National Intelligencer.

& WASHINGTON ADVERTISER.

VOL. VIII. WASHINGTON CITY, PRINTED BY SAMUEL HARRISON SMITH PENNSYLVANIA AVENUE. NO. 1144.

FIVE DOLLARS PER ANNUM, FRIDAY, FEBRUARY 12, 1808. PAID IN ADVANCE.

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

(CONTINUED.)

WEDNESDAY, JAN. 13.

MR. W. ALSTON said, that the different parts of this resolution were now all combined in one, and stood upon that ground. He was of opinion that there was but one part of the resolution which ought to be adopted; and before he sat down, he should move to strike out after the word "Resolved" the whole of the resolution except that part relating to the transmission of these papers to the Executive, which had been introduced by the gentleman from Virginia (Mr. Love,) the propriety of adopting which must be be apparent to every one solicitous that a fair enquiry should take place into the conduct and character of General Wilkinson.

He had said when up before that if the object of raising this committee was to procure papers or evidence to be transmitted to the Executive that this purpose would not be answered by it; but that it was better calculated to smother an enquiry than to promote it. He had heard nothing since (notwithstanding the long and laborious argument which he heard yesterday, & which would have been better delivered at the bar of a court than in this assembly,) to change his opinion, that it was better calculated to stifle an enquiry than to promote it. Have we not been told said Mr. A. that if we raise a committee and give them power to send for persons and papers, additional testimony may be adduced? What is the plain inference from this? That we must first denounce the character, then appoint a committee to examine into his conduct, and report "the result." When this committee shall have gone through an investigation, and may be about to report, if any individual should suggest that there were yet important evidence at Orleans or elsewhere, and should take upon himself to write for it, would the committee report while they had reason to expect additional testimony? While any man should be found to state that he knew of other testimony, would they report? They would not. Then what becomes of this enquiry which gentleman consider so immediately important to the interests of the nation. The course pointed out by the resolution is the very course which gentlemen would pursue who wish the enquiry buried for a while, to leave the character of the man suspended.

The member from Kentucky has talked about the extreme delicacy of the gentleman from North-Carolina. How did he mean to apply this observation? Is it extreme delicacy to say that every man should have a fair trial? This is the utmost extent of any observation which fell from me—and it is a sort of delicacy which I hope I shall always profess—a delicacy different from this the gentleman from Kentucky may for me exclusively possess. The gentleman from Kentucky has admired my ingenuity. Have I attempted to act the part of a cunning, subtle lawyer here or any where else? His observation is applicable to lawyers only and not to a plain farmer, possessing only language sufficient to convey his own ideas.

The gentleman seemed to feel another observation which fell from me; if he feels it he may take it to himself, but I did not mean to apply it to him; for I was several days ago tired of this discussion and should not now have said any thing, had not the gentleman particularly directed his observations to the gentleman from N. Carolina, meaning me I suppose. The gentleman was particularly galled by the general charge of slandering individuals and clamoring against government. I might have made use of the expression, but did not apply it particulary to any one, though all knew that such language had been held during the whole session. If the gentleman chuses to take it up he is welcome to it; and though not meant for him, yet from the sensibility which he has displayed on the occasion, it may perhaps attach to him.

The same honorable gentleman dwelt a considerable time on the subject of confidence—of blind confidence in the Executive. I am sure the gentleman did not then mean to apply his observation to me, although he said the gentleman from North-Carolina, for I believe the whole course of my political life would have shewn him that I hold confidence in none. I act from the dictates of my own judgement independently of any man or set of men; but if the course which I pursue is the course with which the nation is satified, it gives me pleasure. If the administration of the country are pursuing a course which satisfies the nation, the members of that administration, and those who support them, care little for the denunciations of any man or set of men.

The gentleman stated that I perferred a military over a civil tribunal. Ought not things which are civil to belong to a civil tribunal, and military to military, each within its own sphere? Can it be questioned? Now take up the resolution on one ground on which the gentleman has placed it, and it may be adopted without violating the constitution; but there could be no question as to the expediency of passing it on that ground, for not a man in the House believed it had been proposed for that object. The gentleman tells us that he believes that most of the evidence produced to the House has been long in possession of the Executive, and that if we pass a resolution for enquiry it may be found there. Taking it upon this ground that it had been long in possession, no doubt the resolution for enquiry might be proper in order to an impeachment. Although this has been stated, does any gentleman here believe that this is the object of the enquiry? If then the House be, as it must be, thoroughly convinced that an enquiry will produce no effect of this kind, wherefore adopt it? I can see no reason.

If this resolution were to be adopted on the ground which has been taken in the course of this discussion, it will lead to unavoidable and repeated difficulties. A proper constituted authority, having complete control over a certain subject, is about making an enquiry; the House of Representatives institutes a committee and sets it about the same enquiry. What individual under Heaven can stand the shock of such an union of implied convictions of his guilt. Collect exparte testimony, on which denounce a man, and however innocent that man be he must fall. I will illustrate my idea by a case almost before our eyes, and within the knowledge of all. John Smith a Senator of the United States from the state of Ohio, is perhaps at this moment on his trial before the Senate of the United States. Had not a court of of enquiry as full a right to investigate the conduct of Gen. Wilkinson a military commander, as the Senate has to investigate that of John Smith one of their own members. It certainly has. Suppose a member of this House were to move a resolution for enquiry into the conduct of that Senator for the same purpose for which an enquiry has actually been instituted by the Senate. Should we not, in agreeing to such a resolution as much assume a jurisdiction not belonging to us precisely as we should by passing this resolution for enquiry by this House, while another at least equally competent authority has actually taken cognizance of it? We certainly should. It is in consequence of these reflections and considerations that I think it fair and proper, when a character is held up to the nation, that he should have a fair unbiassed trial before a competent tribunal, before this House undertakes by instituting an enquiry to stamp infamy on his character.

The gentleman from Kentucky tells us he is of no party. Why, this is rather strange that an honorable gentleman of his ability and great talents should have lived so long in this country, where political parties are marshalled against each other, and that he alone has stood erect and firm. This may be a fact, and the gentleman's conduct may have proved it; but for my part. I never yet saw two parties contending together, that I did not decide in my mind for one or the other. This straight course, neither inclining to one side or the other, is a very honorable, but difficult path. The gentleman may get through it, but I very much question whether the gentleman does not evince, before he goes hence, that he is as strong a partizan as any gentleman on the floor.

The gentleman has told us that he is not a friend to Burrism, and had refused to appear as counsel for him. This is honorable to him, but there was no occasion to tell the House of it. An honest man never wishes to cry out innocent before he is charged with a crime. The course pursued on this occasion is not calculated to injure Col. Burr or his project. The self same course has been here pursued as at Richmond; and the present proceedings and discussion all have the same tendency. Was Aaron Burr tried there? No. A spectator of the proceeding would have believed that Gen. Wilkinson was on his trial, and that an enquiry was instituted into the conduct of the chief magistrate of the United States. The same arguments and declamation are now used that were used there. Sink the administration, sink Wilkinson, and Aaron Burr comes into power and rises of course. Burr and Blannerhasset are gone to the western country. Let gentlemen reflect upon the consequences to which their arguments will lead; that there is a desire at all events to crush the man. God forbid that I should charge any member on the floor. But such will be the effect on the public mind, and therefore I am opposed to the measures which are proposed, upon that ground, if upon no other, I would vote against them. Let the court of enquiry sit. Let us see the result of it, and then we may call for evidence if ample justice be not done. If any high character in the country is implicated let us apply the corrective. But until then, let us not sit here as the "grand inquest of the nation." Let us permit things to travel in their usual course.

Impressed with the propriety of negativing the main object of the resolution, Mr. A. moved to strike out all that part of it, except the part directing the transmission of papers to the Executive.

MR. TAYLOR said that when he had before spoken on this subject (and the measure was not in the least altered by the amendments since made) he had declared the measure to be an innovation, that they were about to establish a precedent which might in future times be productive of mischievous consequences. He knew that some gentlemen had instanced the case of St. Clair as a case in the point; but he believed, when considered, it would be found that the resolution on the table was directed to the man and not the subject generally; and if they compared the case cited as paramount or precedent to that now under consideration, it would be found totally inapplicable.

[He then read an extract from the journals of a resolution by the House in which gen. St. Clair's name was used as descriptive of the action into which the resolution went to request an enquiry.]

The House would observe that in this case it was necessary that the name of major gen. St. Clair should be used as descriptive of the subject matter; but that there was nothing personal in the tenor or matter of the resolution. On this motion there were yeas , nays . So that the resolution upon the subject itself was lost.

[He then quoted the journal, stating another motion to appoint a committee to enquire into the causes of the defeat of the late army under gen. St. Clair, which was adopted.]

Observe also the tenor of this resolution. The words major gen. St. Clair were merely descriptive. The causes of the failure of the late expedition was the subject matter of the resolution. So that this committee was not constituted for the purpose of trying or making enquiry into the conduct of major gen. St. Clair, only as incidentally concerned, and he understood from those who were then members of Congress, that the general was a witness on the subject. What had become of the result of this enquiry Mr. T. could not say, for he had been able to find it on the journals, it was not yet ended. So that the position which he had before laid down that this resolution authorising an enquiry into the conduct of gen. W. was a new case, was correct, and it would therefore become a precedent.

He confessed that those who were opposed to him in opinion on this subject, had vastly the vantage ground over him. The high sounding words "commander in chief of the army of the United States," and the republican jealousy against standing armies, were weapons which these gentlemen had managed with great adroitness and dexterity; but he would ask, what was this mighty army about which the alarms and fears of the nation were attempted to be excited? About three thousand men scattered over a frontier of 1800 miles, commanded by a "commander in chief." If he might be allowed to make a comparison, he would instance a "commander in chief" in the state of South Carolina, who had command of a standing army consisting of 14 men; this standing army and this commander had the charge of the arsenal near Charleston. *Cur rides? Mutato nomine fabula narratur de te.* The standing army which had been made use of as a bugbear to get at a particular character, could be tied hand and foot by the citizen soldiers of a single district in the state in which Mr. T. resided. But it was a standing army; and gentlemen had said "Let the nation move"—For what? For three thousand men and a brigadier general, to be sure the highest officer now in command a sort of captain of the magazine guard. But if we should be called upon to have a standing army which should act in a case of emergency, if the complexion of national affairs should demand it, was there any man so mad as to suppose, that brigadier gen. Wilkinson would be appointed commander in chief unless perfectly cleared from the charges against him?—Would not the Executive adopt the same principles in regard to the commander in chief which Cæsar did as to his wife, that she should not only be pure but unsuspected? Would he not examine whether Wilkinson was the sworn traitor as which he was denounced? Certainly he would; he could not avoid it.

Mr. T. said he had heard a speech on this subject from a very honorable and he would swear a very honest man (Mr. Rowan) which at first thought appeared to be entitled to great weight; but which, when the whole was taken together, appeared to have been a battle at random. The gentleman had seized upon the sword of public expediency and wielded it with a vengeance. "Let the nation move" was the language of the French revolution. The gentleman has told us, said Mr. T. that the instances which I adduced did not apply; that these precedents were abuses, not uses, of the power. I wish they did not. But if there are no limits to our power, no landmarks to define our power, where shall we stop? I should fear to follow the sanguine, the hasty, the honest, judgment of the genleman himself? I suppose that the national convention of France when they denounced Marat, supposed that they had seized on a villain; he was denounced as gen. Wilkinson has been here, and what was the result of it? He slipped through their fingers; true it was, a female assassin put him out of the way, but the friends of that man rose up and denounced his very denunciators. Committees were appointed, as is now proposed, to enquire; their sittings were protracted that popular fury might be excited, and newspaper fulminations might deprive the individual of a fair trial; they spun out the enquiry till the communes of Paris came to the door of the convention, and demanded that the persons implicated in the enquiry should be punished. I have this morning heard of a transaction which at this day has taken place, and placed the present procedure on all-fours with the errors of that day. I have learnt, that not satisfied with the supposed force and weight of the denunciations here, another respectable political body has taken up this subject, and I suppose are about to proceed to judge the man, to retorture his name extrajudicially in the same capitol where not long ago it was done *secundum artem*. I ask if this case be not parallel to that of the communes of Paris, if it be not putting into practice the very principle I so much deprecate. It is alarming—What citizen shall be safe when the nation and the nation's strongest child shall move against him? Who shall obtain a fair trial with such weights as these against him?

[MR. BURWELL interrupted Mr. T. to explain. It appeared from the point of the gentleman's observations that he alluded to the Legislature of Virginia. He rather supposed the gentleman was mistaken in the course of measures which had there taken place. It was well known that a member could introduce what measure he pleases into a legislative body; but it did not follow that it would be adopted. He made this observation in justice to the legislature of the state of which he was in part a representative; and he must say that he thought the comparison of that body with the communes of Paris, or any other such body, was not justifiable.]

I have said, continued Mr. T. that the gentleman who has given us most information on the other side of the question, was acting honorably, that I believed he felt every thing which he said, and that it was his duty to urge it, and so I will say likewise of the legislature of the state of Virginia; but I will say that they are mistaken, and so will this House be if it adopts this resolution. I hope there is good sense enough in that Legislature and this House to stop at the threshold before they do an act of which they will assuredly repent; I hope that if denunciations of public characters do take place here and elsewhere through the mistaken zeal of individuals, yet that neither the legislature of the U. S. nor of the state of Virginia will immolate the constitution of their country.

The gentleman from Kentucky had gone on to shew the expediency of using this two edged sword, always used by despots to trample upon the rights of nations and individuals, this incidental power of self-preservation—and had preceeded till he got into a difficuly, had met with an impediment in his rapid course. What was it, and how did he overcome it? After having armed the committee, & supposed them to have taken out summons for persons and papers, when this committee would be about to encounter our constitutional objections, the gentleman had exclaimed that he wished to see what individual would dare to resist their mandate! This was the very language used by Sandwich, Bute, and Halifax in the case of the general warrant issued against John Wilkes, ordering his papers to be seized—and yet there was found a man in that nation as inferior as it is in the notions of liberty—there was found *a* man who dared to resist—and there was also found an enlightened jury & upright court who applauded his resistance, and the nation itself went with them. The gentleman had denounced gen. Wilkinson for having seized upon persons and deprived them of their liberty; and yet when this power was here objected to and suspected, what was his language? The gentleman, (said Mr. T.) wishes to see what man would dare to oppose it, and says, if a judge would dare to issue his writ of Habeas Corpus, he would march up to the Senate with him, and lay him by the heels. Gracious God! Talk of gen. W's. having violated the constitution, and in the same breath strike at the independence and threaten the prostration of that power in our constitution which alone is capable of wresting the oppressed from the fangs of the lawless spoiler. The doctrine which has been here supported comes with a very ill grace from the person who has denounced gen. W. for apprehending a few traitors. In our anxiety to get at the man, we have forgot our own power, and also have forgot that we have already acted on one part of this subject this session, by which proceeding a part at least of this resolution is rendered a mere surplusage. Mr. T. then read an extract from the message of the President of the present session, and an extract from the Journal, shewing that so much of that message as related to enterprises against the public peace had been already referred to a committee. This committee, if any could possess it, certainly had the power to enquire and report the result; was it an evidence of their want of that power, that the subject had been in this manner again introduced? The truth is, said he, that proceeding did not contain a declaration of war against gen. W. it only touched the subject generally—