it was no denunciation and therefore it was not strong enough.

Mr. Elliot said he should be in favor of one part of the motion of the gentleman from North Carolina, but not of the whole, and therefore should call for a division of the question. It had not originally been his intention to take any part in this debate, and he should not now do so, were it not for the extraordinary exposition of the constitution, which had been presented to them by the gentleman from Kentucky in support of an extraordinary proposition indeed, take it all in all. It would be a miserable affectation in me, said Mr. E. to pretend to conceal the impression which has been long since made upon my mind in relation to the officer who is the object of the resolution under consideration; but whatever may be my impressions, I wish nothing to be made use of against him which is not perfectly constitutional.

The gentleman from Kentucky has told the House, and I hope he has told us true, that he stands here upon independent ground, and as an independent man. I approve and admire such conduct; but the gentleman's sentiments yesterday expressed, proved that independent ground is not always constitutional ground. The ideas expressed by that gentleman, I will venture to say, will not be sanctioned by the majority of this body, or by himself upon mature reflection. He advanced some very broad and bold positions, and I will preface the remarks which I shall make by advancing one equally broad and bold, but much less liable to objection than that which the gentleman has offered. It is this: that the House of Representatives can institute no enquiry into the public or private character or conduct of any officer or citizen of the United States, in a case in which they can neither impeach or punish such officer or citizen; except it be for the purpose of acquiring information to enable them to exercise their legislative functions. This is a general constitutional proposition.

But the gentleman from Kentucky has told us that there are certain general powers vested in Congress by the constitution of the United States, which would justify us in an act of this kind, and particularly cited the general power of providing for the public defence and general welfare. Independent as tha gentleman may be, he unquestionably means to be considered as a republican; and I have always understood it to be the republican doctrine that it is dangerous, improper, and anti-republican to contend that these general provisions would authorise Congress to assume any powers not specially vested or necessarily incidental. Certainly the words are not without meaning. Congress has power to provide for the general defence and common welfare of the United States. How? By the exercise of certain powers *specially* vested in them. The gentleman might have found another general provision which would have answered his purpose better: "Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution, &c." After a particular enumeration of the special powers vested in Congress, by the constitution, a general power is vested to pass all laws necessary to carry into effect these preceding delegations of power. If there be a deficiency in the powers of the Executive department to institute an enquiry into the conduct of a military officer, we are competent to vest it with the necessary authority. But until we do exercise that power, the power is with the President to possess and exercise it, at his discretion, conformably to the existing laws.

But not contented with telling us that this general power authorises us to do any thing we please, the gentleman says that if we do think proper to act or institute an enquiry on any subject; that the moment we, by a majority of perhaps a single vote, have so determined, the nation is in motion, and who shall dare to resist the nation! I do contend that we cannot put the sovereignty of this nation in motion beyond the orbit in which the constitution has directed that we ourselves shall move: and this House can of itself do no act, except in cases particularly described by the constitution or as incidental to them. We can set the national will in motion in cases of impeachment. The moment a majority of this House determines on the impeachment of a civil officer of the United States, that moment the national will is that such officer shall be impeached, because the constitution has vested in this House the sole power, and we are the sole movers of the nation on this subject; but the moment we wander without the sphere of those powers specially vested, for I disclaim any general delegation of power by the constitution farther than is necessary to carry into effect special powers and incidental powers growing out of them; the moment we wander out of it, so far from our setting the national will in motion, that will is against us, and must and will overpower us. We array ourselves against the will of the nation and its sovereignty, the moment we exercise a power which the constitution does not permit.

Who it has been asked, will resist this motion? The moment our exercise of what is called the national will becomes unconstitutional, that moment it will be resisted. It is not only in the power but it is the duty of every American citizen to resist our exercise of powers upon subjects over which we have no jurisdiction.

But it is contended, if we have not this power by those clauses of the constitution vesting general powers, or in consequence of our right to exercise the national will, that still we have power to impeach the President of the United States, and therefore to enquire whether he has done his duty as to this or that particular officer.

This doctrine may be more specious and more tenable than any other points which the gentleman proposed. We have the power, it is true, to impeach the President of the United States; for what? For the exercise of the discretion reposed in him? No. We have the right and power to impeach him for high crimes and misdemeanors. Well, suppose a mass of evidence offered to the House, which, in the opinion of a majority, destroys the character of a great military officer, and that the same evidence offered to the Executive did not produce upon his mind the same effect. We have no power to impeach this officer; the President has the power to remove him, and is most naturally the judge of the weight of evidence. But, even admitting the gentleman's construction of the constitution as a co-ordinate branch of the government, he has the same right as this House to form a judgment. Can it be pretended that we can impeach the President because he does not weigh evidence in the same scale as we do? I presume not. We believe this officer to be guilty; the President does not. Can we impeach him for his belief? If we can, it is in vain to talk about our constitutional powers and the proper exercise of them. The present may be a *casus omisus* in the constitution and our laws. We cannot insert this omitted case in the constitution, though we may provide against similar occurrences in future, within the sphere of our legal powers.

I conclude, therefore, that neither upon the ground of our general power, nor upon that that we have the right to set the national will in motion, or that when in motion it is irresistible; nor upon the ground that we possess the power to impeach, do we possess the power to institute an enquiry of this description. Still I do believe that we possess the power, and that in certain cases and in a certain manner we can exercise it, so far as relates to the subject of a foreign pension; and as in this late period of the discussion I wish to compress my observations, as much as possible, I will state my conception of the power of the House, and how it can act, in the form of a resolution which I now offer as a concluding argument, and which I shall probably move when the whole of the present proposition shall be, as I hope it will be, rejected.

Resolved That a committee be appointed to enquire into the expediency of passing a law for the punishment of any officer of the U. States, who shall hereafter receive a pension from the government of any foreign power; and of any person holding an office of profit or trust under the U. States, who shall, without the consent of Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state, contrary to the ninth section of the first anticle of the constitution of the U. States; and that the said committee, for the purpose of obtaining information to guide the House of Representatives in exercising the powers of legislation upon those subjects, be instructed and empowered to enquire whether any officer of the U. States has heretofore received such a pension, or any present or other reward from a foreign power, contrary to the said provision of the constitution, and that the said committee report a statement of facts, with their opinion thereon to the House.

Mr. Rowan said he would notice some of the observations made by the gentlemen from South Carolina and Vermont in answer to his observations of yesterday; the observations of the gentleman from North-Carolina he should pass over because they did not occupy the level of gentlemanly discussion; besides there are individuals publicly known to be surrounded by an atmosphere which secures them from the personal notice of a gentleman.

It had not been noticed in the course of debate that gen. Wilkinson had at any time been a civil officer. It was known however that he had been governor of Upper Louisiana, and commissioner at the delivery and receipt of N. Orleans; and from the evidence before them it was as probable that he had received a pension while a civil, as a military officer; if while a civil upon the ground that an impeachment could be preferred, an enquiry ought to be made. If while a military he relied upon the grounds taken yesterday, and the reasons drawn from the general terms of the constitution to support the position, that an enquiry ought to be made. These provisions of the constitution must mean something; he considered them as delegating a power to provide for the common weal. If it were not so, if an enquiry could not be made, he should think it a lamentable thing. He could not bring himself to conceive that the army of the U. S. (to be sure it was small at present, but it might soon be enlarged) should be corrupt, or the officer at the head of that army, and that the constitution instead of affording, precluded a remedy—that when the commander in chief was said to be alien from his country, a Spanish pensioner, and to have attempted a dismemberment of the union, an enquiry could not be made.

Let it be understood, said Mr. R. that all my arguments are predicated upon the ground that in appointing this committee the House will exercise a constitutional power; upon that ground I contended (and not upon the ground of parliamentary omnipotence) that the committee could fine and imprison witnesses who stood out in contempt; that they could coerce their attendance, and in short, use every mean adapted to the end—an effectual enquiry. If the House have not the power to appoint a committee of enquiry on this subject, then the committee have not the power to fine, imprison, &c. I think the House have the power; I wish it to be determined; if I am not mistaken, I must be satisfied with the decision of this House. But that the decision might be fairly had upon the power of the House to institute this enquiry, Mr. R. said, he would ask the Speaker if he had not a right to withdraw his resolution; if he had, he would do so and present it again without the amendment by the gentleman from Virginia, and thus avoid the motion of the gentleman from N. Carolina.

Mr. R. then withdrew his resolution, and before it could be offered again,

Mr. Randolph renewed his motion in the following words:

Resolved, That the President of the United States be requested to cause an enquiry to be instituted into the conduct of Briga. Gen. James Wilkinson, commander in chief of the armies of the United States, in relation to his having, at any time, while in the service of the United States, corruptly received money from the government of Spain, or its agents.

He said he had withdrawn it only to give the gentleman from Kentucky an opportunity of taking the sense of the House on his propositien, to do which in his opinion every gentleman had a right. He perceived that the gentleman from Kentucky was about to be deprived of taking the sense of the House by an evasion of the question, and now renewed his own motion, which he had only withdrawn with an intention to renew it, if that of the gentleman from Kentucky should not be adopted. He would here say that though he did not agree with all the doctrines of the gentleman, that he thought that all his arguments which bore upon this case were unanswerable.

The House agreed to consider Mr. Randolph's resolution—51 to 36.

(Debate to be continued.)

Wednesday, Feb 10.

Mr. Dawson said it would be remembered that some days ago there was before the House a bill for raising an additional number of seamen. He had since received a letter on the subject from the Secretary of the Navy, which, as he intended to call up the bill to morrow, he submitted to the House as follows:

Navy Department,
27th January, 1808.

SIR,

Your letter of yesterday in relation to the number of seamen at present wanted by government for the service of the United States, has been referred to the President, and I am charged by him to inform you that he does not wish to be empowered to employ more seamen than the number at present authorized by law, viz 1425, of which 925 were authorised by the act of Congress of 21st of April, 1806, and 500 by the act of 3d March, 1807.

I have the honor to be,

Respectfully,
Sir, your obt. servant,
(Signed) Rt. SMITH.

Honorable Mr. Dawson, Congress

On motion of Mr. *Cook*, the House went into a committee of the whole, 51 to 27, on the bill for extinguishing the debts due from the U. S.—*Mr. Cutts* in the chair.

The first section of this bill provides, That all persons, or the legal representatives of persons, to whom loan office, or final settlement certificates, or indents of interest, have been issued, and all persons in whose favor settlements have been made at the treasury, or who stand credited on the books of the treasury, which said certifies, credits and settlements, were issued or made for services or supplies, done or furnished prior, to the fourth day of March, in the year one thousand seven hundred and eighty-nine, and have not since been funded or paid; and all persons who served in the armies of the United States, during the late revolutionary war with Great-Britain, and to whom arrearages of pay, clearly appearing on the muster and pay rolls, or other authentic documents now existing in the war office, or in any other department of government, may be due, shall be allowed to present their respective claims at the treasury, and shall receive the amount thereof, without any interest, upon proving by the oath or affirmation of at least one disinterested witness, to the satisfaction of the accounting officers of the treasury, that he or she so claiming, is the person or legal representative of the person to whom the same was orginally due.

The second section provides, That claimants for services of any kind rendered, and for supplies of any kind furnished to the United States, prior to the fourth day of March, 1789, which have heretofore been barred, or supposed to have been barred, by any resolutions or any laws of Congress, shall be allowed to present their respective claims to the accounting officers of the treasury, who are thereby authorized to liquidate & settle the same without interest thereon, provided such claims are duly supported by sufficient vouchers, &c. the claimant making oath, that the said claim, nor any part thereof, has been before paid to any person or in any manner whatever.

The other five sections contain details.

The first section of the bill being read,

Mr. Goldsborough conceiving that persons who had loaned money to the government, as well as those who had furnished supplies should be indemnified, moved to insert after the word "furnished" the words "or money loaned."

Mr. Taylor to try the principle of the bill, made a motion to strike out the first section which he presumed would supersede the motion of the gentleman from Maryland.

On this motion a discussion took place which occupied the remainder of the sitting, in which Messrs. Milnor, Cook, Holland, Rowan & Love, opposed the motion to strike out & supported the bill, and Messrs. Taylor, Rhea (Ten.) Alston, Sloan, and Macon, supported the motion and opposed the bill. When

On motion of Mr. *Upham*, the committee rose, reported progress and asked leave to sit again.

An engrossed bill supplementary to an act for prohibiting the importation of certain goods, wares, and merchandize, was read the third time and passed.

Richmond, Feb. 6.

Yesterday, the House of Delegates, agreed to appropriate $50,000 for the manufacturing of arms, including officers salaries.—And $18,000 for the foundery of cannon and boring mill.

Mr. A. S. Hooe (King George) offered the following resolution, which he said he should not have revived, but for a publication which he had that day seen in the News-Papers.

At an important crisis, like the present, when we are threatened with war by the rival powers of Europe, it is of the highest importance that we should have at the head of our army, a man of the most unblemished reputation, who instead of exciting doubts, should inspire confidence—the present commader is not that man. He has been suspected, and with too much cause, of being engaged in treason at home and treachery abroad.

Resolved therefore, That it is the opinion of the General Assembly of Virginia, that Brigadier General James Wilkinson has not the confidence of the people of this commonwealth and ought not to be retained in the command of the army of U. S.

Mr. *Walker* moved, that the further consideration, be postponed till the 31st of March.

Mr. *Strother* offered the following resolution, in place of the motion for postponement.

Resolved, That at this time it is inexpedient to act on the resolution, relative to Gen. James Wilkinson.

Mr. *Walker* moved to amend Mr. S's resolution by adding the words "and that therefore the further consideration thereof be put off till the 31st of March next."

Mr. *Smyth* (Wythe) moved to amend the resolution, by striking out the words "*at this time*."—Ayes and Noes being called, it was determined in the affimative, Ayes 71—Noes 65.

Mr. *Walker* proposed to amend the resolution, by adding the words "as an enquiry has been instituted into the conduct of General J. W. *Lost*.

Mr. *Murdaugh* moved to amend it by adding after the word "inexpedient" the words "not having the evidence before us."

After some desultory debate Mr. Wooding proposed to lay the resolution with the proposed amendments *upon the table—Carried.*

Philadelphia, February 6.

In addition to the foreign extracts, given in the Register, we have to state, from the French papers, by the Lydia—

That the Royal Family of Portugal, abandoned their European possessions, and set sail for the Brazils, on the 29th of November. Gen. Junot, at the head of a large army, entered Lisbon on the 30th of the same month—and, as the French accounts give it, he was received with great attention by the inhabitants, and that business did not receive a moment's interruption on account of his arrival.

Extract of a letter from New-Bedford, dated 1st mo. 31.

"Captain C. confirms the accounts of the capture of our vessels by the Algerines.

"He understood, a short time previous to leaving Rotterdam, that Louis had retired from the government of Holland, on account of ill health, and that Talleyrand had arrived at the Hague to supply his place.

"A more rigorous treatment of neutrals it was expected would result from this change."

HANOVER, November 10.

The following is the Imperial decree, which has been issued respecting Hanover and the Principality of Hanau:

Extract from the Registers of the Secretary of State's office.

Palace of St. Cloud, 4th August, 1807.

We, Napoleon, Emperor of the French and King of Italy, Protector of the Confederation of the Rhine, decree as followeth:

Art. I. All territorial and allodial property, all houses and possessions, and in general all private property which belonged to the Prince or states of Hanover, as well as to the country, under whatever title, shall be sequestrated, and possession taken thereof in our name.

II. The woods and forests are comprised in the properties mentioned in the preceding article. An inspector of the registering shall immediately set off in post from Paris, in order to take cognizance of these objects, to take an inventory of the property, and to send to Paris, as soon as possible, a list of the leases of these parts which are let.

III. The same operation shall take place in Hanau, and another inspector of the registering, who will be sent thither, shall fulfil the same duties.

IV. As soon as these inspectors or directors shall be arrived at their destination, they are to send to the minister of Finances a sketch of the inventory of the aforesaid property; and they shall remain notwithstanding at their said place of destination until possession be taken, they proceeding thereto conjointly with our intendant.

Journal de Paris.

Norfolk, Feb. 4.

PORTUGAL.

Captain King of the ship Intrepid of this port, arrived here yesterday from Waterford. Capt. K. was originally bound to St. Ubes, but on the 24th of December, off Lisbon, was boarded from his Britannic majesty's ship Conqueror, of 74 guns, one of a fleet under the command of Admiral Sir Sidney Smith, then within hail in the Hibernia of 120 guns. The officer who boarded the Intrepid informed Captain K. that the French having possession of St. Ubes, and indeed of all Portugal, he could not go in, indorsed his register, and turned him off.

This officer further informed