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CONGRESS.

HOUSE OF REPRESENTATIVES.

DEBATE ON

The petition of Americans concerned in MIRANDA'S EXPEDITION.

(Continued.)

WEDNESDAY, JUNE 14.

MR. FISK—I rise, principally, sir, for the purpose of noticing a criticism, made on a remark which fell from me in debate yesterday, relating to the attempt made by the petitioners while on the voyage from New York to South America, to escape from the power of Miranda. I stated, that while at the island, at Jacquemel, they made this attempt, but were frustrated in their endeavors and compelled to go on board; as this port had been mentioned by other members of the committee, & was referred to in the report then under consideration, little doubt would remain as to the place intended, or the object for which I noticed it; and I then observed the distinguished member from Virginia noticing down the remark, with a significant smile, apparently much pleased. I presumed he understood me to have said "the island of Jacquemel." And I did not feel disposed to lessen the gratification that gentlemen might feel, from his having so understood me. I was willing to afford that gentleman all the pleasure and all the honor he could desire, together with all the consideration he might acquire with this House and with this nation, from having, by his superior knowledge, in his place in this House, discovered and corrected an imaginary or real geographical mistake, of such immense moment and infinite concern to the people ("God bless them") of this country.

If in the course of debate any member in mentioning a place incidentally connected with the question, to be decided and noticed by others, referred to in the report before the committee, should call a part of the island of St. Domingo the *Island*, I should think the blunder was made inadvertently or ignorantly. If inadvertently, that it was unworthy of the notice of any critic, however profound. If ignorantly, that it was beneath the animadversion of any honorable member of this honorable august body; unless I may be permitted to except the exception, the distinguished member from Virginia on my right, (Mr. Randolph). But whether Jacquemel is an island, a port, or a continent, was as immaterial to the enquiry then before the committee, as this criticism is foreign to the merits of the question now under consideration, or the remarks about the "*building or rebuilding of the north wing of the Capitol, together with our chairs, tables and bulk head windows,*" were from a question touching the sale of the gun-boats, or the reduction of the army.

Mr KNICKERBACKER said as he intended to vote for the proposition, he deemed it proper to assign his reasons for so doing. A principal reason was that these men had engaged in Miranda's expedition, not knowing it to be of a hostile character; and this fact he said sufficiently appeared from the testimony which had been quoted from the trial of Ogden and Smith. The fitting out of the armament too had been carried on in the most public manner, an officer of the government being concerned in it. Miranda, the man from whom the whole emanated, was not known as being concerned to the unfortunate persons now suffering slavery in Carthagena. The man who had enlisted these men (Fink) had promptly answered when questioned, that he himself was not informed of the nature of it, though he had asked for information of the real object of the expedition. The tale which had been told them appeared to be such a one as was calculated to seduce young men into the scheme. They had been told that it was an expedition under the authority of the government, and had been engaged also under different pretences. In this point of view, not knowing that they were about to violate the laws of the U. S. when they embarked, Mr. K. said they could not be considered as highly criminal.

But gentlemen had said that those men ought never to have embarked in a concern of this nature without knowing its extent. Mr. K. said it was not common for young men to enquire minutely into the nature of any thing from which they expected to receive a benefit. It always would be found when men were enlisted in the service of the U. S. and the time of marching came, that they would be unwilling to go, and a reluctance to the service was on such occasions displayed which had not been felt before the time of separation. Their reluctance to go on this expedition, therefore, when it was about to proceed, did not, Mr. K. said, argue that they possessed a knowledge of the design of it. It appeared to him rather that those men had been mistaken in the nature of the expedition, which, from its being conducted in so public a manner, they could not suppose to be hostile to the laws of the U. S. Mr. K. said it was not his business here to approve or disapprove of whatever concern the government might have been supposed to have in it. He should not therefore examine it—he hoped that the government had no concern in it; but the open manner in which it was conducted might be a ground why those young men had no reason to believe that it was not an expedition authorised by the government of the country. It had been stated to them, indeed, probably with a view to deceive them, that the government was concerned. Miranda himself had not been seen by them. The first knowledge they had of him was some time after they had got to sea, when Miranda appeared under the assumed name of Martin. They were carried to Jacquemel, and whilst there, exercised and trained in a military manner. Some of them discovered a wish to leave the vessel; they had begun to suspect that some improper design was on foot. They attempted to make their escape; but the only result of their effort was closer confinement. I say that these men have erred, but the question is *quo animo?* Did they knowingly and willingly err? It appeared not. Mr. K. quoted the evidence given on the trial of Messrs. Smith and Ogden to shew that the men who enlisted had no knowledge of where the expedition was bound to; because even the person who employed them knew it not; and also to shew that these men might well suppose that the government was concerned in it, having been told so by Col. Smith. Mr. K. said he wished not to be understood himself as implicating the government of the U. S. —he hoped they were innocent.

The honorable gentleman from S. Carolina (Mr. Taylor) had said that the House should not shew partiality to those men; that they were not worthy of the attention of government; that they ought to have their claims rejected, because, if there were no other motive, it might set a precedent which might be dangerous in future; and that, if the House did interpose, it would wound the feelings of the Spaniards and prefer the relief of those men to that of our impressed seamen in British vessels. Mr. K. said he lamented that our seamen were in distress and mercilessly dealt by; but because they are suffering, is that any reason why the House should not interpose in behalf of those who now petitioned them? It was no reason, because others suffered, that a deaf ear should be turned to the prayer of any sufferers, or that those should not be relieved who were now immediately the subjects of consideration.

Mr. K. said he did not know but he had already trespassed sufficiently on the time of the House; but he was not in the habit of apologising for such trespasses. He said he had assigned the reasons which he had thought it his duty to do as a representative of the district whence he came. He thought this an important question. Let us not (said he) treat the committee on this petition with that neglect which some gentlemen wish to do. They have reported a resolution; they state that under the persuasion that the facts stated by the petitioners are substantially true, they are in favor of assisting the men. And, sir, under a full view of all the circumstances, I am induced to say that these men merit the interposition of the House, and have already endured sufficiently for the crime which they committed; and I trust they will find that mercy which we, in similar cases, would hope to be shewn to us.

Mr. HOLLAND said if this case were to be judged by the expressions of gentlemen in the House, it might be supposed that the offence of these men was one of the most aggravated crimes that could have been committed; that there was no crime of so high a nature, no offence of so deep a die. But what was their crime, and of what were they guilty? What was their destination? To know the crime it was necessary to know the object of it—and what was it? It was nothing more or less than going to some of the provinces of Spain in South America, in order to revolutionize them. This then was the object and this the crime —a design to revolutionize the provinces. Has this revolutionary spirit always been considered a crime of the deepest malignity? Certainly it has not. To those who believe that monarchy and despotism are favorable to human happiness it might appear a crime; to others, it seems to me, that it should not. We have heard of persons coming from Europe, long before we were independent or had so declared ourselves, for the express purpose of engaging in an act of this kind, to revolutionize the country and better the situation of those then provinces. At that period I well remember it was not considered a crime of deep die. Pulaski, Kosciusko, and I believe Fayette and others came forward. It was true that we had commenced the work, but they, of their own free will and without the order of their government, came and joined us here.

At the time Miranda's expedition was set on foot, we were not very amicable with Spain, and this might influence persons taking a superficial view of the subject to suppose that it was no such great crime. If they had succeeded in their attempt, and liberated the provinces (and I hope they soon will become free provinces) they would have been considered the benefactors of mankind; they would have received the thanks of all the friends of humanity; but, poor fellows! they were defeated. In going with a design to revolutionize the Caraccas, they might have gone with patriotic motives. As to the crime itself, it is not of that deep die which ought to damn them for ever. It is not a moral crime, but may be considered a political crime. The U. S. being at peace with Spain, perhaps it was impolitic and improper for them to go forward on such an expedition. We have been told that all the officers concerned have been executed, and that the persons remaining are only common soldiers. Supposing that these persons went with their eyes open on the expedition, the question would be, have they not suffered enough? Has not the cup of vengeance been drained to the bottom? They have suffered enough, sir, and if by an act of mine I could relieve them, I would. This is the view of the subject which I take, supposing them to be as criminal as gentlemen say. But, if they be not guilty, they certainly have a much stronger claim, not to the mercy, but to the justice of the House. If they did not know that they were to be carried to the Spanish provinces, they are innocent. To my mind nothing is more easy to conceive than that it was politic for the officers to keep them in ignorance, and I must view them as innocent men. Nor shall any apprehension of committing the late or present administration prevent me from doing that which I believe to be right. Whether the administration connived at the expedition is not now the question. It is impossible to consult my own feelings, and not to say that these persons ought to be released. One innocent person in captivity would induce me to vote 3500 dollars for his release. What is that paltry sum in comparison with the relief of an innocent man? Nothing. How much less then ought we to hesitate when upwards of thirty persons are involved!

But it is said that the request for the relief of these men will be an indignity to the Spanish government. I cannot conceive it. It proceeds on the ground that they were innocent in the outset; and under these circumstances we apply for their release. Will the ruling authority, be it what it may, be dissatisfied with this application? They are not detained there from political views—no such thing. The whole were tried as pirates, and condemned. No particular act was proved against them; they were viewed as pirates and as belonging to no nation; and of course remain under a sentence of confinement. But if they were claimed as deluded citizens of any nation, would it be an indignity to Spain for that nation who claims them to ask for their release? The government of Spain will see that we come forward in the cause of humanity and will feel themselves honored by an opportunity of favoring it.

I agree with the gentleman from Virginia (Mr. Randolph) in one respect. I too have been entertained with a variety of arguments which have no relation to the case. I have listened to gentlemen making long arguments without appearing to know what was before the House. I have heard it and may myself be guilty of doing the same. My argument is this: that even if guilty, their sufferings have expiated their offence; and that if innocent we are doubly bound to relieve them. What honorable gentleman in the House will say that amongst the whole thirty-six, there was not one who enlisted without knowing what was the object of the expedition? If we have a doubt of their knowledge, the doubt would amount to an acquital and would authorise our application for their release.

Sir, had I been a young man and had nothing else to engage in, I should myself have been happy to join a number of brave fellows in emancipating an enslaved country—and the provinces of S. America are in a miserable situation, and there is no danger of worsting them by any change. But, supposing this not to be correct, the suffering situation of these men calls upon the justice and humanity of the House for relief. It is true that last year I was not in favor of these men. From a suggestion that they were not American citizens, I voted against the proposition for their release; but I am now informed by gentlemen personally acquainted with some of them that they were raised near their doors and are well-meaning men. And for fear of a paltry sum of money, of giving confirmation to ridiculous suspicions of our government having connived at the expedition, or of offending any foreign government, shall we withhold this relief? I hope not, sir.

MR. LIVERMORE said he had no idea of bring down upon the country the vengeance of the Spanish government by the proposed application, or of attaching such importance to it. The simple case (said he) is this. We are informed that a number of our countrymen, children of the same family, are now suffering the most horrid punishment that the human frame is capable of enduring. I conceive it it possible that on this occasion my feelings would carry me too far; as no judge could sit and pass sentence on his own son. I profess to be a man who has a feeling for his fellow-men, especially for his fellow-citizens, and not to have those qualms which would induce me to look very nicely into such a question as this, when a decision might relieve my fellow citizens. The proposition is simply to request the President of the U. S. if he be satisfied that these men were involuntarily drawn into the expedition, that he will apply the most efficious means in his power to effect their liberation. I merely wish to send an agent to attempt to procure the release of these men. There is a fact which ought to have weight on the decision of this question, viz. that after these men were condemned to this imprisonment, a British vessel arriving near there, hearing that some were British subjects, made application for their release, and those that were such were liberated. And the American citizens would be liberated if applied for. I do not much imagine that they would import a despotic government here or that their sufferings would excite other people to revenge their cause. I do not imagine that any further benefit can arise from the further confinement of these poor fellows. They have been there three years; and must, even if we agree to liberate them, remain a considerable time longer. A part of them will have to remain five years longer unless relieved, and some perhaps longer still. It is too much, sir, to be so punctilious on this question, to descant so much on taking this money from the pockets of our constituents. I can easily conceive that money must go from the government because the application is to be made by the government. I should have thought, this being the cause of humanity, that nothing real and substantial could have been objected to it; nothing which could have drawn out the discussion for an hour.

MR. RHEA next spoke at length on this subject. It had been said that these men were induced to go from the expectation of acquiring great wealth. It had been also said that they had been employed under the pretence that they were to guard the mail to N. Orleans. Was it in that employment that they expected to acquire such great wealth? The inconsistency of these stories, Mr. R. said, was too palpable. Gentlemen had said they believed them innocent. But a tribunal of competent authority had found them guilty of one of the greatest of crimes, piracy, and as pirates they had been taken and condemned. This House was not the tribunal to judge of the propriety of their punishment.

The gentleman (Mr. Holland) who made a talk behind me, said Mr. R. hath used a curious argument. He says that these men were employed in a design to revolutionize South America. But, saith the gentleman, it is no crime to revolutionize the government of the Spanish provinces, because it is despotic. This is the most extraordinary argument I ever heard; and it is strange, that no gentleman ever before discovered it. This must have been the grand discovery which induced the gentleman himself to change his mind. According to his doctrine, it is a glorious thing to revolutionize any government. Sir, what have the people of this government to do with the despotic government of S. America, or with any other government. Upon cool deliberation the gentleman must renounce the idea as unworthy to be held out by any gentleman on this floor. I grant that the question is, have these persons committed any wrong? The gentleman saith that they have violated no moral right; that it is *merely* a political sin. Mr. R. here combated the idea of a distinction between moral and political sin. Away with all appeals to the passions in this case, said he, for they only obscure the true view of the subject.—If these men had been taken fighting for their own country or on board armed or unarmed vessels of the United States, or taken by force from their own country, the President would have claimed them, as it would have been his duty to have done. But that not being the case, the U. S. had no right to interfere with them.

When gentlemen talked about sensibility, humanity and all these things let them recollect that the people of the United States are interested in this subject. What would have been the event if these people had prospered in their undertaking, if Great Britain, in whose cause they were employed, had been able to have induced them to make war upon the United States in consequence of this attempt to invade the dominions of a power in peace with the United States? Would not this have involved this nation in war? Let our sensibility be excited (said Mr. R.) when we contemplate that these nefarious designs were thwarted. Let us rejoice, and not undo what we have done by giving a vote to relieve these men who actually chose to be no longer citizens of the U. States not shewing their disposition in words but in deeds. I am unwilling now to admit their claim to citizenship. It is the principle not the money which I regard.

Mr. COOK said he differed on every point with the gentleman last up. The idea that the application would involve the country in war was altogether erroneous; for in fact it was a private expedition which at any time would have been and indeed had been wholly disavowed by the government of the U. States. If guilty of intention to commit the crime, these men would have been punished as the ringleaders were. There being no proof of their guilt, they were imprisoned because it would not do to release them after their being landed there as a hostile force. In this state of things Mr. Cook said we certainly would interpose.

MR. PEARSON—This discussion, I hope, is drawing to a close, but I cannot consent to dismiss it, without submitting a few observations, which I conceive due to myself, due to my friends, and not inconsistent with the obligations I am under to this assem-