

# THE IMPARTIAL OBSERVER.

Let it be impressed on your minds, that the liberty of the press is the palladium of all the civil, political and religious rights of Freemen.—JULIUS.

"LIBERTAS EST POTESTAS FACIUNDI ID QUOD JURE LICET."—CICERO.

COOPERSTOWN, SATURDAY, MAY 6, 1869.

VOL. I

## FROM THE FREEMAN'S JOURNAL. THE SUN.

If the following extract from the Farmer's Journal, a paper on both sides of the Atlantic, should be read by Mr. Jefferson, late President of the United States, he will find no difficulty in recollecting who it was that sat for the picture. We sincerely hope, however, that it will not be torment in his retirement, those remorseful consciences to which allusion is made in this ingenious piece. God grant that his grey hairs may go down in peace to the grave!

In one respect Mr. Jefferson has certainly been a man more sinned against than sinning. He has been ruined by "man-worship," as Mr. Lyon calls it, by the adulation of the multitude. In this respect and its miserable victim, we realize the following exquisite description of the effect of the Task: It is the abject property of most, That, being parcel of the common mass, And destitute of means to raise themselves, They sink, and settle lower than they need. They know not what it is to feel within A comprehensive faculty, that grasps Great purposes with ease, that turns and yields, Alms without an effort, plans too vast For their conception, which they cannot move. Conscious of impotence, they soon grow drunk With gazing when they see an able man Step forth to notice; and, besotted thus, Build him a pedestal, and say, "stand there, And be our admiration and our praise." They roll themselves before him in the dust, Then most deservingly in their own account When most extravagant in his applause, As if exalting him they raised themselves. Thus by degrees, self-cheated of their sound And sober judgment, that he is but man, They demi-deify and fume him so, That in due season he forgets it too. Inflated and astrait with self conceit, He gulps the windy diet; and ere long, Adopting their mistake, profoundly thinks The world was made in vain, if not for him.

## THE LIKENESS.

### A FRAGMENT.

"Every thing went to decay; all was gloomy." For lack of culture, my farm became a desert, and produced nothing instead of wheat. Little thought when I destroyed commerce I destroyed agriculture also; of their connection I was ignorant till taught by fatal experience. Fearing to risk myself with people I had so deeply injured, and to avoid the reproaches I constantly heard, as well as the degradation I had made, I left my possessions to the care of a servant who had been my chief adviser, and retired to his lonely spot, but of danger's iron grasp. Here, said I, I shall be truly independent. I shall be happy of course; but alas! I was deceived—I had escaped outward reproaches, but to endure reproaches more dreadful from within. My conscience, of which before I knew nothing, became my accuser, and whispered the wrongs I had done. To her "still small voice" I opposed my philosophy; and for a long time endeavored to persist in viewing my former conduct with approbation. Reason at length triumphed, and her triumph was my condemnation. The opening of my eyes was the losing of my peace, the end of my happiness.—I beheld with astonishment my own frame wasted and decayed, while I had been deluding myself with the fond expectation of heaping wrath upon others. The crimes I had committed continually passed in review before my eyes. My mean criminality and cowardice, in suffering my rights to be invaded with impunity, the suffering and distress I had brought upon my children and tenants, and above all the blood I had shed, pressed on my mind with mountainous weight—I stood self-condemned.—Heavens! said I, is this the result of my "enforcements?" Is this the end of my philosophy? I rose, with the determination of instantly retiring to my domain and atoning for my former errors. But the judgment of God had overtaken me. Such long "retirement within myself" had deprived me of strength; my limbs refused their office. In vain I endeavored to extricate myself from this horrid abode: my doom was sealed; repentance came too late. I had persevered in my folly and wickedness till I had ruined others, till I had destroyed myself. With a lingering death before my eyes "in the agonies of my soul, and with a hell in my bosom," I stretched myself on the earth. But all is now over. I feel the cold hand of the "King of Terrors" encircling my heart. In a few moments I shall depart for that country, "from whose bourne no traveller returns," before an awful Judge, to render an account of my stewardship; to account for hiding in the earth that talent which was committed to my care. I have sinned with my own happiness and that of others, and am justly punished. Take warning, Stranger! In surrendering your own rights may be criminal! to abandon those of others, or fail to defend them, when committed to your care, is high treason against God and man! Such is my offence! O God forgive me, I die!"

His nobler part was gone. I sat motionless with surprise, and a cold chill ran through my veins.—Recollection returned. I committed his remains to the earth, and, taking up my sword, hastily departed.

## DEBATE ON EXTRA RATIONS.

The following is a sketch of the debate which took place on the last evening of the last session of Congress. Mr. Rowan, of Kentucky has been considered by some as the most logical reasoner in the House of Representatives, and we have no hesitation in saying that his speech which follows, is as argumentative as any of equal length that was ever delivered in our country. Every reader will remark the shocking absurdity of Mr. J. G. Jackson's doctrine, that the Attorney General is a "judge in the land," and constitutional expounder of the laws, and that Congress is bound by his expositions! Mr. Holland and Nelson also made some remarks, but they were in substance the same as those of Mr. Jackson.

## HOUSE OF REPRESENTATIVES, FRIDAY, MARCH 9. EXPENDITURES OF THE PUBLIC MONIES.

MR. RANDOLPH said, it would be recollected by the House, that a committee was appointed some time ago, for the purpose of enquiring whether any advances of money had been made by the War Department, contrary to law, and if any, to what amount; it would also be recollected, that during the discussion on printing the documents, he had stated in his place, that if no other gentleman did, he would bring forward a motion in relation to that subject. Conceiving it to be his duty so to do, he now rose for the purpose of redeeming the pledge which he had given to the House. He had been extremely reluctant to bring forward a motion on this subject, because he knew it might be said, and truly, that there was no time for the House to examine the documents during the present session. He was well aware of that objection, and therefore should not go into that examination; but should restrict his motion to so limited an extent, that it would be impossible for any man, as he believed, to deny its truth. It would be impossible for any man to complain, that any difficulty existed as to a ready comprehension and prompt decision upon it. It was restricted only to a single case. If the House adopted the motion, it would then be for the House to declare what should grow out of it. Mr. Randolph said, he believed that it was understood in Great Britain, that a dissolution of Parliament did not affect an impeachment, that the impeachment did not abate by the dissolution, and it belonging to the wisdom of the House, after the resolution was decided, to say what should be done with it. He wished it to be distinctly understood, that he made his motion to redeem a pledge given to the House; and that there was not a man in the U. States, however limited his capacity, that would not be able to discern its truth or its falsehood. It did not rest upon involved accounts or points of law, but upon the plainest and most luminous propositions which could be offered to the human mind, the truth or falsehood of which would at once appear.

On the 16th of March, 1862, an act passed fixing the military peace establishment of the U. States. By that act it was provided, "that the monthly pay of the officers, non-commissioned officers, musicians and privates, be as follows, to wit: to the brigadier general two hundred and twenty-five dollars, which shall be his full and entire compensation, without a right to demand or receive any rations, forage, travelling expenses or other perquisites or emolument whatever, except such stationary as may be requisite for the use of his department." This is the law of the land, said he, in relation to this country. The law then goes on to state what shall be the pay of other officers, non-commissioned officers and privates; the 5th section apportions the rations to the different grades of officers, and allows "to the commanding officers of each separate post, such additional number of rations as the President of the United States shall, from time to time, direct, having respect to the special circumstances of each post." I beg the House to attend that the words are "such additional number of rations;" and yet it is in plain before the House that Brigadier-General Wilkinson has received a considerable sum of money, to wit: 1,433 dolls. 16 cents for 36 extra rations per day, whilst commanding at Natchitoches and at New-Orleans. Whilst at the latter place, he has also received an allowance of 600 dollars for "quarters, stabling, &c." said allowance, both as relates to rations and quarters, being prohibited by the law of the land. I know that the allowance has been made under very high authority, no less than that of the Attorney-General of the U. States, under the same sanction of no less an opinion than his.

Mr. Randolph said it did not behove him to enter into a contest with gentlemen learned in the law as to the exposition of the law; much less the Attorney General in a case susceptible of being so put that difference of opinion might arise under it. But where the case was such that a difference of opinion could not take place where the terms of the law were attended to, he should, with great deference, as a representative of the people, not only think himself entitled to decide between that people and the administration for them, but that he was solemnly bound by duty to express such an opin-

ion. And he felt himself warranted in what he said by perceiving that the Attorney-General in giving that opinion had not correctly apprehended, because he had not correctly stated the law. It has been said that Homer himself sometimes nodded; and a person even of the great abilities and legal research, pressed by a multitude of business, might make an oversight—Inasmuch as in the Attorney-General's opinion the word "additional" preceding the word "rations" in the law, was omitted. The Attorney-General acknowledged the force of the 5th section of the law cutting off the commander in chief from any other emoluments, but said, "To put a just interpretation on any clause contained in a statute, you must look beyond the insulated section. The entire act must be taken into view, and such a construction formed as will give effect to every part." Mr. R. further quoted the printed document.

The allowance made to General Wilkinson is not in his capacity of brigadier-general, but in his quality of commander of a separate post. By the 5th section of the act above mentioned the President is authorized to allow to the commanders of separate posts such additional number of rations as he may from time to time think proper to direct, having respect to the special circumstances of each post. Now surely the force of this term "additional" must have been overlooked by the Attorney-General in this particular case. To a man to whom rations are allowed by law you may allow additional rations. But can you allow additional rations to a man who is expressly prohibited from receiving any? Can you allow additional anything to a man whose compensation is fixed by law, and who is precluded in the act itself from receiving any farther compensation? To inferior officers commanding at separate posts, additional rations were by the law contemplated to be allowed, and for a reason explained in the act itself. But it would be recollected that the commander in chief always had a separate command. The law contemplated that by having a separate command, incidental things as to inferior officers, but inseparable as to the commander in chief, they might be compelled to entertain company and go into expenses which their pay would not warrant; and therefore in such cases additional rations had been allowed. If my construction of the law be not correct, said he, words have lost their meaning;—terms have no longer any significance; and we legislate here to no purpose whatsoever.—And the force of this thing will be made more apparent when we come to consider that it is stated by the accountant of the War Department, that Col. Freeman and Cushing received "additional rations," agreeably to law, for commanding at Natchitoches and New-Orleans, for the same period of time which an allowance was made to the commander in chief at the same places. So that even if his construction was incorrect, if *white conveyed the idea of black, if right was wrong*, if "additional" signified *substantial*, still (Mr. Randolph said) that the law had been completely executed *quo ad hoc* the moment the president had authorized additional rations to Col. Freeman and Cushing for commanding at Natchitoches and New-Orleans.—These were things which he thought it his duty to state to the House. If they were not true, if they were not as evident as the lights burning before his eyes, then the House would say so, would deny the fact. I could go on further and state a great many other illegal grants equally clear with this. I will state one more. It is stated in these documents, "To be sure it is a pretty affair, and one which I would not have brought before this House, if I were not compelled by a sense of duty. It is an allowance of \$47 41 for part pay, subsistence and forage, from the 16th March, 1862, to the 31st May following—made how? "By an arrangement of the war department." Now on the 16th of March, a law was passed, which took effect as the law of the land, from the time the president signed it, and if the president could have defeated the operation of the law till the 31st of May, 1862, he could defeat it altogether. It was the boast of a free government that law, and not the discretion of men, was to govern; and the highest officer of this government was as strictly amenable to law, as the meanest member of society, in the eye of the law, and in *foro conscientiae* more so; because they must be presumed to know the law, although the lower orders may not. If there be one proposition in the world clearer than another, it is the proposition which I am about to submit to the consideration of the House. I know the lateness of the session, and the House will appreciate the motives by which I am actuated. If not it is my misfortune, but not my fault. I should be sorry to labor under the censure of the House, but if I incur it in the discharge of my duty, I shall bear it with equanimity.—I trust, as becomes a man. I therefore move as follows:

Resolved, That the allowance of 1,433 dollars and 16 cents for 36 extra rations per day, made by the department of war to brigadier-general Wilkinson at Natchitoches, from the 16th to the 30th of September, 1862, and from the first of October to the 11th of November in the same year, and whilst commanding at New Orleans, from 12th of November 1862, to 22nd November 1867, and of 600 dollars for

"quarters, stables, &c." at the same place, is contrary to law; the said allowance being expressly prohibited by the act passed the 16th day of March, 1862, entitled "An act fixing the military peace establishment of the United States."

The House agreed now to consider the resolution.

Mr. Randolph said it would be recollected that he had said the Attorney-General had misapprehended, because he had misstated the subject of the military peace establishment; and yet, when he came to read the Attorney-General's opinion as printed, he found to his very great surprise and embarrassment, that the law was correctly quoted. He would state how it happened. In the 10th page of the printed report, fifth paragraph and fourth line, the word "additional" preceding the words "number of rations;" will be found, but ought not to be, because it was not in the Attorney-General's official report. It was omitted, and Mr. R. said he wished to state how it got in. When the copy of the Attorney-General's opinion had been put into his hands, he had perceived the difference between the opinion and the law as it now stood, and with his pen had marked the omission as a guide to himself, and the printer had inserted it in the printed copy; and thus Mr. R. said when he read the printed report to the House he was astonished that it did not tally with his conception. This being a palpable error, every gentleman who had the report, and those who published it, ought to omit the word "additional." This would shew to the House, he hoped, that it was not very unreasonable in him to differ on this occasion with a gentleman of the Attorney-General's erudition; as he had so far misunderstood the law.

Mr. J. G. Jackson moved that the resolution lie on the table. He said it would be unnecessary for him to state, that at this late period of the session it would be impossible to give to the resolution that consideration to which it was entitled. As it was announced by the mover of the resolution, said he, and as I find by the printed statement, of which I was really never possessed before this evening, the Attorney-General has given in his official capacity an opinion that the allowance was just and proper; and that in pursuance of such opinion the amount charged was allowed. What is the House about to do? What are they asked to do? Even admitting that there was no difficulty on the subject, that a person of the high responsibility of the Attorney-General had not given an opinion, they are called upon to decide that the construction given by one of the departments to their law, is an incorrect one. To make such a declaration would be an encroachment on the other parts of the government. It would be the essence of despotism to enact laws, and after they have been construed by the proper tribunals, to say that that construction is erroneous. I incline to the opinion that the decision has been incorrect, but deny the authority of this House to reverse the decision. It is a fundamental principle of free governments, that the powers of the several departments shall be separate and distinct. The legislature enacts; the judiciary expounds; but it would be improper for us to expound as for the judges to enact laws. We have witnessed already the impropriety of legislative exposition of laws.—It is almost six years since I brought before the House the question respecting the construction of a contract; though I did not wish to have involved that question; between the United States and the state of Ohio, in relation to lands of the United States exempt from taxation by that state. The contract declared that five per cent. of the net proceeds arising from the sales of lands should be applied to roads. The legislature of Ohio in accepting the proposition inserted a provision that three per cent. should be applied, under the direction of the legislature, in opening roads in the state.—The House of representatives when the bill was before them contemplated the appropriation of five per cent. solemnly declared that only two per cent. was applicable. The legislature of Ohio unanimously declared that five per cent. was proper; and Mr. Breckenridge, then senator from the state of Kentucky, afterwards Attorney-General of the United States, (I quote him as high authority) was of opinion that the decision of this House was incorrect. What does this amount to? That it is extremely dangerous for the legislature of a country to give an exposition of its own laws. With regard to the word "additional," I should rather presume that the Attorney-General in his original opinion, must have inserted it; for on recurring to the letter of the secretary of war, we find that he says, on the 5th section, &c. the president is authorized to allow the commanding officers of posts such additional number of rations as he shall deem proper. Mr. Jackson said he could not perceive that any good could flow from the adoption of this proposition at this or any other time. If it was intended to effect any thing by legislative construction of the law, it would be ineffectual because it could only be done by proactive construction.—Impeachment of the secretary of war could not be intended, because he acted correctly from the opinion of the Attorney-