

[No. XVI.]

By Lieutenant Pierce Pope to Don Manuel Goyoso de Lemos, dated Camp, 5th May, 1797.

I RECEIVED your letter by Captain Minor, requesting of me to be informed whether I had positive orders for the objections I made in reply to your letter of the first instant; I have no official information from the United States of any pending negotiations that respects the late Treaty, and consequently have every reason to suppose that the United States consider the Treaty carried into effect as far as respects the evacuation of the Posts on the east side of the Mississippi, above the 31st degree, north Latitude, and therefore conclude that any reinforcements or additional works will have a tendency to disturb that harmony which at present happily prevails between the two nations, and which I am directed to cultivate.

You told me yesterday that you had received information from a gentleman, that I intended to attack the garrison at this place. I now request that you will discover the author, that he may have it in his power to acquit himself of this assertion, or be brought to that just tribunal, a crime of so heinous a nature merits, as the informer has been guilty of.

I am with consideration, your very humble servant, PIERCE S. POPE, Lieut. Artillery, Comdg. U. S. Troops Mississippi.

[No. XVII.]

From Don Manuel Goyoso de Lemos to Lieutenant Pierce Pope dated Natchez, 6th May, 1797.

I RECEIVED your letter dated the 5th instant, delivered me by Lieutenant John M'Clary, in reply to mine of the 3d, by which, and by our conferences, I am persuaded of your disposition to cultivate that good harmony that is justly due to our nations. On my part I pledge my honour to you that I shall invariably continue considering you not only as I do every individual of your nation, but yet more particularly under the sacred view of its Representatives, as likewise every person under your command, and under the direction of the Honourable Andrew Ellicott.

I do assure you likewise, that my conduct shall be such, as not to merit the reflection of your nation, nor expose mine to any contest on account thereof; being answerable by my duty, and by my honour, to act with such propriety as will justify me in my public capacity.

With regard to the person that gave the information, that in my familiar conversation I communicated to you, must be despised, and other discountenanced both by you, and by me, as our situations are sacred, and only subject to the alterations unanimously agreed upon by our nations.

I have the honour to be, with the highest consideration, Your most humble obedient servant, MANUEL GAYOSO DE LEMOS.

[No. XVI I.]

Is the intercepted letter from Blount to Carey, WAR-OFFICE, June 30th, 1797.

I HAVE compared the foregoing Documents, numbered from 1 to 18 inclusive, and do certify the same to be true extracts and copies from the records and files of this office.

JOHN STAGG, Jun. Chief Clerk.

ADDITIONAL REPORT OF THE SECRETARY OF STATE,

To the President of the United States, of the proceedings of the officers of his Catholic Majesty, in relation to the posts occupied by his troops within the limits of the United States, the boundary line, and other matters therewith connected.

ON Thursday last, the 29th of June, I received farther dispatches from Andrew Ellicott, Esquire, the commissioner of the United States at the Natchez, dated the tenth of May last, of which an extract and copies, numbered one, two, and three, are subjoined. By these it appears that a new motive has been assigned by the commander in chief, the Baron de Carondelet, and Governor Goyoso, for still retaining the possession of the posts of the Natchez and the Walnut Hills, and for strengthening the fortifications; viz. to guard against an attack by the British from Canada. This motive being derived from information communicated to the Baron de Carondelet by the Chevalier de Yrujo, the minister of his Catholic Majesty to the United States, it appears necessary again to bring before the President my correspondence with the Spanish and British ministers on that subject. These papers are numbered 4, 5, 6, 7, 8, and 9.

Although the minister declared he had just reasons for suspecting an expedition from Canada, was preparing by the British against the upper posts of Louisiana, yet he never mentioned a single fact or reason on which his suspicion was founded. From all existing circumstances I ever believed the suspicion to be groundless. And the note of Mr. Lillon, the British minister, of the 19th of the last month, declares that no such expedition has been or is intended, by the British government.

On the 16th of March last, by the President's direction, I enquired of the minister of his Catholic Majesty whether the Spanish troops had been withdrawn, agreeably to the treaty, from the territory of the United States; and if not, what orders or measures for withdrawing them had been taken. To this the minister answered, on the 17th of April, that not having for some months heard from the Baron de Carondelet, he was "deprived of any information touching the steps taken for the execution of the treaty." Nevertheless he had previously informed the Baron de Carondelet of his suspicions of a projected expedition from Canada; for on the first of May it is offered by Governor Goyoso, as a new reason for continuing to hold the posts. These two letters are numbered 10, 11.

On the 24th of June last, the minister of his Catholic Majesty wrote me the letter numbered 12, in which he undertakes to give the substance of two letters from the Baron de Carondelet, and which about a week before he had orally translated to me from the Spanish originals. These letters (as appears by the detail of them now given by the minister) exhibited divers complaints against Mr. Ellicott, whose conduct is assigned as

the cause of an alleged misunderstanding between him and Governor Goyoso; and of the delay in commencing the running of the boundary line.

One article, however, the minister has omitted in his recital. The Baron de Carondelet complained, among other things, that Mr. Ellicott had not given him notice of his arrival at the Natchez, as the commissioner on the part of the United States, for running the boundary line between their territories and those of Spain. I was astonished at this complaint, as I had then lying on my table a copy of Mr. Ellicott's letter to the Baron, dated the 27th of February, only three days after Mr. Ellicott's arrival at the Natchez, announcing his arrival as the commissioner of the United States for the object above expressed, and two copies of the Baron's answer, dated at New-Orleans, the first of March; one of the original Spanish, and the other a translation in English, acknowledging the receipt of Mr. Ellicott's letter, and "congratulating him on his arrival in that country in the character of commissioner on the part of the United States." I immediately presented these copies to the minister, in whom the repugnance of fact to assertion excited the natural jealousy; but soon recollecting himself, he made this apology for the Baron, that he supposed he did not consider Mr. Ellicott's letter as official! This letter and the translation of the Baron's answer, have been already laid before Congress and published: I now subjoin the copy of the Baron's answer in Spanish. No. 13.

The facts I have here stated, relative to the complaint of the Baron de Carondelet, which the Spanish minister has omitted in his detail, appeared to me important to be laid before you, to be considered together with the other complaints which the minister has recited. As to the complaint that Mr. Ellicott "attempted to get possession of the Natchez fort by surprise, and that the Governor Goyoso had in his power documents which evidently prove the intention of that attempt," I have examined the two gentlemen who have brought Mr. Ellicott's dispatches and they declare that they never heard of such an attempt being made intended by Mr. Ellicott; and that so far from exciting dissatisfaction to the Spanish government, in the minds of the inhabitants at the Natchez, he uniformly recommended patience and submission, until the Spanish jurisdiction should be withdrawn.

Upon a view of the whole correspondence now and before submitted to the President, it appears that the governors of his Catholic Majesty, on the Mississippi, have, on various pretences, postponed the running of the boundary line, and the withdrawing of his troops from the posts they occupied within the territory of the United States. That after repeated overtures, promises and appearances of commencing the execution of the treaty between the two nations, in both those respects, their conduct demonstrates, that for an indefinite period they mean to avoid doing either: That there is but too much reason to believe Mr. Ellicott's suspicions well founded, that an undue influence has been exercised over the Indians by the officers of his Catholic Majesty, to prepare them for rupture with the United States; those suspicions corresponding with other intelligence recently received by the Secretary of War and by me. Mine is by a private letter from Colonel Sargent, the Secretary of the territory northwest of the river Ohio, of which an extract, No. 14, is annexed.

Whether this plan of exciting the Indians to direct hostilities against the United States, has been contemplated and promoted by any of our own citizens, it may be difficult to say; but that one or more of those citizens have proposed and taken measures to detach the southern Indians from the interests of the United States, and to destroy the influence of the public agents of those nations, and thus to defeat the great objects of their appointment, the chief of which is to preserve peace, is certain. The evidence of this important fact will be laid before you by the Secretary of War. That evidence having a reference to the British Minister, and his government, I took the liberty of addressing to him a letter, dated the 1st instant, (No. 15,) to which I received the answer, No. 16.

As closely connected with this business, I lay before you the copy of my letter, No. 17, dated the 27th of April last, to Charles Jackson, Esquire, the District Attorney of Georgia, reciting a passage in a letter from the Spanish Minister, dated the 21st of April, declaring his positive knowledge that the English had made propositions to General Clarke, of Georgia, to obtain his influence in that state, in conjunction with some persons who might make a diversion or serious attack against Florida. By Mr. Jackson's answer, from which an extract, No. 18, is herewith presented, it appears, that after diligent enquiry, he could not find any person that knew any thing of the business, or that entertained a belief of the kind; and that from General Clarke's known violent antipathies to the English, and other circumstances, he doubted the truth of the report altogether.

On the 30th ult. I received a letter from General Pickney, dated the 9th of May, which contains the latest intelligence from him, and seems proper to accompany the other papers now laid before you. His letter, No. 15, therein referred to, has not yet come to hand.

All which is respectfully submitted, TIMOTHY PICKERING, Department of State, July 3d, 1797.

[No. I.]

Extract of a letter from Andrew Ellicott, Esq. commissioner of the United States, to the Secretary of State, dated, Natchez, May 10, 1797.

SIR, SINCE my dispatches by Mr. Knox, the whole of the Spanish commission for the purpose of running the boundary lines between the territory of his Catholic Majesty, and that of the United States has arrived; and notwithstanding this circumstance, I see no appearance of getting to business in any reasonable time: various pretences are resorted to by the Baron de Carondelet, and Governor Goyoso, to justify the delay, but the true reason, I am well persuaded, has never yet been made known to myself, or to the inhabitants of the district of Natchez, who are generally very uneasy, and many of them consider their situations as desperate if not supported in a few months by the United States.

As the arrival of the whole Spanish commission produced no effect favorable to our business, I expected that of Lieut. Pope, with a detachment of about forty troops, which happened the 24th of last month, would make some change for the better—in this I have been disappointed. Additional labourers were set to work in the fort, and several more pieces of artillery mounted.

On the first of this month I received a letter from Governor Goyoso, a copy of which, with the answer, you will find enclosed.

On Sunday last, the fort at this place was reinforced by about forty men, and a company of grenadiers are on their way, and hourly expected to join them. Yesterday Mr. Gilliland, the Spanish surveyor, an engineer, and several other military officers, with a boat-load of entrenching tools, left this place for the Walnut Hills, where the works are to be immediately put into the complete state of defence. The labourers who were employed by the direction of Governor Goyoso to go on the line, are now ordered to the Walnut Hills to assist in repairing the fortifications.

If the court of Madrid has any design of carrying the late treaty with the United States into effect, the conduct of the Baron de Carondelet and Governor Goyoso is to me altogether inexplicable: All their measures have the appearance of approaching hostility; and from some information which I cannot avoid giving a degree of credit, but a short period will elapse before we shall be ordered to leave this place, if not the country. I have in a former communication mentioned my suspicions, that an undue influence has been exercised over the Indians to prepare them for a rupture with the United States, and to awe into a quiet submission the inhabitants of this district, who are at their mercy. I am sorry that no circumstance has yet occurred to make me change this opinion.

Immediately upon Mr. Pope's arrival, he was joined by enigm M'Clary, who commands my escort, which consists of about thirty-seven men, and all encamped with me. We now make a respectable appearance—the men are in good health, and well clothed, and the strictest discipline is observed by the whole camp. Lieut. Pope has hitherto conducted himself in such a manner as to give general satisfaction to the neighbouring inhabitants, without incurring the displeasure of the present governor, or his officers, and at the same time supported the honour of the United States; but he has unfortunately been indisposed almost ever since his arrival.

I am, sir, with great esteem, &c. ANDREW ELLICOTT, Secretary of State, United States.

[No. II.]

[I. The same with No. XIII. of the Secretary at War's Report, published on Saturday.]

[No. III.]

From Andrew Ellicott, to his Excellency Manuel Goyoso de Lemos.

Natchez, May 2d, 1797.

SIR, YOUR excellency's favour of yesterday is now before me, but as it principally concerns the commanding officer of the troops of the United States in this quarter, who I presume will give you a satisfactory answer, it will therefore be unnecessary for me to make any remarks upon it.

In a former communication you were apprized of my determination to remain at this place until we proceed to running of the line, or are recalled by the executive of the United States.

I am, &c. &c. ANDREW ELLICOTT, His Excellency Manuel Goyoso de Lemos.

[No. IV.]

SIR, THREE days ago I declared to you the just reasons which I had for suspecting that an expedition was preparing on the lakes, on the part of the English, the object of which is to attack Upper Louisiana, and take by surprise the posts of St. Louis and New-Madrid. The proofs which I have since been able to obtain, confirm me in my suspicion, that the English troops, who mediate this coup de main intend to descend the Mississippi by Fox river, Oniconfin, or by the Illinois, or other parts of the territory of the United States. I suppose the government of this country too jealous of its rights to suffer so scandalous a violation of its territory; but having always in view the interests of the king my master, and the fecrity of his possessions in this part of the world, in his name I request, sir, that in virtue of the information cited, this government may take the measures necessary for preventing the passage of foreign troops, of what description soever, over its territory.—An undertaking in which are united the dignity of the United States and the security of the possessions of a friendly nation, assures me beforehand that the administration of this country will take the measures which shall be most adapted to this end.

With these reasons I offer myself to your disposal, and pray God to preserve you many years. Your Most obedient humble servant, CHARLES MARTINEZ DE YRUJO, Philadelphia, 2d of March 1797. [To be concluded in our next.]

C O N G R E S S.

HOUSE OF REPRESENTATIVES,

Thursday, July 6.—Continued.

MR. NICHOLAS declared, he was as ready to act upon the business as any person in the house, and gave as much credit to the charge. He wished to probe the business to the bottom. He thought they should enquire whether there was not another person equally culpable with William Blount—he meant the British minister.

He suggested the propriety of deferring the whole business till next session, as he did not see any advantage that would be derived from determining upon it at present, except it were by making an example of the offender. He supposed there would be no danger of his escaping; and if he were to escape, he did not know that it would make any considerable difference as the only punishment which could be inflicted upon him, would be a disqualification from office.

MR. GALLATIN said this subject was altogether new to him. He never had turned his mind to the constitutional question with relation to impeachment before this morning. Of course, what he should say, would be more in the shape of queries than of any thing else, as he had not formed any decisive opinion upon it. He was not, therefore, ready to vote upon the subject, but merely wished to submit his doubts to the committee.

It had struck him upon a cursory view of the constitution, that whatever might have been the extent to which impeachment was carried in England, by our constitution, impeachment in this country must be limited to the officers of government alone. He had derived this idea from the two following clauses in the constitution, viz.

"The President, Vice-President, and all civil officers of the United States, shall be removed from office, on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors."

"Judgment, in cases of impeachment, shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States. But the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment, according to law."

It appeared from these clauses, that wherever an officer of government committed an offence upon which a judgment of impeachment should be had, he was also liable to indictment according to law, as the extent of punishment from an impeachment was a removal from office, and a disqualification to hold in future any office of honor, trust, or

profit, in the United States. He did not think the case of Dr. Sacheverell in point. It was his opinion that by the constitution officers of the government only were intended to be impeached, and not members of the legislature.

His colleague had given it as his opinion, that a member of that house might be impeached for his vote, if bribery could be proved, though the constitution expressly declares, that no member shall be questioned out of the house for any thing he may do in his character as a legislator. He supposed this clause was meant to prevent any interference of the Executive; but if a man were to be called in question for a vote, though not for a speech, the privilege which he had always understood that they enjoyed, would be greatly narrowed. It appeared to him that the appropriate punishment for offences committed within those walls was expulsion; and that impeachment could not apply to them.

An argument had been adduced in favor of impeachment of a Senator, from that body's having free access to the executive records. This assertion was not correct; as he recollected a case in which the Senate applied to the President for certain papers, which, if they had had free access to his records, they would not have had occasion to have requested. He also recollected that the request was only granted in part. He believed indeed that some Senators, as that some members of that house, might, by special favor of the secretary of state, have access to this record; but he believed it might be refused to the members of either house.

It was said this offence was the seduction of an officer of the government. He knew nothing of the offence; but he saw no reason why the offence should be greater because committed by a Senator. He knew not whether this CAREY, an Indian interpreter, was an officer nominated by the President, and approved by the Senate. He knew nothing of the fact. It was therefore necessary to have some further information on the subject.

With relation to the letter itself, it was of a very serious nature, so serious, that though he conceived it scarcely ripe for legislative enquiry, he thought it called for strict executive enquiry. He thought they should know something of the fact that the letter was William Blount's. It was nothing less than a conspiracy between a number of men in the United States and the British government. He said a number of men, because the letter mentions a captain Cheholm, who held the correspondence with the British minister at Philadelphia last winter, so that at least two officers of government were acquainted with the plan. [He read an extract from the letter.]

It appeared, therefore, that a most serious plan had been laid, in which captain Cheholm was a partner, and made the instrument to confer with the British minister; that a man of some consequence was gone to England, and that the design was an attack upon the Spaniards in America; so that the plan, if carried into effect, must involve us in a war with that nation. This plan, Mr. G. said, had been suspected by the Spanish minister at Philadelphia, who has addressed our Executive more than once upon the subject; and also by the ministers of France and Spain at Charleston, who, in order to meet the attack, had purchased all the arms and ammunition they could meet with, and sent them to Augustine.

How far the legislature should go into the business, or whether it should be left to the executive, he did not know. At first, he thought the subject wholly of an executive nature.

MR. G. observed, that what he had delivered were mere cursory thoughts. He should wish to hear the subject discussed, as he should attend more to the arguments of gentlemen in that house, than to the opinions of legal authority. So far as to the legality of the question, they were certainly better judges than he; but as the power of impeachment was committed to that house, they certainly ought to judge for themselves. He mentioned this, because he thought the answer of these legal gentlemen very curious, "that the letter was evidence of a crime; that this crime was a misdemeanor; and that it is liable to impeachment." When the President asked advice what he should do, the answer seemed to be a direction to that house, what they should do; and this was advice unasked. Perhaps, however, the answer given to them was only partial. He wished, if it could be done with propriety, that the business might be postponed till the next session. He understood that the gentleman supposed to have taken his seat in the Senate this day. As to expelling him from his seat, that might be done now, and when that done, it would prevent him from doing any further harm. The disqualification might take place at the next session as well as the present.

MR. DANA said, that the first impression upon his mind were, that a Senator was not impeachable; but, upon farther enquiry, he had found reason to doubt his opinion.

He asked whether a power could be impeached for any offence, which was not a violation of official duty. He thought this was clear by the constitution. A judge was certainly a civil officer, yet, if he were guilty of treason against the United States, "by levying war against them, or adhering to their enemies, giving them aid and comfort," this would be no breach of official duty, and yet he might certainly be impeached for the offence.

Another enquiry was, whether members of the legislature were officers, in the sense of the constitution. This was an enquiry of great importance.

The right of impeachment, seemed to be a right clearly political—it was a right in government to protect itself, by displacing from her councils men who were faithless and unworthy. Taken in this view, the reason of the thing seemed strongly to apply to the members of the legislature.

With respect to a legislator being a civil officer. He would ask whether, if a man was displaced from a civil office, he would be eligible to be elected as a member of the legislature. This would be an absurd conclusion, unless it should be said that to be elected to such a situation was neither to be in a place of honor, trust, or profit.

Another clause of the constitution said—"that no title of nobility shall be granted; and no person holding any office of profit or trust, shall accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state." And it was not meant to be said, that our officers were not to be allowed to receive emoluments, &c. the members of the legislature were not forbidden to do it. This would be strange doctrine.

He would submit to the committee what he conceived to be their duty. He thought the house should be fully satisfied of the fact; but if there was any doubt as to the flagrancy of the offence, or the liability of the person to be thus tried, these doubts should be left to the decision of the Senate, as the proper constituted authority.

As to the enquiry relative to facts. The committees did not conceive that that enquiry ought to extend to a foreign minister. They had nothing to do with him. He did not come within their cognizance.

MR. D. thought there could be no doubt as to the fact of the letter being really Mr. Blount's, as several persons in the house could prove his hand writing. It was necessary first to enter into this general resolution. Afterwards specific articles of impeachment could be prepared. (To be continued.)

LAILSON'S CIRCUS.

On TUESDAY Evening, July 11th, FOR THE BENEFIT OF MR. JAYMOND, Will be performed a variety of New Equestrian Exercises, by Messrs. Langley, Herman, Sully (the Clown) and Lailson. The surprising manoeuvres of the HOULAN, With the carbine and broad sword; after which the scene of the DROCKWART, in the character of MONT-AUGIEL, by Mr. LAILSON. THE PEDESTAL. The evening's entertainment to conclude by a first representation of a Heroic Pantomime in three acts, called Dorothee;

Les Preux Chevaliers. Prologue to Dorothee; or, the reception to the Brave Officer; with the majestic ceremony, order, and respect, implied to a reception in that respectable corps: Ornamented with dances, military evolutions, grand processions, singular combats with battle axes, swords and daggers, between Duncy and Sarogogon, and general combats; new music, scenery, and decorations (the paintings executed by Messrs. Peroumy and Audin): The whole at the expense and under the immediate direction of Mr. Jaymond, who will spare nothing to please, and whose only end is, to procure the bestrovement and generous satisfaction which the public have been so kind as to testify since opening of the Circus.

Tickets to be had at the usual places, and of Mr. Jaymond, corner of Second and South-streets, opposite the New Market.

Philadelphia and Lancaster Turnpike Company. July 10th, 1797.

A meeting of the President and Managers, a dividend of seven and a half dollars per share was declared for the last half year, which will be retained by the President and Managers for the purposes of paying the debts of the Company, agreeable to a resolution of the Stockholders the 12th June last.

TENCH FRANCIS, Treasurer. Extract from the Minutes of the Stockholders. June 12th, 1797.

Resolved, That the subscription opened for one hundred additional shares of stock, conformable to a resolution of the 17th January, 1796, be now closed, and that the stock of the Company consist of twelve hundred instead of thirteen hundred shares. Wm. GOVETT, Secretary. m&w m&w

NEW THEATRE.

Mr. Fox's Night. On MONDAY Evening, July 10, Will be presented a celebrated TRAGEDY, called ROMEO & JULIET.

Romeo, Mr. Cooper. Paris, Mr. Warrell, jun. Montague, Morris. Capulet, L'Estrange. Mercutio, Moreton. Benvolio, Fox. Tybalt, Warrell, jun. Friar Lawrence, Warren. Friar John, Warrell. Balthazar, Mitchell. Apothecary, Francis. Peter, Blisset. Page, Master L'Estrange. Juliet, Mrs. Merry. Lady Capulet, L'Estrange. Nurse, Hurvey.

In act I. a Masquerade, with a Dance by the characters.—In act V. a Funeral procession and Solemn Burial. The Vocal parts, by Messrs. Warrell, Francis, Warrell, jun. T. Warrell, Mitchell.—Mrs. Oldmixon, Mrs. Warrell, Mrs. Harvey, Mad. Harwood, Miss Millbourne, Miss L'Estrange, Miss Anderson, &c. &c. To which will be added (never performed here) a FARCE, called

THE ANATOMIST; OR, THE SHAM DOCTOR.

Mons. Le Medicin, Mr. Fox. Crispin, Bates. Old Gerald, Francis. Young Gerald, Warrell, jun. Simon Burley, Warren. Martin, Blisset. Doctor's Wife, Mrs. L'Estrange. Beatrice, Mrs. Francis. Angelica, Miss L'Estrange. Waiting Woman, Mrs. Doer.

Box, one dollar twenty five cents—Dit, seven eights of a dollar—and Gallery half a dollar. The doors of the Theatre will be open at six o'clock, and the curtain rise at seven precisely. On Wednesday, not acted there two years, the favorite Comedy called THE RIVALS.—To which will be added, never performed, a Musical Drama in two acts, called THE SAVOYARDE: Or, The Repentant Seducer; for the benefit of Mrs. FRANCIS.