be adopted before the original resolution was again considered:

Ordered, That Mr. John Randolph a Representative in Congress, from the state of Virginia, and Mr. Daniel Clark, delegate from the territory of Orleans, be requested to lay upon the Clerk's table all papers *or other information* in their possession "in relation to the conduct of Brigadier General James Wilkinson while in the service of the U. States in corruptly receiving money from the government or agents of Spain."

Mr. RANDOLPH withdrew his motion to make way for the consideration of this resolution; and

Mr. BURWELL moved the adoption of the above resolution. He was not conversant with the form which might be proper in such a resolution; if there was any error in it, he should be obliged to gentlemen to correct it. He had incorporated in this resolution the terms of the original resolution offered by the gentleman from Virginia. The object proposed by this resolution was, that the evidence in the power of these gentlemen should be laid upon the table for the inspection of other gentlemen. Another object was, that as it had been said that they were unwilling to hear what the gentleman from N. Orleans had to state, he for one wished to shew that he was anxious that the testimony of that gentleman might be laid upon the table that the House might know what it was. If it was injurious to the character of the officer implicated, let it be known to the nation; if not, let the fact be known. The information not being disclosed, it might operate from supposition much more injuriously to the character of this officer than if it were in their possession He thought it was the duty of the House to give the delegate from Orleans an opportunity of stating all he knew.

Mr. B. said it would be found by the resolution which he had offered, that he had called for papers exclusively. If any thing given to the House were to be used as testimony, it ought to be reduced to form so as to be incapable of misinterpretation. If the gentleman from Orleans were in possession of any facts or personal knowledge, Mr. B. supposed it to be perfectly within the meaning of the resolution that he should lay them upon the Clerk's table as deposition or in any form that he should think proper.

Mr. B. had not changed his opinion since he spoke last. While he thought that it was due to the nation and to the character implicated that an enquiry should be made, he had drafted this resolution that the nation might see fully and fairly the grounds on which the House should request an enquiry. He had before expressed his hostility to delaying the business by a reference to a committee. He had understood the original resolution to be grounded on evidence from the gentlemen from Virginia and N. Orleans; his object was merely to procure f r the use of the House those papers which were in their possession. He had no idea of putting this business into such a train that it would take years to collect the testimony. They were not to try this person; but he wished to have evidence on which to adopt the original resolution or some other expressive of their opinion. If the resolution which he now offered should produce all the testimony in the possession of these gentlemen, the House would then be able to take some definitive step, and there would be an end of the resolution. His only wish on this subject was for a fair, candid, and impartial investigation.

Mr. RANDOLPH had no doubt that this motion of his friend from Virginia was intended to produce a very different result from that which must ensue from its adoption. The very manner in which the gentleman had met his resolution would dispose Mr. R. to agree to this proposition; but it might happen and probably would be the case, as the gentleman from New Orleans had laid upon the table a letter relating to the subject, that it might be the only paper in his possession which related to the subject, at the same time that the gentleman might be possessed of personal information. He might perhaps personally know and might give to the House, as also could another gentleman in the House, if called upon, a list of those who were intimately acquainted with these transactions; and it would be found that this same 9000 dollars was but a single subsidy. For himself Mr. R. said he had no personal information to give, it could only be expected from the gentleman from New Orleans. He would suggest an amendment to the resolution including information as well as papers in the general request.

Before he sat down, he begged leave to state, that it had been his intention from the beginning, so soon as the House should have sanctioned the resolution which he had laid upon the table & about which he had not conceived that there could be a difference of opinion, and had thought, as did the gentleman from Pennsylvania (Mr. Smilie) but who had changed his opinion as to the mode at least—Mr. R. hoped not as to the substance—that it should be unanimously adopted; he said it had been his intention so soon as this had been agreed to by the House to have put every paper in his possession upon the table, that they might receive that direction which the House should choose to give them. He had no intention of withholding them. He had conceived that being read by him in his place, being as he pledged himself to the best of his knowledge, and as appeared from the face of them, authentic, they were abundant ground for the adoption of the resolution, that an enquiry into this matter ought to be instituted. The resolution did not pronounce on the guilt or innocence of this person; it only declared that an enquiry ought to be had. But they were told an enquiry was now instituted; this might or might not be true; they had no official information of it. Granting it to be as stated, how did they know that the enquiry went to this object? How did they know that it might not be for some other unmilitary conduct? But allow that it was for this very object, would any gentleman say how a court of enquiry was to coerce evidence? Could such a court commit or fine a person for contempt of summons? Many of the evidences to these facts might be military people. Mr. R. wished to know whether the mandate of a court of enquiry could bring even a centinel from his post without an order from his superior officer! It could not; much less could it affect a member of this House or a person from Kentucky, who, though they knew much, might be reluctant, extremely reluctant, to disclose what they knew. This court of enquiry therefore to all beneficial purposes, would be a mere semblance of an enquiry. Supposing the utmost zeal in the parties to probe the matter to the bottom, it was utterly impossible from the nature of things that they could execute that purpose.

Mr. R. confessed he had wandered from the purpose for which he rose, and asked pardon of the House for it. He then moved to amend the resolution by inserting after papers, "or "other information."

Mr. Burwell acquiesced in this amendment, which is incorporated in the resolution as stated above.

Mr. Holland wished to know if the information contemplated was expected to be on oath or affidavit?

Mr. Burwell said it was his object that it should be given on oath.

Mr. Holland said that if the object of the gentleman from Virginia was to obtain information on oath, he contended that the letters of Power or Gayoso could not be received, as they were not on oath. And if it were on oath, what was the information of Power? It had been before observed that Power had discredited himself. Would they contaminate the Clerk's table by receiving such information, or their officers by recording it? If they did they should not have his assent for it.

Mr. Love expressed himself in favor of the resolution in its present form, but was opposed to the proposition, that the statements which should be made in conformity to it, should be on oath, as he understood the gentleman from North Carolina (Mr. Holland) to wish: Mr. L. said that the first impression the original resolution had made on his mind, and which he had stated on a former day was that the House had no right to act on the subject of it: That it contemplated an enquiry which was exclusively of Executive cognizance, he could not therefore consent to give the enquiry in the legislative body, a form and mode of procedure, which would amount to a recognition of their right to act on it. That if gentlemen who stated they had information relative to a certain military character, which it was important should be known, chose to comply, with the request made them by the resolution under consideration, he was willing to receive it, and transmit it at once to the proper department authorised, to judge of the propriety of instituting an enquiry; but he did not want it on oath, that if on oath, it would have no greater effect with him, than on the honor of any gentleman of the House, who in any case uttered an assertion; neither mode would offer any testimony, which could in his opinion be noticed in that House; and that in either way it would alike afford the necessary clue to the proper tribunal to come at the evidence if any existed. To that tribunal which alone was competent to act he would offer the means of acting, if indeed they had such means; where both parties could be heard, and the question could be brought to an ultimate and efficient termination; where the prosecuted would enjoy the right secured to every man, of being confronted with his accusers, of cross-examining the witnesses introduced against him, of producing testimony in his favor, and of an impartial trial. Let gentlemen then make a statement of any knowledge they may have on the subject of the resolution, and let that be conveyed to the proper department, and if those gentlemen who say they possess this information do not attend, where they shall be called on to give it, and where, if any where, it can have effect, let the consequence be on themselves. This House he hoped would throw no impediment in the way of an investigation, which shall have a fair result, but he deprecated the mode which was attempted to be pursued of an *exparte* hearing and decision.

Gentlemen who have advocated the original resolution, had called the legislative body of the nation, a *grand inquest*; for his part, he said, he knew but one kind of grand inquest, it was that which was summoned and empannelled to aid in the administration of the laws; which was attendant on the courts properly constituted for the trial of offences; but the legislative body could not be supposed to be a grand inquest of that sort; it more resembled, in the powers the mover of the original resolution would have it exercise, a court which once had an existence, in a country said to have enjoyed a considerable share of freedom, but even there, that court had long been abolished. The court of Star Chamber, in England, Mr. L. said he alluded to, which while it had an existence, was said to possess a kind of equitable criminal jurisdiction, deciding on the guilt or innocence of parties, according to its own conscience. It had been said, and with truth, that this was but a request, to be made to the President of the U. S. but where, said Mr. L. is the right given to the House of Representatives to make this request, and so far to undertake to judge of the proper concerns of another department of the government? The right of requesting the impeachment of a civil officer, was expressly given this body, by the constitution, but the military officers are not within this description, and can only be brought to trial for a military offence before such a tribunal, or for a civil offence before a court of justice, and by due process of law: Mr. L. said, he would be for receiving any statements gentleman had to make; and for transmitting them, by a simple order, without a request of any kind to the authority which properly had jurisdiction of the subject.

(TO BE CONTINUED.)

FRIDAY, JAN. 15.

Mr. *Parke* from the committee to whom the subject was referred, reported a bill for extending the right of suffrage in the Indiana territory; which was read twice and referred to a committee of the whole.

Mr. Porter from the committee to whom the subject was referred, reported a bill supplementary to an act, entitled "an act for the relief of persons imprisoned for debt;" which was read twice and referred to a committee of the whole.

Mr. Green presented a petition from the inhabitants of Nantucket, praying the erection of certain bouys in the entrance of Nantucket and other places.—Referred to the committee of Commerce & Manufactures.

Mr. *G. W. Campbell* from the committee of Way & Means reported a bill for relief of Edward Weld and Samuel Beebee; which was twice read and referred.

The bill for continuing the salaries of certain officers of government was returned from the Senate with an amendment making those salaries "perpetual."

Mr Stanford said the word "perpetual" was an unusual phraseology. The bill was a partial and not a general bill, or he should have no objection to its being made *permanent*. He moved that the House do not concur with the amendment, & called for the yeas and nays upon the motion.

Mr. Campbell moved to amend the amendment, of the Senate by inserting "permanent" instead of "perpetual."

Mr. Stanford objected to this; for by omitting the term of limitation to the bill, the Senate had made it permanent till repealed; so that "permanent" or "perpetual" were supernumerary.

Mr. Campbell withdrew his motion.

Mr. Stanford's motion recurring.

After a long and desultory discussion, *Mr. Bibb* moved to strike out "made perpetual," and insert "continued in force without limitation."

This motion was negatived.

The question then recurring on concurrence.

The question was taken by yeas and nays on concurring and negatived —yeas 26, and 82 nays.

Mr. Randolph from the committee appointed to wait upon the President of the U. States with two resolutions passed on Wednesday last, together with certain documents laid on the table of this House, reported that they had obeyed the order of the House and had received for answer from the President that, in relation to the first resolution, he would send an answer to the House in writing; and, in relation to the second, that he would give to the House such information not improper to be disclosed, as comes within the scope of that resolution, and which might be in possession of the Executive department.

Mr. Dawson, from the committee to whom was referred a resolution on the subject, reported a bill for procuring a formidable train of field artillery for the service of the United States; which was read twice and referred to a committee of the whole on Monday next.

On motion of Mr. *Basset* the House, went into committee of the whole on the resolutions submitted by him some days ago relative to contractors, *Mr. MACON* in the chair.

The first resolution being under consideration as follows:

Resolved, That provision ought to be made by law to prohibit the officers of government from making any contract, on behalf of the United States, with any person being a member of either House of Congress, or with any other person for his or their use.

Mr. Basset said he presumed that this proposition possessed sufficient intrinsic merit not to require the aid of extensive talents or laborious exertions of any gentleman to advocate it. He assumed it as an axiom that fundamental principles must rest for their security on the purity of the Representative body. He should however trust the support of this measure to its own importance.

The resolution was carried 59 to 15.

The second resolution being under consideration as follows:

Resolved, That every contract hereafter to be made on the part of the government of the United States shall contain a clause or condition to render the contract absolutely void, if the contractor should be elected a member of either House of Congress.

Mr. Rowan objected to its passage, inasmuch as it was adding a qualification to Representatives, which Congress had no right to do, and as it might operate as an expost facto law, vacating contracts already made.

Mr. Chandler objected to it, as it might have a tendency to prevent the fulfilment of contracts. A man might have made a contract, received a sum of money on account of it, and by being elected a member of Congress could evade the fulfilment of his contract; or might be deprived of an advantageous contract by being elected a member without his own consent.

Mr. G. W. Campbell wished to see no gentlemen contractors on this floor. This resolution only went to effect contracts hereafter to be made. Although no member of this or any future Congress might be affected by existing contracts, he wished to do away every inducement whatever either to increase salaries or remunerate officers. As to the constitutional power of adopting this measure, a moment's reflection would shew that it was not intended to add a qualification to a member of Congress. If a man holding a contract became a member of Congress, it was intended that his contract should thereafter cease.

Mr. Key. Suppose a contract made with a person not a member; if this person becomes a member, his contract is absolutely void. It would operate as an encouragement for violating contracts. Every person holding a contract on which he had received advance or which he did not like, might, by being elected a member, vacate his contract; which could not be intended by the honorable mover of the resolution.

Mr. Basset said he was more sensible now than heretofore of an embarrassment in speaking on a subject of so much importance, proceeding from his having been so little in the habit of addressing a public body which prevented him from expressing with ease those sentiments which occurred to him. He did feel, however, that there was not a principle contained in these resolutions which was not perfectly consonant with the constitution—not a position which did not bear properly on the subject. Mr. B. referred to this clause in the constitution: "No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the U. States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either House during his continuance in office." He feared that even in reading this clause he could not be heard by every gentleman; but it surely was not necessary to tell gentlemen that it was a fundamental principle that no man should have a vote in creating any *office* in which he would be interested. What was the case in making contracts? Did they not vote almost daily large sums for contracts, and might they not become participators in their profits? And if this had not been the case heretofore, how had they been restrained: By the disposition of the officers of government not to make contracts with members, and by the conviction of the members themselves that it would be contrary to the spirit of the constitution. If this conviction did not exist, the largest contractors in the nation would be found in this House. If it were only to guard against this principle of favoritism, he should perhaps have supported the proposed measure; but there was a constitutional ground on which he wished to act. The constitution had declared that the representatives of the people should be pure. Was there not a door here open here for undue influence by permitting a person to come here and vote for a contract, and go to the public offices and immediately become parties to the same contract? He thought there was, and this he wished to guard against. He was not surprized at objections made to any general proposition; human nature was so prone to differ on general topics, that he supposed gentlemen might differ with him in opinion. But for this he should have been much surprized at the objection made by the gentleman from Maryland; for he being a professional man, must know that money advanced on a contract could be recovered by law on a breach of that covenant; and surely it was in the power of the legislature to annex any condition to contracts. The objection taken by the gentleman from Massachusetts would have weight if it were correct on principle; it could be remedied by making it necessary for a contractor to accept the office before his contract would be void. Mr. B. had no idea of a man's having an office forced upon him to his prejudice or injury. He thought it better to let the propositions stand on the broadest possible basis; and when the bill was brought forward, if objectionable, it could be amended. He was willing to admit any modification; but hoped gentlemen would be content to take the sense of the House on the general principle, and see whether the constitution would bear them out in running this parallel, for parallel he might be permitted to call it, as the same principle which prevented a man from voting for the establishment of an office which he might obtain, would prevent a man from voting for contracts in which he might participate; and if the constitution prohibited public officers from having a seat on this floor the same principle would apply to contractors. Had not a contractor the same liens on his mind, as if he received money as a public officer? He believed when they saw the practice of the country so strongly enforcing this principle, when they saw the public officers refraining from making contracts with members of Congress, and members refusing to accept of them from a conviction of its impropriety, it would not need argument or eloquence to shew that they should provide by law against the possibility of a contrary practice taking place.

Messrs. Southard and W. Alston suggested the propriety of altering the phraseology of the resolution; for as it stood at present, if a person were employed to build a ship, and he should be elected a member of this House without his knowledge, the contract was void, and the public business would be arrested, and the man might be ruined. The same might be said of contracts for carrying the mail of the U. States. Suppose a person contracting to carry the mail from Washington City to New Orleans were to be elected a member of this House, the contract would be void, and the mail totally arrested. When a man entered into a contract with the U. S. he gave security for his compliance with the conditions of the contract; he is elected a member of Congress, he has committed a breach of contract, and he and his securities must suffer a very heavy loss. On the other hand if a man had received money in advance, he might avail himself of his election to a seat in Congress to vacate his contract.

Mr. Smilie suggested to the mover, the propriety of the committee's now rising, reporting assent to the first resolution, and asking leave that it might be refused to sit again on the others; as the first resolution embraced the principle, and the others went to detail which could be as well accomplished in the bill.

Mr. Macon said the introduction of this principle was only intended to guard against evils which might arise. Whilst they were pure was the time to guard against corruption. The exceptions which had been made were merely verbal. The only question in deciding on general resolutions of this kind was, whether the subject was worthy the attention of the House? Would any one say after hearing the provision of the constitution which had just been read, that it was not according to the spirit of the constitu-