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THE TERMS OF THE STAR

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SEVENTH CONGRESS, OF THE *United States of America.*

HOUSE OF REPRESENTATIVES.

Monday, December 27.

On motion of Mr. Mitchell, ordered that 500 copies of the report of the secretary of the treasury of the 16th inst. be printed for the use of the members.

Mr. Davis observed that he was of opinion that a member of the house retained his seat contrary to the spirit and sense of the constitution. It, therefore, became his duty to offer a resolution for instituting an enquiry into the subject, in during which he disclaimed all personal interview. He then offered the following motion:

Resolved that the committee of elections be, and they are hereby instructed to enquire whether John P. Van Ness, one of the members of this house, from the state of New York, returned by said state to serve as one of its members in the seventh congressof the United States, has not, since his election as a member of this house, and since he occupied a seat as a member, accepted of, and exercised the office of a major of militia under the authority of the United States within the territory of Columbia, and thereby forfeited his right to a seat as a member of this house.

Mr. Mitchell considered the point as interesting in two relations; that which involved the decision of a principle, and that which went to deprive the state, (N. York) one of whose representatives he was, of a member. For these reasons he hoped the business would not be immediately pressed .He acknowledged this was not the first intimation he had received of the contemplation of such a motion; but he had entertained a hope that the gentleman, with whom it originated, had, on reflection, considered it not inconsistent with his duty, to abandon it

Mr. Davis replied that he felt no disposition to press a decision. He had communicated, the first day he took his seat, his ideas on the subject to certain members, the friends of the gentleman implicated by the resolution, in hopes that he would resign. He now entertained no wish to push the business. He supposed, however, that the resolution would of course go to the committee of elections. He repeated he was governed by no personal prejudice, but entirely by a sense of duty. He concluded with saying he was in favor of the question of reference being immediately taken.

But on Mr. Mitchell repeating his desire for some delay, Mr. Davis agreed to let the resoiution lie till to-morrow.

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Tuesday, December 28.

A message was received from the president of the United States, inclosing plans and estimates for a *dry dock* on the Eastern Branch of the Potomac, capable of containing 12 frigates of 44 guns.

The proposed plan, in an accompanying report to the secretary of the navy, is exhibited, at length, by Mr. Latrobe; with estimates for two plans; one for supplying the dock with water from the Tiber, the expence of which is estimated at 27,000 dollars; the other for supplying it from the Potomac at the Little Falls, the expence of which is estimated at 222,000 dollars.

Referred to the committee to whom was referred so much of the president's message as relates to dry docks.

A letter was received through the speaker, and read, from James M'Henry, containing certain animadversions on the report of the committee of investigation, made during the last session.

Considerable progress having been made by the clerk in the reading of the above letter, Mr. Alston said that the paper the clerk was reading appeared to him to be a very voluminous one, and that he did not think the house were bound to listen to the reading of it. He conceived them only bound to attend to such documents as might be received from public officers, or to persons for a redress of grievances. He did not believe the paper now before the house to be one of that description, or that the house ought to take any notice of it. If the house were bound to take notice of every letter any individual might think proper to write and address to the speaker, very little time might be left to do any other business. He concluded by saying he thought they ought to take no more notice of it than they should of any paragraph in a newspaper might be inclosed to the speaker. He therefore moved that the paper should not be read.

Mr, Stanley observed that he did not perceive the difference stated by his colleague; nor did he know how the gentleman could anticipate the contents of a communication before read. We shall be enabled to judge better of it when we hear it—by what inspiration could the gentleman form a judgment now? The communication appeared to him of the utmost importance—he hoped, therefore, it would be read.

Mr. Morris could not omit making a remark or two—From the communication so far as read, it appeared that it was charged, that the character of a former public officer had been aspersed.—The house ought, therefore, not only to read the communication, but also to enquire into the complaint. There was not an indecent expression in it. The writer complains that his character has been attacked; he thinks unjustly attacked. It will be the height of injustice to refuse him an opportunity of being heard.

The Speaker said that it was a rule of the house that when the reading of a paper is called for, it shall be read, unless dispensed with by general consent.

Mr. Randolph said he wished only to observe, that there was but one principle (and that had been stated by the Speaker) on which these papers ought to be read. Any member had a right to call for the reading of papers. To him, however, it appeared that there was no occasion for inspiration to perceive that the papers, so far as read, were in a high degree indecent, unworthy of any man who had held, or ought to hold an office under government, and derogatory from the dignity of the house. Members were cited by name; insults were offered to individual members; a committee was divided into different sects; on one class illeberal calumnies were thrown, while the other class was shielded from reflection. Was this decent or indecent?—He congratulated his himself that he differed as widely on this subject, as he did on others, from gentlemen.

Mr. Morris said however widely he might differ on this as well as other subjects from the gentleman from Virginia, he believed his own ideas of what was decent or indecent as correct as those of that gentleman. The letter states that a report had been made during the last session implicating the character of the writer. It further states that certain gentlemen on the committee did not concur in the report. This the writer knew from the debates upon the report. He therefore, thought it his duty in vindicating himself, to exonerate those members from censure. Was this indecent? He conceived not.

Mr. Morris said that when he had observed that there was no indecent expression in the letter, he meant that there was no such expression applied to the house collectively. He did not mean to say there was no charges against individual members. But if there were charges against individual members, that was no reason for the house refusing to hear it. That could only be done when charges were made against the house in its collective character.

The Speaker read the rules of the house that applied to the case before them.

Mr. Alston said he only rose to notice the observation of his colleague (Mr Stanley) who supposed he saw the inside of the communication before it was presented. This he denied. He had grounded his motion entirely on what he had heard read.

Mr. Bacon was at a loss to decide on the propriety of reading or not reading these papers. He perceived that they contained not only a complaint, but a high charge against a committee of the house, stating that the major part assumed to act exclusively upon the business assigned to the whole committee, without consulting the other members. This was a high charge. Whether proper or regular matter, he did not know. It was rather his opinion that the house ought to proceed in reading the papers, and afterwards to pass proper order on them.

The Speaker declared the rule for reading imperative,and Mr. Alston withdrew his motion; on which the clerk proceeded in the reading, which was conainued for more than an hour: when

Mr. Davis renewed the motion for suspending the further reading. He asked what reason there was in consuming the time of the house in having long papers read, on which, when read, the house could not act? He read a rule of the house enjoining upon every member or the Speaker, before presenting any paper, briefly to state its contents, and asked of what avail this rule could be unless it were in the power of the house to refuse reading?

The Speaker again declared his opinion that the reading was imperative, unless dispensed with by unanimous consent.

Mr. Mitchell was proceeding to make some remarks; when

Mr. Griswold called him to order, as the decision of the speaker had settled the point, unless an appeal was made therefrom.

Mr. Davis said he was so tired with the papers, and thought the precedent so bad a one, that he appealed from the decision of the chair.

Mr. Dana called for the yeas and nays.

The question was taken, according to a rule, without debate, on the question "is the decision of the chair in order?"

Carried in the affmative—yeas 62—nays 36.

On which the reading was continued till a quarter past two o'clock.

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Wednesday, December 29.

Mr. Gray addressed the house in the following words:

Mr. Speaker,

I rise to offer to the consideration of this honorable house, a subject of an uncommon nature.

In order that the crime of murder may no longer be deemed honorable, and with a view to mark with disgrace a wicked and pernicious practice, which has lately destroyed the social harmony of some of our fairest cities, and brought some of our most valuable citizens to an untimely end, I move the following resolution.

Mr. Gray then offered a resolution for the appointment of a committee with instruction to inquire into the expediency of disqualifying any person from holding an office under the government of the United States who shall hereafter be concerned in a duel, or in sending or carrying a challenge.

Ordered to lie on the table.

Mr. Davis called up his resolution instructing the committee of elections to inquire whether Mr. Van Ness had not forfeited his seat by accepting the appointment of major in the militia of the territory of Columbia.

Mr. Van Ness said that so far as the decision of the house might affect him personally, he felt little concern; but so far as it affected him as a representative of an important state, he was not so indifferent. He had no objection whatever to the proposed inquiry being made. As it involved the decision of an important principle it deserved great attention. He had no doubt of the inquiry being made with that candour and fairness which, in most cases, characterised the proceedings of the house. He was far from imputing any impure motives to the mover or seconder of the resolution. It would be as derogatory in him to impute, as in them to entertain, any views dishonorable or base. He had risen barely to state his wish that an inquiry might be made.

Mr. Elmendorf proposed a verbal amendment, which was not agreed to.

The resolution was then adopted without a division.

Mr. Davis said that while on the subject of seats improperly held, he hoped another member would, by resigning, relieve the house from the necessity of deciding on his case. He questioned whether a territorial delegate could represent a state. He alluded to the state of Ohio. It appeared to him that a state must be represented in a full manner, by representatives entitled as well to vote as to debate. The gentleman, therefore, who held his seat as the representative of the territory could not remain in that character after the territory had become a state; neither could he be considered as the representative of the state, inasmuch as he had been appointed under tha territorial government. Mr, Davis concluded by giving notice that unless the gentleman resigned, he should offer a motion to vacate his seat.

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Thursday, December 30.

Mr. Mitchell moved a resolution for the appointment of a committee for inquiring into the expediency of amending and revising the several acts respecting patents and copy rights, to report thereon by bill or otherwise.

Before offering the resolution, Mr. Mitchell observed that his object was to simplify the existing statutes respecting patents, by comprising them in one act.

Resolution agreed to without a division.

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Friday, December 31.

A confidential message was received from the president, inclosing a letter from the governor of the Mississippi Territory, with an accompanying letter received by him from the governor of Louisiana.

The galleries were cleared, and the doors remained shut until past 2 o'clock.

Mr. Dennis presented a petition of sundry inhabitants of Washington and Georgetown, praying that congress will pass an act for incorporating, an Insurance Company, to be styled "the Columbia General Insurance Company."

Referred to Messrs. Dennis, Van Ness, and Taliaferro.

Mr. Gray called up his resolution, laid some time since on the table as follows:

Resolved, that a committee be appointed to inquire into the expediency of passing a law rendering all persons forever incapable of holding any office under the government of the United States, who shall, at any time hereafter, be concerned in any duel, either in sending, carrying, or accepting any written or verbal challenge; and that they report by bill or otherwise.

Mr. Davis opposed the resolution.—He said if the house could be made sensible that the resolution embraced a subject on which it could not constitutionally act, they would reject it. To him it was plain that if the house pursued the object of the resolution it led them on forbidden ground. In the first place it took from the citizens a right which, by their constitution, they had secured to themselves, to wit: the right of free elections—do what the resolution contemplates, and no man can hold a seat here who ever fought a duel, or gave or carried a challenge, although he may be the choice of the people. No such thing is said in the constitution. The people in that instrument has already defined the disqualification to office—that charter of their rights declares that no person who has been impeached and found guilty "shall hold an office," and I contend that congress cannot impeach a person for any offence done by him as an individual; two things are requisite to ground an impeachment. First, the person must be an officer of the United States. Secondly, he must have been guilty of some malicasance in the discharge of the duties imposed on him by that office. If an individual who does not hold office under the United States commits murder, I deny the right of congress to impeach him—he is made amenable to the state laws; while we were busy in impeaching him, he might be executed by the statute law of the state. Let it not be understood that I advocate this practice. My observations disclaim the right we have to act on it.

The resolution was negatived.

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Monday, January 3, 1803.

Mr. Leib presented a petition from John Miles, and others, gun makers of the city of Philadelphia, praying that additional duties may be imposed on muskets, pistols, and other fire or small arms imported from foreign countries.

Mr. Leib observed that during the last session, a proposition had been made, and had passed this house to amend the constitution respecting the election of president and vice president, but which had been rejected in the senate. Mr. Leib said that the citizens he represented were extremely anxious on this subject. He, therefore, considered it his duty to submit a similar proposition, in order to determine whether it would not share a better fate. He then proposed an amendment, substantially, that in all future elections of president and vice president, the persons voted for shall be particularly designated by declaring which are voted for as president, and which as vice president.

Referred to the committee of the whole on the state of the union.

Mr. Randolph, chairman of the committee of ways and means, reported a bill making partial appropriations for the naval service during the year 1803.

The bill appropriates 100,000 dollars.

Referred to a committee of the whole house to-morrow.

Mr. Van Cortlandt presented a petition from Daniel Lewis, of the state of New York, stating that he has a recipt for the cure of the bite of a mad dog; praying congress to investigate the merits of his discovery, and to allow him a suitable reward.

Referred to a select committee of five.

Mr. Newton offered a resolution, directing the secretary of the navy to report to the house the situation of the timber deposited in the navy yard for building ships of war, and whether in order to preserve the same, it should not be covered with sheds.

Agreed to.

Mr. Newton presented a petition from sundry inhabitants of Norfolk and Portsmouth, praying that the bankrupt law may be amended.

Referred to a select committee of seven.

Mr. Varnum moved that the same committee should be instructed to inquire into the expediency of repealing the bankrupt law.

Mr. Newton considered the committee already raised as competent to the inquiry without any express instruction.

Mr. Griswold thought this motion incompatible with the prayer of the petition, from Norfolk and Portsmouth—the one being in favor of an amendment, and the other in favor of a repeal of the bankrupt act. After it shall appear that it is not susceptible of an amendment, it may be proper to agitate the question of repeal.

Mr. Varnum thought there was no impropriety in submitting both propositions to the same committee, who will inquire into the merits of the law and the propriety of continuing it. It appeared to him that it was not calculated to protect the happiness of the citizens of the United States. It opened the door to the greatest frauds and inequalities imaginable. He hoped the subject would be taken up seriously, and expressed his opinion that the law was considered by both political parties as injurious.

Mr. Griswold replied, and insisted that the arguments of the gentleman proved the impropriety of referring both points to the same committee. If the gentleman is against the continuance of the law, let it be referred to a committee of the whole, who will be the most proper organ for expressing the sense of the house on that principle.

The question was then taken on Mr. Varnum's motion, which was carried—ayes 45—noes 25.

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Tuesday, January 4.

The speaker laid before the house a letter from the secretary of the treasury, inclosing a statement of the duties and drawbacks, on goods, wares and merchandize imported into, and exported from the United States during the year 1799, 1800, and 1801.

The house resolved itself into a committee of the whole, *Mr. John C. Smith* in the chair, on the bill for the relief of insolvent debtors within the district of Columbia.

Mr. Nicholson said, that when this subject was under consideration yesterday, a number of gentlemen had declared themselves decidedly against the principle of it. He therefore moved to strike out the section, though he should vote against it.

On this motion the question was immediately taken, and carried in the affirmative by a large majority—ayes 50.

When on motion of Mr. Nicholson the committee rose, the house refused their permission to sit again, and recommitted the bill to the committee who introduced it.

The house went into a committee of the whole, *Mr. Dawson* in the chair, on the bill making partial appropriation for the naval service during the year 1803. The bill appropriates 100,000 dollars.

The committee having gone through the bill, reported it without amendment to the house, who immediately took it up, and ordered it to be engrossed for a third reading to-morrow.

The house resolved itself into a committee of the whole, *Mr. Dawson* in the chair, on the bill making appropriations for the military establishment of the United States for the year 1803, who filled up the several blanks and reported it with an amendment to the house, who concurred therein, and ordered it to be engrossed for a third reading to-morrow.

Mr. Moore presented a petition from certain inhabitants on Broad river, stating that they have been for some time past, without any regular administration of justice, and praying to be annexed to the state of North Carolina.