

15th CONGRESS.]

No. 437.

[1st Session.]

LIST OF PERSONS HOLDING OFFICE AFTER THEIR ELECTION TO CONGRESS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 29, 1817.

To the House of Representatives of the United States:

DECEMBER 29, 1817.

In compliance with a resolution of the House of Representatives of the 12th of this month, requesting to be informed whether any, and which, of the Representatives in a list thereto annexed have held offices since the 4th of March last, designating the offices, the times of appointment and acceptance, and whether they were at that time so held, or when they had been resigned, I now transmit a report from the Secretary of State, which contains the information desired.

JAMES MONROE.

DEPARTMENT OF STATE, December 24, 1817.

The resolution of the House of Representatives of the 12th of this month, requesting the President to communicate to that House whether any, and which of the Representatives named in the list thereto annexed have held offices since the 4th of March last, designating the offices, the times of appointment and acceptance, and whether they were at that time so held, or when they had been resigned, having been referred to this Department, the Secretary has the honor respectfully to report to the President as follows:

Persons named in the list from the House of Representatives.	States.	Office held since 3d March, 1817	Time of appointment.	Time of resignation.
John Holmes,	Massachusetts,	Commissioner under the 4th article of treaty of Ghent,	Feb. 16, 1816,	Nov. 24, 1817.
Samuel Herrick,*	Ohio,	Attorney of the U. States,	Dec. 19, 1810,	Nov. 29, 1817.
Daniel Cruger,†	New York,	Postmaster at Bath,	June 29, 1815,	December 1, 1817.
Elias Earle,	South Carolina,	Postmaster at Centreville,	April —, 1815,	June 12, 1817.
Thomas H. Hubbard,	New York,	Postmaster at Hamilton,	March 11, 1813,	October 23, 1817.
Samuel C. Crafts,	Vermont,	Principal assessor for the sixth collection district,	Dec. 22, 1813,	December 1, 1817.
George Robertson,	Kentucky,	Principal assessor for the seventh collection district,	Jan. 4, 1815,	June 5, 1817.
George Mumford,‡	North Carolina,	Principal assessor for the tenth collection district,	- - -	No resignation has been rec'd from Mr. Mumford.
Levi Barber,	Ohio,	Receiver of public moneys at Marietta,	March 3, 1807,	December 1, 1817.
John F. Parrott,	New Hampshire,	Naval officer for the district of Portsmouth,	April 23, 1816,	Nov. 15, 1817.

JOHN QUINCY ADAMS.

15th CONGRESS.]

No. 438.

[1st Session.]

CONTESTED ELECTION OF SAMUEL HERRICK, A REPRESENTATIVE FROM OHIO.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 5, 1818.

Mr. TAYLOR, of New York, from the Committee of Elections, to whom was referred a memorial of C. Hammond, contesting the right of Samuel Herrick to a seat in this House, reported:

That, on the 19th December, 1810, Mr. Herrick was appointed attorney of the United States for the district of Ohio, which office he accepted, and held until his resignation thereof, on the 29th November, 1817. In October, 1816, he was elected one of the Representatives of the State of Ohio for the fifteenth Congress. The result of the election was publicly announced on the 7th January, 1817, in the presence of the Senate of that State. On the 15th September, 1817, the Governor executed a certificate of Mr. Herrick's election, according to the law of Ohio, which was received by him on or about the 30th day of the same month. Mr. Herrick, therefore, continued in office almost nine months after the 4th of March last, and two months after receiving the certificate of his election. It does not appear, on the part of the memorialist, and it is denied on the part of Mr. Herrick, that he performed any act as attorney of the United States after the said 30th September. He, however, continued in office, was liable to perform its duties, and was entitled to its salary until his resignation. Congress met December 1, 1817, and Mr. Herrick took his seat on that day in the House of Representatives.

The sixth section of the first article of the constitution provides that "no person holding any office under the United States shall be a member of either House during his continuance in office." The incompatibility is not

* See report of Committee of Elections, No. 438.

† See report of Committee of Elections, No. 439.

‡ See report of Committee of Elections, No. 445.