

CONGRESS.

HOUSE OF REPRESENTATIVES.

FRIDAY, JAN. 9. DEBATE.

On the bill providing for the punishment of certain CRIMES against the United States.

[Continued.]

Mr. Ely said he was as willing as any gentleman to make the way of transgressors hard, provided the provisions offered for this purpose did not go to implicate innocent persons. It however, appeared to him that the proposed provision would be extremely dangerous. If, for instance, a man in this territory, which was subject to the laws of the U. S. shall enter into recognizance for any offence in one or more sureties he may commit. If afterwards he goes into a foreign country, and there stirs up an insurrection, and on that ground his bond is forfeited—his bondsmen, without expecting it, will become amenable for his conduct in this foreign country. This, he thought, ought not to be. He believed every valuable purpose of the bill would be answered without this provision.

Mr. Dana said that this new section proposed giving a construction to the keeping of the peace, and to make it mean something, which it never meant before, and that in all cases whatever it should have the broad meaning proposed to be given it—that a recognizance for keeping the peace of the U. S. shall be forfeited for acts that neither break the peace of the U. S. or violate any law of the land. The offence therein stated could not be punished under any existing statute of the U. S. in as much as it would not be committed within the jurisdiction of the U. S. or against any law of the U. S. According to it—any man who shall go into foreign service or accept a commission from a foreign power will violate his recognizance. It went therefore to create a new offence. Mr. D. said he was not willing to sport in this way with principles hitherto deemed sacred. If these acts are wrong pass a statute for their punishment.

Mr. Bidwell said gentlemen objected to this provision, because the act, by which the recognizance will be forfeited, was not in the contemplation of sureties when they entered into bond. He understood that a recognizance for keeping the peace was in its nature general, and that any breach of the peace operated as a forfeiture. The commission of any crime against the U. S. within the U. S. would work a forfeiture, the doing of either of the acts enumerated in this bill would be a violation of the recognizance. The recognizance is general, to do nothing to violate the peace of the U. S. Mr. B. said he would admit if these acts were done out of the limits of the U. S. they could not at present be considered in legal estimation as against the peace of the U. S. If this were the case, there would be no necessity for the proposed provision. The object of the amendment was to extend to this class of acts, committed without the U. S. provisions calculated to restrain their commission, and similar to those now applicable to like offences committed within the U. S. As to the difficulty suggested of taking cognizance of offences not committed within the U. S. there could not be apprehended by any solid objection. Was not piracy punishable under the laws of the U. S. and yet it was not committed within the jurisdiction of the U. S.—it was committed on the high seas. So with regard to the class of offences which it was the object of this section to guard against, so far as they went to violate the peace of the U. S.

Mr. Sloan was of opinion that the bill would be incomplete without such a provision as that which was offered. It had been remarked that it interfered with the right of expatriation—No one was more averse to infringing this right than he was. But he did not view it in this light. He could not consider a person bound over to his good behavior in the light of a freeman at liberty to do what he pleased with himself. Without giving security he would be necessarily committed to prison and be consequently deprived of his liberty; and while under recognizance, although he gave security, he was still to be considered in the light of a culprit, amenable to law, and not possessed of the right to expatriate himself.

Mr. Dwight said the remarks of the gentleman from New York, [Mr. Williams] did not apply to the point under consideration. Would a recognizance entered into in Connecticut be forfeited by any acts committed in New York, in case the person recognized in the former state should remove to the latter? So, in the case of a person bound not to commit acts within the U. S. acts committed by him afterwards against a foreign go-

vernment could not be punished in the U. S. If gentlemen wish to make offences against foreign nations punishable, let them make a statute to that effect, and declare that our citizens shall keep the peace, not only in the U. S. but also with regard to foreign nations. But, it had been alleged that the offence, to be provided against, was a moral offence. Were they therefore to punish it? As yet the moral law was not enacted under the constitution.

Mr. N. Williams said he agreed with the honorable gentleman from Connecticut (Mr. Dwight) that according to existing laws in the state which he in part represented, a citizen can be bound to his good behavior or to keep the peace, in the state only. And he acknowledged, that although by the laws of the U. S. there is no power at present vested in the courts or magistrates, to regulate in the manner proposed, the conduct of its citizens out of its jurisdiction; yet no one would deny that laws might be enacted to restrain them by proper obligations from attempting injuries to foreign nations, as well as from violations of the internal peace of this country. And if he understood right the proposed amendment, its object is to prevent our citizens from committing hostile acts against countries with which we are at peace. But gentlemen say, such offences are not punishable by our laws. Suppose it is so. And is it not better, if possible, to restrain offences, than to punish them, after the evil arising from them are already experienced? Mr. W. thought it was. If there was no law to punish, let there be one to prevent these offences.

Mr. Dana said the right of the government to prevent any thing they could not punish was not admitted, nor, was it admissible, as the one right was founded on the other. The objection to this section was this—that it undertook by a legislative construction to give a meaning to words contrary to that which they otherwise possessed—to expose a man to a forfeiture of his recognizance for acts not in themselves punishable. This was assuredly preposterous—the acts provided for by the amendment were no offences. The sureties given were only for the prevention of offences which were subjected to punishment. So long as there was no law punishing acts committed out of the limits of the U. S. such a provision would be preposterous. Make such a law first and let the punishment come afterwards.

Mr. Burwell thought the amendment a very proper one, and that the right of making it could not be questioned. As to its affecting the right of the citizen to expatriate himself, it would be found by the decision in the case of Jonathan Williams that that right, as far as a judicial determination went, did not exist. If gentlemen were of this opinion, they could have no objection to the proposed section. Mr. B. however said that he had always been of opinion that every citizen had a right to expatriate himself, and to enter into the service of any other nation; and in the state he had the honor of representing a mode had been provided for the exercise of this right.

No person doubted the concurrent jurisdiction of the U. S. on the high seas, and that they possessed the right to prohibit offences committed out of the U. S. was evident from the law passed at the last session prohibiting all commercial intercourse with certain parts of St. Domingo. Whence did Congress derive this power? The principles contended for by the gentleman from Connecticut were correct? Again—had they not a right to prohibit the slave trade, even if carried on by citizens of the U. S. with foreign nations? This was not within the jurisdiction of the U. S. and yet no man doubted the right of the government either to regulate or interdict the traffic. The U. S. therefore clearly possessed a control over their citizens wherever found, and a right to restrain them from any acts which can commit its peace until they shall renounce their jurisdiction; and this right extends their punishment of certain offences committed out of their jurisdiction as well as within it. Observe the provisions of the treaty of 1795. It declares that whoever shall commit forgery or murder shall be delivered to the government demanding him. Whence do the government derive the power of demanding and punishing such an offender if they do not possess the power of punishing offences committed by their citizens in foreign countries?

Mr. B. said this seemed to him to be one of the plainest cases imaginable, about which there could be no difficulty. It was perfectly correct that, if any citizen were suspected of a design to disturb the peace of the U. S. either within or without our limits, there should exist a power to restrain such projects. The preparation and means of attack might be made or collected out of the U. S. and it was indispensably necessary, in order to preserve the peace of the country and to discharge the duties devolved on us as a neutral nation, to have the power of restraining offences committed out of the U. S.

Mr. Dana said he subscribed to the correctness of the general principle laid down by the gentleman from Virginia. It was perfectly clear that within our territorial limits we had a jurisdiction over all our citizens; that on the high seas we had likewise a jurisdiction, over all our citizens; and in our public vessels, over all

persons on board; also that our jurisdiction extended to our merchant vessels on the high seas, and extended in a certain degree to foreign countries. This was all too plain to be controverted. No part of his argument had rested on this ground. All that he had said was that there was no law in existence that prohibited the acts alluded to in the amendment. If it is necessary to repress such acts, make a law to punish them, and then bind your citizens in a recognizance to prevent their commission.

Mr. Burwell said he would only reply to the gentleman from Connecticut by stating, that if he and the gentlemen opposed to the amendment, would suffer it to pass, these acts would thereby become offences.

The question was then put, and the amendment carried—Ayes 52—Noes 43. [Debate to be continued.]

A sincere desire to discountenance, and crush if possible, the spirit of personal altercation, had prevented us from publishing heretofore the following article, which had been prepared and has been deposited in our desk for some time past. Repeated insinuations and attacks, however, in the Aurora, against the independence of the AMERICAN, will suffer us no longer to be silent. And an article in that paper of the 19th inst. has induced us to lay the subjoined before our readers.

It is not with a feeling of anger, nor with a view to personal or editorial controversy, that the following article is copied from Mr. Duane's Philadelphia paper: The intention of presenting it to the public may be discerned from the commentary—

To the Editor of the Aurora. Sir—You have on several occasions thrown out hints touching the conduct of the secretary of the navy, which are not altogether intelligible to your friends here. I am not unappreciated myself of your allusion to the expenditure of the enormous sum of nearly 300,000 dollars by that officer, beyond what had been appropriated to his department—but there appears to be other matters also to which you allude, of which, I must confess myself totally ignorant. It is therefore, requested that you will turn your attention to this subject, and place the conduct of this officer and his agents in its true light. Having braved the reign of terror, and dashed from your lips the deleterious drugs of that political quack, the post master general, I hope it will never be said that your independence has been subdued or your vigilance blincked by the slimy influence or the awful majesty of Walpole Smith. This is an exultation which may echo thro' the India ware rooms of Smith's wharf, but the republicans of this town know too well that with dilapidators you held no faith.

The state of the public mind here is approaching a confirmed apathy, and it requires the spear of an Ithuriel to save it from political death. It was hoped when the Evening Post fell into the hands of Mr. Niles, that the cause of the country would be ably supported, but that expectation has not been yet answered.

The American, ever since it was wrested out of the hands of Martin, has been a mere property of the Smiths as if they were its exclusive proprietors. You need therefore be under no surprise that little Colvin has been rewarded for his disinterested services to them with a meety of that paper; and that he has been transferred from Fredericktown, (where by the bye he began to be scouted as a quid) to the neighborhood of Smith's wharf, and that the collector of the port has been influenced to take the printing business from Warner and Hanna, who have done it satisfactorily for several years, and to put it into the hands of Peckin W. Colvin; and the stationary supply from Mr. George McDowell, who is a regular stationer, and give it to minions who never sold a wafer nor a sheet of paper in their lives. But Hanna and McDowell are cursed with the sin of Hibernianism, and the haughty pride, the aggrandizing schemes and aristocracy of Brother Sam have been too severely rebuked by Irish republicanism in Baltimore as not to be forgotten.

The Telegraph is entirely under the management of the boys in the office, who are afraid to publish any thing without the sanction of their master, and he is never in his office to give that.

The Federal Gazette, as its title imports, is too much like your royal papers in Philadelphia to deserve a remark.

Such being the state of the press here, I leave you to judge of the public mind. It is much to be regretted that a champion, able and honest, cannot be found among our printers to stem the torrent of corruption and intrigue.

A SUBSCRIBER.

Baltimore, November 24, 1866.

The subscriber appears not to have learned that Colvin has been transferred from Fredericktown with the sun and certain hope of proving to the public that the editor of the Aurora is an ignoramus; say, to write down the Aurora!!!

COMMENTARY.

When Robespierre was confounded in the tribune of the National Assembly by the accusation of Louvet, Danton, to supply him with a stock of fresh courage, exclaimed, "Continue, Robespierre, there are many good citizens here to hear you." "A Subscriber" seems to think that Mr. Duane requires a little cheering, too; and therefore he requests the editor of the Aurora to continue his "hints," although they are "not altogether intelligible to his friends." A charming condition for a red hot patriot! The state of the public mind, at Baltimore, is regretted by "A subscriber." He likes to

live in a whirlwind, and to four the courtesies of life by the asperities of political controversy; because, when the tempest rages the atoms and the bubbles are elevated from their natural situation. This lever of political hurricanes fondly hoped that Mr. Niles would have worked up a foam for him. Poor fool! That expectation has not been yet answered! A furious acknowledgment, indeed, for such a furious politician.

Are, then, the people to be kept in an eternal uproar? Under the best administration of the best of governments, is there to be no cessation from personal, rancorous altercation? When the reason is perilous to the liberties of the people, and the blood is warmed by continual collision of sentiment, there is some excuse for the manifestation of personal reprobation: But the man who continues, when the danger is past, to keep animosity alive, may well be suspected, of having something inherent in his nature that is hostile to decorum and public order.

When the wife men of France had got together to frame a free constitution of government for their country, what was it that prevented them from carrying their beneficent intentions into effect? The licentiousness of the public journals. The placards of Marat were the jackals to the bloody guillotine; and that miscreant, who catered for the hot ambition of Robespierre, continually denounced the party that was disposed to establish a republican government on the immutable basis of virtue, till Verginaux, Genfonne, Gadet, Briffot, Condorcet, and many others, were sacrificed to the insatiable thirst for power exhibited by Danton, Robespierre, and their followers. If such is to be the conduct of the press in United America, what assurance is there that our free institutions will long remain to us? If personal animosity is to take the place of rational discussion, and the malignity and foul desires of individuals are to be the guide of public opinion, the question of the enlighten'd Volney may be repeated with peculiar energy, when he asks, "Does it not follow, that those who constitute slaves under the democratic form, decline them to undergo all the intervening troubles between that and monarchy?" The licentiousness of manners encouraged by the licentiousness of the press, produced despotism in France: The same cause may, in time, produce the same effect in America. The vice ought, therefore, to be discountenanced by the public. That "apathy" which "A Subscriber" speaks of, is nothing more than a return of the public mind to social harmony, and ought to be encouraged.

The correspondent of the Aurora is likewise a scholar! His acquaintance with the properties of the spear of Ithuriel is but a common one; or he would not discourse of its "sparing from death." Applied to the head of "A Subscriber," the spear of Ithuriel would doubtless bring to light an animal with long ears.

The American was "wrestled," it is said from Martin—and it is averred to be the property of the Smiths. Is the author of the clumsy a gentleman? The whole city knows that the purchase from Martin by W. Peckin was a bona fide one; and the price honestly paid. It is indelicate for a man to speak of himself; but all Baltimore can judge of the independence of the American: The influence of every person is a stranger to it, whose conduct is in opposition to the current of virtue and the welfare of this country. It is the cant of the day, for envious and malignant beings to charge upon their fellow-citizens the crime of being influenced by men in office; but it is a cant as defpicable as it is common.

Colvin is to be rewarded with a "moiety" of the American! Without ability to rail with decency, "A Subscriber" affects to be sarcastic. He deserves a whipping for his falsehoods, and merits contempt for his folly. It is a tale too ridiculously false to be credited even by credulity. If a man by his industry gets forward in the world, there are always idle snarlers enough to insinuate that he did not procure his advantages by proper conduct. It would perhaps gratify Mr. Duane and his "Subscriber," could they learn particulars. Matter of fact, however, is of no importance to such gentry; and it would be cruel to deprive them of the pleasure they receive from their own false conceptions, by putting them right in a single circumstance. A few more of Mr. Duane's "not altogether intelligible hints," may probably enlighten the dark understanding of "A Subscriber."

The quiddism of Colvin, or his being "scouted" from Frederick, is a false and malevolent assertion. Quiddism is there unknown; and the friendship of the free-republicans in that county, which he has uniformly preferred, attests for the integrity of his principles, better than a thousand declarations. Often has it been asked, what is quiddism? Can Mr. Duane tell? Can "A Subscriber" tell? It is a name of denunciation, to suit the cunning of intrigues: It is like the old thunder of the Vatican, the ancient excommunication, with which rankings were threatened when they dared to oppose tyranny. It is with this quiddism that Mr. Duane denounces every man who presumes to oppose him or his opinions.

The Collector has, it is true, given his "printing-business" to the office of the American. Is that a crime? "Warner and Hanna

had done it for several years;" therefore, according to "A Subscriber," they ought to do it forever! Such a charge may excite a smile from men of sense, but certainly does not deserve a serious answer. The assertion relative to Mr. McDowell is not true. The reason why the offer to supply the stationery has been refused will not be concealed: It was thought that it could not be supplied on advantageous terms to the government. On this principle it was recommended to continue the business in the hands of Mr. McDowell. Was Mr. Duane as just and candid in his dealings in stationery at Washington City? If he did not charge the government twenty-five per cent. more than a federalist does, why did congress virtually dismiss him? The Editor of the Aurora has never condescended to explain away this stigma.

But why talk of "Hibernianism?" Colvin himself (though born in Baltimore county and reared in this city) is the grandson of an Irishman; and if there is a prejudice about him, it is in favor of that nation of people. It is truly the pitiful contrivance of a narrow mind, thus to strive to excite such invidious distinctions. Virtue and vice should constitute the only distinctive marks among men of all nations—and that principle shall always be manifested in the conduct of this paper.

It would be impolite to clothe these strictures, without making a conveyance to Mr. Duane for his note at the end of "A Subscriber." The Editor of the Aurora no doubt thinks it would be impossible to prove him an "ignoramus." He is fortified in his own vanity so strongly, that any attempt to approach him in a rational way would be vain. But the time will come when he shall know that he has proved his own folly, and written down the Aurora himself. The reflection will sting him to the soul, but it is inevitable. He has crossed the Rubicon; and it is impossible for him to go back. He will not have the honor of being stabbed for successful ambition like Caesar; but he will have the mortification of being abandoned as a dangerous and indiscreet man. He will experience in his life what Potemkin experienced in his death; the great part of those who have heretofore scarcely dared to raise their eyes to him, will examine him with a severe inspection and will be humiliated and surprised at the result which he has imposed on them. They will not be able to conceive how a man, whose principal quality is audacity, whose only talent is intrigue, has so long domineered over public opinion, and insulted the middle of government.

Castro's Catherine.

The following interesting extract of a letter, was communicated to us for publication by a gentleman of the highest respectability:—

Extract of a Letter from New-Orleans, dated December 17, 1866.

The following Address was made in open court by Gen. Wilkinson, at New-Orleans, this day, on the occasion of appearing to answer to a writ of Habeas Corpus, issued to take from his arrest Dr. Bollman, our chief agent in this city. Near one thousand persons were present. He had sent off Bollman to Charleston.

"Called to account for an act in which I glory, and for which I trust my country will thank me, I shall meet the consequences with the applause of my own breast, which I prize more than the hosannas of thousands or the popularity of the world: But when I cast my eyes on the movers of this prosecution, my bosom is rent by a conflict of emotions. Sorrow for their depravity; Charity for their sympathies; surprize at their insurrection; Astonishment at their audacity.—I would to God that I could here close the proceedings of this day; but my honor, my duty, and the safety of the state forbid me. It is time an universal alarm should go forth to rouse the good citizens to a sense of his danger. The delectful calm must no longer be suffered to impose us on a treacherous security—nor shall the artifices of the confederates be longer employed to cheat the public judgment. Treachery is in the midst of us: Treason stalks abroad; and the friends of Burr and Rebellion, whilst they ridicule our apprehensions, and scoff at our preparations, with trembling solicitude implore his speedy arrival, to reward them for their apostacy, and to rescue them from the goadings of guilt and the terror of impending punishment. Finally, he charged James Alexander with being a party to the conspiracy.

The harangue had an excellent effect—the people's eyes were opened, and they would rally round the General. He would soon clear the city of all the traitors, if Governor Claiborne could think himself authorized to suspend the Habeas Corpus act.—He still doubts whether he possesses that power."

The editor of the Gazette vowed yesterday in his paper that he begins to see his way through the "philosophic fog" of the administration—this is rather marvellous, when it is considered that the gentleman (politically speaking) has such a thick mist before his eyes.

The following resolution, which has been adopted by the House of Representatives of the U. States, and proposed by Mr. J. Randolph, produced considerable debate. Mr. R. took occasion to reflect upon the House for not adopting those warlike measures advocated by him at the last session of Congress. He was answered by this plain, but irresistible logic of Mr. Smille and others. The debate will be given at length in the American as early as possible.—

Resolved, That the President of the U. S. be requested to furnish this house with any information in possession of the executive, excepting such as he may deem the public welfare may require not to be disclosed, including any ill-