

MARYLAND GAZETTE, AND POLITICAL INTELLIGENCER.

ANNAPOLIS, THURSDAY, FEBRUARY 29, 1816.

No. 91

(VOL. LXXIV.)

PRINTED AND PUBLISHED

BY
JONAS GREEN,
BUREAU-STREET, ANNAPOLIS.

Price—Three Dollars per Annum.

New-York, Feb. 17.

JAY'S RESOLUTIONS.

By the Northern Mail of yesterday, we received, in proof sheet,

our Albany Correspondent, the

important Resolutions respecting

the case of Allen which were offered

to the Assembly on Tuesday

by Mr. Jay, (a Member from

the City,) and which were adopted

by the Assembly on Wednesday.

It is to be hoped, that the Pre-

sident and Resolutions, which are

inserted in the journals of the

meeting of the Assembly, and

printed on the journals of the

House, will have the effect of pre-

venting a recurrence of that con-

duct, which the present minority have

engaged, not only themselves and

their party, but also the Legislative

Character of the State. The pre-

sident Federal majority, throughout

the whole of this affair have exhib-

ited unexampled intolerance and

intemperance.

LEGISLATURE OF NEW-YORK.

HOUSE OF ASSEMBLY.

Wednesday, Feb. 14.

Today the Resolutions moved

on Tuesday, by Mr. Jay, were tak-

en in the house agreeably to the

order of the preceding day. On

the Resolutions being read.—

Mr. Thompson (of Suffolk) offer-

ed a number of Resolutions, with a

view to ensure the federal members of

the house for not meeting on the

first day of the session, declaring

that Peter Allen was a respectable

man, and deserved the support of

his party for his conduct in the

case, censuring the qualifying offi-

cers for admitting a member from

Madison county who had left his

residence at home on his affidavit,

in violation of the law.

Mr. Duer doubted whether it

was in order to move a substitute,

containing a distinct subject, en-

tirely unconnected with the origi-

nal subject; When the resolution

under consideration shall be discus-

sion, the object may perhaps be at-

tained on a motion to strike out

such part of it as may be wished,

and to introduce the substitute.

The Speaker decided the motion

to be in order.

Mr. Duer appealed from the de-

cision, which gave rise to a debate

of some length on the correctness

of the Speaker's decision.

The decision was supported by

Messrs. Burt, F. Thompson, Leav-

erth, Beach, and H. B. Lee.—

And opposed by Messrs. Oakly,

Duer, Laight, and Van Rens-

selaer.

In support of the decision, it was

contended—that it was the usual

course to move a substitute—that

the case occurred a short time since,

and a debate on an answer to the go-

vernor's speech that such a case

happened the last session—that the

substitution and the substitute, both

related to Peter Allen's votes and

conduct—the one declaring them to

be illegal, unjust, and unconstitu-

tional, the other affirming them to

be regular, legal, and constitutional.

It is to be doubted whether the

substitution and the substitute were

so connected as to be perfectly cor-

rect—if the substitute could be of-

ferred as an amendment, there was

no essential difference between an

amendment, and a substitute—that

they only wanted a fair opportu-

nity to express their opinions—that

the distinction contended for be-

tween an amendment and a substi-

tute, was without a difference—that

the resolution proposed to give a his-

tory of part of the proceedings of

the session; the substitute of the

whole—the subject—and that, if the

substitution should be adopted, it

would in fact, settle the question

on the resolution.

Against the decision, it

was urged—that a substitute, con-

taining a subject entirely distinct

from the original resolution could

not be admitted—it would be absurd

because it would leave the original

subject still to be acted on, after the

substitution might be adopted, with-

out any inconsistency in the act—

that the resolution was made the

order of the day, and if gentlemen

were permitted to introduce, in this

indirect mode, another subject, the

order of the day would be evaded—

that it had been even doubted whether

it was correct to move a substi-

tute to an answer to a Governor's

Speech, though that had been practi-

sed in modern times—that the

mover of the resolution had a right

to a specific decision of the house on

his resolution—that they had no

wish to evade discussion, but it

should be conducted regularly—that

the question was not merely whether

a substitute may be offered, con-

taining a different subject from the

original resolution, but whether

the order of the day can be evaded

in this manner—the substi-

tute contains many subjects not even

mentioned in the resolution—in this

mode any subject may be introduced,

and the order of the day always be

avoided—that the object of the re-

solution is precise and definite—

that on an amendment, the subject

may be divided; part adopted, and

part rejected—the substitute must

all go together, or not at all—that

it was not the object of the resolu-

tion to contain a history of the pro-

ceedings in Allen's case, that is al-

ready written on the journals—the

object is to prevent those proceed-

ings from being hereafter used as

precedents.

On taking the question on the ap-

peal from the Speaker's decision, on

a division, the vote was, yeas 58—

nays 61—so that decision was de-

clared to be incorrect.

Mr. B. F. Thompson moved to a-

mend the first resolution, by strik-

ing out all after the word resolved,

and insert the preamble and resolu-

tions he has offered as a substitute

—motion lost, yeas 57, nays 62.

He then moved a postponement

till to-morrow.

Mr. Duer remarked, that it was

but 2 o'clock—he had no doubt the

house would finish the whole by 3.

When a Council of Appointment

was to be chosen the other day,

gentlemen sat very patiently till 5

o'clock. He believed it would not

injure their health, even if they

should sit till 5 o'clock—motion

lost.

Mr. Jay moved an amendment to

the preamble of the resolutions,

which was adopted.

The question on various parts of

the resolutions and preamble were

then taken and carried; and on the

final question, on adopting the re-

solutions and preamble, the vote

stood—yeas 62, nays 57.

MR. JAY'S RESOLUTIONS.

Whereas, on the thirty-first day

of January last, a petition was pre-

sented to this house from Henry

Fellows, of the county of Ontario,

claiming a right to a seat in this

house, as a member elected, in the

county of Ontario, in the place of

Peter Allen, to whom, as the peti-

tioner alleged, a certificate had

been improperly granted by the clerk

of that county:

And whereas, it was thereupon

moved, that the said petition, and

the documents accompanying the

same, should be postponed till the

next day:

And whereas, the said motion

was objected to as not being in or-

der:

And whereas, the Speaker decid-

ed that the said motion was in or-

der:

And whereas, the said decision

of the Speaker was appealed from:

And whereas, a motion was made

that the name of the said Peter Al-

len should be omitted in the calling

of the division on the said appeal,

upon the ground of his not being

entitled to vote on a question col-

laterally affecting his right to a seat

in this house:

And whereas, the Speaker decid-

ed that the last mentioned motion

was out of order; and that the said

Peter Allen had a right to vote there-

on:

And whereas, the last mentioned

decision of the Speaker was appeal-

ed from on the ground that the said

Peter Allen had not a right to vote

on the question, whether he had a

right to vote on a question collat-

erally affecting his right to his seat

in this house:

And whereas, a motion thereup-

on made that the name of the said

Peter Allen should be passed over

in calling of the division on the said

appeal:

And whereas, the speaker decid-

ed that the last mentioned motion

was out of order, and that the said

Peter Allen might vote on the last

fore-said appeal as a question of or-

der:

And whereas, on the second day

of February instant, the said peti-

tion of Henry Fellows, and the docu-

ments accompanying the same were

read, from which documents it ap-

peared that the said Peter Allen

had no right to a seat in this house:

And whereas, the said Peter Al-

len did not deny the authenticity of

the said documents, nor the truth

of the facts contained therein:

And whereas, on the third day of

February inst., a motion was made

that the house should agree to a re-

solution in the words following, to

wit: "Resolved, that this house

will immediately proceed to nomi-

nate and appoint a Council of Ap-

pointment."

And whereas, a motion was there-

upon made, that the house should

agree to strike out the word "im-

mediately," in the said resolution,

and to add to the same, the words

following, to wit: "On Wednesday

next, and that in the mean time,

the house will proceed to consider

and determine the right of Peter

Allen to his seat in this house:"

And whereas, a motion was then

made that the house should agree

to exclude the said Peter Allen

from voting on the said proposed

amendment, and that he retire from

the house.

And whereas, the speaker decid-

ed that the said last mentioned re-

solution was out of order.

And whereas, the last recited de-

cision of the speaker was appealed

from.

And whereas, on the fifth day of

February, inst., the house proceed-

ed to the consideration of the last

mentioned appeal, and the yeas and

noes being called for, a motion was

made that the house should agree

to order the said Peter Allen to with-

draw, during the taking of the divi-

sion of the house on the said appeal.

And whereas, the speaker decid-

ed that the said last mentioned mo-

tion was out of order.

And whereas, the question being

put whether the house would agree

to strike out the word "immedi-

ately," in the said resolution, and to

add to the same words following, to

wit: "On Wednesday next, and that

in the mean time the house will

proceed to consider and determine

the right of Peter Allen to his seat

in this house"—and the yeas and

nays being called for, and the said

Peter Allen voting in the negative,