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CONGRESS.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, JANUARY 20.

A report was received from the Secretary of the Treasury in pursuance of the resolution moved by Mr. Van Horne on the 9th inst. stating that there are no documents in the Treasury shewing the amount of tonnage exclusively employed in the exportation of article, the produce or manufacture of the U. States; and that the tonnage used at present for the exportation of articles of domestic growth, produce or manufacture, might, supposing each vessel to make but one voyage, be estimated at about 780,000 tons.

This communication was referred to the committee of the whole to whom was referred Mr. Dana's resolution relative to seamen.

On motion of *Mr. Clay*, the House went into a committee of the whole on the bill respecting the militia, but *A message in writing being received from the President of the United States*, before any progress was made, the committee rose and obtained leave to sit again.

The message from the President of the U. S. was then read as follows:

To the House of Representatives of the U. States.

Some days previous to your resolutions of the thirteenth instant, a court of inquiry had been instituted, at the request of General Wilkinson, charged to make the inquiry into his conduct which the first resolution de[illegible], and had commenced their proceedings. To the judge advocate of that court the papers and information on that subject, transmitted to me by the House of Representatives, have been delivered to be used according to the rules and powers of that court.

The request of a communication of any information which may have been received, at any time since the establishment of the present government, touching combinations with foreign agents for dismembering the Union, or the corrupt receipt of money by any officer of the United States from the agents of foreign governments, can be complied with but in a partial degree.

It is well understood that in the first or second year of the Presidency of General Washington, information was given to him relating to certain combinations with the agents of a foreign government, for the dismemberment of the Union; which combinations had taken place before the establishment of the present federal government. This information, however, is believed never to have been deposited in any public office, or left in that of the President's secretary; these having been duly examined: but to have been considered as personally confidential, and therefore retained among his private papers. A communication from the governor of Virginia to President Washington is found in the office of the President's secretary, which, although not strictly within the terms of the request of the House of Representatives, is communicated, inasmuch as it may throw some light on the subjects of the correspondence of that time, between certain foreign agents and citizens of the United States.

In the first or second year of the administration of President Adams, Andrew Ellicott, then employed in designating, in conjunction with the Spanish authorities, the boundaries between the territories of the United States and of Spain, under the treaty with that nation, communicated to the executive of the United States, papers and information respecting the subjects of the present inquiry, which were deposited in the office of state. Copies of these are now transmitted to the House of Representatives, except of a single letter and a reference from the said Andrew Ellicott, which being expressly desired to be kept secret, is therefore not communicated: but its contents can be obtained from himself in a more legal form; and directions have been given to summon him to appear as a witness before the court of enquiry.

A paper "on the commerce of Louisiana," bearing date the 18th of April, 1798, is found in the office of state, supposed to have been communicated by Mr. Daniel Clark, of New-Orleans, then a subject of Spain, and now of the House of Representatives of the U. States, stating certain commercial transactions of Gen. Wilkinson in New-Orleans: an extract from this is now communicated, because it contains facts which may have some bearing on the questions relating to him.

The destruction of the war office by fire, in the close of one thousand eight hundred, involved all information it contained at that date.

The papers already described, therefore, constitute the whole of the information on these subjects, deposited in the public offices, during the preceding administrations, as far as has yet been found; but it cannot be affirmed that there may be no other, because the papers of the offices being filed, for the most part, alphabetically, unless aided by the suggestion of any particular name which may have given such information, nothing short of a careful examination of the papers in the offices generally could authorize such an affirmation.

About a twelvemonth after I came to the administration of the government, Mr. Clark gave some verbal information to myself, as well as to the Secretary of State, relating to the same combinations for the dismemberment of the union. He was listened to freely; and he then delivered the letter of Gov. Gayoso addressed to himself, of which a copy is now communicated. After his return to New-Orleans he forwarded to the Secretary of State other papers, with a request that after perusal they should be burnt. This however was not done; and he was so informed by the secretary of state, and that they would be held subject to his orders. These papers have not yet been found in the office. A letter therefore has been addressed to the former Chief Clerk, who may perhaps give information respecting them. As far as our memories enable us to say, they related only to the combinations before spoken of, and not at all to the corrupt receipt of money by any officer of the United States: consequently they respected what was considered as a dead matter, known to the preceding administrations, and offering nothing new to call for investigations, which those nearest the dates of the transactions had not thought proper to institute.

In the course of the communications made to me on the subject of the conspiracy of Aaron Burr, I sometimes received letters, some of them anonymous, some under names true or false, expressing suspicions and insinuations against gen. Wilkinson. But one only of them, and that anonymous, specified any particular fact, and that fact was one of those which had been already communicated to a former administration.

No other information within the purview of the request of the House, is known to have been received, by any department of the government, from the establishment of the present federal government. That which has been recently communicated to the House of Representatives, and by them to me, is the first direct testimony ever made known to me, charging general Wilkinson with a corrupt receipt of money; and the House of Representatives may be assured that the duties which this information devolves on me shall be exercised with vigorous impartiality. Should any want of power in the court to compel the rendering of testimony obstruct that full and impartial inquiry which alone can establish guilt or innocence, and satisfy justice, the legislative authority only will be competent to the remedy.

TH: JEFFERSON.

January 20, 1808.

The message and documents being read on motion of *Mr. Montgomery*, were referred to a select committee, composed of Messrs. J. Montgomery, Nicholas, Upham, Smilie, Taylor, G. W. Campbell, and J. K. Smith, with leave to report by bill.

The House again went into committee of the whole on the Militia bill, and the amendment moved by Mr. Clay being yet under consideration, a debate ensued, in which Messrs. Varnum and Chandler opposed the bill as it now stands, and Messrs. Clay, Lyon, Nelson, Witherell and Taylor, supported the principle of classification of the militia. When,

The committee rose and obtained leave to sit again, 59 to 21.

THURSDAY, JAN. 21.

Mr. Key offered the following resolution:

Resolved, That a standing committee be appointed to be called a committee of the District of Columbia, to consist of members. It shall be the duty of this committee to take into consideration all petitions and memorials relating to the affairs of the district of Columbia, and to report from time to time by bill or otherwise.

Mr. K. said he would take the liberty of suggesting the reasons of this motion. The district of Columbia was governed by the laws of Maryland on the east, and by the laws of Virginia on the west of the Potomac which existed at the time of cession to the United States. The various modifications made in the state laws since that period, had no operation in the territory which they had ceded. It was desirable that the laws should be rendered uniform and equal in their operation throughout the territory. The object of the resolution was to simplify the business relating to the district. It would be recollected that Congress alone could legislate on this subject: the great measures of national concern had prior claim on the attention of the House, for this reason he had moved the appointment of a general committee.

Ordered to lie on the table for one day.

Mr. Newton, from the committee of Commerce and Manufactures made a report on the petition of Paul, Revere and J. M. Revere, coppersmiths and braziers of Boston stating that so much of the prayer as asks a duty of 17 1-2 per cent on all copper in sheets imported is unreasonable, but that part which prays that old copper may be imported free of duty, is reasonable.

Mr. Rowan renewed the resolution which he had moved on a former day, but which was not then considered, in somewhat different words, as follow:

Resolved, That a special committee be appointed to enquire into the conduct of Brigadier General Wilkinson, in relation to his having at any time whilst in the service of United States, either as a civil or military officer been a pensioner of the government of Spain, or relative to his having been an accomplice, or in any way concerned during the time aforesaid, in a foreign or domestic project to dismember these United States;—and that the said committee have power to send for such persons and papers as may be necessary to assist their enquiries; and that they report the result to this House, that the Congress may be thereby better enabled to legislate upon the subjects of our foreign relations; the increase and maintenance of the army of the United States, and other subjects promotive of the common weal.

Mr. Rowan called for the yeas and nays on the motion now to consider this resolution, which were taken as follows:

YEAS—Messrs. L. J. Alston, W. Alston, Bibb, J. Campbell, Champion, Chittenden, Dana, Davenport, Desha, Ely, Gardner, Garnett, Goldsborough, Gray, Harris, Hoge, Howard, Johnson, Key, Kirkpatrick, Lewis, Macon, Masters, D. Montgomery, T. Moore, Mosely, Pitkin, Quincy, Randolph, Rowan, S. Smith, Stanford, Stedman, Sturges, Swart, Taggart, Tallmadge, Upham, Van Allen, Van Dyke, Van Horne, Van Rensselaer, Verplanck, M. Williams, Wilson, and Winn—46.

NAYS—Messrs. Bacon, Bard, Barker, Bassett, Brown, Butler, Calhoun, Carlton, Chandler, M. Clay, Cook, Cutts, Dawson, Deane, Durell, Eppes, Fisk, Franklin, Green, Heister, Holland, Holmes, Humphreys, Isley, Jenkins, Lambert, Love, Marion, M'Creery, Milner, J. Montgomery, N. R. Moore, Jer. Morrow, Jno. Morrow, Mumford, Nelson, Newbold, Newton, Nicholas, Porter, Pugh, Rhea, Ten. J. Richards, M. Richards, Riker, Seaver, Sloan, Smelt, Smilie, J. K. Smith, J. Smith, Southard, Storer, Taylor, Thompson, Wharton, Whitehill, Wilbour, and Witherell—59.

Mr. M. Clay moved that the House go into a committee of the whole on the militia bill. Negatived, 60 to 33.

On motion of *Mr. Findley*, the House went into committee of the whole, Mr. MASTERS in the chair, on the report of the committee of Elections on the contested election of Philip Barton Key, concluding with the following resolution:

Resolved, That Philip B. Key, *having the greatest number of votes, and being qualified agreeably to the Constitution of the U. States*, is entitled to his seat in this House.

[The ground on which this election is contested, is from non-residence. Mr. Key removed into a House which he built in the county of Montgomery in the state of Maryland, on the 18th of September; the election in which he had a majority of votes took place on the 6th of October; he moved back into the district of Columbia on the 20th of the same month. On the 18th July subsequent to this time, he removed again with his family into Maryland.]

Mr. Rhea moved to strike out all that part of the resolution which is in Italics. Agreed to.

A motion being made to concur in the resolution, as amended, Messrs. Nelson, Love, Macon, Taylor, opposed the report, and Messrs. Sloan, W. Alston, Key and Goldsborough supported it. When,

On motion of *Mr. Smilie*, the committee rose, reported progress and asked leave to sit again.

DEBATE

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

THURSDAY, JANUARY 7

(CONTINUED.)

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

Mr. BACON said as he should vote on this question in the same way as the gentleman from Kentucky on his left, but from very different reasons from those assigned by that gentleman, he should state his reasons for the vote which he was about to give. It did not appear strange to him that gentlemen should be embarrassed in giving a vote on this question, for he declared that he did not know that any subject had been agitated since he had a seat in this House, upon which he had felt so much doubt; but upon a consideration of the whole ground, he was induced to vote against the resolution; and it was because that an enquiry into which this might lead and which the original resolution proposed, was going into a thing out of their own jurisdiction, and with which they had no right to interfere. Why had they more right to interfere in this than to call upon the judges of the Supreme Court to institute an enquiry into the conduct of their chief clerk? Or why any more right than the President had to call upon this House to enquire into the conduct of its clerk? And as to the arguments of the gentleman from Kentucky with respect to the abuse of power which the Executive department of the government might commit, it is had no bearing on the question; it was no argument in this case. The President might in case of war, retain a treasonable man as commander in chief: so *might* a majority of this House be possibly corrupted. But because an abuse of power *might* take place on either side, was it any argument, that they should interfere with the power of the Executive or he with theirs? It might be, that, to save to the republic the people themselves might interfere; this would be a case in which all constitutional power must give way. As therefore he was of opinion that this body had no jurisdiction upon the subject matter, and as it seemed to be thought that if they had no jurisdiction on the main question, they possessed no incidental power, and as he believed they had not a right themselves to enquire, he must believe that they had not a right to take any step to procure evidence.

Though these reasons had great weight with him he would state one or two which somewhat influenced him the other way. The course which had been adopted was calculated to excite suspicions in the public mind; and though this was no question of confidence or diffidence in the Executive, yet when they were called upon to vote on express evidence, and the gentlemen who had been called upon declined stating (except partially) what they knew from the policy of the case, the House might go so far beyond the constitutional limits as to let their evidence go for the whole it was worth; for by taking a part, it had become necessary to take the whole.

Though these reasons had, as he had said before, some weight on his mind, it seemed to him to be the safest way, in the present state of their proceedings to stop where they were. It was said, and indeed it must be so, that if they called upon one they might call upon every person in the House who possessed information. What shall we do, said he? Erect ourselves into a special court to collect evidence over which we have no jurisdiction? Assuredly the House cannot? These were the reasons then which would influence him to vote against the resolution; in doing which however, he should not be influenced by any question of delicacy towards the gentleman from New-Orleans; and must say that he was a little surprised at the gentleman from Virginia (Mr. Randolph) feeling such extreme delicacy towards him. Were not the House requested to place their power over the gentleman from New-Orleans, by doing which they would obtain important information? The gentleman from New-Orleans had been introduced by the gentleman from Virginia as possessing great information on this subject. After the gentleman from Virginia had given this information to the House, the gentleman from N. Orleans had not been compelled to come forward; but he had voluntarily come forward and given his evidence in part. And after this, was there any *indelicacy* in requesting him to give the whole? Mr. B. thought not. He thought there was delicacy due to others in this case; and which would operate as an inducement to Mr. B. to call forth all the evidence as they had already got part of it. But he could not think that they could enter into this business without going beyond the limits of the constitution. He should stop here for he knew where he was; but if he went further he should transgress the constitutional metes, and should not be able to tell on what footing he stood.

Mr. MARION was one of those who thought the House had no power to compel testimony, though he had no doubt that they had a right to request the President to cause an enquiry into the conduct of any officer—that they had a right to do it upon rumor alone if it had acquired such weight as to lessen the confidence of the public in the person involved. The representation made by a gentleman from Kentucky (Mr. Johnson) a few days ago, and by another gentleman from the same state (Mr. Rowan) on this day, would have been sufficient to convince Mr. M. that an enquiry ought to be made. Did the resolution go no farther than to request the gentleman from Virg. to lay on the table those papers which he had read, he should have no objection to it, because they had been voluntarily offered to the House, and were the basis on which the main resolution had been founded; but he would not go farther and call upon the delegate from New-Orleans for his information upon the subject. If a man had already been called upon to give testimony and had refused to give all that might have been necessary, Mr. M. might have voted that he should be called upon to give the remainder; but, for the House in the first place to set about collecting testimony to support a court, appeared to him incorrect. He should be afraid that other cases, extraordinary cases, might hereafter arise, in which this might be drawn into precedent if adopted. If no person paid more respect to precedent than he did, he should not fear; but precedents had been this day read in the case of Sinclair; and hereafter this case might be quoted. Therefore, as the subject was susceptible of division, he should wish the resolution should be divided. That the part which respected the delegate from Orleans might be stricken out, so as only to request the gentleman from Virginia to lay upon the table the papers which he read the other day.

MR. GARDENIER confessed, that however he admired the feelings of delicacy which had been displayed, they did not strike him as having force in this case. The House might adopt the resolution now under con-