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SPEECHES

OF

HON. T. H. BAYLY, OF VIRGINIA,

ON

THE FRENCH RESOLUTIONS,

AND UPON

THE QUESTION OF PRIVILEGE.

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, APRIL 3, 10, 11, & 21, 1848.

WASHINGTON:
PRINTED AT THE CONGRESSIONAL GLOBE OFFICE.
1848.
REMARKS

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, APRIL 3, 1848,

On the Joint Resolutions tendering the Congratulations of the American People to the French People.

Mr. BAYLY said his principal purpose in rising was to exhibit, in all its deformity, the character of the amendment which had been offered by the gentleman from Massachusetts, [Mr. ASHMAN], but before he did so, he desired to submit to the House a few remarks in vindication of the motion which he had had the honor to make, in objection to the amendment of his cotemporaries, when they were attempting to institute a national action; when they were instituting a proceeding which would attract the attention of other nations of the civilized world, he thought their proceedings ought to be marked by deliberation. He thought the world should see that their action had not been the result of a momentary impulse, but of calm and deliberate consideration; and therefore it was that he thought that in a movement of this sort the House ought not to act on the resolution until it at least had undergone the scrutiny of the Committee of Foreign Affairs. It should not seem to be at the instance of any single member not holding an official position here, not standing at the head of the committee, or even of a member of the committee having in charge our foreign relations. It seemed to him that it should come before the House in a still more imposing form—from a select committee, to be composed of one member from every State in the Union, which was the form of committee usually adopted when new questions were presented involving momentous considerations. He thought, therefore, that there was a marked propriety in committing these resolutions to such a committee, so that they should not be asked to receive without the scrutiny of the members of the House. In the political body (the Legislature of Virginia) in which he had his earliest lessons, it was the invariable practice, when subjects were presented not connected with its ordinary legislation, to raise a select committee for their consideration.

But he had another object in moving to commit these resolutions and the amendment. He wished to arrest an effort which was made to seize this occasion, which ought to be one of national rejoicing, and to turn it into a domestic discord. He was not surprised at the movement, however; he expected it. Having been an attentive observer of the proceedings of this House, he had never seen an occasion which ought to have been one of harmony and unanimity on which he had not heard the voice of discordant voices. The gentleman from Ohio, boding fraternal discord and strife. Having uniformly been made such exhibitions, of course he looked for it now from the gentleman from Ohio and his coadjutors, two of whom, the gentleman from Massachusetts [Mr. ASHMAN] and the gentleman from Ohio, [Mr. SCHENCK], were leading members of the Whig party. What was the character of the pending resolutions, and of the amendment? Why, they were there as freemen, rejoicing, as they ought to rejoice, without reference to party or local feelings, at the commencement of a revolutionary movement the tendency of which was to liberate France and establish a free government of her people.

On an occasion such as that, the gentleman from Ohio and his coadjutors stepped forward, as is their custom, and sought to change an occasion of national rejoicing into a national bickering; and this, which ought to be a day of unanimity, to a day of discord. But that was not the worst. When they were here having the temple of our liberties totter to its ruin. When they were rejoicing at a movement which their own bright example had originated, the gentleman comes forward and makes a motion the tendency of which is to destroy that Government whose eminent success has encouraged the spread of liberty throughout the world. He does more: he comes here and introduces a resolution which is a libel on an institution of half the States of this Union, and he declares a principle which stamps hypocrisy on every patriot and statesman of the Revolution. He comes to this Hall and denounces negro slavery as inconsistent with the cardinal principle of republican liberty; and he does that while sitting under a Constitution formed by States every one of which, with one exception, was at the time of its formation a slaveholding State, and half of which continue to be so to this day. He comes here and tells us that Patrick Henry, whose eloquence he complimented, who did more than any other man to rouse the American people to the revolutionary struggle, and to prepare them for its coming glories—the man who pro-
claimed the sentiment, “Give me liberty, or give me death!”—he has offered a proposition which says that that man, during that period and afterwards, until he went to his grave, lived in the violation of cardinal republican principles. He has proposed a resolution which is a libel on the character of the man whose victorious sword carried us triumphantly through our revolution, and whose great moderation, justice, and prudence did so much to establish our own glorious and free institutions. His amendment virtually brands Washington a hypocrite. And what occasion does he select to do all this? I could have sat by unmoved on an ordinary occasion and seen this apple of discord thrown in among us, but on an occasion like this, when we are to be rejoicing together, and congratulating each other like a band of brothers, I have not been able to sit by and see this demon of mischief obtrude himself to mar our joy without such feelings as I have not language to give utterance to.

Mr. B. had not intended to say a word on the subject of the abolition of slavery in France, for he supposed a gentleman from Tennessee that it was a question for France, and for France alone, to decide. He freely admitted that it was a subject with which we have nothing to do. He believed that any meddling on his part with that question would be quite as improper as this eternal interfering by the gentleman from Ohio and his associates with it here. But, though he had no desire to meddle with the abolition of slavery in the French colonies, he did not rejoice at the hasty and precipitate decree which the Provisional Government had issued.

Mr. C. J. INGERSOLL begged leave to state, that if he were not mistaken, the suggestion came from M. Arago, but it was subsequently withdrawn, its pernicious influence on France having been soon discovered. The decree had been withdrawn.

Mr. BAYLY was very glad to hear the explanation of the gentleman from Pennsylvania, but he confessed he had not understood it as that gentleman agreed with the gentleman from Tennessee that it was a question for France, and for France alone, to decide. He freely admitted that it was a subject with which they had nothing to do. But he would say to the gentleman from Ohio that there was no instance on record of the abolition of slavery precipitately, and without preparation for freedom, that had not been followed by scenes of wo. With all her faults, even Great Britain did not emancipate her slaves without providing an apprenticeship of a number of years to prepare them for it. No State of this Union that has emancipated her slaves has done it otherwise than gradually.

Mr. GIDDINGS inquired how gradual the process was in Massachusetts?

Mr. BAYLY replied that slavery never existed in Massachusetts, except to a very slight extent. He knew her court, in a manner which no other court in the country attempted to imitate, decided that the Declaration of Independence emancipated the slaves.

The gentleman was informed by some one near him that he was in error; and that it was the bill of rights by which they were declared to be emancipated.

I mean the bill of rights; but there were similar bills of rights in most of the other States at that time, and yet no other State undertook to say that its bill of rights abolished slavery.

Mr. GIDDINGS would like to know how gradual was the step towards the abolition of slavery by the ordinance of the ordinance of 1787?

Mr. BAYLY said he could answer the gentleman very easily. A gentleman from North Carolina near him who had suggested there were no slaves there, was mistaken; there were. But the ordinance of 1787 never was regarded as emancipating any of them. There were at that time no inhabitants there except a few Canadian and French settlers, who held slaves under the operation of that ordinance; and, what was more, he could tell the gentleman that the descendants of those slaves were held as slaves to this hour. Let the gentleman look into the history of his own State, and he would find that the ordinance of 1787, as far as slavery was concerned, was treated practically as a nullity. It never had had any legal force in the Northwestern Territory.

Mr. GIDDINGS said the gentleman was wholly mistaken.

Mr. BAYLY said he was not mistaken: he spoke from the book. That House very well knew that he was not in the habit of speaking of what he knew nothing about, or of making assertions without knowing that they were well founded.

But he would give the professed philanthropist from Ohio the only instance—a horrible instance it was—where this process of universal emancipation was done at a blow; it was the well-known case of St. Domingo. Then the thing had been effected by the busy intermeddling of visionary fanatics, just as it was now sought to be done here by the gentleman from Ohio and his associates. There was then a band of fanatics in London who met in the Old Jewry, and who passed resolutions very similar to the amendment which it was now sought to foist on the pending resolution.

It was then proposed to rid these negroes with men and money in a struggle for their freedom; they furnished Oge with a ship, the arms, and money, to accomplish this purpose; and similar resolutions were at the same time adopted in France, by an association exactly of the character of that to which the gentleman and his abolition friends belonged among us.

These fanatical visionaries set the revolt of the blacks on St. Domingo in motion; their machinations succeeded in exciting a servile insurrection, in the course of which every white man and woman and child in the island was massacred, with the exception of a small remnant, who fled to the shipping in the harbor, and barely escaped with the remains of their hearth and home; dead bodies were piled up in the streets, amid burning, murder, and pillage. Nay, so great was the fury of the blacks that their rage and revenge could not glut themselves with the butchery of every white person, (and they found no difficulty in drawing that line of distinction which the gentleman thought so great a mystery—it was no problem to the negroes,) but they afterwards turned upon the mulattoes and exterminated them. They seemed to hate every human creature that had white blood in his veins with a bitterness that had no parallel unless in the breast of the member from Ohio; and this feeling was encouraged in them by just such addresses and resolutions as this gentleman is constantly introducing here.
The gentleman talked about the cause of humanity! Were the interests of humanity benefited by such scenes as he had described, and which were the legitimate consequence of this sort of agitation? Let the gentleman look at Hayti: once one of the most flourishing islands of the Caribbean sea. The negroes were once a happy, contented race, cultivated, and contented, and enjoying every comfort suited to their condition. And what were they now? A wretched gang of indolent vagabonds, tearing each other to pieces in domestic feuds, and fast relapsing into their pristine state of barbarism. Let him look throughout the West India Islands, and wherever the control of the white man was withdrawn, instead of hands of happy and contented laborers, singing at their easy tasks, you behold a wretched mass of squalid, lazy free-negroes, without one idea in their heads of what real freedom was. In the British Islands emancipation took place under more favorable auspices than it ever can again. The negroes underwent a long probation; the masters were compensated for them, and the British army was there to keep them in subjection. But although effectual under these favorable circumstances, the English Government now admitted it had been a failure, and that both the white man and the black had been injured by it. Liberate three hundred thousand negroes by a stroke of the pen! Who did not know that it could not be done but through scenes of carnage and of horror from which humanity recoiled?

Born as Mr. B. had been in a country blessed with civil and religious liberty, he wished to see these rich blessings extended to every country on the face of the globe; but having witnessed nothing but utterable woe to result from such measures as that in which the gentleman from Ohio so exulted, instead of sharing the gentleman's joy, he regretted that such an attempt should have been made; he was pained at it. It was that measure, together with one or two other features, which marked the movements of the new government in Paris, which alone marred the satisfaction, otherwise without alloy, with which he had learned the struggle of the French people for a republican government.

In concluding, Mr. B. observed that the House would bear him witness that he had not been in the habit of addressing it in a spirit or with the feelings which he had manifested to-day. He had sought altercation with no man; he never had volunteered to wound the feelings of any of his fellow-members. But the provocation this day had been so great, the conduct of the movers in this matter had been so outrageous and unpatriotic, that he had not attempted to restrain his feelings.

**MONDAY, April 10, 1848.**

The Joint Resolution from the Senate tendering the congratulations of the American people to the French people, being under consideration in the House, and Mr. Ashmun having spoken in reply to Mr. B., he obtained the floor, and said, when he had spoken one week ago upon this question, he had spoken without one—

Mr. Ashmun interposed, and desired the gentleman to give way for a moment while he added a few observations on a topic which had escaped him. Mr. Bayly asserted, and Mr. Ashmun proceeded with his remarks; after which—

Mr. Bayly resumed the floor, and proceeded. He said he was about to remark, when he had yielded the floor to the gentleman from Massachusetts, that when he had spoken a week ago on this subject, he had spoken without one moment of preparation, and under the feeling very manifest to the House at the time, and which he did not attempt to suppress. The gentleman from Massachusetts, subsequently on the same day, had obtained the floor, and declined then, under circumstances similar to those under which he had spoken, to reply. He had taken a week to fortify himself, and all he (Mr. B.) asked now was, not a week for preparation to rejoin to him, but the attention of the committee. He should follow the gentleman step by step through his remarks.

And, first, as to what the gentleman had said in reference to his (Mr. B.'s) suggestion as to the form in which the resolutions of congratulation to the French people ought to be presented by this country. The gentleman said he had objected to the resolutions of the gentleman from Ohio, [Mr. Cummins], because they had not come from any committee of this House, or even from a gentleman connected with the committee having charge of our foreign relations, and had seemed to intimate that that was ground of objection on his part. (Mr. B.) had desired, until they had first been submitted by some member. His (Mr. B.'s) argument had been in favor of referring the resolutions, and nowhere had he objected on account of the gentleman from Ohio having introduced them. The gentleman had quite as much right to introduce them as anybody else. They had come with quite as much propriety from the gentleman from Ohio, as they could have come from anybody else. But he (Mr. B.) had desired to give them an imposing appearance. He had desired that they should not seem to be the suggestion of a single individual, but rather the deliberate and well-considered action of this House.

He had not understood the resolutions of the gentleman from Ohio, nor had the gentleman from Massachusetts himself understood them as referring to the subject of abolition in the French colonies; because, if he had, why did he move his amendment? The resolutions had created no excitement here, though the gentleman from Massachusetts now maintains that they contain the substance of his amendment. There had been no ill feeling, no indisposition to vote them when they were brought forward in a proper form. Was it that the gentleman found, that although thus containing his amendment, as he now maintained, they were not likely to excite broil and discord here, and hence he deemed it necessary to give additional point to it, to render it obnoxious, as far as their feelings were concerned, and thus raise the difficulty of which he now complained? The gentleman had one of the two horns of the dilemma: he must either admit that he did not understand the resolutions as he now maintained them to be, or, being everything he desired, yet, as they were going quietly along, his purpose of agitation was not likely to be attained, and therefore it was necessary for him to interfere
with his amendment. So far from the gentleman’s explanation having relieved him from any odium, which he (Mr. B.) undertook to say his amendment had brought upon him, in the estimation of three-fourths of the members of this House, they only served to fix it more indelibly upon him.

The gentleman had expressed surprise that the resolutions of the gentleman from Ohio, which, as he contends, contained a virtual congratulation at this abolition movement in France, should have come from this (the Democratic) side of the House, and said that “but for the position” (emphasizing the word) of the gentleman on this side of the House, he would have been more explicit in its utterance. What did the gentleman mean? Had it come to this? Had a leader of the Whig party in this House been brought to admit that the position of a member on this side of the House was a restraint upon him in throwing an apple of discord here, which did not prevail on that (the Whig) side of the House? They all knew—sarcely any man was so inattentive to what was going on here, from day to day, as not to know—that such was the fact; but he had then within the last few minutes been insulting to the gentleman from Massachusetts, on the eve of a Presidential election, when the vote of southern States is wanting to elect a Whig, would have restrained him from the open, undisguised avowal of it on this floor.

But the gentleman said that the resolutions were premature; that he was willing, at a proper time, to express sympathy with France, but wished to wait until he saw the result of the movement there. He wished to wait until republicanism was consolidated in France, before he could express a word of sympathy with this movement in the direction of free principles. He desired that the movement should be consummated before we should open our lips. He (Mr. B.) wished for no such ill-timed delay. In this contest for free principles, waged in imitation of our own glorious contest of ’76, he did not wish now, any more than France did then, to wait for the movement to be consummated before the cheering voice of sympathy was heard. If the calculating prudence of the gentleman had been practised at that time by France, perhaps our Revolution would never have been consummated. So far from its being premature, it was in the midst of the strife, when the issue was yet uncertain, when these people were contending for their political rights, that they required the cheering voice of sympathy. It was at such a period as that that he (Mr. B.) wished to speak—while the contest waged, not when it was over. Then would be a time for congratulation when they had achieved the glorious object for which they were struggling; now was the time to send over to them the voice of sympathy and encouragement. He had none of that cold, calculating policy which would restrain him from sympathizing with men fighting for their liberties because perchance they might be stricken down in the struggle. He ardently hoped that France might establish, on a firm basis, her republican principles; and it was precisely because he entertained that hope that he wanted to cheer them in the effort. It was precisely because he did not want to produce dependency for lack of the sympathy of this great nation that he did not want to wait. If we were not to rejoice now, because there had been something to be regretted in what had occurred, we never could rejoice at the inception of any movement of this sort. Somewhat of irregularity, confusion, disorder—somewhat (he was sorry to add) of error, must always precede the success of any great revolution. He asked again: was France premature when she not only aided us by her cheering voice of sympathy, but with men and money? It was precisely as premature in France then, as it was in us now. He repeated, he had no sympathy with the gentleman in his ill-timed prudence.

But the gentleman from Massachusetts could not speak to these resolutions—with all his professed anxiety to produce no discord, to discharge his duties merely—he could not speak to these resolutions without recurring to the conduct of our Government in the Mexican war, virtually charging us with hypocrisy—not in terms, but that was the effect of his argument—charging, that at the time we were exulting at the birth of a Republic in the Old World, we were exerting the power of our nation to crush a Republic on this continent. What was the conduct of the Government toward Mexico that showed any disposition on our part to put the iron heel of war upon her? Had not our course toward her, from the dawn of her independence to this time, been that of forbearance and friendship; while here, in turn, had been nothing but outrage and hostility? Had not our forbearance toward her been such, that if it had been practiced towards a strong instead of a weak nation, it would have stamped us with pusillanimity? Was Mexico less likely to be free, less likely to be republican, after the termination of this war, which the gentleman’s course had tended so much to protract, than it was before? Was there any man, who had looked attentively at the course of events, who believed that this war would result in injury to Mexico, as far as her civil and political condition was concerned; who did not know that there the reign of military despotism had been cut short; that after this war, the principles of liberty would be better understood, and the rights of man be more respected, than they ever had been before? This war, as far as Mexico is concerned, though “a toad ugly and venomous, hath yet a jewel in its head.”

The gentleman had referred to the remarks of the French minister, and had quoted from his book what he had said on the subject of slavery in the West India Islands. Now, he (Mr. B.) begged leave to say to this House, that he attached precisely the same importance to Lamartine’s description of slavery in the West Indies, that he did to the constant descriptions of slavery in the southern States by the gentleman and his associates on this floor. He had never lived in those colonies. He knew nothing of their condition. He was precisely as ignorant of it as the gentleman from Massachusetts and those who co-operated with him were of the condition of slavery in the southern States; and as presumption would never supply the place of knowledge, he attached precisely the same importance to the opinions of Lamartine upon a subject which he did not understand, that he did to the opinions so often expressed here by a class exactly in the same category.

But does not the gentleman know that Lamartine was speaking of the condition of slavery in St. Domingo at the time of the insurrection, and not
of the condition of slavery at this time in the French Islands?

Besides the reason which he had given for attaching no importance to Lamartine's description of the condition of the slaves in St. Domingo, there were others. He was not sustained by better informed historians. Most of them represented the negroes as contented and happy, until they were made to believe, by the interference of foreign fanatics, that they were oppressed and deprived of the natural rights of man. But although he attached no importance to what Lamartine said of the condition of the slaves in St. Domingo, yet he did attach importance to what he had said in the extract which the gentleman had read on another point, about which he was informed. Mr. B. alluded to what Lamartine said about the effect of the insurrection. He referred to the fact that the Constituent Assembly had proclaimed the liberty of the blacks, and said, "St. Domingo, the richest of the French colonies, was swimming in blood. France was punished for her egotism." Yes, she was punished for her egotism, in attempting to control an institution, which the great mass of her people and statesmen knew nothing about, in the massacre of her white citizens in St. Domingo in the first instance, and in the loss finally of the finest of all of her colonies. And civilization and humanity itself was punished, in the loss to both, of one of the finest and most productive portions of the globe.

And (continued Mr. B.) if it were possible for the gentleman and his associates to succeed in abolishing slavery in the southern States of this Union, we would not be the only persons who would suffer. They and their constitutions would also, though not to the same extent with us, be punished for their egotism.

But the gentleman from Massachusetts had said that he had been in error in what he had said in reference to abolition in St. Domingo. The gentleman seemed to suppose that he had maintained that it was the action of the French Government which brought about that emancipation, and had undertaken to show that it occurred prior to any action of the Government on that subject. He had never said that abolition in St. Domingo was brought about by the action of the French Government. He only maintained that the French Government, through its action in the insurrection, enabled those who would emancipate the negroes to do so. He said he had said it was brought about by the agitation of the subject by English and French fanatics, without the concurrence of the Government of France, and by the operation of societies there of the character of those to which the gentleman belonged.

Mr. ASHMUN (Mr. B. yielding) said he had understood the gentleman to make use of these words, precisely as he was reported in the Intelligencer.

Mr. A. here read a passage from the Intelligencer on the subject. Mr. B.'s speech.

Mr. BAYLY (resuming) said, if the gentleman would hand him, he would show him exactly what he had said. That report, considering the circumstances under which he had spoken, he was free to say, was a very faithful one. But much he had said was omitted. The remarks immediately after what the gentleman quoted showed clearly enough what was his understanding. He had said the thing had been effected. How? By the action of the Government? No such thing. This was what he had said; and he read from the Intelligencer's report as follows:

"Then the thing had been effected by the busy intermeddling of visionary fanatics, just as it was now sought to be done by the gentleman from Ohio and his associates. There was then a band of fanatics in London who met in the Old Jewry, and who passed resolutions very similar to the amendment which it was now sought to foist on the pending resolutions.

"It was then proposed to aid these negroes with men and money in a struggle for their freedom; and similar resolutions were at the same time adopted in France by an association similar to that which the gentleman and his abolition friends belonged among us. These fanatical visionaries set the revolt of the blacks in St. Domingo in motion; their machinations excited a servile insurrection, in the course of which every white man and woman and child in the island was massacred, with the exception of a small remnant, who fled to the shipping in the harbor, and barely escaped with their lives. Whole hecatombs of dead bodies were piled up in the streets, amid burning, murder, and pillage."

He had made other remarks which were not in this report. The House would recollect—those who had paid attention to his speech—that he had referred expressly to the fact that the Abolition Societies of London and Paris had furnished Oge with a ship, with men and money; and it was by this aid, thus furnished by persons belonging to associations precisely similar to those that existed here, that these negroes had been stirred up to insurrection, and been enabled to succeed, by cutting the throats of every white man, woman, and child in the land, except a few that escaped.

Mr. ASHMUN wished to correct the gentleman on one point. Oge's mission, he presumed the gentleman would recollect, was to vindicate the rights of the mulattoes against the whites. His mission was not emancipation.

Mr. BAYLY (continued) in exactly the same way as a man could expect to know from general reading, the history of that transaction.

Let the gentleman look to the authority he had quoted, or to his own historian, Edwards, and he would find that although Oge, when he left St. Domingo, contemplated nothing more than to assert the rights of the free mulattoes before the Constituent Assembly of France, yet in France he became associated with the Society of the Friends of the Blacks, and in England he was made acquainted with the abolitionists there. The association with these men of colour, therefore, was not brought about by his own means but by the agitation of the subject by English and French fanatics, without the concurrence of the Government of France, and by the operation of societies there of the character of those to which the gentleman belonged.

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impossible to keep the negro out of any other way than by the guardianship and protection of the white man.

Look to the British Islands: British statesmen had admitted that their attempt at emancipation there had proved a failure. It had taken place under circumstances more favorable than could ever again occur; the masters were in some sort compensated for their slaves by the appropriation of $100,000,000, and there was not that acute sting of wrong which would occur where they were not thus emancipated; they underwent a probation of ten years; in England heavy discriminating duties were laid in their favor for their protection; they had British bayonets there to keep them in order and protect the white men against their murderer—and yet, with all these safeguards, with all these favorable circumstances, which never did occur before, and which never could occur again, what was the condition of things in those islands? Look to the debates in the British Parliament; look to the admission of her statesmen and of her leading journals, and it was everywhere conceded that the freedom of the negro existed there. It had been maintained in the British Parliament, as it was here, that white labor would be more profitable than slave labor; that emancipation would enhance the products of those islands. We of the South (said he) knew otherwise. As young as he was at the time, he reviewed, in one of the periodicals of the day, these positions; he was not wise after the fact; in 1833, in this article which was in print, he had predicted exactly what had since occurred. He undertook to say there was no man in the South who understood the negro character who had not foreseen precisely what had occurred. English statesmen, or such of them as were influenced by this reasoning, as very few of them in fact were, did not understand the fact—which it seemed could not be learned here—that presumption was no substitute for knowledge, and that men cannot wisely regulate a subject they do not understand.

But, to look further: What must inevitably be the ultimate moral effect of extensive emancipation? He said now, whether by the torch of the insurrection and the dagger of the assassin, or by the peaceful action of the Government, emancipation could never take place in any country where there was a large proportion of blacks without absolute destruction to the whites or the blacks. There was no man that reflected about the matter who could believe that the two races could ever live together; the whites would never live anywhere, and never could. Free the blacks in the southern States, and a strife would inevitably arise between them and the whites which would become a war between races, the most deadly of all wars, in which it would be necessary "that one should perish that the other might live."  

The gentleman said, when he (Mr. B.) pronounced his amendment a libel on one-half of the States of this Union, he was virtually saying that the Declaration of Independence was equally a libel.

What was the resolution of the gentleman, as modified by his friend from Ohio [Mr. Summit?] It was a declaration that slavery, domestic slavery, was a violation of a cardinal republican principle. He said that that declaration was a libel on one-half of the States of this Union, because it affirmed that those States were living in the habitual violation of a cardinal republican principle; and he maintained it still. But had the gentleman’s resolution any analogy to the Declaration of Independence? Did the Declaration of Independence speak of anything else than political rights? When the Declaration of Independence declared that all men are created equal, did it mean to assert the untruth that all men were in fact created equal in their social and physical condition? Did it mean to say that the idiot was created equal in every respect with the man of genius? the dwarf with the giant? In what were they equal? Equal in stature? in intellect? in any gift of God? The Declaration of Independence never mentioned that. It meant to assert that men are equal in their native rights, before they were modified by law after they entered into society. That was what it declared, and that was all it declared; and there was no ingenuity which could torture the Declaration of Independence into having the remotest allusion to the institution of domestic slavery.

The gentleman had read a long list of bright names that represented Virginia at that time in the old Continental Congress—the name of Lee, who introduced the resolution that "these colonies are, and of right ought to be, free and independent States," of Benjamin Harrison, Carter Braxton, and other eminent men, who participated in that movement. Did he not know that every one of these men at that time were large slaveholders—among the largest in that State? That every one of them continued to be slaveholders till the day of their death? With what purpose, then, did he come in here and assert that these men propounded any such doctrine as he now contends for? I say (said Mr. B.) that the Declaration of Independence is a libel on my State! Sir, it is the handiwork of her noblest and most gifted sons. But it is as little like the resolution of the gentleman from Massachusetts, either in its purpose or sentiment, as he and his associates are like the eminent men who asserted and maintained it! And, in saying that, I do not know how I can draw a stronger contrast.

But to recur to the subject of the Declaration of Independence. The gentleman had said that every creature that had the form of a man was entitled to the right of citizenship. He asked the gentleman in what State of this Union did any such right subsist? He asked him in what State of this Union, except, perhaps, his own, did free negroes enjoy any of the fundamental rights of citizenship? Did longer between men. The one must perish for the other to live. Since justice could not make itself understood by them, there was nothing but death left for them. Every gift of life to a white man was a reason which cost a black man's life. The negroes had no longer any pity. They were men after their own way, no longer a people, but a destroying element, which spread over the land, annihilating everything."—Vol. 1, p. 317.
they vote? Did they serve on juries? Had they the right, which was secured by the Constitution to every citizen, of going to any State they please to reside? Did not the gentleman know, that although he talked so much about negroes being deprived of their rights by the institution of slavery, they were as much deprived of every political right in the other States as they were in Virginia?

Mr. ASHmun was understood to say, (Mr. B. yielding,) that there were other States besides Massachusetts in which the black population were entitled to vote. This was the case, he believed, in Democratic New Hampshire.

Mr. BAYLY. Do the negroes vote there?

Mr. ASHmun. Yes, and in New York.

Mr. BAYLY (Continuing) undertook to say—he did not presume to be as well acquainted with their State constitutions as their own Representatives were—but he undertook to say, that neither in New York nor New Hampshire did the negroes stand on the same footing with the white vote. There were discriminations against them; and if there were any discriminations, they did not enjoy all the privileges of citizenship. In New York they require the negroes to possess a large property qualification, not required of the whites, which effectually excludes them from the polls. In New Hampshire there are very few free negroes, and the law, perhaps, may allow them to vote; but are they not kept by public sentiment from the polls?

Mr. TUCK interposed, and (the floor being yielded) begged leave to correct the gentleman in regard to New Hampshire. Free negroes voted in New Hampshire; and he would inform the gentleman that very many of them were intelligent and respectable men. [A laugh.]

Mr. BAYLY continued. How many of them had the gentlemen ever seen on the jury, at the bar, on the bench of justice? Not one, he would undertake to say. And they could not marry a white man or woman. [A laugh.] And yet gentlemen came here and talked about their being free and equal. It was not the fact anywhere. Look at Connecticut, in the very heart of New England; on a late occasion, by an overwhelming popular vote, she had denied them the right of suffrage. Look at New York, Pennsylvania, to every State in the Union. In none of them were they entitled to the enjoyment of equal rights with the white; and yet gentlemen talk to them about emancipating their slaves. Go home, (said he,) and emancipate your free negroes. When you do that, we will listen to you with more patience. Until you have taken the beam out of your own eye, do not undertake to remove the mote from ours.

The gentleman from Massachusetts asked (continued Mr. B.) if the ordinance of 1789 was a libel on the States of the South. He (Mr. B.) did not choose to anticipate now what he should have an opportunity on another occasion to say, when he should pay his respects to that ordinance, and show all it ever was, or is. It contained no such sentiment as that expressed by the gentleman.

The gentleman had also asked him if the Oregon bill, with the anti-slavery restriction, was a libel on the southern States. He regretted that the gentleman had made it necessary for him to refer to the circumstances under which the anti-slavery restriction was put in that bill. It had been in none of the territorial bills that had preceded it, except the Wisconsin bill, and there in so loose and general phraseology that it had escaped the attention of the House. The effort had been abandoned in the ease of the Iowa bill. When the Oregon bill came into this House in 1845, reported by a gentleman from a non-slave State, and from a committee the majority of whom were from non-slave-holding States, there was no such restriction in it. It was placed there—and he regretted it—on the motion of a gentleman whose elevated personal character, whose elegant accomplishments, whose urbanity, whose ability, whose statesmanship, ought to have made him scorn to participate in any such proceedings—by the gentleman who then, as now, represented the city of Boston, [Mr. Speaker Winthrop.] It was introduced against all precedent, against all necessity, and for the purpose, as he regretted to believe, of keeping up abolition excitement. If it had come from such a source as this amendment, he should have expected nothing better; but he confessed he was disappointed, mortified, to see it come from the source from which it did.

But the gentleman had not been content with a legitimate reply to his argument, but had seen fit to come into this Hall, in a manner which every gentleman here must feel to have been offensive, to drag before the nation and to denounce the conduct of the Senate of Virginia for refusing to pass certain resolutions in reference to the death of Mr. Adams. It was not for him to defend that body, composed as it was of patriots and statesmen. They were able to defend themselves, and they had defended themselves before the tribunal to which they were responsible. He should not defend them before this, to which they were not. He plead to their jurisdiction. But why was it that the Senate of Virginia had not passed those resolutions? They were willing to pass such resolutions as were becoming the occasion. They offered to pass resolutions of regret at the death of the man; but they were unwilling to stamp hypocrisy upon themselves, and to pass general resolutions of approbation of the public conduct of a gentleman whose public conduct, it was well known, had never met the approbation of Virginia. He spoke of his political course. Of his private character as a man, of his ability as a statesman, no man in Virginia had ever undertaken to speak in terms of disrespect. But they were not willing to pass sweeping resolutions of approbation of his political conduct; and the friends of Mr. Adams were the sole cause of the failure to pass proper resolutions. They made the attempt to avail themselves of the reluctance which men ever have to refuse to say anything lauditory of the dead, and to seize upon a solemn occasion of that sort to effect a party purpose, and to make the people of Virginia, on such an occasion, pass a vote of condemnation upon themselves. The Senate of Virginia had firmness enough, had respect for itself enough, not to unite in any such movement. And when resolutions could have been passed, and would have been passed unanimously; but the friends of Mr. Adams insisted on that being done which the Senate of Virginia, with proper respect for itself, could not possibly do.

But suppose the Senate of Virginia in this respect had erred. Suppose their conduct had been
as outrageous as the gentleman from Massachusetts would have the nation believe, with what propriety was it that he came forward to assail the conduct of the Legislature of one of the oldest, and, I may have to add, one of the most patriotic States in this Union? It was an impudent intermeddling with what did not concern him, an effort, not unusual here, to throw a stigma upon that old State, the mother of States and of statesmen, which had reposing in her bosom the mortal remains of the man who first roused the American people to a sense of their rights, of the author of the Declaration of American Independence, and of that patriot, such as the world never saw before or would see again, who, by his virtue, patriotism, moderation, and prudence, carried through our glorious, just, and happy revolution. But he warned gentlemen, as often as it was attempted, she would have sons here to defend her.

In the same spirit in which he had referred to the action of the Senate of Virginia, the gentleman from Massachusetts had undertaken to come here and Virginia with distinction; and the assertion that suffrage there was confined to the soil and did not attach to the citizen. In this he had shown precisely the same sort of information in reference to her constitution that he had in his speeches heretofore in reference to the institution of domestic slavery in the Constitution of Virginia made no such restriction.

Here some explanations ensued, when Mr. BAYLY continued. The ownership of the soil (he said) gave one class of rights; but very many of the voters of Virginia did not own one foot of land. The right of suffrage in Virginia was not as extended as he desired to see it; but it was almost as universal as it could be where there was any property restriction whatever.

But the gentleman, not content with referring to the Legislature of Virginia and her constitution, had undertaken to tell the House about her want of prosperity, and to refer them to the greater growth and prosperity of other States. He (Mr. B.) knew that this was a very common idea; but he undertook to say, with some small knowledge of the fact, that there was not one of the old States which had prosperity in prosperity more steady, derived step than Virginia. He undertook to say that there was no State in which the progress of improvement had been more certain. He knew some of the new States had outstripped her. The cheapness of their lands, the disposition of our people to seek new homes, and many other circumstances, which he could not now stop to discuss, had stimulated them into rapid prosperity—a prosperity which he had never envied them. But he maintained, that among the old States of this Union, there was no State which had advanced in population and wealth with more steady step than had Virginia. Even Massachusetts herself, with all the protection she had received from the General Government, elevating her and depressing us, had not a larger ratio of representation, in comparison with Virginia, on this floor, than she had in the first Congress under the Constitution.

Under these circumstances, their people constantly going out, the new States keeping up a constant drain upon them, they kept on at a steady pace of improvement.

Instead of being misled by declamation, let gentlemen look to the facts of the case. Let them compare the census taken at different times, and they would find that the old slave States had advanced quite as rapidly as the old non-slaveholding States, with the exception of New York and Pennsylvania; and they, in truth, in the connection in which he was speaking, could scarcely be called old States. At the time of the adoption of the Constitution, they possessed a vast unappropriated western territory, which they have since virtually brought to the seaboard by their internal improvements. In consequence of which, their western counties have been filled up with a dense population, and their towns have grown into large cities. If it be answered, that Virginia also had a large unpeopled territory in the western part of the State, I reply that Virginia had provided no outlet for the produce of the country; and this circumstance, and not the existence of slavery—for, in truth, in that part of the State there were few slaves— retarded the growth of the country.

He had been referred to the contrast in the prosperity of the country at different times, and this has been attributed to the existence of slavery in the former. But is it so? Have not other causes operated more powerfully?

By the time we had acquired the right of navigating the Mississippi, which gave the first strong impulse to western emigration, and this has been attributed to the introduction of the steamboat, which gave the great impulse to the western country—nearly all the lands in Kentucky had been appropriated. Most of them were held in very large tracts by private persons, many of them by non-residents, who held them for high prices, which were confidently looked for as the country grew. A large portion of Kentucky was inaccessible to navigation.

But how different was the situation of Ohio! Most of the lands within her borders were held by the Government. They were open to private entry, in small and convenient tracts, at Government prices; and she was surrounded by navigable lakes and rivers. Besides, there was a great difficulty about land titles in Kentucky—as, indeed, heretofore there has been in Western Virginia—which is always such a terror to emigrants. In Ohio there were none whatever. Under these circumstances, it is not surprising that Ohio has outstripped Kentucky. But it remains to be seen that the existence of negro slavery has been the great cause of retarding the growth of the latter. Has it retarded the growth of Missouri? Which of the new States has advanced with a more rapid or steady stride, or which one of them enjoys more solid prosperity than that State? But he found that he was being beguiled into an extent of remark on this point which he did not desire.

Suppose the institution of slavery is as great a curse as gentlemen would have us believe; yet do they not know that it is one which we have not brought upon ourselves? And do they not also know that we who live among it, and understand it better than they do, are very clearly of opinion that their meddling with it only aggravates it, and that we cannot remove it in the way they propose, without producing evils infinitely greater? Do they not know, that if it be all they say of it, it is our misfortune? And does it become gentlemen from the non-slaveholding States constantly to throw up to them a misfortune which they did not feel, and
one which they had not the power to remedy? Did the gentleman from Massachusetts find it consonant either with the feelings of humanity or patriotism? If they had a deformed limb, in the name of God let us pass the notice of their brethren. If it could not pass their notice, let them not be jeered and ridiculed for it. It was an institution which was upon them: if it was a deformity in their social system, no portion of the people of this globe had done more to inflict it upon them than the people of Massachusetts themselves—as they were doing, at this hour, upon the people of Brazil. Does it lie in their mouths to come here to upbraid us?

There were many other topics to which the gentleman had referred, which he should not take up his time in speaking of now.

But one more remark. He sought altercation with the gentleman as little as the gentleman did with him. He had no fondness for personalities; he had no taste either to indulge in abuse, in the first instance, or to retort it. The retort of abuse was low and mean. And it was rather the recourse of vulgar minds, overflowing with bad passions, than the resort of patriotic indignation. He confessed that some remarks which he had made when he occupied the floor a week ago were pretty pointed: if he had had the language he would have had reason to say so. All he could say now, in speaking under different impulses, as far as any abhorrence had been expressed by him of the character of that proceeding, was, that he would have expressed it in his cool moments in quite as strong language.

TUESDAY, April 11, 1845.

Mr. Palfrey rose, as soon as the Journal had been read, and moved a reconsideration of the vote by which the joint resolution from the Senate, tendering the congratulations of the American to the French people on the constitution of a French republic and the principles of liberty, was passed yesterday; and proceeded to address the House at some length. After which, the floor was obtained by—

Mr. Bayly, who said he should not reply to the gentleman from Massachusetts with any asperity. There was so much of the man that was the gentleman, so much propriety and gentleness of manner about him, that, much as Mr. B. abhorred the principles he held, he could not find it in his heart to say anything harsh of him. But it was due to himself that he should add a few words to his reply to the other gentleman from Massachusetts, Mr. Ashmun, which, in the hurry of an unpremeditated speech, he had omitted.

But before he did so, he must say a few words in answer to the gentleman who had last spoken, [Mr. Palfrey.] And, in the first place, that gentleman had said that Mr. B. was in error in regard to the legislation of Massachusetts. Now, if the gentleman had heard his remarks distinctly, as he had said he did not, he could not but have been struck with the fact, that in all he had said in relation to the legislation of the States of this Union on the subject of free negroes, he had carefully excepted Massachusetts. He had repeated that exception with particularity more than once, and the reason for his doing so was this: he knew the general fact that there had been of late much legislation in Massachusetts on that subject, but he was not fully aware of the precise extent to which it had gone. Most of the remarks he had made in reference particularly to Massachusetts he had made on the statements and suggestions of others. But, after all, he did not think the gentleman had pointed out any important errors into which he had fallen. The gentleman [Mr. P.] had informed the House that Massachusetts had made it a penal offence for her magistrates to assist in the delivering up of fugitive slaves, and had prohibited the use of her jails for any such purpose. He recollected those laws perfectly well; and when the gentleman's colleague [Mr. Ashmun] had said, on yesterday, that his State and the other non-slave-holding States were willing to stand by the compromises of the Constitution on the subject of slavery, he designed to ask him if, in passing such laws, she was doing it; but, speaking under the circumstances to which he had already referred, and amid the constant interruptions to which he was subjected, she has not done this in a triving and wanton point; and as he desired to call the attention of the country to it, he begged leave to propound that question now to the gentleman. In passing such laws, is Massachusetts abiding in good faith by the compromises of the Constitution?

Mr. Ashmun. No; she is not. Mr. B. quoted the following clause of the Constitution: "No person held to service or labor in one State, under the laws thereof, escaping into another, shall be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

In 1793 Congress passed a law to carry out this constitutional provision; and that law made it the duty of the State magistrates to assist in the surrender of such fugitives.

Mr. Ashmun. Will you show me the law which makes any such requirement?

Mr. Bayly. Yes, I will. Hand me the first volume of the Laws of the United States, and I will show it.

The Constitution of the United States, he said, declared that the Constitution, and the laws passed in pursuance of it, should be the supreme law of the land. The constitutionality of the law of 1793 had come before the Supreme Court in the case of Prigg against the Commonwealth of Pennsylvania; and that court, Judge Story—who was the boast and glory of the gentleman's own State—delivering the opinion, pronounced it to be in accordance with the Constitution, and therefore the supreme law of the land. Yet the State of Massachusetts, with this decision of the court of last resort staring her in the face, has set at naught this supreme law. And she has not done this in a trifling and transient case. Her violation of the Constitution and laws of the United States in this respect, is not only a palpable, but a dangerous violation of that Constitution and those laws. And she has not the miserable apology that it is done to defend any interest of hers. It is a gratuitous outrage upon our constitutional rights, in a case in which she had no interest at stake to palliate it.

In prohibiting to the master of fugitive slaves the use of her jails, and forbidding her officers to
assist in their removal, she has made the clause of the Constitution which is of such vital importance to us, a dead letter. The only other persons, besides the State officers, who are required by the law of 1733 to assist in the delivering up of fugitive slaves, are the judges of the district or circuit courts. There are few of them,—in many of the States but one district judge, and in all the non-slaveholding States but four circuit judges, who most of the year are out of their circuits; and the master, at the time he makes the seizure, might not be within a hundred miles of one of them. In such a case, how would the master get his slave before them? Do we not know, that by every sort of foul misrepresentation, the feelings of the people at large in the non-slaveholding States have become so exasperated against the southern slaveholder, that he not only could expect no assistance, but would be certain to meet with active opposition from them? What, then, could he do? Carry with him a posse from his own State? Would not this inevitably lead to a collision, which it was the very object of the law of 1733 to prevent, by requiring the duty to be done by officers of the State in which the fugitive might be found?

It was idle to tell him that this important clause of the Constitution—a clause which had been made an indispensable condition by the southern States of their sanction of the Constitution—had not been nullified by the State of Massachusetts. With what propriety, then, could the gentleman come here and say that his State was willing to stand by the Constitution as it was? Did not the laws passed by her Legislature, and public sentiment there, make the enforcement of the rights of a slaveholder impossible?

Mr. GIDDINGS here asked leave of Mr. B. to make an explanation. He denied that the law of 1733 made it the duty of State officers to arrest fugitive slaves; and he went into a long argument on that point, during which he was interrupted by Mr. McLANE and Mr. VINTON.

Mr. BAYLY (resuming) said, that the interruption of the gentleman had given him time to examine the law, and he was not mistaken. He had said, and he repeated it with the law before him, which he thanked the gentleman from Ohio for handing to him, that the law of 1733 made it the duty of State officers to assist—that was his state of the law, and his express words, the judge or attorney of his fugitive slave. It did so in express terms. As he had been contradicted on that point, he desired to read the section:

"Sec. 3. And be it further enacted, That when a person held to labor in any of the United States, or in either of the Territories on the northwest or south of the river Ohio, under the laws thereof, should escape into any other of the said States or Territories, the person to whom such labor or service may be due, his agent or attorney, is hereby empowered to seize or arrest such fugitive from labor, and to take him or her before any judge of the circuit or district courts of the United States, or before any magistrate of a county, city, or town corporate wherein such seizure or arrest should be made; and upon proof, to the satisfaction of such judge or magistrate, either by oral testimony or affidavit taken before, and certified by, a magistrate of any such State or Territory, that the person so seized or arrested doth, under the laws of the State or Territory from which he or she fled, owe service or labor to the person claiming him or her, he or she should be the duty of such judge or magistrate to give a certificate thereof to such claimant, his agent or attorney, which should be sufficient warrant for removing the said fugitive from labor to the State or Territory from which he or she fled?"

The last section of the act declares:

"That any person who shall, knowingly and willingly, obstruct or hinder such claimant, his agent or attorney, in so seizing or arresting such fugitive from labor; or shall rescue such person from the hands of such claimant, his agent or attorney, when so arrested, pursuant to the authority herein given or declared; or shall harbor or conceal such person, after notice that he or she was a fugitive from labor as aforesaid, shall, for either of the said offenses, forfeit and pay the sum of five hundred dollars; which penalty may be recovered by, and for the benefit of, such claimant, in such manner and at any court proper to try the same; saving, moreover, to the person claiming such labor or service, his right of action for, or on account of the said injuries, or either of them."

That law made it the duty of the State magistrates to assist in the surrender to the owner, agent, or attorney, of these fugitive slaves; and it imposed a penalty on any one who should obstruct or hinder such claimant, &c. The Supreme Court of the United States had decided that that law was constitutional.

Mr. COLLAMER, (in his seat.) That part of it.

Mr. BAYLY. Yes, that part of it. He knew perfectly well what that decision was. He had read it at the time. It was seven times as bad as he had undertaken to state what that decision was. There were three leading points made in the case: one was, that the Constitution executed itself—that no legislation, either on the part of Congress or of the State Legislature, was contemplated, and therefore that this law was unconstitutional; another point was, that Congress had the right of legislation, and of exclusive legislation; the third point was, that there was a concurrent power of legislation on this subject in Congress and in the State Legislatures, with this restriction in the case of the States, they might pass laws in aid and furtherance of the laws of Congress, but not in contravention of them. These were the points made in the case. What was the decision? Mr. Justice Baldwin, of Pennsylvania, was of the opinion that the constitutional provision was amply in itself; and that the Constitution gave the right to the master, or his agent or attorney, without the interference of any officer or anybody, to go and take his slave who had got into a free State precisely as he would his horse if he was found there, and bring him back, without any other authority than that of the Constitution provided; and that the law of 1793 was therefore unnecessary. But he maintained that any legislation of the States going to impair this right was unconstitutional. A majority of the judges of the court—Mr. Justice Story delivering the opinion—decided that the Constitution did contemplate legislation, and that that power of legislation was vested exclusively in Congress; and that the State Governments had no right to legislate on the subject at all. That was the decision of the court. But three judges—the Chief Justice, Mr. Justice Daniel, of Virginia, and Smith Thompson, of New York—gave their opinion that the right of legislation was concurrent in Congress and the State Legislatures; that Congress might legislate on the subject, and that the law of 1793 was therefore constitutional; and that the State Legislatures might legislate in aid, not in contradiction, or rather, in better law language, not in contravention, of the law of 1793 or of the Constitution. His (Mr. B. 5) own opinion was very distinctly that that opinion gave the true
law of the subject. But that was not necessary to his present argument. For the point he meant to make on Massachusetts he would slide by the dogma of the Miguel, delivered by her own distinguished jurist. He had decided that this law was constitutional. The court had so decided. The Constitution said that the laws of Congress, made in pursuance of the Constitution, are the supreme law of the land, "anything in the Constitution or laws of any State to the contrary notwithstanding." And yet Massachusetts, law-loving, and Constitution-loving Massachusetts, had undertaken to nullify it!

There was another point of not much less magnitude made in the case—the one to which the gentleman from Vermont [Mr. Collamer] alluded, in the question he had propounded. It was, whether the States had the authority to prohibit their officers, referred to in the 3d section, from executing the duties imposed upon them by that section? The court did not decide that point; but they said, that whatever doubts there might be whether these officers were bound to act, there was none that they might act, unless prohibited by State legislation.

Several of the judges, at the head of whom was Chief Justice Taney, whose opinion in this case I commend to every lover of clear, logical, legal reasoning, maintained, not only that these State magistrates might, if they chose, in the absence of State prohibition, execute the duties imposed upon them by the law of '93; but that it was the duty of the State Legislatures, in order to carry out the spirit of the Constitution, to compel them to act.

Judge McLean admitted the general proposition that Congress could not control State officers; but maintained that this case formed an exception.

[When Mr. Bayly spoke, he had not the decision of the Supreme Court before him; but he said he would hand to the reporters extracts from the opinions of the judges sustaining the positions he had taken. In other instances where quotations are made in lese verba, it is to be understood they were furnished subsequently. In the delivered speech, only the substance was given.]

Chief Justice Taney said:

"Indeed, if the State authorities are absolved from all obligation to protect this right, [the right of recapture] and may stand by and see it violated without an effort to defend it, the act of Congress of 1793 scarcely deserves the name of a remedy."

"But it is manifest from the face of the law, that an effective remedy was intended to be given by the act of 1793. It never designed to compel the master to encounter the hazard and expense of taking the fugitive in all cases to the distant residence of one of the judges of the court of the United States; for it authorized him also to go before any magistrate of the county, city, or town corporate, wherein the seizure should be made. And Congress evidently supposed it had provided a tribunal at the place of the arrest, capable of furnishing the master with the evidence of ownership, to protect him more effectually from unlawful interference. So far from regarding the State authorities as prohibited from interfering in cases of this description, the Congress of that day must have counted upon their cordial coöperation. They legislated with express reference to State support. And it will be remembered, that when the law was passed, the Government of the United States was administered by men who had recently taken a leading part in the formation of the Constitution."

Judge McLean said:

"As a general principle, it is true that Congress has no power to impose duties on State officers; but does not the case under consideration form an exception?"
liver him up? Why, most clearly, the State, through her appropriate officers, when he might be found.

But suppose he was wrong in all this: it did not make the case of Massachusetts, and other States which had adopted similar legislation, any better. If the law which he had passed was not violated in the letter, they certainly most clearly violated the spirit of the Constitution.

Why was the clause relative to fugitives from labor inserted in the Constitution? I will let Judge Story answer that question. In the case already referred to, he said:

"Historically, it is well known that the object of this clause was to secure to the citizens of the slaveholding States the complete right and title of ownership in their slaves, as property, in every State in which they might escape from the State where they were held in servitude. The full recognition of this right and title was indispensable to the security of this species of property in all the slaveholding States, and, indeed, was so vital to the preservation of their domestic interests and institutions, that it cannot be doubted it constituted a fundamental article, without the adoption of which the Union could not have been formed. Its true design was to guard against the doctrines and principles which prevail in the non-slaveholding States, by preventing them from intermeddling or obstructing the rights of owners of slaves."

Again:

"The clause manifestly contemplates the existence of a positive, unqualified right on the part of the owner of the slave, which no State law or regulation can in any way qualify, restrict, control, or restrain. The slave is not to be discharged from service or labor in consequence of any State law or regulation. Now, certainly, without indulging in nicety of criticism upon words, it may fairly and reasonably be said, that any State law or State regulation which interrupts, limits, delays, or postpones the right of the owner to the immediate possession of the slave, and the immediate command of his service and labor, operates, pro tanto, a discharge of the slave therefrom. The question can never be, how much the slave is discharged from, but whether he is discharged from any, by the natural or necessary operation of State laws or State regulations. The question is not one of quantity or degree, but of withdrawing or controlling the incidents of a positive and absolute right."

This is the object of the Constitution. Now, what is the duty of the States living under its protection and enjoying its blessings? Is it not to carry out in good faith its provisions? But do not the laws of Massachusetts obstruct and hinder a master in recovering a fugitive slave? Does not every one know, that without the provision in question, the Constitution never would have been adopted? Suppose our forbearance should be such—suppose our relaxation to the Union is so great that we should submit to its annulment: yet is it right to take advantage of such feelings to trample upon our constitutional guarantees? Unless gentlemen are aiming at a dissolution of the Union, they are proceeding upon the assumption of the existence of such a feeling on our part. But are they not encouraging and weakening that feeling? And is a feeling of loyalty to this Union to be taken advantage of to trample in the dust its fundamental articles? I beg gentlemen not to make a mistake on this point—it would be fatal. I know we have borne much; but there is a point beyond which forbearance cannot go; and we are much nearer that point than even some of ourselves imagine.

But the State of Massachusetts had not only nullified the third section of the act, but the last also. The gentleman [Mr. PALFREY] had told us that in Massachusetts negroes could not sit on juries; and he had also told us there was one settlement in his State of upwards of three hundred fugitive slaves. In future, other fugitive slaves will probably seek that neighborhood. Now, suppose a master should seek to recapture there a fugitive slave: what would be the result? Massachusetts has prohibited her officers from assisting him. In the absence of their authority, is it not certain that he would be resisted? In such a case he would be entitled to sue for the penalty imposed by the last section, and also for damages. But with runaway slaves to try the cause, and the Massachusetts negro judge, so highly eulogized by the gentleman, [Mr. P.], what chance of recovery would he have?

The object of the Constitution and of the law of '93 is very plain. The third section was designed to arm the master with the State authority to enforce his rights. That, Massachusetts has taken away in the manner I have shown. The last was designed to deter private persons from obstructing him in the assertion of those rights. If the laws enabled the master to enforce this last section, he would still have had some chance. Although the State officers were prohibited from assisting him in the assertion of his rights, yet the citizens at large would have been deterred by the fear of a penalty from resisting him. But to make the destruction of our constitutional right complete, this restraint is removed; and the persons who resist a master in the assertion of his constitutional rights has indemnity against the penalties of the last section offered him in advance. Under such circumstances, not only is the recapture of a fugitive slave imposible in Massachusetts, but the master who should attempt it would most certainly be mulcted in damages by the verdict of a negro jury.

With what unblushing effrontery is it not, then, that gentlemen come here and tell us they are willing to stand by the compromises of the Constitution on the subject of slavery.

But some of the other non-slaveholding States have gone even further than this. They have extended the right of trial by jury to fugitive slaves; and enacted provisions which make the recapture of them absolutely impossible.

The Supreme Court has decided, and so have most of the State courts, that the Constitution contemplates a summary ministerial proceeding, not according to the rules and forms of the common law. And they have also decided that the question of slavery or freedom does not arise on such a proceeding. The only question is, was the slave "held" to service or labor? but whether rightfully or wrongfully held, was a question which could only be tried in the State from which he fled. In the language of Mr. Chief Justice TILGHMAN, which has been followed by all the higher courts since, both State and Federal—

"It plainly appears from the whole scope and tenor of the Constitution and act of Congress, that the fugitive was to be delivered up on a summary proceeding, without the delay of a formal trial, under the forms of common law. But if he had really a right to freedom, that right was not impaired by this proceeding. He was placed just in the situation in which he stood before he fled, and is not prosecute his right in the State to which he belonged."

Notwithstanding these are the admitted principles of the Constitution, which the law of '93 was designed to execute, several, nearly all, the northern and eastern States have passed laws irreconcilably with them. Mr. B. referred particularly to the law of New York, but said Conne-
ticut, Vermont, and other States, had passed others precisely similar. The following is an analysis of the law of New York:

In its first section it provides "that the claim to the services of the alleged fugitive" shall be tried by a jury. The 3d, 4th, and 5th provides for empaneling the jury, and prescribes the form of proceeding. The 6th section makes the finding of the jury conclusive, gives an appeal to the slave as a matter of right, and denies it, under any circumstances, to the master. But if by mere possibility a verdict should be rendered in favor of the claimant, the 7th section provides a pretext for the rescue of the slave, by declaring that without any unnecessary delay he shall be removed out of the State "on the direct route" to the State from which he fled. The 8th section provides, that if the verdict is in favor of the slave, he shall never thereafter be molested; and that if any person shall remove him out of the State, "under any process or proceeding whatever," he shall be deemed guilty of kidnapping, and, upon conviction, shall be imprisoned in the State prison for a term not exceeding ten years. This provision is obviously designed to deter the master from applying to the Federal Judiciary, and punish him if he take the slave out of the State, even by virtue of its process. The 9th section secures the slave every advantage of legal defense at the cost of the State; the 10th makes the claimant liable for the costs of the trial, should he be unsuccessful, as he could not but be; and the 11th makes him responsible for a large portion of them in any event. The 12th requires the complainant, before he commences his proceedings, to give bond in the penalty of one thousand dollars, with two securities, "inhabitants and freeholders of the State," conditioned to pay all costs and expenses, to pay two dollars a week for the keeping of the slave during the proceedings; and in the event that the verdict of the jury is against the claimant, that he shall pay all costs and expenses, the fugitive's as well as his own, and, in addition, pay the fugitive one hundred dollars and all damages which he may sustain; which damages might be assessed by a jury composed of abolitionists!! The 13th section puts it in the power of the slave interminably to delay the trial, by procuring testimony to examine witnesses out of the State, during which time he is supported at the expense of the master; and it extends to the slave the privilege of taking these examinations while the same privilege is denied to the master. The 16th section is designed to annul that clause of the act of Congress which authorizes any State magistrate to issue a warrant for removing a fugitive slave to the State from which he fled. The 17th punishes with a heavy fine, and imprisonment in the penitentiary, any person who shall attempt to remove a slave from New York by any such warrant; and inflicts like penalties upon any who shall exercise his right of recapturing his slave where he ever found, or seize him under the law of Congress.

No argument is necessary to show that such a law is in irreconcilable conflict with the Constitution and laws of the United States, and so the Supreme Court of the United States, and United States court of last resort of New York have decided. But still, there stands the law on the statute book—an abomination to the abolitionists, and a disgrace to the State.

Now, sir, why are all these unconstitutional professions sanctioned by the northern States? Is it from any enlightened love for freedom? Have I not shown that in these States they extended free negroes none of the privileges most prized by freemen? Is it because such a population is desirable to them? Do they not exclude by law, or public sentiment, which is much stronger, such negroes as are unquestionably free?

Look to Ohio—a State which had more abolition Representatives on this floor perhaps than any other—what had she done in relation to the Randolph negroes? At his death he emancipated them, and made provision that land should be purchased for them to settle on. His executors went into Ohio and bought lands for that purpose: no objection was made to the purchase of the lands, but when they undertook to settle on their lands, how were they treated? Were they not mobbed? Did not almost an army of armed men beset the canal banks on which they were floating? And a gentleman from that State, not now here, who was so active in all that related to the negroes, and who maintained that they were right in not letting the free negroes settle there to contaminate their society. Yet these free negroes would not be one to twenty thousand of their population, while the same gentlemen would be glad to set loose the whole of the black population in Virginia and other southern States, where they, in many parts, outnumbered the whites. This was their philanthropy, and their love for the negro!

If these negroes had been fugitive slaves in many parts of Ohio, if not in that, they would have been concealed and harbored; but as they went there with the approbation of the master, they were mobbed, and members here, who would have abetted the first proceeding, defended the last.

Have these abolitionists, in their proceedings, any wish to better the condition of the slave? Do they believe, after his escape to a non-slaveholding State, his condition is any better?

He had been a great deal in Ohio, and, for the benefit of the gentleman from Ohio, he would tell him some facts which he knew existed there in reference to the free negro population. When he was out there in 1845, he had found a large colony of emancipated negroes from North Carolina colonized on one of his surveys. They had gone there, as they had told him themselves when he visited their cabin, because he was a slaveholder and a Virginian, and they knew, therefore, with such a man they would escape oppression; and they preferred to do that to going on the lands of any man from any of the non-slaveholding States. He conversed with these men; one of them, who was an exceedingly intelligent man, told him his condition in Ohio was infinitely worse as a free man than it had been in North Carolina as a slave.

"Sir," said he, "there I had a southern States, nobody undertook to enroach on my rights; nobody undertook to wrong me in any respect; if they did, I had a man of character to vindicate me. But here, any petty fellow in the neighborhood would undertake to oppress me in every form and style, and we cannot have justice done us." From this fellow he had been confirmed in the idea which he had before entertained, that in manumitting a slave, he only ceased to be the slave of an individual master, who was prompted by interest and feeling.
to protect him, and became the slave of the community at large, which had neither.

Mr. B. very likely believed that the negro never could be happy among a people they were not used to, and who were not used to them. The statistics of the gentleman's own State would show this. He had been told that the free negroes in Ohio would not go up to the gentleman's district; that they were much more likely to go to Kentucky and that part of the county people by citizens from the slaveholding States. They said: "These Kentuckians and Virginians understand us; they treat us well; you respect our rights;" but the very moment one of them was found in the abolition district, he was oppressed in every form and style.

Mr. GENTRY, (in his seat.) And cheated.

Mr. BAYLY, (continuing.) And cheated, as his friend from Tennessee said; he had not seen fit to use that word.

Look into the statistics of the gentleman's State, (Mr. B. continued.) How many negroes were there in Ross county, which was peopled by Kentuckians and Virginians? His impression was, that there were upwards of a thousand, perhaps seven-teen or eighty hundred. But go to the Northwestern Reserve, and how many were there? They had an instinct which pointed out to them from whom they might expect respect for their rights and kindness. It was those men who had been raised among slaves, who treated them with kindness and justice.

One other point. The gentleman from Massachusetts had undertaken to come before this House and say that he (Mr. B.) did not represent the enlightened opinions of his district or State on this subject. He would like to know how the gentleman became so well informed, and how he assumed to know their opinions better than he, (Mr. B.) It was the same arrogant assumption of superiority which had led the gentleman to undertake to decide that he was better acquainted with the subject of slavery than he (Mr. B.) was. But he would test this question by the Representatives of Virginia. If there was any gentleman, Whig or Democrat, from Virginia who said that, in the rush of the hour he had not considered the subject at all, he had not represented the feelings of his State, he demanded that he should rise in his place and say so.

Mr. B. here paused, and, no gentleman rising, he asked if there was not one Representative from Virginia, whether he be Whig or Democrat, who would back the gentleman from Massachusetts in his assertion that he (Mr. B.) had misrepresented the feelings of his State? He called again, if there was any such gentleman, to rise and avow it. Mr. B. again paused for a moment.

Mr. ATKINSON rose and endorsed what Mr. B. had said.

Mr. BAYLY (resuming) said the Representatives from Virginia all either openly or tacitly repudiated the charge of the gentleman from Massachusetts that he had misrepresented his State.

The Representatives of the State bore testimony that he has not misrepresented the State at large. Whether he was misrepresenting his particular constituents it would be for them, whenever his conduct passed under their review, to decide, and not the gentleman from Massachusetts.

There was one other remark that he had intended to make yesterday, but it had escaped him. It was due from him to an old and esteemed friend. The gentleman from Massachusetts had undertaken to assail Mr. Ritchie, the editor of the Union, for commenting on his course in this House. Now, he (Mr. B.) thought the House would bear him witness that what he had said was quite as offensive as what Mr. Ritchie had said; it therefore would have been as proper for the gentleman from Massachusetts had vented his wrath on him, (Mr. B.), who was privileged to reply, and not on a gentleman who had no seat on this floor, and enjoyed no such privilege.

Mr. ASHmun replied to Mr. BAYLY, and on the same day Mr. B. rejoined as follows:

Mr. BAYLY said he should not have asked the indulgence of the House again if it had not been for the character of some of the remarks which had fallen from the gentleman from Massachusetts, (Mr. Ashmun.) He, however, thought it necessary, for his own justification, to refer to some of the remarks of the gentleman. He had stated that he (Mr. B.) commenced this debate. Now, would not this House bear him witness that he had not opened his lips on the subject; that he had not evinced a disposition to say a word until the amendment had been offered by the gentleman from Massachusetts, and after the gentleman from Ohio (Mr. GIDDINGS) had made his exceedingly inflammatory speech, in which he had attacked the South with great bitterness?

Mr. ASHmun said he must set the gentleman right. He had not charged the gentleman from Virginia with introducing the subject of slavery, for that was introduced by the resolution itself, or by the amendment which he had offered, or by the President's message, he cared not which. But he had charged the gentleman with introducing personal denunciations, and to those personal denunciations he (Mr. A.) had replied.

Mr. BAYLY said the gentleman was greatly in error, as the House would bear him testimony. Before the gentleman from Ohio had made his vindictive speech against the South, in which he had denounced them, and spoken of them in terms which no Southern man had ever been known to use, in advocacy of the amendment of the gentleman from Massachusetts, which was itself offensive to the South, he had not opened his mouth.

He asked the gentlemen to look at their own resolutions. Those resolutions were personal to him as a Southern man, and to every slaveholder there. They were charged with living in the habitual violation of cardinal republican principles. Such was the character of their resolutions, and the remarks of the gentleman from Ohio which brought him to his feet were of the most offensive character. And who had renewed the debate to-day? Was it he (Mr. B.)?

But the gentleman from Massachusetts had spoken of his manner as habitually haughty and discourteous. He did not choose to vindicate his manners there. His manners were learned in a different school from that in which those of the gentleman from Massachusetts were learned; and, whenever he wished to improve them, he should go to a better model than the gentleman from Massachusetts. Whenever he desired lessons and lectures on manners, he should not select the gentleman from Massachusetts as the lecturer. His
manner are such, he hoped, as became a Virginia gentleman.

As to the charge of discourtesy, he appealed to this House—he appealed to the gentleman's own colleague, who had renewed the debate this morning, [Mr. Barre.] He appealed to this House to know if on every occasion, when requested, he had not yielded the floor to the gentleman from Massachusetts and every other gentleman who had desired it; even to the gentleman from Ohio, [Mr. Guinnings,] whose course was so constantly offensive to the South—who charged them with being men-thieves, and applied to them other abusive epithets which his imagination alone could conceive. Abusive as his conduct was to the South, he asked if he had not treated even him with courtesy, by yielding the floor to him for explanation when he desired it? Mr. B. would put the charge of the gentleman from Massachusetts to the test. Throwing the gentleman and his immediate condottiers out of the question, (who were not to be a judge in their own cause, and to whom he had not sought to be courteous,) he would appeal to the whole committee, and ask if any one present could rise and say he had not at any time received discourtesy at Mr. B.'s hands? [After a pause:] Not one! Then what became of the gentleman's charge that he had been habitually haughty and discourteous? It was stamped with the unanimous repudiation of the House.

Again: the gentleman, in his great desire to place him in a disadvantageous light before the country, had said that he had lauded Mr. Ritchie, and that in turn Mr. Ritchie had lauded him. He demanded of all gentlemen present to say whether he had used a solitary expression laudatory of Mr. Ritchie—in any way expressive of approbation, even? Would any gentleman say he had? [After a pause:] Not one! What then became of that charge? Like the other, it was stamped with universal repudiation.

The gentleman had affirmed that he had said he (Mr. A.) had taken a week to concoct his speech, while Mr. B. had only asked the attention of the committee to make an impromptu rejoinder. In speaking of the time the gentleman from Massachusetts had taken to prepare himself, to what had he referred? Was it the personalities of the gentleman? No, it was the substance, the facts and arguments of his speech, and the authorities he had quoted? Certainly to its substance, if there was any in it, and nothing else. He had not, of course, referred to its personalities. He had not presumed to say that the gentleman could not at any moment get up and deal in abuse. By no means: he knew him too well. Abuse was low and easy; and the gentleman was at any time quite equal to it. What he had referred to was the substance of his speech—his historical facts and references to books. These were what he had said the gentleman had taken a week to prepare; and so the committee understood him.

The gentleman had attempted to put him in a false position in another particular. He affirmed that he (Mr. B.) had said the United States Government had a right to control State officers in the discharge of their State duties, and had argued to show that this position was false. That was very easy. But he never had taken that position; and Mr. B. begged leave to remark, that nothing showed a consciousness of weakness in a disputer, more clearly than a misrepresentation of the positions of his antagonist. He never had asserted that Congress could make laws controlling State officers, as such. Congress might (as it had done in 1793, and on many other occasions) impose certain duties on men who were State officers, but not as officers of the State, but simply as citizens of the United States. The reference to certain State officers in the United States law was simply designatio personae. And thus much Congress always had exercised the right to do. It was done in some of the United States revenue laws, and admiralty laws, which required sheriffs and other State officers, without other personal designation, to perform certain duties; but when they so acted in obedience to the law of the United States, they held two relations, one to the State, and the other to the United States. There were no other cases he could quote where the laws of the United States availed themselves of State officers for their execution.

Indeed, in the early Congresses a disposition was manifested, which was very proper, with the view of preventing a conflict of jurisdictions, to confide the execution of as many United States laws as possible to State officers.

The gentleman had further said that Virginia and South Carolina had violated the Constitution, in forbidding free negroes to come within their borders. The gentleman affirmed that free negroes were citizens of Massachusetts. Did not the gentleman know that almost all the courts in the whole country had decided that free negroes were not citizens? They held, that as they were not parties to the constitutional compact, as they had had no hand either in its formation or subsequent administration, they were not citizens in view of it; and the Supreme Court had decided that the States might prohibit free negroes from coming into their borders by virtue of their exclusive jurisdiction over every subject of police, exactly as they might exclude vagabonds and evil-disposed persons. But even if these laws were violations of the Constitution, which he expressly denied, who had driven the southern States to the adoption of such laws? Did not that gentleman well know that if there was an error anywhere, it lay on just such persons as himself? It was the mischievous machinations of just such people as this member from Massachusetts which had compelled the South to keep out the free negro population of the northern States as they would a pestilence.

In this connection, he wished to remind the gentleman, [Mr. Ashmun,] that some of the non-slaveholding States were free negroes from Massachusetts from going within their borders. Why does not Massachusetts complain of this? Why does she not institute a Hoor mission to test the validity of these laws? For any honest purpose, I presume the free negroes of Massachusetts would be more likely to go there than to the slave States. Why, then, do they not make an outcry against these laws? Why do they complain that slave States keep the free negroes of Massachusetts out of their borders, while they make no complaint that non-slaveholding States do the same thing? Gentlemen may rely upon it, we understand them, and understanding their purposes, we will not be apt to repeal our laws.
In conclusion he would say, he should not bandy epithets with the gentleman from Massachusetts. That gentleman had assumed that the attack and offensive remarks had first come from him, (Mr. B.), and he should leave him in the position this assumption placed him. He had no more disposition to assail the gentleman than the gentleman had disclaimed to assail him. During the little intercourse they had had together—and the gentleman had served with him during more than one Congress—he had tried to act toward him as a gentleman should act; and he would undertake to say that he had not elicited offensive remarks from any member from the South thought unfit, unduly severe, or unprovoked.

Friday, April 21, 1848.

The House having under consideration the Resolution of Mr. Palmer, respecting the individual privilege of Members of the House—

Mr. BAYLY said he had designed, when he came here this morning, to discuss this great question of privilege, but it had been so satisfactorily argued by the gentleman from Kentucky, [Mr. Thompson,] that he should not attempt to add anything to that gentleman’s argument. But he meant to present a second view of the subject which he at the same time hoped to assimilate to the gentleman’s. Conceding the right of this House to pass this resolution, yet the conduct of the person who was said to have been menaced had been such, that, admitting the jurisdiction of this House, it was not becoming in them to exercise it. What he had been subjected to was he thought not equal to the conduct of one whom he had not the slightest sympathy.

He desired to show—and, unless he had greatly mistaken the force of evidence, he should show—that the agitation of this subject of slavery in this House, out of which so much mischief had grown, was occasioned by the instrumentality of a foreign nation, which was prompted by selfish views to aim a deadly blow at not only the prosperity, but the very existence, of this country. The House might suppose that this was a broad assertion, but he pledged himself to prove its truth. He repeated that this abolition movement in the North, which had grown up until it had assumed so fearful a character, was the prompting of the British nation, and the abolitionists here are but the instruments of another nation in its aggressions on us. Gentlemen might regard it as a bold assertion, but he was prepared to establish it, and he desired now to do it the more that the North rather than the South might see the testimony. They all knew that for more than two centuries there was no nation on the face of the earth that clung so tenaciously to the slave trade and to slavery as the British Government. Down to an late period as 1776 a motion was made in the British Parliament, by a Mr. David Hartley, to inquire into the propriety of abolishing the slave trade, and his resolution was not even considered: for at that time nobody in Great Britain aimed at the abolition of slavery, and very few of that of the slave trade. The British Parliament would not even consider it. At a period much later than that—in the year 1824—Mr. Canning, as a minister of the Crown, said in the British Parliament that if he were asked which he would prefer, permanent slavery or immediate abolition, he would answer that he would prefer things remaining as they were. And he gave as a reason for preferring permanent slavery to immediate emancipation, “his duty to guard the interests of those who, by no fault of their own, by inheritance, by accident, by encouragement of repeated acts of the Legislature, find their property invested in a concern exposed to innumerable hazards and difficulties which do not belong to property of another character, such as, if they had that option, as their ancestors had, they doubtless would have preferred.”

At that time the doctrine of Mr. Canning was the doctrine of the English nation. But how stand matters now? A change in the physical condition and with it the policy of England took place, and they abolished in the first instance the slave trade, and secondly slavery itself; but, as he should show by historical facts, they abolished it with no views of philanthropy, but to promote their own selfish interests.

He begged permission to read an extract on this subject from a speech of his own, delivered some years ago, as the facts were there succinctly stated:

“And why does England desire the abolition of slavery in the United States? Sir, it is to cripple our prosperity; and the blow is aimed as much at the North as the South, as much at that portion of the country which is her most formidable rival in commerce and manufactures as at us, who are profitable consumers of her productions, and her rivals in but little.

“If there are any here who may be deluded by the idea that England is actuated by philanthropic motives, if he will attend for a few moments, I will show him, that so far from that, her purposes are the most selfish and heartless. A short recital of authentic historical facts will establish this position.

“We all know that for more than two centuries the African slave trade was carried on by the British nation under the patronage of the Government, and was protected by charters of monopoly and public treaties. Under the Stuart kings, charters were granted, endowed with exclusive privileges for carrying on the African slave trade, and they were sustained by all the power and patronage of the British Government.

“At the celebrated treaty of Utrecht, in 1713, by which the Spanish succession war was terminated, the British nation obtained, by what was called the Assiento contract, the exclusive privilege of carrying on the slave trade for thirty years, at the rate of 4,600 slaves yearly; and Lord Brounsham said, in the House of Commons in 1815, the English nation had obtained ‘the whole price of the victories of Ramilies and Blenheim in an additional share of the slave trade; and Mr. C. Grant, in 1818, informed us *that she haggled at Aix-la-Chapelle for four years longer of this exclusive trade, and at the treaty at Madrid clung to the last remains of the Assiento contract.’

“In consequence of the activity of the marine of England, and her possessing the exclusive trade, she soon stocked her own colonies. Desiring the monopoly of the tropical productions, as the means of securing it, and to prevent the supply of labor for the southern colonies of other nations, she commenced agitation in favor of the abolition of the
African slave trade. But it was only the African slave trade. It was necessary that the subject of it should have a black skin and a woolly head to enlist English sympathies. It is monstrous that slave sales are regularly held in the regencies of Tripoli and Morocco, and they are transported thence up the Levant, where they are again exposed to sale like cattle in the market. But these people did not come into competition with English colonies in the production of the great articles of commerce, and hence they do not enjoy her disinterested philanthropy, which has its beginning and end in the profits of trade.

"In the abortive attempt at negotiation for peace by Mr. Fox in 1806, an effort was made to induce France to join in the abolition of the slave trade. The French minister replied:

"'England, with her colonies well stocked with negroes, and affording a large produce, might abolish the slave trade without inconvenience; but that France, with colonies ill stocked and deficient in produce, could not consent to England the greatest advantages, and sustaining a proportionate loss.'"

"Upon the restoration of Louis XVIII. to the French throne, (who acknowledged that he owed it to Great Britain,) his gratitude was manifested by abolishing the slave trade; and that being ineffectual, offers of sums of money and the cession of a West India island were made, but without success; the same answer being given substantially which had been given before. In August, 1815, England restored to the Dutch Government their colonies, excepting the Cape of Good Hope and Dutch Guinea, in consideration of the entire abolition of the slave trade by the latter.

"During the negotiation of the treaty concluded at Madrid on the 5th of July, 1814, Great Britain attempted to prevail on Spain to prohibit to her subjects both the general slave trade and their importation into the Spanish colonies, and went so far as to offer to continue the pecuniary subsidies which the deplorable condition of the Spanish finances made so necessary. But she failed, the Duke of San Carlos remarking, 'that, when the slave trade was abolished by Great Britain, the proportion of negroes to the whites in the British colonies was as twenty to one, while in the Spanish colonies there were not more blacks than whites.' And he refused to take a step which he considered would be fatal to the very existence of the colonies.

"In January, 1815, Great Britain obtained from Portugal, for pecuniary equivalents, the prohibition to its subjects of the slave trade on the western coast of Africa north of the equator. Further than this Portugal would not go.

"The island of Guadeloupe, conquered from France, was ceded by Great Britain to the Swedish Crown, upon condition of abolishing the slave trade; and at the treaty of Madrid of the 22nd of September, 1817, she purchased from Spain the immediate abolition of the slave trade north of the equator, and a promise to abolish it altogether, after 1829, for the sum of £400,000.'"

"But, while these events were transpiring, a great change was taking place in the British empire. There was found in the counting-house of the East India Company an obscure boy (afterwards Lord Clive) who turned out to be Britannia's gods of war. By the power of his genius a small English trading post in India was expanded until it comprehended an empire of one hundred millions of souls.

"In the mean time great changes were going on in England. From being an agricultural people, and the exporter of agricultural produce, by the inventions of their countrymen in the improvements in science, and the introduction of the steam engine, she was converted into a great manufacturing nation. To sustain her manufactures, a secure market was necessary for the productions of them. The same causes which had stimulated manufactures in England had also done the same thing in the United States and upon the continent of Europe. Besides, those markets, even if they were open, were not within the exclusive control of Great Britain. This was indispensable, and the desideratum was found in India, if her people could but be raised up as a body of consumers. To do this, it was only necessary to destroy all her rivals in the production of the growth of the tropics. These rivals were the United States, the West Indies, and Brazil. The staples of each of these countries were cotton, rice, tobacco, sugar, and coffee. These were the staples of British India, and in the island of San Domingo converted, by the single act of negro emancipation, from the most flourishing of all the West India Islands into the most unproductive, and the culture of the indigo plant, which was its staple, transplanted to the banks of the Ganges and Burunpooter. And it was once inferred that, if African slavery could be abolished, British India would possess a monopoly in the production of the plants of the tropics, and her prosperity be established upon a secure basis. England considered the sacrifice of her West India colonies but a small price for so great a good. The £2,000,000, which was appropriated for the indemnity of the planters amounted to nothing, as scarcely a dollar of it left London, it being received by British mortgages of West India plantations. And an agitation was at once commenced, in the hypocrisical name of philanthropy, in favor of the abolition of slavery. And as soon as it was accomplished in the West Indies, the theatre of operations was transferred to this country in the manner I shall very briefly notice. The fact that philanthropy had nothing to do in the matter, is shown, if other proof were wanting, by the scramble, eagerness, and emanicipation of the British Parliament itself. By the 44th section of that act, it is declared that 'it shall not extend to any of the territory in the possession of the East India Company, or the islands of Ceylon or St. Helena.' And yet this precisely the country where slavery exists in its most horrid form, upon which the British Government is itself the greatest slaveholder in the world, and hires out its slaves for profit.'

"His authority for this was an extract from the Asiatic Journal for 1838, published in London, page 221, as follows:

"'GOVERNMENT OF SLAVES IN MALABAR.—We know that there is not a servant of Government in the south of India who is not intimately acquainted with the alarming fact that hundreds of thousands of his fellow-creatures are fitted for by the degraded destiny of slavery. We know that these unfortunate beings are not, as in other countries, serfs of the soil, and incapable of being transferred, at the pleasure of the owner of the land; they are not property as the Negroes of the West India Islands; they are not property as the South Sea Islanders; they are sold like cattle by one proprietor to another; the husband is separated from the wife, the parent from the child; they are loaded with every indignity; the utmost quantity of labor is exacted from them, and the most mea-
But why dwell on these comparatively few slaves? The whole of Hindostan, with the adjacent possessions, is one magnificent plantation, peopled by more than one hundred millions of slaves, belonging to a company of gentlemen in England, called the East India Company, whose power is far more unlimited and despotic than that of any southern planter over his slaves—a power upheld by the sword and bayonet, exacting more and leaving less of the product of their labor to the subject race than is left under our own system, with much less regard to their comfort in sickness and age.

In the introduction of the subject upon which I am speaking, that this species of slavery and slave trade, introduced by the British Government, is the more profitable to the master and slave, and more galling to the slave, than any which can possibly be imagined. Let us look at the operation of it. It has been seen from the publication made by D. Hall, that the English, in carrying on their slave trade, do not purchase the negroes as other slaves do, but seize them; hence the English act abolishing the slave trade, £7 is given to the captors for every slave taken. They are taken in and condemned, and then carried to the West Indies and sold as apprentices for a term of seven years. These poor creatures are taken to a country where they do not understand, and whose language they do not speak, and for a long time will be incapable of learning. Who is to see, during their apprenticeship, that they are treated well and cared for by them in sickness? The master has no interest in them but for seven years, and his object will be to get as much out of them as possible in the mean time, and to incur as little expense as possible in taking care of them. And, when the apprenticeship expires, who is to identify them and see that they are discharged? I may be told that a registry is provided for—but what registry can protect the slave? If he should escape, he would be hunted with one hundred of these wild Africans upon it. Who can distinguish one from another? They will be so much alike it will be impossible. A stranger had just as well undertake, after a lapse of seven years, to distinguish the different sheep in a large flock.

"Sir, this is not speculation. The impossibility of the thing has been tested in our courts. The following are the facts in the case of the Antelope: A privateer, called the Columbia, off the coast of Africa, captured an American vessel, from Bristol, in Rhode Island, from which she took twenty-five Africans; she captured several Portuguese vessels, from which she also took Africans; and she captured a Spanish vessel, called the Antelope, in which she also took a considerable number of Africans. All of the Africans captured were shipped on board the Antelope. Thus freighted, she was found hoisting near the coast of the United States, was captured by the revenue cutter Dallas, and taken into Savannah for adjudication. The Africans, at the time of her capture, amounted to upwards of two hundred and eighty. Claims were set up to the Africans by the Spanish and Portuguese vice-consuls, respectively, and by the United States. The claim of the United States, under the law for the abolition of the slave trade, was sustained as to the portion taken from the American vessel. The residuum were divided between the Spanish and Portuguese claimants. About one-third of the negroes had died. It was impossible to distinguish the several classes of Africans; and the court decided that the loss should be averaged among the three different classes, and that sixteen should be designated, by lot, from the whole number, and delivered over to the marshal of the United States, as a fair proportion of the twenty-five proved to have been taken from the American vessel.

"Now, sir, what will be the operation in practice? Whenever one of these apprentices shall become disabled or die, they will be sure to make it out that he was one whose apprenticeship was expiring, whereas the apprenticeship of such as shall continue valuable will never expire. The consequence will be, the master will always hold the profitable and get rid of such as may be otherwise. And I repeat, it will be the most profitable slavery which has ever been introduced; and this is British philanthropy!

"The motive of England in agitating the subject of slavery is thus shown. Her object is to dissolve the Union; to cripple our prosperous commerce; to make her most formidable rival in manufactures and commerce. And the blow is aimed almost as much at the North as the South. The assault, it is true, is made more directly upon the South, but it will reach the North through us.

These, then, were the motives of England. They were strictly selfish. She wished to strike down her rivals in agriculture and commerce, and hence she wished to make the South a waste, because it was her rival in the production of tropical productions, and served to build up a commercial marine and to promote maritime pursuits. She had enlisted on her behalf the abolitionists of this country; and this was the point to which, having shown the object of England in desiring the abolition of slavery, he would now call the attention of the House. He designed to show that the abolitionists and some of the State Legislatures were actuated by the same motives as the rest of the nation, and he made this the subject of the House, the same as the suggestions, and as the instruments of England, in aiming a blow at this whole Confederacy. It was aimed at the North precisely as much as at
the South; and he pledged himself, unless he had greatly mistrusted the force of evidence, to bring it home to them conclusively.

After the abolition of slavery by England, then commenced this agitation here on the same subject. Paralleling the abolition prior to the abolition of slavery in the West Indies—there was no agitation here. It was true that some peaceable, quiet Quakers would sometimes send their petitions to Congress, but they were quietly laid on the table by the concurrance of both North and South, and there was no excitement whatever. But at that time there was raised in the British Parliament a committee on the subject of slavery, and the following question was propounded by that committee to Mr. Ogden, the American consul at Liverpool:

"If you could suppose that the slaves of Louisiana were generally able to read, and that angry discussions perpetually took place in Congress on the subject of their liberation, which discussions, by means of reading, were made known to the slaves of Louisiana, do you think that with safety the state of slavery could endure there?"

The result of the answer of Mr. Ogden to this question of the British Parliament was soon seen. Immediately after that time, the agitation of the question of slavery increased here by emissaries of a foreign nation; and in 1840 the World's Convention was held in London, consisting of 493 delegates from every part of the world. The United States was represented; and in that convention the attention of the British nation was particularly directed to the abolition of slavery here. He had shown with what views and purposes they desired to abolish it here. In reply to a question how Englishmen could affect slavery in the southern States of this Union, they were told that the Abolitionists of the United States demanded the aid of public opinion, of the religious and literary influence of England. How this literary influence was to be brought to bear he need not inform this House. Under the operation of our copy-right laws, the trash of the English press is circulated throughout the country, to the exclusion of everything else. And he was not left by the convention to conjecture how the religious influence of England was to operate. He quoted from a minute account of the proceedings of the convention the following:

"The Rev. John Angell James brought up from one of the committees a series of resolutions on church discipline as constituting a species of slavery. These resolutions, which were unanimously adopted, after an animated debate, are grounded on the recognition of the evil of slavery. They declare that the incumbent duty of Christian communities to separate slaveholders from their communion; and that Christians ought to have no fellowship with slaveholders. This view, they say, is not drawn at a venture, but with sure aim at the very heart of the monster. Drive out American slavery from the presence of the sanctuary, and its doom is sealed."

One of the means by which the World's Convention said that slavery could be operated upon here, was by appealing to the church; and that appeal had, as the House knew, to a great extent been answered. But this was a third and still more efficient means suggested. It was, that persons in Congress from the non-slaveholding States should keep up a constant agitation, the effect of which would lead to emancipation, either quietly or by force. It was but a short time after the period of the year when Mr. Ogden before the House said persons on this floor ready to carry out this unhallowed purpose.

Adopting the suggestions which grew out of the inquiry propounded to Mr. Ogden, the abolitionists of the North, at their annual meeting in New York, in 1848, composed of all their leading men, in discussing the mode of bringing about this abolition, say that the discretion of the Northern States, and the North in Congress will have that tendency. The benefit, as they were pleased to call it, of the agitation of the subject of slavery on this floor is thus explained:

"The interest which they themselves will take in the discussion. In spite of all pretensions, the slaves will become acquainted with what so deeply interests them; and, so far as they do, self-respect will be regenerated—an excellent and probable sentiment for a free laborer, but ruinous to the slave. It was the testimony of the planters of Jamaica, before the British Parliament, that their slaves became acquainted with all that passed in respect to them in the mother country, and were thereby too much excited to fill the places of slaves with loyal obedience.

"The knowledge of the slave that a portion of the whites are exerting themselves for his emancipation, upon the ground that he is illegally held in bondage, will make him sullen and moody. It will incite him to indulge dreams of freedom in another land which he can never enjoy in his own. He will be reduced to a condition in which he cannot rely upon his labor. He will be disposed to run away, and at a time when his services can be least spared. The master will be driven to constant and heavy expense to recapture him. He will thus become to his owner a source of vexation rather than comfort, of trouble and expense rather than profit."

To establish these facts there is copied into the report the following extract of a letter from a man at the South, to whose sister a gentleman of New York had sent two abolition pamphlets:

"Do you remember the two books you sent to my sister by me? My two slave boys, William and Thomas, accused me of petititioning the Congress to free the negroes, and ran off, and after eleven days' riding and $207 cost I got them, and now they are wearing out their backs driven by the overseer, just as I sold them at a loss of $900 to a trader."

Well, this abolition report of 1838, from which he had quoted, after going on to say what were the effects of this constant agitation on this subject, after stating that it made the negro dissatisfied; that it increased his desire to run away, that it harassed the master,—went further. It did not stop there. It went on to urge on the non-slaveholding States that they should facilitate slaves in their attempts to escape, and generate such a public opinion and pass such laws as would make the recapture of the runaway slaves impossible; for if they were to be recaptured, they would be deterred from running away. It went on to say that laws ought to be passed to raise the question of slavery or freedom, or the legality of the bondage in which the slave is held. They urge the passage of such a law by the northern States, upon the ground that the laws of some of the southern States, permitting slavery, are unconstitutional, and that the slave ought to have an opportunity to test them whenever he escapes to the North. They say that the citizens of Virginia and Maryland have no right, by their own constitutions, to hold slaves in their own territory, much less to recover them from other States. They make this statement on the ground which they assume, that the bill of rights of Virginia and Maryland emancipated their slaves, and that every negro in those States was declared to be free by the bill of rights, which was of equal force with that contained in the constitution of Massachusetts, by which also declared that slavery was abolished. Well, sir, what has been the result of these recom-
mandations by the abolitionists? I appeal to the history of the last few years. Have not the State Legislatures carried out these recommendations, with a fidelity greater and stricter than they have carried out the recommendations of their own constituted authorities? They have kept up the agitation here to dispose the slaves to run away; they have raised funds to aid him in escaping; they have succeeded in making a footing in the non-slaveholding States, which makes it dangerous for any man to aid a master in asserting his legal and constitutional rights; they have passed laws nullifying the Constitution, and making the recapture of a fugitive slave impossible.

I have shown (said Mr. B.) the origin and the objects of the constant discussion and agitation on the subject of slavery here. I desire to call attention to the pertinacity with which it is kept up. It commenced at the period I have named, by the presentation of abolition petitions.

The South denied that Congress had any jurisdiction of the subject, and insisted that the petitions should not be received, and a rule was adopted to suppress them. The abolitionists pretended to treat this as a great outrage, and the ear of the nation was stumped with the clamor which was made. Some well-meaning men, not understanding the objects of the agitators, advised that the whole subject should be referred to a committee, which could bring in an able report demonstrating that Congress had no jurisdiction of the subject; and they insisted a quietus was to be given to the agitators. Mr. Pinckney, of South Carolina, in an ill-fated moment, yielded to these views, and undertook to reason with those persons in a Congressional report. Well, what was the result? Precisely what he anticipated at the time; so far from its arresting the agitation, it increased it, by the partial success with which it met. The ground then was taken, that by the 21st rule, as it was called, the sacred right of petition was invaded. It was in vain we showed that such was not the case; the agitation went on. We were told, take from these abolitionists this plausible pretext, and you will hear no more of them—by the 21st rule, you are free to the advocates of emancipation.

Some Southern men gave in to these views. As soon as they did, the Northern and Western Democrats, who had incurred some odium at home by voting with us, gave way, and the rule was repealed. But did the agitation cease? This pretext for agitation was no sooner removed than another was found. We then had amendments to territorial bills which never were thought of before, to exclude slavery from the territories. But as the territory (Oregon) in reference to which we were legislating lay so far north that it was known the slaves never would be taken there, it was regarded as pretty much a "brutum fulmen," and very little feeling was excited in consequence. But immediately afterward we happened to be engaged in a war in which there was a prospect that foreign territory would be acquired. This was made the pretext for the Wilmot proviso. The excitement growing out of that was pretty well dying out; and the occasion of rejoicing with France, our earliest ally, at the prospect of her regeneration, was seized upon to renew it. A parcel of negroes are induced to flee from their masters, to which they were stimulated by the conduct and speeches of members here. They are recaptured, and the felons who aided in their escape are lodged in jail. A member of this House goes there to offer them his sympathy and counsel. The people, with a moderation which, as proper as it was, amazed him, (Mr. B.) do no more than warn him off. And, forsooth, this House is to interpose for his protection. Sir, he and his associates are the authors of all the misery which has been brought on these slaves and felons, and it is a pity they do not partake with them in it.

It thus appears what are the origin and the object of this constant agitation of the subject of slavery. How is its abolition to be ultimately effected?

We were constantly told here that the fanatics of the North did not look to the insurrection of the blacks, and that they did not desire to incite the slaves to rebellion. It has been often said here that they do not either immediately or remotely expect to see abolition effected by insurrection. It was the policy of the abolitionists to deny it as yet, but the report distinctly takes the ground, that if the master will not yield to moral suasion and peaceable emancipation, insurrection would be the natural and proper consequence. Here is what they say on that point:

"If a ray of hope penetrates their gloom, though the chink through which it peeps be ever so small, it will banish all thought of insurrection while it shines. Though while hope of relief from some quarter holds out, the slave will abstain from rebellion, it may not be expected that he will continue to do so if this hope shall fade away. Once let them come to an understanding of their rights, and the master will be forced to the alternative of giving them or of suffering them to be taken. Though our business is with the master—though it is for him and his political equals we print and lecture—yet we have now pledged ourselves to prevent, what it is impossible should be prevented, the slaves from getting knowledge that we are printing and lecturing. After our operations have, in a fair probationary space, displaced all thoughts of insurrection by a better hope of deliverance, if the masters dispoint that hope, the consequences must be upon their own heads.""}

With such evidence before him, he asserted that they did look to insurrection. They do look to freeing the blacks by murdering the whites. They could not, without stultifying themselves, look to any other course, and they do not. They know that peaceable insurrection is not possible. In this very report they say, they do not expect to convince the master; but even if they should be convinced of the wrong so much alluded to, he (Mr. B.) undertook to say that emancipation was impossible. In many of the States, more than half the population was black; and did the Abolitionists expect that the South would consent to have such a population let loose upon them as free negroes? Did they expect the South to live in that condition? Gentlemen from the northern States might answer the question for themselves. Do they do it? Why, in how many States did they exclude the free negroes? Had they not passed stringent laws against them in those States where the infusion of free negroes would be comparatively small and harmless? and yet they would not consent to even so small an infusion there. Did they, then, expect that the South would consent to let loose such a number as they had? They do not expect it.

But suppose it were possible; as far as the purposes of humanity were concerned, it would not make the case better. Suppose they were emancipated: did anybody believe that the whites and
blacks in equal proportions could live in peace in the same community? They would be separated from each other by prejudices; there would be a line of demarcation that could never be blotted out. Did they not know that there would be a constant conflict of masters (the most deadly of all conflicts) going on, and a struggle on the part of the negro for not only equal social and political rights, but for supremacy; a conflict which, as in all time heretofore, in all time hereafter, would exist in communities composed of distinct races, and which would end in civil war. Let them look to the example of San Domingo, where a deadly conflict was constantly going on between the negroes and the mulattoes, although they were by no means so distinct from each other as negroes and whites. If the South would consent to emancipation, how long would peace be preserved? The inevitable result would be a bloody strife; for after they were emancipated, they would claim equal privileges, and civil war with all its horrors would ensue. He therefore affirmed that the pretense that these people were not looking to insurrection and to the cutting of the throat of every white man, woman, and child, was false. The Abolitionists in their own reports avow it. But if they had not avowed it, they could not escape from the charge that such is their purpose in any other manner than by stifling themselves; for it was the natural and inevitable consequence of their conduct. Well, and who would thereby benefit by it? If that conflict should arise, what would become of the black man? Did they not know that the greater intelligence and the greater enterprise of the white man must conquer? It might deluge the South in blood for years perhaps, but it would end in the extermination of the black man. And this was to be done at the instigation of a treacherous foreign nation, that they might subvert our commercial and agricultural prosperity. It was to be done, too, under the pretense of friendship for the black man, but which would be seen to be cruel and inhuman treachery. It could only end in his entire extermination.

There were some remarks which fell from the member from Ohio [Mr. Giddings] on a preceding day, to which his attention had been called by a gentleman near him, of a most murderous and inexcusable effect, in regard to insurrection by force. In arguing against the extension of slave territory, he said he wished to keep the negroes with their masters, holding their knives as near their throats as possible. To such remarks he (Mr. B.) did not mean to reply. He addressed himself to the sober serious reason of the North, and he wished not to excite their passions. He wished to show them that this abolition excitement had an origin hostile to them as well as the South, and that nothing but mischief, unqualified mischief to the whole country, would result from it.

Mr. GIDDINGS rose and inquired if the gentleman from Virginia alluded to him when he said the gentleman from Ohio wished to keep the negroes and their masters together, that the negroes might have their knives as near their master's throats as possible.

Mr. BAYLY replied that he did allude to the member from Ohio, for such he understood to be the character of that member's remarks.

Mr. GIDDINGS replied that the gentleman had entirely misunderstood him.

Mr. BAYLY said other gentlemen understood him as he did.

Mr. GIDDINGS said he cared not who made the assertion; he had used no such language. He well knew what he had said.

Mr. BAYLY said a gentleman sitting near him understood the language as he did; but, whether the member from Ohio used those precise expressions or not, of this he (Mr. B.) was certain, and he would stake his assertion on the decision of the House, that he had over and over again used expressions of similar import.*

Mr. GIDDINGS. Of what import?

Mr. BAYLY. The member from Ohio had used language in his speeches the inevitable tendency of which was, to lead to insurrection, and which showed that he looked to it.

The SPEAKER called the gentleman to order.

Mr. GIDDINGS. I wish the gentleman might be permitted to proceed. I like to hear him.

Mr. BAYLY had no doubt of it. The member is fond of the notoriety which the denunciations of him here give him. He hopes to recommend himself to his constituents by assuming to be the special object of attack by southern Representatives, and thereby strengthen the tenure by which he holds his seat here with its eight dollars a day.

And hence he is eternally trying to provoke us into denunciation of his detestable course and sentiments.

Mr. GIDDINGS. The gentleman is mistaken.

Mr. BAYLY. He was one of those men who was willing to obtain profits by provoking abuse of themselves; to make a traffic of his character and feelings.

The SPEAKER again interposed, and called the gentleman to order.

Mr. BAYLY said if he was out of order, it was the remarks of the member from Ohio which had provoked him to it. For personal abuse he had no taste, but he chose to speak in appropriate terms of the course of a member here which so intimately affected the dearest interests of himself and his constituents. He represented a frontier district, penetrated in every part of it by rivers and harbors, into which the vessels from the non-slaveholding States and the piratical schooners of the abolition society could come. His constituents' interests were, therefore, at stake, and he should ever be ready to expose and resist the unhallowed designs of men trying to destroy them; and, in speaking of the character of the men themselves, he should not stop to measure his words. He regretted the necessity of making any reference to the member whatever; and, unless under the strongest necessity of doing it, he should not hereafter, as he had not herefore.

In speaking of this subject, he recollected a circumstance to which his attention had been called several years ago. His attention was called to

* Mr. GIDDINGS subsequently avowed that he looked to insurrection. His language, as reported in the Intelligencer, is this: "But as he had but a moment left, he would refer to that portion of the gentleman's speech in which he declared that the Abolitionists looked to insurrection among the slaves. And, he would ask, who did not look to that result? Could any reflecting man shut his eyes to that inevitable consequence of slavery."
the number of advertisements of runaway negroes in the National Intelligencer and Globe. The dates of the departure of the negroes were generally given. By comparing them, he found that the negroes went off in gangs about large enough for the load of a small schooner, at intervals of about a month—as near as may be, the period for a vessel to make a trip, to Massachusetts, for instance, and back. From this he was satisfied that these runaways made their escape by the river, and that there was an actual line of packets engaged in taking them off. He wrote an article calling the attention of the public to it at the time, and he mentioned it now for the same purpose. The House might rely upon it, the case which had just occurred was not an isolated one; indeed, he understood that the captain now in prison admitted that this was the fourth trip he had made.

He had been told, as manifest as this evil was, there was no way to prevent it; that the law of this District provided no adequate punishment for those who had instigated the negroes to run away, and assisted them in attempting it. If there is not, there ought to be. There is but one way to prevent the occurrence of such acts; that is, by holding out the terrors of such punishment to all persons engaging in it as to deter them from it, and by the masters making examples of the slaves who may be retaken. With the negro he sincerely sympathized; him he pitied; and his sore regret was, that those who had brought upon him the misery he would suffer, could not have it in his place.

He did not know that the laws as they now stood were insufficient; but he would inquire into the matter, and if they were found to be so, he should feel it his duty to ask leave to bring in a bill to remedy their defects. If there was no law to punish the publication of incendiary publications, he should bring in a bill to provide one. And he should not be deterred by being told that he would be interfering with the liberty of the press. He did not propose to establish a censorship of the press to prevent publications, but to provide a law for the punishment of an editor who should commit an offence against society, precisely as every other citizen was punished in a similar case, which offence would be judged of by the community, through its law, administered by its judges and jurors. It is no more a violation of the liberty of the press, to provide by law for the punishment of an editor who makes publications which endanger my life and property, than it is the violation of the liberty of the citizen to provide for his punishment, who does the same thing in a different way.

But he did not know that the laws were insufficient. The idea very prevalent that they are so, is the only thing which has stimulated any one to attempt acts of violence. If they shall be found to be efficient, or if they are not so now, and Congress should in good faith make them so, he would be responsible that no mob would ever be seen here. But, on the other hand, if it should be found that the laws are not effectual to protect the community in the enjoyment of its rights, and the legislative power should refuse to make them so, then the community would be remitted to its natural right of self-preservation—a law above all other laws, and as applicable to communities as to individuals. Under such circumstances, the men who did not resort to it, to use the language of the gentleman from Georgia, would be slaves who deserved the manacles now worn by the felons in your jail.