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From the Illinois Backwoodsman.

The Forged Patent.

The changes which the last twenty years have wrought in Illinois, would be incredible to one who has not witnessed them. At that period our settlements were few, and the spirit of enterprise that now pervades every corner of the state, had not been awakened. The bluff of our own beautiful river had never sent back the echo of the steam engine. Without a market for their produce, the farmers confined their labors to the wants of their own families. Corn was nearly the only crop raised, and from the time it was laid by, the end of July, till pulling time, in November, was a holiday, and the intervening period was passed in idleness, except on Saturdays. On that day, duty as it arrived, the settlers far and near, collected at the distillery, and amused themselves with shooting at a mark, trading pigs, and too often when the tin cup has passed freely around, in fighting.

This, sir, is by no means a picture of all the settlements of that early period, but that it is graphically true of many, none of our oldest settlers deny. But to my narrative.

One Saturday afternoon, in the year 1819, a young man was seen approaching with slow and weary steps, the house, or rather distillery, of Squire Crosby, of Brent's Prairie, an obscure settlement on the Military Tract. As usual on that day, a large collection of people were amusing themselves at Squire Crosby's, who owned the only distillery in that region—was a magistrate, and regarded by the settlers as a rich and great man.

The youth who now came up to the group was apparently about twenty-one years of age, of tender form, fair and delicate complexion, with the air of one accustomed to good society. It was evident at a glance that he was not inured to the hardships of a frontier life, or labor of any kind. But his dress bore a strange contrast with his appearance and manners. He wore a hunting shirt of the coarsest linsey woolsey, a common straw hat, and a pair of deerskin moccasins. A large pack completed his equipment.

Every one gazed with curiosity upon the new comer. In their eagerness to learn who he was, whence he came, and what was his business, the horse swap was left unfinished—the rifle was laid aside, and even the busy tin cup had a temporary respite.

The young man approached Squire Crosby, whom even a stranger could distinguish as the principal personage among them, and anxiously inquired for a house where he could be accommodated; saying that he was extremely ill, and felt all the symptoms of an approaching fever.

Crosby eyed him keenly and suspiciously for a moment without uttering a word. Knaves and swindlers had been recently abroad, and the language of the youth betrayed that he was "a yankee," a name at that time associated in the minds of the ignorant with every thing that was base. Mistaking the silence and hesitation of Crosby, for fear of his inability to pay, the stranger smiled and said, "I am not without money," and putting his hand to his pocket to give ocular proof of his assertion, he was horror struck to find that his pocket book was gone. It contained every cent of his money, besides papers of great value to him.

Without a farthing—without even a single letter or paper to attest that his character was honorable—in a strange land and sickness rapidly coming upon him—these feelings nearly drove him to despair. The squire, who prided himself on his sagacity in detecting villains, now found the use of his tongue. With a loud and sneering laugh, he said, "Stranger, you are barking up the wrong tree, if you think to catch me with that arr yankee trick of yours." He proceeded in that inhuman strain, seconded by nearly every one present, for the "Squire" was very powerful, and few dared to displease him. The youth felt keenly his desolate situation, and casting his eye around over the group, in a tone of deep and despairing anxiety, inquired, "Is there none who will receive me?" "Yes, I will," cried a man among the crowd; "yes, poor sick stranger, I will shelter you." Then in a lower tone he added, "I know not whether you are deserving, but I know you are a fellow being, and in sickness and in want, and for the sake of him who died for the guilty, if not for your own sake, will I be kind to you, poor young stranger."

The man who stepped forth and proffered a home to the youth in the hour of suffering, was Simon Davis, an elderly man, who resided near Crosby, and to whom the latter was a deadly enemy. Uncle Simon as he was called, never retaliated, and bore the many persecutions of his vindictive neighbor without complaint. His family consisted of himself and daughter, his only child—an affectionate girl of seventeen.

The youth heard the offer of Mr. Davis, but heard no more, for overcome by his feelings and extreme illness, he fell

insensible to the earth. He was conveyed to the house of his benefactor, and a physician called. Long was the struggle between life and death. Though unconscious, he called upon his mother and sister to aid him. When the youth was laid on her bed, and she heard him calling for his sister, Lucy Davis wept and said to him, "poor sick young man, your sister is far distant, and cannot hear you, but I will be to you a sister." Well did this black-eyed maiden keep her promise.

At length the crisis of his disorder arrived—the day which was to decide the question of life or death. Lucy bent over him with intense anxiety, watching every expression of his features, hardly daring to breathe, so fearful was she of waking him from the only sound sleep which he had enjoyed for nine long days and nights. At length he awoke and gazed up into the face of Lucy Davis, and faintly inquired, "where am I?" There was intelligence in that look. Youth and a good constitution had obtained the mastery. Lucy felt that he was spared, and bursting into a flood of irrepressible tears, rushed out of the room.

It was two weeks more before he could sit up even for a short time. He had already acquainted them with his name and residence, but they had no curiosity to learn further, and forbid his giving his story until he became stronger. His name was Charles Wilson, and his paternal home Boston. A few days afterwards, when Mr. Davis was absent from home, and Lucy engaged about her household affairs, Wilson saw at the head of his bed his pack, and recollecting something that he wanted, opened it. The first thing he saw was the identical pocket book whose loss had excited so many bitter regrets. He recollected having placed it there the morning before he reached Brent's Prairie, but in the confusion of the moment, that circumstance was forgotten. He examined and found every thing as he left it.

This discovery nearly restored him to health, but he resolved at present to confine the secret to his own bosom. It was gratifying to him to witness the entire confidence they reposed in the honor and integrity of a stranger, and the pleasure with which they bestowed favors upon one whom they supposed could make no return but thanks.

Night came and Mr. Davis did not return. Lucy passed a sleepless night. In the morning she watched hour after hour for his coming, and when sunset approached and he was still absent, settled at his long and unusual stay, she was setting out to procure a neighbor to go in search of him, when her parent hove in sight. She ran to meet him, and was bestowing upon him a thousand endearing expressions of affection, when his haggard, woe-begone countenance startled her.

He uttered not a word, and seated himself in gloomy silence. It was in vain that Lucy attempted to cheer him. After a long pause, during which a powerful struggle was going on in his feelings, he arose, took his daughter's hand and led her into the room where Wilson was seated, "you shall know all," said he. "I am ruined; I am a beggar. In a few days I must leave this house; this farm which I have so highly improved and thought my own." He proceeded to state that a few days previous, Crosby, in a moment of ungovernable malice, taunted him with being a beggar, and told him he was now in his power, that he would crush him under his feet. When Mr. Davis smiled at what he regarded only as an impotent threat, Crosby, to convince him, told him that the patent of his farm was a forged one, and that he (Crosby) knew the real owner of the land—had written to purchase it, and expected a deed in a few days. Davis immediately went home for his patent, and during his long absence, had visited the land office. Crosby was right. The patent beyond all doubt was a forged one, and the claim of Davis to the farm was not worth a farthing.

It may be proper to observe that counterfeiting soldier's patents was a regular business in some of the eastern cities, and hundreds had been duped.

"It is not for myself," said the old man, "that I grieve at this misfortune. I am advanced in life, and it matters not how or where I pass the remaining days of my existence. I have a home beyond the stars where your mother has gone before me, and where I would have long since joined her, had I not lived to protect her child, my own, my affectionate Lucy." The weeping girl flung her arms around the neck of her father, and poured her tears upon his bosom. "We can be happy still," said she, "for I am young and can easily support us both."

A new scene followed in which another individual was principal actor. I shall leave the reader to form his own opinion of it, and barely remark that at the close the old man took the hand of Lucy and young Wilson, and joining them together said, my children, I cheerfully consent to your union. Though poor, with good conscience you can be happy. I know, Charles, you will be kind to my

Lucy, for a few nights ago, when you thought that no human ear could hear you, I heard you fervently implore the blessings of Heaven upon my gray hairs, and that God would reward my child for all her kindness to you. Taking down his family Bible the venerable old man added, it is a season of affliction, but we are not forsaken; let us look for support to Him who promised to sustain us. He opened the book and read, "Although the fig tree shall not blossom, neither shall fruit be in the vine; the labors of the fields shall yield no meat; the flocks shall be cut off from the fold, and there shall be no herd in the stall; yet will I rejoice in the Lord; I will joy in the God of my salvation."

Charles and Lucy knelt beside the venerable old man, and while he prayed, they wept tears of grateful emotion.

It was a sleepless, but not unhappy night to the three inhabitants of the neat and cheerful dwelling they were about to leave, and go they knew not where. It was then that young Wilson learnt the real value of money—by means of it he could give a shelter to those who had kindly received him when every other door was closed upon him.

All night long he thought of the forged patent. There were a few words dropped by Mr. Davis, which he could not dismiss from his mind—that Crosby had written to the real owner of the land and had obtained the promise of a deed.

It is now time for the reader to become more fully acquainted with the history of the young stranger.

His father, Charles Wilson, sen. was a merchant of Boston, who had acquired an immense fortune. At the close of the late war, when the soldiers received from the government their bounty of 160 acres of land, many of them offered their patents to Mr. Wilson for sale. Finding that they were resolved to sell them, he concluded to save them from a sacrifice of their hard earnings, and purchase at a fair price all that were offered. In three years no small portion of the Military Tract came into his possession. On the day that Charles became of age, he gave him a deed of a principal part of his land in Illinois, and insisted that he should go out to see it, and if he liked the country to settle there. Wishing him to become identified with the people, he recommended his son on his arrival in the state, to lay aside his broadcloth, and dress like a backwoodsman.

On the morning of his son's departure, Mr. Wilson received a letter from a man in Illinois, who had frequently written. He wished to purchase a certain quarter section at government price, which Mr. Wilson promised he should have on those terms, provided he forwarded a certificate from the judge of the Circuit Court that the land was worth no more. The letter just received enclosed the certificate in question. Mr. Wilson had given this tract to Charles, and putting the letter and certificate into his hand, enjoined upon him to deed it to the writer agreeable to promise, on his arrival at Illinois.

The remarks of Mr. Davis forcibly reminded young Wilson of this incident, and on the next morning, after he became acquainted with the design of Crosby, with a trembling hand examined the certificate. It was written by Crosby, and the land he wished to purchase was the identical farm of Mr. Davis.

Astonished that his friend, the judge, should certify that the land was worth no more, Mr. Davis asked to see the certificate, and after a moment's examination unhesitatingly pronounced the signature a forgery.

An explanation from the young man now became necessary, and calling Lucy into the room, told them his history, and laid before them a pile of patents and bank notes, one after another, till the amount reached thousands.

It was a day of thankful happiness to old Simon Davis and his daughter, and not less to young Wilson.

Not long after this scene Crosby entered. His air was that of a man who has an enemy in his power, and intends to trample on him. He scarcely noticed Wilson except with a look of contempt. After pouring out his maledictions upon the family, he advised them to leave immediately. The old man inquired if he would give him nothing for the improvements he had made. The answer was "not a cent." "You certainly would not," said Wilson, "drive this old man and his daughter penniless into the world?"

"What is that to you?" replied Crosby, with a look of malice and contempt. "I will answer you that question," said Wilson; and immediately informed him with what the reader is already acquainted. Crosby was stupefied with astonishment; but when he saw all his schemes of villany were defeated and proof of his having committed forgery could be established, his assurance forsook him, and he threw himself upon his knees, and begged first the old man, and then Lucy and Wilson, to spare him.

Affected with his appeals, the latter agreed to purchase the farm upon which Crosby lived, upon condition of his in-

stantly leaving the country. He accepted the terms, and with his family fled to Texas.

Why should I spin out my narrative? Lucy and Charles were married; and through a splendid mansion rose up on the farm of Mr. Davis, both loved far better the little room where she had so long watched over the sick bed of the homeless stranger. Mr. Wilson was rich, but never forgot those who were in want. Cheered by the kind and affectionate attention of his children, old Simon Davis almost seemed to have renewed his existence. He lived many years, and long enough to tell the bright-eyed son of Charles and Lucy the story of the Forged Deed. And when he told the listening boy how his father, when poor and friendless, was taken home and kindly treated, and in turn became their benefactor, he impressed upon the mind of his grand child, that even a cup of cold water given from a pure motive shall not lose its reward.

RHODE-ISLAND LEGISLATURE.

JANUARY SESSIONS, 1839.

In General Assembly, January 23.

The committee to whom were referred the resolutions of Mr. Wells, of Hopkinton, touching certain resolutions passed by the House of Representatives of the United States on the 12th of December, 1830, relative to petitions for the abolition of slavery, &c. &c., and also sundry petitions from citizens of this state relating to the right of petition, report as follows:

Whereas the House of Representatives of the Congress of the United States, on the 11th and 12th days of December, 1838, passed the following resolutions, viz:

"Resolved, That this Government is of limited power, and that by the constitution of the United States Congress has no jurisdiction whatever over the institution of slavery in the several states of the Confederacy."

"Resolved, That petitions for the abolition of slavery in the district of Columbia and the territories of the United States, and against the removal of slaves from one state to another, are a part of a plan of operations set on foot to affect the institution of slavery in the several states, and thus indirectly to destroy that institution within their several limits."

"Resolved, That Congress has no right to do that indirectly which it cannot do directly, and that the agitation of the subject of slavery in the district of Columbia or in the territories, as a means or with a view of disturbing or overthrowing that institution in the several states, is against the true spirit and meaning of the constitution, an infringement of the rights of the states affected, and a breach of the public faith on which they entered into the confederacy."

"Resolved, That the constitution rests upon the broad principles of equality among the members of the confederacy, and that Congress, in the exercise of its acknowledged powers, has no right to discriminate between the institutions of one portion of the states and another, with a view of abolishing the one or promoting the other."

"Resolved, therefore, That all attempts on the part of Congress to abolish slavery in the district of Columbia or the territories, or to prohibit the removal of slaves from state to state, or to discriminate between the constitutions of one portion of the confederacy and another, with the view aforesaid, are in violation of the constitutional principles on which the Union of these states rests, and beyond the jurisdiction of Congress; and that every petition, memorial, resolution, proposition or paper, touching or relating, in any way or to any extent whatever, to slavery aforesaid, or the abolition thereof, shall, on the presentation thereof, without any further action thereon, be laid on the table, without being printed, debated, or referred."

And whereas, in the judgment of this General Assembly, that part of the resolution which declares that "every petition, memorial, resolution, proposition, or paper, touching or relating, in any way or to any extent whatever, to slavery as aforesaid, or to the abolition thereof, shall, on the presentation thereof, without any further action thereon, be laid on the table, without being printed, debated, or referred," is unsound in principle, a dangerous invasion of the right of the people to petition Congress, and in violation of the true intent and meaning of the constitution of the United States:

Therefore resolved, That the General Assembly do hereby, in the name of the people of this state, protest against said resolutions, and declare that in their opinion they ought to be rescinded.

Resolved, That his excellency the Governor be requested to cause a copy of these resolutions to be transmitted to the members of the United States House of Representatives from this state, to be by them laid before that body.

All which is respectfully submitted by
JAMES F. SIMMONS,
For the Committee.

REPORT OF THE MINORITY OF THE SAME COMMITTEE.

The undersigned, one of the committee to whom the foregoing resolutions were referred, begs leave to report that, as he differs in opinion from the other members of the committee, he has felt it to be his duty to himself and to his constituents to give to the subject all the attention which his other engagements would permit.

By the resolutions submitted by Mr. Wells, of Hopkinton, the resolutions of the National House of Representatives of the 12th December, 1838, are character-

ized "as a dangerous invasion of the right of the people to petition Congress, and in violation of the constitution of the United States."

The National House of Representatives is composed of many distinguished statesmen and jurists who are no strangers to the language and spirit of the constitution. Their personal and individual interests are identified with the interests of the mass of the people, and their fidelity to rights of so plain and popular a character as the right of petition is guaranteed by the consciousness that the slightest invasion of such rights seldom remains long unpunished. It is not to be presumed, therefore, that a violation of a privilege inherited from our ancestors, and in relation to which the people have always manifested a sensitive and jealous feeling, could have been premeditated or intended, especially as the object of those resolutions could have been accomplished in various other modes. Nor is there the slightest reason to consider these resolutions the fruit of a slight and hasty consideration. They are evidently the result of an understanding of some sort or other between the administration members from the North, and the great body of the members from the South; and whatever the supposed rashness of the latter might dictate, the wisdom of the former has seldom been off its guard upon the subject of popular rights.

The imputation of haste and inadvertence is still more strongly repelled by the well-known fact, that the subject of the right of petition has been agitated and discussed in Congress, in the Legislatures of many of the states, and in the public papers, for many years. The extreme jealousy and sensitiveness of the people on this exciting topic could not have been overlooked, nor have failed in dictating a path beyond the reach of all constitutional objections in the opinion of the members from the free states who voted in favor of the resolutions in question. The cautious language in which the resolutions are couched fully shows that the meaning of every word was fully weighed, and totally forbids the idea of negligence or haste. The inference from these facts necessarily is that, in the opinion of the supporters of these resolutions, they acted within the scope of their constitutional powers, and that, if they have exceeded them, it must have been from ignorance, and not from design or negligence.

Before we condemn them, then, as unconstitutional, we ought to be sure that we have considered the subject as maturely as those who supported them. We ought also to take along with us the wise and temperate rule of the Supreme Court of the United States, in passing upon the acts of this and every other legislative body, never to decide against them except in cases in which their unconstitutionality is established beyond all reasonable doubt. The necessity of the application of this rule is much stronger in the present case than in cases before the Court, because the Court is obliged by law to pass upon such subjects. It is the performance of an imperative duty devolved upon it by the Constitution, from which it cannot escape. Its errors, therefore, like the errors of all who by law are obliged to act, are morally and legally excusable by the necessity which dictates the action. A paper who commits a mistake in the correction of his child is excusable before all human tribunals. But a mere volunteer, who inflicts correction upon his neighbors' children, or takes part in their quarrels, stands justified by nothing but the positive certainty that his interference is legal and just.

Of this latter character is the interference of this House with the proceedings of the National Representatives. We are volunteers. Neither the Constitution nor the laws of the State under which we act, nor the Constitution nor laws of the United States, in which, as individuals, we are deeply interested, impose this task upon us as a duty. We have not even the instructions of a majority of our constituents. On the contrary, in the opinion of the undersigned, such action would be contrary to the feelings and wishes of a vast majority of the people of Rhode Island. No combination of circumstances could possibly exist so loudly calling for silence and inaction. It is in reality a dispute between the abolitionists of the North and the slaveholders of the South. Both these parties have become excited, not only to rash and imprudent language, but to rash and exceedingly imprudent action. In the progress of this, as in the progress of all other disputes, each party avails itself of the mismanagement of the controversy by its antagonist, with a view to gain additional support. The efforts of the abolitionists have been unwearied and untiring to create an excitement upon the right of petition, and under cover of this subsisting dispute, to enlist the wise and discreet yeomanry of Rhode Island under the abolition banner, knowing full well that a hostility to the South upon the subject of the popular right to petition will soon extend to hostility upon all other subjects. These abolitionists are before us and among us. They are organized throughout the Northern States into compact and disciplined societies,

with immense sums of money at their command, and they force their papers and lecturing and salaried preachers into every town and into numerous families; and it is principally from them that we are presented with arguments upon this great and exciting question of constitutional law, while the framers and supporters of the resolutions, capable, it is presumed, of shedding quite as much light on the subject, are not before us, nor are they called upon to aid us with their views and reasons. It is, therefore, in the opinion of the undersigned, substantially an *ex parte* proceeding—a proceeding, too, under undue and improper excitement, and upon a subject in which we are merely volunteers.

With these preliminary remarks, the undersigned will proceed to give his reasons for declining all action upon the subject.

By the 1st article of the amendments to the Constitution, it is declared that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and petition Government for a redress of grievances."

By the 5th section of the 1st article of the Constitution, it is provided that "each House may determine the rules of its proceedings."

At the settlement of this country, and for a period long anterior, the people of England possessed the constitutional right to petition Parliament for the redress of all grievances, whether of an individual or of a public nature. The right had at times been limited as to the number of signers, it having been found, in turbulent times, that large bodies of the people assembled under pretence of petitioning Parliament, but in reality for other and dangerous purposes. By a statute passed in the reign of Charles II, it was therefore enacted that no petition should be signed by more than twenty. This statute, however, was repealed or went into disuse long before the adoption of the American Constitution. And it was a settled right in the people of both countries to assemble in any numbers and petition for a redress of grievances. The Constitution does not grant, but recognizes the right, and prohibits its violation by any law passed by Congress. It no where defines the right; but such as it was, transmitted from our English ancestors, so should it remain inviolate.

In order effectually to secure it from invasion, the Constitution provides that Congress shall pass no law abridging it. It does not say that it shall not be affected by a resolution of either House. Its prohibition is against any law of Congress; and it is well known that there is a wide difference between a law of Congress and a resolution of either House. It is hardly necessary to state that a law of Congress requires the assent of both Houses, and the assent of the President, also; and that, when it has become a law it operates upon the whole People of the United States. A resolution of either House operates only within the walls of the House. A law of Congress is permanent, and remains in force until repealed by the power that enacted it. A resolution of the House expires with the existing or present session of the House.

As the Constitution clearly intended that this favorite and popular right of petitioning (as important in the view of the framers of that instrument as the liberty of speech or of the press,) should not be violated by Congress or any other power in the country, why, it may be asked, did it not provide that Congress should pass no law, nor that either House should pass any resolution abridging the freedom of speech, of the press, or of the right to petition? Was this omission by mistake, or was it by design?

It will be remembered that the provision securing these invaluable rights was not inserted in the original Constitution itself, but is contained in the amendments. It should also be observed that by the original Constitution express power was given to each House, "to determine the rules of its proceedings." This power is granted in the broadest and amplest terms. The extent of it is beyond the reach of doubt. It is a power to determine the rules of all its proceedings. It is also equally beyond a doubt that any vote of the House upon a petition is a part of its proceeding. The moment the petition is read, or its contents made known, the moment any action of the House upon the petition is asked, that action is a proceeding of the House, to be regulated solely and exclusively by the House. Its proceedings upon such petition are entered upon the journals of the House, as are all its other proceedings.

Previous, then, to the amendments to the Constitution, each House possessed the undoubted power to pass any resolution in relation to its own proceedings upon any petition or other business before it. It possessed the undoubted power to pass resolutions similar to those of the 12th December, 1838. No man who values his reputation for sagacity and common fairness, will question this pow-