

MARYLAND GAZETTE.

T H U R S D A Y, F E B R U A R Y 18, 1796.

PROCEEDINGS

Of the HOUSE OF REPRESENTATIVES of the UNITED STATES, in the case of ROBERT RANDALL and CHARLES WHITNEY.

[Concluded from our last.]

Wednesday, 6th January, 1796.

On motion of Mr. Christie of Maryland, and Mr. Sedgwick of Massachusetts, the several informations heretofore given by them on oath, in the case of Robert Randall, and now delivered in, in writing, at the clerk's table, subscribed with their names, respectively, were read, and ordered to be inserted in the journal, as follows:

The declaration of Gabriel Christie is, that some time in the month of October or November last, this informant was in Philadelphia, when he saw Robert Randall, who had, as he informed this informant, just returned from Canada, where he had been disappointed in the business he went to that country on; but he, Randall, informed this informant, that on his way home, he had called at Detroit, where he had spent some time; and had, he believed, entered into an association, to which, if he got the consent of the government of the United States, would be of considerable advantage to him, and those who chose to associate with him; and informed this informant, that he might be concerned with him, provided he liked the speculation: he then informed this informant, that he had associated with a number of influential persons at Detroit, for the purpose of obtaining the pre-emption right to a large tract of country within the territory of the United States, and produced to this informant, the original association. After this informant had heard all that Randall had to communicate to him, this informant told Randall, that he considered his scheme as a wild goose one; and that this informant would not have any concern in it. Randall then requested this informant, to give him his opinion in what manner he, Randall, ought to proceed; this informant told him, that the most proper person to apply to, was Mr. Randolph, the late secretary of state; and if he, Randall, thought proper, this informant would inform Mr. Randolph of it, and get his advice, which Randall agreed to: this informant then went to Mr. Randolph, and gave him all the information that the informant had received from Randall. After considering the business some time, Mr. Randolph advised, that an application should be made to the president of the United States; which advice, the informant gave to Randall, who seemed at that time, fully satisfied with the proposal, and requested the informant to introduce him to the president, for that purpose; but as this informant was going out of town in a day or two, he told Randall, that he would introduce him to the president, on his return to congress. When the informant came to Philadelphia, in December, he found Randall in the city; and after asking Randall, what he had done in his business, and whether he still meant to apply to the president, Randall then informed the informant, that his friend and associate, Mr. Whitney, had arrived in Philadelphia, and that upon consulting with him, they came to a determination not to apply to the president, as he heretofore had agreed, but had determined to present a memorial to the legislature, for a grant of the said land. This informant told Randall, that he disapproved of this mode, and asked Randall who had advised him to it. Randall then informed the informant, that this said Mr. Whitney had informed him, that he had consulted with a number of the eastern members of congress, and in particular, with Mr. Sedgwick, who had advised this mode of proceeding. Randall also informed this informant, that Mr. Sedgwick had agreed to draw up, and present his memorial. This informant then informed Randall, that by this mode of proceeding, he had put it out of this informant's power to be concerned with him, if he thought ever so well of it. Randall asked the informant the reason; the informant answered, that it would be improper in any member of congress, to be concerned in any thing that he was to vote on. This informant was not able to impress Randall with the propriety of his remark. The informant never understood, that Mr. Sedgwick was, in any manner, concerned with Randall, or his associates; but that he, Mr. Sedgwick, thought the thing a public benefit, and would support it. That Randall never informed this informant, that any of the members of congress were concerned, but that a majority of them thought favourably of the plan, and would support it. In all the conversation the informant had with Randall, this informant told him, that he could not expect this informant's assistance, as the informant would never agree to sell any of the lands of the United States, for less than a dollar per acre. Randall then informed the informant, before a witness, that it was strange, that the informant was the only person in congress, that he had applied to, but what seemed to think favourably of his plan; the informant told Randall, that his opinion was fixed, and still ad-

vised his application to the president, which Randall declined.

(Signed) G. CHRISTIE.

January 5, 1796.

The informant, Theodore Sedgwick, a member of the house of representatives of the United States, declares, that some time before he left the place of his residence in Massachusetts, one Israel Jones, Esq; of Adams, in that state, waited on him and introduced to him, a man whom he now knows by the name of Charles Whitney, of the state of Vermont. That Mr. Jones is a man of respectable character, a magistrate, a member of the state legislature, (as the informant believes) and a trustee of the corporation of Williams college. That Mr. Jones informed the informant, that he, with others, had in contemplation an application to congress, for a grant of a tract of country lying between the lakes Huron, Michigan and Erie.—Considerations of a public nature having been stated and enlarged upon, the opinion of the informant was requested, relative to the propriety and success of the proposed application. He answered in substance, that he believed it was to be doubted whether the legislature would undertake actually to contract for any of the vacant public lands, and that the doubt was still stronger respecting these lands, the Indian claim to which had not been previously extinguished. He stated to Mr. Jones that, by reason of sickness in his family, it was not probable he should attend the next session of congress; at all events, however, he advised Mr. Jones not to make an early application, as it was probable the subject of disposing of the public lands would occupy the attention of congress, during the then ensuing session; and that, by the delay, Mr. Jones could form a more correct judgment of the course which it would be most eligible for him to pursue, relative to this subject. That while the informant was waiting on Mr. Jones to the door, at his departure, Mr. Jones asked him if there would be any impropriety in a member of congress being concerned in an application for a grant of lands? The informant answered, that it would depend on the circumstances under which the application was made; proper, if the application was made to a land-office, but otherwise, if to the legislature; because in the latter case it would be for a man to contract with himself; to this answer Mr. Jones gave an explicit assent. That the informant never at any time before or afterwards, to his remembrance, saw the said Whitney, until he saw him in this city, during the present session. That the informant came from his own home to New York, in company with col. Pepon, stated by the said Whitney, as one of his associates. That the informant hath been informed and believes that the said Pepon is now in this city; but that he had never spoken to the informant on the subject of the said land speculation. That not long after the arrival of the informant in this city, the said Whitney, one morning waited on him, and stated to him an intended memorial respecting the tract of land aforesaid, and urged, on the consideration of the informant, the motives of a public nature for a grant thereof. That the informant inquired of the said Whitney, to what state he belonged, and being answered to Vermont, he recommended to him to request the representatives of that state to present his memorial. That the said Whitney requested the informant to peruse his memorial when it should be prepared, which he understood was not then the case. That he answered, according to his best recollection, that whenever he had leisure he should be willing to do it; or to that effect. That the whole time of the interview he believes did not exceed six, he is very confident, could not exceed ten minutes. That twice afterwards, the informant's servant informed him, that the said Whitney wished to see him, and that he caused himself to be denied; and the informant is very confident he never undertook either to draft, or to present any memorial, for the said Whitney.

On the morning of the twenty-eighth of December, Mr. Smith of South Carolina, informed the informant of what he afterwards stated in evidence to the house, respecting Robert Randall. The informant advised Mr. Smith, as soon as possible, to make the same known to the house of representatives, (which Mr. Smith informed the informant he had determined to do) and the informant having previously advised the said Whitney to apply to the representatives of Vermont, he thought it his duty, and he accordingly took the earliest opportunity to request Mr. Smith of that state, to avoid presenting any memorial with which he might be intrusted for a grant of land, and desired him to make the same request to Mr. Buck, the other member from the same state.

The informant further declares, that he never, to his remembrance, saw Robert Randall, till he saw him at the bar of the house.

THEODORE SEDGWICK.

January 5, 1796.

The house, then according to the order of the day, proceeded to a final decision, in the case of Robert Randall; and,

A motion being made and seconded, that the house do come to the following resolution:

Whereas any attempt to influence the conduct of this house, or its members, on subjects appertaining to their legislative functions, by motives, other than the public advantage, is a high contempt of this house, and a breach of its privileges: And whereas it does appear to this house, by the information, on oath, of sundry members, and by the proceedings thereon had before the house, that Robert Randall did attempt to influence the conduct of the said members, in a matter relating to their legislative functions, to wit, the sale of a large portion of the public property, by motives of private emolument to the said members, other than, and distinct from, the public advantage: Therefore,

RESOLVED, That the said Robert Randall has thereby committed a high contempt of this house, and a breach of its privileges:—

The previous question thereon was called for by five members, to wit:—Shall the main question, to agree to the said resolution, be now put?

And, on the question;—Shall the said main question be now put?

It passed in the negative.

A motion was then made and seconded, that the house do come to the following resolution:

RESOLVED, That it appears to this house, that Robert Randall has been guilty of a contempt to, and a breach of the privileges of this house, by attempting to corrupt the integrity of its members, in the manner laid to his charge,

And, on the question thereupon,

It was resolved in the affirmative— { YEAS 78. }
 { NAYS 17. }

The yeas and nays being demanded by one fifth of the members present,

Those who voted in the affirmative, are David Baird, Abraham Baldwin, Thomas Blount, Benjamin Bourne, Theophilus Bradbury, Nathan Bryan, Daniel Buck, Dempsey Burges, Samuel J. Cabell, Joshua Coit, Isaac Coles, William Cooper, Henry Dearborn, George Dent, Gabriel Duvall, William Findley, Abiel Foster, Dwight Foster, Jesse Franklin, Albert Gallatin, Ezekiel Gilbert, James Gillespie, William B. Giles, Nicholas Gilman, Henry Glen, Benjamin Goodhue, Chauncey Goodrich, Andrew Gregg, Christopher Greenup, Roger Griswold, William B. Grove, George Hancock, Carter B. Harrison, Robert Goodloe Harper, Thomas Hartley, Jonathan N. Havens, Daniel Heister, Thomas Henderfon, James Hillhouse, William Hindman, Aaron Kitchell, John Wilkes Kittera, George Leonard, Edward Livingston, Samuel Lyman, William Lyman, Francis Malbone, John Milledge, Andrew Moore, Frederick A. Muhlenberg, William Vans Murray, Anthony New, Josiah Parker, John Patten, Francis Preiton, John Reed, Theodore Sedgwick, John S. Sherburne, Samuel Sitgreaves, Jeremiah Smith, Nathaniel Smith, Isaac Smith, Samuel Smith, William Smith, John Swanwick, Zephaniah Swift, Abalom Tatom, George Thatcher, Richard Thomas, Mark Thompson, Uriah Tracey, John E. Van Allen, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, Peleg Wadsworth, John Williams, and Richard Winn.

Those who voted in the negative, are Theodorius Bailey, Richard Brent, Gabriel Christie, Thomas Claiborne, John Clopton, Samuel Earle, Nathaniel Freeman, jun. John Hathorn, James Holland, George Jackson, Matthew Locke, Samuel Maclay, Nathaniel Macon, James Madison, John Nicholas, John Page, and Israel Smith.

Another motion was then made and seconded, that the house do come to the following resolution:—

RESOLVED, That the said Robert Randall be brought to the bar, reprimanded by the speaker, and committed to the custody of the serjeant at arms, until the further order of this house.

And, on the question thereupon,

It was resolved in the affirmative.

Pursuant thereto, the said Robert Randall was brought to the bar in custody; reprimanded by Mr. Speaker, and remanded in custody of the serjeant at arms, until further order of the house.

Thursday, 7th January, 1796. The house according to the order of the day, proceeded to the further hearing and trial in the case of Charles Whitney: Whereupon,

The said Charles Whitney being brought to the bar, in custody of the serjeant at arms, the information in writing, delivered in against him by Mr. Buck, one of the members from Vermont, was read, and it was demanded of him by Mr. Speaker, "what he had to say in his defence?" to which he answered, that he was not prepared to make defence, and requested that further time might be allowed him for that purpose, until Monday next.

The said Charles Whitney, then withdrew from the bar in custody, and the house proceeded to consider of his request; when,

A motion being made and seconded that the house do come to the following resolution,