the Senate. Had he ever been compelled or even called upon to vote? Why, then, were the Senate called upon, to say, by an act of theirs, that the state of Ohio should be deprived of a vote in the Senate until the final decision of this question? If Mr. Smith himself chose not to vote, he was satisfied he would not be compelled to vote; and if he wished to vote, Mr. Adams knew of no authority the Senate possessed to refuse him. Such a refusal would be a sacrifice of the rights of Ohio.

Mr. Anderson was against agreeing to this application, as its allowance would virtually go, by excusing Mr. Smith from voting on all other questions, to admit him to vote on his own case. It was, moreover, going too far thus to deprive, by an act of the Senate, a state of one half of its representation in that body. If Mr. Smith did not vote, it ought to be his individual act, and not that of the Senate.

Mr. Giles said, that to save time, and to enable the Senate to deliberate further on this point before they decided upon it, he would withdraw the application for the present. He did not, however, take this step, because he perceived the force of the remarks offered by gentlemen; or that he had any reason to question the accuracy of the first suggestions of his own mind; but to prevent any present embarrassment, and that the Senate might proceed in the examination of col. Taylor.

It was then determined, without a division, to proceed to the examination of col. Taylor at the bar of the Senate.

While the Senate were waiting for Mr. Smith's counsel, Mr. ANDERSON moved that John Graham, Esq. be notified to attend at the bar of the Senate to give testimony in this case.

Mr. Anderson remarked that the occasion of calling on Mr. Graham arose out of the testimony of col. Taylor, which he read.

The motion of Mr. Anderson was agreed to.

On motion of *Mr. Anderson*,

Resolved, That col. James Taylor be examined at the bar of the Senate, in the case of John Smith, a Senator of the state of Ohio, that the questions put to col. Taylor shall be reduced to writing, and submitted to the President, who shall judge of the propriety of the question proposed.

After waiting a considerable length of time, *Mr. F. S. Key*, the counsel of Mr. Smith, appeared, when col. James Taylor was sworn and examined at the bar of the Senate; the questions put to him being submitted in writing conformably to the above order, and the answers received orally.

The testimony given by col. Taylor having relation altogether to that given in the report of the select committee would be unintelligible unconnected with it. We shall, therefore, reserve both for future publication; the great length of the former absolutely precluding its present publication.

On the 19th, *James Taylor* was further examined, and extracts of letters written by him to the Secretary of state read.

John Graham was then sworn and examined. His testimony was entirely directed to support that of Mr. Taylor, with regard to the conversations of the latter with Mr. Smith.

When the Senate adjourned.

COURT OF ENQUIRY
IN THE CASE OF
GENERAL WILKINSON.

FRIDAY, JANUARY 15, 1808.

General Wilkinson appeared, and the court having stated that they were ready to proceed to business, he enquired whether it was expected that the gentlemen notified would attend, as he would wish to make the remarks he purposed to offer in their presence. It was replied that no answers had been yet received from them.

A short time after, the following letters were received from Messrs. Clark and Rowan, in answer to the notices served upon them. The letter of Mr. Randolph was subsequently received.

The form of the notices is as follows, with the variation of the name of the gentleman to whom it was addressed:

To the Hon. Daniel Clark, delegate to Congress from the territory of Orleans.

The President of the United States, at the request of Brigadier General James Wilkinson, having appointed a Military Court of Enquiry for the purpose of hearing testimony in relation to the said Gen. Wilkinson having been, or now being a pensioner to the Spanish government, while holding a commission under the government of the United States; and it being duly intimated to the Court that your testimony, touching the matter in question, will be material on behalf of the United States; it is therefore especially requested by the Court that you will please attend the Court on Friday next at 10 o'clock, A. M. in order to give evidence in the case in hearing.

Done by order of the Court this 13th day of January, 1808.

WM. JONES, jr. acting as Judge Advocate.

Wednesday, 13th January, 1808.

The following are the ANSWERS received:

Washington, 15th January, 1808.

SIR,

I have received your note of the 13th inst. intimating the request of the Military Court of Enquiry, instituted at the instance of Gen. James Wilkinson by the President, that I should attend as a witness to give evidence, relative to the charge made against Gen. Wilkinson, of his being or having been a pensioner of the Spanish government. You will permit me, sir, through you, to inform the Court that under the order of the House of Representatives I have already communicated in a deposition the substance of my knowledge and information respecting the subject of the matter before the Court. This deposition by order of the House has been transmitted to the President to be used according to his discretion. I shall have no objection to testify further before any court legally authorized to call citizens before them competent to the full investigation of so complicate a case; but understanding as I do that a military court of enquiry has no power of acting but in relation to military men, and that the attendance of a citizen to testify before them would be considered merely voluntary, though I am in no degree disposed to withhold when properly called upon any information I possess as to the subject of the charges before the court, yet I cannot consent to appear before a tribunal whose rule of proceedings is purely military and whose powers cannot enable them to call for corroborative proofs upon points which might be rendered questionable on the testimony of a single witness by adverse evidence.

I have the honor to remain, very respectfully, sir, your most obedient servant, DANIEL CLARK.

W. Jones, jr. Esq.

SIR, Your note of the 13th inst requesting that I would on this day attempt as a witness at the Military Court now sitting for the purpose (as it is said) of enquiring into the conduct of Brigadier General Wilkinson relative to his having been a pensioner of Spain whilst in the service of the United States was received by me on yesterday—I am not personally acquainted with that officer, nor do I (although I have heard and believe much) of my own knowledge know any thing which according to the established rules of evidence in civil cases could be heard by that court on the subject of their enquiry: But if I did—my ignorance of military tribunals in the general, and of this in particular—my impressions as to its erection and object—and its impotence to coerce the attendance of corroborative witnesses would restrain me from appearing as a witness before that court—the court with whom I have not the honor of a personal acquaintance, so far from inferring from my non-attendance any want of respect to them individually will have the goodness to ascribe it to the motives above assigned, to my habitual and decided preference for the *civic institutions*, and to my firm belief that they only are competent to make the present enquiry efficiently.

Accept for yourself the assurance of my high respect & esteem.

JOHN ROWAN

January 15th, 1808.

WALTER JONES, jun. Esq.

SIR,—Your summons did not reach me until about an hour ago; to which circumstance alone you will impute the delay of this answer. I have no personal knowledge of any circumstances which can be material to the inquiry in which you are engaged and therfore beg leave to decline attending the military court of which you are judge advocate.

I am very respectfully
Sir,
Your obedient servant.
JOHN RANDOLPH.

Jan. 17, 1808. 2 o'clock, P. M.

Walter Jones, Esq.

The foregoing notice and answers are "attested as a true copy, furnished general Wilkinson, at his request and by direction of the court.

Teste WALTER JONES,
Officiating as Judge Advocate."

Gen. Wilkinson then rose and delivered the following

ADDRESS.

GENTLEMEN,

From a sense of respect towards the Court and of propriety to my own situation, I have been induced to trespass a few observations on your patience preliminary to the introduction of testimony.

On receiving the first intimation of the anathema pronounced against me on the floor of Congress, by a member of that honorable body, (Mr. John Randolph) as highly distinguished for decorum and moderation as he is for impartiality and candor; I appealed to the proper authority for an investigation into my conduct, by that tribunal which is secured to me by the constitution and the law, and you gentlemen have been ordered to sit in judgment on me.

The occasion was certainly unexpected, yet it was not the less desirable, and although the occurrence so recently after the ordeal at Richmond, may dispose some invidious persons to derogate from the motives of my honorable accuser, the candid and intelligent part of the world, when possessed of all the facts, will do him ample justice; for surely no unmanly vindictive personality can be ascribed to a gentleman of Mr. Randolph's lofty carriage and sublimated honor. Indeed when we survey the course which the accusation has travelled to this court, and examine the manner of its introduction into the House of Delegates, it would imply an unpardonable degree of scepticism to doubt the disinterested patriotism, which has guided the procedure before that honorable body; much less to complain of a failure in those chaste observances & delegate regards, which are due to the unfortunate, who may become the subjects of public accusation.

Though highly flattered by the manner of my accuser, I must confess that my repugnance to unrighteous and unnecessary innovations, inclined me to prefer the plain, regular, and invariable course to military enquiry, by complaint to the superior—because it secures to the individual a constitutional right, prevents the obtrusion of concerns purely executive, upon the attention of the legislative body, and spares gentlemen of glowing sensibilities, the deep regret inseparable from the analysis of individual character, on exparte testimony, or no testimony at all.

The victim of suspicion and obloquy for more than thirteen years, I have treated with frigid indifference the paragraphists and pamphleteers, who have pointed their daggers at my reputation, resolved to respond to their calumnies, by a redoubled zeal in the discharge of my duties; but I must now thank the *patriot* who has give the outline of my offences, for the opportunity he has furnished me to meet him on the ground of his preference, and there to defy him and his depraved informer, with the host of conspirators who participate their sympathies.

The flights with which men invited for the ruin of their country, had recently attempted to sully my humble fame, in consequence of my feeble efforts in her defence, served but to excite my pity & contempt; I did indeed believe that the scene of persecution had been closed forever, and began to hope, after a long and not inactive life of military service, I might be permitted to wear out its remnant, somewhat cheered, under those privations of the heart which leave us little to wish for, by the retrospect of days without reproach, and the consciousness that whatever might have been my utility, I had lived without dishonor.

But I had forgotten that I had sinned beyond forgiveness, and that my destruction had been sealed in New-Orleans by a band of hardened traitors, who have advanced so far, that they place their safety in their success; and now for the first time I stand voluntarily, before a military tribunal, to vindicate all for which I have lived and for which I will die. The precious gift of my father—the inestimable inheritance of my children—a soldier's honor—after it has been worried, and torn, and mangled, and degraded, by whom? Let expressive silence mark the avengers of a traitor's cause! And may the angel of mercy blot out the remembrance of my wrongs. For my services shall live and be remembered, when the disciples of detraction, those pestiferous vermin who feed on calumnies, shall have perished and are forgotten.

There are certain terms in our language so offensive to an American ear, that to couple them with a man's name is sufficient to tarnish his character, such are corruption, bribery pension, poison, and paltroon—my enemies aware of this, and knowing that a stain on military honor, like an aspersion on female chastity, sinks deep and is not to be erased—

——"To make assurance doubly
"sure
"And take a bond of fate—
"That *they* might tell pale hearted
"fear it lied,"

Have not been content to arraign me before my country, but in their rage for personal vengeance, they have condemned me unheard, and stigmatized me to the world; on the evidence of made up documents, perjuries and forgeries; I am sensible of the irreparable injury done me, and yet, in this our government of laws, I have found my case remediless; I have therefore suffered in silence, consoling myself with the hope, that the example of my persecutions, might be a future protection to the war worn veteran, and a useful example to those, who too readily credit the tale of detraction.

It is an easy matter to charge virtue itself with corruption, and alas, in these times, we find it almost as easy to sustain the allegation by the oaths of profligate abandoned men. But Gracious God! Shall the unqualified imputation of corruption, without some word, deed, act, influence or instance, to consummate the offence or to designate the criminal intent or effort, suffice to rob a public officer of his hard earned repute, the price of more than twenty years of zealous faithful service! Shall bold assertions without facts or circumstances to substantiate them, even when sanctioned by the single oath of a faithless, lying, interested unprincipled man, prostrate the barriers of honor, which rest on the broad base of approved patriotism and long tried integrity. Genius of my country forbid it! Forbid it Heaven.

I ask only a suspension of the public judgment, pending the enquiry at issue.—I call on my countrymen to pause and reflect before they decide.—I do not address myself to Burrites or imbittered party-men, who would hazard the security of the nation, to gratify their malice, from such wretches I expect hatred and I solicit abuse. But I speak to the sweet blooded true hearted American, who is ready to renounce political dogmas, for the safety of the state, and to bleed or die in defence of its rights.—I request all such to examine the characters and motives of my accusers—the time and circumstances of the accusation—the one writhing under the anguish of public detection and merited dishonor—whilst, in this awful crisis of national affairs, he seeks the distraction of the public councils, to promote a sinister ambition and indulge his vengeful passions—the other scarcely a citizen—the enemy of our government and a disturber of the public repose—who has sought to embroil us in the face of treaties, and in face of the law, with a foreign power, for the promotion of those infamous designs, which he now charges upon me, and which with inflated zeal he now affects to reprobate—and who when stript of imposture will present a spectacle to the world, from which the eye and the mind will revolt with detestation and abhorrence.

In your honor and independence, gentlemen, however they may be questioned by those, who do not feel the force of those sacred bonds by which military men hold, I have an infallible guarantee for all I can desire, a patient, impartial, and I trust, rigorous scrutiny—in which I hope the nature of the accusation—the remoteness of the time—the hostility of the witness—the complexion of the first attack—and the shiftings, changes and prevarications which have ensued, may be strictly compared and combined.

Permit me to express the further desire—that this court may insist on knowing, from whence the documents submitted by my accuser and his accomplice, have been derived, as this fact may furnish a clue by which to trace the foul combination to its infamous source, and to identify, in this murderous assault of my honor, the ministry of that Mexican association, formed at New Orleans, (and referred to by Blannerhassett) for the purpose of co-operating with Aaron Burr, and which it has been my crime to detect, expose and put down.

The Court adjourned to Monday.

MONDAY, JANUARY 18.

The Court met according to appointment, and after a short time adjourned without transacting any business to Wednesday 10 A. M.

CONGRESS.

HOUSE OF REPRESENTATIVES.

TUESDAY, JAN. 19.

The *Speaker* laid before the House a letter from the Secretary of the Treasury, inclosing an unfavorable report on the petition of Resolved Carr of the state of Rhode Island; which was ordered to lie on the table.

Mr. Mumford, presented a petition from a number of merchants of New York, praying for the erection of a light house on Point Judith, in the state of Rhode Island.

Mr. Boyle presented two petitions from the inhabitants of Michigan territory, complaining of the grievances under which they labor from the operation of laws respecting land claims, and praying for certain alterations in them: also, several petitions from purchasers of public lands, praying further indulgence of time for payment of the purchase money; these petitions were referred to the committee of public lands.

Mr. Parke offered the following resolutions, which were adopted:

Resolved, That the committee on public lands be instructed to enquire into the expediency of annexing to the Vincennes District, the tract of country purchased of the Pyankeshaw tribe of Indians, 30th Dec. 1805.

Resolved, That the committee on public lands be instructed to enquire into the expediency of annexing the lands that lie in the eastern part of the district of Vincennes to the Jeffersonville district.

Mr. Chittenden, from the committee to whom the subject was referred, reported a bill altering the times of holding some of the Circuit Courts of the U. S. Read twice and referred to a committee of the whole House.

Mr. Burwell begged leave to call the attention of the House, on the subject of which it was not his intention now to make any observations. It was upon the subject of the naturalization laws of the U. S. upon examination of the constitution it would be found that Congress had now, since the 1st of January, 1808, full power to act on the subject, and dispose of it in such manner as the public good might require. It was now in their power to exclude foreigners from the country altogether, or admit them under such restrictions as might be deemed consistent with the public interest. He therefore hoped the resolution would be agreed to, and give him an opportunity of introducing such a bill as he contemplated, and on which the House might then decide. The resolution was then agreed to as follows; and Messrs. Burwell, Quincy, Macon, G. W. Campbell, Smilie, Fisk, and J. Montgomery appointed a committee.

Resolved, That a committee be appointed to enquire into the expediency of amending the act of Congress, passed the 14th of April, 1802, entitled an "Act to establish an uniform rule of naturalization, and to repeal the acts heretofore passed on that subject," with leave to report by bill or otherwise.

A report was received from the Secretary of the Treasury relative to foreign coin; and referred to the committee of the whole on the bill respecting the mint.

Mr. Newton from the committee of Commerce and Manufactures reported a bill to erect a light house on Point Judith, in the state of Rhode Island. Read twice and referred to a committee of the whole.

The *Speaker* laid before the House a report from the Secretary of the Treasury on the amount of duties and drawbacks for the year 1807. Referred to the Committee of Commerce and Manufactures.

On motion of *Mr. Dawson*, the House went into committee of the whole, *Mr. Storer* in the Chair, on the report of the committee on our military and naval establishments.

The 1st resolution contained in the report, which provides for increasing the army of the U. States being under consideration,

Mr. Dawson said, it was not at this time intended to fill the blanks in the resolution, which would be the subject of the bill; but as the details of such a bill would require considerable time, he hoped the committee would immediately agree to pass the resolution.

The second resolution which provides for the increase of the marine corps being under consideration,

Mr. Dawson said, the same observation would apply to this, to which if the House would agree, he should not call up the third (for increasing the navy of the U. States.) But he would offer a fourth resolution. A law had been passed for the erection of a large number of gun-boats, thirty of which he was informed were ready for service, and no provision made for a single sailor to man them. It was known that the seamen in some of the northern ports were much discontented from being out of employ. In this state of things he hoped no objection would be made to employ such a number of men as should be necessary for the public service. He therefore moved the following resolution:

Resolved That it is expedient to to authorize the President of the U. S. to employ on board the gun-boats such additional number of seamen not exceeding   as in his opinion the public service may require.

These resolutions being agreed to without debate, the committee rose and reported them to the House, when the first was agreed to; Ayes 66; the second without a division; the third, Ayes 64; and referred to the same committee who reported them to bring in a bill or bills.

Leave was obtained for the committee to sit again on that relative to an increase of the navy—Ayes 61.

On motion of Mr. *M. Clay*, the House went into a committee of the whole on the bill more effectually to provide for the national defence by the militia of the United States. Mr. HELMS in the Chair. [This bill contemplates the classing the militia.]

Mr. Clay, after a speech of an hour and a half in favor of the system, moved to fill the blank in the first section for the ages within which each class should take the field with above 21 and under 26 years of age.

The committee then rose and obtained leave to sit again.

[*Debate hereafter.*]

Extract of a letter from the Secretary of State to the President of the Philadelphia Chamber of Commerce.

JANUARY 12, 1808.

"The President of the United States, authorises me to inform you, that it is in contemplation to dispatch to Europe, for public purposes, a vessel or vessels, from time to time, during the period of the embargo—and that previous notice of the time and place of departure will be given, with a view to the accommodation of merchants, and others in their foreign correspondence."