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FROM THE PALLADIUM, EXTRA, OF DEC. 8th, 1806.

LEGISLATURE OF KENTUCKY.

IN THE HOUSE OF REPRESENTATIVES.

TUESDAY, DEC. 2.

MR. POPE from the select committee appointed to enquire into the charge against Benjamin Sebastian, one of the judges of the Court of Appeals, reported the following resolution:

The committee to whom was referred the information communicated to the House, charging judge Sebastian with having received a pension from the Spanish government, have had the same under their consideration, and report that they have with circumspection and attention examined the various evidences brought before them, which is as follows:

The evidence given on the enquiry into the charges against Benjamin Sebastian, Esq. one of the judges of the Kentucky court of Appeals, before a special committee appointed by the House of Representatives for that purpose, on the 27th day of November, 1806.

MR. THOMAS BULLITT of lawful age being first duly sworn, deposed, that in the year 1800 or 1801 he was spoken to by judge Sebastian to receive money for him at New Orleans, which he said was coming to him annually, and upon his, the said Bullitt's agreeing to do so, judge Sebastian gave him a draft on Don Andre Armisto, not as an officer, but in the form which drafts are commonly drawn for money without a consideration stated; which draft he forwarded by a Mr. Smith, and was paid off. And that judge Sebastian informed him that he drew 2000 dollars annually for life, in consequence of his the said Sebastian's having been active in some commercial arrangements with the Spanish government and the people of the Western country; and that in the year 1802 he also got a second draft from judge Sebastian for 2000 dollars, which was presented and paid. He also said that he had seen a letter from governor Carondelet to judge Sebastian, wishing him the said Sebastian to appoint an agent or agents to meet Gayosa at Madrid, which letter was dated previous to the drafts, and in consequence of which letter, judge Sebastian said he was induced to take his first trip to New Orleans. Mr. Bullitt upon being interrogated whether this letter did not go to implicate judge Sebastian as an officer under Spain? He answered in the negative. Mr. Bullitt also stated that judge Sebastian told him that while he was making those commercial arrangements (for which he became entitled to the annuity) a courier arrived at New Orleans, giving information of the negociation of peace between America and Spain, which put a stop to the arrangements. Mr. Bullitt was also interrogated, whether or not the annuity spoken of was in consequence of any monied or property consideration? He answered that he understood that it was in consequence of judge Sebastian's own personal services in bringing about the before mentioned commercial arrangements.

Examined and signed by
THOMAS BULLITT.

MR. CHARLES WILKINS being duly sworn, deposed, that in the fall of 1804 he went to Natchez, and on examining the papers of John A. Seitz, deceased, deposited in the house of John and C. Wilkins at Natchez, found among them a draft on the Spanish governor at New Orleans or any other person authorised, drawn by Benjamin Sebastian, for the amount of his the said Benjamin Sebastian's pension, but did not recollect the date of the draft. Mr. Wilkins being interrogated, whether or not the word "pension" was made use of in the draft? He answered that he was confident it was. Mr. Wilkins was also asked, if Don Andre Armisto was not the secretary to the colony of Louisiana? He answered that he was. It was also enquired of Mr. Wilkins, if the hand writing of the draft and letter produced by him, did not appear to him to be the same? He also answered that it did appear to him to be the same.

Examined and signed by
CHARLES WILKINS.

The letter referred to in the foregoing deposition is in the following words and figures, viz.

"*Louisville, Feb. 18, 1804.*

"DEAR SIR,

"The intelligence of your having safely arrived at Natchez about a month ago, gave me very considerable pleasure, not only because you were thus far secure from the dangers of a hazardous voyage, but also that you would soon have it in your power to determine whether the application to be made on my account, would be productive or not. As the subject is all important to me, and of course I feel a considerable solicitude about it; the sooner you can inform me of the true situation of the business the better; for, if you succeed, I shall be eased of a great weight of anxiety, and if you do not, I must immediately make the necessary preparations to descend the river myself, for the purpose of collecting proof of my situation, and lay a statement of the business before the minister.

"If the person who was authorised to have transacted this affair in N. O. should be gone hence before you arrive there, it is probable the application must be made at the Havanna; and if this idea had suggested itself to you, I have flattered myself that that circumstance would hasten your departure from Natchez, or that you would devise some mode whereby application at N. O. might be made through the agency of some confidential person.

"Accept the warmest wishes for your prosperity and happiness of your sincere friend and servant.

"BEN. SEBASTIAN."

Messrs. Joseph H. Daviess, Thomas Bullitt, John Allen, and John Pope, proved that the body and signature of the said letter was in the hand writing of Judge Sebastian.

Mr. JAMES T. MARTIN, being also duly sworn, deposed as follows: "In the year 1805, I received from the agent of Messrs. John and Charles Wilkins, at Natchez, a trunk delivered me as the property of the late John A. Seitz, who died at Orleans, in July 1804. The trunk contained a number of papers relative to the concern of said Seitz; among which I discovered a draft, was signed Sebastian as the drawer, but I did not know the hand writing of Judge Sebastian; nor am I confident that it was signed "Benjamin Sebastian," but I recollect perfectly the substance of the address of the draft is contained and I believe expressed in the following words: "To the proper officer in the Spanish government for paying off such claims." The trunk that contained the above paper I forwarded to John Clay in New Orleans, in October 1805, accompanied with a letter, in which I requested him (as well as I recollect) to give it the first conveyance to Mr. Francis West, of Philadelphia."

Signed,
JAMES T. MARTIN.

Before the committee on the enquiry into the charges against Judge Sebastian, November 28th, 1806, A. M.

Mr. THOMAS BULLITT was again called upon, and stated on oath as follows: That the letter spoken of yesterday by him from the baron of Carondelet to Judge Sebastian, was on the subject of commercial arrangements, and that the names of Mr. Innes and Mr. Nicholas and some other person not recollected, were in it, and who were requested jointly with Judge Sebastian, to appoint an agent or agents to meet Gayoso at Madrid—and that commercial arrangements appeared to be the only object of that letter—and that Judge Sebastian informed him that he the said Sebastian insisted on the articles of their commercial arrangements being signed, stating that the treaty might not be ratified, and if it was not they would have their operation, and if it was, they would do no harm. The governor answered he would not do any thing further in the business.

Examined and signed by
THOMAS BULLITT.

His Excellency C. GREENUP, esq. was duly sworn, and deposed as follows: That he knew nothing of Judge Sebastian's receiving money from the Spanish government until yesterday, on the receipt of Judge Sebastian's resignation, in which he stated the commercial arrangements, and the money which he had received in consequence of them—but that he saw a memorial in 1799 or 1800, concerning a negociation with Spain for a grant of land, in which memorial some expressions were contained like the following: "That the memorialists were dissatisfied with their government, and were more pleased with the mild and pacific government of his Catholic majesty," and that Judge Sebastian told him that the baron Carondelet assured him, the said Sebastian, that upon a proper company being formed, a grant of land would be made to them.

Examined and signed,
CHRIST. GREENUP.

Mr. *RICHARD STEELE* was also duly sworn, and deposed, that the memorial alluded to by governor Greenup, was drawn up by Judge Sebastian, as he conceived from the hand writing and conversation which he had with Judge Sebastian on that subject, and that he as one of the company did refuse to have any thing further to do with it, in consequence of its stating that the memorialists were dissatisfied with the government of their country, and were more pleased with the government of Spain, which expressions were afterwards at a meeting of the company expunged; and then Judge Sebastian refused to be their agent, or to have any thing more to do with it in consequence of those expressions in the memorial being stricken out. Mr. Steele also stated that Messrs. Grayson, of Bardstown, A. Steele, of Shelbyville, doctor F. Ridgely, now of Woodford county, and the late John A. Seitz, then of Lexington, are directors, and that upon Judge Sebastian's withdrawing from the company, doctor John Watkins was appointed agent to carry the scheme into effect.

Examined and signed by
R. STEELE.

Mr. *WINGFIELD BULLOCK*, being also sworn, deposed, that he was one of the memorialists spoken of by Mr. Steele, and at a meeting of the company held at Frankfort, previous to the one alluded to by Mr. Steele, it was proposed to strike out of the memorial the expressions of their being dissatisfied with their government, and were more pleased with that of Spain, which proposition was warmly opposed by Judge Sebastian, upon which he withdrew his name and had nothing more to do with the company.

Mr. DANIEL WEISIGER being also duly sworn, deposed, that he was administrator with the honorable Harry Innes, of the late Samuel M. Brown, deceased, and that judge Sebastian had a claim against the estate of the said Brown amounting to about 1500 dollars, which he, the said Sebastian informed him was sent by some person from New Orleans, for the support and education of his son then at judge Sebastian's, over whom judge Sebastian had the control, and that a Mr. Griffith, who came up from New Orleans with the said Brown's boat, accounted to judge Sebastian for 800 dollars, part of the said 1500 dollars, and that the balance remained unaccounted for, as the estate of the said Brown was insolvent.

THE DEPOSITION OF HARRY INNES.

Who being sworn deposeth and answereth to the following questions.

Do you, or do you not know of Mr. Sebastian's receiving money from the Spanish government, or of any officer of that government, and at what times?

Have you any knowledge of any negociation which was entered into, or attempted by Mr. Sebastian and the Spanish government at New Orleans, or with any officer of that government? If you have, depose as to these facts.

Answer. To the first interrogatory. The deponent saith he has very little knowledge. That the first intimation which he ever received upon that subject was from Mr. Wilkins in Lexington some time in August last—that as Mr. Wilkins has deposed to the fact, and any thing detailed by this deponent as coming from that gentleman would be hearsay, the deponent conceives it improper to relate it—that Mr. Wilkins informed this deponent of a letter signed by Mr. Sebastian, which he had in his possession, and which he found among the papers of Mr. Seitz, relative to a money transaction which he promised to shew this deponent and give him a copy—that the next day Mr. Wilkins shewed the original letter which was signed with Mr. Sebastian's name, but had no direction, it being supposed to have gone under a cover; which letter this deponent from his knowledge of Mr. Sebastian's hand writing believes to be his, and Mr. Wilkins gave the promised copy after comparing.

This deponent further states that he had no further communication with Mr. Sebastian after receiving the said copy till the Saturday of the first week of the session of the court of appeals, in October last, when in an interview in this town, this deponent mentioned the information he had received from Mr. Wilkins respecting the bill for a pension and shewed him the copy of the letter. Mr. Sebastian read the letter, said he had no recollection of having written such a letter, and acknowledged that he had given Mr. Seitz the bill; and then observed that the pension had been given to him in consequence of the business which induced him to go to New Orleans in 1795.

Answer to the second question. I have. But before this deponent proceeds to answer the question, he requests to be indulged with making some preliminary observations on the state of the public mind in this country in the year 1794, respecting the navigation of the Mississippi. This deponent observes that it must be known and recollected by some of the committee, the violent heat that pervaded this state, arising from the publications and proceedings of the democratic society in Lexington, and some other places—that it must be known and recollected that the French minister Genet had sent his emissaries to this state to excite the people of Kentucky to offensive measures against the Spanish province of Louisiana, that officers were appointed to command an army to be raised for that purpose, and that report said it was to consist of 2000 men—the truth of these facts the deponent has no doubt can, if necessary, be proved; and this deponent is of opinion that, the proceedings of the people in the western country induced Spain to accede to the treaty at the time she did.

The deponent further states that such was the heat of the public mind at that period, respecting the navigation of the Mississippi, that he avoided all the meetings of the democratic societies, least their measures should lead to acts which would attract the notice of the general government, and prosecutions be instituted which could only be done in the court in which this deponent resides.

That this deponent is convinced, that the anxiety which appeared to pervade this state at that period, as expressed by the democratic societies, induced the President of the U. S. to send a messenger, to wit: colonel James Innes to this state, to communicate through the executive to the people of Kentucky the situation of the pending negociation between the U. S. and Spain respecting the navigation of the Mississippi—that the messenger arrived in this place on the 25th day of December, 1794, and in the course of that winter made a communication to gov. Shelby—and that this communication quieted the public mind for the present. That the harvest of 1795 was very abundant; and in the fall of that year a general murmur pervaded the people of this country respecting their crops, on account of the probability of having no opportunity of exporting their produce the ensuing season. That some time in November or early in December, 1795, this deponent and William Murray, esq. received a letter from Mr. Sebastian, requesting us to meet him at col. George Nicholas's house, in Mercer county, on a day stated in the letter—observing that he had business of importance to communicate, which related to us all. This deponent and Mr. Murray went to col. Nicholas's, where we were met, agreeably to appointment, by Mr. Sebastian, who submitted to us a letter, he had received from the baron de Carondelet, then governor of Louisiana, to which this deponent refers, and makes a part of this deposition, in the words and figures following:

New Orleans, July 16th, 1795.

SIR,

"The confidence reposed in you by my predecessor, brigadier gen. Miro, and your former correspondence with him, have induced me to make a communication to you, highly interesting to the country in which you live, and to Louisiana.

"His majesty being willing to open the navigation of the Mississippi to the people of the western country; and being also desirous to establish certain regulations, reciprocally beneficial to the commerce of both countries, has ordered me to proceed on the business, and to effect in a way the most satisfactory to the people of the western country his benevolent design.

"I have therefore made this communication to you, in expectation that you will procure agents to be chosen and fully empowered by the people of your country, to negociate with col. Gayoso on the subject, at New Madrid, whom I shall send there in October next, properly authorized for that purpose, with directions to continue at that place or its vicinity, until the arrival of your agents.

"I am by information well acquainted with the character of some of the most respectable inhabitants of Kentucky, particularly of Innes, Nicholas and Murray, to whom I wish you to communicate the purport of this address; and should you and those gentlemen think the object of it as important as I do, you will doubtless accede, without hesitation, to the proposition I have made, of sending a delegation of your countrymen, sufficiently authorised to treat on a subject which so deeply involves the interest of both our countries.

"I remain with every esteem and regard, sir, your most obedient, humble servant,

"The BARON OF CARONDELET."

This deponent further ſtates, that after deliberating on the contents of the letter, it was the unanimous opinion of the four perſons referred to in the letter, that from the ſituation of the pending treaty between the U. S. and Spain of which no communication had been received for near twelve months and the uncertainty when it would terminate, that as it was a ſubject in which all the Weſtern people, were greatly intereſted—that as it had excited great heat in the minds of the people of this country—that as we had no power to appoint agents to meet col. Gayoſo, as was requeſted, that under theſe exiſting circumſtances, it would not be prudent to communicate the ſubject matter of the letter, yet, that it was adviſable to know what was the object of the Spaniſh government upon that important ſubject. To accompliſh this object it was thought adviſable, that as the communication was made to Mr. Sebaſtian he ought to meet colonel Gayoſo; and in conſequence of this opinion Mr. Sebaſtian deſcended the Ohio. On Mr. Sebaſtian's return from New-Orleans in 1796, he informed this deponent, col. Gayoſo was at the mouth of the Ohio river, waiting for an anſwer to the Baron's letter, that the ſeverity of the weather induced them to go to New Madrid, where a conference took place on the ſubject of the letter, that among the conceſſions which were ſtipulated, Gayoſo propoſed to reduce the duty of ſix per cent import, and ſix per cent. export, amounting to twelve per cent. to four per cent.—that he, Mr. Sebaſtian, inſiſted that as the Spaniſh government had come forward upon the principle of conciliating the people of the Weſtern country, that no duty ought to be exacted from them, becauſe they claimed as a right, the free and undiſturbed navigation of the Miſſiſſippi river. Finding Gayoſo fixed and immoveable on that point, he propoſed to go to New-Orleans, and refer the point in diſpute to the governor general; which being acceded to, he deſcended the river to New-Orleans, with col. Gayoſo. Upon their arrival at N. Orleans, the governor had a private interview with Mr. Sebaſtian, and requeſted information as to the point in diſpute between him and col. Gayoſo. Mr. Sebaſtian ſtated the demand of four per cent. impoſt; to which the governor replied that colonel Gayoſo was wrong, and that he would releaſe it, as the plan was altogether conciliatory; but obſerved that he was then preſſed by public buſineſs, yet would attend to him on a particular day, which he named—that a day or two preceding the time fixed for the interview he received a meſſage to immediately wait on the governor—upon repairing to the government houſe, the governor informed him that a courier had arrived from the Havanna informing that a treaty of friendſhip, limits and navigation had been entered into by his catholic majeſty and the U. S. which put an end to their buſineſs. That Mr. Sebaſtian then ſhewed this deponent a paper in his hand writing, containing the conceſſions which had been ſtipulated by Gayoſo, & which he believes is the ſame paper now in his hands, and here preſented to the committee—which is in the words and figures following:

"His Catholic majeſty having taken into conſideration the relative ſituation of his province of Louiſiana and its dependencies, and that part of the U. S. of America lying weſt of the Apalachian mountains, and being of opinion that a commercial intercourſe between the two countries, will be productive of the harmony and reciprocal intereſts thereof, has been pleaſed to concede to the people of the ſaid Weſtern country, during his pleaſure, the following privileges:

1ſt, The people of the Weſtern country ſhall henceforth freely uſe and excluſively enjoy for the purpoſe of commerce, the navigation of the river Miſſiſſippi, and all the ports and places thereof under the government of his catholic majeſty, ſubject to the ſame regulations and reſtrictions, and no other, by which the commerce of the ſubjects of his catholic majeſty is now governed. And whereas the people of the ſaid Weſtern country are now ſubject to the payment of ſix per centum, ad valorem on all the produce of the ſaid Weſtern country, imported into the government of Louiſiana and its dependencies, and alſo to the payment of the ſame duty on the exportation thereof, and his majeſty being willing to remove every obſtacle to that friendly intercourſe which he is deſirous to eſtabliſh and maintain with the ſaid Weſtern people, does hereby concede that the ſaid weſtern people ſhall hereafter be ſubject to the payment of a duty of four per centum only, whether the produce imported be diſpoſed of in the markets of Louiſiana, or exported to foreign markets; and that the duty to be thus paid by the ſaid weſtern people ſhall be regulated by the valuation of their produce hereto annexed.

"2d. That there may be no impediment or obſtruction to the fulleſt and moſt advantageous enjoyment of the privileges hereby granted to the people of the ſaid weſtern country by his catholic majeſty, ſuch of the weſtern people as may chuſe to reſide in the government of Louiſiana, for the purpoſe of carrying on commerce, ſhall henceforth be permitted to acquire by purchaſe or otherwiſe both real and perſonal property in any port or place on the ſaid river Miſſiſſippi, or at any other place within the government of the ſaid province of Louiſiana and its dependencies, and ſhall be protected by the ſaid government in the enjoyment thereof, the ſaid residents being amenable during their residence, to the same laws and regulations by which the subjects of the said province are governed; and should the said residents or any of them die in the said province, or think proper to remove to the U. S. or elsewhere, their property both real and personal, shall in the first case be disposed of according to the will of the decedent, and where no will has been made, shall de-