

ELECTION OF DEPUTY POSTMASTERS BY THE PEOPLE.

MARCH 13, 1860.—Laid upon the table, and ordered to be printed.

Mr. GREEN ADAMS, from the Committee on the Post Offices and Post Roads, made the following

REPORT.

The Committee on the Post Offices and Post Roads, to whom was referred a bill to provide for the election of Deputy Postmasters by the people, have had the same under consideration, and make the following report :

The committee is unable to deduce by any legitimate inference the power in Congress, under the Federal Constitution, to pass a law providing for the appointment of deputy postmasters by the people. Such a power is certainly not expressly granted by the Constitution, nor can the committee infer such a right either from the power to establish post offices and post roads, or the power to make all laws necessary and proper to carry into execution the expressly delegated powers.

On the contrary, the committee infers from the provisions of the 2d section of the 2d article of the Constitution, that the convention never intended to give to Congress any such power.

The section referred to gives to the Executive, by and with the advice and consent of the Senate, power to appoint ambassadors, other public ministers, consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not otherwise provided for in the Constitution, including such as might thereafter be established by law ; but gives to Congress the right to pass laws vesting the appointment of such inferior officers as they may think proper in the President alone, the courts of law or heads of departments.

The committee, therefore, conceives that the Constitution fixes and determines the source of power to appoint deputy postmasters, and, in doing so, plainly indicates that it was not intended to vest the power of appointing such officers in the people, and is therefore of opinion that the assumption by Congress of the right to pass such an act would manifestly be a conflict with and violation of the provisions of the Constitution.

Whether it would be prudent or wise in Congress to take from the Executive department (whose duty it is to see that the laws be faithfully executed) the right to appoint deputy postmasters, and vest it in the judiciary, the committee does not now propose to consider nor discuss; and, therefore, reports the bill back to the House with the expression of opinion that it ought not to pass, and ask to be discharged from the further consideration of the subject.

REPORT.

The Committee on the Post Office and Post Roads, to whom was referred a bill to transfer to the judiciary the election of deputy postmasters by the people, have the honor to report:

The committee is unable to detect in any legislative instance the power in Congress under the Federal Constitution to make a law providing for the appointment of deputy postmasters by the people. Such a power is certainly not expressly granted by the Constitution, nor can the committee take such a right either from the power to regulate existing post-offices and post roads or the power to make all laws necessary and proper to carry into execution the expressly delegated powers.

On the contrary, the committee infer from the provisions of the 24th section of the 2d article of the Constitution, that the convention never intended to give to Congress any such power.

The section referred to gives to the Executive, by and with the advice and consent of the Senate, power to appoint ambassadors, other public ministers, consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not otherwise provided for in the Constitution, including such as might thereafter be established by law; but gives to Congress the right to pass laws vesting the appointment of such inferior officers as they may think proper in the President alone, the courts of law or heads of departments.

The committee, therefore, conceive that the Constitution fixes and determines the source of power to appoint deputy postmasters, and, in doing so, plainly indicates that it was not intended to vest the power of appointing such officers in the people, and is therefore of opinion that the assumption by Congress of the right to pass such an act would necessarily be a conflict with and violation of the provisions of the Constitution.