

The RALEIGH MINERVA.

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THURSDAY, MAY 17, 1810.

No. 737.

Congress.

HOUSE OF REPRESENTATIVES.

Last day of the Session, May 1st.

The Clerk had read over the Journal of the day, seven or eight members rose at length, the speaker being unable to sit down again and all take several rose again. One called for the day on the unfinished business of the Macon bill, No. 2; another called for making appropriations, &c. &c. for the bill making appropriations, &c. &c. for the day; another wished to make a report; Four were speaking together on points of order, ought to have the preference. Appeals made to the speaker. He attempted to de- was interrupted. In the confusion, Gen. chairman of the committee to make en- respecting Wilkinson, begged leave to a report. Mr. Nelson and Mr. Love ob- to his making a report, as all reports were, the of the house, to be made within one hour the meeting of the House, and it was then 1 o'clock. It was replied that the time was to one hour from the call of the speaker er, when a quorum appeared. (In the mean- Gen. Butler had sent the report to the clerk's The giving in of the report was said by to be out of order; that it could not be done a question of precedence was pending. Mr. said he was not surprised at the unwill- of some men to have this report made. an obstinacy and pertinacity almost unparal- some members had, from the beginning, every attempt to have the conduct of the under in chief scrutinized and exposed.— men had indeed reason to tremble. He did Gen. Wilkinson, if guilty, was with- connections. He was not surprised at this the uneasiness and unwillingness to have the come before the House and the public.— speaker decided that other business had the ence. Other business was called up. Gen. moved that it lie on the table, for the pur- taking up his report. A debate ensued. Nelson declared that the hour having elapsed port would not be received this day; nor was ssary; nor would it be doing justice to the accused. The testimony which the com- had received, must have been ex parte.— should appear to the public as guilty when innocent, not having had an opportunity to the evidence adduced against him [Mr. here called for some water, as he felt faint, shed to make a few observations: the wa- brought and he proceeded.] He had no take up the time of the House. Their precious. Bills of great importance to on were yet to be acted upon. The very of this report, and all the papers accom- ing it, would consume the time of the House ight. [One of the members had gone to k's table, and was looking over the report. Butler attempted to address the speaker. Members hoped the gentleman from Ma would not be interrupted. Some declared Nelson out of order.] Mr. Pearson hoped he be permitted to proceed, as he had pre- self anxious to save time. Gen. Butler to know whether the report was to be con- in his hands, or in the House. Several s cried out that no report had been made: declared a report had been duly made. speaker decided that the report was in pos- of the House.] Mr. Nelson remarked, to give the public the documents against Wilkinson, without having afforded him an unity to prove their fallacy, or to explain in where explanation would be his justification, be an act of great injustice. That it would sible to go through with an examination report this session; and therefore, to take now would be altogether useless. He has or some time here, and has he ever been before a committee? Has he had a chance heard? To condemn without hearing both s most unjust. [Mr. Nelson paused for an from some one of the committee whether ever been called or permitted to come be- He was informed that the committee ent to him for certain papers, a part of which sent them; not chusing to come himself.] Nelson, [after having censured the committee sending for him] declared it very singular y unjust to send him to come and accuse Was there ever any thing more unpre-? He acknowledged himself a friend, an e friend of Gen. Wilkinson. He had long bin and long respected him, as a friend, gentleman, as a patriot and as a soldier. He they prove true, their friendship was at an There was no man that would not appear if every thing was brought forward against his enemies that could be raked up, and allowed an opportunity to explain or refute. report should go before the public, it would cruel and undeserved effect on his reputa- The report could not be in full. The com- has not had time to collect testimony from Orleans and other places. The subject to lie over till another session. Besides, it be useless to have the report go before the now. It can have no effect. The minds ans for him and against him are already up; but, [apparently recollecting what he said] the people at large, the great them will be led away by appearances.—

He also considered the proceedings against him unconditional. [After repeating his arguments several times to save time, Mr. Nelson sat down.]

Mr. Pearson wondered how the gentleman from Maryland had obtained information of what the committee had done, or what was in the report. He had asserted many things that were true and many that were not true. The gentleman has acknowledged his great friendship for Gen. Wil- kinson; credit was due to the goodness of his heart for performing so fully the duties of private friendship. The committee, Mr. Pearson observ- ed, had given the general an opportunity of ap- pearing before them, had he chosen to do so.— The committee had given in their report no op- inion as to the guilt or innocence of the general.— They had diligently and laboriously attended to their duty, and had accumulated a variety of docu- ments, to which reference might be had, and o- pinion established; but had forbore to censure or acquit him themselves; but have left that de- cision for the House. If general Wilkinson was incriminated it would appear so, not from the zeal of his enemies, nor from the proceedings of the committee, but from his own hand writing.

Mr. Key was surprised that any one could doubt the right of the House to enquire into the conduct of any civil or military officer. He be- lieved that scale of intellect that could harbor the least doubt. Is the commander in chief the pre- sident's officer, or an officer under the control of the people and their government? Supposing the president chooses to retain an officer obnoxious to the people, or suspected of malversation in office; shall congress have no power to remove him? Surely they have a right, and it is their duty to enquire; and, if there be no other way to remove him, they can abolish the office, or withhold ap- propriations to maintain it. Complaint is made that the testimony is ex parte. It is so; and in such proceedings must be so. What person ac- cused goes before the grand jury? The testimo- ny against such is ex parte; but on trial he is al- lowed to vindicate himself. General Wilkinson ought to wish for this trial, if innocent. After what has been urged against him, he ought to be anxious to have the allegations fairly and openly proved to be false. Nor will the people be satis- fied, unless a full trial should be had.—The head of the army ought not only to be innocent, but, like Cæsar's wife, unsuspected.

Mr. Rhea and Mr. Smilie spoke, but we could not understand their remarks in the place where we were. Mr. Rhea it is always impossible to understand.

Mr. Randolph said that the gentle- man from Pennsylvania (Mr. Smilie) should com- plain of ex parte testimony. Had that gentleman forgotten the part he took in the enquires concern- ing Judges Chase and Peters? Was not the testi- mony against them altogether ex parte? And was it not in the possession of the public eight or ten months previous to the trial of Judge Chase? Did the gentleman recollect what his own conduct had been upon that occasion? Did gentle- men then feel or express any sorrow, or make any objec- tions to the proceedings at that time; or was not the contrary the case? [Mr. Nelson looked at the floor.] Burr certainly had much more cause for complaining, if any such cause existed, of the effect of ex parte testimony. On this kind of evi- dence alone, he was arrested at the Tombigbee river in the Mississippi territory and conducted to Richmond as a prisoner.—Did he appear before the Grand Jury? Or was he not placed in actual confinement on ex parte evidence? Mr. Randolph spoke of some papers now in the possession of Gen. Wilkinson, which had been delivered to the War Office after his trial before the military tribu- nal: He knew not by what means these papers were procured from the war office. Were not the session now near its close, he should consider it his duty to move to institute an enquiry by what means they had been procured. The inci- dent proceedings toward Gen. Wilkinson, were like all other proceedings against supposed offend- ers. The evidence, in the first instance, most of necessity be ex parte. The chief would no doubt complain, that on ex parte evidence his house was rummaged to find testimony for his convic- tion—the stolen goods. Something had been urg- ed about the great importance of other business before the house. To a particular class of men, to a certain description of virtuos, the gaudy wings of a painted butterfly would no doubt ap- pear an object of more importance and greater magnitude than affairs of the deepest national in- terest. He did not doubt but that to a man like Sir Joseph Banks, the pursuit of an "emperor of Morocco" would be a matter of much more solici- tude and concern, than the most weighty affair of state. It was not, therefore, to be wondered that the bubble of 50 per cent. and the *ignus fatuus* of convoy, should to particular gentlemen, seem to appear of greater interest than the enqui- ry concerning the conduct of the commander in chief. The enquiry respecting Wilkinson, he thought of infinitely more importance than any subject then before the house. The commercial bill, No. 2, bore no resemblance to it as to impor- tance; it was "Ossa to that war!" as it affected the nation. Gentlemen had accused him of warmth; and it had been insinuated that such warmth arose from personal considerations. He had no quarrel with Wilkinson; he felt no malig- nity towards him. He scarcely had an acquaint- ance with Gen. W.; and had spoken more to him when he was before the grand jury at Richmond, than at every other time of his life, put them all together. But he felt no enmity towards him.— The judge feels none towards the felon. Some

men were so constituted as to display a greater or less degree of warmth on almost every subject. If warm on some occasions, it was no evidence of malignity; but under a cool exterior, some men [alluding to Mr. Smilie] conceal a far greater degree of malignity. The object of gentlemen ap- peared to be to prevent the report and documents submitted by the committee from being printed; and the gentleman from Maryland, (Mr. Nelson) with a candor characteristic of him, had declared this to be his wish. Mr. R. desired to hear the papers read and to have them printed. Towards Gen. Wilkinson he felt pity, but he felt other sen- sations with respect to those who had been and still were so desirous of stifling this enquiry.

The motion to lie on the table was carried. Mr. Love, to prevent the reading of the report, insist- ed on the house taking up the commercial bill, as there was no necessity for taking up the report, merely to gratify curiosity, or something worse. An indefinite postponement of the bill was then moved.—Not carried. It was then moved that it lie on the table. The report of the committee was then read. The report was merely a list of the various documents which the committee had collected. The documents were very voluminous, and not read. The whole were ordered to be printed. The commercial bill was then called for.

On trying the question it was found there was no quorum. It was disputed, some declaring there was a quorum. The question was tried a- gain.—Mr. Randolph moved out of the bar, telling the speaker not to count him; he would never consent [alluding to the 50 per cent. duty] to tax the people without a quorum. A new question arose which could not be distinctly heard. The speaker declared the votes 13 and 62. Mr. Ran- dolph disputed it.—A new count took place. Mr. Randolph declared that one person at least had voted on both sides. He could make but 11, while the speaker made 13. Mr. Whitehill said he voted both sides by mistake, not understanding the question.—A message was received from the senate, disagreeing to the commercial bill. A committee of conference was appointed. After several motions to adjourn, it was at length car- ried, and the the house adjourned till 6 o'clock.

After dinner, wine, &c. at 6 o'clock there was a call of the house: 73 appeared. The bill re- stricting the salaries and expenses of the consuls on the Barbary coast was acted upon and passed. That done, eight members rose at once to address the speaker, and all sat down again. Several rose again. Mr. Macon called for the resolution, al- tering the constitution so as to prohibit titles from foreign powers. He was called to order.—Buz- zing—and buzzing.—Humming, gently rising and falling for two minutes.—At length the house took up Mr. Macon's motion, and passed the resolu- tion. The ayes and noes were called on the passage of it. Several supposed such a resolu- tion would pass by unanimous consent, and it would save time not to take the ayes and noes; after de- liberating long enough to take the ayes and noes, it was concluded to take them. The noes were Messrs. Miller, Rhea of Ten. and Van Renesse- car.

With some difficulty Mr. Lewis succeeded in having called up the bill making appropriations for mending and towards finishing the capitol. Mr. Randolph could see no necessity for these appropriations. He wished the gentleman, his colleague to give him information. He was un- willing to vote away money in the dark. [It was not now dark, the hall being well lighted.] Mr. Lewis said he would give him all the information he could with the light before him. [There were two candles before Mr. Lewis.] Mr. Randolph spoke a considerable time with much wit, severity and argument, against the conduct of Mr. Latrobe, the surveyor of public buildings; the waste of public money; the ill constructions of many parts of the capitol; the senate chamber particularly, &c. Among other things he complained that the very close of the last day of the session seemed al- ways to be chosen for making these appropriati- ons, when the minds of members were exultated, and they were too ready to grant any thing asked. Mr. Macon replied with unbounded humour and much good reasoning. He kept the house and gallery in a constant convulsion; so that it was difficult to keep order. Indeed we never saw him in better trim to give much diversion. \$7,500 were appropriated for warming and ventilating the hall: 20,000 for mending a crack in the north wing; 5,000 were also appropriated for levelling the land around the president's house.

\$2,000 were granted to Gen. St. Clair, and \$666 to Maj. L'Enfant, each giving a receipt in full. Other claims from the Senate, were all cut off. The commercial bill passed with nei- ther the convoy nor the additional 50 per cent. It in- terdicts the armed vessels of Great Britain and France; makes it penal to hold intercourse with them: the penalties under the embargo and non- intercourse are preserved; if Great Britain or France revoke or modify, the President will issue a proclamation, and the non-intercourse is to be revived as it respects the nation not revoking, in three months after the proclamation. A commit- tee from the house and senate waited on the pre- sident, who informed them he had no further communications to make:—and both houses ad- journed about midnight till the 1st Monday of December next.

It is not pretended here to give the detail of the business or speeches of the day, further than those prominent parts which memory furnishes.

Thus has ended a session of more than five months which has cost the United States above two hundred thousand dollars, for what ought to

have been done in three weeks or a month. In which to do, and then to undo; to bully, and to be laboriously idle, or mischievously active; have been the principal occupation. But such will ever be the case so long as the people chuse to send a few legislative intriguers, and a majority of contemptible minnyhammers, incom- petent to investigation, and deciding only with an eye to popularity.—It ought to be designated in- disty by the name of THE GREAT BLADDER SWES- ON. [Ind. American.]

Tuesday, May 1.

The committee to whom was referred the reso- lution of the 2th inst. directing an enquiry into the conduct of Brigadier General James Wilkin- son, in relation to his having at any time whilst in the service of the United States, corruptly re- ceived money from the government of Spain, or its agents, or in relation to his having during the time aforesaid, been an accomplice, or in any way concerned with the agents of any foreign power, or with Aaron Burr in a project against the dominions of the King of Spain, or to dis- member these United States, and to enquire gene- rally into the conduct of James Wilkinson as Bri- gadier General of the army of the United States, report, that they have had under con- sideration the several subjects of enquiry, and have investigated them to the utmost of their power since the time of their appointment, but from the limited period in which they have acted and from the extensive and complicated nature of the subjects they are under the necessity of stat- ing that they have not been able to make any tho- rough and conclusive investigation of the objects of their enquiry.

Such testimony, however, as they have been able to procure they beg leave to submit as part of this report, and which may be referred to under the following heads and order:—

In relation to the first objects of inquiry, to wit, the receipt of money by General Wilkinson from the Spanish government or its agents, refer to the

- Deposition of John Ballenger, No. 5.
- Letter from Even Jones, No. 6.
- Depositions of F. Langlois, dated the 29th of December, 1808, containing two original letters to himself from the Baron de Carondelet, dated the 28th of January and 28th of June, No. 7.
- Gen. Wilkinson's letter to John Adair, dated August 7, 1795, No. 7.
- Deposition of Dominique Bouigny, No. 8.
- Deposition of Thos. Power, No. 9.
- Deposition of William Miller, No. 11.
- Letter from Joseph Collins, marked A.
- Thomas Portell's copy in his own hand writing of the Baron de Carondelet's instruction to him, dated January 20, 1796, with a translation there- of from the Spanish, No. 14.
- Correspondence between Thomas Power and Don Thomas Portell, No. 15 and 16.
- Deposition of Thomas Power, No. 17.
- Deposition of Andrew Elliott, No. 19.
- Thomas Power's letter to Baron de Caronde- let, No. 20.
- Thomas Power's letter to Governor Gayoso, No. 21.
- Thos. Power's letter to the Baron de Caronde- let, No. 22.
- Thomas Power's letter to Governor Gayoso, No. 23.
- Elisha Winter's deposition, marked W.
- Deposition of James M. Bradford, No. 25.
- Deposition of Isaac Briggs, marked I. B.
- In relation to the second object of enquiry, to wit, the connection of General Wilkinson with the agents of Spain in a project to dismember the U. S. refer to the
- Deposition of Thomas Power, No. 34.
- A certified copy of a letter from Gen. James Wilkinson to Gov. Gayoso, in the hand writing of Gov. Gayoso, dated Sept. 22, 1796, marked G. Y.
- Gen. Wilkinson's secret instructions to Tho- mas Power, in the hand writing of Philip Noland, No. 35.
- Thomas Power's letter to the Baron de Caron- delet, No. 36.
- Baron de Carondelet's letter to Thos. Power, No. 38.
- Thos. Power's letter to the Baron de Caronde- let, No. 41.
- General Wilkinson's letter to Thomas Power, No. 42.
- Thomas Power's to Governor Gayoso, No. 43.
- General Wilkinson's letter to Thos. Power, No. 70.
- Baron de Carondelet's letter to Thos. Power, No. 44.
- Daniel Clarke's deposition, No. 45.
- In relation to the third object of enquiry, to wit, General Wilkinson's connexion with Aaron Burr, refer to
- The deposition of Daniel Clark before referred to, No. 45.
- General Wilkinson's letter to John Adair, No. 8.
- Evidence of Gen. Wilkinson as communicated to Congress of Nov. 23, 1807, page 311 of the President's message.
- Ditto page 309.
- Letter from Gen. Wilkinson to Daniel Clark June 9, 1805, marked X.
- President's message to Congress, page 281.
- Wilkinson's letter to Col. M'Kee, President's message to Congress, page 22.
- Mr. Teaswell's evidence, President's message to Congress, page 5.
- Letter in cypher from Burr to Wilkinson; da-