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CONGRESS.

SPEECH of Judge CRAIK, of MARYLAND.
(Concluded from our last.)

I do not undertake to determine, nor do I think it necessary at this time, and in this place, to express an opinion upon the general question of the policy of this government, in maintaining a political connection with the other nations of the world, or of the propriety of an extension or reduction of our present diplomatic establishment, because I do not believe I possess all the information necessary to a correct opinion upon the subject; and because such opinion could only be considered as that of any other individual of the community, and should have no effect as coming from me in my representative character. I believe the constitution has given to the executive the right to decide upon this subject: the president can have the best advice of the nation, and will, no doubt take it; if he shall at any time be of opinion with this advice, and all the information before him, which his constitutional character furnishes him with, that the interests of the country will be promoted by a reduction of the diplomatic establishment; as he has the right, so I believe he will be disposed to exercise it. As the people of the United States, and myself among the number have thought he could be safely trusted with the exercise of this right, I am not disposed in this ex parte manner to question either his wisdom or integrity, by withdrawing my support from him.

Nor do I consider it necessary on this occasion to vindicate him against a charge of a supposed resolution on his part to elect to office only such men as shall in the general accord with him in opinion, as to the best mode of administering the government; because I do not consider that such a resolution, if adopted, requires defence, inasmuch as I believe it would be justified by common prudence, and common experience. Nor can I admit that the supposed difficulties which have been suggested by gentlemen in this debate, viz. the member from New York (Mr. Livingston) and the member from Virginia (Mr. Brent) are objections to the adoption of such a resolution, in indeed, I believe that the time would shortly arrive, when the executive should be reduced to the situation for want of talents or integrity, among those who generally approve of the measures of government, as to compel him either to make the selection to office from a contrary description of characters as to political opinion, or as the member from Virginia (Mr. Brent) has expressed himself to hiss into office demagogues, who have no other recommendation than their mad raves on all occasions, to sing Hallelujah's to Executive power and influence. I should consider such an event much to be deplored; then indeed should I be willing to give some force to those objections, but as I wish not unnecessarily to distress myself, I shall not anticipate an evil which I believe to be as distant and as remote as it would be serious and alarming if at hand.

Nor Mr. Chairman, do I think the gentleman from Virginia (Mr. Brent) has been very fortunate in his choice of character which he has made to invalidate the truth of an observation which has been frequently made, viz. that the Executive had in no instance deviated from such rule, in the appointment to office without having melancholy cause to lament it. As this gentleman has thought fit to bring more immediately into view this character, which he says is well known, to have been frequently alluded to during the present debate, I thereto might safely concede all that he has intended for him on this occasion without being considered his pennygirl. I might admit with much truth, that we owe our present situation with the French republic to that gentleman, and if it will be any gratification to the member from Virginia (Mr. Brent) or those who have pursued the same political line of conduct, I am willing to allow them a participation of those measures which have produced this situation. If this situation is as the gentleman from Virginia has insinuated an enviable one, if it is one on which we have abundant cause to felicitate ourselves, then sir, I agree they shall have all the credit which their efforts so well entitle them to; if, on the contrary, this situation is such as every friend to the interest, the honour, and the peace of the nation has reason to lament; then sir, I will not dispute with them the obloquy and censure which their conduct may justly merit. This is a question which I undertake not to decide, in the language of the member from Virginia (Mr. Brent) leave it to the understanding and feelings of the country to determine.

Whilst taking notice of the observations of the gentleman from Virginia (Mr. Brent) I cannot omit observing upon the unfair statement he has made of the remarks of the member from Connecticut (Mr. Griswold) upon the subject of checking the govern-

ment. If I understood that gentleman, the distinction which he took between the system of the member from Virginia and his own, was clear explicit and intelligent; he admitted that checks were to be found in our government, but that they were checks operating within each department, he denied that the departments were checks upon each other; and he went on to exemplify and explain his distinction in a manner which could not be misunderstood, but by the confused ideas of that gentleman upon the subject. He contended for instance, that the legislative departments had constitutional checks within itself; that the house of representatives was a check upon the senate, the senate a check upon the house of representatives, and the President, who in this respect is a constituent part of the Legislature has a check upon both; that in the executive department the senate was a check upon the President. But he denied that the legislative department was a check upon the executive, the executive upon the legislative, or either, upon the judiciary. His ideas upon this subject I will admit were very different from those of gentlemen who advocated the very extraordinary doctrine of checks, introduced into this debate by the mover of the present amendment. The checks contended for by those gentlemen are intended to produce an eternal state of warfare and hostility between the several departments of the government, that contended for by the member from Connecticut (Mr. Griswold) is designed to promote harmony & co operation of the departments; according to those gentlemen's system, the moment of harmony, conciliation and union is the moment of danger and alarm. That moment the government is in such a situation as that it can act with any valuable effect, is the time to sound the alarm, is the moment for this minority to exert themselves in rising up in internal war and dissension in the departments. If I believe with the gentleman from Virginia (Mr. Nicholas) that such must be the operation of republican governments, I should then agree with him most readily in another opinion which he has expressed, that republican governments had a strong tendency to despotism and tyranny, for I will venture to assert, that out of such confusion, such disorder, such a warring and hostility of departments, either anarchy or despotism must necessarily and shortly arrive. But sir, I fear there is but little probability of the apprehension of the member from Virginia being realized in that harmony, union and co operation of the department, which I consider so desirable in our government, and so necessary to its useful operation, so long as he shall be a member of either of the departments. According to his own principles it will be his duty to keep a watchful eye upon their approach to this point, and to sound the alarm; and though he should be one of a virtuous minority in this house, I have no doubt but he is sufficiently known out of this house to attract attention, and that he will speak loud enough to be heard at least by the minority out of those walls. If I could see strong and alarming symptoms of a harmony of this house with the executive department, at this time I might be able to account for the amendment which is now under consideration, and the style of the observations with which it was introduced, I might in that case, be able to understand why the house of representatives is thus to be drawn up in battle array against the executive.

I will now notice a few of the remarks of the gentleman from Pennsylvania, who was last up (Mr. Findley) and then conclude. This gentleman, in the commencement of his speech, complains much of the personalities of some members of this house in the present debate, and of the hard names that have been called; and he begins and finishes this speech in a style of abuse and eximination, but little calculated to correct the mischief he complains of. He said in one breath, that the favorers of the present amendment, are represented as wishing to overturn the government, and in the next, he asserts it is well known that there are men in this house, who consider the executive the government, and he attributes the observations of some gentlemen to their professional habits at county court bars; from the proficiency which this and some other gentlemen have discovered upon the present occasion in this style of declamation, I am induced to believe there are other schools besides county courts where language of this kind is taught.

But, sir, this gentleman has made another complaint, which rather deserves to be laughed at than seriously attended to; it is, that we have taken up much time in disputing about a principle when we ought only to have considered the expediency of the measures proposed, and he has insinuated this as a usual trick with some gentlemen in this house. I consider this attempt to trepan the house, and lead from the real question, as a trick indeed, but a very shal-

low one. Does the gentleman pretend that the principle in this case must be settled before we can come to the expediency of the measure, and that any discussion of the expediency without a denial of the principle is an express admission of the principle? That to admit the right of the house of representatives to legislate or deliberate upon the expediency of the present measure, is to concede the principle contended for, in all its latitude. But when gentlemen are pressed hard upon the real question in dispute, they then endeavour to escape by putting it out of sight, or by narrowing their ground; and for this the gentleman from Virginia (Mr. Brent) who was last up, deserves credit. He has endeavoured to represent the present amendment as yet more harmless—as only contending for a right in the house of representatives to fix the question of salary to officers created by law or the constitution. I do not believe the mover of the present amendment or those who immediately followed him in the support of it, from the ground which they then took, and the full disclosure they made of those objects and intentions for which I am willing to give them credit will thank those gentlemen who would now reduce the question to a mere nothing. Has the right which they claim ever been denied? if it has I have not heard it—have those who support the present amendment, pretended that the allowances which have heretofore been made to our foreign ministers have been too high? Do they wish that a minister plenipotentiary or charge des affaires, should have less? I have not heard it contended, but the object is possessed to be, by reducing the appropriation, to reduce the grade of office at two of the courts, & to compel the president to recal the ministers at another, and not to reduce the appropriation, because the present allowances to the second grade of officers is too high, and ought to be reduced. It has been explicitly avowed, that it is further intended by degrees to destroy entirely, our diplomatic establishment. But sir, those gentlemen cannot be serious in their declarations upon this subject, for they have both contended (notwithstanding this declaration of their view of the subject) with all their talents, for the establishment of the very principle which the opposers of the amendment say it involves—One other object may be obtained by thus weakening the importance of the present dispute, to wit, impressing the people with an opinion that the opponents to the amendment have produced an unnecessary waste of time and money, which would be indeed inexcusable if the contest was only about the saving of a few thousand dollars.

But the member from Pennsylvania (Mr. Findley) has made another attempt equally hardy in contending for the right of the Legislature to establish and create the officers of ambassadors, foreign ministers, &c. and the manner of supporting his point convinces me of a truth which he has complained of as applicable to others to wit—that he was not addressing himself to the understanding of this house, but that he intended his observations should have an effect where the detection of their fallacy might not be so easy. He has read from the constitution the claim giving to the executive, the right of appointing ambassadors, foreign ministers, judges, &c. and he has then argued, that as the Legislature notwithstanding this general grant to the executive, has claimed and exercised the right of creating the office of judge, so they have equally the right in the cases of foreign ministers, &c. I cannot attribute this misrepresentation of the similarity of the two laws to the gentleman's ignorance or want of information, for he must have seen in this same constitution an express grant of this right to the Legislature in the authority given to them to establish a judiciary system, in which the right of creating the office of judge is absolutely essential; but can the gentleman find any such grant in the case of foreign ministers in any part of this instrument, and would it not have been as easy to have expressed it in one case as in the other, if the framers of the constitution intended the Legislature should possess the right. I contend the office of foreign minister is created by the constitution to be filled at the discretion of the executive as circumstances and the interest of the country may require.

But as the gentleman is conscious he cannot find any specific grant in the constitution of the right in this house to legislate upon the expediency of reducing our diplomatic establishment, he has availed himself of a very old plea to support his claim, a plea that has been constantly resorted to to uphold the most extravagant demands. The gentleman asks, has not the Legislature the right of declaring war? And under this right he claims the one now contended and may claim any other belonging to the government with equal pretensions. As we have the right of declaring war, say those gentlemen, all others follow as inci-