of Commons, proceedings of this nature are always in a great degree summary, and that the evidence upon which they proceed is subject to none of the restrictions to which they so rigidly adhere in their courts of law. As our power of expulsion is granted in the constitution, and as it was no doubt originally derived from the English Parliamentary usage, I thought it my duty to consult with as much care and attention as a limited time would allow, the journals and debates of the House of Commons in England, to ascertain what their practice had been in these cases. Nor could I hear without astonishment, the assertion so confidently made by one of the gentlemen of counsel for Mr. Smith (Mr. Key) that no instance of this summary proceeding could be found in the British Parliament, unless it were in the time of Cromwell. Where the gentleman obtained his information it is not my business to enquire; but I can say that in *my* examination of the journals, I have been unable to find a single instance in which any other than a summary process is pursued, or in which the judicial rules for authenticating evidence are required. That this however may no longer rest upon assertion, I shall now read you, sir, two cases which occurred; not in the time of Cromwell, but in that of Queen Ann.

The first is that of Thomas Ridge, which in the Parliamentary debates is related thus:—vol. 14, p. 177. "On the 3d (of January) Mr. Harley, chancellor of the exchequer, acquainted the Commons, "that on examinations relating to the navy, taken before the lords commissioners of the treasury, some considerable abuses had been discovered in the victualing, and that a member of that House was named therein: upon which the Commons resolved to present an address to the queen, to have those examinations laid before them: which being done accordingly, and the same referred to a committee, Mr. Ridge, the member named therein, desired that he might attend that committee to make his innocency appear.

He attended the committee; they reported against him, and afterwards on the 15th, "The Commons took into consideration the report from the committee appointed to enquire into the abuses of the victualling; and the said report being read, it was unanimously resolved, that it appears to this house that in the management of her majesty's brew-house, as well as in the contracts for furnishing the navy with beer, there have been many notorious imbezzlements and scandalous abuses, to the defrauding the public of great sums of money to the injury and discouragement of the seamen: and ordered that the commissioners of victualling have a copy of the said report.

"After this Mr. Ridge was heard in his place to the matter of the report relating to him, and being withdrawn it was resolved,

"1. That it appears to this house that Thomas Ridge, esq. a member of this House, is guilty of great frauds and abuses, by having contracted to furnish 5,513 tons of beer upon his own account, and 2704 of beer in partnership with Mr. Dixon, and having received bills for the whole, although he delivered but 3,213 tons of the first and 1,269 upon the latter contract.

"2. That Thomas Ridge, esq. be for the said frauds and abuses expell'd this House.

"3. That an humble address be presented to her majesty, that she will be pleased to give direction to her Attorney-general to prosecute the said Mr. Ridge, for the said frauds and abuses."—*p.* 181.

Shall we now be told, Mr. President, that the practice of the English House of Commons, on cases of expulsion, is never summary; that they first send the member to a court of law for his trial; that they receive against him none but judicial evidence? Here is a case, not in times of violence and faction; not for political motives, or to remove an able and obnoxious member, but for mere fraud and embezzlement; the member is merely named in certain written examinations; on that evidence, after reference to a committee, and their report, he is expelled, and immediately after, an address to the queen is voted, to direct a prosecution against him for the same acts.

The next case is that of Mr. Walpole. He was implicated in a report from the commissioners of public accompts; he was heard before them, & there had a witness sworn to an affidavit in his favor. On their report, they presented to the house the depositions of this witness, which were received and read. Another witness was called in and examined, apparently not on oath, before the house itself. Mr. Walpole was heard in his place and withdrew; after which the House came to the following resolutions:

"1. That Robert Walpole, esq. (a member of this house), in receiving the sum of 500 guineas, and in taking a note for 500l. more, on account of two contracts, for forage of her majesty's troops quartered in North Britain, made by him when secretary at war, pursuant to a power granted to him by the late Lord Treasurer, is guilty of a high breach of trust and *notorious* [not convicted, but notorious] corruption."

"2. That the said Robert Walpole, esq. be for the said offence committed prisoner to the Tower of London, during the pleasure of this House; and that Mr. Speaker do issue his warrant accordingly.

"Then a motion being made and the question put that the house should adjourn, it passed in the negative; and after a small debate it was resolved (though by a small majority of about 30 voices), that the said Robert Walpole, esq. be for the said offence also expelled the house."

The only cases of expulsion which I recollect to have occurred during the present reign are those of Mr. Wilkes, which occasioned so great a fermentation in that country, from a subsequent question raised by the House of Commons in their decision that by the mere fact of expulsion he was incapacitated from being elected again. I shall not refer to this case at all as a precedent, but will barely read to you a few remarks made on it by Mr. Belsham, an historian who has been censured as leaning to an excess in favor of republican principles.

He says, "It could not be denied that the House of Commons had ever exercised a judicial authority, *which could in no other hands be so properly placed*, in determining upon the validity of returns, and the qualifications of their own members. This authority might undoubtedly be abused, or indiscreetly exercised, but all power is in its own nature liable to abuse; and if so vague an objection be admitted, the powers vested in all political bodies, however constituted, must be annihilated, & the bonds of civil society are at once dissolved. The power of expulsion for such offences, *as appear to the house*, to render any of its members unworthy of the trust reposed in them, had been exercised in numerous instances, from time immemorial"—and afterwards "It must nevertheless be acknowledged, that a *discretionary* power of expulsion is liable to be perverted to very bad purposes; and therefore it was judged proper by an act passed in the course of the ensuing session to specify the offences which shall in future render incapacitation the necessary result of expulsion."

There was one other observation of the same gentleman (Mr. Key) contesting a position in the report of the committee, which I think it necessary to notice, because it is the renewal of an objection already refuted upon this floor. In referring to the proceedings on the expulsion of Mr. Blount the report says "In that case the member implicated was called upon in the first instance, to answer whether he was the author of a letter, the *copy* of which only was produced, and the writing of which was the cause of his expulsion. He was afterwards requested to declare whether he was the author of the letter itself, and declining in both cases to answer the fact of his having written it was establised by a comparison of his hand writing, and by the belief of persons who had seen him write, upon inspection of the letter. *In all these points the committee perceive the admission of a species of evidence which in courts of criminal jurisdiction would be excluded.*" Very soon after the report was made, Mr. Smith, in a letter, I think, addressed to you, Mr. President, asserted that this was a mistake on a point of law—that comparison of hands, and inspection by persons who had seen the party write, was evidence admitted in every day's practice on criminal prosecutions at law. Part of this doctrine was afterwards disclaimed in debate on the floor—It was acknowledged that comparison of hands is never admitted as evidence on criminal trials—I know very well that inspection of the hand writing by persons who have seen the party write, is evidence at law; but it must be upon oath. In Mr. Blount's case, it was received by the committee, *without* oath, and it was in allusion to this, that the report included it as part of the testimony *admitted* there, though it would have been excluded from a court of law. I know also that the same testimony was in that case afterwards given in Senate, *upon* oath—the report never meant to say that formal evidence was excluded—it only noticed the informal evidence which was admitted.

I have now finished my remarks upon that part of Mr. Smith's defence, which rests upon the supposed irregularity of the proceedings which have hitherto been sanctioned by the Senate, on this investigation, and upon objections against the principles, maintained in the report of the committee. The question on the facts remains still to be discussed.

What then is the evidence of Mr. Smith's participation in the conspiracy of Aaron Burr?

Since the resolution now under consideration was first offered to the Senate, the state of the evidence has very considerably changed; in some respects favorably for Mr. Smith's defence; in others, to my mind, more inauspiciously. The testimony of Elias Glover, I consider as totally discredited; but since the depositions produced by Mr. Smith to the committee, with his answers to their queries, I gave very little credit to that witness, even before the accumulation of evidence against him, which Mr. Smith has since obtained, and recently exhibited to the Senate. Even then I thought the testimony of Glover could be of very little weight, otherwise than as it was confirmed by that of others. With the same exception I now give to it no credit at all. Stripped of the confirmation which it may receive, from admitted circumstances, from other testimony, and from Mr. Smith's own acknowledgments, I consider the case as if no affidavit of Glover belonged to it.

But if the credit of Elias Glover has been annihilated, that of Peter Taylor has been beyond all controversy confirmed. In his answers to the committee, Mr. Smith solemnly denied almost all the material facts, (and material in the highest degree they are) attested by Peter Taylor, respecting him on the trials at Richmond; and he declared his belief that he could prove by witnesses of the first respectability, his want of character as a man of truth and veracity. Since then Mr. Smith has had the fullest opportunity to cross examine the man himself, and to take testimony to his general character. And what is the result? The general character of Peter Taylor has risen purified from the furnace. In every witness of whom the question was asked, he has found a panegyrist. One or two mistakes of circumstances perfectly immaterial to Mr. Smith, or to any other person implicated, have been discovered in a lynx-eyed scrutiny of his testimony at Richmond; and the candor with which he instantly acknowledged them, and the firmness with which on Mr. Smith's enquiries he persevered in asserting all the important facts of his narrative, have given to his evidence a much greater weight than it could claim before. So decisive indeed is it, that Mr. Smith's counsel now solemnly admits those facts which Mr. Smith had as solemnly denied in his answer; and argues with his usual ingenuity to dispel their effect.

Of Colonel James Taylor, the testimony has been in one respect counteracted, and in another much strengthened. His character was so well known, and so universally respected, that no attempt could be made to assail it, other than on the basis of a supposed mistake. This mistake, Mr. Smith, in his affidavit, made before he left this place, asserted that he expected to prove by General Findley; the only third person in hearing, according to Colonel Taylor's statement, when the conversation, occasioned by the querist, occurred. Mr. Smith returns without the deposition of General Findley; but in its stead he brings a deposition of his friend Dr. Sellman, and also a private letter to him from the same Dr. Sellman, intimating that General Findley could not confirm Colonel Taylor's testimony; but with a broad insinuation that General Findley would not give that deposition in favor of Mr. Smith, which he ought, *for fear of losing his office.* On the fact of this particular conversation then, we must balance the weight of testimony apparently contradictory. It is barely possible that the conversations mentioned by the two witnesses, were not the same, but held at different times; and as evidence seemingly variant between two persons of character, ought always, if possible, to be reconciled, perhaps the fair and candid construction would be that. If however it was the same conversation, we must be reduced to the necessity of chusing which of the two witnesses has been most correct in his recollection; I cannot but consider the express testimony of Colonel Taylor, confirmed by the silence of General Findley, as that which is best entitled to our belief. Colonel Taylor we know, was on this occasion a most reluctant witness; he had been the friend and intimate acquaintance of Mr. Smith; his principle obviously was to say as little as possible, consistent with his obligations to speak the truth. The impressions on his mind did not stand singly upon his judgment; he had compared them with those of General Findley, and by that comparison had found them confirmed. They had not slumbered upon his memory for a length of time, so as to lose their distinctness. He had communicated them to the Secretary of State in his letter of 13th of Oct. 1806, written a very few days after the conversation was held. An extract of this letter is in evidence before us, and it tallies exactly with col. Taylor's testimony given to the committee & before the Senate. The impartiality of col. Taylor, his candor, his tenderness for Mr. Smith, the excellency of his general character, and his appeal to the recollection of another respectable witness in confirmation of his own, all combine to give his tesmony the highest claim to our belief. With Dr. Sellman I have no personal acquaintance, and can therefore speak of him only as upon the evidence exhibited here on this occasion. He appears at least in the character of a very ardent partizan of Mr. Smith. In the newspapers transmitted to us, I see his name at the foot of several very violent publications, which have not been read, but which shew that fifteen months ago, he had in some sort staked his own character upon the reputation of Mr. Smith. A number of depositions concur to prove that he, in company with a man who has since been convicted of an atrocious robbery, was at the head of a party who burst open the doors, and broke in upon a meeting of private citizens assembled to pass certain resolutions unfavorable to Mr. Smith, and threatened them with a coat of tar and feathers. The insinuation in his private letter to Mr. Smith, against the fair fame of General Findley, bears no distinguishing features of an ingenuous mind. I cannot believe that General Findley, a man of honorable consideration in society, holding an important public trust, could have been actuated by such unworthy motives, in declining to contradict col. Taylor's deposition. Could he have done it, consistently with truth, he had every inducement that could operate upon generous feelings to do it. His contradiction would not have impaired the reputation of Col. Taylor. It would only have induced a probability that he was mistaken. But to Mr. Smith it was of the first importance—his reputation in the world—his seat in the councils of the nation—the comfort of his life—the peace and happiness of his family were all at stake, and called in the most imperious manner, for the testimony of a man, who by merely declaring that he had understood his meaning differently from the witness appealing to him might have removed from him the burthen of this imputation. It is impossible to believe that he was deterred from such an act of signal justice, by the base and contemptible fear of losing his office.

Mr. Adams' speech to be continued.

PUBLIC SALE.

By virtue of a decree of the honorable the Circuit Court of the district of Columbia, sitting as a court of Chancery for the county of Washington in the suit of

Gideon Snow——complainant,

against

Abigail Perkins, widow and administratrix, and Hannah Perkins, sister and heir of Joseph Perkins deceased, and Nathan Bond——Defendants.

WILL be sold at public auction to the highest bidder on Monday the twenty-ninth pay of August next at Rhodes's hotel in the city of Washington, at the hour of 10 A. M. all the Estate, right, title, claim and demand both in law and equity of the said Joseph and of the said defendant Hannah, as heir at law of the said Joseph, of, in, and to Lots Nos. 5 and 6 in square No. 533, and Lot No. 2 in square No. 408, with their improvements, all lying and being in the city of Washington, and which said lots are laid out and designated in the general plan of said city as above described.

The terms of sale are, a credit of six months, the purchaser or purchasers giving bonds with approved security for the amount of the purchase money, bearing interest from the day of sale.

This sale is not to affect any claim of dower which the said Abigail Perkins may have in said lots.

JOHN G. M'DONALD, Trustee.

July 18—3wep

DOCTOR CONINGHAM

Is induced, from repeated applications, to resume the practice of

PHYSIC, SURGERY, &c.

LUMBER

OF GOOD QUALITY,

To be sold Cheap, near Dubois's wharf, above the Navy-Yard.

July 15—3t.

FIVE DOLLARS REWARD

RAN AWAY from the subscriber, an apprentice boy by the name of

ROBERT GRAVES,

plaisterer by trade—all persons are forwarned against harboring or employing said apprentice. The above reward will be given to any person who will secure him in any jail.

JOHN KEDGLE.

July 15——3t

WASHINGTON CITY.

MONDAY, JULY 18.

JURISCOLA, No. I. in our next.

Mr. ERSKINE left this city on Friday for Philadelphia.

On Saturday arrived at the Navy-Yard, the French national brig *Surveillante*, of eighteen guns. She is last from Guadaloupe, having made her passage in twelve days. On casting anchor she fired a salute, which was returned from the yard. She brings no European news. The commander states the price of flour at Guadaloupe to have been forty dollars a barrel, and beef the same price. Coffee was at thirteen cents the pound, and sugar at four dollars the cwt. The quantity of flour on hand was inconsiderable, and the last supply had been obtained from the British Islands in the neighborhood.

Extract of a letter of 14th April, from Tangiers.

"Seventeen American vessels have lately anchored at this port, from England, provided with licences to take cargoes in Spain and return. I was extremely sorry to see so many engaged in that hazardous trade. The consequences have already justified my apprehensions. Seven of them at Alicante and two at Malaga, have been detained by the Spaniards or taken by the French privateers, and I much fear but few of the others will escape sharing a like fate."

We recently took occasion to lay before the public a few concise remarks on our prospects with regard to the belligerent powers of Europe. In submitting these remarks, we expressed the preponderating opinion that *justice* was not *immediately* to be expected from England, the original aggressor on our neutral rights; and earnestly recommended, while the unjust conduct of the belligerents continued, a zealous cultivation of our internal resources. These remarks have been seized with unusual eagerness, as indicative of the ideas and views of the government; and an attempt is made to enforce upon the commercial part of the community the belief that the administration have laid the embargo, and mean to continue it, for the purpose of destroying commerce.

It comports very well with what might be expected from federal prints, to ascribe these remarks, which were altogether those of the Editor, to the government.

It is not the least surprizing that men, who laugh at political independence and freedom of opinion, should treat as visionary in others that of which they feel themselves destitute. Strange, however, as it may seem to them, we will, once for all, take the liberty of informing them, that the ideas expressed in this paper, under the Editorial head, are those of the Editor, and that he never has expressed, and never will express a sentiment foreign to his heart; that he values nothing so highly as personal independence, and that, consequently, nothing can induce him to sacrifice it.

These remarks are not made from a perception of the least error, either in point of fact or inference, in the article alluded to; or from a knowledge that it conveys opinions repugnant to those entertained by the administration; the Editor would rather suppose that they are such as are entertained by them in common with all the sensible and unprejudiced men of the country; but, from a desire that they may go exactly for what they are worth, and may be tested, not on authority, but according to their own intrinsic weight.

So much for *personal* considerations, for which we owe, perhaps, an apology to our readers, who certainly care more for truth, than for the channel in which it flows to them.

Now, as to the points in controversy.

Some expectation of restored harmony with Britain was expressed from her finding the embargo likely to endure much longer than she expected. From this language, the absurd inference is drawn that it is to continue forever, or, at any rate for such a length of time as completely to destroy the commerce of the U. States. Because European embargoes have generally, and probably invariably been limited to a short duration, it was natural to infer that Britain would expect that our embargo would partake of the same character; and that she would, thefore, incur but little injury from it. Was it not equally rational to hope that when she found it was to continue for at least ten months, unless the causes that produced it were removed, that she might perceive her interest in removing those causes? Is it not obvious to the meanest apprehension,