

Mr. SMITH,
YOU will please observe that the affidavits now furnished, and the resolution to preface them, were about the 28th of February or the 1st of March, handed to Mr. Wm. Robertson, secretary of the senate, going to Augusta from Louisville, for your publication.---Why they have not been published,* or what has become of that sett, is a quere?

JAs. M. SIMMONS.

HOUSE of REPRESENTATIVES,
Friday, February 19, 1796.

Mr. Meriwether from the committee to whom was referred the motion, on the subject of the sales of the western territory by the last legislature, reported, and the report being read was amended and agreed to by the house and is as follows:

Whereas the most barefaced corruption has been practised between some individuals of the Companies who pretended to purchase under and several of the members of the last legislature, which passed the usurped act, entitled, "An act supplementary to an act entitled an act for appropriating a part of the unlocated territory of this state for the payment of the late state troops, and for other purposes therein mentioned; declaring the right of this state to the unappropriated territory thereof, for the protection and support of the frontiers of this state, and for other purposes;" and it is a question of much importance to determine whether members of a legislature are subject to a trial by impeachment under the 9th section of the 1st article of the Constitution, which, if they should be liable to, many of them appear to deserve, and it would become the duty of the representatives of the people to prosecute, in order to deter others acting in that high and sacred trust from the like heinous practices against the majesty and liberties of the people:

And whereas, owing to the improper time of meeting under the late amendments to the Constitution, and the advanced state of the season, which requires the immediate attention of the members to their respective farms and plantations, this present legislature have not time to give the subject a due deliberation, or, if a decision thereon could be obtained, to prosecute such impeachments the present session to effect:

Resolved, That this subject be referred to the next legislature, with the most earnest recommendation that it be early taken under their serious consideration, and that such steps be had thereon as may be most likely to prevent such flagrant violations of the rights of a free people in future.

Resolved, That the judges of the Superior Court be and they are hereby required to lay before the next legislature their opinion as to the said 9th section of the said 1st article of the Constitution on this point, whether a member of the legislature can be considered a person who holds an office within the meaning of the said section, and is consequently liable to impeachment.

And whereas James Gunn, senator of this state, left his seat during an interesting session of the legislature of the union, and attended the legislature of this state during the whole session in which the usurped act, entitled, "An act supplementary to an act entitled an act for appropriating a part of the unlocated territory of this state, for the payment of the late state troops, and for other purposes therein mentioned, passed the 7th January 1795; by which the western territory of this state was attempted to be bartered; and it appears by the depositions on oath of Henry G. Caldwell, James Simms, and Robert Flournoy, that the said James Gunn did attempt to corrupt and unwarrantably influence some of the members of the said legislature who passed the law.

Resolved, That the said James Gunn has lost the confidence of this legislature.

Resolved, That the Senators of this state in Congress be required, and the representatives thereof requested, to use their utmost influence to obtain an amendment of the Constitution of the United States, authorizing the legislature of any state to recall a Senator in congress therefrom whenever the same may be deemed necessary.

Resolved, That the clerk of this house carefully preserve the original depositions on oath, respect-

* They were not received by the Printer.

ing the said corruption, in order that the same may be laid before the next legislature; and copies of the same, with these Resolutions, be published in one of the Augusta and the Savannah Gazettes.

Resolved, That the Attorney and Solicitors General be instructed carefully to examine the said affidavits, and that, in whatever instance the Constitution and laws of this state will admit, prosecutions be instituted against such persons as were instrumental in corrupting or seducing the members of the said legislature.

Affidavit First.

GEORGIA, }
Burke county. } January 16, 1796.

RUSSEL JONES, senator from the county of Franklin, being duly sworn, maketh oath, "That some time in the last summer, Thomas Raburn, Esq. a representative from the said county, in the last legislature, was at his house, when James Coil, and several others were also present, and talking together on the subject of the sale of the western territory of this state, the said Coil, told Raburn, that he did not blame him for selling the land, but for his selling his vote so much lower than what other members did; that he, Raburn, had sold his vote for six hundred dollars, and that others had got a thousand--Raburn replied, that it shewed that he was easily satisfied and was not greedy.

Signed, RUSSEL JONES.
Sworn in presence of the Committee of the
House of Representatives, before me.
THOS. LEWIS, J. P.

Second.

CLEMENT LANIER, Esq. one of the representatives in the legislature of this state, who being duly sworn, on the holy Evangelist of Almighty God, deposes and says, that during the last session of the legislature at Augusta, in the winter of the year 1794, he being a member of the house of representatives, and sitting on the same seat with Henry Gindrat, another of the members of that house, before the speaker took the chair, the said Gindrat, recommended to him, to be in favour of selling of the western lands, for that he, said Gindrat understood it was worth our notice; for Mr. Thomas Wylly, a senator from Ellingham county, had told the said Gindrat, that he, the said Wylly, could have eight or ten likely negroes for his part: And the deponent further sayeth, that on the same day, in the afternoon, the said Thomas Wylly, came into the lobby of the house, and beckoned to the deponent, who followed him out, when a conversation commenced about the Yazoo act; at the same time, a Mr. Denison, came by and asked what we were upon--the said Wylly answered, the land business; the said Denison, then came up, and Wylly withdrew; the said Denison, then told the deponent, that he did not pretend to advise any member to be in favor of selling the land, but that those who were in favor of it, were handsomely provided for, and that if the deponent thought proper to be in favour of selling, that he should have part, and that the said Denison, said he was a purchaser of such of the members parts, as had a mind to sell, but understood that some of the members pretended to ask eight and ten negroes for a share, or their shares; he said he could not give so much, but the deponent might depend he would purchase: The deponent further sayeth, that previous to any of the before recited circumstances, Mr. William Longstreet, one of the members of the said legislature, frequently called on the deponent, and asked him why he was not in favour of selling the western lands, who answered he did not think it right to sell to companies of speculators. The deponent at this time wishing to make further discovery of the conduct of the members on that sale, and therefore affected to be inclined to come into the measure, and by that means kept up a conversation about it occasionally; that on the day the bill received its first reading, before the house was convened, the said Longstreet, spoke to the deponent, to get his approbation to the sale. The deponent asked him to shew him what security the members had of the purchasers, when the said Longstreet, presented a certificate, entitling the bearer to two shares of twenty-five thousand acres each, signed by Nathaniel Pendleton, chairman. The deponent then told the said Longstreet, that that was not what he had formerly told him was a member's share; for that the

said Longfreet, had before said, a member's share was seventy-five thousand acres. That the said Longfreet, then told the deponent, if he would wait a few minutes, or an hour, he would bring him another certificate from Gunn's company, for the same number of acres. That the deponent in order to disengage himself from the conversation, then said the security was not sufficient to entitle him to the land. That the said Longfreet, then told the deponent, if he was not satisfied with the certificates, he would give him one thousand dollars for it, or for them. The deponent then presented the certificates to the said Longfreet, and went into the house, which was the last interview he had on the subject. The deponent further sayeth, that the shares offered him as aforesaid, were expressly designed to induce him, the deponent, to vote for the bill for disposing of the western territory.

Signed, CLEM. LANIER.
Qualified as aforesaid.

Third

PETER L. VAN ALLEN, being duly sworn, sayeth that about the 12th or 13th of January 1795, he was in company with a Mr. Gindrat, who, the deponent, understood was a member of the legislature, then lately adjourned, that in consequence of the advice of R. P. Sanders, Esq. another member of the same legislature, who advised the deponent to purchase some of the western lands, which the said legislature had sold, and in the purchase of which the deponent understood the said R. P. Sanders, was interested, and from the information of the said Sanders, they could purchase between them two shares in Gunn's company, and to the best of the deponent's recollection a share in Glascocks company for a thousand dollars. That the said Gindrat, told the deponent, in a conversation on that subject, that he should have his, the said Gindrat's share, for that sum, provided the money was paid by a certain time. That in consequence, the deponent went to exchange some Governors warrants for money; and when he returned, Gindrat refused to let him have them; having as the deponent understood and believed, met with a better market. The deponent further sayeth, that he believes, and then understood, that a certain quantity was allotted to each member in the majority, who were not to pay any money therefor in advance, but were particularly indulged until the whole purchase money was payable at the treasury, in consequence of their vote and support of the law for selling the lands. The deponent further sayeth, that R. P. Sanders, told the deponent, that he had made a contract with Lachlan M'Intosh, Esq. who was, as the deponent understood, a member of the same general assembly, for all the shares that the said M'Intosh, held in the different companies, for which he had contracted to give him eight negroes, fifty barrels rice, and a certain sum of money, which the deponent does not recollect: That this contract was made before the first bill had been negatived by the governor; but that a reservation being made in the second bill in favor of the citizens and the state, would deduct considerably from the quantity of land in each share. He, the said R. P. Sanders objected to giving so much. The said M'Intosh, however urged the completing the contract. The said R. P. Sanders, further told the deponent, that the contract was broken off by reason of that deduction. The deponent further sayeth, that he was present in company with Lachlan M'Intosh, and others, when some one of the company, he thinks Mr. M'Intosh himself, said that he, the said M'Intosh, held six shares in the Georgia Mississippi company, which he offered at three hundred dollars premium each, and on the same day the deponent understood that he did sell them for a premium of two hundred and fifty dollars each, to one of the grantees of that company.

Signed, PETER L. VAN ALLEN.
Sworn to as before.

Fourth.

JAMES MERIWETHER, Esq. being first sworn before Thomas Lewis, Esq. in the presence of the committee of the house of representatives, was asked the following questions.

Q. 1. Were you not, or are you not, now treasurer to one of the companies which purchased the territory claimed under the act of the last legislature, for disposing of the same, passed on the 7th January 1795, entitled, an act supplementary, &c.?

A. I was treasurer to the Georgia Mississippi company, and received £. 70 per annum for that duty; I resigned on coming to this place.

Q. 2. Who were associates in that company?

A. I do not know who they were, the accounts were opened not in the name of persons, but by the number of certificates; when I received money I receipted by the number of the certificates.

Q. 3. Do or do you not know where the list of the associates is kept?

A. I do not.

Q. 4. Are you, or are you not, acquainted with the means by which the said act was obtained?

A. I am not; I am interested as a purchaser in that company.

Q. 5. Do you, or do you not, know that some one or more of the members of the legislature, were holders of shares directly or indirectly in the purchase?

A. I do not.

Q. 6. Did, or did not some one or more of the members of the legislature, pay in to you as treasurer, monie: in payment of the purchase, and who, and which of them?

A. I never received any money from any member of the legislature, that I recollect, but I am pretty certain I did not.

Q. 7. Who was the treasurer previous to yourself?

A. Mr. Amasa Jackson.

Q. 8. Has the Georgia company paid up the whole of the purchase money?

A. They have.

Q. 9. At what time was it paid?

A. About the last of August, he thinks.

Signed,

JAs. MERIWETHER.

Qualified as before.

[To be continued.]