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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.

FRIDAY, JANUARY 8.

(CONTINUED.)

Mr. *Randolph's* motion for requesting the President to cause an enquiry being under consideration.

Mr. ROWAN said he had yesterday mentioned certain facts; he did not then know that it was in his power to prove those facts. He had found a certified copy of the deposition made by judge Innes to the patriots of Kentucky. He would read extracts from it.

Extracts from a letter from Thomas Power to Judge Sebastian, containing proposals from the Spanish court, communicated in testimony before the Kentucky Legislature by Judge Innes.

"His Excellency the Baron of Carondelet, comander in chief and governor of his Catholic Majesty's provinces of West Florida and Louisiana, having communications of importance, embracing the interests of said provinces, and at the same time deeply affecting those of Kentucky and the western country in general, to make to its inhabitants, through the medium of the influential characters in this country, and judging in the present uncertain and critical attitude of politics, it highly imprudent & dangerous to lay them on paper, has expressly commissioned & authorised me to submit the following proposals to the consideration of Messrs. S. N. I. and M. and also of such other gentlemen as may be pointed out by them, and to receive from them their sentiments and determination on the subject.

"1st, The above mentioned gentlemen are immediately to exert all their influence in impressing on the minds of the inhabitants of the western country a conviction of the necessity of their withdrawing and separating themselves from the federal union, and forming an independent government wholly unconnected with that of the Atlantic states. To prepare and dispose the people for such an event, it will be necessary that the most popular and eloquent writers in this state, should, in well timed publications, expose in the most striking point of view, the inconveniences and disadvantages that a longer connection with, and dependence on, the Atlantic states must inevitably draw upon them, and the great and innumerable difficulties in which they will probably be entangled if they do not speedily recede from the union—the benefits they will certainly reap from a secession, ought to be pointed out in the most forcible and powerful manner; and the danger of permitting the federal troops to take possession of the posts on the Mississippi; and thus forming a cordon of fortified places round them, must be particularly expatiated upon. In consideration of gentlemen devoting their time and talents to this object, his excellency the Baron of Carondelet, will appropriate the sum of one hundred thousand dollars to their use, which shall be paid in draughts on the royal treasury at N. Orleans; or if more convenient, shall be conveyed at the expence of his Catholic majesty into this country, and held at their disposal. Moreover, should such persons as shall be instrumental in promoting the views of his Catholic majesty, hold any public employment, and in consequence of taking an active part in endeavoring to effect a secession, shall lose their employments—a compensation equal at least to the emoluments of their office, shall be made to them by his Catholic majesty, let their efforts be crowned with success, or terminate in disappointment.

"Immediately after the declaration of independence, Fort Massac should be taken possession of by the troops of the new government."

"His Catholic majesty will further supply the sum of one hundred thousand dollars for the raising and maintaining the said troops, which sum shall also be conveyed to and delivered at Fort Massac."

In 1795 some characters in Kentucky were addressed by a short letter from the Spanish agent, and he deemed it his duty to inform the House that when judge Innes, who delivered this testimony, was asked how he came to be known and singled out, he replied that he had never been there, had never heard of the correspondence, and could not account for it otherwise than by an acquaintance with Gen. Wilkinson; that he had given Wilkinson Sterne's Sentimental Journey with his name written in it; and from the book's being given to the Spanish commander, he supposed his name had become known to the Spaniards. Wilkinson presented a a book with Innes's name in it to the Spaniards, and they immediately concluded that Innes was a corrupt man. This was a little circumstance, but fraught with meaning, and ought to have influence with the House in making this enquiry. They saw that corruption and intrigue had been practised in that country, that Wilkinson was supposed to be connected with it, not to a certainty, but so much so as to render it worth enquiring into; it was due to the man himself, and to the nation that enquiry should be made. He was therefore opposed to the resolution's lying on the table; they could gain nothing by it; the information which the gentleman from New Orleans could give was but a part of the whole. I have it my power said Mr. R. to name persons to a proper tribunal who can give important information. The evidence of the gentleman from New-Orleans he said was unimportant compared with what remained behind the screen. There was much information which might be given to a tribunal vested with the power of issuing compulsory process. Why not then immediately themselves go into an enquiry?

It was said that the House had not the power; he hoped the present question would be so stated as to leave a precedent on record by which future legislatures might be governed. If they were prepared to surrender this right, it was not fit that they should continue much longer a nation, they were only deluding themselves with an idea of national existence if this doctrine prevailed. It did belong to them; it grew out of the general construction of the constitution, and from a comparison of the particular powers of the several departments of government.

We are told, however, said Mr. R. that the President is making an enquiry; let him proceed, but let us do our duty. The people will not expect us to surrender the national rights, and abandon the enquiry. The people were jealous of their rights, & however confident in the Executive would not abandon it to his direction. The permission of this power to the Executive exclusively might not now be dangerous; but the time to form good precedents was when they had a President in whom they could confide. The President's having instituted an enquiry was no argument with him at all. This House had first originated the enquiry; and should they tamely abandon it because the President had appointed three subaltern officers to carry on an enquiry—an enquiry which must be ineffectual? And it was known too that the province of a court martial was confined to the military conduct of that officer—confined to acts which related to him as an officer, but not as a man. He was a military officer at the time in which he was charged with having been corrupted by the Spanish government, but had not received it under colour of a military act. An inquisition into his conduct therefore did not attach to a military court, but to the grand inquest of the nation. This man was charged with corruption and had forfeited the confidence of the people. Would the House under these circumstances disclaim an enquiry? If they did, they disclaimed one of the great powers with which they were indubitably clothed.

It had been said that this enquiry would affect private character. Mr. R. respected private character; but when placed in competition with the great interests of the nation, he would not be so squeamishly delicate about it. Cases had heretofore occurred in which a civil officer had been charged with having acted improperly, and evidence collected from every part of the nation and published a year before his trial. The interest of the nation and their duty to their constituents required an enquiry, and he hoped it would be made; not the House should interrupt the enquiry of the President, but suffer it also to go on.

This enquiry would involve more men than Wilkinson. They would find that the court of Spain addressed itself to high characters: Humble characters would not suit their purposes. This enquiry would lead to an implication of others whom it might be important for the nation to understand, in order to be relieved from a possibility of danger at home in case of a foreign war, from the circumstance of those having great power and control possessing a disposition to ruin the country. If the House were disposed to make effectual enquiry, they would oppose the postponement and adopt an amendment which he had proposed to offer for appointing a special committee for enquiry, with power to compel attendance of witnesses, &c.

The American government was not very old, and they had already discovered three treasonable projects—a late one which had excited much alarm, and into which enquiry had been made, and delicacy towards character had not been very much regarded. The President of the U. S. had thought it his duty to charge one of the great departments of the nation with the corrupt administration of the law; and in so doing had given them an illustrious example of the little necessity for delicacy.

The Spanish conspiracy and the two thousand Kentuckians officered under French colors afterwards, did not excite the same sensation on every mind that it did on his. If said Mr. R. you are disposed to turn a deaf ear to this, you will soon learn, with all your vigor, unwelcome intelligence from the Louisiana country. You should determine that in no part of the United States should treason lurk concealed—that it is vain for any man, whatever be his elevation, to cover improper conduct from the nation. Sure our existence is important; our government is assailed, corruption rankles in an important part. I hope such a display of energy will now be made as will paralize treason and corruption yet in embryo.

Mr. TAYLOR said when he had made the motion for postponement, he did it not to give gentlemen an opportunity to blacken this man's character; he had hoped that the usual course of confining the debate to the motion in hand would have been adhered to. But as gentlemen had travelled out of their course and expressed so great a desire to discuss the main question, he was not disposed to indulge them. From a sense of justice to the person involved, he would not afford an instrument of protracting slaughter to his character. We have been traveling from step to step, said Mr. T. and every proposition however wide & abstracted, has but afforded another means of torture. I will not be considered as one of those who would propose an instrument to sear the feelings of any man, be he who he may; and as gentleman are so extremely anxious for discussion, my motion shall not afford a pretext for it. Mr. T. then withdrew the motion for postponement.

Mr. MILNOR immediately renewed the motion.

Mr. SMILIE wished the gentleman from Kentucky would tell the House what were the proceedings of the legislature on this evidence, and who was the person who delivered it?

Mr. ROWAN said the person who stated this was judge Innes, not in the character of a culprit, but as a witness. This he was proud to say was the patriotic language of Kentucky, on such a subject.

Mr. SMILIE said this was the proceeding of that legislature in the case of Sebastian. He believed the legislature had proceeded correctly and the gentleman had told them this was a specimen of patriotism of Kentucky. Mr. S. thought so too, and that Kentucky was entitled to that character; but strange that this same patriotic legislatere had never communicated this information to the Secretary of State [M. Rowan. I will inform the gentleman that I myself as Secretary of State did inclose it to the President.] Mr. S. did not think the evidence of such a character as Power could have any weight. The man who had told them that morality in public and morality in private life were different things; and that a stoic would make a bungling politician—a man void of principle was not entitled to credit.

The gentleman had said he wished to see the man who would deny the power of this House. He may see one, said Mr. S. it is myself; and I hope there are many others in the House prepared to deny the power of the House. It is unnecessary to go into an argument again to shew what are the powers of the House prescribed by the constitution. The gentleman has not attempted to shew that the House had the power; nor can it be shewn. But the gentleman supposes that except this House can assume power to act for the public safety, there is no safety for the republic. Surely the patriots who framed the constitution supposed that the distribution of power and the frame of government it contained were sufficient to preserve the safety of the nation. But the gentleman says we *must* appoint a committee. Will the gentleman shew whence we derive the authority to appoint a committee of enquiry, for I perceive he doubts that other departments will not do their duty. I will ask the gentleman, supposing that his doctrine, absurd as it is, was to obtain, & a committee to be appointed, what can be done? Are we to proceed to judgement on this officer or what is to be done? If according to his idea, this House is left by the constitution to roam at large without limit or restriction, and exercise its powers as the passions would us lead, independently of the constitution, I see nothing but ruin to result: and I am not afraid in the most express language to deny that power, nor am I afraid that the constitution will not bear us through. Mr. S. said the constitution was well understood by the body of the people; and they would not blame their Representatives who were desirous to preserve the proper distinction between the different departments of government. He cared not what was the question. He should vote against the resolution, & against any postponement or commitment of it; that the business might be left with the proper authority.

MR. FINDLEY. Before the question is taken on this extraordinary resolution lying on the table, or that it be finally disposed of in any other manner, I will address you, sir, in a manner that I know to be out of order, but believing as I do the admission of this resolution and every question arising thereon, to have been out of order, I will take the liberty to proceed, hoping that I will not be interrupted by the House, the members having patiently submitted to the desultory discussions which had occupied their attention for several days, on a subject which could not constitutionally come before them. Though this House is not a court of record nor of judiciary decision, yet they received a few days ago a charge against a citizen; that that citizen was a responsible military officer, who in that character had rendered important services to the United States for at least thirty years, and most essential services at a very recent period, is well known; yet it is not to advocate his official character or conduct that I address you, sir, and through you this House. It is to advocate the liberties of the citizens of the United States, the cause of my sons, and of sons yet unborn, in this cause I feel myself under a necessity of acting in some degree contrary to my professions.

The House, sir, has not only received the charge and information of the mover, without any documents having been laid on the table, but on his demand has received information from the delegate of the territory of New Orleans. That gentleman, taken by surprize, stated that he was discouraged in attempting to give information to the President; that he gave information in writing to the Secretary of State, to which no attention that he knew of was paid. Finding that this information was by some members made use of to implicate the administration; that gentleman, voluntarily, with that candor which he is known to possess, explained to the House that the information which he had designed to give to the President, and did give to the Secretary of State, did not relate to the question then before the House; that he could give further information if he was officially called on, but would not otherwise. This observation does honor to his understanding. I wish, sir, the hint had been taken; that gentleman knew that this House was authorised to originate or concur in enacting laws, but had no power to decide on, or execute these laws. This gentleman was not called upon nor obliged, probably not able to give information of transactions prior to that period in which he was consul for the United States. I have always understood that he was a useful and faithful consul for the United States at New Orleans while it remained under the Spanish government.

The gentleman from Kentucky (Mr. Rowan) who addressed you, sir, last but one, has without being called upon, volunteered information against General Wilkinson, not however supported by such testimony as could be admitted in any court of law or equity, but such as the mover has offered and also volunteered; however I disapprove of this practice it has by being indulged become necessary that I should also give information with relation to this subject.

From the commencement of the Federal government, and even before it commenced, there were complaints and murmurs in the Ohio country which gave occasion to Spanish intrigues. To remove these complaints and counteract these intrigues, president Washington was very attentive, and for that purpose employed one or more agents to go into the country; in short, he kept a watchful eye on the people of that country; this circumstance was generally known at the time and is recorded in Ramsay's Life of Washington, and if I recollect well, in Marshal's.

In 1795, a treaty was concluded with Spain favorable to the western country, but the execution of it, from various causes, was so much delayed as to render its success doubtful. During this suspence these intrigues between the Spanish government at N. Orleans and characters on the Ohio were revived and carried to the greatest height, money enclosed in sugar barrels was sent to Kentucky, to be distributed to different persons supposed to be influential, and if I am not mistaken overtures were made to the Baron de Corondelet, the governor, to be king of Louisiana, Kentucky, &c which he refused, but information of all these circumstances were duly put in possession of the government; probably all the characters to whom the money and letters were sent were not known, but the transaction was well known to the administration, and no doubt the most prudent means used to counteract or prevent its effects. I had this information principally from the respectable gentleman who was during that period commissioner in behalf of the U. S. for carrying the treaty with Spain into effect, and for running the boundary line, the execution of which there intrigues delayed and went near to defeat. I had this information from that respectable gentleman in the fall of 1799, therefore before the present administration commenced, and three years before the gentleman from Naw Orleans gave, or attempted to give, his information respecting these intrigues, which however he candidly says did not relate to the case before the House, viz. the corruption of gen. Wilkinson. No doubt the information given of these intrigues during former administrations is lodged in the office of state, and consequently early known to the present administration. The gentleman from whom I had the information conversed with me at the same time about general Wilkinson, who as commander of the army had to assist in the execution of the treaty, but did not give the smallest hint of his being implicated in these intrigues, except giving assistance in counteracting them. It is well known that he stood high in the confidence of that administration as he had done in the former, and has done during the present, and enjoyed, as far as I have known, the public confidence, till in favor of a recent and dreadful intrigue, which the general has since contributed so greatly to defeat, it was found necessary to denounce his character. I had not, sir intended to have mentioned this information to the House until I could have had it from under the hand of the gentleman himself, but the information now given by the gentleman from Kentucky, and the manner in which the administration has been implicated for declining to receive information in a particular instance, seems to render it improper to delay this information longer. It was not given to me in confidence.

I did not rise, sir, with a view to enter into the argument. The gentleman from Kentucky's claim of such unconstitutional and dangerous powers to this House has been sufficiently noticed by my colleague, who has just sat down, (Mr. Smilie.) It is such a doctrine as the gentleman himself on due reflection will retract. He concluded with very earnestly and repeatedly persuading the members not to suffer themselves to be influenced by delicacy for the feelings of general Wilkinson,