* P. B. Key's Contested Election

sideration; and as the information might be given, they might afterwards take such steps as it would warrant. The gentleman from Kentucky had objected to this resolution, and given an argument against it, in itself very forcible, but not applicable to the resolution under consideration. The House was now about to possess itself of such information as might be immediately wanted: it did not follow, that by making themselves acquainted with facts they prevented themselves from taking such other and stronger steps as they might hereafter think proper. There was no ground for the opposition made by the gentleman from Kentucky; for certainly after hearing strong and additional tesimony the House would not be less disposed to adopt strong measures than they were now. The hearing therefore was essential. The more information they had, and the more it went to criminate gen. Wilkinson, the more the House would feel it. He thought the resolution was therefore proper altogether; it was getting at the same object which he himself had proposed to accomplish by his former motion for a reference; and thinking this the proper course to be pursued, he should vote for it.

(DEBATE TO BE CONTINUED.)

FRIDAY, JAN. 22.

Mr. Holmes, from the committee of Claims made a report unfavorable to the petition of John Morgan; which was concurred with.

Mr. M. D. Williams offered the following resolution, which was adopted, and Messrs. M. Williams, Livermore, Troup, John Morrow, D. Montgomery, Durell, & Van Horne, appointed a committee.

Resolved, That a committee be appointed to enquire into the expediency of passing a law to punish any person holding an office of profit or trust either civil or military, under the government of the United States, who shall receive money or accept of any present, emolument, office, or title, from any king, prince, or foreign state, without the consent of Congress—and that they have leave to report by bill.

The House then went into a committee of the whole, Mr. MASTERS in the Chair, on the report of the committee of Elections, yesterday considered on the contested election of Philip Barton Key.

Mr. Van Horne advocated the report.

Mr. Witherell said he had heard it reported from a source which was entitled to credit, that Mr. Key the sitting member either now was or had been a British pensioner; this knowledge would bias his vote on the present question. He conceived that an enquiry ought be had into this matter, as were it true, it would certainly be a disqualification; he therefore moved that the committee should rise for the purpose of re-committing the report.

Mr. Key rose to second the motion of the gentleman from Vermont. It was his wish that a charge insinuated privately, should be examined publicly. He himself had never concealed the foibles or follies of his early life; but he had ever since he came into the councils of his country relinquished all claim to any imaginary rank and to any profit which he had derived from a foreign government. He was convinced that the mode which had been adopted of attacking him by insinuations was peculiarly fatal; like the wound of the poisoned dart, which, though it heals to appearance, in time inflicts a certain death.

Messrs. Dana and Smilie supported the motion for the purpose of investigating the allegation. Mr. Gardenier opposed it.

Mr. Key said as these assertions had been made it was surely incumbent in the House to examine into the facts; for were the allegation true, it would be good ground on which to vacate his seat. It was true that when a person was once declared entitled to a seat, it required two thirds of the House to expel him; but he would never take shelter under this provision. If a majority of the House thought that he was not entitled to his seat, he wished not to hold it for a moment; but he wished that the matter should be investigated immediately that the House might decide whether or not he was entitled to his seat; for their impressions against him being removed, they could without bias decide whether or not he was, according to the report of the committee, duly elected. He was therefore in favor of the committee rising to give an opportunity for investigation; he cared not as to the mode of enquiry which should be afterwards adopted. He understood that this matter had been hinted at in the committee of Elections, but had been there abandoned from the want of foundation for the report. He had heard it asserted that when Mr. Monroe arrived, documents were expected to be received to prove the existence of such a fact. He knew that Mr. Monroe had been written to, and during the contest preceding Mr. K's election it had been industriously circulated and reiterated at every meeting against him. Mr. M. had returned from England, and had passed some time in this city; yet nothing had fallen from him to contradict the denial of these assertions which Mr. K. had made. His constituents knew the very circumstances of the follies of his early life, and his enemies had represented to them that having been once, twenty years ago, in the British army, he was not a proper person to represent them. The people scouted the idea, said Mr. K. they had known me from my infancy; they knew my follies; but I had returned to my country like the prodigal son to his father, had felt as an American should feel, was received, forgiven, and restored to the confidence of the people, of which the most convincing proof that could be adduced, is my election to a seat in this honorable body.

Mr. Macon did not think this the proper way of getting at the proposed enquiry. He was opposed to blending the two cases together in deciding on the title of the gentleman from Maryland to his seat in the House. There was one question now before the House; by uniting the other with it, it might produce an improper bias on the mind of the House. A report was now made and could be decided on; but if re-committed the two distinct questions would be perplext by being joined together. It was a rule in justice to a sitting member, that decisions should be distinctly had on the specific facts stated by the persons contesting his election.

Mr. *Bacon* said that the gentleman from N. Carolina (Mr. Macon) had probably stated with correctness the general principles on which the House usually held themselves bound to proceed in cases of this sort. That the reason why they usually confined themselves to the case as stated by the Committee of Elections, on the specific grounds of objection which had been laid before them by those who came forward to contest the election of a sitting member, was from a principle of justice to the member whose seat was in question, in order that he might not be surprized by objections which he could have had no fair opportunity to meet; but as this rule was adopted only from a regard to the rights of the sitting member, it could not surely be improper for the House to depart from it when they had the consent of that member so to do—What was the state of the case now before the House. The gentleman from Vermont states in his place that he had been informed from a source which in his mind entitled it to credit, that a fact existed in relation to the gentleman who claimed a seat from Maryland, which was not stated in the report of the Committee of Elections, but which would have a governing influence upon his mind in determining the right of the sitting member to retain his seat. This fact was denied by the latter, and an enquiry into the truth of it was solicited by him. Certainly then the House could not do justice either to themselves or the sitting member without giving an opportunity for such enquiry, and if there was, as had been suggested, any departure from the customary course of proceeding, in the mode proposed by the gentleman from Vermont, it was with the consent and desire of all the parties concerned, and it was a well known and correct maxim that consent took away error—He was therefore in favor of the motion now before the committee.

After some observations from Messrs. Quincy and Lyon in favor of the rising of the committee (in the course of which Mr. Lyon observed that 16 months had elapsed, in which time had there been truth in the report, the opponents of the sitting member could have collected evidence in proof of it, and would have come forward on that ground to contest his election.)

Mr. *Dawson* said, the name of Mr. Monroe being mentioned on this floor by the gentleman from Maryland (Mr. Key) in order he presumed to have some bearing on this question, or to make some impression on this House, he deemed it proper in him to state a fact. When Mr. Monroe was in this city, said Mr. D. I had a conversation with him on this subject, in which he stated, that while in London he received one or more letters requesting him to make an enquiry at the proper office relative to Mr. Key's situation with the British government; but considering it not within his official duties, and for reasons conclusive in his judgment he declined so to do—that he never did make the enquiry, and was totally uninformed on the subject. Mr. D. said, he had thought it due to Mr. Monroe and to justice, to make this statement, least an erroneous impression should be made on the House.

Messrs. Desha, Sloan, Gardner, Rhea and Holland supported the motion for the rising of the committee that an investigation might be had to do away unfavorable impressions from the existing report to the prejudice of Mr. Key.

Mr. Gardenier contended that every person was eligible to a seat in this House except expressly disqualified by the Constitution; now there was nothing in the Constitution which disqualified a person from being elected a member on account of his receiving a pension from a foreign government. So that, even were the report correct, it was not connected with the matter under consideration by the committee of the whole, which simply was, whether Mr. Key was duly elected. With regard however to the feelings and prejudices of gentlemen, he should vote for the rising of the committee; because, though theoretically right he might be practically wrong, and perhaps he ought not always to adhere too closely to correct principles.

The committee then rose and were refused leave to sit again.

The report on the contested election of Mr. Key was then recommitted to the committee of Elections.

On motion of *Mr. Clay*, the House went into a committee of the whole, Mr. HELMS in the chair, on the bill for classing the militia. Mr. Clay's motion for filling the blank with "twenty-six" being yet under consideration,

Mr. Chandler moved to fill it with "twenty-nine" years. Negatived, Ayes 5.

The question was then taken on Mr. Clay's motion & carried, 41 to 36.

Mr. Southard moved to strike out the first section, (virtually to reject the bill) in order to try the sense of the House on the principle of classification.

Messrs. Holland, Nicholas, Macon, Clay, and Chandler, supported the general principle of classification, Messrs. Southard, Kelly, Tallmadge and Quincy opposed it..

When the committee rose without taking the question, and the House adjourned till Monday.

WASHINGTON CITY.

MONDAY, JANUARY 25.

City of Washington, Saturday January 23d, 1808.

In pursuance of notice given to the republican representatives of each House of Congress, the number of eighty nine-members convened in the Senate chamber at the Capitol; and at half past six o'clock, P. M. STEPHEN R. BRADLEY was appointed President, and RICHARD M. JOHNSON, Secretary.

The meeting proceeded to recommend persons to the citizens of the United States, to fill the offices of President and Vice-President of the United States. The ballot being taken first upon a recommendation for the office of PRESIDENT—John Milledge and Joseph B. Varnum being appointed tellers—the votes were as follows:

For James Madison,	83
For George Clinton,	3
For James Munroe,	3

The ballot being taken then upon the recommendation for VICE-PRESIDENT, the votes were as follows:

For George Clinton,	79
For John Langdon,	5
For Henry Dearborne,	3
For John Q. Adams,	1

Upon motion of Wilson C. Nicholas, a committee of correspondence and arrangement was appointed, in case of the death or resignation of the persons recommended; to consist of the following persons, viz. Mr. Milledge of Georgia, Mr. Taylor of S. Carolina, Mr. Franklin of N. Carolina, Mr. Giles of Virginia, Mr. John Montgomery of Maryland, Mr. Smilie of Pennsylvania, Mr. Kitchel of New Jersey, Mr. Kirkpatrick of New York, Mr. Howland of Rhode Island, Mr. Varnum of Massachusetts, Mr. Parker of New Hampshire, Mr. Bradley of Vermont, Mr. Tiffin of Ohio, Mr. Pope of Kentucky, Mr. Anderson of Tenessee.

Upon motion of Mr. Giles, the following resolution was adopted unanimously:

Resolved, As the sense of this meeting that James Madison of the state of Virginia, be recommended to the people of the United States, as a proper person to fill the office of President of the United States, for four years from the 4th of March, 1809; and that George Clinton, the present Vice-President, of the state of New York, be recommended as a proper person to fill the office of Vice-President for the same term. That in making the foregoing recommendation, the members of this meeting have acted only in their individual characters as citizens; that they have been induced to adopt this measure from the necessity of the case; from a deep conviction of the importance of union to the Republicans throughout all parts of the United States, in the present crisis of both our external and internal affairs; and as being the most practicable mode of consulting and respecting the interests and wishes of all, upon a subject, so truly interesting to the whole people of the United States.

Upon motion of Mr. Montgomery, the following letter was received and read:

Being too unwell to attend the republican convention this evening, agreeably to notice, I hereby constitute my friend Mr. John Montgomery, my proxy, to vote for me in favor of James Madison as President and George Clinton as Vice-President of the United States. Given under my hand and seal this 23d of January, 1808.

*LEMUEL SAWYER.

And then the meeting adjourned.

STEPHEN R. BRADLEY, *President.*

RICHARD M. JOHNSON, *Secretary.*

* *Mr. Sawyer's proxy was not received.*

NOTICE.

Department of State, 23d Jan. 1808.

MERCHANTS and others wishing to forward letters to Europe are informed that a vessel under the orders of the government, will sail from New-York on the 10th day of February, or as soon thereafter as possible, which will deliver at L'Orient and Falmouth all such letters as may be respectively consigned to those ports, or to other places through the same.

The postage on the letters must be paid to New-York.

The great question "WHO SHALL BE OUR NEXT PRESIDENT," is at length brought fully before the public. Those, who heretofore have been accustomed to take the lead in the nomination of candidates, have proposed JAMES MADISON for President and GEORGE CLINTON for Vice President for the four years subsequent to the current Presidential term. We have, until this moment, refrained from publicly expressing any opinion on this momentous subject, not from the want of a decided conviction upon it; but from a strong, an anxious wish, that the public sentiment should be collected, from a calm and dispassionate consideration of the subject, without those biasses and prejudices but too likely to flow from a premature discussion. Aware, too, that it might possibly produce extensive collisions, perhaps local irritations, among those who on the great principles and the leading measures of our republican institutions are undivided, we have thought it advisable not unnecessarily to precipitate a discussion, that might embarrass or frustrate the important measures of defence and protection called for by the crisis.

But the season has now arrived for every independent man to speak out; and to exercise this prerogative of a freeman without fear, and, it is to be hoped, likewise without reproach. While, however, this right is asserted with fearlessness, let its exercise not be sullied by intemperance Let it be uniformly accompanied by a tolerant spirit, that in asserting its own rights, knows how to respect those of others.

If there be a division among the republicans, let it be candid, honorable, magnanimous. Let no good man's character be traduced to brighten that of another. Let the virtues and talents of the respective candidates be spoken of as they really are. While we "*nothing extenuate, let us set down naught in malice.*"

The nominations made by the republican Representatives and Senators have our decided approbation; they are the nominations which we have long confidently anticipated, and which we believe the great body of the people have expected.

In forming this opinion we have strove to form an honest and impartial opinion; and in forming it, we are sensible of no biasses personal, local, or political, not directly and necessarily emanating from a regard to our country; from that regard, which should at all times direct the judgement of a good citizen, & which ought at this time to banish every consideration unconnected with the maintenance of those principles, which have established among us the empire of reason, & will finally, if firmly adhered to by us, extend it over the globe. He, who is the best fitted to guide us through the impending storm, without sacrificing these principles, ought to be the man of our choice. Such, we believe, to be James Madison. Whether we contemplate his irreproachable morals, or solid talents, we are supplied with the strongest reasons for approbation. While in private life he has invariably sustained the unassuming character of modest merit, his discharge of public duty has been no less distinguished by intelligence, fidelity and zeal. And above all, we consider him best fitted for the highest honors in the gift of his country, because amidst the various public scenes in which he has been engaged, and in the exercise of the high functions devolved upon him, he has invariably displayed a dignity and moderation, which are at once the best evidence and the surest preservative of republican principles.

We have at length received the long looked for orders of the British Council. They establish the wisdom of the Embargo beyond a shadow of doubt. For so extensive and sweeping are many of their provisions, that it is almost impossible to perceive what commercial ruin might not have ensued from their enforcement, but for this measure. It is evident, from their general tenor, that Britain has assumed the complete empire of the ocean, and that in so doing she considers herself at perfect liberty to treat with the utmost *sang-froid* the principles which she has heretofore prescribed to herself, those deemed sacred by the whole commercial world, and the stipulations of existing treaties between powers at amity with each other. Under these circumstances a provident government could not have done less than restrain the rash or dishonest spirit of enterprise whose indulgence hazarded the essential interests of the nation. To have omitted the discharge of so sacred a duty would have justly merited that reprobation, which would most assuredly have been bestowed by those who have been most clamorous against the policy of the measure.

Among the provisions, whose injurious effects might have been the most severely felt by this country, are—the complete and unqualified forfeiture of every ship and cargo which shall carry a certificate of origin—the limitation of our importations from the colonies of powers hostile to Britain to the quantity consumed by ourselves—and the imposition of duties, such as Britain pleases to prescribe, on all such goods imported into her territory and exported to a nation at war with her.

By the first provision, we believe, every species of trade, now authorised by France and her allies to their countries, is prohibited, not under any common penalty, but by the entire confiscation of vessel and cargo.

By the second a rule is applied, not only unjust in itself, but unsusceptible of any other measure of application than shall be applied by the cupidity of the free booter, and the tyranny of power that considers itself irresponsible to any motives other than those which are dictated by its own temporary interests.

And, by the third, the trade of the whole world is made tributary to the injustice and cupidity of Britain.

Such are the very cursory reflections which arise from a single perusal of these celebrated orders. We can consider them in no other light than that of an enforcement of the same principles of absolute power, with the recent proclamation relative to seamen. However general they may all nominally be in their application, they are principally, if not exclusively intended for us. They are, we fear, the pillars on which the pending negociations are to rest. And they must either be intended to shut the door upon all commercial amity between the two nations; or to be used as so many make-weights in the adjustment of our differences. If dictated by the latter motive, they are predicated on the hope, if not the belief, that the terrors they hold forth will induce us to crouch to terms at which we should otherwise revolt.

If either of these be their object, the Embargo is the correct and commanding measure by which they will be best met. It will, on the first supposition, save our commercial capital from destruction; and on the latter supposition, it will enable our Executive to treat with becoming disregard this signal display of power, by permitting British valor and cupidity to parade the ocean, and there enjoy the proud triumph of fighting wind-mills, or waging war with the elements. Secure in ourselves we may laugh this proud spirit to scorn; and may, undismayed tell the mistress of the ocean, while you persist in robbing us we will stay at home. Treat us justly, and we will supply you with that, without which your colonies will become the seats of rebellion, and your manufactures be ruined. Continue to exercise a lawless system of injustice, but beware of the consequences! An invading foe may think that the propitious moment for aiming a death blow at your existence, when the arm of brother shall be raised against brother, and when despair shall have left in the breasts of your subjects no hope so animating as that of a complete change of their condition.

On Friday last the question was, at length, taken in the Senate, on the *passage of the bill for erecting a Bridge across the Potomac*, and carried in the affirmative—Yeas 18—Nays 14, as follows:

YEAS—Messrs. Bayard, Bradley, Condit, Crawford, Franklin, Gaillard, Gilman, Goodrich, Howland, Kitchel,