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BY AUTHORITY.

AN ACT

Making appropriations for the support of the navy of the United States, during the year one thousand eight hundred and eight.

BE *it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That for defraying the expences of the navy of the United States, during the year one thousand eight hundred and eight, the following sums be, and the same hereby are, respectively appropriated; that is to say:

For the pay and subsistence of the officers, and pay of the seamen, three hundred and sixty-eight thousand and forty eight-dollars:

For provisions, one hundred and sixty-two thousand seven hundred and sixty-five dollars, and ten cents:

For medicines, instruments and hospital stores, five thousand dollars:

For repairs of vessels, one hundred and ninety-five thousand dollars:

For freight, store rent, commissions to agents and other contingent expenses, seventy-five thousand dollars:

For pay and subsistence of the marine corps, including provisions for those on shore, and forage for the staff, one hundred and sixty thousand, one hundred and thirty-one dollars and ninety cents:

For clothing for the same, twenty-nine thousand, nine hundred and thirty-three dollars and eighty cents:

For military stores for the same, nine thousand, six hundred and fifty-four dollars:

For medicine, medical services, hospital stores and all other expences on account of the sick belong to the marine corps, two thousand dollars:

For quarter-master's and barrack-master's stores, officers travelling expences, armourer's and carpenters bills, fuel, premiums for enlisting, musical instruments, bounty to music, and other contingent expences, fourteen thousand, and thirty-five dollars:

For the expense of navy-yards comprising docks and other improvements, pay of superintendants, store-keepers, clerks and laborers, sixty thousand dollars:

For ordnance, fifty thousand dollar.

SEC. 2. *And be it further enacted,* That the several sums herein specifically appropriated, shall be paid out of any monies in the treasury not otherwise appropriated.

J. B. VARNUM, *Speaker of the House of Representatives.*

GEO. CLINTON, *Vice-President of the United States, and President of the Senate.*

FEBRUARY 10, 1808.

APPROVED,

TH: JEFFERSON.

AN ACT

To revive and continue certain causes and proceedings in the district court of the district of Columbia.

BE *it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That all causes, suits, actions, writs, process, and proceedings, which were pending in the district court of the district of Columbia, at the time appointed by law for holding a session thereof, on the first Tuesday of October last past, or which were returnable to the session of the said court which ought to have been holden on the first Tuesday of October, shall be, and the same are hereby revived, reinstated and continued over to the next stated session of the said court, to be holden on the first Tuesday of April next, in the same manner and condition, and the same further proceedings may be had therein, as if a session of the said court had been, on the said first Tuesday of October, holden according to law, and as if a regular continuance of all the said causes, suits, actions, writs, process, and proceedings had been duly entered upon the records of the said court.

J. B. VARNUM, *Speaker of the House of Representatives.*

GEO: CLINTON, *Vice-President of the United States and President of the Senate.*

FEBRUARY 10, 1808.

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.

(CONCLUDED.)

WEDNESDAY, JAN. 13.

MR. BACON said he believed he had expressed his sentiments on this motion now before the House when it was offered for their consideration at a former day—*believed*, for it would be recollected that the general subject had danced before their eyes in such various forms that it was impossible to say with certainty whether he had expressed his opinion on this particular point or not, but he believed he had. It was not a little amusing and perhaps worthy of attention to look back and see the regular gradation in which this business had progressed from its first presentation. How had it gone on? First, said said Mr. B. it appeared in the form of a simple and modest request addressed to the Executive, to the language of which it was thought there could not be any objection, although there certainly was to the substance. Then, after the House had considered it a while, it was moved to go further: that it should be committed to a committee, with power to send for persons and papers. This motion was discussed a day or two, when the sense of the House was taken on it, and it was thrown out by a large majority of votes. What was the next step? A motion that two gentlemen on the floor might be so far indulged as to permit them to lay their evidence on the table. This presented the subject in a more confined and limited shape. It was not giving a committee power over persons and papers; it was represented as a very circumscribed and harmless thing. Without pretending to a great degree of prescience, I then thought I saw the extent to which we should be drawn, and did lift up my feeble voice against it, even in that shape, and suggested my ideas to the House: But I was found to be in a very small minority I really thought the next step would have been a decision on the resolution as first moved by the gentleman from Virginia, or on transmitting the papers which had been laid on our table to the Executive; but from the large majority on that question, courage seemed to have been taken to go farther. What was next? A resolution proposed by the gentleman from Kentucky. The first resolution offered by the gentleman from Virginia simply requested the President to do a certain act transcending our own powers in a modest manner; but the gentleman from Kentucky seems to have thought the House then was in a temper to go further, and therefore moved a resolution not that we should direct the President to do his duty, but to take the power ourselves and and appoint a committee to enquire into a crime of the highest magnitude. I did not regret that the subject was brought in this shape before the House. I thought it would produce a good effect—that the House would see how far the "entering wedge" was finally to be driven. But this resolution and the doctrines urged in support of it evidently went too far; the temper of the House did not seem to relish it; many gentlemen who seemed inclined to adopt the first resolution could not bring themselves up to this. What then was done? The gentleman from Kentucky withdrew it, and then—[*Mr. Randolph* asked leave to set the gentleman right in what he was about to state. He was certain that the gentleman from Massachusetts would wish to state nothing but what was correct. The truth was, that the resolution now before them would not have been the subject of debate at present, had it not been for the circumstance of his having misconceived the gentleman from Kentucky. I understood the gentleman, said Mr. R. as meaning to withdraw his to make way for the resolution which I had the honor to submit; when, in fact, had I heard him distinctly, I should have understood that his intention was to withdraw his own to modify it and present it in a new shape, disincumbered of additions unconnected with it. This is the plain state of the fact; and the change of question now originates solely from my having misunderstood the gentleman from Kentucky, and [illegible] occurred, and could only things as they presented themselves. He understood the gentleman from Kentucky to withdraw his motion altogether, on account of the motion of the gentleman from North Carolina to strike out a part of it. [The *Speaker* said such was the case.] Then, said Mr. B. I believe the House was in the same unfortunate situation as the gentleman from Virginia, and could not hear the true state of the case; and really if I did misunderstand him, I am not so happy as I imagined I should be, for I did hope I should be right in supposing that the comments made upon the resolution had induced him wholly to withdraw it, and am sorry that this does not appear to be the case.

I beg the House now to consider through what stages we have been led in the consideration of this subject. It seems we are now to meet this question in its original form. I will not now again enter into a discussion of it. It will however be an useful lesson to me, and I trust to the House to observe through what mazes we have travelled. First the discussion commenced on a civil request to the Executive that he would do his duty and exercise his power; but feeling the ground pretty firm under them, gentlemen thought they might assume more; and the question was, at last presented as we yesterday heard it supported by the gentleman from Kentucky.

I shall not occupy the attention of the House with any further remarks: I will only observe that there is nothing at the bottom of the opposition to this resolution, no improper motive for the zeal displayed on the occasion. I profess no great zeal; I am neither the partizan of Gen. Wilkinson or his foe; shall not join in the eulogium on his character by the gentleman New-Jersey, nor in the aspersions on it by the gentleman from Kentucky. I equally disclaim any participation in both. The character of this officer may be bandied about as gentlemen please; but I will not for the purpose of shewing my zeal for what may be supposed a popular enquiry be driven from my constitutional ground, standing on which, and on which alone I feel myself safe. I thought the other day, when the House called for information, that they had better have stopped where they were; I endeavored to shew the consequences of it then. I now repeat that here is the ground to halt. If we have already gone too far, we cannot retrace our steps; but we may say we will go no further. If the House go further I will not go with them; but I hope they will well consider the precedents and principles which will flow from the course which they seem now about to adopt.

MR. RHEA, (T.) said he should vote against this resolution for several reasons; it was inexpedient, unnecessary, and exceeded the power of the House. It was inexpedient and unnecessary at the present time, because the very object of the resolution was already taken into consideration by the President, and a court of enquiry had been ordered in pursuance of it. He should vote against it as inexpedient because the President of the U. States was fully adequate to do every thing which he was by constitution or law required to do; and with him alone rested all the power to have this business brought before the proper tribunal. There is, said he, a military court to which all these officers are amenable, and by whom they are punishable for any offences which they may commit; and I am willing to submit to their decision not only this case but every other which may arise, without further interference. I for my part shall never descend to the situation of a petitioner to the President of the U. States, or to any other department of government. If then the resolution be considered as a petition, the House can do nothing more impolitic than to become petitioners. This legislature stands precedent to any department of the government; and if any gentleman thinks fit to come forward as a petitioner, let him do it; and if he chuses to resign his seat as he has threatened to do, if we do not agree to "petition," let him do so.

It has been asked by a gentleman from Connecticut why should the President be troubled with this evidence, if not with the resolution. This evidence, although upon the table, is unconnected with any thing else whatever.

When I was up a few days ago I [illegible] partments, and that it was the intention of the framers of the constitution that these departments should not interfere with each other. I observed that the constitution says that the President shall recommend to this House from time to time such measures as he shall think proper. Gentlemen had been called upon to shew why this House had any right to request him; it is given up that it is not expressly delegated, and if it is by implication I should be glad to see it. I have examined the constitution, and found that every power not delegated to the U. States is reserved to the people or the states. I deny that the constitution ever authorized this House to recommend to the President any measure which it is within his province to do. If any such authority can be shewn, it will be some reason why this resolution should be adopted. I must act according to the constitution which I have sworn to support, and I do not see that any power is therein given to do such an act as this; and therefore I shall vote against this resolution and all such. If this doctrine be once established, what will be the consequence? It will be in the power of gentlemen to bring forward a resolution to affect any officer of the army or navy, and they might send the whole army before the President on suspicion. I hope this doctrine will never be adopted; I am content to let these officers remain amenable to the department which has power over them by the constitution. I deem that department fully competent; and when the power was confided to the Executive department it was expected that he would do his duty as well as this department; if this is not the case, let this House at once assume the duties of the President, and come before the sovereign people in that capacity; one act under that assumption will blast the unconstitutional doctrine.

As well might this legislature assume the power to request a jury to do any thing as to request the President; and being a measure not warranted by the constitution, I cannot agree to it.

MR. LYON said, while he should cheerfully have voted for an enquiry by this House as it was contended they had not this right to enquire, he should not vote for this, because it requested the President to institute an enquiry, which was already done, and the proceedings of the court were published. But when he said he should vote against the resolution, he felt a sort of repugnance to so voting from the expression of a belief by many of its opponents, that they had no right to pass it. He contended that they had a right to make enquiry themselves as well as to call upon the President to do it; he was as strongly attached to the constitution as any one, and could not consent to give up his rights. He should vote against the resolution merely because it called upon the President to do a thing already done. He was inclined to think some further enquiry was necessary because of the clamor; and because charges had been made of a disposition to stifle enquiry, which assertions should be met broadly. It ought to be said by every part of the House that they would not hesitate to go into any enquiry. It was a matter of vast importance; and the House should not be influenced by delicacy towards the President, commander in chief, or any other man, but boldly take up the case, and shew to the world that they were not ashamed to go on with an enquiry which every part of the nation called for. Gen. Wilkinson's character, after what had been sworn to by Mr. Clark, did not stand with the nation so that they could have confidence in him; on the contrary their confidence in that commander must be shaken. The House ought to pursue such a course as would restore confidence to this officer, or he ought to be dismissed from the service. I hope, said Mr. L. that gentlemen who oppose this on constitutional grounds, do not consider if the enquiry now commenced goes on in such a way as is not completely satisfactory to the whole nation, that the purpose intended will be answered—that if the commander in chief is exculpated, and that merely because this or that form is wanting, that confidence will be restored. If he is kept in office, and confidence is not restored to him, a great evil will take place without a remedy, except this House have the power. Gentlemen talk about the time which has been spent. I do not care how much time has been spent than that the nation should be kept in suspense. I shall vote against this resolution, though I might vote for the resolution of my colleague, Mr. Rowan, if under consideration now.

The question on Mr. Randolph's resolution was then taken by yeas and nays as follow:

YEAS—Messrs. Alexander, L. J. Alston, Bassett, Bibb, Blackledge, Blount, Boyle, Burwell, Butler, Jno. Campbell, Champion, Chittenden, Clay, Cobb, Davenport, Desha, Elliott, Ely, Eppes, Gardenier, Gardner, Garnett, Goldsborough, Gray, Harris, Helms, Hoge, Holmes, Howard, Humphreys, Johnson, Jones, Kelly, Kenan, Lewis, Livermore, Lloyd, Macon, Marion, Masters, D. Montgomery, T. Moore, Moseley, Mumford, Newton, Pitkin, Quincy, Randolph, Rea, (Penn.) Richards, Riker, Rowan, Russell, Smelt, S. Smith, Jno. Smith, Stanford, Stedman, Sturges, Swart, Taggart, Trigg, Troup, Upham, Van Allen, Van Dyke, Van Rensselaer, Verplanck, Wharton, M. Williams, Wilson, Winn—72.

NAYS—Messrs. W. Alston, Bacon, Bard, Barker, Brown, Calhoun, G. W Campbell, Carlton, Chandler, Cutts, Deane, Durell, Findley, Fisk, Franklin, Green, Heister, Holland, Ilsley, Jenkins, Kirkpatrick, Knight, Lambert, Love, Lyon, M'Creery, Milnor, N. R. Moore, Jr. Morrow, J. Morrow, Nelson, Newbold, Nicholas, Porter, Pugh, Rhea (Ten.) M. Richards, Seaver, Sloan, Smilie, J. K. Smith, Southard, Storer, Taylor, Thompson, Van Horne, Whitehill, Wilbour, and Witherell—49.

DEBATE

On the motion for admitting an agent of the Yazoo company to be heard at the bar of the House in support of the claim.

FRIDAY, FEBRUARY 12.

The following resolution, offered by MR. BACON, being under consideration:

"*Resolved*, That the prayer of the petition of Joseph Story as agent of the New-England Mississippi company, praying that he may be admitted to a hearing at the bar of this House in behalf of the said company to state their rights and explain their claims which are now pending before Congress be granted; and that the House will proceed to hear said agent, accordingly at this bar, on Monday 22d Feb. inst.

MR. BACON said this was not a case which required any abstruse reasoning or deep research for facts. He had taken this resolution from a precedent which he found recorded of a similar indulgence granted to the South Carolina Company who were heard at the bar of the House in support of their claim, by Mr. Moultrie, their agent, in a nearly similar case.

MR. TROUP hoped the resolution would not be adopted. The precedent adduced was not in point: that was in the case of an application to be heard on the subject of the old Virginia and South Carolinia claims. It will be recollected by the House, said Mr. T. that the case adduced in precedent was an old, a dormant claim, which had slept long, & the principles of which were almost forgotten by members of the House, and when application was made for hearing they determined to hear all that could be said that they might act understandingly on the subject. They did hear and were satisfied; from that time to this the House has had no further trouble with it. The claims of these persons however have been turned over from session to session, canvassed over and over again; and the House are as well conversant with the merits of the claim as with its advocates. I do not know whether it is customary to admit within its bar the advocates of claims. For my part I do not know if such persons were admitted within the bar, that I would keep my seat and listen. It is impossible that this House could be so lost to a sense of its own dignity as to enter into a controvery on its own floor with speculators or their agents. In discussion of this subject among ourselves, our utmost coolness and care will be required to keep us in temper with each other; and the admission of a stranger within this bar for the purpose of irritating & perhaps insulting us, & I beg gentlemen to recollect that the theme is extremely delicate, will not encrease the calmness which ought to be observed. What is the object of the present motion? Is it proposed, by admitting a practising