Continued from last page.

cians who expect pay for doing right.

I come now said Mr. T. to my second grand objection to this measure—that it will interfere also with the judicary department of our government. Treason and perjury have been alleged against this individual, by what tribunal are these crimes cognizable? Certainly by the courts of law. The constitution has guaranteed to every citizen the right of a fair and impartial trial by his peers, a jury unbiassed of his countrymen—will right this be preserved to General W. after the denunciatory speeches which have been uttered on this floor are published? will this right be preserved to him, when the whole continent has been researched not only for all that Burr could collect, but for a new enlistment, a host of witnesses against this man. Your committee of denunciation collects the testimony, the committee makes report of the whole to this House and it is published. I say, will not this be prejudging the man, and condemning him, before he has been brought before your judicial tribunal, to which he is amenable if guilty of all that has been urged against him on this floor? After such a procedure would there be a possibility of this man's obtaining a fair trial, of his enjoying that right which is secured to him by the sacred provisions of the constitution, and which even in a country far less jealous of the liberties of the citizen than ours ought to be, he would have secured to him?

I come now said Mr. T. to my third objection to this measure—and which is nearly allied to the last—and that is, that in our military courts too you deprive this man of a fair trial. Every observation I have made in respect to the right of a fair trial by jury, I contend applies equally strong to the trials in our military courts. But this man is a soldier, he is commander in chief of your standing army, therefore he is fair game——therefore we must hunt him down. Let us see what power the constitution gives us in this respect—we have the power of disbanding the army at any time by denying the vote of supplies—we are forbid to part at with that power for a longer term than for two years, we can then disband the army, in its climax of misconduct and disaffection, in spite of the Executive. Mr. T. asked was this the object at present? If it was, why did not the gentlemen make the terms of their resolution wide enough to embrace the whole army? But he give them the credit due to their candor—they drove openly and above board at the man.

There was another power given to the Legislature of the United States by our constitution—to pass laws for the regulation and government of the army. Had this power been exercised? It had. Had the Legislature been restricted in the severity of the laws enacted for this body of men? They would see by looking over them. Mr. T. said he had looked over them. One hundred and one articles were contained in the statute book, every one of which (except about half a dozen) were distinct definitions of crimes. Of the statute book he wished to speak rspectfully; the severity of this code might be necessary; but duty compelled him to speak of as he found it. It would seem as if the Legislature in penning this law had borrowed the pen of Draco, dipped in blood. Every step they took from article to article, was marked with blood—with scourges and with death. No less than 16 definitions were there contained of crimes capital and punishable with loss of life. After having armed the courts which, said Mr. T. are appointed to sit in judgement on these soldiers (and remember that not only the standing army, but the militia also are at times subject to these rules,) with the power of life and death, placed in their hands the scourge, the halter, and the musket, for lacerating and destroying the infractors of these articles, the legislature, with all this severity, tempered the whole with one divine, one beneficent principle.—This box of Pandora contains hope—the hope of a fair, impartial and unbiassed trial, by their comrades, by their peers. But this hope, by your present resolution, is proposed to be destroyed—as if the gloom around the arrested soldier was not sufficiently dark, you now are about to establish a precedent, which whenever used will shut out every gleam of light. Would it be surprising that men thus proscribed, marked out as the fit objects on which to pour out your vials of wrath, should in time become disaffected, should turn their arms against their country? Yes, by the course proposed you prejudge a citizen—you mark your victim. What despotism can be worse than this?

The *pious* parliament of England who brought Cromwell into power did this very thing. They were not content with the uncertainty of the proceedings of the criminal courts of that day—They appointed a committee, (as is proposed now, Sir) a court of high commissions, to take care that the courts of law and the military courts, should let none go whom they had marked for destruction. How did this business end? The very pious and country-loving parliament who were so intent upon the public good as to break down and trample on every opposing impediment either of law, religion or morality, and all for the *public safety* (the very motive we hear now urged) were kicked out by Cromwell, and that very army they had supported at one time, and proscribed at another, and were sent according to the language of that day, to seek the Lord elsewhere. And their degradation produced gratulations from every part of the commonwealth to the protector, and confirmed him in as absolute power as the emperor of the French by similar means has at this day acqured.

Why should I go back, said he, to the days of Cromwell. The effects of the mistake in this respect of a gallant and infatuated nation now exist. History need not record it for our instruction; the fatal error happened in our time. It would be too painful to travel from step to step, and detail the whole of the misfortunes of this gallant people. I will take, I think, the most interesting incident in the French revolution. The point of time which decided that France was not to be a republic. The Girondists, who were the most enlightened, the most virtuous, perhaps the only real republicans in France—denounced Marat. Marat and his friends made head against their opponents and in turn denounced them. Marat was destroyed by an enthusiast, but his party prevailed. Yes, from the rostrum in the conventional hall proceeded the poison, from the national convention was administered the doze which annihilated all true republicanism in that country—the system of prejudging the criminal before his trial. How was this denouncing system improved upon? At first indeed, there was kept up the shew of a trial in the courts below, but the victim was nevertheless as certainly marked, or certainly doomed to destruction. But the orators in the convention, having a long session, and finding nothing better to employ themselves in, multiplied the victims so fast, that to be possessed of an handsome house or estate, a beautiful wife, sister, or daughter, was crime sufficient to incur denunciation—the courts became so crouded with victims, that to expedite the business, instead of formal trials, the courts condemned, en masse, ten, twenty, or fifty, were delivered over to the public executioner, with only the ceremony of passing in review before the judge; a motion of his hand or the waving of his Bonnet Rouge, was a sufficient signal for the executioners to lead the denounced to the guillotine.

We have a constitution (said he)—we have laws enacted for the prevention and punishment of crimes. The rights of our citizens are, I hope, sacredly guarded by the provisions contained in them. Shall we then adopt this revolutionary measure?

All history shews—the experience of all ages ought to have impressed this important truth on our minds—that in religion anathemas, in politics denunciations, in popular assemblies, have led to the same slaughter-house—Fell intolerance and bloody persecution. Shall we now throw aside our chart and compass, and venture in the wide, boisterous, and dangerous sea of expediency?

Look at the constitution—search for this denunciatory power vested in this House. What is it? We have a right to impeach a civil officer for misconduct. What punishment can we demand for him when convicted? Dimissal from office, and disqualification from holding any future office of trust and profit. In nothing does the wisdom, the inspiration of the framers of this instrument more appear than in this restriction. They well knew the danger of introducing personal feelings and resentments, of party rage and fury in this body; of gathering here armed with the power of destroying one another.

I have said on a former occasion, that this House had no power itself; its committee cannot have the power of sending for persons, papers, & records; it is no where directly given; it cannot be derived incidentally, in a case, the cognizance of which is not given to us by the constitution. I then stated the cases where this incidental power is *ex necessitate rei* derived, viz. 1st, for collecting testimony whereon to form articles of impeachment. 2dly. Testimony may be thus collected in deciding on the expulsion of a member. 3d. Where an election is contested.

The gentlemen who support the resolution have been desired to shew the power of the House for this purpose in this constitution or in any law. They have not done so. They are obliged to resort to expediency, and that expediency, I have contended, will not hold them out. But, say they, the courts of enquiry and courts martial have no power of collecting testimony, and we must do it for them. Will the depositions taken before this House or before your committee, be evidence in your courts? They will not. To sum up the whole, although I must acknowledge that the motives which actuate the mover and myself are, must be the same; I declare I think he means as well as I, the good of his country—Yet I would defy him to instance a more oppressive, a more unfair mode of procedure in the Spanish inquisition than the preliminary trial, for it is a trial of General Wilkinson, now carrying on, on this floor, and about to be prolonged by hanging it up on tenter hooks before a committee. Gracious God! what innocence can withstand this mode? He is charged with being a Spanish pensioner in 1796—again, on the river Sabine—a conspirator with Burr—a perjured man—a conspirator against the liberties of the citizens whom he arrested as traitors and coadjutors with Burr. These denunciations are enforced with eloquence mixed and commixed, compounded and animadverted upon by as great talents as any in the nation. No notice is given to him to attend and make defence. Thus, with accumulated denunciations, but with but one document before us which can look like evidence and that *exparte*, this House is to be pressed into a vote which is to fix the stamp upon the character of the man, is to mark him as the victim of the courts below. If he were a demon I would not use him thus unfairly.

SATURDAY, JANUARY 30.

Several private petitions were presented.

Two messages in writing were received from the President of the U. States by Mr. Coles, his Secretary, enclosing a Treaty of limits between the U. S. of America and the Choctaw tribe of Indians; and a Treaty made between the Ottaway, Chippeway, Wyandott, and Pottawattemie tribes of Indians. These messages, with the treaties, were referred to the committee of Ways and Means.

Mr. Holmes, from the committee of Claims, made a report unfavorable to the petition of Charles Minifie, which was referred to a committe of the whole.

Mr. Bacon was appointed a member of the same committee to consider the ensouragement of learning and promotion of the useful arts.

The *Speaker* laid before the House a petition of the New England association of inventors and patrons of useful arts, signed by Benjamin Dearborn, President, &c. praying an extension of the time for patents to discoverers or inventors of useful arts. Referred to the last mentioned committee.

Mr. M. D. Williams, from the committee appointed on the 22d inst. reported a bill for the punishment of certain crimes therein mentioned; which was twice read and referred to a committee of the whole on Monday next.

Mr. J. Montgomery, from the committee to whom the subject was referred, reported a bill concerning courts martial and courts of enquiry; which was twice read, and referred to a committee of the whole on Tuesday next.

On motion of *Mr. Helms*,

Resolved, That the Speaker give information to the Executive of the state of New Jersey of the vacancy in this House, occasioned by the death of Ezra Darby, late one of the representatives from that state.

Mr. G. W. Campbell. It has always been my opinion that in a free government like ours, every department ought to be responsible for its conduct.

The constitution of the U. States was evidently framed on this principle, and the preservation and security of the rights and liberties of the citizen, and the due execution of the laws will be found to rest, in a great degree, on rendering public agents sufficiently and practicably responsible for their conduct to the nation. That this is not the case with the judiciary of the U. States has been proved by experience—your judges once appointed are independent of the executive, the legislature, and the people, and may be said to hold their offices for life. They are removable only on conviction by impeachment of high crimes and misdemeanors, and this mode of proceeding has been found in practice totally inefficient, and not to answer the purpose for which it was intended—that of rendering your judges duly responsible for their conduct. They may therefore be considered, as independent of the rest of the nation, (and they seem to think so themselves) as if this provision in the constitution, relative to impeachment, did not exist. No matter how erroneous their opinions—how dangerous to the public weal—how subversive of the interest of the people—how directly opposed to the laws of your country; yet as it is neither a high crime or misdemeanor to hold such erroneous opinions, which they seem conscientiously to believe, they cannot be removed by impeachment—they are independent of the rest of the nation.

This subject has attracted the attention of the people in most of the States. The legislatures of several states have passed resolutions declaring the necessity of amending the federal constitution, so as to render the judges, in practice as well as in theory, responsible for their conduct. The most numerous branch of the legislature of the state which I have the honor to represent in part, have declared their opinion in favour of such amendment. In order, therefore, to bring this subject before the House, that the sense of the national legislature may be ascertained thereon, I submit the following resolution.

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring therein, that the following amendment to the constitution of the U. S. be proposed to the legislatures of the several states, which, when ratified by the legislatures of three fourths of the said states, shall be valid to all intents and purposes, as part of the said constitution.

The judges of both the supreme and inferior courts of the U. States, shall, after the—day of—be removed from office by the President of the U. S. on the joint address of both Houses of Congress requesting the same, three fifths of each House concurring in such address.

This resolution was referred to a committee of the whole House on the state of the Union.

The House took up for consideration the amendments by the Senate to the bill making appropriations for the support of government.

An amendment allowing the Attorney-General of the U. States five hundred dollars for contingent expenses being under consideration, after a desultory conversation, was referred to a committee of the whole immediately, Mr. PITKEN in the chair, and disagreed to by the committee—Ayes 3.

The committee rose and reported their disagreement. The question being taken on concurrence with the committee of the whole by yeas and nays, there were yeas 101, nays 11.

On motion of *Newton*, the House went into a committee of the whole, Mr. BASSETT in the chair, on the bill to erect a light-house on Point Judith, in the state of Rhode-Island. The blank in the bill for the appropriation being filled with 5000 dollars, the committee rose and reported the bill, which was ordered to a third reading on Monday.

On motion of Mr. *G. W. Campbell*, the House went into a committee of the whole on the bill making appropriations for the support of the navy of the United States during the year 1808, Mr. BASSET in the Chair. The bill being gone through and the blanks severally filled, the committee rose and reported the bill, which was ordered to a third reading on Monday.

On motion of *Mr. Holmes* the House went into a committee of the whole, Mr. MASTERS in the Chair, on the report of the committee of claims, favorable to the petition of Mary Barclay; which being concurred in by the committee, was reported to the House, and referred to the committee of claims to bring in a bill.

Errata—In Mr. Rowan's speech in the 3d col. of the 1st page of our last, instead of the President having "in so doing given them an illustrious example of the *little necessity for delicacy*," read "in so doing had given them an illustrious example that *delicacy should yield to duty*." In speaking of the patriotic language of Kentucky (in answer to a question by Mr. Smilie) Mr. Rowan had allusion to the following resolution of the Legislature of that state; which he then read:

"Whereupon your committee does not hesitate to declare as their opinion that the information given to the House of Representatives is substantially true, and correctly detailed; and that the said judge Sebastian is guilty of having for several years received from the Spanish government a pension paid in cash annually to the amount of two thousand dollars. Your committee further report, as their opinion, that whilst Judge Sebastian was in the exercise of his office in this state, and drawing his annual salary therefrom, he was employed in carrying on with the agents of the Spanish government, an illicit, unjustifiable and highly criminal intercourse subversive of every duty he owed to the constituted authorities of our country, and highly derogatory to the character of Kentucky."

This (said Mr. Rowan) I am proud to say is the language of Kentuckians.

Erratum—In Mr. Desha's observation in our last instead of "The gentleman is mistaken as to the contents of the bill, for there are three instead of two regiments to be raised; and these are essentially necessary, whether we have war or not"—read "there are two regiments instead of two battalions. Although I am opposed to any thing that looks like a standing army, some troops are necessary to be kept up; but to what extent I am not prepared to say, at least the battalion of cavalry is unnecessary."—In a subsequent column, instead of "a great part of the inhabitants" are disaffected, &c.—read "it is said a part are, &c."

WASHINGTON CITY.

MONDAY, FEBRUARY 1.

The Military COURT of ENQUIRY in the case of Gen. Wilkinson have had two meetings during the past week, without any evidence having been adduced. They meet again this day.

We have received by the last mail from Chillicothe the "Fredonian" of the 12th ult. on the margin of which it is said "Burr and Blannerhasset arrived here last evening."

By an arrival at Savannah a London paper of the 19th of November has been received. The only interesting contents of this paper relate to the impression made upon our minister and the American merchants at London by the recent British orders. Our Minister is said to have expressed his surprise at them, particularly at no intimation of them having been made to Mr. Monroe previous to his departure. Some of the merchants are said to have had an interview with Mr. Percival, and a deputation were, on the 19th Nov. to have met Earl Bathurst, Mr. Canning, Mr. Perceval, Mr. Rose & Mr. Huskinson, to ascertain the precise construction which the ministry and their agents meant to put upon the orders of council. Some further orders, of a more hostile character with respect to merchants, are said to have been determined on.

By the *ship Eagle* arrived at New-York from Cork, papers of that place to the 27th Nov. and London papers to the 20th of Nov. have been received.

These papers state a rumor of the Portuguese fleet, with the Prince Regent and suite having sailed from the Tagus, mention the arrival at Deal of a flag of truce from Calais, on board of which came Mr. Mainz, having left Vienna on the 1st of Nov. with dispatches for the Austrian ambassador at Paris, where he arrived on the 9th, and where a Russian messenger had previously arrived. The arrival of Mr. Mainz in England had caused much speculation, but no facts had transpired.

In *addition* to these advices, we have received the London Morning Chronicle of the 28th of November. It contains a highly interesting article on the folly of the late British orders so far as they affect this country, which shall be given in our next paper. The only articles of intelligence follow:

LONDON, NOV. 28, 1807.

Intelligence was yesterday received of the arrival at Yarmouth of a vessel from Holland. By this vessel some letters have been received in town, and it is said, that she brought Dutch and French papers, which have not yet reached us. The Dutch papers are stated to be of the 23d instant. Of the letters we have seen, the following extract contains the most important news:

ROTTERDAM, NOV. 18.

"The French Emperor is so much irritated against Portugal, for allowing the English and their property to escape before the arrival of his troops, that he has given orders to detain all Portuguese vessels, and to imprison their crews. His majesty has also commanded, that all Portuguese property throughout France shall be sequestrated; that such persons as have any property of that nation in their possesson, shall immediately give it up, and he has accompanied this command, by a menace, that any persons who shall be found to make an unfaithful return of such property, shall be imprisoned in irons for seven years. This intelligence we have received from the French post, and whether our government is to follow the example it affords, we are yet to learn, but there is every reason to think it probable.

"All colonial produce has considerably risen in price—the natural consequence of the recent prohibition of foreign supply. Coffee, which is the principal article of demand, and which you state may be had in Eng-