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[Whole No. 409.]

CONGRESS.

HOUSE OF REPRESENTATIVES.
FRIDAY EVENING, March 1.

Substance of the observations made by Mr. W. Smith, on the debates on the following resolution, viz.

RESOLVED, that the Secretary of the Treasury has omitted to discharge an essential duty of his office, in failing to give Congress official information in due time of the monies drawn by him from Europe into the United States; which drawing commenced in December, 1792, and continued till January 1793, and of the causes of making such drafts.

Mr. Smith said, that after the vote which had just prevailed by so considerable a majority on the preceding resolutions, the committee could not with any propriety criminate the Secretary of the Treasury for failing to give the information alluded to, because by that vote it had been established that the Secretary had only acted under the authority of the President, and conformably to his instructions; if there had been any omission to communicate information to Congress, that omission was surely not chargeable to the Secretary. But it had been already clearly shewn by documents in the possession of the house that the necessary information had been communicated. The Treasurer's accounts which had been from time to time laid before the house, exhibited the amount of monies proceeding from the sale of bills, and the Secretary's report of 1791, conveyed full information of the drawing. It was true there was a sum of about 600,000 dollars, the proceeds of bills which, as had been remarked by a gentleman (Mr. Madison) did not appear in the Treasurer's account, but this was owing to the sales of the bills by the bank not having been closed at the time the last quarterly account was rendered, and consequently that sum could not appear in the treasurer's account. [Mr. Madison said he had not meant to blame the treasurer.]

Mr. Smith said, The gentleman, however, had attributed misconduct to the Secretary, for withholding information of the amount of monies in the treasury, accruing from foreign loans, when directed by the house 19th January, 1792, to report whether the existing revenues were adequate to face the additional expence of the Indian war. Mr. Smith could not forbear expressing great surprize at this remark of the gentleman from Virginia (Mr. Madison) when he recollected what had been just before said by the same gentleman in support of the former resolution. The gentleman on that occasion, in his attempt to disprove the right of the Secretary, ex-officio to superintend the monies derived from the foreign loans, had endeavored to establish a nice distinction between the ordinary internal revenues of the country and the resources resulting from foreign loans. The law constituting the Treasury Department, he had said, gave the Secretary power only over the revenues, which embraced only the ordinary resources, whereas loans were distinct things, the management of which was specially entrusted by law to the supreme magistracy, and in relation to which the secretary could exercise no authority whatever that was not derived from the President. The gentleman now argued that the secretary was blameable in not giving information of the state of these extraordinary resources, which were not within his department, when only called upon to state the amount of the ordinary revenues, which were within his department. He left it to the gentleman to reconcile this contradiction; for certainly his doctrine was erroneous on a former occasion, or it must be so now; if the monies obtained from foreign loans were to be deemed the revenues of the country, then they fell of course under the management of the head of the treasury department, and it was wrong in the gentleman, to impute misconduct to the secretary for exercising a legal authority; if on the contrary those monies were viewed as an extra resource, and not within the purview of the secretary's functions, then it was wrong to censure him for not communicating a state of those monies when required only to report the ordinary revenues.

Without admitting the soundness of the distinction set up by the gentleman from Virginia, Mr. Smith said that it was never in the intention of the house, nor in the idea of any individual member, to call for a state of the monies proceeding from the foreign loans, when they passed the order of the 19th January, 1792.

That order was in these terms, "Ordered that the Secretary of the Treasury be directed to lay before this house, such information with respect to the finances of the United States, as will enable the legislature to judge whether any additional revenue will be necessary in consequence of the proposed increase of the military establishment." This call was fully complied with, for the secretary laid before the house an estimate of the internal revenues, which unquestionably were the only

revenues in contemplation of the house at the time, and the house being satisfied that they were incompetent, laid additional duties.

The house knew as well as the Secretary that loans had been made, and that monies had under them, been drawn into this country; but they knew that those monies had been specially appropriated to the sinking fund, and it never entered into the ideas of any member to divert them from that beneficial object, in order to apply them to the current service: 'Twas not to be presumed that the secretary would have recommended such a diversion.

To impute blame to him for not communicating the amount of monies drawn from time to time, there must have been some law or order of the house requiring the communication, or it must have been necessary to some object depending before the house. What law or order of the house made it necessary? None: The law authorized the loans and prescribed their objects; the rest was mere executive business; and no communication was necessary to any measure depending before the House.

But though the Secretary would not have been censurable for omitting to give the information, the truth was, that the President's speech of 8th December 1792, the secretary's report of 25th Feb. and the act of the 3d of March 1791, were conclusive proofs that the legislature knew that the proceeds of the loans were in a train of being brought to the United States, and the accounts of receipts and expenditures presented the first week of the session informed the house that a large sum had been drawn for, and the treasurer's quarterly account contained further information on the subject, all which was prior to any call of the house for such information. Hence Mr. Smith deduced, that it was not a fact that the secretary had failed to give the information, as stated in the resolution, and that even had he so failed, he would not have been censurable for a breach of an essential duty of his office.

It had been said by a member from Pennsylvania (Mr. Findley) that the lateness of the information from the secretary, made it inconvenient to go into an enquiry of his official conduct so near the close of the session. To this, Mr. Smith replied, that he did not expect such a remark from that quarter of the house. If the gentleman had not been prepared for the enquiry or thought it an improper season to enter upon it, why did he second the motion for bringing forward the charges? If suspicion had so long existed against the integrity of the secretary, why was not information called for at the beginning of the session? Why was the call delayed till the session was within a few weeks of its termination?

It was admitted that the secretary had obeyed the order of the house with wonderful alacrity and promptitude; it was indeed strange that the gentleman, who brought forward the charges should be the first to complain that there was not time for their consideration.

Mr. Smith concluded by noticing the observation of Mr. Mercer and Mr. Madison, that the opinion of the house on the preceding resolutions would not change the truth of facts, and that the public would ultimately decide whether the secretary's conduct was criminal or not. This, said Mr. Smith, was like the conduct of a professor, who having chosen his jurisdiction, and being consulted, wished to appeal to another tribunal; why were the resolutions brought before the house? Was it not to substantiate the truth of them by a vote? And had the prosecution succeeded, would the secretary have had an appeal to the public? No, the resolutions would have been sent to the President, and the secretary would have been removed, disgraced, and ruined forever, without appeal.

(Debate to be continued.)

For the GAZETTE of the UNITED STATES.

An account of the fate of Colonel HARDIN, Major TRUAMAN, and several other persons, who were killed by the Indians, while bearing Flags of Truce to the hostile Tribes—as contained in a Letter from WILLIAM GOFORTH, Esq. of Cincinnati, Western Territory, to a Gentleman in this City.

ON the 8th January, 1793, William Smally, who had accompanied Major Trueman on his embassy to the Indian Nations, was before me, and gave me the following account of his journey, to wit.—That they left Fort Washington about the 26th or 27th of May, 1792—that they were bound to the Maumee towns, but fell about 60 miles below said towns, near to the town of Glaize, which is situated on a point of land formed by the Maumee and Glaize rivers; that when they left Fort Washington, their company consisted of Major Trueman, himself, and the Major's waiter; that about 30 miles before they arrived at the aforesaid town of Glaize, they fell in with three Indians, one an elderly man, the other a young man, and the third a boy of about 12 or 15 years of age, who were encamped on their hunting ground by the side of a little trace; the Indians asked them to encamp with them (this was sun about two hours

high, being the eighth day after they left Fort Washington) telling the Major they would go into the town with them the next morning; the Major agreed to encamp with them; they made a supper of chocolate, and asked the Indians to partake with them; that all three of the Indians sat supper with them, and appeared very friendly; that Major Trueman informed the Indians of the business they were on, and read over the speech to them, which he (Smally) interpreted to them, and with which they appeared to be pleased; but said they were none of the Chiefs, and could not tell how it would be approved of, and that they must go into the town. Major Trueman and the oldest man sat and talked and smoked till near midnight—that the Indian seemed very cheerful and jocose—after which the Major wishing to lay down, the old Indian spread a skin for the Major, and for each of them; the Major and the waiter laid down; he (Smally) himself sat up some time talking with them; after which the old Indian told him to ask his Captain if he would be willing that one of them should be tied, saying the two boys would be afraid, they could not sleep, seeing there is three of you and but two of us, counting the Indian boy, as of no consequence; that he then informed the Major what the Indian had been saying, on which Major Trueman told him to inform them that they might tie his waiter; the Indian then tied the waiter, girding his elbows backward, and made them fast with an old hoppers, and then tied his feet across each other with a bridle; the waiter then lay down, after which the old Indian came and sat down by him, and began to talk again with great seeming friendship and cheerfulness; that he then asked Smally to go and scrape some bark off a small beech bush which was about two or three rods from the fire, but within the light of it, in order to mix with his tobacco for smoking; that he went and scraped the bark, and brought it to him, and then laid down with his head within about a foot of the Indian's thigh; that the Indian then took up his gun and set it on the breech, and was observing what an ugly gun it was, and said it was so bad he could hardly kill any deer with it; that he happened to turn his head about (but cannot say for what cause, whether to look about or to spit) that his head being turned, the Indian immediately brought down the muzzle and shot Major Trueman—the ball entered his left breast, and came out at the small of the back, which killed him immediately; the Major only just turned; he heard him teich one groan; that he himself jumped up and ran, and got behind a large sapling, the young Indian then took up his gun to shoot him—that he stood behind the tree and begged and reasoned the case with him, the young fellow, for about two minutes, as near as he can recollect; that the Major's waiter, who had been tied, started and broke the old hoppers with which his arms had been pinioned, and got his feet loose and ran; that the old Indian ran after him, and brought him back to the fire; a scuffle ensued, when the waiter cleared himself and ran off again; the old Indian caught him, and brought him back a second time, during which time the young Indian was trying to shoot him (Smally) the old Indian then called to the young Indian man to come and shoot the waiter, saying he was stronger than he was; that the young man, after being called several times, ran up and shot him; the old man then ran up to the fire and called to him, who was on the opposite side at but a small distance, and within the light of the fire; that he called to him to come up to him; that Smally told him if he came there, he would kill him; he answered, he would not hurt him; he told him that a little while ago he had told him he would not hurt any of them—but that now he had killed them; that he then went towards him about half way, when he said sit down—he answered he would not, for then he would run up and tomahawk him—the Indian answered he would not, and persisted five or six times that he should sit down; that he still refused, saying, do you sit down, and then I will; that he then sat down, and they reasoned the case for near a quarter of an hour—when he asked him what he had killed them for? He answered, their horses, and what they had; saying, if he had taken them to town, he should get nothing—that now he should get all. That the old Indian then got up and went and stripped the Major; and the other went and stripped the waiter; the old Indian then told the boy to go and scalp them, which he did, fetching the scalps to him, who threw them down by him, and told the boy to go and get a couple of little sticks, and bend them round like a hoop, and tie the scalps in and dry them. That he then took out all the things and looked them over, and burnt all the papers except the speech, which was fastened to the belt. After which they divided the plunder, and sat down till day-light, when they threw the Major into an old blanket, and after carrying him about fifty yards, threw him down by the side of an old log, and then carried his waiter, William Lynch, and laid him down by the Major, and threw the old blanket over them, and covered them with chunks and poles; they then returned to the fire and made some chocolate, and eat breakfast; after which they mounted, and went about six or seven miles to the old Indian's house, and stayed all that day; the next morning they set out for the town of Glaize, where they arrived about two o'clock. That he stayed with the young Indian three or four days, when he and an Indian were sent to the King of the Delawares, Buckangahela, who told him he was sorry they had killed the men—that they ought to have brought them

to the towns; and said, then if they did not like the message, they could have killed them there; they could not have got away from them. The King told him to stay at the house where he was, and not to go about, lest the young Indians should kill him, till he could go down to where his Indian brother lived, of whom he had told him. [You will observe Smally had formerly been among the Indians, and was adopted, after which he had made his escape, and had been away several years.] In a day or two after this, the Shawanese Chiefs sent for him, who lived in the said town of Glaize. After he had told them what he could about the flag, they told him he might go back to the house where he stayed. That he continued about 14 or 15 days in the town; after which he went down to his brother, into whose family he had formerly been adopted, in the room of his adopted brother's brother, who had been killed; he lived there till the corn was laid by (by which is meant the finishing the hilling of it) with his brother's wife, his brother being out on a hunting; that he stayed there till after council about eight days; from this place, about 600 Indians started with a view to take Fort Jefferson, expecting to be joined by others to the amount of 600. By consent of his brother, who he made believe he should return, he set out for Detroit; being arrived there, he went to the commanding officer, and told him he wanted to get into the settlements in the United States—who informed him he should go in the first vessel going from thence; and at the departure of the boat, he gave him a pafs and seven days provisions. The officer used him with a great degree of kindness, and ordered him to stay with the clerk of the Indian store till the vessel was ready. That the vessel in which he went proceeded to Fort Ontario; from which he went to Navy-hall, where General Simeon lives, who behaved to him with as great kindness as it was possible for a man to do, giving him a pafs and seven days provisions; from thence he passed through the Genesee country to Sufquehannah, at New-Town Point; from thence to Vioolvey, where he lay sick a month at a Mr. Amos's, who treated him with great civility; from thence to Harris-Ferry, where he crossed, passing through Carlisle and Bedford to the Monongahela, at George-Creek, about 120 miles above Fort Pitt; from thence to General Wayne's head-quarters, at Log's-Town; and from thence to Columbia, the place of his residence and family—where he arrived the 30th December, 1792.

Mr. Smally farther relates, that while he was at the town of Glaize, he met with an Indian, who told him he had met with Messrs. Joseph Gerrard, Isaac Freeman, and a Mr. Lavara (as near as he can recollect the name) a Frenchman, who were also on an embassy to the Maumee towns. The Indian said they came across them about four days after they left Fort Washington; that they travelled with them about two days and a half, when they killed them in the following manner: First they tomahawked Mr. Joseph Gerrard, then shot the Frenchman, who was spreading out some things to dry; on which Mr. Freeman ran—that he himself shot at him and broke his arm—that he then came up with him and tomahawked him.

Mr. Smally also informs me, that he saw some of Colonel Hardin's things which were brought into the town of Glaize, which he deems the greatest of the Indian towns, (this Col. Hardin, with a Mr. Thomas Flinn, had also been sent on an embassy to the Indian Nations) but dispatched to the St. Dusky towns among the Wyandots. The Indians informed Mr. Smally that they were out a hunting when Col. Hardin came up to them in a plain with the flag; that after they got to camp, where they were altogether, they consulted what to do with them; that they were all for killing them but one, who insisted to take them to town and hear their message, and that they could but kill them when they got them there; but as the rest were for killing them, they shot Mr. Flinn through the head as he was sitting by the fire cooking; on which Colonel Hardin fled—an Indian pursued him—when the Colonel saw the Indian was like to come up with him, he turned and caught hold of the Indian's tomahawk; that while they were in the scuffle, another Indian came up and tomahawked the Colonel; that they brought the things into the town of Glaize, and sold some of them to the English.

Mr. Smally is of opinion that much the greater part of the Indians are for war. He says he talked with Simon Girty near two hours, that he abused him a good deal about our army, that they were so easily defeated. He told Mr. Girty he had come out with a flag. Girty then asked him what Congress meant by sending out letters to the Girtys, offering them a pardon if they would come in; that he damned them, saying, I reckon when they get us in, they think to hang us. He asked Mr. Girty when he knew Congress to be guilty of such a treacherous trick as that? He answered, when they killed the Moravians.

On asking Mr. Smally what he thought respecting the numbers of the Indians at war with us, he said he could only form a judgment from the report of the Indians—they say they expect at the next battle to have 8000; but he much questions if they could raise more than 5 or 6000 among the confederated nations at war with us. Mr. Smally seems of opinion that the British are not at this time active to assist the Indians in the present war; he believes they only give them yearly what they had agreed to give them at the peace with the United States; but whether this should be considered strictly as presents, or as