

WEDNESDAY, DECEMBER 10th, 1800.

The Editor of the NATIONAL INTELLIGENCER has this day published at full length the Debates, which took place, yesterday in the House of Representatives, on a memorial presented by him in conjunction with Thomas Carpenter. While the Memorial was undecided upon, he forbore to take other notice of the subject, than that which arose from a statement of the proceedings of the house, under the hope that the representatives of the people would not hesitate to grant a request, considered then, and still considered by him as rational. The event has disappointed his expectations.

To their decision he implicitly submits. But the remarks made by several members, render a statement of his motives and conduct necessary, and a regard to the interests of the people of the United States forbids him to be silent.

The next paper will contain a statement of facts, with elucidating remarks thereon.

CONGRESS OF THE UNITED STATES.

HOUSE OF REPRESENTATIVES.

TUESDAY, DEC. 9.

The Speaker read a Letter from Mr. Condy, the present clerk, informing the house through him that the state of his health did not permit his continuance in the office of clerk, which he resigned, with expressions of regret for the necessity that imposed this conduct upon him, and of thanks for the kindness and indulgence which he had received from the House.

The House then proceeded to the Election of a Clerk, Messrs. Champlain and New tellers, who having counted the ballots, reported them as follow:

For John C. Oswald, 51 votes.  
John Beckley 42

JOHN C. OSWALD appeared and was sworn by the Speaker.

The House then took up the report of the Committee to whom was referred the Memorial of Samuel H. Smith and Thomas Carpenter, desiring admission within the bar to report the debates and proceedings of the House.

The report is in substance.—that it is not expedient that the House should take any order on the memorial presented.

It will be recollected by the reader, that the original motion made was by MR. HILL, which was that Mr. Speaker should be requested to admit the Stenographers within the bar.

MR. CHRISTIE moved the reference of the report to a committee of the whole.

MR. GRISWOLD opposed the reference. The House divided; for the reference 43; against it 46.

MR. JACKSON made several remarks, which we heard so indistinctly, that justice to him forbids the attempt to report them. He concluded with moving that the yeas and nays be taken; for which purpose a sufficient number of members rose.

MR. NICHOLAS. In a government like ours, the theory of which is republican, and the practice of which, he hoped, would always continue to be republican, he considered the representatives of the people responsible to the people, by whom they were created. It was necessary to give efficacy to this responsibility that the people, who were to judge, should possess the purest information, as to, not only the acts, but the motives of the public agents. It was of little consequence to them to know what laws are enacted, compared with a knowledge of projects that were attempted or prevented, and the grounds on which they were supported or opposed.—Nor could the merit of the acts themselves be understood, unless the reasons for them were stated. It was therefore, of the highest consequence that the reasons for our conduct should be clearly understood, that our measures may be comprehended, and our motives also known, that our constituents may judge whether we have faithfully discharged our duty.

Under this view of the subject, he thought it extremely indelicate to resist the admission within the bar of those persons who thought themselves qualified to take the debates and proceedings of the house. But what rendered the attempt still more improper was, its being an innovation on the practice of the house. For since he

had been a member of the Legislature, individuals of this description had been placed by the house at their ease, in a situation convenient for hearing what passed. Why is this practice, hitherto unopposed, now to be broken in upon? For such an innovation and departure from the established practice of the house, there ought to be the strongest reasons; particularly when the attempted innovation respected, and was made by, those, whose conduct was to be scrutinized.

It was not without deliberation that the practice of the house had been instituted and adhered to. Some gentlemen had, some time since, contemplated the employment of a particular individual, whose services were to be paid for by the house. But the idea was abandoned, from the supposed sanction given by such an act to his statements; whereby the house might be made responsible for his accuracy and talents.

The difficulty attending the business he acknowledged to be great. But for the reasons he had assigned, he thought the house had acted right in forbearing to interfere, further than by merely assigning a convenient place to the stenographers. It was deemed safest to confide the business to persons not known officially to the house, whose own individual interest would constitute the best pledge for their fidelity. Tho' no precise resolve had been passed to this effect, it was well understood that this was the course the house meant to pursue, after having given the subject a deliberate and solemn consideration.

Shall we now, said Mr. Nicholas, after this mature consideration, on the mere suggestion of personal inconvenience, on a subject of such importance as to invite a gentleman from a considerable distance, [referring to some old plan] shall we, after the sanction of an uniform practice, fortified by the long period for which it has been observed, on the suggestion of a trifling inconvenience, which, he believed, on examination, would not be found to exist at all, adopt the innovation proposed by the report of the committee? For his part he thought they were all deeply interested in having the debates well taken, as it was not in their power altogether to prohibit their being taken.

He had heard but two objections made to the old plan. The first was, that by passing a resolve, admitting the Stenographers within the bar, the house gave a sanction to the reports published by them. The second was, that as the Speaker had heretofore had the management of the business, it would be wrong to take it out of his hands.

As to the first objection, he thought it altogether incorrect. The resolution, submitted by the gentleman from North Carolina, (Mr. Hill) which he wished the house to adopt, does not propose the selection of any particular person. It admits generally those individuals, who wish to take the debates. Can this admission make us responsible for the conduct of men we do not know, and over whom we have no controul? Have we heretofore been considered as responsible? And wherein consists the difference between our past situation, and the situation we shall be in, if the motion of the gentleman from North Carolina be adopted? We shall then only have done that, which before had been done by the Speaker. Governed by a sense of duty, the Speaker had refused admission within the bar. It became therefore necessary, in order to admit, for the house to pass a resolution. But it did not follow that the least responsibility would arise from such an act.

Indeed by admitting the stenographers within the bar, the responsibility of the House would be diminished; for if the house admitted them, no one could then say that it had done any thing that interfered with a faithful report of the debates; whereas by excluding the stenographers, the unavoidable inaccuracies committed might be charged to the house.

The second objection made to the resolution of the gentleman from North Carolina, was that as the Speaker had heretofore had the management of the business, it would be wrong to take it out of his hands.

MR. NICHOLAS, in reply to this objection, observed that the power, heretofore exercised by the Speaker on this subject, had not been expressly delegated to him by the house. It had often been thought of, but no decision had heretofore been made. As the object asked related to the convenience of the members, he thought they were the best judges of the propriety of granting it. The inconvenience alleged to exist was entirely a matter of opinion. He thought it had either no existence or a very limited existence. As he had remarked before the subject was extremely delicate. He would

not consent to furnish room for being charged with a wish to suppress the means of making an enquiry into his conduct. He believed that the innovation, contended for, would be so viewed—so far, therefore, from considering it as innocent, he viewed it as wrong in itself, and likely to be mischievous in its effects.

MR. OTIS was one of those who was not disposed to make a strong stand against the resolution offered by the gentleman from N. Carolina. He did not view the point in so interesting a light as did the gentleman who had preceded him. It appeared to him in the shape of a question of convenience; and as to his own situation it could not be affected by any permission given to the Stenographers to come within the bar. Many of the arguments he had heard implied that the situation at present occupied by the stenographers was exclusive of all others; whereas if that were inconvenient they might take any other, so that they did not come within the bar.

It is true that the stenographers have hitherto been admitted within the bar. They were admitted because there was room. But in our present chamber the room was less; nor could they occupy a part of that little without materially interfering with the convenience of the members.

In his opinion the proper question for the house to consider was, whether an admission should take place independent of the speaker, or whether he should decide its propriety. It did not follow, if the Speaker retained the management, that the exclusion would apply to all occasions. It was true that the places, desired by the stenographers, were generally assigned to the high executive officers of the government, and the foreign ministers. But if, in confidence with their accommodation, the indulgence could be granted, during any important debate, he had no doubt of the Speaker's readiness to admit them, and they might thus obtain a temporary place within the bar.

MR. OTIS thought the remarks of the gentleman from Virginia covered too much ground. They ascribed to the friends of the report an attempt to preclude the people from obtaining all information of what passed in this house. No such design existed. For his part he wished the people to know every thing that occurred within these walls. There was no doubt of the debates, as heretofore given, being an inadequate organ of the ideas of the members—they had been taken for nearly twelve years; and sometimes they had been accurate, and at other times terribly inaccurate; and so complete had the distortion of sentiments often been that had it not been for the name that was attached to a particular speech, the member, to whom it was ascribed, would not have known it to be his. Mr. Otis would, notwithstanding, not deny the ability of a person who read the debates to form a tolerable idea of the arguments used on a particular subject.

The charge of innovation, Mr. Otis thought unjust. He proposed to leave the business as it had heretofore been left, free from any resolve of the house, to the controul of the Speaker. By this conduct no sanction would be given to the performances of any reporter; but, on the other hand, if the house passed a resolve, divesting the Speaker of his previous power, they would render themselves responsible, and would virtually give a sanction.

If it were resolved that the house should interfere, he would much rather select and pay an individual, competent to the business, and appeal, for the faithful discharge of his trust, to his candour and impartiality.

If the house passed the resolution admitting the Stenographers within the bar, Mr. Otis asked whether they would not in fact be officers of the house. The only difference between them and the other officers would be that one would be paid, while the others would not.

MR. OTIS said that, in his opinion, the most inconvenient position in the house had been taken by the Stenographer. It was near the clerk's office, between which and the bar there was a perpetual passage of the members. If an experiment were made of a position on the other side, or in the upper gallery, he was persuaded it would be found very convenient. Are not, said Mr. Otis, the galleries constructed for the express purpose of hearing? Are they not intended for the good people of the United States? And if they can hear in them, cannot the stenographers also?

MR. OTIS concluded by stating the extreme inconvenience that would arise from admitting the Stenographers, the interference it would produce with the assignation of seats to the Secretaries of our Government and the foreign ministers, and with declaring his opinion that it was most expedient to adopt the report of the Committee.

MR. NICHOLSON said, that if he understood the objections made by the Gentleman from Massachusetts to granting an admission of the Stenographers within the bar, they might be all classed under three heads

1. It would be against precedent.
2. It would prevent the members from having elbow-room.
3. There is a possibility that the Speaker may indulge the Stenographers.

As to the first objection, he would ask whether the house had not a right to exercise any power themselves that was exercised by the Speaker. Hitherto the Speaker has exercised the power, and admitted the Stenographers within the bar; he now refuses to do it, and we are called upon to perform what he refuses. If we think it proper to admit them we have a right to do it. The power heretofore exercised by the Speaker, was derived from us, according to the well known maxim, *Qui facit per alium, facit per se.*

But, we are told that the admission would interfere with the accommodation of the four Secretaries and the foreign ministers. Suppose it should, said Mr. Nicholson. I ask whether the convenience and the interest of the people of the United States are to be prostrated by our complaisance to the Secretaries and foreign agents? It is our duty to enable the people to obtain the best information of what is doing here, that we can supply. Shall we abandon our duty, shall we sacrifice the interest of our constituents, to a sense of politeness to these Gentlemen? It would be much better to submit to the inconvenience experienced by the Secretaries and the foreign ministers, if there is not room for them within the bar, than to conceal from the people the knowledge they have a right to possess. Let, then, the foreign ministers, if there be such a competition, retire into the Galleries.

He considered the subject as of high importance both to the country, and the members themselves. They all ought to desire their conduct to be rigidly inspected.

Gentlemen say that the debates have been heretofore imperfectly taken. Will they remedy the evil by excluding the Stenographers from places within the bar? If, heretofore, notwithstanding the favourable nature of their position, when stillness and silence reigned, they have been unable to take the debates with precision, can it be expected that, driven to a distance from most of the members, surrounded by a crowd in perpetual motion, they will be able more successfully to accomplish their object? Sir, said Mr. Nicholson, the expectation is absurd. It cannot be done. I have placed myself without the bar, and I declare it impossible to hear correctly. If, then, you are determined to exclude them from their usual places, you had infinitely better turn them out of the house altogether.

As to the convenience of the galleries for hearing, Mr. Nicholson was not able from a trial made by himself to decide upon it. But he had heard but one uniform opinion, which was that owing to the constant passage of persons, and the frequent crowd it would contain, it was impossible to hear there with any distinctness. With respect to the remarks made by the gentleman from Massachusetts, on this point, he thought them altogether inapposite. The gallery was not constructed by us, and if it were a bad place for hearing, it arose not from any fault to be ascribed to us. All that we did, was to open our doors to all citizens, who conducted themselves with decorum.

The personal inconvenience to members alleged, did not in the opinion of Mr. Nicholson exist. He thought there was ample room. The chamber they occupied was similar to that in Philadelphia; and the positions desired by the Stenographers were relatively the same as those in Philadelphia.—By advancing the clerk's table three feet, every difficulty would be removed.

MR. RUTLEDGE said that the members, who had preceded him, had talked much about the necessity of giving the people correct information of the transactions of that house. He believed there was not a single member, who did not wish to impart to the people all the knowledge they could receive, and who did not highly prize the means of information furnished by the proceedings of that house. On this point there was no division. No one was desirous of excluding the Stenographers, or prohibiting the publication of debates. The only question really before the house was, whether they should persevere in the old plan; whether they should confide in the integrity and the talents of the Speaker, who had hitherto merited their confidence, or whether divesting him of his power