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HOUSE OF REPRESENTATIVES.

Wednesday, May 31.

DEBATE

On Mr. Randolph's motion for approving the late conduct of the President of the U. States.——Continued.

MR. FISK said it was with great sincerity that he now declared that he was glad that this unfinished business was taken up by the House at this time: and he should speak with equal sincerity were he to say that he should be glad that the House might finish it before they adjourned. Nor did he speak with less sincerity when he declared his reluctance to offer any remarks on the subject. Nothing but the extraordinary resolution and the still more extraordinary course the discussion had taken, should have induced him, young and inexperienced as he was in the business of the House, at this time to have trespassed on its patience. As an individual or private citizen (said Mr. F.) I have no objection to the sentiments contained in that resolution as originally proposed, nor to the amendments suggested. I do not know that there is any difference of opinion on this subject; and I did regret to see a proposition introduced which might look like a distrust of the unanimity which I believe at this time prevails in the nation. I for one have not heard any murmuring or complaints of the conduct of the President in meeting the overtures of the British government, but lest I should be unwilling to give my vote as a Representative of the people upon this resolution or any other of like description. I consider it to be derogating from the dignity of a Representative of the people to give my approbation to the President or any other officer, however meritorious, when he has performed no works of supererogation, but merely a duty clearly defined by the express letter of the law; which if he had not done, it might have called not for the voluntary, but for the *constitutional* interposition of this House. And so long as this House is organized with the powers and duties which are vested in it by the constitution, giving it the sole power of impeachment, I should think we ought to act with great caution in giving votes of approbation of an officer whose conduct in the execution of his office it may become our duty constitutionally to enquire into. I could therefore have satisfied myself with giving a silent vote on postponing it, which I was willing to do, not only indefinitely, but I was content that the time of its postponement should be co-extensive with the existence of our free government. I was unwilling for one to be converting this splendid hall of legislative deliberation into a temple for offering up adulation to the Executive shrine. I was willing for another consideration to postpone the consideration, viz. to save the time of the House and of the nation: for, whatever idea some gentlemen may entertain with respect to the necessity of transacting all the ordinary business of the nation at this session, and whatever belief they may have that there is no constitutional objection to it, I must beg leave to say that I entertain a very different opinion—and looking into the constitution for my guide, carries me back to the time when it was proposed and to the convention who did propose it. A great proportion of that body was, as the greatest proportion of Congress always has been and always will be, farmers. Certainly, when reasoning upon the time when it would be most expedient to convene Congress, they fixed upon a period more convenient to the agricultural interests of the country than any other; and at that time I think it would be proper still to meet. I believe, sir, that it was the general impression of the nation, not only when the law convening Congress was passed, but when the time of meeting had arrived, that their attention would be directed to those objects and those only which obviously and imperiously demanded their attention; and I hope that this House equally with the President of the United States will be "aware of the inconveniences attending a protracted session at this season of the year." And sorry am I to hear any one, especially one from the Southern parts of the United States say that he shall go on to transact the ordinary business of the session; but not so much do I regret to hear this, as to hear him declare that he wishes to try the strength of the South and West against that of the East and North. I am aware, and so must be every member of this House, of the out of door insinuations about the influence of different sections of the union. I believe nothing of it; and I am sorry that so vile a calumny should receive the countenance of any member of the House. I never wish to see any measure brought forward which shall try the strength of the comparative parts of the union. I should wish that geographical distinctions should be no more heard of, but that we should consider the interest of different sections of the country as the interest of the whole.

Another and a principal consideration with me for wishing to postpone the discussion of the question at this time was, that it would lead to the very (as I conceive it) improper examination or discussion of our foreign relations. This argument seemed to have considerable weight on the first day's discussion; but the gentleman from Virginia came forward afterwards to fortify his claim to the attention of the House by exhibiting precedents shewing the conduct of former administrations. Precedents are sometimes entitled to consideration and deserving of weight. They are of two kinds, one establishing a form of procedure, and the other a principle of action. To the former there is no objection, if it be not obviously improper; but to the latter we pay no attention, unless convinced that the principle is correct. What are the precedents on which the gentleman relies? Are they analogous or are they not? The first precedent, upon which the gentleman who introduced it with an air of triumph seemed to rely, was that of a vote of thanks and an expression of approbation of the conduct of the father of his country in one of his last though not least useful measures, (the proclamation of neutrality) conducive to the interest and happiness, and perhaps to the preservation and salvation of his country. But what, let me ask this House to consider for a moment, was the situation of the country at the time that proclamation was issued? Was it not different from the present? Unfortunate, perhaps, was it for the citizens of this country, that, in 1793, they had not got rid of impressions, made during the revolution, hostile to England and favorable to France. Whether justly or unjustly made, it is not now my purpose to enquire. Suffice it, that they did exist. There was a disposition in the country at that time to hail the French revolution as the dawn of liberty to the European states. Scarcely could our people be restrained, and indeed they were not restrained, from celebrating it, by festivals, songs and toasts to the success of the French patriots. About this time war commenced between England and France. It then became a question with the administration, more than with the people—for their zeal for French success would perhaps, unless restrained, have hurried them to take a part with those whom they considered to be fighting the battles of liberty, and to whom they considered themselves under so many and so great obligations—it became a question what was the duty of this country towards France. In this situation of things, the President, not directed how to act by the plain letter of a statute, and doubting his power and his duty in this respect, convenes the heads of departments—and I believe I should not err were I to say that a diversity of opinion existed even there as to what course should be pursued; but the opinion and judgment of the President prevailed. His course was that of neutrality. A proclamation was issued. What was its effect? Did it meet universal approbation, as in the case of the present measure? Did the people give it their hearty and unequivocal consent? No, sir; there were murmurs—and even the conduct of WASHINGTON was questioned. In this situation of things, shortly after, Congress convened. The interest of the nation, as it were, required the expression of the opinion of this House; and that measure they did not hesitate to take, and commended the Executive for the course which he took. Hence, I conceive, sir, that there was no analogy between that case and the present. This authority is not sufficient to convince me that it is my duty to vote for this resolution.

The next precedent adduced was the expression of the opinion which this House entertained in relation to another subject, viz. the obstruction of the navigation of the river Mississippi. You, sir, with every other member, will recollect the *sensation* which was excited, not only among our Western brethren, but throughout the nation, on this occasion; that doubts were entertained whether our rights were invaded by an unauthorised act of a Spanish officer, or by an act of the Spanish government itself. Doubts were also entertained as to what course should be pursued. In this state of the public mind, Congress found it necessary to give their opinion, and expressed not only confidence in the wisdom of the Executive, but declared that they believed the act to have been unauthorised on the part of Spain. This expression of the sense of the House seemed at this time really to be demanded by the situation of the nation. Is this the case with the question now before us? I cannot see it in that light. This precedent, therefore, with the other, is not sufficient to convince me of the propriety of voting for this resolution and amendment, or even of discussing it. But it seems, sir, with the rules of this House and the common law practice in it, there is something which compels us to go into this discussion. *Nolens volens*, we must be driven into it; *fas aut nefas* it must be discussed.

What objection is made to indefinite postponement? The gentleman does not object to his own resolution, but objects to the amendment. Now, sir, if there be any propriety in any part of the business, I conceive the amendment necessary to define the meaning, and convey more distinctly the sense of the original resolution. For, with all the little powers of discrimination which I possess, I have not been able to make a distinction between the system pursued by the present and late President in relation to this particular subject. And, speaking, as I shall, on the three objections made to the amendment, I shall not be guided by any impressions made on me from having participated in the discussion of last winter. I shall speak from impressions made on my mind in common with the people of the district which I have the honor to represent, and I believe I might say upon the minds of the majority of the people of the United States. The gentleman who introduced this resolution has told us that he cannot vote for the amendment, because he cannot consent to attach the healthy body of the present administration to the lifeless corpse of the late administration; that we should not bring it up to view; that its evil deeds should be buried with it, and its good deeds alone be inscribed on its monument. If, sir, its monument is to be inscribed, and the sentiments of the gentleman from Virginia prevail, I would say, as was said on another occasion—Let not the monument be inscribed till *other* days, and *other* men can do justice to its merits. Another comparison the gentleman made.—He said he was willing to vote for the original resolution and opposed to the amendment, the introduction of which, he said, reminded him of a certain description of persons in Virginia, who, when they had a pair of horses, one bad and the other good, praised the poor animal in proportion to its deficiency. The gentleman told us too the other day, among many instructions which he gave us, and the young members particularly, whom he called *youthful sprites*, that we might object to the proposition, because a precedent for it was derived from federal times. Sir, I never have, and hope I never shall object to any thing merely on account of its name. The gentleman told us too that the error in reasoning did not lie in the inferences so much as in the premises. Apply this remark to the present case.—If, sir, the present administration be the good horse, and needs no commendation, why introduce this resolution of approbation? I am not capable of understanding this, sir.

This resolution met an objection on account of its being an abstract proposition; and as such, not deserving the attention of this House in a legislative capacity. The answer given was, that it was a common practice of the House, at the close of every session, to thank the Speaker. This practice is but a mere expression of courtesy, confined to the officers of this House, and not extended to the other departments of the government; and there can be no impropriety in this. But if it be considered as a precedent, what will be the effect of it? It has been so long established, not only in this body, but in the different states, as a matter of course, that the omission of it would be considered at least as a censure on the individual filling the chair. And are we, at the commencement of this session, about to establish this precedent, to be venerated as such at each subsequent session? Are we to establish that it shall hereafter be considered a matter of course, when we come to the Capitol, to make our bow to the President, and express our approbation of his conduct, or have our silence construed into a mark of disapprobation? Surely not, sir. So much for this argument, urged in favor of the resolution, but which convinces me of the impropriety of adopting it.

The gentleman from Virginia, (Mr. Randolph) requested that when any member rose to answer his argument they should state it and meet it fairly. I am not gifted with any extraordinary powers of recollection; but if my memory will serve me, I will endeavor to take up the gauntlet as respects two arguments advanced by the gentleman to shew his aversion to the amendment; and one of them, though not novel, is rather extraordinary: that the embargo, that measure which he considers so ruinous to his country, was laid at a time when the British orders in council were not known in this country; he afterwards narrowed his assertion by saying that they might have been known in New-York, but were not known here. As at that time I had not the honor of a seat in this House I cannot delare what was known here. But this I can say, that twelve or fifteen days before the embargo was known, it was known in N. York that it was the intention of the British government to issue these orders; that they were agreed to on the 11th of November, and would be published on the 14th. But the gentlemen says that even if they were known they were not *officially* known. What information does the gentleman require to authorise him to act? Official information regulates but a small proportion of the acts of this body. The constitution has made it the duty of the President to lay before Congress such information as he may possess in relation to the affairs of the nation. In ordinary times he calls the attention of Congress to the interest of the nation generally; and from the information which they bring with them do they generally act. Yet this information is not official. But what idea are we to attach to this House to suppose that on important occasions they will not act without it? I would suppose a case. A messenger runs in and tells you that the north wing of this building is on fire. Would you wait for official information of the event from the President before you seek for safety? Of this fact of the intention of the British government there was sufficient evidence, short of positive proof, not only to the Executive, but to this House. In the message of the President of the U. S. accompanying the documents called the correspondence between Mr. Armstrong and Mr. Champagny, we find this passage: "The communications now made shewing the great and *increasing* dangers with which our vessels, our seamen and merchandize are threatened on the high seas and elsewhere from the *belligerent powers, &c.*"—What *belligerent powers?* Who were the belligerents (more than *one*, observe) to whom the President in this language referred? Can it be said that he meant France and Spain or did he not mean France *and England?* Take this with another fact: that it was known as early as the correspondence between Mr. Armstrong and Mr. Champagny was received, that it was the intention of the French government, (about one year after the date of the Berlin decree,) to extend it to American vessels. This first information was a fact from which another fact was to be inferred. The orders in council (issued seven days after the treaty was signed) contained a practical exposition by the British government of the Berlin decree, and a declaration that if its operation was extended to neutrals, G. Britain would for self preservation retaliate those decrees unless neutral powers would resist. No doubt could remain with the American government on comparing the information from Mr. Armstrong with the proclamation of the intention to issue such orders.—But if this be not sufficient to establish the fact that these orders were known to the government, it is the fact that they were known at New York long before the embargo; and as only three days are required for the passage of the mail from N. York to this place, it is fair to presume that it was not only known to the government but to every gentleman of observation at this place, what the course was which the British government intended to pursue. I find that the information was published in a New York paper of the 13th of December. In the evidence given at the bar of the House of Commons, Mr. Martin says that on the 12th of November he wrote a circular to his American correspondents that such was the intention of the British government, and that orders in council to such effect would be issued and on the 14th November published in the gazette; and he produced a New York paper at the bar of the House, of the 13th December, containing the extract from his letter. This shews that the purport of these orders was published in New York on the 13th December. But this is immaterial. I should suppose that the objection, if founded in fact, would be of very inconsiderable weight if this was a good measure, because it was found afterwards that the orders did exist and would have gone into operation had not the embargo been passed, had our vessels been permitted to prosecute their rights on the high seas. Certainly to my mind it is quite immaterial whether it was "a lucky hit or the dictate of wisdom." But the gentleman from Virginia says that the embargo has been a measure calculated only to work the ruin of this country; that its operation has been confined to America; that its pernicious effects have been felt here and here only. This, sir, is very different language from that which has been held on the floor of the British House of Commons and of the House of Lords, by statesmen of the first respectability in that country—and I should suppose, that a citizen of the British nation, feeling an interest in its prosperity, would at least be as capable of judging of the effects of such a measure, as a citizen of this country remaining here whilst its effects were operating there. I will beg leave for a moment to call the attention of the House to what Lord Grenville says on this measure, and he incidentally mentions another fact, which had been contradicted in this country, and even in this House.—[Mr. Fisk here quoted parts of Lord Grenville's speech, published in No. 1338 of the National Intelligencer.] He states that he views the embargo to have been alarming in its effects; he states it in his place in the British House of Lords. It will not, after this, be contended, I presume, even by those who say that the measure was ruinous to this country, that it was not injurious to Great Britain, who was really the aggressor upon the indisputable rights of this country. The embargo, however, was a measure which the honorable mover of the resolution had the honor to oppose. He was for giving up this system of restriction; it was the same system which had been commenced in 1805-6, which he considers one of the most disastrous periods, and the commencement of the most disastrous system which the country ever witnessed or realized; and since the system received his zealous opposition throughout, is he therefore desirous now to depreciate its effects, as ruinous to this country? He was opposed to the non-importation act, passed in 1806. Why was this act passed? This country found itself bound to do something for the protection of commerce. What was the state to which this country was reduced? New principles, it was said, had been interpolated in the laws of nations; the admiralty courts had