Mr Williams, of North Carolina, moved to amend the resolution, by giving the Select Committee power to send for persons and papers.

Mr. J. Q. Adams said that the portion of the President's message which referred to this subject was in these words:

"Much loss and inconvenience have been experienced in consequence of the failure of the bill containing the ordinary appropriations for fortifications, which passed one branch of the National Legislature at the last session, but was lost in the other. This failure was the more regretted, not only because it necessarily interrupted and delayed the progress of a system of national defence, projected immediately after the last war, and since steadily pursued, but also because it contained a contingent appropriation inserted in accordance with the views of the Executive in aid of this important object, and other branches of the national defence, some portions of which might have been most usefully applied during the past season. I invite your early attention to that part of the report of the Secretary of War which relates to this subject, and recommend an appropriation sufficiently liberal to accelerate the armament of the fortifications, agreeably to the repository submitted by him, and to place our whole Atlantic seaboard in a complete state of defence. A just regard to the permanent interests of the country evidently requires this measure, but there are also other reasons which, at the present juncture, give it pecualiar force, and make it my duty to call to the subject your special consideration."

He thought that was all that related to the subject, and he offered the resolution for the appointment of a committee with instructions to inquire and report as to the facts relating to the loss of the three million appropriation bill, place it another quarter upon this subject.

The Chair reminded the gentleman from Massachusetts that it was not in order to allude to the Senate.

Mr. A said he was perfectly well disposed to observe the rules established, and that he would go no further in reference to what had taken place in the Senate than the rules would authorize. He said that he had offered the resolution in consequence of what had occurred in another place. He had not said that that place was the Senate of the United States.—That was a matter which any gentleman was competent to determine for himself where the place was. He did not refer nominally to any thing that had taken place in the Senate, but he did refer to what had taken place elsewhere, and he should proceed and have reference to what had occurred in another place, as long as it should be the pleasure of the Speaker or the House to permit him.

Mr. Adams was about proceeding, when Mr. Mercer called him to order. The gentleman from Massachusetts had not *nominally* alluded to the Senate, but he had *intentionally*, and was therefore out of order.

Mr. Adams said, he would endeavour, as far as was in his ability, to avoid any collision, not only with the letter, but with the spirit of the rules to which the gentleman from Virginia (Mr. Mercer) had appealed, and would therefore transfer the location of the place where these things had happened, from the Senate of the United States to the office of the National Intelligencer, and would ask the gentleman if he had any objection to that?

Mr. Mercer said he objected to a quibble, with a view of reaching another branch of Congress, contrary to the rules of order.

Mr. Adams continued.

Mr. SPEAKER: In the National Intelligencer, the official printer to the Senate of the United States, there was published a report of proceedings which had taken place in a certain body, and in that newspaper he found it charged not only that the statement in the message of the President of the United States was not true, but that the failure of that bill was not caused by the Senate of the United States; that it did not fail there, but that it failed in another House. Where was that? Was it this House? No, sir; that House exists no longer. But it was in this hall; and the House which is now here consists, in a great measure, of the identical individuals who composed that House. One hundred and forty members of that House are also members of this House. And in that same National Intelligencer he found the charge, not only that the failure of that bill was owing to the fault of that House, but that it died there, and there its bones are to be sought. He found it also charged, that in the progress of the passage of that bill, the most violent outrages were committed on the Constitution of the United States, by the President and by the House, in conspiracy together. It was admitted on all hands, that the failure of the bill was occasioned by the introduction of a section into it, appropriating three millions of dollars for the defence of the country: and the President now tells us that the failure of that appropriation was a subject of great inconvenience to the people of the country. On this subject an issue has been taken in the National Intelligencer; and that issue involved not merely the President of the United States, but it involved the House of Representatives. That was an additional reason why he wished for a committee to inquire into the matter. That reason, he hoped, would be sufficient for every member who felt his honor implicated, to call for investigation, and have the subject examined, to show where the failure of that bill was to be charged.

He had, he repeated, said that he considered it the first duty of every branch of Government, to harmonize with the other branches of the Government in doing the business of the People. It was the duty of the members of the House of Representatives to support the President of the United States, and the Executive Government of the country, in every measure appropriately belonging to his high office; and in like manner, it was equally his duty to support the other branches of the Government; and that this duty was obligatory and reciprocal upon the Senate and President. This he had always considered as the first duty of every person concerned in administering the Government, whether of the Executive or Legislative departments. It was a subsequent duty that each of these powers was to be a watchman and sentinel over the proceedings of the other. This, between the two branches of the Legislature, was a matter of extreme importance, and was scarcely less important, in the relations between both and each of the branches of the Legislature and the President. The appropriation of three millions of dollars for the defence of the country, was inserted in the general fortification bill by amendment proposed, by the gentleman from New York, (Mr. Cambreleng,) in consequence of a resolution, which had passed unanimously in the House, and by which unanimous vote the House declared that the execution of the treaty of the 4th of July, 1831, with France, should be insisted on. It was well known to every member of the House, and he believed to every person out of the House, that the appropriation of three millions was introduced in consequence of the vote on that resolution the night before it was well known that the resolution, which finally passed by that vote, had been contested by a debate of several days immediately before its passage, upon grounds that such a resolution would occasion war.

If you look, said he, to the journals of the House for the resolution which passed, and to the several resolutions proposed as substitutes for it, you will see that it was admitted with extreme reluctance by many members of the House, that it was ardently and perseveringly contested, and upon the grounds that it would occasion a war. Under these circumstances, although the House were not of opinion that it would give just cause for war, still how was it possible for a statesman, looking to the interests of our common country, not to see that these reasons so pressed upon the consideration of the House, and, looking to the action of another Government, might have that tendency.—The conduct of a foreign Government to be predicated upon this act of our own, was matter of foresight and conjecture. There was misunderstanding and irritation between our Government and that of France. The members of the House who had resisted the passage of the resolution, intelligent and patriotic men, had urged the House against it, and all the tender sympathies of our nature and all the sentiments of humanity, in our bosoms, had been appealed to, as warnings against that resand with all its Chambries, been held up before us to deter the House from the assertion of the nation's rights and of the nation's honor contained in that resolution. Conscious that the resolution could not give any just cause of offence, the House did not believe that it would offend or endanger the peace of the country—yet in defence to the fears of the minority, and as an earnest of their sincerity in the determination to INSIST upon the execution of the treaty it was deemed fitting that the country should put itself in an attitude of DEFENCE to meet the worst possible contingency, and to sustain that resolution which they unanimously passed. These were the grounds upon which that item was introduced on the last day of the session. And why on the last day? Because it was only the night before that the unanimous vote had passed.

In all the debate in the National Intelligencer to which he had referred, there was no more trace of such a resolution as having passed the House than if it had never existed. No more trace than could be found on the journal of the Senate of what they would do FOR THE DEFENCE OF THE COUNTRY, or to insist upon the execution of the treaty of July. But in that debate in the National Intelligencer he found a prodigious display of eloquence against the constitutionality of this section appropriating three millions of dollars for the defence of the country, because it had not been recommended by the Executive.

Mr. Mercer again rose to order. He charged that the gentleman was alluding to a debate in the Senate.

The Speaker said that the gentleman must reduce the exceptionable words to writing.

Mr. Mercer reduced to writing and proceeded to read the words which he alleged were used by the gentleman from Massachusetts. He did this, he remarked, with reluctance; but it was for the purpose of preserving that comity and harmony between the two bodies, that the gentleman had referred to, and which he no doubt desired to maintain, that he had felt called upon by a sense of duty to raise the question of order.

The words taken down by Mr. Mercer were read at the Clerk's table, and the Speaker inquired of the gentleman from Massachusetts whether he admitted their correctness.

Mr. Adams. The gentleman from Virginia (Mr. Mercer) had expressed great aversion to quibbling.

Mr. Parker here rose and urged that order should be maintained, as it was impossible to understand what was going on while the members were standing or moving about.

Mr. Mercer said the gentleman from Massachusetts might modify the language which he had reduced to writing.

Mr. Adams proceeded to state wherein the gentleman from Virginia had not correctly stated the words which he had used.

Mr. Mercer said the evident *meaning* of the gentleman, in his opinion, authorized the terms which he had employed in reference to the exception he had taken.

Mr. Adams said as he understood the rule, exception must be taken to the *words* of a member, not to any *meaning* which any gentleman might think proper to attach to his words. He entered into a further explanation of the terms which he had employed.

Mr. Mercer expressed his dissatisfaction with the explanation and he felt bound to persevere in the motion which he had made.

Mr. Wise hoped the gentleman from Massachusetts would be permitted to proceed. Whether in oderr or out of order. If ever there was a case where members should be permitted to speak frankly on both sides, in order that the truth and the whole truth might be elicited, this was one.

After some conversation between the Speaker and Messrs. Hardin, Mercer and Adams, the question was put, and the House decided by a large majority, that the words taken down by Mr. Mercer were not used by Mr. Adams.

Mr. Adams continued.

He said his object in offering the resolution was precisely the same, with that which had induced his honorable friend from Virginia to interpose this objection of mere formality against it, namely, to restore harmony between all the departments of the Government, not only between the House and the Senate, but also between both Houses of Congress and the Executive Departments of the Government, for if there ever was a time when harmony, perfect and complete, between the different departments of the Government was necessary, now was the time. The people of the country called for it—the interests of the nation demanded it. Mr. A. said these were his motives for offering the resolution, and he trusted that if the House could indulge him in the appointment of the committee, he demanded, that that committee should have it in their power to report that all the charges made against the House were utterly groundless and unfounded, and believing that that would be the result of the investigation, he hoped that it would contribute to restore the harmony which no longer exists between the two branches of the Legislature of the country. The restoration of harmony depended upon the vindication of the honor of the House of Representatives at the last session of Congress; for if that vindication could not be made complete, there was no prospect of any harmony at the present session of Congress, and especially upon that most important subject, our foreign relations—the question of peace or war. The foundation of the resolution offered, was on his part entirely defensive, its object was to vindicate the House of Representatives from reflections which were entirely undeserved.

Mr. A. said it was difficult for him to reconnect together the train of thought after so much interruption which he had wished to present to the House. He would, however, revert to one or two points which required notice. It was against the introduction of the section appropriating three millions for the defence of the country, that the cry of unconstitutionality, against both the Executive and House of Representatives had been raised. One of the great charges was that the House of Representatives had inserted that section without recommendation from the President. That was the great offence on which was founded the bursts of indignant eloquence, which would rather see the enemy battering down the walls of the capitol than agree to such an appropriation for the defence of the country.

Observe, sir, once more, the terms, the object, and the condition of that appropriation it was to be expended, in whole or in part, under the direction of the Presi[illegible] and has a scar to the faithful execution of the [illegible] army, and especially and entrusted with the superintendence of all the defences of the country against the ravages of a foreign invader—it was to be expended, for the "military and naval service, including FORTIFICATIONS, and ORDNANCE, and INCREASE OF THE NAVY.—These, sir, the natural and appropriate instruments of national defence against a foreign foe, were the sole and exclusive objects of this appropriation—not one dollar of it could have been applied to any other purpose by the President without a violation of his official oath and of his official trust—not one dollar of it could have been applied by him to any other purposes without making himself liable to impeachment; not by that House of Representatives, but by us, their successors, fresh from the constituent body, the People; yet before that same Senate for his judges, a majority of whom were surely not of his friends, not one dollar of it could be have expended without giving a public account of it to the Representatives of the people and nation. Nor was this all. Thus confined to specific objects, it was to be expended, not unconditionally, but only in the event that it should be rendered necessary FOR THE DEFENCE OF THE COUNTRY, prior to the then next session of Congress, an interval of nine months, during which no other provision could have been made to defend your soil from a sudden invasion, or to protect your commerce floating upon every sea from a sweep of a possible royal ordinance of France.

And this is the appropriation following close upon that unanimous vote of two hundred and seventeen members of the House, that the execution of the treaty of 1831, should be maintained and insisted on. This is the appropriation so tainted with man-worship, so corrupt, so unconstitional, that the indignant and patriotic eloquence of the National Intelligencer would sooner see a foreign enemy battering down the walls of the capitol than agree to it. Sir, for a man uttering such sentiments there would be but one step more, a natural and easy one to take, and that would be with the enemy at the walls of the capitol to join him in battering them down.

[Here Mr. A. was interrupted by a spontaneous burst of feeling and applause from members on the floor. The SPEAKER immediately called to order. The indiscretion was momentary, and the most respectful silence followed.]

Mr. A. resumed. He hoped he had shown that the section making the appropriation of three millions, was introduced from absolute necessity on the last day of the session, because it was in consequence of the unanimous vote of the day preceding. Was he now to be told that this and the other House must not appropriate money unless by suggestion from the Executive? Why Sir, the executive has told us now that that appropriation was perfectly in accordance with his wishes. Yet here the charge is inverted and unconstitutional conspiracy, and man worship are imputed to this House on account of that appropriation; because it was approved and desired by the Executive. Where was the possibility of a *recommendation* from the Executive; of statements from the Departments, of messages between this and the other House when the resolution of the House had been passed but the day before? That resolution was itself passed in consequence of a communication from the Executive and in furtherance of the views of that officer. Then why was the charge of man worship made. He would appeal to the House to say whether he was a worshipper of the present Executive. He had voted for that appropriation, and he gloried in the vote. Was he chargeable with man worship in voting for that appropriation? had not approved the SPECIAL MEASURES which had been recommended by the Executive at the commencement of that session of Congress.—Neither the measures of issuing letters of marque and reprisals, nor the measures of commercial interdiction—neither had that House of Representatives approved them; but the House, and thank the people of the country had done homage to the spirit which had urged to the recommendation of these measures which they did not approve. It was repeated, why was it that the House must be charged with man worship and unconstitutional treachery, because they passed an appropriation of millions for the defence of the country, at a time when imminent danger of war was urged, as resulting from that very resolution, which but the night before passed by an unanimous vote? Because, forsooth, that appropriation had *not* been called for by the Executive, and yet, because it *was* approved by the Executive.

[illegible] there were at the last session of Congress three lines of policy to be pursued with regard to our controversy with France, which had marked the proceedings of the three branches of our Government charged with the duties and the responsibilities of legislation. The system of the President was contained in the recommendations of his annual Message. The system of the Senate is disclosed by their resolution unanimously adopted on the 14th of January, 1835, in these words, as appears upon their journals:

"Resolved, That it is inexpedient at present, to adopt any legislative measure, in regard to the state of affairs between the United States and France."

A resolution not only declining to do that which the President had recommended to vindicate the rights and the honor of the nation; but positively declaring to do NOTHING—not even to express a sense of the wrongs which the country was enduring from France.

Such was the system of the Senate.—That of the House was neither exactly that which had been recommended by the President, nor yet that of the Senate. It was a subject of long, of anxious, and of arduous deliberation and debate during the last week of the session.

The Chairman of the Committee of Foreign Relations had reported three resolutions. As substitutes for which, I had the honor of submitting to the consideration of the House three others. The minority of the Committee of Foreign relations had presented a report, concluding with a sentence, which at the suggestion of the chairman of the Committee, I offered as a modification of my first resolution, and to which the Chairman of the Committee consented to offer as a substitute for the first reported by him.—That sentence, from which, with the general assent of the House, the words "at all hazards" had been withdrawn, was finally moved by me, and every member present, two hundred and seventeen in number, answered at the call of his name, aye.

The resolution was in these words—

"Resolved, That in the opinion of this House, the controversy with France of the 4th of July, 1831, should be maintained, and its execution insisted on."

I then withdrew the second and third of the resolutions which I had proposed.

The second of the resolutions reported by the chairman of the Committee of Foreign Relations, that the Committee should be discharged from the further consideration of so much of the President's message as related to commercial restrictions, or to measures on the commerce of France.

Was unanimously adopted by the House.

The third resolution reported by the Chairman of the Committee was,

"Resolved, that contingent preparation ought to be made to meet any emergency growing out of our relations with France."

Such was the resolution intended to sustain at once the honor of the President's recommendations and the resolution just adopted by the

Danger of travelling,

Running the risk of getting sick from home, by a message from the President for estimates from the War and Navy Department, or for the slow progress of a bill through all its usual stages in both Houses of Congress. Such proceedings highly proper for the usual and ordinary expenditures of the year, were not only unnecessary, but would have been to say the least useless for an appropriation, contingent upon events then uncertain, and the amount necessary for which, could not, with any approximation to precision, be estimated or foreseen.

The resolution was laid on the table at the motion of the Chairman of the Committee, who had reported it, and who then, in my hearing and in the hearing of all in the House who choose to hear him, gave notice that he should in its stead move an additional appropriation in the fortification bill then before the House. Whether he named the sum of three millions as that which he should propose or not, I do not recollect. He had openly spoken in the House before, as contemplating a larger sum, considering the contingent and possible danger against which it was to provide, I thought the sum certainly not too large.

And now, sir, where is all this scaffolding of indignation and horror at an appropriation for specific purposes for the defence of the country, because forsooth it had not been recommended by special message from the Executive. Gone, sir! Gone! You shall look for it, and you shall not find it. You shall find no more trace of it, than in the tales of the National Intelligencer, you shall find of that vote, of two hundred and seventeen ayes, which was the real voucher of the purity and genuine patriotism of that appropriation of three millions denounced to the world by the eloquent orators of the Senatorial Press, as so profligate and corrupt, that an enemy at the gates of this Capitol, could not have justified a vote in its favor to arrest his arm, and stay his hand in the act of battering down these walls. You shall find no more of it, than upon the journals of the Senate of the last session of Congress, you shall find of sensibility to the wrongs which our country was enduring from France—and if upon those journals, such a trace can be found, it must be to clearer and more searching eyes than mine.

Then why are we told, that nobody knew anything of the reasons of the House for adopting that amendment to the fortification bill? Nothing passed in the House but what was known in the other portion of the Capitol. Nothing was to be found on the journals of the other body, that would go to sustain the Executive and the country. In another body there were resolutions passed very explicitly declaring that they would not do what the Executive recommended, but no resolutions were passed, saying what they *would* do. A different course of policy was pursued by the House. It adopted unanimous resolutions, and showed that, although the measures recommended by the President, did not entirely meet their approbation, yet that the rights of the country, and the execution of the treaty were to be insisted on. In another branch of the Capitol, at the same time, it was not known what the House were doing; yet 217 names answering, yea, stood recorded on the journals of this House. These were the facts, and an impartial history of that bill would show, that there was sufficient and ample cause for the appropriation of three millions. But the three million appropriation was received by the Senate, in a most unfortunate temper, and as proof of this, it became absolutely necessary for him to refer to their proceedings.

In the first place, the motion for the three million section was submitted in the House, and little objection was made to it. It was perfectly understood by gentlemen on both sides of the House, that it was founded on the vote of the night preceding, and no one so far as he recollected, objected to it, because there was no recommendation from the Executive. The vote was taken on it by yeas and nays, and it was adopted. One hundred and nine names, (said Mr. Adams,) the first of which in alphabetical order, was my own, are recorded upon the journals in favor of the amendment, and of those names, seventy-two belong to members of this House; seventy-seven names appear on the journal recorded against the amendment, forty-five of which are of members of this House. The proportion of re-elected members is rather larger of the names in the affirmative, than of those in the negative. But, I have said the amendment was received by the Senate in a bad temper—and now for the proof. The resolution as recorded on the journals of the House was as follows:

"*And be it, &c.* That the sum of three millions of dollars be, and the same is here appropriated, out of any money in the treasury not otherwise appropriated, to be expended, in whole or part, under the direction of the President of the United States, for the military and naval service, including fortifications and ordinance, and increase of the Navy: Provided, such expenditure should be rendered necessary for the defence of the country, prior to the next meeting of Congress."

Observe what were the purpose of the appropriation. Was the House wasting and squandering the public money, when it made that appropriation? No, Sir: shall it be said that the appropriation if made, must have been wasted? When an enemy is at the walls of the capitol, it will be but a sorry objection to make, that you have no confidence in the man at the head of the Government.—He hoped that the matter might be fully exposed, and whatever might be his relations with the head of the Government, he did not think that that vote would be charged to man-worship. Upon that resolution 109 names were recorded in the affirmative, and there were 109 members to be charged with being man-worshippers and conspirators against the Constitution of there country? Among these names were several, if they were capable of any thing like man-worship, which he did not believe, the object of whose worship would be some other than the present tenant of the white-house; even the very men who now made these charges against them. He said that the section was received in bad temper by the Senate. They immediately disagreed to the amendment it was said, with but little debate, and sent their disagreement down to the House.

He recollected that the present Speaker, who was then Chairman of the Committee of Ways and Means, did him the honor to ask him, what he should do, and he, (Mr. A.) said he should vote to recede from the appropriation, because from the temper of the Senate, it was evident, if that course was not pursued, the whole bill would be lost. Mr. A. said he did accordingly vote to recede, but it was not to recall the vote he had before given, it was solely because he believed that if the House did not recede the whole bill would be lost. As the object of the bill was for the ordinary appropriations for fortifications, he was unwilling to lose it, and therefore gave up the three million appropriations to save the remainder of the bill. But it was not the sense of the House to recede, and the vote to recede stood 87 to 100. The sense of the House was strong, it was earnest, but it was respectful. How was it with the Senate? The next communication which the House received from it was that the Senate had adhered to their disagreement. In the intercourse between the two Houses every person knew that adhering was the very last resort—that it scarcely ever was recurred to, except as a challenge of defiance to the other House. What are its consequences? They are always to hazard the loss of the whole bill; if the other House adhere, the bill is lost. The [illegible] out, and that at the earliest stage at which they could pass such a vote. It was well known to every man that the vote to adhere never passes between the two Houses in good temper. It was always considered as a challenge, "loose your bill, or agree to what we think will be right." Mr. A. here read the following extract from Jefferson's Manual, in support of his views:

"When either House sends a bill to the other, the other may pass it with amendment. The regular progress in this case is, the Commons disagree to the amendment; the Lords insist upon it; the Commons insist on their disagreement; the Lords adhere to their amendment; the Commons adhere to their disagreement. The term of insisting may be repeated as often as they choose, to keep the question open. But the first adherence by either, renders it necessary for the other side to recede or adhere also; when the matter is usually suffered to fall." "The term of insisting was certainly (in 1679) a happy innovation, as it multiplies the opportunities of trying modifications which may bring the Houses to a concurrence. Either house, however, is free to pass over the term of insisting and to adhere in the first instance, BUT IT IS NOT RESPECTFUL TO THE OTHER."

Mr. A. said, he doubted whether in the whole intercourse between the two Houses of Congress an adherence was ever before resorted to at so early a stage of a difference between them. He was sure there never had been such an instance unless at a time of bad temper between the Houses. It was a special disposition to cast odium upon the House, a special bravado, that induced the Senate thus to draw the sword and throw away the scabbard, and they ADHERED. Notwithstanding the natural feeling was, when the bill came to the House, to adhere on their part, and that motion was actually made, yet so anxious was the House to save the bill that they did not adhere, neither did they recede; they insisted again, and asked of the Senate a conference, to which the Senate agreed, although at that time the hour was 12, in real time. That clock, (pointing to the clock in the Hall) to be sure, so far as a clock could show, said it was not 12, but it was not possessed of the power of Joshua of old who commanded the sun and moon to stand still; old Time submitted to no such power, but moved along regardless of what was doing here. The committee of conference of the House went out, and that committee felt themselves constrained to consent to a reduction of the three millions down to 800,000 dollars. Thus, sir, this horrible conspiracy against the constitution melted down to a mere question of dollars and cents, whether the appropriation should be 3,000,000 or 800,000. The appropriation was made positive instead of being contingent upon a necessity not certain to come, and if was confined to two objects of permanent ordinary appropriation, still leaving the possible contingent danger unprovided for. He had said, and believed, that the conferees on the part of the House had been constrained to accept this compromise for the purpose of saving the bill; but it was too late—when the conferees on the part of the House returned, that House was no more—it was a lifeless corse. A friend and colleague of his, now in his eye, had indeed said it was the noisest dead body that he had ever seen or heard off. That was true, yet it was nevertheless true, the House was *defacto* dead. The journal shows that from that time it was impossible to make a quorum. It was a few minutes before that a large quorum was found. He said this because, in the National Intelligencer, the exemplary assiduity of the members of the Senate, in the discharge of their duties, was invidiously contrasted with the insinuated neglect of the members of the House, where it was insinuated that business could not be done for want of a quorum. But why was the House found without a quorum? Because sixty or seventy members, conscientiously believing that they were no longer the representatives of the people, refused or forebore to answer to their names. Your journals will show that motion after motion was made to that effect. Many members declined answering on these grounds, and no motion was made to compel them to vote as by the rules of the House, had it still existed, there would have been. He was not one of those who believed that the session ended at midnight. In his opinion the two years' duration of Congress was from the time of day at which the House commenced its session—say the hour of noon on the fourth of March. He believed that to be the true construction of the constitutional term of two years; but it was a constitutional question, and it was not for him to judge of the motives of men who conscientiously believed that the period of their political existence had expired. When the Cumberland Road bill passed, the question was taken by yeas and nays, and the vote was 94 to 80, making 174 votes. Here was a quorum voting, which showed that the House, at 12 o'clock, was doing business; but in ten minutes after, that no quorum could be found—not in consequence of their not being members present, but in consequence of their conscientious scruples. He recollected the instance of a gentleman from Georgia, (Mr. Gilmer,) a man as conscientious and as intelligent as any member of that or the present House, who, upon being called, refused to answer, and gave as his reason, that he was no longer a representative of the people, and, immediately after the vote was taken, went out of the House at that door and never returned. It was not therefore, the want of a sufficient number of the members present, but from the conscientious conviction of so large a number of the members as reduced the remainder to less than a quorum, that they had no right to vote on any thing in the House. After that took place, the Committee of Conference returned to the House, but no report was made, and what was the reason? Because there was no House. The roll was called, and no quorum was to be found.

He said that he did not consider the constitutional term of two years, assigned to the members of the House of Representatives, and the term of four years, during which the President of the U. States holds his office, commences or expires at midnight. The services of two and of four years commenced running from the time when the members of the first Congress assembled to commence the operation of this Government under the constitution of the United States' which was on the fourth of March, 1789, at noon. The two year from that time expired, not on the third of March, 1791, at midnight, but on the fourth of March at noon. The expiration of a year is not from noon to midnight, but from noon to noon. It is so astronomically, by the law of

The time at which a day and terminate is a matter altogether arbitrary and conventional. Some nations have in their civil computation commenced the day at sunrise, and some at sunset—some at midnight, and some at noon. Astronomers and navigators always reckon the day from noon to noon, and why should not the constitutional computation of time follow the same law which is the law of nature? The principles once established, could be attended with no sort of inconvenience, whereas the computation from noon to midnight must be subject once every two years to a solution of continuity for twelve hours by the non-existence of a House of Representatives, and once in every four years, to an interregnum or vacancy in the office of President of the U. States, emergencies might easily be foreseen, perhaps even precontrived, in which either of those events would be attended with very great public inconvenience. Monarchical governments are always guarded with the utmost possible care against every solution of continuity. Their kings never die. It would be a radical defect in every republican government not to be invested with the same official immortality—the office always filled, however frequently the individual incumbent may be changed. It was, therefore, my opinion that the House might have sat transacting business till noon the fourth of March, and accordingly my name will be found and recorded on every taking of the yeas and nays until the adjournment, after it was announced that the Senate had adjourned.

Mr. A. said that was his opinion then and he had then expressed it to the House, but it was not the opinion of a large number of members of the House. The members were in the House ready to vote, but in their opinion, the time had passed. Now, whatever was doing at that time in the House might have been known to every member of the Senate if they had seen fit to make the inquiry. It was perfectly known that after that time no quorum of the House could be found No vote was taken. The House was *de facto* dead. But in that state of things, after the House was a lifeless corpse, the following message was sent from the Senate, which Mr A. requested the clerk to read.

"*Resolved*, That a message be sent to the honorable the House of Representatives, respectfully to remind the House of the Committee of Conference appointed on the disagreeing votes of the two Houses on the amendment of the Senate to the bill respecting the fortifications of the United States."

Mr. A. appealed to the speaker as one of the oldest members of the House and in his official capacity, as the guardian and vindicator of the honor of the House whether in his experience in the legislation of this country, he had any recollection of such a message having passed between the House of Representatives and Senate? A message reminding the House of their duty; reminding the House of what they had to do; reminding the House of the particular business which it was their duty to take up and act upon. He asked the oldest member in the House, whether he had any recollection of any such message having passed between the House of Representatives and the Senate—he asked the youngest member, and paused for a reply. He heard none, and under these circumstances, he took upon himself to say, that no such message was to be found on the journals of Congress since the foundation of the government. Here was one branch of the Legislature turning the task masters of the other. We read in holy writ of a judge of Israel who undertook to teach the men of Succoth—and it was by scourg-

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