

The Gazette.

PHILADELPHIA,
SATURDAY EVENING, DECEMBER 2.
CONGRESS.

HOUSE OF REPRESENTATIVES.

Debate on the Memorial of the Quakers.
THURSDAY—NOVEMBER 30.

The memorial having been read by the clerk.

Mr. GALLATIN moved that it be read a second time.

Mr. HARPER hoped not. This was not the first, second or third time that the house had been troubled with similar applications, which had a tendency to stir up a class of persons to inflict calamities which would be of greater consequence than any evils which were at present suffered; and this, and every other legislature ought to set their faces against remonstrances complaining of what it was utterly impossible to alter.

Mr. THATCHER hoped the petition would have a second reading, and be committed. It appeared to him that this would be a regular way of getting rid of the difficulty which was apprehended. The gentleman just set down said, that this was not the first, second or third time that the house had been troubled with similar petitions. This he said, was natural. If any number of persons considered themselves aggrieved, it was not likely they should leave off petitioning, until the house should act upon their petition. He thought this was the way that they ought to do. If the Quakers thought themselves aggrieved, it was their duty to present their petition, not only three or four times, but seventy times, until it was attended to. Gentlemen, therefore, who wished not to be troubled again, ought to be in favour of a second reading and reference. At present they did not know what the particular grievance complained of was, nor whether it could or could not be remedied. He believed that one of the subjects of complaint had a reference to a mat-complained of in a memorial presented at the last session, respecting some dark complexioned citizens of North-Carolina, who were injured by the operation of an act of the United States, called the Fugitive Act; but as it was the wish of the house not to enter upon any business of a private nature at that time, the petition was ordered to lie on the table. It appeared, therefore, highly proper that this petition be referred, as was customary, to a committee, that this grievance might be remedied.

Mr. LYON said, it appeared to him that the gentleman from S. Carolina (Mr. Harper) had not attended to the subject matter of the petition, or he would not have objected to its being read a second time. There was a grievance complained of, which certainly ought to be remedied, viz. that a certain number of black persons who had been set at liberty by their masters, were now held in slavery contrary to their right. He thought this ought to be enquired into.

Mr. RUTLEDGE should not be opposed to the second reading and reference of this memorial, if he thought the strong censure they deserved, would be the report of a committee. The censure, he thought this body of men ought to have; a set of men who attempt to seduce the servants of gentlemen, travelling to the seat of government, who were incessantly importuning Congress to interfere in a business with which the constitution had had they had no concern. If he was sure this conduct would be reprobated, he would cheerfully vote for a reference of the present petition; but not believing this would be the case, he should be for its lying on the table, or under the table, that they might not only have done with the business for to-day, but finally. At a time when former nations were witnesses of the most barbarous and horrid scenes, these petitioners were endeavouring to incite a class of persons to the commission of similar enormities. He thought the matter of the greatest importance, and that the reference ought by no means to be made. A gentleman before him (Mr. Lyon) had said, that they had certainly something to do with the detention of free men in slavery. If the fact were as stated (which he doubted) redress ought to be sought by means of a court of justice, and not by petitioning this house.

Mr. SWANWICK was sorry to see so much heat produced by the introduction of this petition. He himself could see no reason why the petition should not be dealt with in the ordinary way. If the petitioners asked for any thing which it was not in the power of the house to grant, it would be of course refused; but this was no reason why their petition should not be treated with ordinary respect. In this memorial, he said sundry things were complained of; not only slavery, but several other grievances. For instance, play-houses were complained of, whether justly or not, he was not about to decide. With respect to the grievance mentioned in N. Carolina, something, perhaps might be done to remedy it, without affecting the property which the gentleman seemed so much alarmed about. He could not suppose there was a disposition in the house to violate the property of any man; there was certainly as strong a disposition in the middle states as in the southern, to hold inviolable the right of property; nor could he see any reasonable ground for throwing this petition under the table. If these people were wrong in their understanding of this subject, it would be best to appoint a committee to set them right. He was sorry to hear gentlemen charge so respectable a body of men in that house of attempting to seduce and debauch their servants, for if this were the case, redress could doubtless be had in a court of justice. The uncommon warmth which was shewn on the occasion would lead persons to suppose that gentlemen were afraid of having the matter locked into, as this was generally the temper re-

ported to when argument was wanting. He hoped the memorial would be dealt with in the usual way.

Mr. GALLATIN said, it was the practice of the House, whenever a memorial was presented, to have it read a first and second time, and then to commit it, unless it were expressed in such indecent terms as to induce the house to reject it, or upon a subject upon which petitions had been lately rejected by a large majority of the house. In no other case were petitions rejected without examination and without discussion. He said without examination and without discussion, because it was impossible, upon a single reading of a petition, to be able to form a sound judgment upon it. Indeed, seeing the way in which the gentleman from S. Carolina (Mr. Rutledge) had treated the subject, no cool examination could be expected at present; in the moment of passion it would be best not to decide, but to send the petition to a committee. What were the objections to this mode of proceeding? It was that the subject would shake a certain kind of property. How so? A petition that reminds us of the fate of certain blacks in this country; which did not refer to slaves, but to free men. This petition was to shake property! In the same manner it might be said, that the law of Pennsylvania for the gradual abolition of slavery, had also a tendency to destroy that property; or that the legislative decision of the state of Massachusetts that there shall be no slave under their government, would have that effect. But it was said, the characters of the petitioners was such as they ought to brand with the mark of disapprobation. In support of this charge, it was alleged that they were not satisfied with petitioning, but that they attempted to debauch and seduce servants to rob gentlemen of their property.—He did not know to what the gentleman who made this assertion alluded; but he believed, if the matter were fairly stated, whatever may have been done in the state of Pennsylvania, has been no more than an endeavour to carry into full effect the laws of the state, which say, "that all men are free when they set their foot within the state," excepting only the servants of members of Congress. As to the moral character of this body of people, though a number of their principles were different from those which he professed, he believed it could not be said with truth, that they were friends to any kind of disorder, and he was surprized to hear gentlemen suppose they could or would do any thing which would throw into disorder any part of the union. On the contrary, he believed them to be good friends of order. Mr. G. said, he wished to have avoided a discussion of the merits of the memorial; but when they were told it was improper to do any thing on the subject, it became necessary. He knew it was in their power to do something. They might lay a duty of ten dollars a head on the importation of slaves; he knew a memorial had been presented at a former session respecting the kidnapping of negroes, which had been favorably reported upon.—Finally, the present memorial did not apply only to the blacks, but to other objects. With respect to plays, they had a motion last session before them for laying a tax upon them, which had a reference to the subject. By committing this memorial, they should give no decision. If the committee reported they could do nothing in the business, and the house agreed to the report, the matter would be closed in a much more respectful way than by throwing the petition under the table.

Mr. STEWART said, the gentleman last up had stated two cases in which petitions had been rejected, without a commitment. He might have added a third more applicable to the present memorial. This was, when a petition was upon matter over which this house had no cognizance, especially if it were of such a nature as to excite disagreeable sensations in one part of the house, who were concerned in property which was already held under circumstances sufficiently disagreeable. In such cases, they ought at once to reject the memorial, as it would be mispending time to commit it. If, for instance, a petition should be presented complaining that a person had refused to discharge an obligation to another. It would be at once acknowledged that the house could not enforce the obligation, but application must be made to a court of justice. So in this case, the petitioners complain of a law of North Carolina. This house, he said, could not change that law. If any thing was done there contrary to right, the court of that state, as well as those of the United States, were open to afford redress. It was their business, and not the business of that house. They did come there to act upon subjects agreeable to their feelings, but upon such as the constitution had placed in their hands. The gentleman from Pennsylvania had said they might impose a tax of ten dollars upon the importation of every slave. Would this, he asked, relieve the petitioners? No. If they could prevent the kidnapping of negroes, it was well; but nothing was aimed at of this sort in the petition. He recollected a former instance of this kind, but the issue of the business shewed that nothing could be done without injuring the public more than individuals would be benefited. The petition alluded to Stage Plays. With what view? To raise revenue? No; but to a correction of them with respect to morals. It was not within their province to do this, but under the power of the state governments. If they were taken up for the state of revenue, they did not come within the purview of this petition, but of the committee of ways and means. Upon the whole, as he considered this a dangerous business, and that they could do nothing to gratify the feelings of the petitioners, he would not wish to treat the application with contempt, but let it lie on the table.

Mr. MAON said, there was not a gentleman in North-Carolina who did not wish there were no blacks in the country. It

was a misfortune; he considered it a curse; but there was no way of getting rid of them. Instead of peace-makers, he looked upon the Quakers as war-makers, as they were continually endeavouring in the southern states to stir up insurrections amongst the negroes. It was unconstitutional, he said, in these men to desire the house to do what they had no power to do; as well might they ask the President of the United States to come and take the Speaker's chair. There was a law in North-Carolina, he said, which forbade any person from holding either a black or white person as a slave after he had been set at liberty. The 134 negroes alluded to in the petition, he knew nothing of. In the war, he said, the Quakers in their state were generally Tories; they began to set free their negroes, when the state passed a law that they should not set them free. If these people were dissatisfied with the law, they had nothing to do, but transport their negroes into Pennsylvania, where the gentleman from that state had told them, they would be immediately free.—This subject had been already before the house, but they declined doing any thing in it. It was extraordinary that these people should come, session after session, with their petitions on this subject. They had put playhouses into their memorial; but they had nothing to do with them. In this state, he believed, the legislature had passed a law authorizing them. It was altogether a matter of state policy. The whole petition was indeed, unnecessary. The only object seemed to be to low discussion. A petition could not come there touching any subject on which they had power to act, which he should not be in favour of committing; but this thing being wrong in itself it was needless to commit it, as no single purpose could be answered by it.

Mr. ALLEN was in favour of a second reading and commitment. He did not know that no good could arise from such a proceeding. He wished time to consider the matter. He had another reason against getting rid of this business. When the debate upon this question came to be faithfully reported, it might be said that the Society of Quakers had been found guilty of such foul conduct, that their petition to the house had been thrown under the table. Another reason. Last summer, along with other strangers, he went to see the new gaol of this city, where he was shewn a man who had been a manumitted slave; but after being free twenty years, he was apprehended under the fugitive law, and was there imprisoned. If this were so, it was necessary that this law should be revised. He hoped, therefore, the petition might be committed, and that this evil might be remedied. At all events, he trusted the petition would not be rejected, as it would be highly disrespectful to a Society of men revered by every man, who set value upon virtue and integrity.

Mr. LIVINGSTON said, if he could believe that the persons who presented this petition were of the description which they had been represented; that they endeavoured to raise insurrections in one part of the country, and practised robbery in another, he should not be inclined to pay much respect to them. But he did not believe these charges; he believed them indiscriminately made and unfounded. It was possible that a member of this community, as well as of any other, might be of this description; but as against the body, he knew the charges were unworthily made. He was acquainted with many of these persons in those states where they were most numerous, and he was certain they did not deserve the character given them. Therefore, as the matter respected the petitioners, the petition ought not to be thrown under the table. Let us now, said he, examine the request, and see whether it be so improper and impracticable, as to make us say, on its first reading, we have heard enough. Why do they ask? They say a certain number of citizens are deprived of what belongs to them; and can we say we will not grant relief? No, said he, we cannot, before the business is enquired into, as it would be acting unlike the legislature of a great nation. If they said this application was so improper as not to be committed, what did they say to their predecessors who sat in that house a few months ago, who not only received an application of a similar kind, but a committee reported in its favour. They said, universal emancipation is not in our power; but the evil is one for which a partial remedy may be provided. The want of time only prevented its being acted upon. This was an object upon which they might at least debate; he could not say whether they could afford a remedy, or not. His own impressions were they could not; but he would not say they never could. He did not think he should do the duty which he was sent there to do, by saying so; which was to follow the dictates of a sober judgment, after facts were fairly and fully stated. He thought it best to follow the usual course, by appointing a committee, who would examine the matter, and report what was best to be done, which the house could agree to, or not, as they thought proper. He thought it would be for the advantage of those states most interested in the question, that it should be fully discussed and dispassionately decided upon; for so long as the petitions of these persons were neglected, or treated with contempt, so long would they conceive they were unjustly treated, and continue their applications for redress. Mr. L. said there were a number of general reflections contained in the memorial upon the growth of vice and immorality, to the suppression of which he did not see that the power of Congress extended. They particularly pointed at the establishment of play-houses; but it might be remarked, that these gentlemen, so averse to the establishment of play-houses, have not written their memorial without borrowing language from them, as they term the evils which they speak of a terrible tragedy.

Mr. ISAAC PARKER was of opinion with

the gentleman from Pennsylvania (Mr. Gallatin) with respect to the disposal of petitions; but it appeared to him that the subject matter of all petitions should be within the view and authority of the house; if not, to refer them, would certainly be a waste of time. He had attended to the petition, and he did not think there was a single object upon which it was in their power to act. Nothing was prayed for. The petitioners speak of the slave trade and in general terms on the immorality of the times as injurious to the state of society, and with some means may be taken to prevent the growth of them. To refer a petition of this sort, therefore, to a committee, could answer no purpose. He did not think they were more obliged to take up the business, than if they had read the address in a newspaper.

Mr. BAYARD said, it might be imagined, from the anxiety and warmth of gentlemen, that the question before them was, whether slavery should or should not be abolished. The present was however very remote from such a question, as it was merely whether a memorial should be read a second time.—The contents of this memorial, he said, were right or wrong, reasonable or unreasonable; if right, it was proper it should go to a committee; and if wrong, if so clearly absurd as it had been represented, where would be the evil of a reference for a report thereon. He did not like things to be decided in the moment of passion, but from the fullest consideration. In some countries, they knew persons accused of crimes were condemned without a hearing; but there could be but one sentiment as to the injustice of such a proceeding. There could be no objection, therefore, upon general principles, to the reference of this petition. But it was said, it was not to be sent, because of the general habits of this Society. He believed there was nobody of men more respectable; they were obedient, and contributed cheerfully to the support of government; and either politically, or civilly speaking, as few crimes could be imputed to that body as to any other.—This memorial, he said, had been treated as coming from an abolition meeting; it was a memorial of the general meeting of the people called Quakers; and only out of respect to that body, it ought to be referred. But it was said, it did not contain matter upon which the house could act. Gentlemen seemed not to have attended to the subject matter of the petition. He did not believe that the house had the power to manumit slaves; but he believed there was not a word in the petition which had a reference to slavery. The petitioners state, indeed, that a number of negroes, not slaves (for negroes may be free) as having been taken again into slavery, after they had been freed by their masters. He wished to know whether the house had not jurisdiction over this matter? He was warranted by the constitution in saying they had; because that instrument says, that no state shall make ex post facto laws. It belonged to that house therefore, to see that the constitution was respected, as it could not be expected from the justice of the individual states, that they would repeal such laws. It rested, therefore, with the government of the United States to do it. Mr. B. read the clause of the constitution touching this matter, and concluded by reminding the house, that this was not an ultimate decision, but merely a reference.

Mr. JOSHUA PARKER said, he was always inclined to lend a favorable ear to petitioners of every kind; but when any memorial was presented to the house contrary to the nature of the government, he should consent to its lying on the table, or under it.—No one, he said, could say they had a right to legislate respecting the proceedings of any individual state; they, therefore, had no power to decide on the conduct of the citizens of N. Carolina in the matter complained of.—Petitions had frequently come from Quakers, and others, on this subject, whereas this government had nothing to do with negro slavery, except that they might lay a tax upon the importation of slaves. He recollected, when the subject was brought before the house in the first congress held at New-York, wishing to put a stop to the slave trade, as much as possible, being a friend to liberty, he took every step in his power, and brought forward a proposition for laying a tax of ten dollars upon every slave imported. It was not agreed to; but there was only one state (Georgia) in which the importation of slaves was admitted. Since the establishment of this government, Mr. P. said, the situation of slaves was much ameliorated, and any interference now might have the effect to make their masters more severe.—He knew of no part of the constitution which gave them power over horse racing and cock fighting; nor could they interfere with respect to play houses; and where they had no right to legislate, they had no right to speak at all. As the session had begun harmoniously, he hoped that harmony would not be broken in upon by such applications as the present. Mr. P. produced a precedent from the journals of 1792, where a memorial of Warner Millin, a Quaker, after being read, was ordered to lie on the table, and two days afterwards returned to the memorialist.

Mr. NICHOLAS felt as much as other gentlemen from the Southern States on the subject of the present petition, but his feelings did not produce the same effects. He was not afraid of an interference from the United States with their property, nor of any investigations or discussions respecting it. He believed it would be to the honor of the people holding property in slaves, that the business should be looked into. He thought such an enquiry, would rather secure than injure their property. He did not think it was the interest of slave-holders to cover improper practices. He was satisfied, that in the part of the country where he lived, there was no disposition to protect injuries—no disposition to reject an enquiry, or to refuse to understand a complaint. They had been told that the state of Negroes, whose cases were mentioned in the Memor-

ial, might have been produced by the Fugitive Law; he had before heard that this law had operated mischief. It ought therefore to be enquired into. On enquiry Mr. N. said, it would not be found the fault of the Southern States, that Slavery was tolerated, but their misfortune; but to liberate their Slaves at once, would be to act like Madmen; it would be to injure all parts of the United States as well as those who possess Slaves. It was their duty, however to remedy evils; they were unfortunately placed in a situation which obliged them to hold Slaves, but they did not wish to extend the mischief. He should, indeed, be sorry, if his possessing property of this kind, obliged him to cover the violation of another man's right; if this were the case, he should think it necessary that his property should be taken from him. He did not think it necessary, and he doubted not, if a fair investigation took place, that this kind of property would be brought into the situation in which every man of sense would place it. He was firmly of an opinion, that to appear to be afraid of an enquiry would do more harm to his property, than a fair investigation. He trusted, therefore the Petition would be committed.

Mr. BLOUNT hoped this memorial would not be committed. As this was not the first time the Society of Quakers had come forward with Petitions to the House, seemingly with no other view than to fix an odium on the State of N. Carolina, he thought it his duty positively to contradict a fact stated in this memorial. It was stated that 134 persons set free from slavery in N. Carolina, had been since enslaved by cruel retrospective, or ex post facto laws; they alleged that certain members of their Society had done what no person was permitted to do. Mr. B. read part of a law of N. Carolina, stating, "that no Negro or Mulatto Slave shall be set free, except for meritorious services, acknowledged by a licence of the Court; and when any person shall be set free contrary to this law, he may be seized and sold as a slave," &c. He also read a clause from another law passed afterwards, stating, that several persons having set at liberty their slaves contrary to law, and persons having taken up and sold them, are doubtful of their validity of the sale, and that this law is passed to do away all doubts of such validity. Mr. B. said, these extracts proved the assertion untrue.

Mr. GORDON lamented that this discussion had taken place, as it was certain that wherever interest is concerned, some degree of warmth will be produced; and when a petition was brought forward which might affect the property of many gentlemen in this house, and their constituents, it could not be expected they would hear it with the same calmness with persons wholly unconcerned about it. He said he had attended to every thing which had been said upon the occasion. All that had been advanced in favor of the second reading of the petition, was, the respectability of the persons presenting it, the opinion that would be entertained of the petitioners if their petition was not referred, and the merits of the petition itself. With respect to the persons of the petitioners, he felt inclined to do them every justice; but he did not think this any reason for acting upon their memorial, unless some good consequence could arise from it, any more than if they were the vilest persons on earth. As to the opinion that might be entertained out of doors, if the petition was not examined, he was not afraid that the citizens of the United States would believe the house could be so far lost to its duty as not to look into a question of this kind, but that it would be conceived, if rejected that they had nothing to do with it. The other reason, the only material one, was, as to the merits of the petition. The gentleman from Delaware (Mr. Bayard,) who had examined the business with much coolness and ability, had stated that a certain ex post facto law of N. Carolina had occasioned grievances. Admitting there was such a law, what could this house do? Could they pass a law declaring the law of N. Carolina null and void. There would be no utility in this; but if there was a law in N. Carolina that violated the constitution, there was a clear remedy in the law which organizes the judicial department of the United States, in which it is said, if any law of an individual State interferes with the law of the United States, a person has a right to take advantage of the law of the United States. There was no necessity, therefore, to call upon Congress for a remedy against this law. Indeed, he saw no thing in this Memorial which called for their interference, and he was therefore against a reference, as a farther discussion of it would only produce uneasiness in certain parts of the U. States, without producing any good.

Mr. RUTLEDGE observed, that notwithstanding all that had been said, considering the present extraordinary state of the West-India islands and of Europe, he should insist, that "sufficient for the day is the evil thereof" and that they ought to shut their door against any thing which had a tendency to produce the like confusion in this country. If this were not done, the confidence of a great part of the Union in the general government would be weakened. In the Southern States, where most of their property consisted of slaves, and where the rest was of no value without them, there was already a prejudice existing that the northern and western States were inimical to this kind of property, though they were bound by the constitution from an interference with it; but when they heard of the house giving countenance to a petition like the present, it would increase their uneasiness. He referred to what had fallen from the gentleman from Delaware, respecting ex post facto laws and thought a court of justice the proper tribunal to settle the business. Mr. R. said he was indispensed, notwithstanding the peregryrics which had been passed upon, the body of Quakers, to withdraw the censures he had called upon them. The gentleman from New-York had doubted the charges