National Intelligencer.

& WASHINGTON ADVERTISER.

VOL. VIII. WASHINGTON CITY, PRINTED BY SAMUEL HARRISON SMITH, PENNSYLVANIA AVENUE. NO. 1214.

FIVE DOLLARS PER ANNUM, MONDAY, JULY 25, 1808. PAID IN ADVANCE.

Letter from JOHN SMITH, *to the Governor of Ohio.*

To his excellency Thomas Kirker, Speaker of the Senate, and acting Governor of the state of Ohio.

SIR,

I take the liberty of hereby making known through you, a determination which I have long since formed, to resign my seat in the Senate of the United States. You will excuse my troubling you on this occasion, instead of the President of that honorable body—I prefer this course, though it may appear an unusual one, because I do not feel any obligation to conform to any ceremonies of retiring which are not agreeable to me, and because I wish to give my reasons for withdrawing from political life, and to give them with more freedom than might possibly be considered consistent with the courtly style which might be required in an address to the Senate.

I am the more anxious to avow my motives, as I fear they may be misunderstood, & that such may be attributed to me as I would scorn to allow the least share of influence on my actions. It may be supposed, that dissatisfied with the result of the late enquiry into my conduct, mortification and disappointment must have driven me from my seat in a body, of whose members a considerable portion, in point of numbers, have declared me unworthy of an association with them. This, sir, is far from being the case. I never expected, ardent as were my hopes to extirpate all prejudices, to remove all doubts—I could not expect to convince those who were determined never to change their opinions, or that those who wished to pronounce on my guilt (in a summary manner) without allowing me to exhibit any evidence of my innocence, would listen to that evidence when I produced it; I could only offer a luminous mass of proofs to the world, but I could not force open all eyes to behold it. That this result was, however, in some measure different from what I expected, I pretend not to deny—that nineteen men could be found in the Senate of the United States to pronounce me guilty, I did not suppose possible, and I will frankly own that when I saw it, though indignation was the predominant sentiment of my heart, yet it was in some degree mixed with other and more painful feelings—but, sir, it was the weakness only of a moment. I had many sources of consolation to add to those which a proud consciousness of innocence afforded me. In the first place, I saw who were the advocates of this resolution, and who were its opponents, and though I will not say that I did not regret the censure of the former (for I desire the good opinion of all, the little as well as the great) yet the open and honorable approbation of the latter extinguished every trace of such feeling—I saw, what the nation will see, and what every man must acknowledge (who does not count Senators, like cattle, by the head) that my right to my seat and character was established by as remarkable a preponderance of the talents, worth, and respectability of that House as ever distinguished one of its votes.

I also recollected that this proceeding was a public one, the proofs and principles on which it was conducted within my reach, and that it was in my power to exhibit them fairly and impartially, and claim an honorable acquittal from all who would do me the justice to read them——that if amenable to the laws of my country (as I certainly am if guilty) I might be called to appear before any of her tribunals, and welcome with exultation any investigation.

I have it also, sir, in my power to answer a question which may be here very naturally asked—"How is it possible (it may be said) that nineteen Senators could solemnly affirm the truth of an accusation without some testimony to warrant it?" I am not so uncharitable as to say that all or even many of those gentlemen really believed me innocent—nor will I say that all or perhaps even any of them are incapable of forming a correct opinion upon a plain matter of fact. No, sir, I do not thus so highly impeach either their hearts or heads—but I answer (and it is an answer which they will one day have to urge as their excuse for the injustice they have done me) that they had yielded, perhaps without a struggle, to the control of the most obstinate prejudice—that they wished to believe me guilty, and believed what they wished. They are not the only men who have been thus seduced. What absurdities are not believed—what glaring truths denied—what violations of propriety committed when prejudice usurps the throne of the mind and assumes the dominion of reason! To prove the complete surrender of their faculties to these motives, I need only refer to the proceedings of the Senate during their investigation of my conduct. As I mean to detail these together with the discussion hereafter, I will now only ask to what but the most inveterate prejudice can the very first step taken by the committee be attributed, when on my application to their chairman to know whether I should be allowed to appear before the committee, to hear my accusation and procure proofs in my behalf, a resolution is adopted forbidding any member to hold a private conversation with me on the subject? What but prejudice could have directed their answer to my subsequent demand of an hearing, when I am told that committee "have no authority to hear me in my defence." When constituted for the purpose of enquiring into the truth of a charge, could reason tell them to confine their enquiry to the proofs gainst me, & to listen to no evidence in my favor? What but a partial and prejudiced report could be expected from an enquiry thus conducted? And when this report is examined, what can excuse the extraordinary principles and the gross mistakes (to speak most tenderly of it) which are contained in so labored a production? Passing over many circumstances of intemperate zeal and precipitation which attended the whole proceeding, what but the blindness of prejudice can account for the vote given by most of these nineteen gentlemen to decide immediately upon the accusation without allowing any opportunity of procuring evidence to discredit or explain what was offered against me? And that too after I had stated upon affidavit the materiality of the testimony I could produce. Surely men, who were impartially and dispassionately enquiring after truth, could never have wished to declare a man guilty of a crime, & inflict upon him the severest punishment without permitting any other testimony to be offered to them except that which was intended to criminate him—Yet this mode of "summary proceeding," as it was termed, was warmly recommended in the report, and found many advocates in the Senate. There is one circumstance which so plainly shews the spirit of injustice and persecution manifested towards me by most of these gentlemen (the weight of whose opinions it is surely fair that I should thus be allowed to deprecate) that I cannot forbear to state it. When it was determined by the Senate that I should be permited to procure evidence in my behalf, and the first day of March appointed for me to produce it, I was directed to give "reasonable notice" to all the witnesses against me, whom I meant to discredit, of the time and place of taking my depositions. This was on the 20th of January.—The principal witness against me, Elias Glover, was in Cincinnati; the witnesses to discredit him, were in a distant part of New York and Connecticut, where he had formerly lived, and one or two in New-Orleans. It will, therefore, be obvious that it was impossible for me to give him any such notice of which he could in any manner avail himself, provided my depositions were taken in time to reach Washington by the 1st of March. Yet all that could be expected, I did. I proceeded immediately to Cincinnati, and thinking that perhaps the mail might out-travel me, I did send him a notice by the mail from Berryville, Virginia, on the 25th of January (which on my arrival was also repeated) and in which I informed him that I should take testimony to discredit him on the 15th and 20th of Feb. in New-York and Connecticut, that the time limited by the Senate would not allow me to delay it, but that I would permit him to appoint any subsequent day to cross examine the witnesses I should produce, and would direct them to attend, if he thought he could do so before the Senate would decide upon the subject. Notwithstanding this, when I offered the depositions thus taken of between thirty and forty witnesses to prove the infamy of this accuser, it was to my amazement urged that they ought not to be read because the witness discredited did not receive that "reasonable notice" which the order of the Senate had rendered impossible, and most of these nineteen gentlemen actually voted to reject them.

What renders this still more extraordinary is, that all the evidence they received to criminate me (except that of Col. Taylor) was taken not only without any notice whatever to me but with the most studied secrecy. Many were produced which I had never heard until they were read as evidence against me, two days before the final decision of the question—these also containing new accusations charging me with new facts, to refute which I of course had no opportunity of producing evidence.

If any other proof in addition to that which appears on the face of the proceedings of the existence of prejudice against me, can be necessary, it may be seen in the frank and honorable avowal of Messrs. Giles and Pope. These gentlemen candidly owned that their impressions had been excited strongly against me—that they were really apprehensive that their prejudices were so strong as almost to unfit them from rendering me strict and impartial justice—yet these gentlemen arose superior to an influence which so frequently subdues the powers of less vigorous minds—they declared that the proofs of my innocence were so clear and conclusive, that I had so completely disproved or explained every suspicious circumstance against me, that they not only believed me unconnected with the conspiracy but entitled to the thanks of my country for exertions in suppressing it. Certainly I can have no cause to regret any censure which has procured me the honor of so distinguished a commendation.

By what means or by whose agency these prejudices were excited against me, to what vicious sources they are to be attributed, it cannot be necessary to shew. My accuser had the art to connect his tale with some trifling circumstances which might, until explained, justify suspicion—and although my testimony did explain them and prove his perjury most conclusively, it might yet have come too late for those minds which having once formed an opinion, think it true wisdom to persevere in it. I might also, sir, have shewn (as I hope I did) at the commencement and thro' the whole course of this enquiry, an unbending and unconciliating demeanor towards men who had manifested such a readiness to suspect me. There may also, sir, have been some political feeling on this as on all other occasions. Some parts of my public conduct may have been disagreeable to my associates; some of my declarations and opinions (for even these were subjected to the scrutiny of their investigation) might perhaps be considered such as to render it "incompatible with the privileges and dignity of the Senate, that I should retain a seat among them."

These is one circumstance of this nature which I so strongly suspect to have been the source of some displeasure against me, and which is in some measure connected with the origin of the charge against my conduct, that I must be excused for detailing it. It will be recollected that this accusation was first made by a certain Matthew Nimmo and forwarded, together with Glover's affidavit, in letters to the President of the U. States. Had these creatures slandered me where they were known, I should have been careless of the consequences, but as their infamy might not be notorious enough to reach the President, I felt no little anxiety, as soon as I had reason to suspect what they had done, to remove any doubts their misrepresentations might have excited. I therefore wrote to him requesting to know by whom and of what I was accused. Not being answered, and thinking what I asked was reasonable, I wrote again, and again. After a long time, I received an answer which is now before me, in which I am told that "though sorry to refuse any request of mine, a compliance with what I asked would be a breach of trust. That it is essential for the public interest that people should be induced to give him information, and therefore necessary that what is thus deposited should be secret and sacred." I must confess that the "salutations and assurances of great esteem and respect" which accompanied this polite refusal did not satisfy me. I considered that if I could convince the President of the falsehood of this charge (which I am sure I could have done) that the opportunity of doing so ought not to have been denied me. But if I could not, the information would then be strengthened and would justify him in any proceedings against me. And why should this concealment be insisted on only against me? Why should they be shewn to others? Can any thing be more unaccountable than that I should be told in May, 1807, "that writing from Monticello where he had not his papers to turn to, he could not even say whether he had received such as I mentioned," but that if received, it would be a breach of trust to inform me of them, and yet that he should have just before delivered them to the attorney general of the United States? When I ask for the means of refuting an insidious calumny, I am told "that there is no danger of my being injured by it, as he considers such information as a mere suggestion for enquiry, that these papers must therefore be kept secret and sacred," when in fact, instead of being kept secret and sacred, they had not been kept at all, but were at that moment in the hands of others as the foundation of a prosecution against me, and when too many of them, though material to my defence before the senate, were actually lost. But sir, independent of my individual wrongs, I did think it a most extraordinary and highly dangerous principle which was thus brought into action and avowed in this letter. It opened to my view a system of encouraging malicious spies and informers, which I had always heard execrated as the most odious features of tyranny, and never expected to see practised in a free government like ours. I could not see how it was "essential to the public interest" thus to subject men of the fairest characters to the most malignant accusations, thus to patronise and protect the base and cowardly slanderer by sheltering his falsehoods and himself from exposure and disgrace. I also was still less reconciled to this principle, by observing the plea of state expediency or necessity (the very language of despotism) urged in support of it. Such, sir, were my thoughts upon this subject, and warm with these feelings, I attempted not to conceal them, but (as I always have done, and I trust I ever shall) I expressed them frequently and freely. Nay, I did more, and what to a guilty man, would have been the most impolitic and unsafe step which could be taken. I wrote to this very Matthew Nimmo, avowing my surprise and indignation at the treatment I had received from him and the government. All which declarations, and this letter were, as might naturally be expected, and as the event has shewn, detailed and transmitted with due diligence to Washington, where they were no doubt "kept secret and sacred," until they were called forth by the late enquiry in the Senate. It is not my object, sir, to criminate the conduct of the President in this particular. He acted no doubt upon principles in his opinion correct—and though I think them erroneous and unjust, I have no wish to question the sincerity of that avowal, which I understand he has made of his conviction of my innocence, and only regret that he did not think himself justified to allow me an earlier opportunity of justifying myself.

Nor have I stated this for the purpose of charging either the President with using, or any members of the Senate with submitting to any influence or control in the institution or conduct of the proceedings against me. I am certainly less than ever disposed to indulge suspicions when I have just seen how fatally even some honest minds may be seduced by them. I might otherwise have thought it even yet uncertain whether I was beyond the reach of that secret mysterious and inquisitorial power to which I have been subjected; whether it ceases its operations when it has collected its proofs, or whether it is also "essential to the public interest" to continue its unseen agency in dictating or devising a punishment.

No, sir, I only contend that by thus censuring the administration, I must have subjected myself in some degree to the displeasure of that administration and its zealous supporters, and that to this is to be attributed (without in any manner impeaching their integrity, for whose integrity renders him superior to all human infirmities) that prejudice which I have so manifestly shewn in the judgment of those who censure me, and it is most probable that this feeling towards me was considerably increased by the inclination which this conduct indicated, of withdrawing my allegiance from that administration and that party to which I had rendered my decided, though not obsequious support. I have thus endeavored to shew that those prejudices which so often and so powerfully pour themselves into deliberate bodies, from party spirit, political resentments and attachments, and various other sources, and which were so wisely foreseen and guarded against by the framers of our constitution, operated so plainly and forcibly on this occasion as to leave me no room to be dissatisfied with a decision, which under existing circumstances, I regard as a signal triumph.

There is also one other motive, sir, to which I should be equally unwilling that my resignation should in any degree be attributed. I mean to a request to that effect which the legislature of Ohio thought proper to make of me. However willing I might have been to retire from my station, I could not think it either reasonable or just to ask me to do so, and thus shrink from an expected enquiry which I was most solicitous to meet. Had I been as guilty as those gentlemen believed me, the case would have been different—and though I am now willing to make allowances for a hasty and intemperate vote, and am persuaded that every member of that legislature will do me the justice to examine my justification, and have the candor to avow his mistake, I yet must beg to be excused from paying any respect to a proceeding which unjustly prejudiced my cause, and sanctioned a calumny which I had then no opportunity of refuting.

No, sir, my determination to abandon a public life has arisen from no consideration in any manner connected with the circumstances I have been detailing. It has been formed upon mature reflection and observation, and would have been long since effectuated but for those accusations against my conduct, which my duty to myself, my family and my friends called upon me to defy and expose. I had long before seen enough of the political world, the bitterness of its contests, the malignity of its persecutions, the overbearing arrogance of some, and the disgraceful compliances and base arts of others, to excite my disappointment and aversion. To such a state of things have these incessant heats and struggles reduced our country, that any man who looks calmly around him, must see and deplore their poisonous effects—not only in the councils of the nation, but in almost every station of life, he may see in politics the source of numberless vexations and oppressions, the fruitful mother of a thousand calamities, the betrayer of principles, the corruptor of morals. Has a man attached himself to party? He is in chains—from from that moment he is expected to renounce his own opinions, his own principles, and follow blindly wherever he is led; he is to support and oppose measures, not as his own conscience and understanding shall inform him, but often in direct opposition to the clearest dictates of both. Does he dare to break from this disgraceful bondage? Is he rash enough even to speak with irreverence of any the idols whom he is commanded to worship? He is denounced, reviled, and upon the slightest pretext persecuted to his ruin. I have long thought, sir, that a far different spirit from this was necessary to give dignity, harmony and strength to public deliberations, and to save our nation; that every man should cast off this vassalage of party; that he should not only disdain any obligation to adopt the opinions and support the measures of others, but that he should exert his own talents in in the most unprejudiced manner, and act only as his own conscience directed him, without any solicitude as to