not occur that these papers related to any subject under cognizance of the House. This was a clear expression of the opinion of Washington on this subject. Whether it was or was not correct he would not say; but of this Mr. S. was sure, that except where the House had cognizance, they had no right to take such a step as that now contemplated—to throw the whole weight of this House against any officer, civil or military. And let me tell you, said Mr. S. that the effects of this proceeding will, and can not otherwise than produce a serious evil.

However, as the matter had progressed so far, although the conduct of the House had been altogether incorrect, he would now agree that these papers should be called for as proposed, and transmitted to the Executive; and he hoped the House would go no further.

MR. MACON said, hoarse as he was, he would state to the House that the course proposed by the gentleman from Virginia was the same which he found by the journal had been proposed in the case of St. Clair, and that he then gave the same vote which he should give upon this occasion. He was then of opinion that the House had a right to make the request. This proposition was then negatived, and a resolution adopted to appoint a committee of enquiry. Gentlemen who voted with him at that time were of the same opinion as himself. With respect to General Washington's opinion, it was well known that the House replied to this message, and stated that they were not bound to assign reasons for the call. Nor will I, said Mr. M. ever give any reason for a call upon the Executive. This is no new opinion with me, but formed so long ago as the case of St. Clair; it is not an opinion made up on the occasion, but upon conviction.

MR. CLARK rose to correct an expression of the gentleman from Pennsylvania, who had talked of insinuations. I am unaccustomed, said Mr. C. to insinuate; what I have said, I thought I had satisfactorily explained; that the subject on which I spoke to the President did not particularly relate to the case before the House, but to certain transactions between certain people in Kentucky and the Spanish government. I, at that time, offered certain information and certain papers. These being refused to be received, I thought it needless to offer any *name* when the whole subject was not listened to.

In the present case Mr. C. wished the House to attend to the peculiar delicacy of his situation. He was supposed to be possessed of evidence, and would be called upon to give it. He was here a solitary individual, 1500 miles from his own country; it could not be expected that he had vouchers with him to support what he might testify. How could he give evidence if called upon, before a court of inquiry, who had not the power to send for persons and papers. He hoped gentlemen would think of it; if an inquiry must be had, and he must be forced to say what he knew, he hoped the House would allow him the means of substantiating what he said; would let it be before a tribunal which had power to send for persons and papers. The subject which he had laid before the President related to general cases; if particular persons were therein implicated, he could not help it. He hoped the House would consider the delicacy of his situation before they decided.

MR. RHEA (T.) said he had attended with as much attention as he could do to the discussion on this subject, but was at a loss to know what this resolution would operate, and how the House was to act on evidence which it might produce. If a volume of testimony was the result, what could be done with it? He should suppose that every court of law or court martial would admit that testimony, however voluminous or to whatever extent. If so, why should the time of the House be taken up in canvassing a point which could answer no purpose? If he recollected aright the provisions of the constitution, it gave this House the power of collecting evidence in cases of impeachment, and respecting its own members, and in no other cases. If there were any other cases in which the House could institute enquiry, he wished them to be shown; for until it were, he should act according to the constitution, because he was bound to protect it, and not to depart therefrom. Holding this opinion therefore, he did not feel disposed to give this measure his vote. The House had been told that the rights of individuals had been violated; if so, there was not a single one of those individuals but might commence suit in a court of justice, for this violation.

A recurrence to the date of the letters submitted in evidence would lead the mind to contemplate a chain of events which appeared to be connected with this matter; for it would be recollected by the House who was then President of the United States, and who had since filled that high office. If Mr. R. understood the date of those letters, they were written in February, 1796. It would be recollected that under the presidency of Washington, General Wilkinson was appointed a Brigadier General; under Mr. Adams, he became commander in chief of the troops of the United States, and he had been continued in that office under the administration of Mr. Jefferson. It was known that on 3d of March, 1797, General Washington ceased to be President, and Mr. Adams succeeded him. It appeared to Mr. R. to be wonderful that these transactions should have taken place, and General Wilkinson should have retained the confidence of these three great men. Under the venerated Washington he had been made Brigadier General, and under Mr. Adams appointed, and till this time continued commander in chief. If these charges which had been made were true, how could they remain in doubt to the present day? He had seen no evidence brought forward which could balance the confidence he felt in this man from the weight of character he possessed. Of what avail were a letter or two from Spanish governors, when put in competition with the general character of this officer? If General Wilkinson had injured an individual, let him apply to a court of justice for a remedy of his wrongs. In the manner proposed, Mr. R. could not proceed.

The President of the U. S. being commander in chief, had a right to institute an enquiry. If the House therefore adopted the course proposed, and went on to institute an enquiry into the conduct of any officer of the army, they went to prevent the proper department from investigating the subject as it had a right to do. By the Constitution he understood the Executive of the U. S to be as complete a part of the government as the Congress, and to that department was assigned the performance of particular acts; and if it had not neglected its duty, why was this business here taken up? For no beneficial purpose that he could see. Inasmuch as general Wilkinson had not been committed by the evidence exhibited, and as what he is now he was when the present administration came into office. Mr. R. thought the House should go no farther in the business if they even had the right, which he contended they had not, and he should therefore vote against the resolution. The question being called for, he would say no more at this time.

(Debate to be continued.)

DEBATE

On the memorial of the Governor by direction of the Legislature of Massachusetts, in favor of the Yazoo Claimants.

(Continued.)

MONDAY, JAN. 4.

MR. TROUP said he did sincerely believe that the gentleman from Vermont (Mr. Elliot) was really with all his pretensions to honesty, what he knew a majority of the Yazoo Legislature to be: and with this observation he would pass over—[Mr. T. was here called to order by the Speaker.] Mr. T. said he was extremely sorry that on this subject he should trouble the House; he felt at this time particularly disqualified. Was this business never to be finally disposed of? Did the claimants calculate their chances of success on the confidence or rather on the audacity with which they urged their claims? Was the justice of their claims to be estimated by the indefatigable assiduity with which they renewed their pretensions? And pretensions too which were audacious, unfounded, and insolent, originating in fraud and corruption, embellished with murder, perjury, and every species of enormity! He trusted there was virtue sufficient in this assembly to treat the claimants with contempt. He flattered himself that the Legislature would not degrade itself by a compromise with speculation and corruption: he presumed the capitol was not the place where speculators were to seek indemnity. If it were they had better appropriate five or six millions of acres to these injured persons, to these miscalculators of profit and loss, or rather to these men ruined by the unsuccessful exercise of the arts of bribery and corruption. What did the memorialists demand? That this House should indemnify them for losses sustained by the act of Georgia. Would they do it on the broad principle of relieving all speculators in distress, or from the cession to the United States by the state of Georgia of the land in question? On the last principle, they would not presume to attempt it; for they knew that they had not the power. On this account he wished the memorial to be rejected. He was as much disposed as any gentleman on the floor to treat the state of Massachusetts with respect as an integral part of the Union: but he would ask, what right had the state of Massachusetts to interfere with an individual claim? None.

MR. ELLIOT said that he had done all that could be required of him as a son of Massachusetts, to vindicate the character of her citizens; & if the members from that state could sit silent under the new attack that had been made upon them, he had no objection. But as the gentleman from Georgia did not even yet appear to know him, he would talk to those that did know him. He never had, he never could have had—the thing was impossible—it was abhorrent to his nature—any interest whatever in the Yazoo speculation. And he repeated the declaration that he did not know one of his constituents, numerous as they were, who had any interest in it. There might be one, there might be two, there might be six, among sixty or seventy thousand people, but he did not know that there was a single one.

MR. SMILIE said it was unfortunate that upon this subject and some others they could not debate with that calmness alway necessary for deliberation. He would suggest to the House the propriety of referring the petition before them. Let us, said Mr. S. consider the source from whence it comes, and I will be bold to say that there never was an instance in which the Congress of the United States has refused to pay attention to, and treat with delicacy any communication from the government of a state: and it certainly is good policy always to treat them with respect. He recollected a circumstance which caused much discontent, and where in his own opinion the Legislature of Virginia was not treated by the Legislature of Massachusetts with that respect which was due to her: but the conduct of that Legislature was not however such as was now proposed to be adopted towards the state of Massachusetts. He alluded to a proposition from Virginia to Massachusetts to join in a petition for the repeal of the alien and sedition laws. In the senate of Massachusetts it was committed and a report made on it, that it was not such as comported with the dignity of that state or as was due to the state of Virginia. If the state of Virginia had been discontented then, what would the state of Massachusetts be if treated in the manner which was proposed? Was this the day for scattering the brands of discord in this House and in the nation? Did they not know that times were pending in which it might be necessary for the general government to call for aid from every state in the Union? If events should arrive which were but too much expected, the state of Massachusetts was no inconsiderable part of the Union. Then, said he, in the name of God let us treat that state with respect. Those members who have been in a former Congress, may have their minds made up on the subject; but there are a great many members here who have never heard the subject agitated or debated on the floor of Congress, and ought to be allowed an opportunity of judging for themselves. I wish to preserve harmony. For Heaven's sake let *us* take no step to infringe it.

MR. RANDOLPH did not intend to have said any thing upon this subject, indeed he was in no condition to say much; but an observation of the gentleman from Pennsylvania who had just sate down called upon him for some explanation of the reasons which would govern his vote. Mr. R. thought that this question had been very improperly connected with state rights—rights which he would forever uphold. He could consider the representation of the legislature of Massachusetts through their executive in no other light than as the act of the individuals who had made it. What rights of the state of Massachusetts were involved in the subject? Was the matter in controversy between that state and the United States? between Massachusetts and Georgia? between Massachusetts and any foreign power? or between individuals, where the rights of Massachusetts as a state were drawn into question? Certainly not. Did this state come forward to shew that the franchises of her citizens, secured to them by the constitution, had been invaded? No man could pretend it. The legislature of Massachusetts had then, he must say, unwisely thrown the great weight of her respectability into the scale of a private claim, and of the most odious nature too. If therefore the consideration, otherwise due to her, was impaired, it was by her own act.—He could recognize in this act none of the rights and nothing of the dignity of a sovereign state, and should vote with as little hesitation against the petition as if it were supported only by the same number of private individuals. And was this a denial of the sacred right of petition? Had not those claimants been repeatedly heard before that House? Their petitions received and discussed? Was not the House in possession of every fact material to a correct decision? and did it not become them to affirm the deliberate sentence passed at a former session?

The House had been warned against making this question a subject of division at this time. It had been the origin of the first and he might almost say of the last schism in the republican party. Nor was it matter of surprize that it should have been so. The opinions of men never until then called into question, of the leading characters in administration, were for the first time thwarted and exposed. Swarms of expectant nabobs had been awakened from their golden dreams and the patrimony of the people wrenched from their very grasp. Nor was it possible for the opponents of this measure to do justice to their cause without holding the mirror up to corruption and compelling her to view her hideous and disgusting features. Heats and animosities the most virulent could not fail to grow out of such a discussion. The seeds of disunion were then for the first time sown amongst them; he defied any man to trace their divisions to a higher source; and he asked if it would not be better to bury the cause of them by giving the petition the most decisive and instantaneous rejection?

MR. BIBB said from some observations which had been made he deemed it his duty to say a few words more on this subject. When the memorial was read, he had thought it was not worthy of a place on their table, and he should have moved to have thrown it under the table, had he not understood that such a motion would not be in order. He would freely declare that it was his intention to treat the memorial with contempt, because he conceived that it deserved it. When a claim was brought before the House, founded in fraud and corruption unequalled in any age, it ought to be rejected. The gentleman from Massa. admitted that the state of Massachusetts knew nothing about the claim, never examined it at all; and yet the House were told, that in rejecting it they would do violence to the feelings of a state. [Mr. Bacon explained that he had not said any thing to the purport of what had been just attributed to him.] Mr. B. said he had certainly understood the gentleman to say something like this.

The observation which Mr. B. had intended to make when he rose, was this: that if they permitted this petition to be committed, they indirectly acknowledged that this House had a right to legislate upon the subject. Now he contended that Congress had no right to grant the prayer of the petition, and therefore had no right to refer it. The origin of the claim was well known. In the year 1795, the legislature of Georgia, under the influence of bribery and corruption, passed a law giving a great number of acres of land, and which was repealed at the subsequent session of that legislature. He believed he might say that this claim originated with the constituents of the gentleman who presented this memorial; if not, however, it was certainly known in the town of Boston, before it had been proposed to the Legislature of the state of Georgia. But the act of cession to the U. States by the state of Georgia, particularly stated what claims should be considered valid; amongst which claims this could not be found. Now, as the state of Georgia had enumerated claims which should be granted, and this was not one of those, Congress had no right to *grant* the land in question; and it was the opinion of the state of Georgia expressed by a late resolution of her legislature, and which every gentleman might have seen in the National Intelligencer within a few days, that Congress should not *compromise* the claim.

(DEBATE TO BE CONTINUED.)

MONDAY, JANUARY 18

The *Speaker* laid before the House the annual report from the Secretary at War, on the subject of invalid pensioners.—Referred to the committee of claims.

Also, a letter from the Secretary of the Treasury, relative to the clerks in that department.—Referred to the committee of Ways and Means.

Also, a letter from the Treasurer of the United States, with an account of the receipts and expenditures from the 1st of October 1806, to the 30th of September, 1807; also, of the receipts and expenditures for the war and navy departments, for the same period; which was referred to the committee of ways and means.

On motion of Mr. *Basset* the House went into committee of the whole—46 to 36—on the report of the committee appointed to prepare standing rules and orders for the government of the House, Mr. MARION in the Chair. And after having gone through the report, and made several amendments, the committee rose and reported it to the House as amended; and its further consideration was postponed, on motion of Mr. Holland.

The engrossed bill for appropriations for the support of government, being called up for its third reading,

Mr. Stanford moved to postpone the decision on it till a future day, that they might previously pass a bill for regulating the salaries of the clerks in the respective departments.

After some objections from Mr. *Campbell* to the motion, expressing a belief that the subjects were not necessarily connected,

Mr. Stanford withdrew his motion.

A motion made to adjourn was negatived—Ayes 18.

The *Speaker* proceeded in reading the bill, but being impeded from the inattention and conversation prevalent in the House,

Another motion was made to adjourn, and negatived—Ayes 28.

The bill was then gone through, and passed without a division.

WASHINGTON CITY.

WEDNESDAY, JANUARY 20.

CASE OF JOHN SMITH.

On the 16th inst. *Mr. Anderson*, from the committee to whom were referred several resolutions, which were offered to the consideration of the Senate, in the case of John Smith, Senator from the State of Ohio, reported the following resolution:

Resolved, That on the first day of March next, the Senate will receive such testimony as John Smith, Senator from the state of Ohio, may then adduce in his defence, and that the Senate will then proceed to the final consideration of the report of the committee appointed on the 27th of November last, to inquire into his conduct, as an alledged associate of Aaron Burr; provided, in case Mr. Smith shall adduce evidence to discredit any witness, whose testimony has been made use of against him; that he shall make it appear to the Senate, that reasonable notice had been given to the witness so intended to be discredited, of the time and place appointed for the taking of such evidence, and that he was served with a copy of this resolution.

On the 18th inst.

Mr. Anderson moved that the Senate proceed to the examination of Col. James Taylor at their bar.

Mr. Maclay, after some preliminary remarks, to shew the incorrectness of further delay, moved to postpone the motion for the purpose of taking into consideration the report of the ——— day of December.

A short conversation ensued on the course of procedure, in which it was remarked that as Mr. Smith had made some complaints relative to the examination of Col. Taylor before the committee, and as he, col. T. had been a long time absent from his family and was extremely anxious to return home, it was most advisable before any further steps were taken, that he should be examined.

Mr. Giles rose to state to the Senate two circumstances which had been mentioned to him on the part of the accused; one was that he (Mr. S.) had no objection to going on with the examination of Col. Taylor as soon as his counsel came from the court room where he was now engaged, which he was advised would be in about half an hour; the other was his wish to be excused by the Senate from voting on any question until a final decision on the question of expulsion.

The *President* said the Senate could make no such order.

Mr. Bayard intimated that this would not be an inhibitory order of the Senate, but the mere allowance of the prayer of a member, who, on his own application, would be excused from voting, and that such an allowance was frequently made in individual cases.

Mr. Giles said that the gentleman from Delaware had exactly stated the grounds on which the application was made. It could not be viewed in the light of a prohibitory order; but as an order passed at the special instance of Mr. Smith. Mr. Giles observed that he had been induced to make this application because he thought it right in itself, and as it had been often done in particular cases. The present question was whether in this case there was good reason for the request. For his own part, Mr. G. said he perceived no objection to excusing Mr. Smith from voting, although he should be averse to laying any prohibition upon him.

Mr. Adams said, if the right of Mr. Smith to vote centered in himself, he should have no objection to this application. But by the application, it was required that not only he, John Smith, should not vote, but that the state of Ohio should lose one vote in that body until a final decision of the question of expulsion. It came, therefore, in a different shape, and assumed greater importance than a mere question respecting Mr. Smith. As it respected Mr. S. individually, Mr. Adams did not know why he had asked to be excused from voting on the questions that might come before