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National Intelligencer.

We some time since republished from the Richmond Enquirer an essay, under the signature of Decius, in vindication of the republican minority in Congress. We now take, from the Independent Chronicle a defence of the republican majority.

FROM THE INDEPENDENT CHRONICLE.

TO DECIUS.

Sir,

I have read your first number, published in the Richmond Enquirer, the professed object of which is "to offer to the world some facts and observations, which may enable them to form a more just opinion of the conduct of the republican minority, during the last session of Congress, and of the motives by which they were probably actuated." A more special object appears to be a vindication of Mr. John Randolph; for a large proportion of your publication consists of a detail of his transactions, opinions and conversations, some of which are represented to have been private, and, therefore, however influential upon his own judgment, cannot be supposed to have had any influence on that of other members of Congress, or to be material to their justification.

From internal evidence, there is some reason to believe that you are Mr. Randolph himself, presented in a Roman dress; but, whether you are, or not, as you have thought proper to assume the signature of *Decius*, I take the liberty to address you, as a newspaper writer, and shall annex to these cursory observations the assumed name of another ancient Roman. If the printers, through whose papers they may be communicated to the public, have not already inserted your publication, I hope they will give it an insertion, that both sides may have an impartial hearing, and a just comparison and conclusion be formed.

You complain that the events of the last session of Congress have been misrepresented, and are misunderstood; yet you appear to me to have added to those misrepresentations, and endangered further misunderstanding, by partial, incorrect and uncandid statements. Some instances of your partiality, incorrectness and want of candor, will be specified in the sequel.

Many of your observations, however, are undoubtedly just. As you have justly observed, it is an undoubted fact, that, during the last session of Congress, a schism arose in the republican party. A portion of the republicans seceded from the majority of their brethren, and from the administration. Of that secession Mr. Randolph was the leader. His friends and enemies, of course, ascribed his conduct to different causes; but all, I believe, agree in one point, that the principal honor or dishonor of that new opposition which you denominate a schism, belongs to him. Without him, indeed, it is believed, no such division would have been known in the history of American parties. The splendor of his reputation, the brilliancy of his eloquence, his long experience in the house, his former services while co-operating with the Republican majority, his bold invectives, his perseverance and zeal, had their weight with a number of his personal and political friends, who together with the whole little phalanx of federalists, supported him with their votes.

The republican part of the minority, at the last session, were not so numerous, as, perhaps, under the existing circumstances, was to have been expected. The future progress and final issue of this disunion are without the scope of our present enquiry.

I infer nothing from the novel coalition of the federalists, as a party, with Mr. R. as their temporary leader. I simply state the fact, and leave every one to draw his own inferences. As good politicians, they have made the most of his voluntary aid, without committing themselves for his support; and, so long as he, or any other republican, will consent, on any principle, or for any cause whatever, to abet them in their systematic opposition to the republican administration, they will, for very obvious reasons, unquestionably continue to eulogise him, however visionary and extravagant they may esteem his general system of politics. Of this certain truth, it is presumed, no well informed man will be unapprised.

You say "that the voice of the nation has declared for the administration." So far we agree; and I trust the public sentiment is too well settled, to be shaken by any thing, however ingenious, which you have said, or can say, on the subject. Instead of being weakened, it will be strengthened and confirmed by your unauthorised publication of the President's confidential message. Yes, sir, by that act of indiscretion, you have unintentionally contributed to the well-earned popularity of the administration—and, at the same time, disarmed your friends of one of their most potent weapons both of attack and defence. Independent of the effect upon our foreign relations, you may be assured, the republican majority personally wished to have that document universally known, especially after it had been so horridly caricatured by party misrepresentation. The public now see it with their own eyes, and no longer receive their impressions of it through the distorting optics of prejudice and conjecture.

Having disclosed this confidential message of Dec. 6th, which you declare the House of Representatives voted not to make public, you have not condescended to explain by what means you obtained it, or under what pretext of authority you thus publish it, in violation of official confidence and contempt of the order of the House. The constitution vests each department of our government with a power of determining how far their proceedings shall be kept secret, and at what times they shall be promulgated. Such a discretionary power is necessary, particularly in cases respecting foreign relations. It may sometimes be proper for the executive to communicate to the legislature information concerning other governments, which would not be proper to be communicated to those governments.

A premature disclosure of such confidential communications, relative to existing differences or pending negociations with foreign powers, might expose our government to the resentment of those powers, and tend, in various ways, to obstruct and perhaps defeat objects of great national interest. Hence the propriety and necessity of the authority entrusted by the constitution to each house, to enjoin secrecy upon its members. In the exercise of that constitutional discretion, the House of Representatives, although before the close of the last session they ordered the secret journal of their own votes and measures to be published, in compliance with the wishes of numbers, who urged the publication as necessary for the explanation of their conduct, yet voted that the injunction of secrecy should not be removed from this confidential message of the President. How far any member, under these circumstances, is to be justified or censured, for violating the injunction of the House of Representatives, is not only a question of order cognizable by that House, but is also, by the very act of publication, submitted to the tribunal of the public. The American people, it is confidently believed, are too enlightened, and have too much respect for the government of their own election, to be pleased with a disorderly contemptuous appeal from their representatives to themselves.

Your details of private interviews, which you say Mr. J. Randolph, chairman of the committee, to whom the secret message was referred, had with the President, the Secretary of State and the Secretary of the Treasury, are manifestly partial. The whole conversations are not narrated. Certain declarations of Mr. R. are recited, but their introduction and connection and the observations of the other parties, are not detailed. One of those interviews was alluded to by Mr. R. himself in the House. He also more pointedly informed the House of another conversation, in which the Secretary of the Treasury was said to have declared that an application had been made to him to draw two millions of dollars out of the treasury of the United States, without an appropriation by law. That charge being specifically as well as publicly made, became the subject of an official investigation. The well known result proves how little dependence ought to be placed on such partial recollections and recitals of private conversations.

You are not correct even in your representation of occurrences witnessed by the whole House. The committee, you say, met on the 7th of December, but came to no definite resolution. One of its members (Mr. Bidwell of Massachusetts) construed the message into a requisition of money, for purposes of foreign intercourse, and proposed a grant to that effect, but in this construction he was unsupported, and his proposition over-ruled. He himself, when the subject was agitated in the House, would not avow the same construction of the message which he had given to it in the select committee." If you were present sir, at that debate, you have misrecollected; if not, you have been misinformed on this point. It is not true, that Mr. B. "when the subject was agitated in the House, would not avow the same construction of the message, which he had given to it in the select committee." In answer to Mr. Randolph's great objection against an appropriation for the purchase of Florida, that the President had not recommended it, Mr. B. maintained in the House, that is in the committee of the whole, as he had before in the select committee, that it was, although not in express terms, yet by fair implication, recommended in the message; which, after describing the proceedings of Spain, mentioned "that since the late change in the state of affairs in Europe, Spain had ordered her cruizers and courts to respect our treaty with her;" and, after mentioning the conduct of France on the occasion, added, 'whatever direction she might mean to give to these differences, it does not appear that she has contemplated their proceeding to actual rupture, or that at the date of our last advices from Paris, her government had any suspicion of the hostile attitude Spain had taken here. On the contrary we have reason to believe that she was disposed to effect a settlement *on a plan analogous to what our ministers had proposed, and so comprehensive, as to remove, as far as possible, the grounds of future collision and controversy* on the eastern as well as western side of the Mississippi.

"The present crisis in Europe is favorable for pressing such a settlement, and not a moment should be lost in availing ourselves of it. Should it pass unimproved, our situation would become much more difficult. Formal war is not necessary. It is probable that it will not follow; but the protection of our citizens, the spirit and honor of our country, require that force should be interposed in a certain degree. It will probably contribute to advance the object of peace.

"But the course to be pursued will require *the command of means which it belongs to Congress exclusively to yield or deny.* To them I communicate every fact material for their information, and the documents necessary to enable them to judge for themselves. To their wisdom, then, I look for the course I am to pursue, and will pursue with sincere zeal that which they shall approve."

Mr. B. contended that the object here contemplated was a settlement not by the sword, but by negociation, for which the existing state of affairs in Europe afforded a favorable crisis—that it was proposed to be on a plan "so comprehensive, as to remove, if possible, all grounds of future collision, which could be effected only by an acquisition of the intermediate Spanish territories; for, so long as a foreign power retained such territories, so detached from their other territories, so surrounded by ours, and connected with them, by navigable streams running through both, by Indian tribes spreading over both, and many other relations, there would be perpetual danger of collision, all which might be for ever removed by a transfer of those territories to us; that the means, adapted to this end, and suggested in the message, as requisite to be placed at the command of the executive, and yet belonging to Congress exclusively to yield or deny, could not be a declaration of war, for that was repugnant to the whole spirit of the message; nor an augmentation of our troops; because, in the message of Dec. 3, only three days before this, the President had explicitly stated that "whether it will be necessary to augment our land forces, will be decided by occurrences, probably, in the course of your session," and no such occurrences had yet appeared; but they must be the same means, as had been successfully and satisfactorily adopted in the similar case of Louisiana, by an act of appropriation, which would manifest the sense of the legislature in favor of the acquisition, and authorize and enable the President to open a negociation for that purpose; so that the fair construction of this part of the message amounted to a recommendation of the proposition before the House—and if the President had urged it more pointedly, he might, with at least as much reason, have been charged with a disrespectful attempt to dictate to the legislature; whereas the course to be pursued was now respectfully submitted to Congress, as a proper subject of legislation, with an intimation only of the opinion of the executive, accompanied by a communication of every fact material for their information, and the documents necessary to enable them to judge for themselves;" which was in his estimation, the most correct mode of proceeding. The true question, then, before the House, Mr. B. observed, was not whether the measure under consideration had been recommended by the President, or was agreeable to his judgment, or not, but whether it was proper in itself and conducive to the public good. If the house were convinced of that, it would be their duty to adopt it: if not, they ought to reject it, whatever might be the President's opinion or wishes on the subject. He then proceeded to a discussion of its merits.

Mr. Randolph having, in reply, observed that the gentleman from Massachusetts had abandoned the ground of construction, which he had contended for in the select committee, Mr. B. immediately rose, agreeably to one of the rules of the House, and rectified the mistake, by referring to and recapitulating the argument he had used, as above stated, declaring that he by no means abandoned that ground of construction, which he still understood to be the true sense of the message, although, in his view of the question, it was comparatively not a very material point.

Every gentleman, who attended to the debate, is appealed to for the substantial correctness of this statement.

In another part of your narrative, you represent "that General Varnum declared the measure to be consonant to the secret wishes of the Executive." This representation also is, in my opinion, uncandid and unjust. According to the recollection of other gentlemen, General Varnum did not use the word *secret*, on which you lay such emphasis. He said, indeed, that it was conformable to the President's wishes. In the course of the debate, Mr. J. Randolph charged him with having communicated to the House the *secret* wishes of the President. Gen. V. by way of explanation, complained that he was misunderstood by the gentleman from Virginia, and declared he had used no expression intended to convey, and, he believed, none adapted to convey such an idea, and added explicitly, that the opinion, which he had given, was not founded upon any private conversation with the President, but was inferred from his official communication to the House. Had Mr. R. agreeably to the established usage, in such cases, admitted General Varnum's explanation of his own meaning, he might, indeed, have lost the opportunity of displaying his eloquence, on the favorite topics of secret influence, back-stairs communications, irresponsible agents, double set of opinions, &c. &c. but how far it was consistent with parliamentary decorum, or even common candor, for an opponent, who had understood Gen. V. in a sense different from that which was explained to be his meaning, to persevere in imputing to him a sentiment thus solemnly disavowed, for the purpose of wanton invective and declamation, let candid men of all parties, let an impartial public decide.

Referring to Mr. R's punctilious argument against a purchase of Florida, that it might be considered a violation of our neutral relation to Great Britain, you say, in a marginal note, "it is believed that the Louisiana treaty was antedated to obviate this very difficulty." To such a gratuitous insinuation against the honor of our own government, as well as of the other party to that treaty it ought to be a satisfactory answer, to say it is believed that the treaty was *not* antedated, for that or any other purpose. You have assigned no reason for your belief; and it is to presumed you have none, which could be assigned. If you had any it was incumbent on you to produce it, and undoubtedly you would have done it; for there is no appearance of a disposition, on your part, to conceal any ground of reproach against the administration.

These remarks are applicable also to your insinuations contained in another note. Where, sir is your proof that our ministers proposed to surrender the claims of our merchants for Spanish spoliations? or that in offering, on certain conditions, to establish the river Collorada, as the western boundary of Louisiana, they not only acted without specific instructions, but also exceeded their authority.

Your jealousy, or want of candor, is evinced, by the suggestion, that dispatches having an important bearing upon our Spainish relations, were purposely concealed from the House of Representatives, until the appropriation for the purchase of Florida was passed and gone beyond the control of the House. The simple truth is that, on the 17th of January, the President sent, not to the House of Representatives in particular, but to both branches of Congress, two messages, one public and the other secret, respecting our differences with Great Britain. The secret one, which was afterwards made public, was as follows:

"*To the Senate and House of Representatives of the United States.*

"The inclosed letter from the minister plenipotentiary of the United States, at the court of London, contains interesting information on the subject of my other messages, of this date. It is sent separately and confidentially, because its publication may discourage frank communications between our ministers, generally, and the governments with which they reside, and especially between the same ministers.

TH: JEFFERSON."

Jan. 17, 1806.

For the obvious reasons here suggested, the letter itself was not published. Being from our minister at London, it respected our British relations. It contained no information, and only an incidental observation concerning our relations with Spain. But, unluckily, it happened to be communicated after the House had passed the appropriation bill, which, however, was before that bill was acted upon by the Senate. It does not appear that in that branch, Mr. Monroe's letter was thought to affect the subject of the bill, or to have any material bearing upon our Spanish relations; and it really required an effort to believe any member of the House could be in earnest in attaching to the casual circumstance of the time of its communication an air of importance or design. But "trifles light as air are to the jealous, confirmation strong as proofs of holy writ" a truth not less applicable to political than to matrimonial jealousy.

I have now, sir, performed my promise. I have, in plain terms, pointed out several instances of what I consider partiality, incorrectness and want of candor in your statements.

I will only add a concise review of the objections urged against the act of appropriation for the purchase of Florida.

The first and great objection was that the President had not recommended an appropriation for that object. The objector, to use his own words, "would never agree to such a measure, because the money had not been asked for in the message. He could not consent to shift upon his own shoulders or those of the house, the proper responsibility of the executive." One answer, given in the debate, has been already noticed, while we were correcting your details of the proceedings of Congress. It was further answered, that this could not be an argument against the measure itself, but at most a mere punctilio; a question of comparative responsibility, a matter of form as it respected the nation, and of very little moment to the executive or legislature; for each member, by voting for the bill, each House, by passing it, and the President, by approving and signing it, would respectively incur their proper responsibilities. According to the apportionment of powers by the constitution, the President has a right, but is not under obligation, to recommend specific measures of legislation. If he lays before Congress the facts and documents lodged in his department, and necessary or proper for their information, he discharges his duty in that respect. The objection is not merely unfounded and unreasonable. It involves a dangerous principle. If it should be determined to be improper for the two Houses to pass a bill, without a previous recommendation of it by the President, lest they shift upon their own shoulders the proper responsibility of the executive, the consequence must be that the executive will have the exclusive origination of legislative measures, a principle subversive of the constitutional independence of the legislature.

But the objector went even further. Neither the approbation and signature of the bill by the President, nor his previous proposition of it, would be satisfactory. Without consulting Congress at all, he ought, it seems, in the exercise of his executive powers, to negociate the treaty of purchase upon his own responsibility. "The House of Representatives would, in that case, be left free to ratify and annul the contract." otherwise they could not "refuse to sanction any treaty entered into under the auspices of the legislature, with powers so unlimited." The same gentleman once held a different doctrine. In the case of Louisiana, he advocated and voted for a preliminary appropriation; and whatever differences there may be in other points, in this the two cases are exactly similar. His apparent inconsistency, it is true, is no certain proof that his present opinion is wrong. He may have been erroneous before, and now convinced of his error. Yet the variation of his own judgment ought, at least, to teach him a little charity for those who still think and act as he once thought and acted. The whole force of the objection consists in this, that the legislature, by such an appropriation, deprive themselves of all discretionary right to refuse their sanction of any treaty whatever, which may be thus negociated. The same process of reasoning, if admissible, would prove that the President and Senate, by appointing an envoy, are so pledged for any treaty, which he may sign, under such appointment, that the Senate have not a right to refuse their assent, nor the President to withhold his ratification. By proving too much, the argument appears to be inconclusive and fallacious, and need not, therefore, be considered in other points of view. The principle, which is practically, and I think correctly adopted by our government, is that in so important a transaction as that of acquiring territory, the executive ought not to proceed to negociate for it, until the legislature has given some expression of the sense of the government in favor of the acquisition. In the two great cases which have occurred, an act of appropriation for the purpose has been deemed the proper mode of expressing the legislative sense.

It was objected, that by this appropriation the money was left applicable, at the discretion of the executive, to an extraordinary purpose of foreign