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AND

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"Ours are the plans of fair, delightful peace,
"Unwar'd by party rage to live like brothers."

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PROCEEDINGS IN CONGRESS.

HOUSE OF REPRESENTATIVES.

The Speaker's Appeal to the House.

On motion of Mr. Condict, of N. J. the House then resumed the consideration of the motion of Mr. Forsyth to refer the communication of the Speaker, concerning certain charges made against him, to a Select Committee.

Mr. Archer, of Virginia, said, that being himself opposed to an enquiry by a committee, and no other gentleman stating any objections to it, he rose to state the grounds of his opposition. No one could be more willing than he was to take any measure to vindicate the dignity of this House, or to respond to the just claim of any member for the vindication of his official character. But, he said, he did not consider that the honorable Speaker was put in this predicament. What were the circumstances in which inquiries of this kind may, with propriety, be maintained by this House? Ought we (said he) to lend the grave sanction of our names—ought we to operate in a formal manner, by committees of inquiry, when nothing is presented to us to act upon but mere vague general newspaper invective? I ask if it consist with the dignity of this House, or with the claim of the Speaker as a faithful officer and a gentleman, to substitute this inquiry? I conceive not. What, sir, are the circumstances under which we should be justified in raising a committee in such a case as this? The act to which our attention is directed, ought to have these characteristics: It ought to be official in relation to the member whose conduct is impeached: it ought also, to be something which can be proved if true, or disproved if not true. Mr. A. asked of gentlemen to look at the paper which was the foundation of this application, and say whether it came under either of these classes. What is it? The writer of it speaks of rumors afloat here. Does he charge upon the Speaker any act of malfeasance in relation to his duties here? No; he speaks of the course expected to be taken by a large number of members—of an imputation on the whole delegation from a particular part of the country: & when he speaks of the Speaker, what does he say? Does he charge him with corruption—with any thing which, if proven, ought to produce investigation—with any thing susceptible of proof or of disproof? I suspect, sir, that the gentlemen who are disposed to pursue this inquiry, have not adverted to the paper in question. The only part of the letter which conveys an imputation upon the Speaker, is not even matter of surprise upon the part of the writer of that letter; he speaks of it as a report—as something said and whispered in this place. Suppose this charge were true, said Mr. A. which I take this occasion to say that I would be one of the last in this House or in this country to credit—suppose that it were true to the full extent of the charge, or the insinuation derived from it, what can this committee do if raised? It must, whether the charge be true or not, make a report exculpatory of the Speaker. Shall we raise a committee, then, when we know that there can be but one response to the inquiry, no matter what the facts may be? To do so will be to constitute an inquiry which can lead to no useful result. If the things alleged or insinuated be true—if the Speaker be guilty of all the corruption which scurrility has charged upon him, it must be a matter with him in his own breast, the truth of which no testimony can establish. If the allegations be true, you cannot convict the Speaker of the imputed offence. Any inquiry of ours into it, therefore will be a farce and a mockery. I will not lend myself to such an inquiry.

What, said Mr. A. does the charge, contained in this letter, in its worst form, say? Does it say that the Speaker has betrayed his duty? No; but that it is surmised that he means to do so. If it shall appear, in the sequel, that that officer has violated his duty, then there will be ground for inquiry. But, at present, suppose it were true, that the Speaker had thrown away the high character he has always maintained in the country and in this House—that he was the venal thing the publication in question would represent him to be, and that he did contemplate this shameful violation of his duty to his country, would he even in that case be punishable here? Would we pass upon him any other sentence than that of ineffable contempt for his corruption and folly? No, sir, said Mr. A. I say that we must wait for some act which will perpetrate the corruption, by consummating the purpose. In that event, circumstances will demand an inquiry on our part. Some act will have been committed against his official duty—some act which is issuable, and can be proved or disproved. It seems to me, sir, that this House will commit its own dignity, and cast a reproach upon the Speaker himself, which I know would be unfounded, by referring this subject to a committee. I hope, therefore, that the House will not grant the inquiry which is asked.

Mr. Forsyth, of Gea. observed, that having made the motion which was now the subject of debate, he wished to say a few words in explanation of its nature and object, in doing which, he premised, that the gentleman who had addressed the House this morning, was rather in advance of this question. A com-

munication had been made by the Speaker to the House, requesting the appointment of a committee, for the purpose of investigation of certain charges which had been made against him by a member of this House. The present motion is simply for the purpose of referring this communication to a committee. When it got there, he took it for granted, the preliminary enquiry would be, are the charges to which this communication refers of such a nature as to require the interposition of the House of Representatives? If the committee shall think they are not, they will report accordingly, and the House will either confirm or reject their decision. If the House should confirm it, the committee will then apply to the House for further authority to act in the affair. This appeared to him to be the only rational mode of treating this very unpleasant business. The House was in possession of nothing in relation to it but the communication of the Speaker. The letter, indeed, to which it referred, and which was said to have been written by a member of this House, might be found in certain newspapers, but the House has no evidences that that which was published was a true copy of the letter. It might have been altered or interpolated by the printer. The letter as published, must be considered either as preferring a deliberate charge of corrupt conduct against a member or members of this House, or as admitting of some explanation which should go to do away such a meaning. The member to whom the letter was attributed, will no doubt answer at once, and frankly declare what he meant. He will say whether he meant to charge upon the presiding officer of this House the making of a corrupt bargain. If he shall answer in the affirmative, will any gentleman, asked Mr. Forsyth, say, that this is not an act into which the House ought to enquire, nor one which the House can punish? It was true that there was one difficulty attending the accusation. It charged the accused, not with an act, but only with an intention. The act has not been consummated. The vote has not been given. But I ask, if the charge is a true one has not the bargain been made? And if it has, is not this corruption? And what then? It ought to be punished. Has not the House power, not merely to reprimand, but to expel any of its members who shall have dared to be guilty of such conduct? If on the contrary it shall appear that any member of this House governed by mere rumors and under the influence of jealousy or mere surmises, shall have presumed to hold up as an infamous bargainer, a contractor for votes and influence, a member or an officer of this House, will it be contended, that we have no power to punish him? Certainly we have the power to reprimand, and if that is insufficient, to expel him as unworthy a seat in this House. If this is denied, what is a member to do, who is publicly charged with an offence of this nature, or where is he to go? This is the proper and the only place where his reputation can be vindicated. This House alone is competent to examine into the charge. Is the accused to appeal to the newspapers? For what? to prove a negative? Such, unhappily in this country is the condition of the press (that palladium of political liberty) that no man can appeal to it without a sense of dishonor. He cannot come forward there and say, I join issue in this charge, without exposing himself to derision by entering into a competition with newspapers which utter falsehood and truth according to the object in view. He was ashamed to state it to the House, but the fact was so, that pending any great election, such was the prostitution of the public press, that there was no knowing what to believe; and it was sufficient to pronounce any charge, however gravely made an electioneering trick, to stamp it instantly with the seal of falsehood. That press, which had been so long the boast of liberty, was, in this country, no longer a protector of innocence; and it had long since ceased to be the scourge even of the guilty, save as it served to excite the stings of a guilty conscience. In this state of things, Mr. F. again asked, what was an accused or calumniated member of this House to do? He must throw himself upon the judgment of his peers, that if falsely accused, the guilt of calumny may revert on its author. As to the power of the House there can be no doubt; and as to the propriety of appointing a committee, he had himself no question. It is said indeed, that this charge relates only to intention; the crime has not been consummated, and cannot be until a corrupt act has been performed. But I pray the House to consider a case I shall now submit to them. Suppose there is a claim pending before this House for a large sum of money, and the claimant knows that a certain member, from his ability, from his unblemished reputation for integrity, from his long acquaintance with the rules of business, and from general knowledge of the persons of the members, is possessed of great influence over their minds; and that claimant offers this member a bribe, which the member accepts, and circumstances afterwards transpire to bring the transaction to light, between the time of giving the bribe and the time of deciding on the claim: will any gentleman tell me that we may not punish such a transaction? Will any gentleman tell me we must wait till the crime is consummated—till the vote is given? Surely not. We may punish at once, both him who offered and him who accepted, the base coin. The charge in this case is, that a member of this House intends to give his influence and vote, in favor of a certain candidate for the Presidency, and on that consideration is to receive a place of profit and honor. Is there any distinction between the two cases? Is not this bribery to all intents and purposes? If the charge is made, the charge ought to be investigated. If the charge is true, the member charged ought to be expelled from this House. And if it is not true the slanderer ought to be punished. I have therefore moved to refer the Speaker's communication to a committee. If they think it worthy of investigation, they will ask for the requisite authority to send for persons and papers.

Mr. Wright, of Ohio, said he was not certain that he understood the gentleman who opposed the proposition to raise a committee in the case under consideration; but if he did, the opposition rests on the hypothesis that the letter alluded to, and avowed on the floor, by a member of the House, contained no charge of offence, or of any specific act done, which, if found true, would lead to any ulterior measure, in relation to the accused, or, if found false, to any like measure, in relation to the accuser—that there is no specific charge here, of any act done, but all rested on common rumor of acts not yet consummated—still resting in intention, which could not properly be investigated, until ripened into act.

Sir, I have no objection to consider the matter in this point of view, and to meet gentlemen on their own ground. I will undertake to show to the House, that there is in the publication, a direct charge against the presiding officer of this House, of having entered into a corrupt bargain, in relation to his vote, and that of his friends, on a question pending, devolved upon us by the Constitution, of the highest and most important character that can devolve upon us, and which is soon to be decided. If I do this, Sir, it will be idle to say, we can take no measures to investigate such a charge, until the intended corrupt act is consummated; because the question is hastening on, and we should free ourselves from the effect of the corrupt bargain, and not suffer it to pollute our Legislative Hall, and be carried into the election, where it is intended to operate, before we can move. When it has produced its effects, it will be of no use to take any step in relation to it.

The writer of the letter, Sir, commences, by stating his object in writing, to be, to give information "of one of the most disgraceful transactions, that ever covered with infamy, the Republican ranks." A transaction, so base, that it laid the axe at the very root of the tree of liberty. He proceeds "to give a brief account of such a bargain, as can only be equalled by the famous Burr conspiracy, of 1801," and then goes on to state.

1st. That, "for some time past, the friends of Mr. Clay had hinted, that they, like the Swiss, would fight for those who would pay best."

2d. That overtures were said to have been made, by the friends of Adams, of the Department of State, to Mr. Clay, for his aid to elect Mr. Adams.

3d. That the friends of Clay informed the friends of Jackson of the overture, and hinted, that, for the same offer from Jackson's friends, they would close with them, but none of the friends of Jackson would descend to such mean barter and sale.

4th. That Jackson's friends did not believe the contract would be ratified by the members from the states who had voted for Clay; but that it was the writer's opinion, from the first, "that men possessing any honorable principles, could not, nor would not, be transferred like the planter does his negroes, or the farmer his team and horses." But, he says, "contrary to this expectation, it is now ascertained to a certainty, that Henry Clay has transferred his interest to John Quincy Adams," and, in "consideration of this abandonment of duty to his constituents, it is said, and believed, should this unholy coalition prevail, Clay is to be appointed Secretary of State."

The charges contained in this letter, against Mr. Clay's friends, amongst whom I am proud to acknowledge myself, I shall not now notice, as I consider those charges only incidentally before you; but the charge against him is clear and explicit—one that I think no man can mistake, as positive in its character as any one could wish. It is, "that it was ascertained to a certainty that H. Clay had, by mean bargain and sale, transferred his interest to Adams, and, in consideration of that abandonment of duty to his constituents, if the unholy coalition succeeds, Mr. Clay is to be appointed Secretary of State." Is this no charge imputing conduct to the Speaker, in his representative character, calling for the interposition of the power of this House, or in any way affecting its dignity? Perhaps no language is so suitable to give a character to the charge as that of the letter writer himself. I will present you his own character and opinion of the charge nearly in his own words. He characterizes the contract imputed, as predicated on an abandonment of duty (by Mr. Clay) to his constituents: as an unholy coalition: as a mean barter and sale, of the character of a transfer, by a master of his negroes, or by a planter of his team and horses, as equalled only by the famous Burr conspiracy of 1801: as the most disgraceful transaction that ever covered with infamy the Republican ranks: so base as to lay the axe at the very root of the tree of liberty: a transaction no man possessing any honorable principle would submit to. Surely, no gentleman will say that such a charge, so characterized by the writer, and avowed on this floor by a member, with a pledge to prove it true, could be regarded as imputing no turpitude or crime, which, if true, would not lead to ulterior measures; it is too clear to admit of doubt. But, it is said, the interest spoken of, means only Mr. Clay's own exertions. Sir, this is not the understanding of the member who penned the charge: He says, "Jackson's friends did not believe the contract would be ratified by the members from the states who voted for Clay; and that it was his opinion that men possessing any honorable principle could not, nor would not, be transferred, like the planter does his negroes, or the farmer his team and horses; and that, in consideration of the transfer, Mr. Clay was to be appointed Secretary of state." Who are here said to be transferred? Mr. Clay's friends in the House. Who made the transfer and was to receive the consideration? Mr. Clay. The presiding officer of this House is directly and positively charged, by a member in his place, with entering into a corrupt contract, by which, for the consideration of an office, dependent on success, he stipulates to transfer

his vote, and those of the members from the states who had voted for Mr. Clay for the Presidency, to one of three candidates presented to us to choose a President from; or, if it be not a positive charge, I have no conception what idea the gentleman attaches to a positive charge. We are told, sir, with this charge before us, that no offence is imputed—that all rests on rumors—nothing affecting, in the slightest degree the dignity of the House:—your presiding officer corruptly selling his vote, and that of his fellow-members, is no offence to the dignity of the House:—that no ulterior measures can grow out of such a charge, if true; and that it is beneath our dignity to notice such vague rumors? Sir, will you go to the election of a Chief Magistrate while corruption fills your Hall, and seeks to find its way into our ballot boxes? No, sir, let us go on to that work with pure hands, and drive these corrupt bargainers from our presence. Let us investigate these charges; and, if they are found true, I have no hesitation in saying, your Speaker is unworthy the station he fills, or a seat on this floor; and I, for one, will vote for his expulsion, as I would any member, who would falsely make such a charge. We ought not to stop until the deed be done, and then seek to punish, but should proceed now, in time to prevent the mischief, and satisfy the nation that, when we go into the election, we are free from the imputation of corrupt influence.

Mr. Speaker, I do not wish to trespass on the time of the House, but felt myself impelled to make the remarks I have.

Mr. M'Duffie, of South-Carolina, next rose. He was sorry, he said, to be obliged to trespass on the attention of the House on this most unpleasant business. But, if we adopt the course suggested (said he) we must inflict on the character of this House an injury much greater than it has yet sustained. Before we adopt any measure—before we determine the legitimate extent of our power, we must ascertain that there is some lawful act which we may do as the result and consequence of that investigation. Sir, this House is not a mere collection of individuals, who are to constitute themselves into a corps of computergators. Whether a charge preferred against a member be true or false, it is not for this House to organize itself into a tribunal, to try its truth or falsehood, unless it have a right to do some act founded on the truth or falsehood, of that charge. In the case now before us, what are we to do? In what is this inquiry to end? If we had any legitimate object in view, either to expel the Speaker, or the member who has made the charge, we might be justified in this proceeding. But let us meet the question as it stands, and inquire whether, upon the actual state of facts, this House has the power to expel either the Speaker or the member.

Notwithstanding the ingenious exposition of the Hon. member from Ohio, Mr. W. said it was perfectly clear, and any one who dispassionately perused the letter, would come to the conclusion, that no charge was made in it against any portion of this House. The writer speaks in general terms of a combination, a coalition, an unholy coalition; but, said Mr. M'D. when you come to the historical or narrative, character of the letter, you find it nothing more than that it is "reported," and "believed," that such things are, as are recited. For a long time, he says, the charges were not believed, but that now they are believed. The existence of such combinations, &c. is stated, but as mere matter of belief. By whose agency does he say these combinations are supposed to have been produced? Is it by that of the Speaker of this House? Let any one put his finger on the passage in the letter which says that the Speaker has made, or accepted, any proposition leading to corruption. It is his friends who are said to have thrown out hints, &c. If the letter contain any charge, it is not against the Speaker, but against his friends. His friends, where? He has friends out of this House, and in this House. It does not appear that even any member of this House is included in the allusions of the letter. The charge, then, is one which is founded on rumors, vague, and indefinite—a charge against an individual not named.

But, sir, I have a much stronger objection to this proposition, than any which results from the particular inquiry into the nature and character of the charge. I go on higher ground, and I deny that we can prosecute this investigation, with a view to an act by which alone it can be consummated, without violating the highest privileges of the People of the United States. We have been told, of the danger of the liberty of the press, and the dangers to which the liberties of the country will be exposed by indulging it. These, sir, are the arguments by which, in all countries, that essential palladium of liberty has been assailed. This is not a new subject in this country. This is not a new inquiry, though in a new form. There was a time, some years ago, of great public excitement, when the People of this country were rising up against an administration which was not acceptable to them, and this subject, regarding the powers of the government, underwent deliberation by Congress, and an act on the subject was adopted. The question, whether this government has a right to protect itself against investigation, by enforcing (not the common law of England, but) the common law of England with a host of modifications, to punish those who libel the government, was determined in Congress by the passage of an act, which act was nothing more or less than the famous sedition law. On what argument was that law founded? On this: that the government could not protect itself by the common law of England. But what was the proposition embraced by that act? Was it an act to authorize any branch of the government to punish by its own act a libel upon it? Was that the proposition? Was it a law to authorize a person in office to become his own avenger? No; it was a provision, that, if the Congress or any officer of this government was libelled, the party injured might apply to the judicial tribunals, and call upon a jury of the country for redress.

It was there that the investigation was to be prosecuted, and if the charge was false, it was there to be punished. What said the country to that law? The People rose indignantly against it—the law was repealed—no man now rises to do honor to the name or memory of it. No man rises to vindicate that law. And what are we about to do? We are not only to punish a libel alleged to have been uttered against a Member of this House, but we are about to punish it in a form characteristic of tyranny. We are about to prepare the law, judge the facts, and inflict the punishment, by the same act. We are called upon to punish a publication in relation to an ordinary act of this House, on a matter deeply interesting to the Public. We are called upon to punish it by our own will, and under an excitement which every one naturally feels when an attack is made upon him.

In this country, the law of libel—for that is really the question now to be discussed—has received very important modifications, mitigating it to a degree very far before the standard of other countries, even of the freest country next to the United States. The English law on libel is not that of the United States. What is the modification of it in this country, not by statutory enactment, but by the mere force of judicial decisions in conformity to the genius of the government? By the law of libel in England, a man may be punished although he tell the truth. What is your law? That charges against a public officer, in relation to his public conduct, shall not be subject of prosecution for libel at all; that the public is so deeply interested in the investigation of its faults or vices in its agents, that this power of punishing for libels shall be taken from their hands altogether. That was the principle upon which the sedition law was repealed—not because a man ought not to be punished for a libel, but because the power of punishment was so liable to abuse, that the government had better throw itself upon the intelligence and magnanimity of the country, than exercise such a power.

What then, sir, are we about to do? The thing condemned by public opinion—and to do it in a form more exceptional than any ever contemplated by the old sedition law. Let us ask ourselves, what are the purposes to which a power of this description may be applied at a future time. What does this letter, which is the ground of our proceeding, relate to? The election of President of the United States: How is that election to be made? What remains to be done for its completion? The work, which commenced with the people, is to be consummated here—Where are we? In the midst of our constituents? No, sir, we are far removed from the eye of those to whom we are responsible.—Under what temptations do we act? Under temptations, by which personal interest may induce us to act contrary to the public will. We are not only to be excluded, possibly, from the public eye, but we are to cloak up the channels, through which, alone, the people can know what is going on here. Is it not more important that public opinion should be enlightened by the general dissemination of a knowledge of the acts of public agents, than that, even to redress a wrong, we should establish an engine, which may hereafter, be liable to the most pernicious abuse? There is no subject in regard to which rumors may not be circulated, and the ground of our proceeding is nothing more than rumor. Suppose the liberties of the country were really in danger. We had a scene here, four or twenty years ago, to which it may be said, may occur hereafter. How did the people ascertain the machinations of that day? How was the loud voice of reprobation made to sound through the country? By the reports—the rumors, then in circulation. If you are forbidden, by a decision here, to disclose rumors, reports and speculations, on political topics, then the object of the intrigue, the conspirator against the public interest, is accomplished. If you hold up the arm of terror against every man who speculates on probabilities, or gives currency to rumors, you realize the dead silence of despotism.—When you lull the sentinel to sleep, the conspirator may fearlessly walk abroad in the dark, and the public eye cannot detect him. A precedent more dangerous has never been set in this government, than would be by the institution of this inquiry.

Mr. Foot of Conn. said that certain papers were referred to in the motion of the gentleman from Georgia, (Mr. Forsyth) which were not before the House, and he suggested to the gentleman the propriety of so modifying his motion, as to refer to the committee nothing more than the communication of the Speaker.

Mr. Forsyth accepted the modification, and at the requisition, of a member reduced his motion to the following form:

Resolved, that the communication made by the Speaker to the House, and entered on the Journal of the House, be referred to a select committee.

Mr. Buchanan of Pa. now moved that the House adjourn.

The motion was negatived.

Mr. M'Duffie then moved to amend the motion of Mr. Forsyth, by adding to it the following clause:

"And that the said committee be instructed to enquire whether the friends of Mr. Clay have hinted that they would fight for those who pay best, or any thing to that effect, and whether overtures were said to have been made by the friends of Adams to the friends of Clay, offering the appointment of Secretary of State, for his aid to elect Adams; and whether the friends of Clay gave this information to the friends of Jackson, and hinted that if the friends of Jackson would offer the same price they would close with them, and whether Henry Clay has transferred or resolved to transfer his interest to John Q. Adams; and whether it was said and believed that as a consideration for this abandonment of duty to his constituents, Clay was to be appointed Secretary of State; and that the said committee be authorized to send for [Concluded on the third page.]