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FOR THE NATIONAL INTELLIGENCER.

MR. SMITH,

It is not to excite prejudgments nor to solicit favor, that I so far depart from the reserve which I have adopted for my government, pending the enquiry at issue, as to proffer the subjoined testimonials to the public eye.

But it is to mark to the candid and independent, the irreconcilable conduct of the hon. John Randolph's very honorable informer Daniel Clark, that I transmit them to you for publication.

However my own persecutions may terminate, what estimate can be formed of the character or credit of an individual, who so late as fifteen months ago, paid tribute to the talents and integrity, and even sought the patronage of the very man, whom he has recently accused of high crimes and misdemeanors of twenty years standing.

Citizens of America! pause and reflect—you have a glimpse only of "damning truths"—be patient and all will be out.

JA: WILKINSON.

Washington, Jan. 16th, 1808.

[COPY]

New Orleans, 27th Sept. 1806.

DEAR SIR,

I have been favored with your letter from the Heights, and had you previously informed me when you might be expected there, I should have been on the spot at the time of your arrival. Removed as you now are to a distance of 150 leagues from Orleans, it will be morally impossible for me to undertake a journey to see you, as the near approach of winter renders my departure for the Atlantic states indispensable within a fortnight, and I shall not be here till some time after Congress breaks up. Neither myself nor any other of your friends will ever doubt that you will act with the Spaniards with as much prudence as your orders permit, and if hostilities should be the consequence, your superiors must be responsible to the nation and not you for the conduct. The only thing I fear is that you should not have force enough to defend the country, in case of an attack; as Folch has at least 1,200 to 1,500 regulars in Pensacola, and if you strike on the side of Natchitochez you ought to be prepared for a retaliation on his part against this quarter. On the militia of the lower country you must place no reliance. They never have been organised; they are unarmed, and I know there are in the stores, but 2,500 stand of spare arms, a great part of which I presume it would be necessary to keep for the troops—to supply them in case of accident. Besides, you know that the Planters and merchants will not easily leave their homes to the utter ruin of their affairs, when there is no force to compel them.

I know I am entering into a THORNY PATH *and shall expect a great deal of trouble.* I WOULD THANK YOU FOR YOUR ADVICE. TO DIRECT ME, *and if you would give me a line to some of your friends in Congress, disposed to favor or serve Louisiana you would, perhaps, afterwards find your account in it.* You may direct to me to the care of Mr. Daniel Wm. Coxe at Philadelphia, until the session commences.

I have received the rejected grants of land, and would be obliged to you to give me what information you are possessed of respecting the proceedings of the board of Commissioners, what the people of the Upper Country expect, and what it would be proper to attempt for them with any hopes of success.

You will much oblige me by giving me from time to time, advices of what is passing on the frontiers and point out in what way you think I may be of service to you.

I remain with esteem,

Dear sir,

Your most obedient servant,

(Signed) DANIEL CLARK.

Brig. Gen. WILKINSON.

(COPY.)

HOUMAN, 2 Oct. 1806.

Dear Sir,

I heard by Capt. Turner, that you had got to the Rapids of Red River, and were to proceed next morning for Natchitoches. I long to learn your arrival there, and the result of your communication with Herrara, which I presume must be unsatisfactory, as he cannot in honor recede, after what has already passed, even were his orders discretionary. I therefore suppose hostilities must take place, and were the preparations and means in your power equal to the object, I should have no doubt, but you would bring matters to an honorable issue for yourself and your country. I flatter myself, however, that if your force is small, you will not expose your reputation unless circumstances should be so favorable as to promise you victory.

Capt. Turner informed me, that you expected I would see you at Natchitoches. On reflection, you must perceive the impossibility of realising such an idea, as I have not time sufficient to undertake the journey and return to Orleans previous to the time requisite for embarking for the seat of government, and however strong the desire of seeing you is, on my part, I must defer the pleasure till my return in the spring, or beginning of summer. Of this I had already advised you, previous to leaving town, and for fear of accident, now mention it a second time, that you may not be disappointed, by waiting to take any measures till you saw me.

Peace between England and France was confidently expected; messengers were daily passing between them, the English funds had raised, and concurring advices from other quarters give every reason to expect, that this great event may shortly take place. It may have a great effect on our politics, and I wish we may not be exposed to the vengeance of the three great maritime powers of Europe, by our conduct to each of them. You are, however, better able to calculate the effects to be feared or expected than myself and I shall refrain from further observations. I shall write to you from Orleans previous to my departure, and will advise you from thence of any thing new in my absence. I sincerely wish you success and that the means of insuring it depended on yourself alone.

I remain,

Dear Sir,

Yours, sincerely,

(Signed) DANIEL CLARK.

Brig. Gen. Wilkinson.

VERMONT.

The following patriotic sentiments were unanimously adopted by the General Assembly of Vermont at their late session at Woodstock.

WE, the Governor, Council and House of Representatives of the state of Vermont, viewing with indignation and abhorrence the violent and unjustifiable conduct of the cruisers of his Britannic majesty, in the impressment and murder of American citizens and the plunder of their property upon the high seas, and, even in the very entrance of our harbors, and more especially in the late hostile attack made with circumstances of unparalleled malignity upon the American national frigate *Chesapeake* by the British ship of war *Leopard*,

Do *Resolve*, That at this awful crisis, when our national honor and independence are insulted by a nation with whom we, forgetful of former injuries, have not only endeavored to cultivate harmony, by preserving a strict and perfect neutrality, but to conciliate their friendship by every act of benevolence, humanity and assistance, compatible with justice due to ourselves and to others, it is the duty of every American to rally around the constituted authorities of his country and to support them with his life and fortune, in resisting any encroachments on our national and individual rights, by any foreign power whatever, and in procuring redress for the many injuries we have sustained, and which our patient and friendly forbearance has suffered too long—injuries, committed in a manner unusually barbarous, and calculated to fix an indelible disgrace upon the British character.

And it is further Resolved, That we do accord our warmest approbation to the measures adopted by the President of the United States on this trying occasion, and that we have the most perfect confidence in his wisdom, integrity and ability so to direct the energies of the government as to preserve our honor as a nation, free from taint or reproach, and our liberties as individuals, secure from violation—And we do further, for ourselves and our constituents, declare—that, fearless of the dangers to which we may be exposed as a frontier state, we shall be ever ready to obey the call of our common country, whenever it shall be necessary either for the purposes of redress or vengeance.

And Resolved, That a copy of the foregoing resolution be made and immediately transmitted to the President of the U. States.

A true Copy,

ATTEST,

TH: LEVERETT, *Sec'ry of State.*

To the foregoing the President has made the following

REPLY.

Washington, Dec. 1, 1807.

SIR,

The Secretary of State has communicated to me your letter to him of the 14th of November, covering the resolutions of the General Assembly of Vermont on the 4th of the same month.

The sentiments expressed by the General Assembly of Vermont on the late hostile attack on the Chesapeake, by the Leopard ship of war, as well as on other violations of our maritime and territorial rights, are worthy of their known patriotism; and their readiness to rally round the constituted authorities of the country, and to support its rights with their lives and fortunes is the more honorable to them as exposed by their position, in front of the contest. The issue of the present misunderstandings cannot now be foreseen; but the measures adopted for their settlement have been sincerely directed to maintain the rights, the honor, and the peace of our country: and the approbation of them expressed by the General Assembly of Vermont is to me a confirmation of their correctness.

The confidence they are pleased to declare in my personal care of the public interests, is highly gratifying to me, and gives a new claim to every thing, which zeal can effect for their service.

I beg leave to render to the General Assembly of Vermont, and to yourself the assurances of my high consideration and respect.

TH: JEFFERSON.

His Excellency
GOVERNOR SMITH.

The following resolutions have been adopted by the Legislature of Tennessee.

"*Resolved*, That it is the sense of the legislature, that the absolute tenure of the office of Judge under the Constitution of the United States, until conviction according to the strict rules of the common law, and removal by impeachment, is contrary to the interests of a free people, and the genius of a representative republic.

"*Resolved*, That at the desire of a respectable majority of the people of the United States, expressed by their representatives, any one or more of the Judges of the Supreme Court of the United States ought to be subject to be removed from office without conviction on impeachment of any crime or misdemeanor.

"*Resolved*, That the continuance in office of a man who is appointed to the high office of judge, and is found, on experience, not to possess those qualities which would enable him to adorn that station and to discharge with fidelity the duties required, is equally injurious to the interests of individuals and the public weal, as the continuance of an unworthy member in the legislative or executive department.

"*Resolved* That on application of three-fifths of the members of each House of Congress of the United States any one of the Judges of the courts of the United States should be subject to removal from office by the President of the U. States, without impeachment.

"*Resolved*, That the representatives from this state in the Congress of the United States be requested, and the senators be directed to use such measures as are in their power, to cause the first section of the third article of the Constitution to be amended to effect the above object.

Richmond, January 12.

The following resolution was moved in the House of Delegates on Saturday last, by Alexander S. Hooe, Esq. a member from the county of King George. On the resolution being read from the Chair, a motion was made for the previous question being taken, whether it should be received, which produced an animated discussion till very late in the evening; when a motion was made that the House should adjourn, which being carried, no decision was had on the resolution, and it lies over to be taken up again. Most of the gentlemen who spoke, were in favor of the resolution, with some trifling amendment.

"At an important crisis like the present, when we are threatened with war by the rival powers of Europe, it is of the highest importance we should have at the head of our army a man of the most unblemished reputation, who instead of exciting doubts, should inspire confidence. The present commander is not that man—he has been suspected (and with too much cause) of being engaged in treason at home and treachery abroad:

"*Resolved therefore*, That the FEDERAL EXECUTIVE be requested to cause an immediate enquiry to be made into the conduct of Brig. Gen. James Wilkinson, commander in chief of the armies of the U. States."

CONGRESS.

HOUSE OF REPRESENTATIVES.

DEBATE

On the Resolution for requesting the President to cause an enquiry to be made into the conduct of GENERAL WILKINSON.

TUESDAY, JANUARY 5.

(CONTINUED.)

Mr. BURWELL'*s* motion for calling on Mr. Randolph and Mr. Clark for information being yet under consideration—

MR. SMILIE was thankful that this motion had been brought before the House; indeed it was the motion which should in his opinion have preceded every thing else which had taken place; and he must confess that it was to his mind an instance of higher confidence than he had ever known in a legislative body, to proceed for two days on information read to them by one of its members. It was certainly the step proper to be first taken, to demand that those papers should be deposited on the table, and put into possession of the House; and after two days spent on the subject, they had at last got into the correct track. He would agree to this motion, and would have agreed to the motion made on the first day on which the House considered this subject, not that he conceived the House had power to act on it, but to avert consequences which he saw would result, and which had resulted. Happy would it have been, had the resolution passed then, because they would have avoided what had fallen in the course of debate. The gentleman from Virginia had told the House that he had at least gained one part of this object; it was to prevent his gaining his object that Mr. S. wished to have decided on the resolution immediately. [Mr. RANDOLPH said he had gained one object, but it was impossible for the House or the gentleman to know what that object was; if the gentleman had any curiosity to know, he would inform him.] Mr. S. said he meant not to meddle with the private affairs of gentlemen; he meant public affairs, and would state two objects which had been attained. In the first place this object was gained; the gentleman from Virginia, from the whole tenor of his conduct, and from his speeches, had conveyed an idea that he was fully convinced of the guilt of the officer implicated; gentlemen possessing the same sentiments with the gentleman from Virginia had profited by the opportunity to make inflammatory speeches, and to say every thing they could against his character, and these speeches were taken by the stenographers and transmitted to the most remote parts of the union as their verdict on his guilt. Was it possible, under these circumstances, that this officer should enjoy the right of a fair trial?—He knew nothing of the conduct of this officer, nothing of his innocence or his guilt, but he knew him to be a citizen of the U. States; and as such entitled to an impartial trial; and from that he would now be precluded by being prejudiced. How tender was the law in civil and criminal prosecutions! It was well known that if a man undertook to write and publish on a pending trial, he was liable to be punished for contempt of court. So careful was the law to prevent prejudgment.

Mr. S. had listened with all his power of attention to the discussion on this subject: he had heard strange doctrines delivered on this occasion, but particularly by the gentleman from N. York (Mr. Gardenier) who seemed to have forgotten what was the nature of our government, and had talked of it as a government possessing supreme power, and had supposed that there was no limit to the omnipotence of the House of Representatives. This was the amount of the gentleman's ideas. The gentleman should have recollected that this was a limited government, and in talking on this subject, he should consider the House of Representatives as moving only in the bounds prescribed by the constitution, and possessing no other power than they are invested with by that instrument. For what purposes were free governments instituted? For two great objects; to secure the rights of the community and to secure the rights of the individual. It appeared to Mr. S. that in the course of the discussion of this business one of these objects had been entirely overlooked. Gentlemen seemed to have totally forgotten the rights of the individual whilst asserting the rights of the community. Would gentlemen look into the constitution, they would there see how tender the convention had been on this point—that personal rights were held no less sacred in that instrument than those of the community. Permit me, said he, to read this part of the constitution, because I believe that in this case the personal rights of general Wilkinson are violated by the course now taken.

[Mr. Smilie then read those articles of the constitution securing the life, liberty and property of the citizen, and guaranteeing an impartial trial to every person accused.]

Mr. S. said he read these to shew that by the constitution the rights of the individual were as well secured and considered as important as those of the community. Now this being the case, said he, is it fair, before the person is put upon his trial, that he should go through the scorching ordeal of a discussion on his conduct in this House? Can he under such circumstances be said to enjoy the undoubted right of every citizen to a fair trial? It may be said that he is a military man; for his conduct as a military man he is answerable to a military tribunal; but as a citizen, he is subject to a trial before a court of justice; and if he is guilty of that wherewith he is now charged, there is not a doubt on my mind but he is amenable to a court of justice for his conduct.

But another object had been gained besides depreciating the man. The gentleman from New Orleans had, by a strong insinuation, impeached the conduct of the President of the U. States in this business, by telling the House that he had given him the necessary warning, and that a deaf ear had been turned to the information. Thus another end had been gained. These two ends were what Mr. S. had been inclined to prevent, by an earlier decision on the subject.

With respect to the right of the House to interfere in the matter at all, he begged to be allowed a few words. He believed this information and this business altogether had been improperly laid before the House. This House was not the tribunal to hear and decide on a case of this kind. It was therefore his opinion that it was the duty of the gentleman from Virginia (Mr. Randolph) instead of bringing the matter before the House, to have laid it in the first instance before the President of the U. S. to whom alone general Wilkinson was answerable for his conduct as an officer of the U. States. But if this course had been taken, these ends would not have been answered as they had. Whether this was the object of the gentleman, or the reason why this course had been taken, he would not say.

Mr. S. asked any gentleman in the House to point out that part of the constitution which would authorise or even warrant the power of acting on this subject. No such power could be shewn. If then there was no such power granted by the constitution, how could gentlemen come forward and support this doctrine? Some gentlemen had endeavored to shew this power was impliedly vested in them; and one gentleman had risen to tell them that they had never doubted the right to call for papers. Mr. S. said they never had, and he hoped they never would. They had no right to papers, however, except in a case in which they had cognizance or the power of acting. If then they had no power to act on any particular case, whence could flow the incidental power of acting in matters incidental to that case? From what source did they derive it? No power being given, no incidental power could exist. Thus he reasoned on this subject.

He found this authority of the House was one which had been very much discussed; and he begged leave to state a case which in some measure applied. In the fifth Congress, when the House of Representatives were upon the subject of the British treaty, they called upon the President of the U. S. to lay certain papers before them—exercising a right which they undoubtedly possessed as an incidental power. A resolution thus calling for specific papers was sent to President Washington, who in a few days returned for answer, that it did