THE EXAMINER.

"PROVE ALL THINGS; HOLD FAST THAT WHICH IS GOOD."

VOLUME I. LOUISVILLE, KY.: SATURDAY, MARCH 11, 1848. NUMBER 39.

THE EXAMINER;

Published Weekly, on Jefferson St., next door but on to the Post Office.

TERMS.

TWO DOLLARS PER ANNUM, IN ADVANCE.

PAUL SEYMOUR,

PUBLISHER.

COMMUNICATION.

Thoughts on Emancipation—No. 19.

That Northern men should be in favor of the extension of the area of slavery, is strange beyond expression. They occupy a free soil and enjoy the inestimable blessings of liberty.—They have the satisfaction of knowing, that among them, the doctrine of human rights is understood and practically recognized. And it might be reasonably supposed, that a universal recognition of those rights, would fill the heart of every Northern man with emotions of the purest joy. But is it so? We fear not. The opposition of the North to slavery is not so general and so decided as it should be. In verification of this statement, it needs only to be said, that Texas could not have been admitted into the Union without the concurrence of Northern members of Congress. The writer believes that the annexation of Texas was unconstitutional. Here are some reasons for this opinion. If Texas was an Independent Republic, the annexation should have been effected by treaty with her. But if Texas was a Province of Mexico, a treaty with Mexico was indispensable to annexation. Take either view and a treaty was necessary. But the Constitution confides the power to make treaties to the President and Senate. Texas, however, was annexed by joint resolution of both Houses of Congress. The Constitution was trampled under foot as it has often been. The point I wish to present is this: Texas could not have been annexed to the United States, even by joint resolution, if a portion of the members of Congress from free States had not concurred in the measure. But no more with regard to Texas.—It may be that the day is not distant when Congress will be required to say whether other slave States shall come into this Union. How will the question be met? I trust that the Senators and Representatives from the free States will show themselves worthy of the positions they occupy—that their action will indicate an ardent love of liberty, and a fixed determination to foster its sacred interests. Ye men of the North! The friends of the African race in the South are looking to you. Discourage not their efforts in the cause of Emancipation.—Let them know by your Congressional action that you heartily approve those efforts. Yield not, as you have often done, to the South.—Stand firm on the platform of Constitutional liberty, and cherish the principles of the Declaration of our Revolutionary ancestors.

The writer must be permitted to say that members of Congress from slave States (and particularly from Kentucky) who shall avail themselves of the influence connected with their distinguished stations to enlarge the limits of slavery, will deserve the indignant rebuke of their constituents. Am I asked, why? For this reason: The opinion is entertained by many in every slave State, that slavery is a great calamity. This opinion is general in Kentucky. You seldom find a man who would not say, if interrogated on the subject, that it would have been a most fortunate circumstance if slavery had never had an existence among us. And shall our Senators and Representatives be instrumental in inflicting an evil on others which we ourselves deplore? Would it not be the essence of absurdity? Would it not be difficult to reconcile such a course with the dictates of ——and judgment, to say nothing of the impulses of an honest heart? If slavery is a political evil, it indicates political insanity to enlarge its area. If it is a moral evil, its extension argues moral insanity on the part of those who lend their influence to extend it. How evident it is that the North and the South should both be inseparably united in the purpose to suffer no more slave territory to be annexed to this Union. The interests of the whole country require the formation of such a purpose. May such a purpose be formed? Then will be seen the twilight dawnings of the day of universal liberty. Then will the period rapidly approach when "the oppressed shall go free;" for the trump of Jubilee shall proclaim "liberty to the captives, and the opening of the prison-doors to them that are bound."

A SOUTHERN KENTUCKIAN.

Law of 1833.

On the 13th Jan. the Senate Bill to repeal in part, and in part to modify the negro law of 1833, was reported to the Senate.

The law of 1833, is as follows:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That each and every person or persons who shall hereafter import into this State any slave or slaves, or who shall sell or buy, or contract for the sale or purchase, for a longer term than one year, of the service of any such slave or slaves, knowing the same to have been imported as aforesaid, he, she, or they, so offending, shall forfeit and pay six hundred dollars for each slave so imported, sold, or bought, or whose service has been so contracted for, recoverable by indictment of a grand jury or an action of debt, in the name of the Commonwealth of Kentucky, in any Circuit court of the county where the offender or offenders may be found: *Provided, however*, That nothing herein contained shall be construed, to authorise a recovery of the aforesaid penalty from any emigrant or emigrants to this State, for, or on account of, his, her, or their having brought with them any person or persons deemed slaves by the laws of any one of the United States, if such emigrant or emigrants shall, within sixty days after his, her, or their arrival into this State, have taken, before some justice of the peace, the following oath or affirmation, to-wit: I, ——— do solemnly swear, (or affirm,) that my removal to the State of Kentucky was with intention of becoming a citizen thereof, and that I have brought with me no slave or slaves with intention of selling them, so help me God. And shall also, within thirty days after taking such oath, have had the same recorded in the office of the clerk of the county court of the county in which the oath or affirmation was taken. Nor shall any thing herein contained authorize a recovery of the penalty aforesaid against any person or persons, for, or on account of, his, her, or their having imported into this State, any slave or slaves, provided he, she, or they, prove on the trial, to the satisfaction of the jury, that he, she, or they were travelers or sojourners, making only a transient stay in this State, and brought such slave or slaves for the purpose of necessary attendance, and with the intention of again carrying them out of the State.

SEC. 2. *Be it further enacted*, That this act shall not be construed to extend to any person or persons who are residents of this State, and who derives title to such slave or slaves by will, descent, distribution, or marriage, or gift in consideration of marriage.

SEC. 3. *Be it further enacted*, That for a violation of any of the provisions of this act, an indictment may be found on the information of any one of the grand jury, or on the information of any other credible witness, and no prosecutor shall be necessary.

SEC. 4. *Be it further enacted*, That it shall be the duty of the attorneys for the Commonwealth now in office, at their first court after the passage of this act, and every other attorney for the Commonwealth who may be hereafter commissioned, at the time of taking the oath of office, to take a solemn oath that they will faithfully prosecute all offenders against this act within their knowledge, or of which they may be informed, and who may be found within their respective districts; and in each case of conviction, the prosecuting attorney shall be entitled to a fee of twenty per cent. out of the amount collected, and the balance shall be paid into the public treasury, and set apart as a fund, to be under the direction of the Governor, and such other or others as the Legislature may appoint, for colonizing the free persons of color on the coast of Africa.

SEC. 5. *Be it further enacted*, That it shall not be construed an importation, within the meaning of this act, for the owner or owners, after he, she, or they may have hired their slave or slaves to any person or persons out of this State, to bring such slave or slaves to this State, if such owner or owners be citizens of this State, and have in their possession in this State such slave or slaves at the time of the hire.

SEC. 6, *Be it further enacted*, That it shall be lawful for any justice of the peace of this Commonwealth, when information on oath shall be given him, that any person or persons have violated this act, to issue his warrant directed to the sheriff, constable, or to some named individual, and cause such person or persons to be apprehended, and brought before him or some justice of the peace: and the justice before whom such person or persons shall be brought, shall hold an enquiry into the truth of the charge, and hear the evidence that either party may produce: and if it shall appear to such justice, that such person or persons are guilty of a violation of this act, he shall cause the person or persons, so adjudged guilty by him, to be recognized in the sum of six hundred dollars, with one or more good security or securities, conditioned to appear at the next circuit court for the county and answer the charge, and their failure to give such recognizance, to commit such person or persons to the jail of the county until the recognizance be given: and the justice shall also recognize the witnesses to appear at the same court and testify against such person or persons, and not to depart without the leave of the court.

SEC. 7. *Be it further enacted*, That any action or prosecution, which shall be brought for a violation of any of the provisions of this act, may be commenced at any time within five years from the commission of the offence, or the accrual of the cause of action, and not after.

SEC. 8. *Be it further enacted*, That it shall be the duty of each of the circuit judges in this Commonwealth, to give this act in charge to every grand jury empannelled in the courts in which they preside; also, to cause to be brought before the grand jury, to give evidence, any and every person who may be thought by the court or attorney for the Commonwealth to have any knowledge of a violation of this act; so much of each and every act or acts of the General Assembly, as comes within the purview of this act, shall be, and the same is hereby repealed.

Approved February 2, 1833.

The debate on that day is reported in the Commonwealth thus:

MR. ENGLISH addressed the Senate in favor of the passage of the bill. It did not propose to repeal the law of '33, but to modify it, so that each and every one should have an equal chance, and do away with the special legislation that is yearly enacted. Senators, said Mr. E., were every day called upon to pass laws to allow the importation of slaves into the State, and this bill in his opinion only embraced the principle contained in those special acts. He thought it to be the true policy of the friends of the modification of the law of '33, to vote against the special acts, and he had once determined so to do, but cases of much merit come up, and he had voted for them, and he was now for extending the privilege to all persons desirous of importing slaves for their own use, upon their complying with the requisitions of the bill. Its passage will economize both in point of time and money, and he hoped that it would meet with the approbation of the Senate. The people demand it, and he hoped it would pass.

MR. HOBBS remarked, that it was with diffidence he rose to say anything upon a subject on which so much had already been thought and said; that the opinion of every Senator was already made up, and he was sure no remarks which he could make, would effect those conclusions—that he did feel, and had ever felt so abiding a conviction that the repeal or modification of the law of 1833, on the subject of slaves (for he looked on the proposed modification of that law, as identical, in all its operations, to its entire repeal,) would prove to the country, more baneful than any law which the Legislature could enact. He could not conceive how any who would dispassionately consider the institution of slavery, could for a moment doubt the fact, that it hangs a dark and heavy incubus upon the best interests, and general prosperity of Kentucky—that he wished to be expressly understood, in his remarks, as one who (as much as any gentleman here or elsewhere,) respected and recognized the rights of those, who under the constitution and laws of the country own slaves—and that he would go as far as the farthest to protect them in those rights. But he felt bound by his own convictions of what was right and sound policy, as well as to his sense of duty to those he represented, to protest, though no other Senator should raise his voice, against the passage of a bill, which would throw wide open a door, through which the evils of that institution would pour in upon the country like a devastating deluge, and that too of the very worst character of negroes, for such was generally the character of those sold, for except in emergencies, the feelings entertained by owners of good and faithful servants were such that they never parted with such, save from necessity. He said, it had been his lot on a former occasion to differ with the respected gentleman just seated, (Mr. English,) on the passage of a similar bill, when they were members in the other branch of the Legislature—that he could not recognize the force of the argument, that the special legislation necessary in consequence of the law of 1833, was any reason for its repeal; nor would he agree to repeal a prohibition so important, in every view of the question, though it required even far more special legislation than it now did. He contended, as one of the ardent friends of the law as it now stood, that it was the duty of its friends, always to vote for exemptions from its penalties in such cases, where exceptions should be made; and besides these convictions, he had a feeling in his heart, (and he was glad of it,) which he trusted would ever prompt him as a representative in all cases, upon every subject that required it, to extend special legislation, and especially in cases coming up under this law, in which such special legislation would prevent the separation of parent and child, or the breaking asunder of those strong chords which bind together husband and wife, or any other of the thousand parallel cases which might present themselves to his sympathies as a man for his fellow man, when he could do so without violating the constitution of the country, the laws of the land, or the rights of his fellow-citizens, and that under these solemn convictions, he was opposed to the bill.

MR. EVANS was sorry this bill had been reported so early. He was now engaged in procuring some statistical facts on this subject which he thought would throw much light on this question. He had been examining the offices, first, to see how many fines had been collected under the law of 1833; how many had been remitted by the Executive; and, secondly, to examine the acts since 1833, and see how many slaves had been imported by the passage of special acts. He had not finished this examination, and, therefore, could not speak with certainty, but he believed but few fines had been collected. Many had been assessed, but mostly remitted by the Executive. He believed about as many slaves had been imported by special acts, and otherwise, as if the law of '33 had never existed; yet, they were brough here at much risk and much expense. But all this, he admitted, did not meet the point exactly. He desired, for a few minutes, to enquire as to the original reasons for passing the law of '33. He recollected well, for a few years after the passage of that law, many, if not all its advocates, contended for it, upon the grounds that it would curtail slavery in Kentucky; that slavery was an evil, and should be avoided; this act would do much to avoid it. But since that, the odious doctrine of Abolitionism, with all its deformity, had made its appearance; and, in consequence of which, the advocates of the law, fearful they might be classed with abolitionists, seemed rather to change their position, and now regard it as rather a matter of policy, to keep out refractory slaves.

But, MR. E. said, it mattered but little what the original friends of the law of '33 intended by its passage. Time had proven that it operated injuriously to many of our citizens. It had offered to those who owned slaves in Kentucky, a complete monopoly, so far as selling and hiring negroes was concerned; and, by many, this power was exercised. Contrasting the region of Kentucky where he lived, with that portion of Tennessee adjoining Kentucky, negroes could be bought in Tennessee cheaper than in Kentucky. Yet, he who wished to purchase a negro for his own use, could not avail himself of that advantage, without subjecting himself to a fine, or risking the action of this body, who might admit or reject his application as their sense of propriety might dictate.

Sir, said MR. E., I was struck with the remark of the gentleman from Jefferson (Mr. Hobbs). He told us, whenever a good case was made out, upon application to this body, he would always vote to permit the applicant to import. Now, said Mr. E., what is here assumed? Why, that the Legislature of Kentucky has solemnly formed itself into a tribunal, to determine what kind of negroes a man may, or may not, buy.

If a man in Kentucky wishes to buy a good house girl—one that will suit his family—and finds her in Tennessee—the Kentuckian owning neither of her parents, nor none of her relations—the Legislature says to the man, sir, you ought not to buy such a negro; you should have bought a negro woman, whose husband, you or some of your neighbors owned; you should have made out a case which would have reached our sympathies. He supposed the next step would be, that the Legislature would determine where a man must buy his horse or cow—both horses and negroes were held and known to our laws as property. Gentlemen, so far as trade is concerned in slaves, in Kentucky, are mistaken. No man buys negroes and brings them to our State for speculation. What negroes that are bought by Kentuckians, are bought for two purposes—one for home use, and the other for speculation. He who buys for the latter reason, takes them to Mississippi, Louisiana, New Orleans and Texas.

MR. E. said, as to the isolated question of slavery, he, like his friend from Jefferson, believed it a withering blight on our State, and would go for its final extinction, if the whole race could be sent from our State; but he never could be content to let them remain as free peoplee amongst us. It would be worse for them and worse for us. But that was a subject we were not now debating, nor called upon to determine. Slavery is interwoven with our institutions. It should not be disturbed, till that sovereign power, now recognizing it, should determine to do it away. The question presented by the bill now before us is, shall our citizens all have equal rights under this institution? For, under the law of 1833, Mr. E. continued, a portion of our citizens, so far as any advantage was to be obtained, were literally disfranchised. One portion of the community was oppressed, and the other received, under the law, an advantage not reciprocal. Against a course of legislation, marked in all its features with so much insidiousness, he solemnly protested.

Sir, said MR. E., legislation might and ought to be reduced to science. A few general principles marked out, and well guarded, and embraced in general statutes, would well define our present action, and might determine, with some certainty, as to what future action would be wise legislation; but to be continually engaged in partial legislation, all was uncertain.—Every year since 1833 petitions have been pouring in to our halls, asking permission to import slaves. One member has his rule, by which he either grants or rejects the petitioner's prayer. Another prescribes his rule. One set of reasons might suit him, which is utterly repudiated by another. Sir, said he, pass this bill, modify as it proposes the law of '33, and this question is settled. Why, said MR. E., but yesterday, he had to datain the Senate for some time, in trying to get the prayer of one of his constituents granted, to bring a small negro into the State.—He thought it a good case; other gentlemen, equally sincere, differed with him in opinion, and honestly opposed what he believed to be right, and only asked for upon sheer justice.—He succeeded, it was true, but after consuming the time of the Senate, and, consequently, a useless expenditure of money. Had the present bill been the law of the land, this waste of time, together with much more time and money appropriated in the same way, might be avoided. He was for the bill, if properly guarded; if not, it could be so amended as to embrace the true principle, which was to let all the free citizens of Kentucky have a right to buy where and of whom they pleased a slave or slaves for their own use; and he did hope enough of Senators would agree with him, to consummate so desirable an object.

On motion of MR. HARDIN, the bill was referred to the committee of the Whole, made the special order of the day for Thursday next, and ordered to be printed.

Saturday, January 22d, the subject was again brought up. The unfinished order, the bill to repeal &c., the law of 1833, to prevent the importation of slaves, reads as follows:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the passage of this act, the citizens of this State shall be and they are hereby permitted to import into this State, from any one of the States of this Union, any slave or slaves, for their own use: *Provided*, that the person or persons, so importing said slave or slaves, shall, within sixty days from and after said importation, make oath or affirmation before the Clerk of the County Court where said slave or slaves were imported, that said slave or slaves were imported in good faith for his, her, or their own private use and benefit, and not as merchandize or for speculation or sale; and shall, also, make out a true and correct list of said slave or slaves, setting forth the age, name, color, and sex, of said slave or slaves; and shall, also, make an affidavit, and file the same with the Clerk of the County Court, that said list is true and correct, which list and affidavit aforesaid shall be recorded by the Clerk in his office; and the Clerk for recording the affidavit and list aforesaid, shall receive from the person or persons importing said slave or slaves, the sum of fifty cents for one slave, and ten cents for each additional slave, as a fee therefor.

SEC. 2. *Be it further enacted*, That if any person or persons shall falsely take the oaths prescribed in the first section of this act, shall be deemed guilty of the crime of perjury, and shall, upon conviction, undergo a confinement in the Jail and Penitentiary house of this State, for a term not less than one year nor more than five years.

SEC. 3. *Be it further enacted*, That all acts, or parts of acts, coming within the purview of this act, be and the same are hereby repealed.

MR. WILLIAMS offered the following amendment:

Be it further enacted, That if any slave be imported into this Commonwealth for merchandise, it shall be lawful for such slave to institute a suit in any court of competent jurisdiction, for his or her freedom, and upon a verdict and judgment in favor of such slave, he or she shall be, to all intents and purposes, a free person of color; and said suit may be instituted against any person who shall be his or her owner, whether that person be the importer or not. *Provided*, That unless said slave, in whose favor such verdict and judgment may be rendered, shall, within twelve months from the rendition thereof, leave the Commonwealth for the Republic of Liberia, he or she shall be liable upon the presentiment of a Grand Jury, to be arrested by *capias* from the Circuit Court to whom the presentiment is made, as if indicted for a felony; and upon the finding of a jury that the presentiment is true, the court shall order such slave to be sold, by the Sheriff, to the highest bidder, at such time and place as it may deem proper; and the proceeds of sale be paid by the Sheriff into the Treasury of this Commonwealth, he to be allowed two per cent. on the amount of sale, to be deducted therefrom, as a fee, and the Jailer to be allowed fees, as in cases of persons confined for felony.

MR. WILLIAMS addressed the Senate in favor of his amendment.

MR. HARDIN opposed the amendment on the ground of its conflicting with the constitution.

The debate was continued by Mr. Boyd in support of the amendment, and Mr. Grey in opposition, when

MR. EVANS called the previous question, and the question being put "shall the main question be now put," it was decided in the negative.

The debate was then continued by Messrs. Williams, Patterson, Boyd, Crenshaw and Fox, in support of the amendment, and Messrs Hardin, Speed, Smith and Wall against, and the question being put on the adoption of the amendment, the yeas and nays were demanded, which resulted as follows.

YEAS.—Messrs Boyd, Bramlette, Crenshaw, Draffin, Fox, Henderson, Hobbs, Holloway, McMillen, McNary, Patterson, Slaughter, Thomas, Thornton, Thurman, Todd, White, and Williams—18.

NAYS.—Messrs. Bradley, Brien, English, Evans, Grey, Hambleton, Hardin, Hawkins, Heady, Helm, James, Marshall, Russell, Speed Smith, Swope, Walker, Wall, and Young—18.

The vote being a tie, the Speaker voted in the negative, (believing the amendment unconstitutional,) and the amendment was rejected.

MR. HOBBS offered the following amendment:

Be it further enacted, That any negro brought into this State under the provisions of this act, who may be convicted and executed for felony, shall not be paid for by the Commonwealth.

On the motion to adopt, the yeas and nays were called, and resulted as follows:

YEAS.—Messrs. Boyd, Bramlette, Crenshaw, Fox, Hambleton, Henderson, Hobbs, Holloway, McMillen, Patterson, Russell, Slaughter, Thomas, Thornton, Thurman, Todd, Wall and Williams—18.

NAYS.—Messrs. Bradley, Brien, Draffin, English, Evans, Grey, Hardin, Hawkins, Heady, Helm, James, Marshall, McNary, Speed Smith, Swope, Walker, White and Young—18.

The vote being a tie, the Speaker voted in the negative, assigning the same reason for so doing as given before, and the amendment was rejected.

MR. FOX offered the following amendment, which was concurred in:

Provided, That no slave or [illegible] imported into this State under the provision of this act shall be sold or transferred within the State, by the person or persons importing the same for the term of five years, after the importation of said slave or slaves.

The question was then taken on reading the bill as amended, a third time, and decided in the negative. The Yeas and nays being called were as follows:

YEAS.—Messrs. Bradley, Bramlette, Brien, Draffin, English, Evans, Grey, Hambleton, Heady, James, Marshall, McNary, Russell, Thurman, Walker, White and Young—17.

NAYS.—Messrs. Boyd, Crenshaw, Fox, Hardin, Hawkins, Helm, Henderson, Hobbs, Holloway, McMillen, Patterson, Slaughter, Speed Smith, Swope, Thomas, Thornton, Todd, Wall and Williams—19.

On motion, the Senate adjourned.

House [illegible] on the law of 1833. Feb. [illegible]

A [illegible] of 1833, in [illegible] slaves; read.

Mr. [illegible] moved a call of the [illegible] the bill was an important one; carried, and [illegible] members were absent.

MR. TALBUTT offered to amend by adding a proviso that any slave brought into the State under this act, should not be paid for by the State if he commit felony and be executed therefor.

MR. T. D. BROWN was opposed to the amendment on constitutional and other grounds.

MR. WINTERSMITH thought the amendment not unconstitutional.

MR. WRIGHT hoped the gentleman from Bourbon (Mr. Talbutt) would withdraw the amendment. He could see no reason why the distinction should be made between owners of slaves, whether such owner brought him in or out of the State of Kentucky.

MR. TALBUTT offered the amendment to protect the State against any loss in consequence of bad negroes being imported, if this bill was passed.

MR. HANSON thought the bill an important one, and as there were on the call of the roll ten members absent, he was in favor of deferring the bill to a future day, and he moved to make it the special order for Thursday next.

MR. HUGHES' remarks will be given hereafter.

MR. BAILEY moved to lay the bill and amendments on the table.

The yeas and nays being called it was lost, 34 to 56.

MR. HARDY did not consider the amendment of the gentleman from Bourbon (Mr. Talbutt,) unconstitutional. That if the Legislature granted a privelege to men to bring in negroes, it has the right to say what conditions shall be attached to the privilege. He was in favor of the amendment and hoped it would be adopted. He was an old man and had seen the evil operation of the old law allowing free importation of slaves; and he wished to provide against a return of such a state of things.

MR. D. P. WHITE moved that the House do now adjourn. The yeas and nays being called it was carried, 50 to 39.

February 10. The question being on the adoption of the amendment of Mr. Talbutt, of Bourbon.

MR. HAGGARD was opposed to the amendment, but he was so warm a friend of the bill, that he should vote for it, even if the amendment was adopted. There had been some fifteen or twenty special laws passed this session, virtually modifying the bill, and he was in favor of extending the like privileges to all.

MR. HARDY continued his remarks commenced yesterday. He thought the bill was not a modification of the law of 1833, but virtually a repeal, and did not deserve the title of modification. The operation of the bill would be to open the door for bringing in evil disposed and bad negroes, and he was in favor of the amendment which guarded the State against any loss by the execution of such slaves for crimes. He believed that the passage of this bill would admit bad and vicious negroes, and in that way would afford ground [illegible] which the abo[illegible] would [illegible] opposition to [illegible] Kent[illegible] with indig[illegible] insin[illegible] an abolitionist[illegible] Mr. [illegible] mind the amen[illegible] was con[illegible] for the provision [illegible] pay for a [illegible] executed, was a statute enacted out of mere public policy alone. The execution of a negro was not taking property for public use; but it was upon the principle that the negro was a nuisance, and the Commonwealth had a right to abate it. He thought the passage of the law without the amendment, would result in great injury to the public. If there was to be a modification at all, he was in favor of such a modification as would protect the community against any loss by it. There had been already paid out of the Treasury, $59,875 61 for bad negroes, and the passage of this bill without the amendment, would increase the amount annually.

MR. TOWLES said the gentleman from Louisville (Mr. Speed,) had said the act of '98 was one of policy, he did not so consider it. He referred especially to the 12th section of the constitution as being the article under which he construed this amendment as unconstitutional.

If the gentleman contended that slaves were not property, let him ally himself with the abolitionists so much denounced upon this floor; but they are universally by our law treated as property. The only question then was, are slaves property? If they are, which he presumed would not be denied by any gentleman on this floor, then the taking of them by the State for execution or any other purpose, was the taking of private property for public use—as well might the State convert my ox which may have gored a man, for public use as to take my slave. The fact that if the amendment was adopted, a person buying a slave would know the conditions under which he brought him into the State, would not obviate the constitutional objection "that private property should not be taken for public use, &c." He could not consider the amendment as constitutional, in any view that could be taken of it. The act of '98 was passed to prescribe the manner of obtaining the value of the slave or slaves executed. It was as much for the interest of slave purchasers to buy well disposed and industrious slaves and to punish those guilty of crime, as it was for the State to have it done.

MR. COLLINS did not think the amendment unconstitutional. A man could be kept from the State, even under the United States Constitution, because he had a contageous physical disease; had not then the State the right to prohibit the entrance of a person diseased with a *moral leper?* To answer all the fancies of the imagination of the gentleman from Henderson, (Mr. Towles,) would be quite different from answering the constitutional argument; he proposed only to answer the latter. The slaves are property for one purpose, but accountable beings for another purpose, and a person owning such property, must own it under the conditions of the franchise, granting the right to bring them in the State. Abolitionism has been insinuated to those who oppose this bill, but I will do my duty in spite of any such insinuations.—I own slaves, and will own and sell them, but "*ex necessitate*" only. It is urged that the friends of the amendment do not intend to vote for this bill; it is so, but I am anxious to make it as perfect as possible, before putting it upon its final passage, so as to be prepared with as good a bill as possible, if it shall pass.

MR. TOWLES repelled the idea of having cast any Abolition insinuations.

MR. WRIGHT referred to statistics in relation to the amount of money paid by the State for slaves executed, showing that the amount annually paid before the passage of the law of 1833 was less than the corresponding number of years since its passage.

MR. TALBUTT explained the reason of such a state of things. That it was owing to certain insurrections, as one cause, and another was the difference of the price of slaves, &c.

MR. BOWLING did not deem it worth the while to argue the constitutional question of this amendment, as he believed the whole law of 1833 unconstitutional. The fact that the constitution gives to the Legislature the right to prohibit the bringing of slaves into this State for merchandize, implies the right to bring in for their own use.

This is a monopoly, and he opposed it, and was in favor of its modification, upon the grounds of policy. By prohibiting the purchase of, and the bringing in slaves from another State, has a tendency to support a monopoly of the slave owners of this State. He did not see the justice of allowing compensation for slaves now owned in the State, and not for those who may be brought in hereafter. If a slave bought out of the State should be killed by a slave now owned in the State, the owner of the latter would receive pay for his slave, if executed, and the former would not.

If this modification is passed, the persons who are poor and compelled to purchase slaves out of the State, would not be placed upon the same ground as those wealthy owners who had purchased them in this State, thus making a distinction to the disadvantage of the poor man. This law is unequal in its operations, for those who live in the interior of the State have the liberty to purchase slaves on every side of them, when those living in the border counties, have only the liberty or right of purchasing on three sides.

MR. HANSON thought the statistical reference [illegible] by the gentleman from Hickman, (Mr. [illegible]) if examined into a little, would not [illegible] weight.

[illegible] in favor of the amendment, and would [illegible] it extend to all slaves, for as the law now is, the interest of the master does not prompt him to oppose the convention of a slave, and the criminal law was administered upon slaves with an iron hand unmingled with mercy.

Owners of slaves in our State when they sell slaves always sell the worst and immoral ones, and is it not to be supposed that owners of slaves in other States would not do the same? Most certainly it is.

The amendment of Mr. Talbutt was then lost, 42 to 53.

MR. WINTERSMITH offered to amend by prohibiting the sale of slaves imported at any time within five years thereafter.

MR. WRIGHT moved the previous question.

The question being taken "shall the main question now be put?" The yeas and nays being called, it was carred, 58 to 36.

MR. HANSON moved that the House do now adjourn. The yeas and nays being called, it was lost, 24 to 71.

MR. HAGGARD moved to re-consider the vote by which the previous question was seconded.

MR. HANSON thought this a very important bill and he hoped the House would not refuse to give an opportunity of debating it.

MR. TOWLES thought the House, as demonstrated by the call of the yeas and nays, was as full as it would be this session, there being 95 members present.

MR. HAGGARD said he moved a re-consideration for the purpose of settling the matter now, and order the bill to its third reading, at which time it could be debated.

MR. T. D. BROWN had never called the previous question, and he never would. He was in favor of allowing full and free discussion on all matters.

MR. HAGGARD then withdrew the motion to re-consider.

MR. HANSON moved that the House do now (half past two) adjourn.

The yeas and nays being called, the motion was lost; 42 to 54.

The question being on the adoption of the amendment offered by Mr. Wintersmith, the yeas and nays being called, it was lost; 44 to 50.

The question now being on ordering the bill to its third reading, the yeas and nays being called, it was carried; 55 to 40.

MR. HAGGARD moved that the bill have its third reading by its title *now*.

MR. HANSON moved that the House do now adjourn; lost.

The SPEAKER decided the motion out of order, unless the constitutional provision and rule of the House were dispensed with; the bill on this day having been ordered to be engrossed, in order to its third reading, and the engrossment not having been made.

MR. T. D. BROWN appealed from the decision of the chair.

That point of order was discussed by Messrs. Collins, Wintersmith, T. D. Brown, Hardy, Haggard, Towles and Newell

It was moved that the House do now adjourn. The yeas and nays being called it was lost; 41 to 50.

MR. TURNER moved a call of the roll, and ten [illegible] absent.

[illegible] HANSON moved a call of the House; done: absentees were excused.

MR. BUSH moved that the House do now (four o'clock) adjourn; the yeas and nays being called it was lost, 37 to 56.

MR. T. D. BROWN withdrew the appeal from the decision of the chair.

MR. WRIGHT renewed it.

The question of order was discussed by Messrs Wintersmith, Combs, Collins, Hanson, Harris, Hughes, Hardy, T. D. Brown and Cavan.

The question now being, "shall the decision of the chair stand as the judgment of the House?" the yeas and nays being called the chair was overruled, 41 to 49.

MR. T. D. BROWN moved that the House do now (five o'clock,) adjourn, but withdrew on request.

The bill was then read a third time, when

MR. WINTERSMITH offered an amendment as an engrossed ryder, prohibiting the sale of slaves imported, at any time within three years thereafter.

And then the House adjourned.

FEB. 11.—The question being on the adoption of the amendment of Mr. Wintersmith, it was withdrawn.

MR. JUDD offered an amendment, by way of engrossed *ryder*, prohibiting the using of imported slaves, for merchandize, &c.

MR. HUGHES was opposed to the amendment, because it prohibited the sale of slaves even to go out of the State; he was in favor of an amendment prohibiting the sale at any time within three years, after importation, to remain in this State. He hoped the amendment would not be adopted, as a proper one would then be offered.

MR. MCKINNEY moved a call of the roll—eight were absent.

MR. MCKINNEY moved that the absent members be sent for; lost.

The question being on the adoption of the amendment; the yeas and nays being called it was lost, 36 to 56.

MR. BAILEY then offered to amend by way of engrossed *ryder*, making the owners of slaves imported, liable in damages to the person injured, for specific depredations committed by such imported slave or slaves.

The yeas and nays being called on the adoption of the amendment, it was lost; 22 to 71.

MR. CHILTON then offered to amend, by way of engrossed *ryder*, prohibiting the sale of slaves imported, at any time within three years after such importation, to remain in this State.

MR. NEWELL hoped the amendment would be adopted, as it was a sufficient bar against bringing in slaves for merchandize, and that was what the friends of this bill wanted. They only wanted the privilege of importing slaves for their own use, and did not ask it for merchandize. He advocated the amendment and opposed the bill.

MR. HUGHES agreed with the gentleman from Harrison, (Mr. Newell,) that the friends of the bill should vote for the amendment. He did not wish to pass a bill that would open the door for the influx of all the refuse negroes of other States; and neither did any friends of the bill wish it. No man would wish to bring into the State a slave for his own use that was a cut-throat, a barn-burner, &c. No friend of the bill wished to make Kentucky a depot for slaves, they only wanted the right to go to other States if they desired, to purchase slaves for their own use and that only. He would not cast any insinuation of Abolitionism against the opponents of this bill, far be it from him to be guilty of such an act. This amendment threw all the necessary safeguards around the bill for its opponents even, and it was nothing more than its friends were willing to adopt. All its friends wanted, was to have the liberty to purchase slaves where they could do it to the best advantage and not be compelled to purchase them of the aristocratic slave-holders of Kentucky. He was in favor of "free trade and sailor's rights," in this matter at least, although he did not go the entire views of that party.

MR. WILLIAMS said, different men were calculated for different occupations—some were for farmers, some mechanics, some phrenologists, some dentists—every man should pursue the course he could best make a living out of. Some gentlemen would go to Japan and all over the world, on a little question that wasn't six inches long. He wanted to have men remember that this State was composed of different kinds of soil. In the interior they could raise stock of the best kind, with much ease; but in the exterior, they had to grasp, like drowning men at straws, to get a living. He wanted to tell them in his left-handed manner, that they had worked themselves almost to their graves, and now they wanted some slaves to wait on them in their old age; they did not want to go and buy a slave out of jail, but they wanted good slaves. He had got slaves, and they loved him better than the members of this House did, he believed, and if slave owners would treat their slaves right, there would be no difficulty, and no room for grumbling. When people live to be old, and their children are all married off, he wanted the right to go to any place he chose to buy slaves, and not be compelled to come into the interior and pay two prices for one slave. He was opposed to the amendment, for he believed that every man should have the privilege of getting a living as he was a mind to; but he was much in favor of the bill, and hoped it would pass.

The yeas and nays being called on the adoption of the amendment, it was adopted, 79 to 17.

MR. HAGGARD said he was opposed to the amendment just adopted, although he voted for it. He was satisfied that the friends of the bill had murdered it, by adopting the amendment, and he would move a re-consideration. The friends of the bill had the power in their own hands; they had received no quarter from its enemies, and he hoped that its friends would take it and pass it through as it was originally introduced. He was willing to have the bill fully discussed, and that was his understanding when the previous question was called yesterday, and he was then in favor of suppressing amendments. He hoped the vote just taken would be re-considered, because the friends had been fighting for the bill for the last ten years, and much time had been consumed in the discussion, and now when it was in their power to pass it, he hoped they would come up and boldly carry it through upon its merits.

He did not accuse the opponents of this bill with being Abolitionists, but he had been informed that the person who introduced the law of 1833, was an Abolitionist. He would go to any length, to punish them and ward off their abominable actions and machinations. The law of 1833 was a monopoly for slave owners of Kentucky, and it was made a tool by the Michigan Abolitionists to promulgate their damnable views. Then he hoped the friends would use the power they now had to pass it, and would re-consider the vote just taken, rid it of its killing amendment and then pass the original bill.

He now moved a re-consideration of the vote adopting the amendment.

MR. HARRIS advocated the motion.

MR. HANSON was surprised to hear the gentleman from Cumberland, (Mr. Haggard,) rise up and oppose an amendment just adopted by a vote of 70 in its favor, and for which he had voted. The gentleman from Union, (Mr. Huges,) was an honest man and would, he doubted not, defend the assault made upon his position. The amendment was adopted by the votes and advocated by the friends of the bill, and by none more eloquently and ably than by the gentleman from Union whom he knew to be an honest, candid and thinking man, and he would like to hear from him again.

MR. HAGGARD withdrew his motion to re-consider.

MR. DOHONEY moved the previous question.

The question being taken "shall the main question be now put?" the yeas and nays being called it was carried, 54 to 41.

The question being on the final passage of the bill; the yeas and nays being demanded, the vote stood as follows:

YEAS—Messrs. Abell, Allin, Ballingal, Barlow, Bell, Blanton, Bourland, Bowen, Bowling, Boyd, Bozarth, J Brown, Carlisle, Chilton, Christopher, Cockrell, Coleman, Conner, Dohoney, Dougherty, Duncan, Eaker, Elliott, Field, Floyd, Gaines, Grubb, Grundy, Haggard, Harrold, Harris, Hatfield, Headley, Hogg, Holmes, Hughes, Johnston, Lightfoot, McReynolds, Railey, Shawhan, Short, Soery, J. Stevens, Towles, Wall, Warren, D. P. White, Williams, Wilson, Woosley, Wright and A. Young—53.

NAYS—Mr. Speaker, Messrs. Askins, Bailey, Beard, Beeler, Berry, Bilderback, Boulware, T. D. Brown, Bullock, Bush, Cavan, Collins, Combs, Culton, Garnett, Grainger, Hamilton, Hanson, Hardy, Ireland, Judd, Kerrick, McKinney, Miller, Moore, Newell, Pearce, Pratt, Price, Quarles, Smith, Speed, J. N. Stephens, Talbutt, Taliaferro, Thomas, Turner, M. E. White, Wilkins, Wintersmith, Wood, Wolford and S. Young—44.

MR. SOREY voting in the affirmative, stated that he was opposed to the amendment but was so much in favor of the bill itself, that he felt bound to vote for it, even with the objectionable amendment.

MR. S. YOUNG voting in the negative, stated his reasons to be, that he came here in favor of a modification of the law of '33, but upon mature reflection, with an eye to the near and certain approximation of a Convention, he had determined to vote against this bill, believing that the Convention would establish a firm and undisputable ground upon this great subject.

MR. WOLFORD moved that the House do now (half past two,) adjourn. The yeas and nays being called, it was carried, 48 to 46.

SENATE, February 16; the Bill from the House.

A bill from the House, to modify the act of 1833, to prevent the importation of slaves into this State; read once, and the question being shall the bill be rejected, was decided in the affirmative, by the following vote:

YEAS—Messrs. Boyd, Fox, Hardin, Hawkins, Helm, Henderson, Hobbs, Holloway, McMillian, Patterson, Russell, J. Speed Smith, Slaughter, Taylor, Thomas, Todd, Wall and Williams.—18.

SENATOR RUSSELL said, in casting his vote he wished to say that he was in favor of a modification of the law of '33, and would willingly vote for one which would do away with the special legislation which the Legislature is annually called upon to enact—the present bill he did not believe would accomplish that object, but would have a contrary effect—persons importing slaves under its provision, would be continually calling upon the Legislature to permit them to sell the vicious and unmanageable slaves they had purchased; he should, therefore, record his vote against the second reading of this bill, as it was intended to be the test question.

NAYS—Messrs. Bradley, Bramlette, Brien, Draffin, English, Evans, Grey Hambleton, James, Marshall, McNary, Rice, Swope, Thurman, Walker and White.—16.

So the bill was rejected.

Central America.

In order that the reader may fully understand the situation of this country, and the importance of the subject, we will give a hasty sketch of the position, power, relations and influence of the States which occupy the important neck of land which connects the two great American continents. This country stretches from the southern limit of Mexico to the northern limit of Colombia—from Chiapas and Yucatan to the neighborhood of the Gulf of Panama. In length, it is 1,000 miles, and in breadth varies from 90 to 250 miles. This country is divided into six Federal States, which were detached from Mexico, of which they once formed a part, about the time the plan of Iguala was adopted. These States are governed by laws and institutions chiefly borrowed from the United States, and are confederated together in a similar manner to our States. They contain about 2,000,000 population, of whom 482,000 are whites, 740,000 Indians, and 778,000 Ladinos or mixed races. The progress of these States, in improvement and cultivation, has been greater than that of any of the States of Mexico. It has been their object and emulation to adopt or imitate, as closely as possible, the characteristics of the United States, and in furtherance of this purpose they have repealed the provision which exists in the Mexican, and the constitutions of all the Spanish States forbidding all other religions except the Catholic. They have further reproved our own backwardness in adopting as their penal code the admirable system of criminal law prepared by Edward Livingston for the State of Louisiana. This country is beautifully situated in regard to commerce and agriculture. It is composed of a due proportion of coast and mountain land. It is well watered by fine navigable streams, and has an abundance of fine harbors on both seas. The chief productions of the country are agriculture, and their exports amount to little short of $3,000,000, whilst their imports are nearly as great. Their mines are very rich, and, if well worked, would greatly increase the amount of their exports.

In addition to the federal States of Central America, the British Colony of Honduras forms an important part of this region. It forms the North-west coast of the Honduras Bay, South of Yucatan, and North of Guatemala, and extends more than 100 miles along the coast. Great Britain acquired this territory from Spain, by the same treaty which transferred Florida to the British crown; but it was never quietly possessed by the latter power until 1798. The principal British settlement is at the Belize, a town of some commerce, and of a population of 3 or 4,000, mostly mulattoes and Indians. This is, perhaps, the only colony which Great Britain has whose revenue exceeds its expenditures. A large trade is carried on here, chiefly by Americans and British, in mahogany, logwood, cochineal, fruits, &c.—*N. O. Delta.*

My Native Home.

In the summer of 1800, Mr. John Quincy Adams, then minister at Berlin, made an excursion through Silesia, and visited the Giant Mountain, the highest land in Germany. It was the custom for travellers, after they had visited it, to write their names, and some sentiment, in a book kept at a cottage on the side of the mountain. Mr. Adams was the first American that had ascended this mountain, and he thus describes his sensations:

"Sentiments of devotion, I have always found the first to take possession of the mind on ascending lofty mountains. At the summit of the Giant's head, my first thought was turned to the Supreme Creator who gave existence to all that immensity of objects that expanded before my view.—The transition from this idea, to that of my own relation, as an immortal soul, with the author of nature, was natural and immediate: from this to the recollection of my native country, my parents and friends, there was but a single and a sudden step.—On returning to the hut, where we had lodged, I wrote the following lines in the book:

"From lands beyond the vast Atlantic tide,
Celestial freedom's most belov'd abode,
Panting, I climb'd the mountain's craggy side,
And view'd the wond'rous works of nature's God.

Where yonder summit, peering to the skies
Beholds the earth beneath it with disdain,
O'er all the regions round I cast my eyes,
And anxious sought my *native home*—in vain.

As to that native home, which still infolds
Those youthful friendships to my soul so dear,
Still you my parents, in its bosom holds,—
My fancy flew, I felt the starting tear.

Then, in the rustling of the morning wind,
Methought I heard a spirit whisper fair:
'Pilgrim forbear, still upwards raise thy mind,
Look to the skies, thy *native home* is there.'"

Mr. Layard and his Researches at Nineveh or Nimroud.

At the ordinary meeting of the Royal Institute of Architects, on the 10th January, Mr. Tite introduced Mr. Layard, who, in some remarks on his recent researches, stated that the date of the ruins discovered was still a mystery, but there could be no doubt of their extreme antiquity. He would afford them one proof of it: the earliest buildings in Nineveh were buried, and the earth which had accumulated over them had been used as a burial-place by a nation who lived 700 years before Christ. Probably the buildings dated from 1,200 years before Christ.

The rooms were lined with slabs of marble, covered with bas-reliefs, such as those now in the British Museum, which were joined together by double dovetails of iron. The door-ways were flanked by winged figures of greater height than the slabs: on all these figures was the mark of blood as if thrown against them, and allowed to trickle down. The walls were of sun-dried bricks, and where these showed above the sculptured slabs, up to the ceiling, they were covered with plaster and painted. The beams, where they remained, were found to be of mulberry. That the slabs should have been preserved so long, puzzled many.

In truth, however, the bricks, being simply dried in the sun, in falling had returned to earth, and had thus buried the tablets and protected them. The buildings, he said, were provided with a complete system of sewerage. Each room had a drain connected with a main sewer. Mr. Layard then proceeded to say, that in the midst of the ruins he had discovered a small chamber, formed of bricks regularly arched. The bas-reliefs sent over by him were, in many cases, found in positions showing that they had been taken from other buildings and re-used: the sculptured face of the slab, for example, was turned to the wall, and the back re-worked.—*Builder.*