

Those who voted in the affirmative,

Messrs. Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Hawkins, Izard, King, Livermore, Mitchell, Morris, Potts, Strong, and Vining.

Those who voted in the negative, are Messrs. Bradley, Brown, Burr, Butler, Edwards, Gunn, Jackson, Langdon, Martin, Monroe, Robinson and Taylor.

On motion,

Resolved, That an attested copy of the resolution of the Senate, declaring the election of Albert Gallatin to be void, be transmitted by the President of the Senate to the executive of the Commonwealth of Pennsylvania.

The report of a committee on the petition of Conrad Laub and others above referred to, and made on the 10th inst. is as follows:

The committee of elections to whom was referred the petition of Conrad Laub and others against the election of the Honorable Albert Gallatin as a Senator of the United States for the State of Pennsylvania—report, that they have had the same under consideration—and having given due notice, as well the petitioners by their agent Michael Smyler as the said Mr. Gallatin, appeared before them, and on the part of the petitioners the following evidence was produced, viz.

Robert Morris, Esq. being duly sworn deposes, that during the war two of his sons went to Geneva for their education, and at that place they became acquainted with some of the friends of Albert Gallatin, who had gone for America, and they being solicitous to hear of his safety, desired Mr. Morris's sons to write to their father, to make enquiry and give the information he should obtain. That, frequently afterwards, he received letters for Mr. Gallatin from Europe which he always supposed to come from the friends of Mr. Gallatin in Geneva. He supplied Mr. Gallatin with money for a bill upon London, and there supposed the funds to pay the same were remitted from Geneva. Mr. Morris paid Mr. Gallatin about one thousand guineas by order of Messrs.

& Co. Bankers in Paris, believing always that they were reimbursed from Geneva. Mr. Morris does not recollect dates, not having for a long while seen any of the letters that passed on the subject; he did not know the place of Mr. Gallatin's nativity, but from the general course of the circumstances which came under his observation, he always did suppose he was born in Geneva.

Sworn to and subscribed January 22d, 1794.

Nathaniel Cabot Higginson, Esq. being duly sworn, deposes, That he does not know directly any thing of Mr. Gallatin's being a foreigner or native—That he recollects knowing him by reputation and sight at Boston, in one of the years 81, 82 or 83, and that he was generally reputed to be a foreigner—This deponent believes that Mr. Gallatin then taught the French language and did not speak the English with facility, and further recollects that Mr. Gallatin was resident there or thereabouts a considerable time. This deponent further says that he never had any conversation with Mr. Gallatin, but founds his belief with respect to Mr. Gallatin's not speaking the English with facility, on the information received from others.

Sworn to and subscribed January 22d, 1794.

Mr. John Breakbill being duly sworn testifies, that last winter being a member of the Legislature of Pennsylvania, previous to the election of Senator for the state of Pennsylvania, I heard Mr. Gallatin say his citizenship would not admit his being a Senator; what were his reasons for making the declaration I cannot say, I took it he did not wish to be elected. This declaration by Mr. Gallatin was made at a meeting of a number of members of Pennsylvania legislature held for the purpose of agreeing who should be set up as a candidate; the deponent further says he does not recollect Mr. Gallatin's assigning any other reason for his backwardness to serve as a Senator than the want of citizenship.

Sworn to and subscribed January 22d, 1794.

Henry Kammerer, Esq. being duly sworn, testifies, that last winter being a member of the legislature of Pennsylvania, and previous to the election of Senator for the said state, at a meeting of a number of the members of the state legislature, to agree upon a candidate to fill said office, I heard Mr. Gallatin say when his name was

proposed, "As for my name it is out of the question, I have not been a citizen long enough to entitle me to serve in that station." That at a second meeting for the same purpose, Mr. Gallatin was again proposed as a proper person for a candidate, and then the deponent understood (not from Mr. Gallatin) but from some of the members of assembly then present, that the doubt about his citizenship was then put to rights; and then it was almost unanimously agreed to put up Mr. Gallatin's name. That on the morning succeeding Mr. Gallatin's election, the deponent heard it observed, that notwithstanding Mr. Gallatin's election, he could not take his seat in consequence of his declaration that he had not been long enough a citizen. That he the same day mentioned this to Mr. Gallatin, who said that he had made this declaration under a mistaken idea, that it was necessary for him to have been nine years a citizen of Pennsylvania, but that upon examining the Constitution he had found that to have been nine years a citizen of the United States was sufficient, and that he had been above nine years a citizen of the United States, or words to that effect.

Sworn to and subscribed January 22d, 1794.

Pelotiah Webster, being duly qualified, testifies, that eleven years ago last summer, I let my house in Philadelphia to Mary Lynn, who proposed to take lodgers, I reserved apartments for myself, and boarded with her—Soon after Mr. Savery and Mr. Gallatin took lodgings of her, and continued a number of months there, Mr. Savery spoke no English, Mr. Gallatin spoke good English, and served as interpreter for him; they appeared to be well bred gentlemen and their conduct was agreeable and conciliating, and they soon gained the esteem and respect of the family—I do not know that they ever declared their country but we all supposed they were French, and of course the people, customs and country of France often made the topic of fire-side chat. In one of these transient conversations Mr. Gallatin took occasion to say that his knowledge of French affairs was not very perfect, for he was not a native of France nor had ever resided long in that country, but was from Geneva. No one interesting circumstance made any further enquiry necessary, nor do I recollect that he made any more explanation of the subject.

N. B. Mr. Gallatin once said that his original name was not Gallatin, but I think he said it was Sydney, but this conversation was in drollery and not in earnest, as I conceived at the time of speaking, from the manner and air of his speaking thereon.

Sworn to and subscribed January 28th, 1794.

Mr. John Smilie, member of the House of Representatives of the United States, being sworn, faith, that at a meeting of sundry members of the Legislature of Pennsylvania, previous to Mr. Gallatin's election as a Senator of the United States, that gentleman was mentioned as a proper person to fill the said office; at which time Mr. Gallatin started some doubt respecting his being qualified, but in what words the deponent does not recollect.

That the deponent did not understand upon what the doubt was founded, tho' he thinks from something said by Mr. Gallatin, that it related to Mr. Gallatin's citizenship, for as the deponent conceived, the conversation proceeded from that kind of modesty which gentlemen usually feel upon having their names proposed upon such occasions, he did not pay much attention to it. And that his reason for forming this opinion was his having frequently observed gentlemen to make excuses in similar situations, and from his knowledge of Mr. Gallatin's modesty of disposition.—When being asked, whether he ever heard Mr. Gallatin say that he had not been a citizen of the United States, nine years previous to his election, the deponent replies, he never did. Upon being asked by Lewis, counsel for the petitioners, what he had ever heard Mr. Gallatin say touching his citizenship, the deponent replies, that a considerable time subsequent to Mr. Gallatin's election, Mr. Gallatin in conversation with the deponent expressed an opinion, that he was qualified with respect to citizenship.—What else did you ever hear Mr. Gallatin say with respect to his citizenship?—The deponent answers that he recollects having heard him say something with respect to the laws of Massachusetts not

requiring an oath of allegiance, at the time of his opinion as aforesaid. Did you ever hear Mr. Gallatin say he was born in Europe? The deponent replies, that he does not recollect Mr. Gallatin's saying that he was born in Europe, but that he has heard Mr. Gallatin speak of himself as a Genevan, mention his family in Geneva, and in conversations with him hath always understood him to be of Geneva. Did you ever hear Mr. Gallatin mention the time of his coming into America? He replies, that he thinks Mr. Gallatin, about a year past mentioned, that he had been thirteen years in this country, and that he was nineteen years old when he came. Did you ever hear Mr. Gallatin say when or where he took the oath of allegiance? He replies, he heard Mr. Gallatin say that he took the oath of allegiance in Virginia, but as to the time, the deponent cannot be precise, but he thinks, if he can recollect, that Mr. Gallatin did mention to him, though he cannot be certain, that it was not nine years before he was elected. That the deponent thinks Mr. Gallatin's doubts respecting his citizenship were founded on this ground, the witness referring in this part of his testimony to the meeting before mentioned, when these doubts were expressed; but he cannot specify the time of Mr. Gallatin's having mentioned to him the circumstance of his having taken the oath of allegiance.

Sworn to and subscribed January 28th, 1794.

Mr. Thomas Stokeley being sworn deposes, and faith, that some few days before a Senator was chosen for the State of Pennsylvania a meeting was had to fix on a proper person to represent the state in that office, sundry persons were started as candidates, among whom was Mr. Gallatin, who upon his being named, observed that there were many other persons more proper to fill that office and also observed, that there might be doubts as to his citizenship, though the deponent from the length of time and not expecting to have been called upon, retains too slight an impression of what then passed, to be able to recollect the words with precision. That at a subsequent meeting for the same purpose, Mr. Gallatin was finally agreed to be nominated, and the deponent heard no objection started thereto, either by Mr. Gallatin (who was present) or any other person.

Sworn to and subscribed February 1st, 1794.

The before recited evidence being introduced and closed on the part of the petitioners, Mr. Gallatin was asked whether he had any testimony to produce on his part, to which he gave the following answer in writing, to wit:

"The committee to whom the petition of Conrad Laub, &c. was referred, having informed me that the petitioners had closed their evidence, and asked me "whether I had any testimony to produce on my side," I ANSWER, that it appears to me that there is not sufficient matter charged in the petition, and proved by the testimony to vacate my seat; that by the resolution appointing the committee, the petition is referred to them to state the facts, "without prejudice as to any questions which may, upon the hearing, be raised by the sitting member, as to the sufficiency of the parties and the matter charged in the petition;" that upon the hearing, & in the present stage of the same, the question as to the sufficiency of matter, as above stated, is raised by me; that I conceive from the evident construction of the resolution, I have a right to have that question decided by the Senate: that until the same shall have been decided, I do not wish to be at the trouble and expense of collecting evidence at a great distance; and therefore, that at present I do not mean to produce any testimony, reserving, however, to myself the right which I conceive I have to produce any testimony in my favor, after the said question shall have been decided by the Senate, in case it is decided against me."

(Signed)

ALBERT GALLATIN.

Which being duly read and considered the committee came to the following resolution to wit:

Whereas the evidence on the part of the petitioners having been closed, and it appearing that Mr. Gallatin was an alien in the year 1780—and his answer in writing assigning reasons why he should not adduce evidence on his part in the present stage of the enquiry not being in the opinion of the committee sufficient.

Resolved, That in the opinion of the committee it is now incumbent on Mr. Gallatin to shew that he has become a citizen of the United States and when.

Which resolution being read to Mr. Gallatin, he informed the committee he should rely on the answer he had before given.

All which is respectfully submitted to the Honorable Senate, by the Committee.

(To be continued.)

For the GAZETTE of the UNITED STATES.

The case of the People of Kentucky, in their demand of a free navigation of the river Mississippi, through the dominions of the Spaniards, is but little known or understood—and deserves to be considered.

The States, then Colonies, confederating in 1775, to assert their common liberties, had either definite, or indefinite, territorial claims.

The whole being saved and secured by the arms of the United States, no other expectation was entertained on the settling of our independences, but that States, having the indefinite claims, should be allowed to take out of them what further it might be convenient to add, to their local jurisdiction, leaving the remainder to the Union, as a fund towards extinguishing the national debt incurred by the war.

Had the government of the union been in any respect efficient, such would have been the event, but it being far otherwise it rested upon the States themselves to make the transfers.

A partial interest prevailing over so equitable a consideration, and over the sense of common good, few of the States made cessions to Congress until they had cut off for themselves the nearest and fairest portions, leaving to the Union scarce any parts that could in a generation be brought into use—Such accession of property, in consequence brought, with it rather a burthen than benefit. The injured states remonstrated in vain—the confederation was threatened in its consummation, and for a time endangered.

One of the states particularly aflamed and sold out the district called Kentucky for her own benefit; which besides putting money into her treasury afforded a profitable speculation to her individual citizens.

This proceeding of the state was far from an adherence to the rule spoken of—the space already occupied by her existing settlers, was then of an extent sufficient for local jurisdiction, for by her own consent Kentucky was set apart from her as a new state—Kentucky ought then, according to the rule, to have been in the allotment to the general government.

Injured in the loss of property, America sustained a further and more serious injury by, this measure—inasmuch as it was an attempt, of bad example, to form premature settlements of the back lands, which were necessarily to lead off great numbers of inhabitants from the maritime country, that country which ought to have been the object of our immediate hope and care! thus proportionably backing its growth or retarding its progress—contrary to all true policy, which would rather seek to consolidate our population than to spread it out thinly over the vast expanse of Western wilderness, where beyond the waters of the Atlantic an interest would grow up of its own, as wide apart from ours as the two countries are wide in space.

An enlarged spirit of patriotism will, however, not object to any thing while the object is to better the condition of men—true! but is it bettering the condition of any men to take them from situations where every species of industry is happily retributed, and turns to its full account, and to set them down where from circumstances of locality their faculties and their labours are so little available, as that according to their own complaining representation "wretchedness and poverty await them."

But wretchedness and poverty would no longer be their lot, if the Spaniards, in withholding from the people of Kentucky and other western settlers, the free navigation of the Mississippi, did not deprive them of the natural market for the productions of their industry. A right they claim, and which they passionately and clamorously call upon the United States to vindicate for them, with a threat that if refused they will take redress into their own hands.