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BY GEORGE HOWARD,

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CONGRESS.

SPEECH

Of the Hon. EDWARD STANLY, in the House of Representatives, on the 28th April, in the debate on the Duel Reports.

Mr. STANLY asked the Speaker if the question before the House was upon the postponement and the printing of the report. (The Speaker answered in the affirmative.) Mr. S. then said the debate had taken so wide a range, and so many matters had been discussed, not at all connected with the subject, that it was necessary to inquire, that his remarks might be confined to the matter immediately before the House.

I have not been able (Mr. S. continued) to hear the whole debate upon this subject, and I regret it exceedingly; for I should doubtless have been highly entertained, and materially profited, by the learning, information, and ingenuity of the various gentlemen who have addressed the House upon this matter. I am anxious, sir, to occupy the time of the House but a few minutes, and shall therefore avoid a repetition of arguments which have been advanced and maintained by gentlemen better able to do justice to the subject than I am. I shall proceed to notice the arguments in the order in which they were made. And first, sir, let me thank the able jurist from Tennessee, (Mr. Turney,) for his highly interesting dissertations upon the law, not only of Tennessee, but of almost all the States, relative to grand juries. From the extent of this gentleman's information, I should, sir, if it be proper to express an opinion, venture to say that he well deserves a place on the judiciary committee. His views of the laws of sheriffs and sheriffs' sales—most strangely brought into discussion here—possess the merit of novelty, at least; and I shall not be guilty of the presumption of denying his positions, but will merely say, that if he will take the trouble to look more minutely into the laws of other States, he will find he labors under misapprehension; and, if the gentleman will pardon me, I rather think he had in his mind some of the laws of the republic of Franklin, (or Frankland,) and not those of the enlightened State of Tennessee.

It was urged as an argument against the printing of this report, that the committee had exceeded their powers; that they had passed judgment upon several members of this House, without giving them a chance of being heard in their defence; and that to publish this report, under such circumstances, would have the effect of making unfavorable impressions on the public mind as to the conduct of those who were concerned in this transaction.

To this the learned gentleman from the judiciary committee replied, that to suppress the report would do much more to 'blast the character' of those gentlemen than to publish it; and that it was our duty first to publish the report, and then examine whether the committee have exceeded their powers! Now, sir, I cannot see the force or propriety of this argument. If an idle boy should present a gun at his companion, and be told, Take care, it may be loaded! he might with as much reason say, I will shoot first, and then see! Here is a report, alledged to have been made from improper testimony—a one-sided report, made by persons opposed, violently opposed, in their political feelings and opinions—well calculated to injure more than one member of this House in public estimation; and we are told, publish this, send forth to the world this resolution for expulsion, those for censures, and then we will examine if we have been right in so doing. But, sir, I leave the learned gentleman—learned in the laws "of most of the States"—and assure him, with all sincerity, that the ingenuity of his argument suits his law opinions, and his law opinions his argument.

Two gentlemen from New York (Messrs. Parker and Foster) have also addressed the House upon this subject, and they both ask who it is that complains of the pro-

ceedings of the committee, who asks for time and evidence, who sets up these pleas in abatement, as they are pleased to call those rules in Jefferson's Manual; and they are generous enough to intimate that they would be willing to allow them a little time, upon sufficient cause shown, to provide for their defence, if they come forward and ask it for themselves.

Mr. Speaker, I answer the benevolent gentlemen from New York, and tell them that those who interpose what they call "cobwebs of form," do not ask, do not supplicate for any favors at their hands, or from this House. We who set up these pleas are those who believe we are protecting the interests of ourselves and our constituents, guarding the honor and dignity and feelings of members who are not asking kindness from us, but who demand a fair and impartial tribunal to investigate their conduct. For one, I shall require that the interests and feelings of those they represent shall be looked to by us; I demand it as a representative of a high-minded people, who would be unwilling to see justice done to any representative. I ask, sir, do these gentlemen know against whom they are proceeding? With respect, I must say they forget themselves. They speak as if they were sitting in judgment upon the conduct of criminals and felons. Sir, the gentlemen whom they have so unexpectedly arraigned are their equals on this floor; they represent, under the Constitution and laws of our country, as respectable a body of men as any of those to who so unwarrantably have undertaken to try them. They have rights and interests to represent and protect here, and for me, they shall have, on their own account, if no other reason was given, all that the Constitution and laws entitle them to.—They shall have all their rights, whether they ask for them or not. Would those gentlemen require of the members whose conduct this committee have been investigating, to file an affidavit and continue this trial? If the gentleman from the Judiciary Committee will pardon me for touching upon his branch of business, I would say this is not a case to require an affidavit. We are told, sir, rather with an air of boasting, that these gentlemen have been allowed the privilege of cross-examination. What is the value of such a privilege, constituted as this committee was? Wonderful clemency, to give them a right they could not exercise! Look to the journal of this committee, and see how often questions were objected to, and we shall see that this privilege was worth little.

Mr. Speaker, I shall dwell no longer upon the remarks of the gentlemen from New York. They have been swept away by the able gentleman from Virginia, (Mr. Robertson,) and I shall not, therefore, fatigue you by any thing further upon these "cobwebs."

I have not been able, sir, to sit still during this most extraordinary and unprecedented proceeding, without feeling some excitement. But deeming it my duty not to trespass upon our time, merely to gratify my own feelings, I should have continued silent, as I have hitherto done, but for an argument which has been boldly advanced by more than one gentleman who has taken part in this discussion. It is this, sir: That the petitions which were referred to the committee, praying for the expulsion of several members of this House, gave to this committee the authority to report these resolutions for expulsion and censure. Now, sir, I cannot consent to this; I must protest against it. This argument, coming from some parts of our country, would not surprise me. But, sir, the gentleman from Georgia holds up some of these petitions in his hands; he desired them to be read; and he says, too, that the reference of these petitions conferred the authority to report these resolutions. Does the gentleman from Georgia (Mr. Grantland) not see how this argument, upon other petitions, may be used against him? A gentleman, too, coming from a part of the world representing what we call the interests of our "peculiar institutions." Mr. Speaker, I am not going to discuss this question; I shall observe the resolution of the 21st December strictly. You need not, therefore, be ready to make "suggestions" as to rules; I promise you to keep in order.

Let me suppose that another Congress is in session; that petitions are poured in upon us, praying for the abolition of slavery, not only in the District of Columbia, but for the regulation of commerce between the States to forbid the selling of slaves. These petitions, if the resolution of 21st December is rescinded, may be referred to the Committee for the District of Columbia, or to a select committee. And now, sir, let me suppose that we have an abolition Speaker in that chair, and he ap-

points a committee to suit his own notions, and these petitions are handed over to them. They not only pray to abolish slavery, but they are sometimes couched in the most indecorous, shameful, and abusive language; they represent slavery as a "wrong and an evil, irreconcilable with the principles of natural justice and humanity, forbidden by the precepts of Christianity, and at war with the free principles of our Government." And to a committee who entertained such opinions, and had such a precedent as is now attempted to be established, it would be regarded as a bounden duty to report a bill granting the requests of the petitioners. And would the gentleman from Georgia then admit that the reference of the petitions conferred the authority? No, sir; I will not do him the injustice to think so for a moment. Yet he could, with as much propriety, say so then as he does now, and let me ask him to think to what extent this authority may be carried. These petitions may pray for the expulsion of those who are guilty of violating the "precepts of Christianity," and there might be 'select' committees who would gratify popular clamor, by reporting resolutions to carry into effect the prayer of the petitions.

Mr. Speaker, I have said all that I felt bound to say, in discharge of my duty, as a Southern man. But for this argument just referred to, I should not have taken part in this discussion. I have stated it as briefly as possible, and shall, as I promised you, observe the rules, and not express any opinion of the course which I have supposed might be pursued hereafter. I will not, however, resume my seat without noticing some of the remarks which fell from the chairman of this committee.—This gentleman commenced his last speech with becoming solemnity, and I confess, sir, I was startled as his sepulchral tones fell upon my ear. It was his solemnity of tone and manner which attracted my attention, no doubt in accordance with his feelings. He spoke lamentably, I thought, when I turned round, I should see Hamlet's ghost, marching down the aisle, with extended arm, telling his friends—

This visitation
Is but to whet thy almost blunted purpose."

From that gentleman's position, I did expect a moral essay. I did expect some logic in defence of his conduct. But, sir, his whole speech excited the most indignant feelings in my breast. He too, sir, (and I am not surprised at it,) takes the ground that the petitions conferred the authority on the committee; that these petitions pray for the expulsion of certain members of this House, and call them by name. And, sir, let me ask him, if he was so anxious to gratify the desires of these petitioners, why does he not report a resolution for the expulsion of all concerned? The petitions, some of them, pray for the expulsion of the whole. Was no other member of this House concerned? Did not the petitions pray for the arraignment of James Watson Webb? But these kind judges, so anxious to discharge their duty strictly, measure the punishment, not as the petitioners wished, but as they believed just and expedient. They determine who shall be expelled, and who censured, and who shall be most severely punished, by no further notice!

The gentleman from Connecticut did not reply with great courtesy to the venerable gentleman from Massachusetts. He commenced with a gross, I will not say intentional, perversion of his argument. He says the gentleman from Massachusetts (Mr. Adams) said, "this committee had committed a greater breach of privilege than one who has imbrued his hands in his brother's blood." No one who heard the remarks of the gentleman from Massachusetts will say that he used language of this sort; it belongs to the chairman alone: no other member has thus spoken. It is not my part to answer this remark of the gentleman from Connecticut; I shall not, therefore, say more of it than to call the attention of the House to the language used by the chairman. 'Imbrued his hands in his brother's blood' is language becoming another place and a different business from that in which we are now engaged. I have heard it, sir, in courts where they were trying one who had been 'moved and instigated by the devil,' and who had, with 'malice aforethought,' taken away the life of a fellow-creature, from no motive of self-defence, impelled by no respect for the opinion of the world, but to gratify malice, or to acquire the filthy lucre of this world. I say, sir, it is highly improper here. If it is intended to excite passion, and inflame prejudice, it deserves the severest reproof. It is evident, sir, this chairman has mistaken his business. Instead of inquiring into the breach of privilege, he has been seeking out some method of punishing an offence against Divine command. But, sir,

I expect that this is not all I must notice with disapprobation. The chairman alluded to the 'better* days' of the gentleman from Massachusetts, as he was pleased to call them. I shall not undertake the defence of the gentleman from Massachusetts; he needs none. He is well able to take care of himself. He has been nearly half a century in the service of his country, and if there was no other consideration, this entitles him to respect. I felt surprise at hearing such remarks from one from the land of steady habits, and I felt indignant at hearing such language applied to an old man—to one who had been the First Magistrate of the first nation in the world. What did he mean by his better days? I have been taught to believe that a man's better days were the days of his old age. Sir, his better days are now. The gentleman was mistaken if he meant his physical powers are decayed. His mind grows stronger, then, as his body decays. I am willing to believe that these words escaped the chairman in the heat of debate, and upon reflection he will regret the expression.

I had intended to notice the remarks of the Chairman, upon the various cases he cited, but it would be unpardonable presumption to attempt to say more upon this. The able gentleman from Va. (Mr. Robertson) in a masterly manner has sifted this argument, and there I leave it, with a single remark. In the cases cited, no one was taken by surprise, every body knew and expected what was to take place. The individuals themselves, who were most interested, knew what was going on, and had notice to prepare for it.

I ask, sir, did any man suppose these gentlemen, whom we are now trying, (as some of us think) were to be put on their trial for any high offence? No one thought so; they themselves had not the most remote idea that they were giving testimony against themselves before this grand jury, who were also to be their judges. If this be your trial of the Representative of a respectable portion of our People, you are more unjust to him than we are in our part of the world to the vilest of the vile. In some of the States, the laws of which have escaped the notice of the gentleman from Tenn. (Mr. Turney,) we give a right to challenge jurors, to select a jury, and we sometimes exclude those who have formed and expressed opinions even upon rumor. In a trifling matter of pounds, shillings and pence, we give an impartial jury. And yet, sir, if the course recommended by the committee is to be pursued, you will deal with greater severity towards a member of this House, than any Court in our country would with a felon. Expulsion from this House would be to an honorable man worse than death, and this is sought to be done by a verdict of those who had made up their opinion beforehand, and believe they were instructed to do so, to gratify the people!

Mr. Speaker, if you thought, sir, that the members whom this committee are seeking to punish were to be put on their trial, you would not have selected a party committed for the purpose; you could not have been guilty of so flagrant a violation of the rules of propriety; you could not have treated so disrespectfully, so outrageously trampled on, the rights of those they represent. If you had thought this proceeding to inquire and investigate was a trial of members, you would not have given a packed jury. I will not think you could do an act so unworthy of a member of this House, and of the chair you now occupy; you could not, you would not, you dared not, have been guilty of such outrage, without disrespect to their constituents and to your own. You would have given them an impartial tribunal, and not one which had already formed opinions, and were ready to condemn. You would not have denied to a Representative on this floor the privilege ordinarily given to a felon.

Mr. Speaker, I will not trouble the House longer. In raising my voice against the construction this committee put upon the reference of these petitions, I have discharged my duty. I voted against the appointment of this committee, not from a wish to prevent inquiry into any breach of privilege, but because I saw we were proceeding under the influence of feelings highly excited. I wished for the postponement recommended by the gentleman from Tenn. (Mr. Bell,) that reason might resume her throne, that passion might pass away, and we could act with deliberation. This was denied. The consequence has been, that those who we thought were a committee of investigation have been acting as judges and jurors; as a Court to punish offences. I conclude,

* 'Better days' was the term employed by Mr. Toucey in debate, though he has been differently reported in his printed speech.

sir, with demanding on my own account, for those now implicated, for our mutual rights, a fair and impartial tribunal.

Several members having made some remarks—

Mr. TOUCEY here asked the reading of a document which he sent to the Clerk's table. He said, before he took his seat, he did not know but he ought to notice the remarks of the member from North Carolina, (Mr. Stanly,) who had seen fit to raise his puny voice, and to brandish his dagger of lath on this occasion. That member had gone out of his way, and volunteered his services to interfere between Mr. T. and the gentleman from Massachusetts, (Mr. Adams,) who had made a violent attack upon the committee. He had said that the House had expected from Mr. T. a moral essay, but had been disappointed. Mr. T. could not say as much respecting the member from North Carolina. For the House, he was very sure, had expected from him no essay of any kind.

The document having been read—

Mr. BOON made some remarks.

Mr. W. C. JOHNSON obtained the floor,

and was about to address the House, when he yielded it at the request of

Mr. STANLY, who said: I am happy, Mr. Speaker, indeed, sir, I am proud, that the honorable chairman of this Investigating Committee has so kindly condescended to "notice" me. It is an honor I will endeavor duly to appreciate; a notice, although unfavorable, from so distinguished a gentleman, cannot but excite pleasing emotions.

The distinguished chairman of this committee says he did not expect an essay from me. If, sir, I have said any thing worthy of being listened to by the House or any member of it, if I have advanced arguments entitled to any respect, I have the advantage of the chairman. From him something was expected. We got nothing—nothing at least like argument or reasoning. And nothing was expected from me; but it seems something came, which has attracted his especial notice.

He complains, sir, that I censure him for words spoken in the "heat of debate." Now, sir, I endeavored to palliate his conduct, by using these very words, and said I had no doubt he had uttered this language, to which I took exception, "in the heat of debate," and, in his calmer moments, he would undoubtedly disapprove of them. I was more charitable than the chairman gives me credit for.

Next, sir, he says that I "interfered" between the honorable gentleman from Massachusetts (Mr. Adams) and himself. He greatly mistakes my arguments, and my conduct, if he calls this interference. I surely did not intend to interfere, sir, between the gentleman from Massachusetts and this modest chairman, who deems himself his match. I only exercised a privilege I thought, and still think, I was entitled to, in replying to remarks made in debate upon a question before the House. I have no doubt this chairman would be exceedingly glad to make up an issue upon this matter between the gentleman from Massachusetts and himself. He must allow me to say, notoriety, in this mischievous proceeding, he seems to be seeking greedily; and, rather than be without it, or for fear of not having enough, he is willing to take it at the hands of the gentleman from Massachusetts. Mr. Speaker, this chairman is a learned and classical gentleman, I dare say. He must have heard that "the aspiring youth who burnt the Ephesian dome outlived in tame the pious fools who built it;" and having given up in despair the hope of obtaining distinction, by pursuing the dictates of a high and noble ambition, Erostratus like, impelled by the same spirit for distinction, for notoriety, eager for the approving words of a party, he is willing to be the instrument of such gross injustice to the gentlemen he seems to think he has been trying, and anxious to be thrown in direct conflict with the gentleman from Massachusetts! I commend his aspirations for fame, but he may pay too dearly for it.

I did say, sir, and I repeat it, that his language in reply to the remarks of the gentleman from Massachusetts aroused in my bosom feelings of deep indignation. This chairman did not bring these feelings and sentiments from the Scripture-taught land of Connecticut. They have sprung from a disappointed, malignant ambition, in a committee room, and have been nurtured in the bitterness of party spirit. He not only replied to his arguments unfairly, but perverted them shamefully; and, sir, I ask him again, what did he mean by "his better days?" Does he mean, sir, the time when he had patronage to bestow, and office to confer? These are a man's "better days," (are they?) with this feeling chairman. Did he mean, sir, the days had past when his physical powers were in their