

AMERICAN STATE PAPERS.

**DOCUMENTS,
LEGISLATIVE AND EXECUTIVE,**

OF THE

CONGRESS OF THE UNITED STATES,

FROM THE FIRST SESSION OF THE ELEVENTH TO THE SECOND SESSION OF THE
SEVENTEENTH CONGRESS, INCLUSIVE:

COMMENCING MAY 23, 1809, AND ENDING MARCH 3, 1823.

SELECTED AND EDITED, UNDER THE AUTHORITY OF CONGRESS,

BY WALTER LOWRIE, *Secretary of the Senate,*

AND

WALTER S. FRANKLIN, *Clerk of the House of Representatives.*

VOLUME

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1834.

now that I have taken my seat as a member of Congress, transact business with me as an assessor, without a violation of the oaths that they have taken? Would they not be liable to impeachment for continuing, or attempting to continue, a man in the execution of the duties of an office after that man had become a member of Congress? *Is not that one of the ways in which an undue executive influence could be exercised in this House?*

Besides, sir, in all cases where it is necessary that a resignation should be sent, it is equally necessary that it should be received, and as important that it should be agreed to, and all for the reason before given, viz: to enable the officer to retire quietly. But to contend for this proceeding in all cases would put it completely in the power of the heads of Departments, by refusing to accept, or by omitting to acknowledge, the receipt of a resignation, to prevent any one who held an office from taking his seat as a member of Congress. Now, sir, will it be contended that the President, or the Secretary, or the Commissioner (neither of whom pretends to recognize me as an assessor) intended, by saying in their report, "that no resignation had been received from Mr. Mumford," to fix upon him the stigma of having violated the constitution and his oath, and to deprive him of his reputation, and his constituents of the Representative of their choice? Impossible. If I am asked why the resolution required information "whether any offices were at that time [December 12] so held," and why, by the answer given, "that no resignation had been received from Mr. Mumford," it is left to be inferred that he is yet in office, I could answer, "that no resignation had been proper for the President (or the Secretary of State) to have expressed an opinion as to Mr. Mumford's qualifications as a member. He had simply to state the facts, viz: that Mr. Mumford had been appointed to an office heretofore, and that no resignation had been received. He could not with propriety say whether a resignation was or was not necessary; nor (when the extent of the question is understood) could it be expected that he would answer as to whether any of the members held offices at that time: no inference ought therefore to be drawn from the report on either of these points. Suppose, sir, that I had held an office after the 4th of March: what then? I was not elected as a Representative until August. But suppose that I had held an office up to the 1st of December: does it follow that I held it up to the 12th, and that I continue to hold it now? Does my having held prove that I do hold? Do you ask when I became a member? When does a man become a witness, or a juror, or a husband? Can they become so in an instant? Can you make a mathematical point? Is a man married until the last ceremony is performed? Yet has he not privileges as a bridegroom? and have not witnesses and jurors and Representatives privileges also? When does a quill become a pen? Before you have put your knife to it, it is a quill; at the instant that it is nibbed, it is a pen, and not before.

But, after all, it may be asked, what great object of state policy is expected to result from knowing the offices, the term of appointment, of acceptance, and of resignation, by persons who are now members of Congress? Some invidious person might suppose that it was intended that the few names on that list should be known and held up to public view as suspected of executive influence. Some spiteful enemy might insist that it was intended that Mr. Mumford (who was appointed, accepted, and served to the end, in the unthankful and laborious office of principal assessor, and who, after having so served, had received, in his election to a seat in Congress, the reward due only to the faithful) should be so held up. But inasmuch as there is another way of vacating an office besides dying, resigning, and dismissing, as there is such a thing as political death as to an office without political disgrace, and as the office which he held has become vacant in that way, it would seem to become the moral duty of those who have cast the odium to wipe it off. It may be said, however, that it was not intended or expected that he would have been touched in this business. Sir, I believe it; I am convinced that he was not thought of when that resolution was introduced and passed; but the ill-natured will not be disposed to view it so favorably, which leaves it to be lamented that a stone should have been thrown in the dark. Only suppose, sir, that, instead of looking back, that resolution had looked forward, and, instead of asking the President to tell how many of the members he was secretly and unconstitutionally keeping in office, (for this is really the question,) it had been required of him to communicate whether any, and to which of the members of the House of Representatives he had promised an appointment, designating the office, the time promised, whether it was to be accepted, and how far a right to a seat was affected thereby—this stone would not have fallen on my head. Sir, the cautious had better look forward for danger than backward. Being convinced that it could not have been intended to charge me with a wrong by a resolution in which I am not named, nor to find me guilty by a report that does not say that I hold an office, I shall rest my case here. Indeed, sir, I believe I should have paid a better compliment to your understanding, and that of the House, if I had rested it in silence; and I should have done so, but that the language of the resolution, affecting to be the language of the House, made it my duty to treat it with more attention. Sir, I became a member of Congress on Monday, the 1st day of December. I have held no office, nor have I discharged the duties of any, since; nor have I held or discharged the duties of any since I became officially informed of my election. And as I possess all the qualifications prescribed by the constitution, I trust that you will so report.

Very respectfully, I am, sir, yours, &c.

GEO. MUMFORD.

To the Hon. Mr. TAYLOR, Chairman of the Committee of Elections.

[15th Congress.]

No. 446.

[1st Session.]

AMENDMENT PROPOSED TO THE CONSTITUTION IN RELATION TO TITLES OF NOBILITY, &c.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 6, 1818.

To the House of Representatives:

WASHINGTON, February 4, 1818.

Pursuant to a resolution of the House of Representatives of the 31st of December last, requesting information of the number of States which had ratified the thirteenth article of the amendments to the constitution of the United States, I transmit to the House a detailed report from the Secretary of State, which contains all the information that has been received upon that subject.

No time will be lost in communicating to the House the answers of the Governors of the States of South Carolina and Virginia to the inquiries stated by the Secretary of State to have been recently addressed to them, when they are received at that Department.

JAMES MONROE.

DEPARTMENT OF STATE, February 3, 1818.

The Secretary of State, to whom was referred a resolution of the House of Representatives of the 31st of December last, requesting information of the number of States which have ratified the thirteenth article of the amendments to the constitution of the United States proposed at the second session of the eleventh Congress, has the honor respectfully to report to the President that it appears, by authentic documents on file in the office of the Department of State, that the said article was ratified—

1. By Maryland, on the 25th of December, 1810.
2. By Kentucky, on the 31st of January, 1811.
3. By Ohio, on the 31st of January, 1811.
4. By Delaware, on the 2d of February, 1811.
5. By Pennsylvania, on the 6th of February, 1811.
6. By New Jersey, on the 13th of February, 1811.
7. By Vermont, on the 24th of October, 1811.
8. By Tennessee, on the 21st of November, 1811.
9. By Georgia, on the 13th of December, 1811.
10. By North Carolina, on the 23d of December, 1811.
11. By Massachusetts, on the 27th of February, 1812.
12. By New Hampshire, on the 10th of December, 1812.

That it further appears by authentic documents, also on file, that the said article was rejected—

13. By New York, on the 12th of March, 1812.
14. By Rhode Island, on the 15th of September, 1814.

15. That it was submitted to the Legislature of the State of Connecticut at May session, 1811; but that as late as the 22d of April, 1813, according to a letter of that date from Governor Smith, no final decision had taken place thereon; that, in pursuance of the resolution of the House of Representatives, in conformity to which this report is made, the Secretary of State addressed a letter to the Governor of Connecticut, and enclosed to him therewith a copy of the proposed amendment to the constitution, requesting information as to any final decision in relation to it; and that the answer to said letter, under date of the 22d ultimo, was accompanied by an authenticated copy of resolutions of the General Assembly of that Commonwealth, declaring that the said amendment was not ratified.

16. That, on the 29th November, 1811, a report was made by a committee of the Senate of South Carolina, recommending the adoption of the amendatory article, which report was agreed to, and ordered to be sent to the House of Representatives, in which House a report was also made on the subject on the 7th of December, 1813, recommending the rejection of the said article, but which report does not appear to have been definitively acted upon by that House; that the Secretary of State addressed to the Governor of South Carolina a letter, with a copy of the amendment, of a like tenor and date to that which he addressed to the Governor of Connecticut, to which he has not hitherto received any answer.

17. And that a similar letter, accompanied also by a copy of the amendment, was written by the Secretary of State to the Governor of Virginia, from whom, up to this period, no answer has been received at the Department of State on the subject.

All which is respectfully submitted.

JOHN QUINCY ADAMS.

SIR:

EXECUTIVE OFFICE, CHARLESTON, February 14, 1818.

Your communication of the 7th ultimo was received in due time, but, owing to my absence from Columbia, it was out of my power to give you the necessary information required at an earlier date. You will now receive, enclosed, authenticated copies of the proceedings of the Legislature of this State upon the proposed amendment of the constitution of which you enclosed me a copy, by which it will appear that the amendment was not agreed to.

I have the honor to be, with very great respect, your humble servant,

ANDREW PICKENS.

The Hon. JOHN QUINCY ADAMS, *Secretary of State United States.*

Extract from the Journals of the Senate.

NOVEMBER 29, 1811.

The House then took into consideration the following report:

“The committee to whom was referred the resolution of the Congress of the United States, proposing an amendment to the federal constitution, in the words following: ‘*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of both Houses concurring.)* That the following section be submitted to the Legislatures of the several States, which, when ratified by the Legislatures of three-fourths of the States, shall be valid and binding as a part of the constitution of the United States: If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of Congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any Emperor, King, Prince, or foreign Power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of profit or trust under them, or either of them,’ beg leave to report: That they have duly considered the foregoing resolution, and are of opinion that it ought to become a part of the constitution of the United States. Your committee, therefore, beg leave to recommend to the Senate to concur in the adoption of the said resolution, and, when it may be agreed to and concurred in by three-fourths of the Legislatures of the several States, that it may become a part of the constitution of the United States of America.”

The House, having considered the report, agreed thereto.

Ordered, That the same be sent to the House of Representatives for their concurrence. By order of the Senate.

OFFICE OF CLERK OF THE SENATE, February 3, 1818.

I do hereby certify that the foregoing is a correct extract from the journals of the Senate.
J. MURPHY, *Clerk of the Senate.*

Extract from the Journals of the House of Representatives of the State of South Carolina.

DECEMBER 21, 1814.

The committee to whom was referred the message of his excellency the Governor, (No. 5,) calling the attention of the House to a resolution of the Senate and House of Representatives of the United States, proposing an amendment to the constitution thereof, passed on the — day of December, 1811, report: That the resolution referred to the committee was submitted to this House as early as the session of 1811, and referred to a select committee, who reported favorably, and recommended the adoption of the said amendment; and their report on the said resolution was several times taken up and considered by this House, and ultimately postponed on the 21st of December, 1811, without coming to any final decision thereon. That the said resolution was again brought to the view of the Legislature of 1813, by a message from his excellency the Governor, reminding them that no decision had yet been made thereon, and enclosing a resolution of the Legislature of New Hampshire, approving and adopting the same. That, at the September session of 1813, a committee was appointed to examine the journals of this House, and to report its proceedings on this resolution; and that the report made by them was ordered to lie on the table, and was not further acted upon during that session. That, at the last session, this resolution was referred to a committee, who reported thereon, and recommended its rejection. It does not appear that this report was ever called up or acted upon, thus still leaving the subject undecided by any expression of the sentiments of this Legislature. Your committee beg leave to report that they have had the aforesaid resolution under consideration, and are of opinion that a respect for the recommendation of the Congress of the United States and for our sister States imperiously requires that this House should, during the present session, finally make known their sentiments upon the proposed amendment. They beg leave to observe that they are not aware that any evil consequences have resulted from the existing provisions of the constitution, while, on the other hand, they cannot but believe that the adoption of such an amendment would operate injuriously on innocent individuals as well as the community at large. Under these views of this important subject, your committee recommend the rejection of the aforesaid resolution, which is in the words following: “*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of both Houses concurring.)* That the following section be submitted to the Legislatures of the several States, which, when ratified by the Legislatures of three-fourths of the States, shall be valid and binding as a part of the constitution of the United States: If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of Congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any Emperor, King, Prince, or foreign Power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of profit or trust under them, or either of them.” Your committee, therefore, recommend the adoption of the following resolutions, viz:

Resolved by the Senate and House of Representatives of the State of South Carolina. That the foregoing amendment, proposed by Congress to the constitution of the United States, be disagreed to, and the same is hereby rejected on the part of this State.

And be it further resolved, That his excellency the Governor be requested to transmit copies of the foregoing resolution to the President of the Senate and Speaker of the House of Representatives of the United States, and to each of the Governors of the several States.

Ordered, That the same be sent to the Senate for their concurrence.

COLUMBIA, February 3, 1818.

I do hereby certify that the foregoing is a correct extract from the journals of the House of Representatives.

J. MURPHY, Clerk of the Senate.

15th Congress.]

No. 447.

[1st Session.]

CITY OF WASHINGTON: LOCATION OF THE PUBLIC OFFICES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 10, 1818.

SIR:

OFFICE OF COMMISSIONER OF PUBLIC BUILDINGS, February 6, 1818.

In compliance with a resolution of the House of Representatives of the 2d instant, I now enclose a copy of one of the original deeds of conveyance to the trustees of the United States for the ground in the city of Washington, (the deeds from the other proprietors being of the same tenor;) also, copies of all the correspondence which I have been able to find in this office relating to the location of the public offices on the President's square.

I have the honor to be, with great respect, your obedient servant,

SAMUEL LANE, Commissioner of Public Buildings.

Hon. HENRY CLAY, Speaker of the House of Representatives.

This indenture, made this twenty-eighth day of June, in the year of our Lord one thousand seven hundred and ninety-one, between Samuel Davidson, of the State of Maryland, of the one part, and Thomas Beall and John Mackall Gantt, of the State of Maryland, of the other part, witnesseth: That the said Samuel Davidson, for and in consideration of the sum of five shillings to him in hand paid by the said Thomas Beall and John Mackall Gantt before the sealing and delivery of these presents, the receipt whereof he doth hereby acknowledge, and thereof doth acquit the said Thomas Beall and John Mackall Gantt, their executors and administrators, and also in consideration of the uses and trusts hereinafter mentioned to be performed by the said Thomas Beall and John Mackall Gantt, and the survivor of them, and the heirs of such survivor, according to the true intent and meaning thereof, hath granted, bargained, sold, aliened, released, and confirmed, and by these presents doth grant, bargain, sell, alien, release, and confirm, unto the said Thomas Beall and John Mackall Gantt, and the survivor of them, and the