

sum proposed in the bill is so much beyond all example in any of the States, as will be considered beyond the abilities of the people.

The grants we have already made, are in general so high, and will excite so much uneasiness, that I was in hopes that we should not have proceeded one step further in that line of policy. I hope, Sir, the motion will obtain.

Mr. BENSON urged the necessity of an ample allowance, in order to command the first abilities. He said, there is no doubt, but plenty of candidates may be found who would serve for 1500 dollars, or a less sum. Instances may be mentioned of persons offering to serve as Governor in some of the States, for 500 dollars: But if it is intended to have the office respectable by its being filled with competent abilities—a less sum than that proposed will not be found adequate.

Mr. AMES observed, that he had frequently heard in the House abstract reasonings upon the subject of salaries and compensations: But for my part (said he) I think such reasonings have very little to do in the business. The only enquiry is, what sum is necessary to command the first abilities in the respective States.—The gentlemen from various quarters can determine with a good degree of precision, for themselves. I think I can speak for the four New-England States—and suppose that 1500 dollars per annum for this officer, would be an object to excite the attention of men of the first abilities in those States.

Gentlemen may be found who would make the greatest exertions to qualify themselves for the office.—I hope, Sir, the motion for striking out the sum will obtain.

Mr. LIVERMORE and Mr. WHITE spoke next, and were both in favor of striking out 4500.

Mr. VINING advocated the sum in the report. He stated the amount of the whole expence to be incurred; and contrasted it with the benefits to be derived to the United States, from the institution. The object, said he, is to attract and command the first abilities. There are many gentlemen in the practice of law, whose abilities command a greater income than 3000 dollars per annum. Can it be expected that such persons will relinquish their lucrative professions merely for the honor of serving the United States? It cannot be expected—and yet Sir, I presume the very first abilities are the object to be obtained.

Mr. GERRY was in favor of the motion. He went into a consideration of the debts, taxes and burthens of the people; from thence urged the necessity of the utmost prudence and economy in our expenditures and appropriations. He referred to the situation of Great Britain, and contrasting our circumstances with theirs, he said the salary of the Chief Justice ought to be about 400l. sterling. He referred to what had been said respecting the incomes of lawyers, and observed that he believed where there is one that gets 3000 dollars a year by his practice, there are twenty who do not get one third of that sum. I conceive, said he, that a much less sum than that proposed will command the first abilities upon the continent.

Mr. JACKSON said he did not doubt the truth of what the gentleman said respecting lawyers; but I would ask, said he, if the Judges of the Supreme Court of the United States are to be taken from the lowest class of lawyers? There is no doubt but that Judges may be obtained for 500l. but what kind of law—what decisions will you get from such judges? There are lawyers in some of the States, who make from 1500 to 2000 guineas a year by their great abilities: Will such men relinquish their emoluments for the honor of serving the United States?

I have received accounts from the southward by which I find that gentlemen are declining Public appointments on account of the smallness of the salaries. We ought to consider the great importance of this officer—that the lives, the properties and rights of the citizens are to depend on his decisions—that the disputes between the different States are to be finally settled in this court—that the preservation of the Constitution of the United States and of the individual States depends in a great measure on the wisdom, impartiality and independency of this officer; and in cases of impeachment, the President of the United States is to be tried by him—all the great appeals, and matters of treaty, &c. From these considerations, the first abilities should be procured—an ample and generous allowance ought to be given, so that every possible inducement to an undue bias and influence may be taken away.

Mr. PAGE spoke against low salaries. Among many other observations he said, that it had been considered by many, that low salaries were republican: But I am of a different opinion: It will be found that low salaries are anti-republican; and that if you reduce your officers to a scanty allowance, you depreciate the government you have established.

Mr. SMITH (S. C.) was opposed to a reduction of the sum. He adverted to the circumstance of raising the salaries of the judges in England at the accession of the present King: From the idea of rendering them more independent than they had been. He then stated the amount of their

salaries, and the situation of people in that country in respect to public burdens.

He then referred to the salaries of the Judges in several of the States; and pointed out the proportion of expence which the judiciary of the State of South Carolina bore to the amount of their whole civil list, and made it one third, whereas the judiciary of the United States would not amount to one eighth. He then urged the necessity of holding out such inducements as would influence the first abilities to accept of the appointment: He urged the importance of making the Judges independent: He considered the judicial department as the sheet anchor of the Constitution—A department of the first consequence to the Union—A department which in all civilized countries is placed in an eligible and independent situation.

Mr. MADISON, after recapitulating the observations respecting the first abilities, said, that it ought to be considered, that these Judges must make a new acquisition of legal knowledge.—They must have a familiar acquaintance with the laws of every State.—They must understand the nature of treaties, and especially the treaties now subsisting between these States and foreign countries, &c.—These studies will absorb a great deal of their time.

When we consider the duties that will devolve upon them, they strike the mind as being of the greatest magnitude.—They are the guardians of the Laws and of the Constitution of the United States—and I trust of the individual States also.

When we consider the great and important causes, in which opulent individuals will be parties, that are to come under their cognizance, we must be struck with the propriety of shielding these Judges from all possible assaults of temptation.—To these if we add important cases of treaties, in which the greatest interests will be involved, the idea will receive additional force. Upon the whole considering the circumstances of the people, I shall disagree to the sum proposed by the committee, but at the same time I shall not agree to the proposed reduction.

Mr. STONE, Mr. GERRY and Mr. JACKSON added some few observations—when the question for striking out 4500 was carried, and 4000 being proposed for insertion was also carried, 27 to 24.

Every article in this bill was opposed and advocated upon the foregoing, or similar principles.

SATURDAY, SEPT. 19.

The House took up the report of the committee of the whole on the Bill to establish the salaries of the judicial department. The salaries reported were severally confirmed, except the salary of the Chief Justice, which was reduced to 3500 dollars, and the District Judge of Georgia, from 1600 to 1500 dollars. The salary of the District Judge of Kentucky was increased from 800 to 1000 dollars, and the Attorney General reduced from 2000 to 1500.

In going through the report Mr. WHITE, moved that it should be so amended as to fix the salary of the District Judge of Massachusetts at 1000 dollars. He observed that this was not intended to affect Massachusetts alone, but to operate through the whole system; if he succeeded in that motion he should make a similar one with regard to the other States. That the Judiciary system was regarded by the people with a more jealous eye than any other part of the Constitution; that he conceived it both unjust and impolitic to give the District Judges higher salaries than the Judges of the several States: Unjust, because their duties would not be so burdensome; and impolitic because it would degrade the State Judiciaries by placing a subordinate federal judge in a more exalted or more eligible situation than the State Judges. That 1000 dollars being the salaries of the Judges in Massachusetts and Virginia, he supposed it might be nearly the average throughout the continent. Mr. White observed that he had never called for the yeas and nays—that he had endeavored to stifle the practice in its birth; but being then over ruled, and the measure having been adopted on numberless important subjects, he hoped he should be indulged. The motion for the yeas and nays was over ruled. The question being put on the proposed amendment to the report of the committee, was negatived.

The Secretary of the Treasury, pursuant to the order of the House of the 17th inst. reported an estimate of the sums requisite to be appropriated during the present session of Congress, towards defraying the expences of the civil list, and of the department of War, to the end of the present year, and for satisfying such warrants as have been drawn by the late Board of Treasury, which yet remain unpaid.

A message was received from the Senate, accompanying a bill for regulating the process in the court of the United States.—Referred to a committee of the whole on Monday.

Also the Judicial bill, in which the Senate had concurred with several of the amendments proposed by the House, and disagreed to others.

The House proceeded to consider the amendments made by the Senate to the bill for amend-

ing the Constitution of the United States—some of which they negatived, and others they concurred in; but not having time to go through the same, adjourned.

MONDAY, SEPT. 21.

Those amendments to the Judiciary bill, in which the Senate had not concurred, were taken up, and the House receded from the same, and agreed with the Senate.

The report of the Secretary of the Treasury was read, and referred to a committee, consisting of Mr. Wadsworth, Mr. Smith, (S. C.) Mr. Smith, (M.)

The amendments of the Senate to the amendments proposed by the House to the Constitution, were again taken up—Some were agreed to, and others nonconcurred: Messrs Madison, Sherman, and Vining were appointed a committee to confer with a committee of the Senate on those amendments in which the two Houses do not agree.

Mr. JACKSON moved that leave be given to bring in a bill to alter the time fixed for the annual meeting of Congress. This motion after some debate was carried, and leave given to bring in a bill.

The House then proceeded in the discussion of the Bill for fixing the temporary and permanent seat of the government.

Mr. MADISON objected to that clause of the bill which provides, that New-York shall be the temporary residence: He said, it is contrary to the Constitution—as it deprives the two Houses of the power to exercise a right expressly vested in them by the Constitution; of adjourning without the consent of the Supreme Executive: Should the clause remain, this bye law must be repealed, to which the consent of The President must be obtained before the two Houses could adjourn: He moved therefore that the clause should be struck out.

Mr. LAWRENCE and Mr. AMES, replied to Mr. MADISON: They contended that the consent of the President is necessary to every act of the Legislature—and that the objection applied with equal force against a permanent as against a temporary establishment of the seat of government.

Mr. LEE, and Mr. BOUDINOT supported the sentiment of Mr. MADISON—and Mr. JACKSON, and Mr. SMITH spoke in opposition to it: The vote being taken for striking out the words, it passed in the negative.

Mr. MADISON then moved to strike out the word "permanent" as it was not a term made use of in the Constitution.—This motion was negatived.

It was then ordered, That the bill be engrossed for a third reading to-morrow.

A message was received from the Senate, informing that they had concurred in the bill for establishing the salaries of the judicial department with amendments.

The amendments were to raise the salary of the Chief Justice from 3500 to 4000 dollars—the salaries of the Associate Judges of the Supreme Court from 3000 to 3500—that of the Judge of the District of Maine from 800 to 1000—and that of the Attorney General from 1500 to 2000. The House agreed to these amendments, except the last.

A resolution was received from the Senate, that it be recommended to the several States to pass laws to make it the duty of the keepers of their several goals, to receive, and keep therein persons committed under the authority of the United States, until they be discharged by due course of law. The United States to pay 50 cents a month, for each person confined, and likewise to support all persons committed thereto for offences against the United States.

Mr. WADSWORTH, from the committee on the report of the Secretary of the Treasury, brought in a bill, by which appropriations are made for defraying of the expences of the civil list, the department of war, for warrants issued by the late Superintendent of Finance, for warrants issued by the late Board of Treasury, and to pay the invalid pensioners.

This bill was read a first and second time, and committed to a committee of the whole to be taken up to-morrow.

The report on the petition of the Baron de Glaubeck, was agreed to, allowing him fifteen months pay as a Captain in the late Continental Army.

A message was received from the Senate, that they had receded from the amendment for raising the salary of the Attorney General, and had appointed a committee of conference on the disagreeing votes of the Houses on the amendments to the Constitution.

On motion of Mr. VINING the report of the committee on the petition of the public creditors was taken up and agreed to.

On motion of Mr. GERRY, the House resolved, that the Secretary of the Treasury be directed to apply to the Supreme Executives of the several States for the state of their public debts, and the funds appropriated for the discharge of the principal and interest of the same; and the amount of the loan-office and other securities in the State Treasuries.

Adjourned.