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THE TERMS OF THE STAR

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From the NATIONAL INTELLIGENCER.

A LETTER

From Governeur Morris to the Speaker of the House of Assembly of New York.

Washington, Dec. 25, 1802.

On the 24th of February last, I communicated to the senate of the United States, the resolutions which you did me the honor to transmit. On the 3d of May a resolution was brought up from the house of representatives, embracing the latter part of that which the state of New York had proposed, viz. That in all future elections for president and vice president the persons voted for should be particularly designated by declaring which is voted for as president and which as vice president. On the question my vote was in the negative, and had it been otherwise the resolution would have passed.

Having thus stated the facts, it may not be improper to trouble you with some of the reasons which governed my decision.

First—I am opposed to amendments on the general ground, that changing the articles of a constitutional compact lessens that respect for it which is a main support of free governments,

Secondly—I am opposed because it is, generally speaking, better to bear an evil which we know, than to hazard those which we are unacquainted with.

Thirdly—I am opposed because the present mode seems preferable to that which is proposed.

When this article was under consideration in the national convention, it was observed that every mode of electing the chief magistrate of a powerful nation, hitherto adopted, is liable to objection. The instances where violence has been used, and murders committed, were numerous.—Those in which artifice and fraud have succeeded against the general wish and will, are innumerable. And hence it was inferred, that the mode least favorable to intrigue and corruption, that in which the unbiassed voice of the people will be most attended to, and that which is least likely to terminate in violence and usurpation ought to be adopted. To impress a conviction on this subject, the case of Poland was (not unaptly) cited. Great and ambitious princes took part in the election of a Polish king; money, threats and force were employed. Violence, bloodshed and oppression ensued. And now that country is parcelled out among the neighboring potentates—one of whom was but a petty prince two centuries ago.

The evils which have been felt in the present mode of election were pointed out to the convention, but after due advisement the other mode appeared more exceptionable. Indeed if the president be changed, it might be better to abolish the office of vice president, and leave to legislative provision the case of vacancy in the seat of the first magistrate.

The convention was aware that every species of trick and contrivance would be practised by the ambitious and unprincipled. It was therefore conceived that if in elections the president and vice president were distinctly designated, there would generally be a vote given for one of two rival presidents, while there would be numerous candidates for the other office: because he who wished to become president would naturally connect himself with some popular man of each particular district for the sake of his local influence, so that the vice presidency would be but as a mere bait to catch state gudgeons. The person chosen would have only a partial vote, be perhaps unknown to the greater part of the community, and probably unfit for those duties which the death of a president might call on him to perform.

The convention not only foresaw that a scene might take place similar to that of the last presidential election, but even supposed it not impossible, that at some time or other, a person admirably fitted for the office of president might have an equal vote with one totally unqualified, and that by the predominance of faction in the house of representatives, the latter might be preferred. This, which is the greatest supposable evil of the present mode, was calmly examined, and it appeared that however prejudicial it might be for the moment, an useful lesson would result from it for the future, to teach contending parties the importance of giving both votes to men fit for the first office. This, Sir, is one great object contemplated by the constitution, whether it would be obtained by altering the mode of election deserves a serious attention.—The other great object is to defeat the fraud, the force and the corruption, which may be used to place bad men in high authority. After the most mature reflection of which my mind is capable, I am persuaded that the present mode is preferable to that which is proposed in lieu of it, and my voice has been given according to my conviction.

I have the honor to be,
With perfect respect, Sir,
Your most obedient servant,
GOUV. MORRIS.

The hon. the Speaker of the House of Assembly of the State of New York—Albany.

REMARKS ON THE ABOVE.

There is little in the above letter worthy of animadversion in any other respect but as it indicates the sentiments of those of whom Mr. Morris forms a unit. It is well understood, that, however great the rhetorical powers of Mr. Morris, he is rarely seen to display a logical talent or to avail himself of the ordinary substitute of a good mind, strong common sense.

The notice, therefore, proposed to be taken, is not to enter the field of argument, but to mark the sentiments entertained and avowed by federal men.

In the *first place*, it will be observed that without an apology, the senator avows his disobedience to the instructions of that body whose political organ he is. It has been heretofore doubted by federal men, whether in the character of *representatives of the people*, they were under a moral obligation to follow their instructions. But it is believed that this is the first instance in which a senator, the representative of a state, has denied the obligation to comply with the instructions of those who gave him political existence. Let it not be said that the arguments for discretion are as strong in one case as the other. No such thing. The people cannot easily concentrate their opinions; they cannot as a collective body deliberately form them; and the expression of their opinions, when formed, cannot be made in such a way as to remove all doubts of the accuracy of it. Whereas a state legislature can deliberately form an opinion, and can unerringly express and impart it. Such, in truth, was the case in the very instance which occasions these remarks. Yet, notwithstanding this unequivocal expression of the will of the legislature, whose organ, it was intended by the constitution, Governeur Morris should be, he has, without an apology, not only withheld his co-operation in an important measure that he was instructed to support, but, has, in the face of that instruction, voted against it, and by his vote frustrated its adoption. In vain will he assert his right to an independent exercise of his own judgment. If the lofttiness of his mind disdained to interpret faithfully the will of his constituents *he might have resigned;* and in that case the amendment to the constitution would have been carried.

In the *second place*, in assigning the reasons of his vote, he says, "I am opposed to amendments on the general ground, that changing the articles of the constitutional compact lessens that respect for it which is a main support of free governments."

There cannot be a sentiment more treasonable to the true spirit of a genuine republican government. Had it been applied to despotic governments, it would have been correct. In those governments, the offspring of the accumulated corruption of ages, time and the character of immutability confers distinction. Why? Because the accumulation of corruption perpetually confers additional power on those who govern; and the mass of the people, not in the habit of investigating the measures of their rules, ignorantly infer that what was done yesterday ought to be done to day. While the intelligent and independent members of society, if any such there be in such governments, perceiving the inevitable tendency of bad to worse, resist this effect by the only means of which they are not deprived, the veneration entertained by the people for the measures of their ancestors.

But, because these are the dogmas of slaves, does it follow that they ought to be adopted as the maxims of freemen? If their existence in tyrannies proves any thing, does it not prove that, however congenial they may be to the state that produced them, they are exotics here?

Let such sentiments then, come they from whatever quarter, be held up to the reprobation of freemen; who respect their constitution, not because framed ten centuries ago, but because it is adapted to the existing state of the people governed by it, and because its wholesome and liberal provisions promote their happiness. The instant any provision of that instrument ceases to have this effect, that instant it should be changed. This, and thus only, will it continue to be as it now is, the admiration of the wise and the protection of the virtuous.

Much more remains to be said on the heterodox opinions of Mr. Morris, and if time and room allow it shall be said.

SEVENTH CONGRESS,
OF THE
United States of America.

HOUSE OF REPRESENTATIVES.

Monday, February 14.

A bill supplementary to the act providing passports for the ships and vessels of the United States was read a third time, and passed.

On motion of Mr. Helms, the house took up the amendments of the committee of the whole to the bill for the relief of persons who have received known wounds in the revolutionary war, and agreed to them with amendments.

On the question of engrossing the bill for a third reading, Mr. Griswold and Mr. Varnum opposed, and Mr. Randolph and Mr. S. Smith supported the question; when the question was taken, and carried in the affirmative, ayes 51.

Mr. Varnum called up the report of a select committee, to whom was referred so much of the message of the president as relates to the militia.

Mr. John C. Smith in the chair.

The report of the committee was agreed to with sundry amendments, when the committee rose, and the house took up the report of the committee.

The house concurred in the resolution which, in connection with the report of the select committee, is as follows:

The committee to whom was referred that part of the president's message of the 15th day of December last, which relates to the militia institution of the United States, and a bill which was reported to the house at the last session of congress, on the same subject.

REPORT—

"THAT, after a full investigation of the subject, they are of opinion, that a law which passed the 8th day of May, 1792, entitled, "an act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States," embraceth all the objects of a militia institution, delegated to congress: the principles of that law, lay the foundation of the militia system, on the broad basis prescribed by the constitution, and are well calculated to ensure a complete national defence, if carried into effect by the state governments, agreeably to the power reserved to the states respectively, by the constitution, and therefore ought not to be altered. But although the committee are of opinion, that the principles of the system established on the part of the United States, ought to be adhered to, yet they believe that some small alterations in the details of these principles, would render that system still more efficacious, and have reported a bill for that purpose.

"In those states which have taken energetic measures for carrying into effect the system adopted by congress, agreeably to the power constitutionally vested in them, the militia are making great proficiency in military discipline, and in the knowledge of tactics, which evinceth, that the deficiency in organization, arming and discipline of the militia, which is too apparent to some of the states, does not arise from any defect in that part of the system which is under the control of congress; but from omission on the part of the state governments.

"In order therefore, to impress the state governments with the importance of the subject, and the indispensible necessity of their vigorous co-operation with the general government, to complete the militia institution, so as to ensure from that source, a permanent national defence, they submit the following resolution.

"*Resolved*, That the president of the United States, be requested to write to the executive of each state, urging the importance and indispensible necessity of vigorous exertions, on the part of the state governments, to carry into effect the militia system adopted by the national legislature, agreeably to the powers reserved to the states respectively, by the constitution of the United States, and in a manner the best calculated to ensure such a degree of military discipline and knowledge of tactics, as will under the auspices of a benign providence, render the militia a sure and permanent bulwark of national defence."

Messrs. Varnum and Butler were appointed a committee to wait on the president with the resolution.

Several amendments made in the bill above alluded to were agreed to, and others made; when the bill was ordered to be engrossed for a third reading to-morrow—ayes 50.

A message was received from the president transmitting a copy of the laws of the Indiana territory from January, 1801, to February, 1802.

Ordered to be printed.

A message was received from the senate advising the house that they had passed the act to provide for the granting of clearances to ships or vessels of the United States, and therein to amend an act entitled an act to regulate the collection of duties on imports and tonnage, and for other purposes.

And that the senate had considered a bill for the relief of Hugh Alexander and others, and had determined that the bill do not pass.

At about half past two o'clock, Mr. Nicholson called for the unfinished business of Saturday, on which the galleries were cleared.

Tuesday, February 15.

As soon as the journals of the proceedings of yesterday was read, on motion of Mr. Nicholson the galleries were cleared.

An engrossed bill to make provision for persons that have been disabled by known wounds received in the actual service of the United States during the revolutionary war, was read the third time and passed.

An engrossed bill entitled an act in addition to an act, entitled an act more effectually to provide for the national defence by establishing an uniform militia throughout the United States, was read the third time and passed.

Mr. Helms made a report from the committee appointed to inquire whether any and what provision ought to be made by law for allowing pensions to persons who do, at this time, labour under disabilities in consequence of known wounds received in the actual service of the United States, and who have not heretofore been provided for; and who were also instructed to inquire into the expediency of extending the time for the settlement of claims for services rendered, and supplies furnished during the revolutionary war.

The report was referred to a committee of the whole to-morrow.

The house resolved itself into a committee of the whole on the report of a select committee respecting claims against the United States, for the services of the militia of the state of Georgia.

Mr. John C. Smith in the chair.

The report is as follows:

The committee to whom was referred the report of the secretary of war, together with sundry documents respecting claims against the United States, to compensation for services performed by certain militia within the state of Georgia, during the years 1793 *and* 1794,

RESPECTFULLY REPORT—

THAT it appears to your committee that the said services were performed under circumstances which render them a just claim to compensation from the government of the United States, and that said government had already gone far in recognizing their validity, by settling with and making payment to the contractor who furnished supplies to the said militia, whilst engaged in performing the same services for which they now claim compensation.

Your committee therefore beg leave to submit the following resolution—

Resolved, That provision ought to be made by law, for the payment of certain militia employed within the state of Georgia, during the years 1793 and 1794, for the defence of said state.

After debate the committee rose, reported progress and asked leave to sit again, which was granted by the house.

The house went into a committee of the whole—*Mr. Varnum* in the chair—on the report of the committee of claims on the petition of the mayor and commonalty of Alexandria, and reported their agreement to the same, in which report the house concurred as follows:

Resolved, That provision ought to be made by law, for the regulation of quarantine within the district of Columbia.

Resolved, That so much of the memorial of the mayor and commonalty of the town of Alexandria, as prays for a reimbursement of money by them expended in executing the quarantine law of Virginia, is unreasonable and ought not to be granted.

Ordered that Messrs. Mitchill, Eustis, and Elmer, be a committee to bring in a bill or bills pursuant to the first resolution.

Wednesday, February 16.

The house went into a committee of the whole—Mr. John C. Smith in the chair—on the bill to amend an act entitled an act to amend the judicial system of the United States.

The bill is as follows:

Sec. 1. Be it enacted by the senate and house of representatives of the United States of America in congress assembled, That the circuit court of the second circuit shall consist of the justice of the supreme court, residing within the third circuit, and the district where such court shall be holden.

In the third circuit, the said circuit court shall consist of the justice of the supreme court, residing within the fourth circuit, and the district judge of the district where such court shall be holden.

In the fourth circuit, the said circuit court shall consist of the senior associate justice of the supreme court, residing within the fifth circuit, and the district judge of the district where such court shall be holden.

Sec. 2. *And be it further enacted*, That the senior associate justice, resident in the fifth circuit, shall attend at the city of Washington, on the first Monday of August, in each and every year, who shall possess the same powers, and is required to perform the same duties, as are prescribed in the second section of the act, entitled, "an act to amend the judicial system of the United States."

Mr. Elmer moved to strike out the first section.

This motion was supported by Messrs. Leib, Smilie, and Mott; and opposed by Mr. Bayard.

Carried ayes 42—noes 36.

The second section was agreed to, when the committee rose and reported.

The house immediately took up the report, when on motion of Mr. Mott, the yeas and nays were taken on concurring with the committee of the whole in their disagreement to the 1st section of the bill, and carried yeas 48—nays 40.

On motion of Mr. Bayard the further consideration of the bill was postponed till Saturday.

Mr. Randolph, from the committee of ways and means, reported a bill making appropriations for the support of government for the year 1803.

Referred to a committee of the whole house on Saturday.

The Speaker laid before the house a report of the commissioners appointed in pursuance of the act entitled an act for an amicable settlement of limits with the state of Georgia, and authorizing the establishment of a government in the Mississippi territory on the claims made by settlers, &c.

Referred to Messrs. Nicholson, Tenney, Gregg, Van Rensselaer, and R. Williams.

When the house adjourned.

Thursday, February 17.

An engrossed bill to prevent the importation of certain persons into certain states into which their admission is prohibited by the laws of said states, was read a third time and passed—the yeas and nays being called, were yeas 48—nays 15.

On motion of John C. Smith, the committee of claims were discharged from the further consideration of sundry petitions praying for invalid pensions.

The house went into a committee of the whole—Mr. John C. Smith in the chair—on the bill to revive and continue in force an act in addition to an act regulating the grants of lands appropriated for military services, &c.

The committee reported the bill without amendment.

On motion of Mr. Early the house again resolved itself into a committee of the whole on the report of a select com-