

Mr. McCONNELL then presented a petition, which was received and referred.

Petitions were presented by Messrs. FICKLIN, BLACK, SLIDELL, and VANMETER.

Mr. GRIDER offered to give a notice; but being objected to, it was withdrawn.

Mr. GIDDINGS presented a memorial, and moved its reference to a select committee of five members, with instructions to inquire into and report the facts of the case; and that, for this purpose, they have the power to send for persons and papers.

Mr. McCONNELL called for the reading of the petition; and it was read by the Clerk as follows:

To the Congress of the United States:

The humble petition of William Jones, now a prisoner in the United States jail in Washington city, respectfully represents:

That your memorialist is a free citizen of the United States, born free in the State of Virginia, and has always been an industrious and honest citizen, chargeable with no crime; that, while enjoying his liberty in this city, he was seized, and, without any charge of crime, was thrown into jail, where he has been confined for several weeks, and is now advertised to be sold as a slave by the marshal of the United States to pay the expenses of his imprisonment, unless his owner shall appear; that your petitioner has no owner but his God, and owes no service but to his country; that it is hard for him to be imprisoned without fault, and then sold to pay the expense. He therefore prays that Congress will exert their powers for the protection of the weak, and procure for him that liberty and justice which are his right, and which he has a special claim for in the District, which is under the exclusive legislation of your honorable body.

his
WILLIAM X JONES.
mark.

Witness: D. A. HALL.

Washington Jail, Dec 28, 1843.

Mr. PAYNE inquired whether the gentleman who presented the memorial was aware, of his own knowledge, there is such a person as William Jones.

Mr. GIDDINGS said the paper came to him witnessed by one of the most respectable attorneys of the city, Mr. D. A. Hall; and he had no doubt it was perfectly correct and true.

Mr. DELLET remarked, that if the paper was witnessed by a respectable attorney, the aid which the petitioner asked he could have obtained by applying to that attorney and securing his assistance, much more readily than by applying to this House. There was not a single fact set forth in that paper, to which the attention of the House was called, that was not properly a matter for judicial investigation; and he would ask if the Congress of the United States were to be called upon by petitions in this way to legislate upon the judicial business of the country. They were called upon to do what it would be disgraceful and discreditable to suppose was neglected to be done by the proper authorities.

The SPEAKER remarked that the petition must go over, if the gentleman intended to debate it.

Mr. DELLET moved, that it be laid upon the table. Upon this question the yeas and nays were demanded.

Mr. GIDDINGS desired to put a question to the gentleman from Alabama.

Mr. McCONNELL called the gentleman from Ohio to order.

The SPEAKER observed that it would be irregular to continue the debate after a motion to lay the subject upon the table. The yeas and nays being taken, resulted—yeas 55, nays 100.

So the House refused to lay the memorial on the table.

Mr. BRODHEAD moved its reference to the Committee on the Judiciary.

Mr. SAUNDERS, in the course of his remarks, (which were not distinctly heard,) was understood to be opposed to the reference to the Committee for the District of Columbia; and he intimated to the gentlemen from Ohio (Mr. GIDDINGS) that a plain course was open to him, if the fact were as represented, by which the petitioner could be discharged without any difficulty.

Mr. McCONNELL desired to raise the question whether the petitioner was a citizen of the United States; and, as a consequence, whether he had the right to petition the Congress of the United States.

Mr. SAUNDERS was proceeding to make some further remarks, when

The SPEAKER informed him that the question was not debatable.

Mr. SAUNDERS said he was not going to debate it; he merely wished to say a word or two respecting the facts, which he thought would relieve the House of any further difficulty.

Mr. McCONNELL moved a suspension of the rules, that the gentleman from North Carolina might have leave to proceed.

Here were cries of "Order, order."

The SPEAKER said, if debate arose upon this memorial, it must go over till to-morrow.

Mr. SAUNDERS again stated that it was not his intention to debate the question.

Mr. KIRKPATRICK was understood to suggest an instruction to the committee to which the memorial might be sent, to report a bill to repeal the law under which the petitioner was confined.

The SPEAKER replied that such a motion would be in order when the subject came up to-morrow.

The subject then went over.

Mr. GIDDINGS then rose to give notice that, at an early day, he should ask leave to introduce a bill to prohibit the officers of the United States from interfering in the capture of persons suspected of being fugitives from slavery.

The SPEAKER said the motion could only be received by common consent.

Mr. GIDDINGS asked if it was not always in order, on petition days, to give notice of a bill.

The SPEAKER replied that it could only be received by common consent.

The notice was not received, as objections were made.

Mr. HARPER presented some petitions from Ohio.

Mr. TIBBATS rose to give notice of his intention to ask leave to introduce certain bills.

Mr. GIDDINGS objected to all such notices; and they were not received.

LADIES' FAIR.

Mr. CALDWELL presented a memorial, with a few remarks, in the course of which, he stated that it came from the gentle sex, and asked for no appropriations.

The Clerk read the memorial, at the request of the gentleman who presented it; and it appeared that it came from the ladies now holding a fair in this city, for the benefit of St. Mathew's Church, and that it stated that for four months they had been engaged in the preparation of articles for the comfort and convenience of the members of the two Houses of Congress, whose attendance they requested at the exhibition.

Mr. McCONNELL moved that the memorial be referred to a committee of one—the gentleman who introduced it. And he took occasion to remark, that the ladies holding this fair could get enough to relieve all the suffering humanity which he had seen in this city yet, by diminishing the fees of the priests. [Laughter.] He afterwards remarked that he withdrew his motion to refer, as he believed the memorial was not referable.

Mr. CALDWELL said the memorial asked for no appropriation.

Mr. McCONNELL said, well, I withdraw it; but as to the priest's fees, I stick to that. [Laughter.]

The question was then understood to be withdrawn.

The SPEAKER then continued the call for petitions; and many were presented—

From Georgia: By Mr. COBB.

From South Carolina: By Mr. HOLMES.

From Virginia: By Messrs. GILMER, LUCAS,

and STEENROD.

From Pennsylvania: By Messrs. JENKS, WIL-

KINS, A. STEWART, BIDLACK, and IRVIN.

From New York: By Messrs. LEONARD,

HUNGERFORD, DANA, PATTERSON, and

MOSELEY.

From Connecticut: Mr. CATLIN presented additional documents in support of the petition of Ebenezer Gray for a pension, presented by him some days ago; which were referred to the Committee on Pensions.

Mr. WELLER called the attention of the House to the vote just taken on ordering the printing of the memorial presented by the gentleman from New York, [Mr. DANA,] from certain persons interested in the navigation of the New York canals, under the impression that the paper presented was a memorial from the State. He did not object to the printing; but as it was not usual to print memorials, and there was no reason why this one should be an

exception to the general rule, he moved the reconsideration of the vote on ordering the printing.

Mr. STETSON observed that the gentleman did not say that he voted in the affirmative; and unless he did so, he could not move the reconsideration.

Mr. WELLER was not certain that he voted at all; though if he had voted, he would have voted, under the impressions he held at the time, with the majority. But the practice of the House had been to consider all as voting in the affirmative when no divisions were taken.

Mr. HOPKINS observed that when questions were carried *sub silentio*, the practice of the House had been to consider every member as voting in the affirmative.

The SPEAKER decided that the gentleman from Ohio had a right to make the motion.

Some further conversation took place between the SPEAKER and Mr. STETSON; when

Mr. DANA called for the yeas and nays on the question; but a sufficient number not rising to sustain the call, they were not ordered.

The memorial was then read; after which

Mr. DANA called for tellers on the question; but the call was not sustained.

The question was then put on the motion for reconsideration, and carried without a division.

The question recurring on the motion to print, it was put to the House, and decided in the negative.

On motion of Mr. JACOB THOMPSON, the memorial of the Legislature of Mississippi for building a light-house on St. Joseph's island, was taken from the files of the last session, and referred to the Committee on Commerce.

Petitions were further presented—

From Massachusetts: By Mr. ADAMS.

From Indiana: By Mr. SAMPLE.

From Maine: By Mr. HERRICK.

From Alabama: By Mr. CHAPMAN.

REPORTS OF COMMITTEES.

The several standing committees were called on for reports; and the following were presented:

Mr. HOPKINS, from the Committee on the Post Office and Post Roads, made an unfavorable report on the petition of Joel Beamer; and the committee was discharged from the further consideration thereof.

IMPRISONMENT FOR DEBT.

Mr. CAMPBELL, from the Committee for the District of Columbia, presented a resolution that the said committee be instructed to inquire into the expediency of bringing in a bill to abolish imprisonment for debt within the boundaries of said District; which resolution was adopted.

HOME SQUADRON.

The following resolution, submitted yesterday by Mr. HALE, was taken up, as the first business in order:

Resolved, That the Secretary of the Navy be instructed to report to this House when the home squadron was first established by law, what have been the annual expenditures therefor, and how much of the estimated expense of the next year is intended for that purpose.

Mr. HALE observed that, at the time of the introduction of the resolution which was now the subject of debate, he did not suppose that it would have elicited so wide a discussion as had taken place. To prevent any further misconception, he wished more fully to state the objects he had in view, and to disclaim others which had been imputed to him. In the first place, he would repeat what he had stated before, that in view of the facts stated in the annual message of the Chief Magistrate, that the country was prosperous in all the various departments of industry; that the products of agriculture had been bountiful in the extreme, and that we were at peace with all the earth,—it was also stated that in this time of general and unprecedented prosperity the expenditures of the Government exceeded our revenues some four or five millions. Notwithstanding all this, gentlemen, instead of seeking how to provide resources for the Government, and to bring down its expenditures within the annual revenue of the country, were studiously devising new objects of expenditure, and looking out for occasions for additional appropriations. It would seem, from this state of things, that the maxim that a national debt was a national blessing found peculiar favor with some gentlemen on that floor. Not holding to such opinions, he had, on coming here as a Representative of the people, cast his eyes round to find out the point at which this much-talked of but little practised retrenchment and reform should commence; and on doing so, it struck him that the Navy

ed to withdraw from the files of the Senate the petition and papers of the heirs of Francis Calhoun.

Mr. CRITTENDEN presented a preamble and resolutions adopted by the Legislature of Kentucky, in relation to the purchase and manufacture of American hemp for the use of the navy of the United States: ordered to be printed, and referred to the Committee on Naval Affairs.

Mr. BENTON presented a memorial from seventy-six steamboat captains, navigators on the Ohio river, praying the construction of a canal around the falls on the Indiana side of the Ohio. Mr. B. remarked that these captains set forth in the memorial their reasons in favor of the project. He would therefore move that the memorial be printed, and referred to the Committee on Roads and Canals.

The reference was ordered.

On the suggestion of Mr. ALLEN, the Senate, by unanimous consent, made the order for the printing, without a reference of the motion to the Committee on Printing.

Mr. FULTON presented a petition from inhabitants of the counties of Marion, Fulton, and Izard, in the State of Arkansas, praying the establishment of a mail-route from Izard court-house, Arkansas, to Springfield, Missouri: referred to the Committee on the Post Office and Post Roads.

Mr. FULTON presented certificates in support of the application of Benjamin Crawford, for indemnity for losses sustained in consequence of having his trading establishment broken up by an officer of the army; which, with the petition and papers on the files of the Senate on the same subject, was referred to the Committee on Indian Affairs.

Mr. ALLEN presented a memorial, addressed to the two Houses of Congress by the Chamber of Commerce of the city of Cincinnati, setting forth their reasons why the rates of postage should be reduced, and made to conform to the decimal parts of the federal coin: referred to the Committee on the Post Office and Post Roads.

THE OREGON.

Also presented a memorial, signed by numerous citizens of the county of Licking, Ohio, strongly urging the Government of the United States to take immediate possession of the Territory of Oregon: referred to the select committee on that subject.

Also, several memorials on the same subject from citizens of the State of Ohio, some of them very numerously signed; one of them by nearly an entire brigade of Ohio militia. The letter enclosing the memorial is from the gentleman who is the general in command of the brigade, who states that the memorial was read before the respective regiments in the brigade, and approved by the entire body present: referred to the select committee on the subject.

Mr. ALLEN remarked, in reference to these memorials on this subject, that he had some means of knowing the sentiments and feelings of the people of Ohio on the Oregon question; and there never was any subject on which there was more unbroken unanimity of sentiment. He knew of no difference of opinion as to the propriety and expediency of taking possession of that territory.

Mr. STURGEON presented a petition from a number of citizens of Erie county, Pennsylvania, praying for an appropriation for continuing the works in the harbor of Erie: referred to the Committee on Commerce.

The PRESIDENT *pro tem.* laid before the Senate a communication from the War Department, covering a report, in compliance with a resolution of the Senate of the 21st inst., upon the subject of leases of the United States lead mines.

On motion of Mr. BREESE, laid on the table.

Mr. FAIRFIELD, from the Committee on Printing, reported in favor of printing the annual report of the Commissioner of the General Land Office: which was concurred in by the Senate.

On motion by Mr. WOODBRIDGE, it was ordered that 1,000 copies extra of the above report be printed—500 copies for the use of the Senate, and 500 for the use of the department.

Mr. BAGBY submitted the following resolution, which was agreed to, *viz:*

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of providing by law for the adequate compensation of pension agents.

Mr. ATCHISON gave notice that he would, on to-morrow, ask leave to introduce a bill to extend the time for taking up pre-emption rights, under the laws of 1836 and 1840.

The resolution submitted by Mr. ALLEN, on yesterday, calling upon the President of the United

States for information as to what instructions have been given to the American minister at the court of Great Britain, on the subject of the Oregon, since the treaty of Washington, came up for consideration.

Mr. ARCHER asked the Senator from Ohio to permit the resolution to lie on the table for another day. He was not aware that he should have any objection to it; but it was submitted yesterday without his knowledge, and he would like to examine it before being passed upon.

Mr. ALLEN had no objection, and the resolution was again laid upon the table.

On motion, it was agreed that, when the Senate adjourns, it adjourn to meet on Tuesday next.

On motion by Mr. ARCHER, the Senate then proceeded to the consideration of executive business; and, after some time spent therein,

Adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, December 29, 1843.

Mr. R. SMITH gave notice that he would, on to-morrow, or some subsequent day, ask leave to introduce the following bills:

A bill making further provision for the payment of horses and other property lost or destroyed in the Black Hawk war; and

A bill to provide for the speedy completion of the Cumberland road in the States of Illinois, Indiana, and Ohio.

The CHAIR remarked that the first business in order was the call on the States for petitions.

Mr. BIDLACK asked the indulgence of the House while he brought to its notice a matter somewhat personal to himself, and one in which he thought the House was equally interested. He had just been referred to an account of the proceedings of the House, some days since, in the New York Herald, in which he was reported as having presented a petition on the subject of the reduction of postage, and some one else was represented as having proposed to throw it in the fire. As attempts had been made, in various parts of the country, to create an excitement on the subject of the reception of petitions, and the action of the House in regard to them; and as this matter might be seized on by designing persons to increase that excitement,—he desired leave to make an explanation of the facts of the case, in order to prevent the creation of improper impressions. The fact was, he offered no petition, on the day referred to, for the reduction of postage; and neither he nor any other member, he ventured to assert, heard any proposition from any quarter to throw any paper in the fire. He did, it was true, say that he held in his hand a communication from a postmaster on the subject of the reduction of postage; but, as it was not addressed to the House, he did not introduce it. As he did not know how the error occurred, or who was the letter-writer who committed it, he had no other way of correcting any erroneous impressions that might have been created than that of making this explanation in the House.

Mr. C. J. INGERSOLL asked the indulgence of the House, while he made an explanation in regard to the report of yesterday's proceedings of the House in two of the morning papers. In one of the papers (the Globe) the gentleman from New Hampshire [Mr. HALE] was represented as having characterized what he said as "useless;" while in the other paper (the Intelligencer) the gentleman was represented as characterizing what he said as "senseless." Now he desired to ask of the gentleman which of the two reports was correct?

Mr. HALE had not the papers before him, and could not say whether either of them had reported him correctly. The substance of his remarks was to this effect. He said that, after all the professions the gentleman had made of economy and reform, he hoped that they were not all to evaporate in useless (or senseless) professions for an early adjournment.

Mr. C. J. INGERSOLL. Which word did the gentleman use—"senseless," or "useless"?

Mr. HALE did not recollect.

Mr. C. J. INGERSOLL said, that was all he wanted to ask of the gentleman. He now begged leave to ask a question of the gentleman from Ohio, [Mr. GIDDINGS.] In one of the papers (the Intelligencer) the gentleman was represented as saying that he "could not but admire the tact and dexterity of the gentleman from Philadelphia yesterday, [Mr. C. J. INGERSOLL,] in his opposition to the resolution

of the gentleman from New Hampshire, [Mr. HALE.] Did that gentleman assail the principles of the resolution? Not at all. All he said was, that there were other things which needed reform." Now he wished the gentleman from Ohio to say whether that report was correct.

Mr. GIDDINGS said he was not conscious, at the time, of any intention to assail the sincerity of the gentleman; and, as well as he recollected the purport of his remarks, he could say that it certainly was not his intention to do so.

Mr. C. J. INGERSOLL said he was perfectly satisfied with the gentleman's explanation.

Mr. WELLER asked leave to introduce a bill, the title of which was not heard.

The SPEAKER said the motion of the gentleman was out of order, the first business of the House being the call for petitions; and the immediate question before the House was the motion to refer the petition presented yesterday by the gentleman from Ohio [Mr. GIDDINGS.]

PETITION OF A RUNAWAY NEGRO.

The House then proceeded to the consideration of the motion to refer to a select committee the petition presented yesterday by Mr. GIDDINGS, from an individual confined in Washington jail as a runaway slave, and who represents himself as a free man.

Mr. SAUNDERS, who was entitled to the floor, observed that he did not desire to say any thing on this question that would add to the excitement already existing. He would now make the answer to the gentleman from Ohio which he would have made yesterday had he been permitted. He understood from the petition presented by the gentleman that the petitioner set forth that he was a free man; that he had been arrested in this district without being charged with any crime; that he was advertised to be sold as a slave; and that he was born free. He thought, at the time, from this statement of facts, that Congress was not called upon to legislate upon the subject; because the individual, if free, as he alleged, had ample means of redress in his own hands under the existing laws. Mr. S. here recited the acts of assembly of 1719 and 1787, on the subject of runaway slaves, in virtue of which he supposed this person was imprisoned. The substance of them being, that when a negro is arrested on the suspicion of being a runaway slave, it shall be the duty of the sheriff, as soon as he is committed, to inquire for his owner; and if he lives in any county of the State he must give him one month's notice; but if he lives in a neighboring province, he must give him two months' notice. If the owner does not then come forward and prove his property, the negro, if he cannot prove his freedom, is sold for his jail fees. Then came the act of Congress of 1801, in which it was made the duty of the sheriff to give ninety days' notice in the newspapers; after which, if the negro cannot prove his freedom, he is sold, &c. All these acts went on the presumption that the negro is a slave if he cannot prove his freedom. Judge Cranch, the presiding judge in this district, had so far relaxed the law on this subject as to allow, as sufficient proof, the affidavit of a white man that he has seen the person go abroad as a free man. On the production of this affidavit, the negro thus detained is set at liberty. Thus, any person arrested as a fugitive slave can, under the existing laws, obtain his freedom by bringing forward this slight proof that he has been known by a white man to go at large as free. Under these circumstances, it occurred to him that the existing laws required no relaxation, and that the House ought not to legislate on this subject. He had strong suspicions, however, that the man was a slave; and for this reason: if the man was free, and was born in Virginia, as he alleged, he had nothing to do but to give that information to his counsel, who could easily obtain the proof, if the fact alleged was true. Then suppose a free man should be sold as a slave; he could, even after that, apply to the judge for a habeas corpus, who had never refused to grant it under such circumstances, and always allowed a reasonable time for the collection of evidence; and upon the production of sufficient proof that he was a free man, he would be immediately discharged. The objection had been urged that a free man, notwithstanding his proving his title to freedom, might be held in confinement until he paid the costs. This was one of the hardships of the common law, and applied to whites as well as blacks; for under the common law, where any man is accused of a crime, he must pay the costs, even though he may be acquitted. If the gentleman desired to relax that part of the law, he

had no objection to it, and would go with him for effecting that reform.

The proposition of the gentleman from Ohio was, to refer this petition to a select committee, with the power to send for persons and papers. For what purpose was it designed that the committee should have that extraordinary power? We took it for granted that the facts stated in that petition were true; so that, if the petitioner was free, as he alleged, he had nothing to do but to establish the fact, by the affidavit of any white man, in order to recover his liberty. There could be no reason for sending this petition to a select committee, when they were all prepared to act, as he was, on the simple facts presented. Why send it to a committee with such extraordinary powers, unless it was to give notoriety to the subject, and get up an excitement. Another proposition was made to send the petition to the Committee on the Judiciary; and a third to send it to the Committee for the District of Columbia. This last was the proposition which he had made himself.

In reference to the Committee on the Judiciary, he would say that there were only two members on it—himself and the gentleman from Kentucky—who represented States in which slavery existed. In conclusion, he would state one fact, which he wished to mention yesterday, to show conclusively, that if the man was free, as he alleged, he would have no difficulty in obtaining his discharge. Some time ago a free negro—a native of his district in North Carolina—was arrested in this city, and committed to jail, as a fugitive slave. He was advertised as such; and his parents, seeing the advertisement in the papers, sent to him (Mr. S.) proof of his freedom. Upon receiving this proof, he (Mr. S.) sent it to the marshal of the District; and upon his paying the fees—amounting to only three or four dollars—the man was discharged. Now, if the gentleman from Ohio, in his benevolence, would only imitate the example he then set him, this man, if free, could be ascertained immediately.

Mr. GIDDINGS said it made very little difference with him what committee it was referred to. In moving the reference to a select committee, he had merely followed a precedent which had been established in this House. In former years, when there was no excitement upon the subject of slavery in this House or in this country, in cases like the present, references were made similar to that which he had moved. He had the example of Mr. Randolph, whose authority upon all subjects he supposed the House would consider a good one, and he had the example of Mr. Minor. He believed the precedent was a safe one; it came, at all events, from men who were entitled to the respect of the House and of the nation; but if the House thought it better that it should go to one of the standing committees, he had no objection to such reference. He had moved the reference to a select committee, with no intention of taking from the standing committees their legitimate business.

In regard to the law, he had but one word to say; for he did not mean to discuss the question. He desired to act; he desired to see the House take prompt action on the subject, and dispose of it without discussion; or, at least, without discussion of an angry character, which was but too apt to grow out of subjects of this nature, where slavery was concerned.

And here he would remark that the law to which the gentleman referred, was passed a hundred and thirty years ago, (he had almost said in the barbarous ages,) at a time when penalties imposed by law were made payable in tobacco or money, at the option of the persons adjudged to pay them. The remote day at which the law was passed, if there was no other argument, would be sufficient to satisfy them of its inapplicability at the present day. Were the people of this District to be oppressed and borne down by laws passed a hundred and thirty years ago? The subject ought to be looked into; it ought to be scrutinized thoroughly.

But there was another proposition made by the gentleman from North Carolina, to which he could not assent. It was, that the people of this District do not desire the repeal of that law. He believed that, if the opinions of the people of the District of Columbia could be taken to-day, every man, woman, and child, would be found in favor of its repeal; although, when a proposition was made for its repeal in that House last year, the slaveholders—and he meant no disrespect by the use of the term slaveholders; he had no more intention to offend than gentleman had who used the term abolitionist;—the slaveholders themselves expressed their determination to repeal the law; in fact, there was an

almost universal sentiment in favor of its repeal; and, if he mistook not the feeling that was exhibited in the House yesterday, the same sentiment was as prevalent now as it was then.

In regard to the law, as it now exists, if he understood the matter, it was this: every person of a certain complexion in the District was presumed by law to be a slave, without any reference to the fact of his having been born free or otherwise, or whether his ancestors had been free. Putting this in connection with the law to which the gentleman had referred, and it would, at once, appear that every man who comes into the District, if his complexion happens to be unfortunately of a darker hue than that of others, is at once liable to be taken up and treated as a slave, until he shall prove himself to be free; and that may be a very difficult matter in many cases. Were the gentleman from North Carolina himself arrested to-day as a slave, he (Mr. G.) doubted the ability of the gentleman to prove his freedom—to go back and prove that he was born free. He (Mr. G.) could not himself do it. There was no man upon that floor who would not find it a difficult matter. Such was the effect of the law.

And here was another point to which he desired to call the attention of the House—that, after a man had proved his freedom, and shown that he was born free, he must then pay the costs of his arrest, detention, &c.; and if he cannot pay them, he is sold into slavery for the amount.

Mr. SAUNDERS said the gentleman was wrong as to the fact he had stated. The person was sold under the presumption that he was a slave, but an opportunity was always afforded him to prove that he was a free man; and if he prove his freedom, he was not sold at all. He was liable to the costs, as any man would be, at common law. Though the gentleman reprobated so severely the operation of this law in reference to persons of color, yet he was informed that even in the State of Ohio, they had a law forbidding those very persons of color from entering that State.

Mr. GIDDINGS said the gentleman had avoided the point upon which he desired to be informed; which was, whether, under the operation of this law, a man was not still liable to be sold into slavery for the costs.

Mr. SAUNDERS. I answer, no.

Mr. GIDDINGS. Is he then entitled to the benefit of the insolvent law?

Mr. SAUNDERS. Just as a debtor would be.

Mr. GIDDINGS said he was glad to find that it was so; but he desired still to call the attention of the House and the country to the fact, that when the person had demonstrated to a court and jury that he was born free, and had incurred accumulated costs in doing so, though he prove himself entitled to his freedom, yet he is liable for payment of those costs. A man charged with the crime of being born with a dark complexion, having to send, at great expense, to a distant State to procure proofs of his freedom, was to be made to pay the expense of procuring that testimony. He rejoiced that there was no such principle in existence within the State which he had the honor in part to represent. In that State a man was not liable to arrest and imprisonment, merely because he had a dark complexion.

There was another point which he wished the House to understand: it was the enactment of Congress; it was the work of the House itself; and the House was therefore responsible for its consequences. The man who would refuse to aid in repealing the law, was himself a supporter of the law. He merely wished to throw out this suggestion, that gentlemen in that House might understand that they have uncontrolled power over this disgraceful law—being a law which had come from that House originally, and had been continued in force by another act of that House at a subsequent period, and was now to be kept in force by the refusal of gentlemen to repeal it. He would say to gentlemen who advocated the law, Hands off! The laws of their States he had no right to interfere with; the people of those States had uncontrolled power over them: but he denied that the gentlemen could ask or expect the freemen of Ohio to bathe their hands in the guilt of such laws. Though his designs might be impugned as the designs of the abolitionists, about which they had heard so much, he would say to those gentlemen, Hands off; let us alone; maintain your slavery, if you please; but we deny, before the country, and before high Heaven, that you have the power to involve us in the guilt of supporting such atrocious, such dis-

graceful laws. And he declared, in his place, in that House, that he would ever stand by the principles he professed, which had been so often pronounced to be "hellish," because their desire was to separate themselves from what they regarded as the moral turpitude of the law. And now, as to the question of reference. The gentleman from North Carolina had said it was unnecessary to refer a subject of this kind to a committee with such high powers as those of sending for persons and papers. He referred the gentleman to the two instances he had already mentioned—the one a motion made by Mr. Randolph, then a member, and the other a proposition of Mr. Minor, also a member of the House. He had added to his motion that the committee have power to send for persons and papers, because he believed it was necessary to the investigation. He believed, moreover, that the House was prepared to repeal the law, without going into this particular case. Indeed, he would himself be averse to legislation upon individual cases. He felt perfectly indifferent as to what committee the petition should be referred to, and he would add but one other remark. The gentleman had advised him to go and pay his money for the costs of the prosecution. He thanked him for the advice. If the gentleman had been generous enough to advance his money in the cause of humanity and of liberty, he honored him for it; but he must be permitted to say that, when he came to apply the rule to the representatives of the freemen of the North—the lovers of liberty—he must learn that they did not possess that property in bone, sinew, and muscle of their fellow man, which would enable them to respond to such calls upon their liberality.

Mr. CAMPBELL said he was, upon reflection, the more confirmed in the opinions he entertained regarding the disposition which should be made of this subject; and he was the more confirmed in the same opinion by what had been so well expressed by the gentleman from Alabama yesterday, and by the gentleman from North Carolina to-day, that it was entirely a question for judicial investigation, with which the House had nothing to do. With the hope of correcting the error which might prevail among some gentlemen—and, he believed, the gentleman from Ohio himself—in relation to the practice upon this subject, he would state that he had, this morning, communicated with a distinguished lawyer of this city in relation to this subject; and the result of that communication had produced the conviction upon his mind, that where a person was judged to be a runaway slave, if he possessed any evidence of his freedom, he had not the slightest difficulty in protecting himself. It was the everyday practice, when a person was judged to be a runaway slave, to bring him, by writ of habeas corpus, before a humane judge—a judge who had never been suspected of a disposition to oppress; and upon production of his proofs, if they were found to be satisfactory, he was at once set at liberty. The law, as enforced within this District, had received a construction, if not more politic, it must at least be admitted much more favorable to persons of color, than that which had been given to it in the State of Maryland, whence it was derived. There, color was *prima facie* evidence of slavery, as it must be everywhere where slavery exists; and the *onus probandi*, or burden of proof, was then fixed upon the person of color to show his freedom. On the contrary, in the District, according to the construction which had been given to the law, it was the duty of the magistrate before whom the suspected slave should be brought, first to inquire into and affirmatively adjudge the question of slavery before he was permitted to put the person upon his defence. And the judge, before whom the person was afterwards brought by habeas corpus, always exercised a discretion; and, upon the slightest evidence of freedom, he was entitled to his discharge. In relation to that part of the law which authorized persons to be sold in default of the payment of fees, he would remark that it was supposed that the true construction of the law could only apply to cases where the question of slavery had been first affirmatively adjudged; and when a notice had been given to the master of the slave, and that notice was unattended to, he was then advertised for sale.

He would also remark, that the legal gentleman whom he had consulted, and for the correctness of whose statement he would vouch, (being one who had been engaged in the practice of the law in this District for the last eight or ten years,) had informed him that a case had never occurred where it had been car-

ried further than the advertisement. He hoped the petition would not be referred; it was interfering with the judicial tribunals of the District. It involved, in his opinion, not only a legal, but a constitutional question, how far the House had a right to interfere in reversing judicial decisions.

Mr. R. D. DAVIS was understood to say, (though very imperfectly heard at the commencement, owing to the distance at which he stood, and the confusion which prevailed at the moment,) that he was in favor of the reference to a select committee; but he would strike out the power to send for persons and papers; and he hoped the gentleman would modify his motion to that effect. The matter was certainly deserving of investigation, if only out of respect to the feelings of the North. He was himself a Northern man, representing in part the State of New York; and he took this occasion to express his satisfaction at the magnanimity which had characterized this Congress hitherto upon this embarrassing question. He believed if the matter were rightly presented and rightly understood, it would be easy to set at rest every difficulty. Nothing more was necessary, in his opinion, to allay the excitement which prevailed in the country upon this subject, than simply a right understanding of the question. As to the assumption that all Northern men were abolitionists, it was an error; he would undertake to say for the entire body of the free States of the North, that abolitionists were not known among them. There were more abolitionists within the slave States themselves than there were in the free States. He knew this to be so; and he would risk his existence on the fact.

Mr. SAUNDERS said it was not so; and he was induced to believe, from what the gentleman had said, that he was himself an abolitionist.

Mr. SAUNDERS was called to order.

Mr. R. D. DAVIS said the position which he took was, that the North and the free States never could be abolitionists, and never could be the advocates of immediate abolition. It was an impossibility that it could be so. Whatever else the Northern States might be, they never could be that; and he would state a simple fact for the consideration of the House and of the country, which, unless he was deficient in judgment and in common sense, would satisfy every impartial mind that the people of the free States could not be abolitionists. Present that question in a common sense light; let it not be looked to as a political matter—not as the humbug of the hour—but let reason come to the consideration of the question, and what was it? The abolition of slavery in the Southern States would be followed by what consequences? A deluge of the black population on the North. Nothing could prevent it but a dissolution of the Union; and he would there declare, that if he was satisfied that the people of the North were in favor of abolition, he should be for the dissolution of the Union. The dissolution of slavery in the States would be a dissolution of the Union. They of the North suffered enough from slavery now, and they never would permit the South to make an immediate abolition of slavery. When the South did it, it must be done slowly, deliberately, and in reference to the interests of the Union; the North would hold them to that. He (Mr. D.) had not a doubt, if the proposition were before the American people at this hour to abolish slavery, that nine hundred and ninety-nine out of every thousand persons of the free States would rise up, and say, Give us a dissolution of the Union, rather than the abolition of slavery; convinced that if slavery were immediately abolished, the result would be, that the slaves would be turned loose, and that the population would flow on the North, and that it could not be prevented but by a dissolution of the Union; and that it would carry desolation on the North, and destruction among the laboring population of the North, until the evil had exhausted and spent itself. This would prevent the people of the North becoming abolitionists; and he reiterated the opinion, that if the South were disposed to abolish slavery immediately, he should prefer a dissolution of the Union, much as he loved and valued the Union, rather than his part of the country should be visited by the calamity which must inevitably follow an immediate abolition of slavery. One of the many mischiefs which now afflicted the North was brought upon them by runaway negroes from the South; and it was felt through that entire section of the country, from one end to the other; and if he were able to collect public sentiment on this subject in the North, he had no hesitation in saying that almost the entire sentiment of the North was

in concurrence with that which he had here expressed. He did not intend, however, to trouble the House long at this time; all he wished to say was, let the gentlemen of the South divest themselves of the belief that the people of the North could be abolitionists, as the term was understood here. He (Mr. DAVIS) disclaimed such sentiments; he disclaimed them for himself; he disclaimed them for his constituents; he disclaimed them for his State; he disclaimed them for the entire people of this Union. The North did not wish to interfere with this question of slavery; they had no object to prompt them to any interference; they had no interest to induce them to do so, and they were not a people to be supposed to be indifferent or insensible to personal interest. Their interest, as well as their feelings, would lead them to utter abstinence from an interference with the slavery of the South. From the difference observable between the two sections of the country, they saw enough to satisfy them that they had nothing to regret that slavery did not exist amongst them, and they had only to regret that it existed any where. He repeated, that they had no wish to interfere with the institutions of the South, and they should be the last to do anything that would militate against them; but while doing this, and feeling thus, and standing up for the Constitution of the country, the people of the North claimed an exemption, not only from all interference, but from all obligation to interfere with slavery. The North was desirous that the South should manage their own business in their own way, and at their own time.

But to return to the subject immediately before the House. He hoped that this matter would be referred, but he had no desire to be a member of the committee to which it should be referred. He hoped, too, that the committee to whom it shall be referred would report a bill to repeal the law under which the petitioner was imprisoned. The simple inquiry for such committee would be, whether a man of color can be taken and sold on the presumption that he is a slave. He had nothing more to say, than that the South must yield that to the North. This District was common ground; and the Northern members could never stand before their constituents unless the South yielded that to the North. The North would not consent that, in this District, a man who had proved his freedom must pay the costs or be sold into slavery; and if such were the existing law, it must be repealed.

Mr. J. CAMPBELL made some explanation, which was not distinctly heard.

Mr. DAVIS replied, that he was only supposing it to be the law; but if it were not, the committee would have nothing to do. But if there was a law by which, on the presumption of slavery, an individual could, on account of color, be committed and sold into slavery on a failure to pay the costs of his imprisonment, in the present state of public sentiment that law could not long be maintained; and whether it were now, or in the course of the next year, or within ten years, he would not undertake to say; but repealed it must be. There was a sentiment in the country that was against such a law; and its repeal must be conceded to that public sentiment by one section of the Union to the other. Our institutions rest on the basis of mutual concession and compromise; and though he was not now intending to trouble the House at this time with many remarks, he would take occasion to say that he was as willing to make concessions to other portions of the Union as any gentleman on that floor; but he expected something in return for that which he gave. He came from a State which had given more to the Union than all the other States together; and he was willing to act in the same spirit of magnanimity which had marked the course of the State from which he came, from the earliest period of her history. He said then, in view of this whole matter—that of the repeal of this law—it would become Southern gentlemen to yield; and he should vote for the reference to a select committee. On the ground he had stated, he should vote for it, though his own individual opinion was that slavery could not exist in this District. This opinion was, (and he had given the subject some consideration,) that the moment this District became the property of the General Government, slavery was at an end. The practice of the country had been otherwise, showing that slavery had been deemed to be legally in existence here. Such, however, was not his opinion; for there were limitations to the power of this Government; and he believed that, as it could not make a king, neither could it make a slave. Slavery, in a district under the immediate government of the

United States, was inconsistent with the principles on which the Government of the country was based; and he therefore held it as his opinion that slavery could not exist in any of the Territories under this Government; and that, no matter whence acquired, or how derived, the instant it became a territory of the United States, that instant slavery ceased.

Mr. PAYNE inquired if it was in order to discuss the question of slavery in the Territories, on a proposition to refer the memorial before the House.

Mr. DAVIS said he had done. He was simply expressing his own opinion on that subject, without pretending that they were the opinions of the House; for such was not the general sentiment.

Mr. PAYNE remarked that he merely wished to know whether it was in order; for if one gentleman were permitted to go into that discussion, others would expect to be allowed to do so too.

Mr. LEWIS observed that it was a fling at the Texas question in disguise.

Mr. DAVIS said he would confine himself to the subject before the House. He said, a report from the committee, which had been suggested, showing something tangible, authorizing the sale of a man on the presumption of his being a slave, and some reasons why that practice should be retained, might be of service to the House. He hoped they should have a report on which the House could base its action; which he trusted would be that of wisdom and sound policy, and result in the peace and harmony of the whole country.

Mr. HARALSON said that Southern gentlemen had heard the reiterated denunciations of Abolitionists, until silence was no longer a virtue. Our silence is now boastingly construed into concessions upon our part, and hailed as cheering evidence of the magnanimous forbearance of the South. He said that gentlemen had deceived themselves, and he desired that they should now understand his position upon this subject, and what he believed to be the position of the whole South. None are more attached to this Union; none more disposed to cultivate friendly relations towards every section of the Republic; yet none who can or will, with more firmness, maintain their rights. We are the advocates (said Mr. HARALSON) of the Government as it has been formed—as it was transmitted to us by our fathers; and we are prepared to peril, as they did, our "lives, fortunes, and sacred honors," in its defence; and we will here, or elsewhere, defy every power on earth in a contest for the rights which have been guaranteed to us by the Constitution. Scarce a subject has been presented for the consideration of this House, that has not been made the pretext for some anti-slavery speech. If a proposition to adopt or amend the rules, or a question touching the interests of the army is agitated, it is made a subject intimately connected with slavery. If the navy, with any of its diversified relations, be presented, again the fruitful theme of abolition is interwoven into the debate; and we are told it is only necessary for the protection of slavery. Petitions and resolutions from individuals, and from States, touching directly or indirectly upon the subject, have consumed the largest share of that attention which was due to legislation of national interest. And now, sir, a petition is presented to the House, purporting to be from a free negro, who complains of illegal confinement; and at once our ears are saluted with the whining notes of abolition sympathy. Slaveholders are abused, and this hall, constituted for the purpose of legislation, must be converted into a judicial tribunal; and we act upon the case, pass judgment, ordering the petitioner to be liberated, without proof, without regard to any claim upon him, and regardless of law. It afforded the gentleman from Ohio (Mr. GROSVENOR) an opportunity of making another "liberty speech." Surely the whole course of proceeding is trifling with the good sense of the House; is consuming improperly that time which should be spent in maturing questions that belong to legislation. If the negro, whose petition has been presented, be free, surely the courts in the District will do him justice. Has the habeas corpus act been suspended? Is there no judge to try? Does there exist no law by which any man, white or black, can be freed from illegal confinement? Sir, there is no difficulty. The habeas corpus act has not been suspended. There are competent and liberal judges (among them Judge Crauch) who are ready to act. There exists a law under which many have been liberated. The court has been in session three-fourths of the time since the meeting of Congress. And in the absence

of proof, I take it for granted the petitioner is not a free man, or he would have been discharged before this hour. Why refer this memorial? Is it contemplated that we can examine witnesses and decide upon the legality of his confinement? Such powers do not belong to this House; and the reference is asked only to open a discussion which is so much desired by some members on this floor. I am (said Mr. HARALSON) utterly opposed to the continued agitation of this question; it engenders bad feelings, excites sectional jealousies, and disqualifies this body from acting in the liberal spirit of legislators of the whole country. I assure gentlemen (said Mr. HARALSON) that the South demands neither army nor navy to defend her constitutional rights: retrench in these departments of the Government as much as you may think the general interest of the whole Union requires; the South will have citizen soldiers enough to protect their property from abolition aggression, come in what form it may. I trust, sir, (said Mr. HARALSON,) that no necessity may ever occur for the exertion of her own means of defence. They know the difference between sound and reality, between the shadow and the substance. Strip them of their constitutional rights, and Union, as sacred as they hold it, and as devoted as they are to it, would be to them an empty sound. They will defend their rights at every hazard. I regret many remarks (said Mr. H.) which the gentleman from New York (Mr. DAVIS) has felt his duty to make. I shall only express my dissent to the doctrine which he advances as to the operation of law, as applied to the existence of slavery in this District, and the Territories under the government of this country. He has been pleased to tell us that he, and he thinks the whole North, would object to immediate abolition at the South. No uneasiness need be felt upon the subject of abolishing slavery at the South—it will not be done; but should we choose to do so, neither the gentleman from New York, nor the abolitionists, will be consulted. The very authority by which we act here in this House is derived from the Constitution, and that instrument throws ample shields around our rights. Those distinguished statesmen from the slaveholding States, who talents were called into requisition to form the Constitution, were never asked whether they would abolish slavery! It is subversive of the dignity of this House, and injurious to the public interests, to have this subject introduced into every discussion, no matter what shall be the question. I have made these remarks, (said Mr. H.) that our position may be understood. We extend the hand of friendship to every part of the Union, but make no concessions of a solitary right. We anxiously avoid discussion upon a subject over which we have no power to legislate, for the preservation of harmony; but shrink from no responsibility, here or at home, which may be necessary to the defence of our property. I have (said Mr. H.) spoken perhaps in too much feeling in the few remarks which I have offered; but let my apology be, that I am a Southern man—a Georgian—interfering in no way with the rights of the North, and unwilling to bear these repeated assaults upon the peculiar institutions of the South, and the rights of my constituents, without a reply.

Mr. BEARDSLEY observed that the question before the House was merely whether they should refer the petition, and to what committee; and whether it should be referred with instructions or not. Now, if so slight a question as this was to work up such a tempest as it had done, what might they not expect when they came to the important business of the session? Upon this memorial, as he understood it, only three questions could arise. First, whether the law of the District on this subject had been properly administered in this case. Now, as this question was purely a judicial one, he did not think the House had anything to do with it. They were not called to sit here as a court of appeals, to revise the proceedings of the courts of this District. This House had no such power. Then the next question was, whether the law under which the local courts act is a just and proper one, and such as ought to remain on the statute-book. Now as to that question, whether they should abolish the law or amend it, or in fact whether it was such a law as ought to remain on the statute-book, he thought that it was a proper subject of reference. He voted for the reception of the petition; and he should vote for its reference, in order that the committee might inquire and report upon the case to the House, so that they might be enabled to correct the evil, if such

was found to exist. This would not be legislating for a particular case, as had been suggested; to do which, he admitted Congress had no power. There was another view of this question which might deserve a passing notice; and that was, whether the judge who had these matters under his particular cognizance had acted correctly in the premises. If the committee should find such to be the fact, they might impeach him; but, as he had heard no allegation of that kind, he would dismiss that part of the question. He was of opinion, however, that the petition should be referred to some appropriate committee. Why were petitions referred at all? It was because a committee could inquire and report the information they obtain to the House; and, if they have a bad law, they may, by this means, be able to apply the correction. The last question was, what committee the petition should go to. Should it be sent to a select committee? When the question was one of amending or repealing a law, could they doubt that the Committee on the Judiciary—the law committee of the House—was the proper one to refer it to? Why send this to a select committee more than any other question involving the wisdom and propriety of a law? He saw no propriety in sending this question to a select committee, but he did see great propriety in sending it to the Committee on the Judiciary; and he would, therefore, vote for that reference. He was opposed, however, to giving the committee power to send for persons and papers; because, as the House was not to sit in judgment to reverse the decisions of the court of this District, such a power would be useless and unnecessary. It seemed to him that, on this simple proposition, the general question of slavery, either in the States or this District, was not involved; and he therefore deprecated the discussion of it.

Mr. STEPHENS was in favor of the reference of the petition to the Committee on the Judiciary, and for the reasons given by the gentleman from New York, who had just sat down. He thought it a proper subject of inquiry, whether the laws of the District, in relation to the question before the House, were such as required revision, so that the House might be able to apply the remedy if necessary. He regretted much to see the excitement indulged in by some gentlemen on that floor, when anything connected with the interests of the South was alluded to. He saw no necessity for any excitement on this question, and did not believe that the interests of the South depended on so trivial a matter as the reference of a petition. For his part, he wished to know what the laws of the District on this subject were, for gentlemen on different sides did not agree as to the effect of them; and he wished the committee also to report to the House whether they required amendment or repeal. As to what the gentleman from Ohio stated in regard to the selling of free men for their costs, he, for one, desired to see such a law repealed; and he undertook to say to the gentleman from North Carolina (Mr. SAUNDERS) that such a law did not exist in the State he represented. There, when an individual is arraigned, he is, upon being acquitted, dismissed without the payment of costs.

Mr. KING of Massachusetts agreed with the gentleman who had just taken his seat, that there was no occasion for excitement, though he considered the question before them as one deserving the most serious consideration. It was time that the House should take it up and make it the leading question of the session. It was for this reason that he was opposed to referring the petition to the Committee on the Judiciary; for that committee was so much burdened with business that it could not give to the subject that consideration which its importance deserved. This was no new question; it had long since been agitated, and formed the subject of one of the presentments of the grand jury of this city. Mr. K. here read an extract from a presentment of the grand jury for Washington county, D. C., recommending a modification of the laws of the District on the subject of slaves and free negroes, so as to prevent the influx of such persons into the city. Mr. K. said he read this, because the gentleman from North Carolina (Mr. SAUNDERS) had stated that it was not the wish of the people of the District that Congress should legislate on the subject.

Mr. SAUNDERS asked leave to make an explanation. What he said was, there was no petition showing the desire of the people of the District for legislation on the subject. He, however, took the occasion to thank the gentleman for the document he had just read; for from it he learned that the grand

jury, so far from wishing the laws in relation to negroes to be relaxed—had asked for additional restraints to prevent the influx of such a population into the District.

Mr. KING then referred to and quoted the opinions of Judge Cranch, in favor of the abolition of slavery in the District, and the repeal of the laws which authorize the arrest and confinement of fugitive slaves. He also read a letter from (as he said) a distinguished individual, which spoke of the cruelty and injustice of the laws which authorized the taking up of persons of color on suspicion of being slaves. He read these extracts (Mr. K. said) in order to impress upon the House the importance of speedy legislation on this subject. Congress had the power, and it was its duty to exercise it. He was in favor of referring the matter to a select committee, because the exigencies of the case required prompt action, and the quantity of business in the hands of the Judiciary Committee would prevent them from bestowing a proper and early consideration upon it.

Mr. COBB could not agree with his colleague, (Mr. STEPHENS,) nor with the gentleman from New York, in the opinion that this subject should be referred either to a select committee, or that on the Judiciary; but in expressing his dissent from their views, he would confine himself to the simple question involved, and not permit himself to be at all excited by it, though some degree of feeling on such questions might be palliated, if not excused, in members from the Southern States. When this petition was presented, the objection was raised by a gentleman from Alabama (Mr. DELLET) and a gentleman from South Carolina, (Mr. CAMRELL,) that the House could not entertain jurisdiction over it; that it was purely a judicial question; and, that if the petitioner told the truth in his statement, there was no difficulty in his obtaining the amplest redress under the existing laws. He then saw, or thought he saw, a disposition on the part of the House to abandon the proceeding and lay it on the table; and this feeling, he thought, continued until the very available argument of the gentleman from New York (Mr. BEARDSLEY) was presented, and which was immediately caught up by his colleague (Mr. STEPHENS.) What was it? It was not that the House should interpose its authority to release the petitioner from confinement; not that it should resolve itself into a superior court to revise the proceedings of the courts of this District. For what purpose, then, was the reference to be made? Why, to inquire into the constitutionality of the law under which this petitioner was arrested and confined. Now he wished to inquire of these gentlemen, (and he expected them to answer him, if they could,) did they propose to introduce a new principle into the legislation of Congress? Was Congress, instead of passing laws intended to have a general application, to take up particular cases and make laws to suit them? Did the Legislatures of the States shape their legislation on such principles? If gentlemen began in this way, where were they to end? To-day, they had a petition from a negro, who professed to be a free man, unjustly confined on suspicion of being a slave; and they legislate to suit his case. The next day, a particular individual, confined under a *cessa*, may petition Congress on the hardships of his case; and legislation is invoked to relieve him. Now, to all this kind of legislation he was opposed. If the laws were defective and required a remedy, let them be taken up and amended, or repealed, without being connected with the case of any particular individual. For what purpose should this memorial be referred? He would ask the gentleman from Ohio, who presented the petition, if he expected Congress to apply a remedy to this particular case. If the gentleman answered in the affirmative, the House would then discover that it was called on to exercise judicial, not legislative powers. He trusted that the House would frown down this new principle, by which an attempt was made to legislate on the hardships of particular cases. He would make one remark more. As his colleague had observed, there was no law in his State, by which a person arrested as a fugitive slave was, after proving himself free, held in confinement for his costs. There, when a negro proved his title to freedom, he was not subjected to the payment of costs, but they were paid by the State. It was for the purpose of stating this fact that he had endeavored to obtain the floor before his colleague rose to address the House. Though opposed to the reference of this case to a committee, he had no objection to remedying the laws on the subject, if they were defective. But, to ascertain

that fact, let a resolution, unconnected with any particular case, but referring only to the laws themselves, be introduced, and he would vote for it.

Mr. STETSON said he thought his colleague, [Mr. DAVIS,] in speaking for the North generally, (which of course included the district which he represented,) had gone a little too far, when he asserted that the South had a perfect assurance of the continuance of the Union. It was important that the people of the North and of the South should understand each other upon this point. He would say to the South, that the securities for the continuance of the Union, in the estimation of the people of his district, depend upon the broad line which separates the powers of this Congress from the Legislatures of the several States. The protection of that House upon this question, was the bulwark of State rights. If they would, they could not go against them. Look at the North: she had abolished slavery almost universally; and, patriotic as she is, she desired to see liberty, in its broadest sense, diffused throughout the entire Union; yet, though she might thus ardently desire—

Mr. PAYNE said he must be permitted to call the gentleman to order, as had been done with every one who had been disposed to enter into the general discussion, upon this petition, of the question of emancipation, and he appealed to the Speaker, to maintain order, and prevent gentlemen from introducing matters irrelevant to the question immediately before the House.

The SPEAKER remarked that a great deal of irrelevant debate had been indulged in by gentlemen, and had been tolerated by courtesy.

Mr. STETSON said he had no desire to go beyond the prescribed bounds, and he would be happy to confine himself to whatever gentlemen might desire. [Cries of "go on," "go on."] He merely wished to do his colleague the justice of presenting more distinctly to the House the point of security which binds the North and the South together.

Mr. DAVIS explained. He said he had merely assigned, as one reason why he voted for the reference, that he was not actuated by the views of the abolitionists; that he was not one, and that he had no communion of feeling with them. He wanted to show the House that he voted for the resolution not as an abolitionist; and he would add, that even if Congress had the power to abolish slavery in the States, and the South desired immediate abolition, they of the North could not, and would not consent.

Mr. STETSON said, in his humble judgment, the continuance of the Union did not depend upon anything which could be said by any member in that House. He believed it would endure beyond the days of these false prophets.

In relation to the question before the House, he should give his vote in favor of the reference to the Committee on the Judiciary. The question was a proper one for judicial investigation.

Mr. A. V. BROWN inquired whether it would be in order to move another amendment; and being answered in the affirmative by the Speaker, he moved that the committee be instructed to inquire into the expediency of repealing so much of the law as authorizes the sale of a person arrested as a runaway slave, for costs; and upon this he demanded the previous question; but withdrew the demand in order to allow Mr. ADAMS an opportunity to address the House.

Mr. ADAMS said he was very glad the gentleman had withdrawn the call for the previous question, which he had made so precipitately after a total change of the question before the House. It appeared to him that the question, in any of its forms, was of so much importance to the peace and harmony of the country; it was so important in relation to that law, or rather portion of the law, by which a colored man could be thrown into jail upon the mere presumption that he is a slave; that he could be compelled to prove himself a freeman; and when he did that, that he was still liable to be sold as a slave to discharge the expense of his arrest, detention, and trial—it was of so much importance that it should at least be permitted to be discussed. He could not help comparing the incident now before the House with one which occurred in the second session of the twenty-seventh Congress, which every gentleman who was then in the House must remember. He had the journal now before him. Mr. White of Louisiana obtained leave to introduce a bill to regulate arrests upon mesne process in the county of Washington, in the District of Columbia. What difference was there between that case and the case

now before the House? The bill was read a first and second time; and, by a motion of the gentleman from Louisiana, the rules were suspended by a vote of two-thirds, for the purpose of considering, and finally acting upon the said call at that time.

A motion was made by Mr. Powell to lay the bill upon the table; which was disagreed to.

Mr. White then moved the previous question; which passed in the affirmative.

The main question being put, shall the bill pass? the vote was 135 yeas, and 35 nays.

Half an hour after the introduction of the bill, it was sent to the Senate for their concurrence.

Those who were in the House at that time must remember the excitement which prevailed when Mr. White came into the House and announced that a citizen of Louisiana was imprisoned in the jail of this District. A burst of indignation communicated itself to all parts of the House. Witnessing the proceedings of yesterday and of this morning, his mind had reverted to the proceedings of that day. When it was told yesterday that a freeman—a citizen of the State of Virginia—a State whose motto (accompanied by the personification of the State trampling upon the neck of a tyrant) is, *Sic semper tyrannis*—that a citizen of that State was now confined in jail, and advertised to be sold,—he looked in vain for that outburst of feeling which prevailed in the House at the time when the incident occurred to which he had already adverted. There was no talk at that time of the question being a judicial question. It was not then said to be a matter which the House could not act upon. There was no such argument then; or, if any such were used, it was cast aside instantly by the House. How was it now? This citizen of Virginia had been confined in the jail for two months, and was advertised to be sold by the sheriff for jail fees. When this announcement was made to the House, was there any of that ardent zeal for freedom which was exhibited on the occasion he had alluded to? No; all was cool and calm; no manifestation of feeling was made on the part of any member of the House. Instead of taking action upon the case at once, it gives rise to a protracted and prolonged debate, and is continued from day to day, while the man remains in jail. And now they were told they must not inquire into any of the facts; that it was a matter for judicial decision, and that the House had nothing to do with the question, even if the man should lie in prison until the end of time, or whether he was to be sold for jail fees. They were told that they must not legislate for special cases; that they had no power to set the man at liberty; that it was a matter for the judiciary alone to decide. Were they told this at the time when that act was passed? No. There was no inquiry thought to be necessary for the purpose of liberating the man who was in prison: rightfully or wrongfully, he was imprisoned according to the laws of the land, as they existed at that time. What was the consequence? The House, in half an hour, repealed the law. He thought that, after the members of this House had taken so much time to sleep upon this question, while the man is lying in jail, the House at least should take into consideration the propriety of passing an act by which this mode of imprisonment should be abolished. He hoped, therefore, the House would refer the matter to a select committee.

He should, however, rely confidently on the Judiciary Committee; for he confided in their love of freedom, and he believed they would suffer nothing to interfere between that love and their duty to the House.

Mr. PAYNE did not rise to make a speech on this question; and certainly he did not rise with the view of creating excitement; for, like other gentlemen who had preceded him, he must avail himself of the opportunity now afforded him, to deprecate excitement on questions of this character; and he did deprecate, as strong as any gentleman could, the course pursued by some who had connected the question of slavery and of abolition with every question which had been submitted to that House. He would not repeat what had been said of the course the South was determined to pursue, for that would be unnecessary; his object was to direct his inquiry to the proposition before the House. And what was that proposition? It was to refer a memorial sent there by a negro, who alleges that he is a free man. Some gentlemen doubted the truth of that statement, and he (Mr. P.) could not affirm its truth; but he put it to the gentlemen who assumed that ground, if every slave from Maryland and Virginia, or any other State, who should escape

to this District, would not pursue the same course, and allege that he was free? But if he were, as he alleged, a free man in truth, what was his remedy? It had been pointed out again and again. The gentleman from North Carolina [Mr. SAUNDERS] assured the House that it was only necessary to procure an affidavit of some person who had known him to be free, and on the exhibition of such proof, he would be set free; and he (Mr. PAYNE) asked if the failure to produce such proof was not *prima facie* evidence that he was not a free man. The question, however, into which this whole matter resolved itself, was, Shall we turn our slaves loose? He had as much right to infer that this man was a slave, as the gentleman opposite had to infer that he was a free man. But suppose he should be free: was there any hardship in holding him in arrest until he demonstrated the fact, and procured the necessary evidence? Let him get a writ of habeas corpus—apply to the judicial tribunals of the country—exhibit his testimonials—and he would be discharged. There was no very great hardship in this.

The honorable gentleman was here understood to allude to some laws once existing in some of the States, under which white men were sold as well as negroes, under certain circumstances; but he was heard too imperfectly to be reported with accuracy. He argued that if that was deemed no great hardship when white men were concerned, neither could this be deemed a hardship in the case of a negro. But he had an objection to the repeal of this law. The gentleman from Massachusetts assumed that there was no man on that floor that was willing to permit that law to remain as it was; but he (Mr. P.) should dislike exceedingly to see it repealed. This District was surrounded by States holding slaves; and if they should repeal this law, what would be the effect on the District, and on the adjoining States? Why, there was not a slave in any of the States of the Union that would not endeavor to get here immediately. And would he be arrested? No; the authorities would not arrest him; for if they did, they would not receive their jail fees, and the other costs incident thereto; consequently they would cause the District of Columbia to become the great receptacle for fugitive slaves. Now who wished to see that state of things? Who was there who wished this District to become the rendezvous of slaves, or to disgrace their country in the eyes of foreign powers by collecting here, and thence conveying to Canada, the property of their fellow-citizens of the United States? He did not charge it on any one, but it might be intended to make this District the rendezvous at which the slaves might assemble; and in view of all these facts, he thought it would be improper to subject this District to such an evil, and the States of Virginia and of Maryland to so much danger; and he therefore opposed the proposition before the House. He was opposed to the reference, because he was opposed to any modification of the law as it now existed. He trusted, however, that the House would act on the question now, and decide it at once, and no longer place in jeopardy, or leave in doubt, the course to be pursued in relation to the interests of the States, more particularly of Maryland and Virginia, and the District of Columbia.

Mr. WELLER said this discussion was a very unprofitable one; and, therefore, to get rid of this matter, that the House might proceed to the transaction of other important business, he would move the previous question.

Mr. McCONNELL (having first obtained the withdrawal of the motion for the previous question) made a few observations. If there was to be a compromise of the interests of the Southern States, he wished the members from the South to know it, that they might regulate their action accordingly. He deemed the South competent to take care of itself; he did not say this by way of bravado; but, as the Representative of a portion of the people of Alabama, he felt it to be incumbent upon him to say that they knew their rights, and would maintain them; for certain gentlemen on that floor seemed disposed to drive this confederacy into a bunch of fragments. He was disposed to let this subject go to a committee, that the House might have a report upon it; and that the South might know what they were to expect, and how they were to act. With these and some other remarks, he resumed his seat, first renewing the motion for the previous question.

Some conversation ensued between several gentlemen, more particularly in relation to the effect of the previous question.

The SPEAKER then took the vote on the previous question; which was determined in the affirmative by a majority of 75 to 40.

The main question was then ordered to be put; and the memorial was referred to the Committee on the Judiciary.

Mr. PEYTON moved an adjournment; which was negatived—eyes 65, noes 67.

GENERAL JACKSON'S FINE.

Mr. SLIDELL presented the following resolutions of the Legislature of Louisiana; which were read, and committed to a Committee of the Whole.

Be it resolved by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That our Senators in Congress, and members of the House of Representatives, be requested to use their best endeavors to procure the passage of a law to restore to General Andrew Jackson one thousand dollars, with 6 per cent. per annum interest, being the amount of the fine imposed on him by Judge D. A. Hall, on Friday, the 31st March, 1815.

Be it further resolved, &c., That, in case such a law shall not be passed by the next session of Congress, that the Legislature of this State will direct the sum of one thousand dollars to be paid, with interest, being the amount of the fine imposed on General Jackson by Judge D. A. Hall.

Be it further resolved, &c., That the Governor be requested to transmit copies of the above resolutions to our Senators and Representatives in Congress, and to General Andrew Jackson.

C. DERBIGNY,
Speaker of the House of Representatives.
FELIX GARCIA,
President of the Senate.

Approved: April 2, 1848.

A. MOUTON,
Governor of the State of Louisiana.

Mr. SLIDELL moved that the House resolve itself into Committee of the Whole on the state of the Union, for the purpose of taking up the bill to refund the fine of General Jackson.

The SPEAKER remarked that the motion was not in order.

Mr. SLIDELL then moved a suspension of the rules, to give him the opportunity to make that motion; and on this motion he demanded the yeas and nays. In making this motion, he begged permission to state that this measure was called for by seventeen sovereign States of the Union; and he wished to know who the gentlemen were that were opposed to it.

The yeas and nays were ordered.

Mr. HUNT moved an adjournment.

Mr. C. J. INGERSOLL called for the yeas and nays on that motion. (Cries of "oh no; vote it down.")

The motion to adjourn was negatived.

The yeas and nays were then taken on the motion to suspend the rules; and resulted—yeas 116, nays 40, as follows:

YEAS—Messrs. Anderson, Beardley, Belsor, Benton, Bidlack, James Black, James A. Black, Blackwell, Bossier, Bower, Bowlin, Boyd, Jacob Brinkerhoff, Brodhend, Aaron V. Brown, William J. Brown, Burke, Burt, Caldwell, Campbell, Cary, Catlin, Clinton, Cobb, Coles, Cross, Cullom, Dana, Daniel, Richard D. Davis, John W. Davis, Dawson, Dean, Dickinson, Dillingham, Douglass, Duncan, Ellis, Farlee, Ficklin, Foster, French, Gilmer, Byram Green, Hale, Hamlin, Haralson, Hardin, Henley, Herrick, Holmes, Hoge, Hopkins, Houston, Hubbell, Hughes, Hungerford, James B. Hunt, Charles J. Ingersoll, Jameson, Cave Johnson, Andrew Johnson, George W. Jones, Kennedy, Preston King, Kirkpatrick, Labranche, Lewis, Lucas, Lumpkin, McCausden, McClelland, McConnell, McDowell, McKay, Joseph Norris, Norris, Farmer, Payne, Pettit, Peyton, Eliza R. Potter, Pratt, Purdy, David S. Reid, Reding, Relfe, Rhett, Russell, St. John, Sample, Saunders, David L. Seymour, Thomas H. Seymour, Simons, Simpson, Slidell, Thomas Smith, Robert Smith, Steenrod, Stobson, John Stewart, Stiles, Stone, Sykes, Taylor, Thomason, Thompson, Tibbatts, Weller, Westworth, Wheston, White, Williams, Wilkins, and Joseph A. Wright—116.

NAYS—Messrs. Adams, Barringer, Barnard, Milton Brown, Buffington, Carroll, Clingman, Collamer, Cranston, Garrett Davis, Deberry, Dickey, Fish, Florence, Foot, Frick, Willis Green, Grider, Harper, Hudson, Washington Hunt, Jenks, Perley B. Johnson, Daniel P. King, McBraine, Marsh, Edward J. Morris, Morse, Moseley, Patterson, Rogers, Senter, Severance, Stephens, Tilden, Tylor, Vance, Vanmeter, Vinton, and Winthrop—40.

So the rules were suspended.

On motion by Mr. SLIDELL, the House resolved itself into a Committee of the Whole on the state of the Union, (Mr. Davis of Indiana in the chair.)

Mr. SLIDELL moved that the Committee proceed to the consideration of the bill introduced by the gentleman from Pennsylvania, [Mr. C. J. INGERSOLL,] to refund the fine imposed on General Andrew Jackson.

Mr. BARNARD suggested that the motion was not in order, there being previous business before the Committee of the Whole, not yet disposed of.

The CHAIR said that there was previous business undisposed of; but it was competent for the committee to lay it aside, and take up other business.

Mr. WELLER moved to postpone the business before the committee; and the motion being adoted—

Mr. SLIDELL renewed his motion to take up the bill to refund the fine imposed on General Jackson; which motion was decided in the affirmative, without a division.

The bill having been read—

Mr. STEPHENS submitted the following substitute, in the form of an amendment:

That the sum of one thousand dollars, together with interest thereon, at the rate of six per cent. per annum, since the 31st day of March, 1815, be, and the same is hereby, given, granted, and appropriated, to and for the use and benefit of General Andrew Jackson; and the same be paid to him out of any moneys in the treasury not otherwise appropriated, it being the amount of a fine paid by him for a contempt of the district court of the United States at New Orleans, at the time aforesaid: *Provided*, That nothing herein contained shall be intended to be so construed as to imply any censure upon the judge who imposed said fine, or in any way to question the propriety of his decision in said case.

Mr. C. J. INGERSOLL rose for the purpose merely of saying it was not his intention to debate this question—indeed, the state of his health would not permit him to do so—but to say that the gentleman from Louisiana [Mr. SLIDELL] would more correctly represent this matter than he could, as it was more interesting to his constituents. He had no doubt but the subject would be much better taken care of by that gentleman than by him. In regard to the amendment offered by the gentleman from Georgia, he could only say that the bill was drawn in such a way as to apply no sort of censure on the Judge or any body else. If it was thought proper to introduce that subject, he would only observe, that he had taken great care to inform himself of all the particulars in regard to it, and that it would be better for the memory of the judge to let the matter sleep. Other gentlemen, it was true, might think differently; but as the bill contained no sort of censure on the judge, there was no cause for the introduction of the amendment.

Mr. STEPHENS would, with great deference for the gentleman who had just taken his seat, inform him that he, too, had taken some pains to inform himself on this subject; and he could say that, so far from there being injustice in his remark that the less said on the subject would be better for the memory of the Judge, it would be better for the memory of General Jackson himself that it should be permitted to sleep. For the truth of this, he would refer the gentleman to the majority and minority reports on this subject at the last session, where he would find that not one fact alleged in the report of the majority had been refuted in that of the minority. In his opinion, the Judge deserved as much praise for his firmness in defending the laws, as the General did for defending the city. He detracted nothing from General Jackson, or his meritorious defence of New Orleans. The General stood high in his estimation; but, high as he stood in his favor, and in that of the whole country, he would say that the Judge, on that occasion, showed more moral firmness than did the General who defended the city; and he was convinced that, in future ages, the Judge would stand higher in the public estimation for his defence of the laws than the General would for defending the city. He had offered this amendment in Committee of the Whole, and should offer it again when the bill came into the House, and call for the yeas and nays on it, that the vote might go forth to the country.

Mr. SLIDELL then rose, and addressed the committee as follows: I had expected that the honorable member from Pennsylvania—who, by his position as one of the minority of the Judiciary Committee in the last Congress, as the author of the report of the minority on the subject of the remission of the fine imposed on General Jackson, and the introducer of the bill now under discussion, has justly acquired the title of its champion—would have relieved me from a duty which he is so much more competent to discharge. I am, consequently, not prepared to treat the subject so methodically as I could have wished; and I therefore hope that the House will excuse me for not being as fully prepared as I could have desired to be. I shall not pretend to enter into any minute investigation of the facts of the case, or offer any elaborate argument in its support. The able and conclusive pamphlet which he has published on this subject, and which, on the introduction of the bill, he caused to be placed on our tables, has rendered any elaborate argument in its support superfluous. But the peculiar positions which I and my colleagues from Louisiana

occupy in relation to it imperatively calls upon us for at least a passing remark.

It has been one of the chief grounds of objection urged against the reimbursement of the fine imposed upon General Jackson, that his conduct in relation to the arrest of Locallier and Hall imputed treason and disaffection to a large portion of the citizens of Louisiana; that the original proclamation of martial law was a gratuitous act of unnecessary rigor, indicative of the despotic temper of the commanding general; and that, even if it could be palliated or justified by any supposed necessity at the time of its adoption, that necessity had ceased to exist before the occurrence of the circumstances which led to the imposition of the fine by Judge Hall. It was urged that, by the passage of an act reimbursing the fine, the unjust imputation cast upon our citizens by General Jackson would be endorsed by the legislature of the Union; and that the delegation from Louisiana were especially called upon to refute the slander, by rejecting the bill.

Such was the ground occupied in the last Congress by our Senators; and such, I presume, was the reason why a majority of our Representatives on this floor failed to give the bill that hearty and cordial support which would certainly have secured its passage. I wish not to be understood as calling in question, even by indirection, the motives of those who then represented the State of Louisiana. The Legislature of Louisiana, at its last session, with a decided Whig ascendancy in both Houses, passed—unanimously in the Senate, and by an overwhelming majority in the popular branch—instructions, directing their Senators and Representatives to use their best endeavors to procure the passage of a law to return to Gen. Andrew Jackson one thousand dollars, with six per cent. per annum interest—being the amount of the fine imposed by Judge D. A. Hall. The report of the committee of the Legislature which accompanied these resolutions, affords the most triumphant refutation of all the charges of injustice, tyranny, and oppression, which have been so freely brought against Gen. Jackson; and the documents which are attached to it, embodying the testimony of some of our most intelligent and estimable citizens, would, even in the absence of all other evidence, fully sustain the committee in the conclusions to which they arrived. The important duty of electing a Senator of the United States for six years devolved upon this same Whig Legislature at its last session. The Senator whose term was about to expire was a gentleman of acknowledged ability and irreproachable character—a politician distinguished for his uncompromising party fidelity. He was a candidate for re-election; and yet, in derogation of what may almost be considered an established usage, he was set aside, and another member of his party, equally uncompromising in his political principles, was chosen in his stead. And why? Because a considerable portion of his own party strongly disapproved of his course in relation to this bill. I make this statement in no unkind feeling. With both the gentlemen who then represented Louisiana in the Senate, I have been for many years on terms of friendship—I might say, of intimacy. I entertain for them the most unqualified respect; and my only object in these remarks, is to show that they were not sustained in this matter by their own party in the Legislature of Louisiana. The people of Louisiana have expressed their feelings in a tone equally unequivocal. The presence here of an undivided Democratic delegation is the most significant response that could by them be given to the question, Shall the fine imposed by D. A. Hall on Andrew Jackson be refunded?

It is true, indeed, that this was not one of the issues presented in our elections, for no candidate could have been found to venture upon a canvass in any district of Louisiana, and avow his opposition to the principle of this bill; but the people thought it safer to confide its advocacy and support to those who would discharge that trust with zeal as well as fidelity. Were the details of this question as familiar to the people of the United States generally as they are in Louisiana; or were the House not composed in so great a proportion of new members, who may not be acquainted with the reports and discussions of previous sessions, I should abstain altogether from any examination of the case; but I trust, as the subject may be comparatively new to some of the members, I may be permitted to trespass on the indulgence of the House in making a concise summary of its more salient points.

I shall endeavor to be brief; and, consequently, shall not enter into any examination of the princi-