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UNION, THE CONSTITUTION AND THE LAWS—THE GUARDIANS OF OUR LIBERTY.

Vol. XXII.

THURSDAY, DECEMBER 15, 1842.

No. 1154.

Legislature of N. Carolina. IN SENATE.

Friday, December 2.

Mr. Edwards, from the committee on the judiciary, reported a bill to make securities on prosecution bonds liable for plaintiff's cost, as well as the defendant's cost, which was made the order of the day for to-morrow.

Mr. Cooper introduced a resolution, to instruct the committee on military affairs to amend the militia laws of this State, that they will not come in conflict with the several laws of this State, and that they report by bill or otherwise. Read and adopted.

Mr. Dockery, a resolution, that the committee on the judiciary be instructed to inquire whether any, and if any, what amendments are necessary to be made to the Revised Statutes, ch. 102, entitled an act to provide for the collection and management of a revenue for this State, so far as regards the mode of valuing or assessing land; and that they report by bill or otherwise—which also was read and concurred in.

Mr. Dockery rose, and moved to be excused from serving as a member of the committee for enclosing the Public Square. There were two or three reasons he could assign for not serving on the committee; he would be content, however, with naming one, viz: the political composition of the committee.

The Speaker called the Senator to order.

Mr. Dockery resumed. The subject matter, then, which was entrusted to the consideration of this committee, was one, at least, of a ticklish character; it was one, which should the committee advise action, would place the hands of the Legislature into the pockets of the people, and it might easily be perceived the ulterior effects—the result of a committee, thus constituted, and so reporting, might be made to produce upon the State.

To the standing committees he would offer no objection; they were formed in the manner usually adopted by the party in power; but when more committees were called for than he could collect in any session of a Legislature, and those too, requiring opinions upon public expenditure, constituted as they are, he must beg leave, without intending any disrespect to the Chair, to decline serving on them.

[NOTE.—This committee stands thus: two Whigs, one Loco Foco.]

Mr. Morehead said it was not until the close of the sitting of yesterday, that he had found that he was in a similar situation with the Senator from Richmond and Robeson. Since then he had consulted his friends, and acting on their advice, he had determined to proceed in the discharge of the duties assigned him by the Chair.

The Speaker said, he did not feel himself bound to assign any reasons for his selection of members upon any committee.

Mr. Dockery was then excused.

House messages, proposing to raise a joint select committee of three, on the part of each House, to inquire into the value of the swamp lands in Hyde county, reclaimed by the Literary Board, the manner in which the money appropriated for such purpose had been expended, and the propriety of continuing the works on said land. Also, transmitting a communication from the Governor, with sundry documents, which they propose to transfer to the joint select committee upon the expenditures of appropriations for the Governor's house and premises; in both of which proposals by the House, the Senate concurred.

Mr. Cooper introduced a resolution, for the committee on finance to inquire into the expediency of issuing \$500,000 in Treasury Notes, redeemable when thought proper; and of providing for such appropriation or distribution of the same, as may be best calculated to benefit the people of this State; which was read and referred to the committee on finance.

Mr. Joyner introduced a resolution, that so much of the Governor's message as relates to the repudiation of State debts, be referred to a select committee, which was agreed to.

Saturday, December 3.

Mr. Reid introduced resolutions; that the North Carolina Arsenal should be completed; and that our Senators be instructed to carry the completion of the same into effect.

Mr. Cooper, a resolution for the principal Doorkeeper to purchase suitable stationery for the use of the Senate, both of which resolutions were adopted.

Mr. Myers, a bill to amend an act concerning crimes and punishments, in relation to the carrying off of slaves; read and referred to the committee on the judiciary.

Mr. Jones, a resolution to increase the fine in cases of Bastardy, and that the committee on the judiciary report by bill or otherwise.

Mr. Myers asked to be excused serving upon the committee on the Penitentiary; he thought the Speaker had inadvertently constructed the committee. The yeas and nays were demanded—yeas 13, nays 23—so Myers was not excused.

The Speaker defended the construction of the committees, by stating the committees were formed upon recommendations received from the Governor; he thought their construction therefore proper.

Mr. W. P. Williams moved a resolution that the committee on the judiciary be instructed to inquire into the expediency of so altering the present law, as to allow masters of slaves the right of appeal for misdemeanor before a single Justice of the Peace. Adopted.

Mr. Reid, a bill to extend the time of holding the Superior Court of the county of Cumberland to two weeks in each and every year, when business shall make such extension requisite. Read and referred to the committee on the judiciary.

The Bill concerning securities on Prosecution bonds, making them liable for the Plaintiff's costs as well as the Defendant's costs, passed its second reading.

House message proposing that both Houses meet on Friday, the 9th day of December, to make a list of the votes for Governor, was agreed to.

HOUSE OF COMMONS

Friday, December 2.

Mr. Baxter presented a memorial, accompanied by a bill, praying the erection of a new county by the name of Lafayette, out of a portion of Rutherford. Referred to the committee on propositions and grievances.

The resolution, introduced yesterday by Mr. Francis, making it a standing rule of the House, that hereafter all pension certificates shall be referred to the committee on claims, was then taken up and adopted.

Mr. Avery presented a memorial from purchasers of Cherokee lands, praying indulgence on their bonds. &c. Referred to the joint select committee on the Cherokee lands.

The bill to direct the reference of suits on the bonds of Sheriffs, and other officers, was read a third time, and passed.

Saturday, December 3.

Mr. Francis, from the joint select committee on Public Buildings, reported a bill for the better regulation of the offices in the capitol, and for the removal of the old offices on the capitol square. The bill was read the first time and passed.

Mr. Hawkins, from the Committee on military affairs, to whom was referred the resolution instructing said committee to inquire into the expediency of so amending the militia law, as to allow all persons compelled to do military duty to vote for their officers, made a report, stating that it would be inexpedient. Concurred in.

Mr. J. P. Caldwell, from the committee on propositions and grievances, to whom was referred the memorial from citizens of Buncombe and Yancey, praying the erection of a new county by the name of Union, and a bill to carry into effect the prayer of the petitioners, made a report, recommending the passage of said bill. The bill having been read a second time, and the question being on its passage, Mr. Erwin moved to strike out the name of Union, which was agreed to, and that of Gaston inserted. A debate of some interest ensued on its passage, in which Messrs. Cardwell, Candler, Francis, McLaughlin, Brazz and Barringer participated. Mr. Cardwell opposed the bill on the ground that it tended to produce that very inequality in representation of which so much complaint was made before the constitution was amended. If this bill was passed, he said, there would be two counties without the ratio to entitle them to a representative—Yancey and Gaston. To this argument Mr. Francis replied; and in his reply, he related an anecdote, which illustrates pretty forcibly the growing strength of the West. He first proposed to amend the bill, by inserting a clause, so as to provide that the law should not take effect until after the adjournment of the Legislature, and thus no difficulty would be created in arranging the representation now; these two counties would have a large extent of territory, and in ten years the population would so increase that the argument of the gentleman would have no force. He would tell an anecdote to illustrate this. He was employed to defend a fellow charged with hog stealing. In the argument there, he took exception to the bill of indictment because it was found by only fourteen of the grand jury; and the question was carried up to the Supreme Court, and the Judges, supposing that the Clerk had made an error in copying the record, issued an order requiring him to send a correct copy. The Clerk replied that there was no error in the copy—eleven of the grand jurors having been excused by the Court, because their wives were about to lie in, and it was necessary for them to be at home! And this is the way they do business up in the West.

Mr. Barringer moved to lay the bill on the table until the first of January next; which was agreed to.

Received a message from the Governor, stating that the appropriation at the last session to pay certain bills of work done for the State was deficient some six hundred dollars, owing to a mistake in adding up the bills, and asking an appropriation to meet it. Sent to Senate, with a proposition to refer it to the committee on finance.

Mr. Brumwell, from the joint select committee on that subject, reported that they had agreed that the two Houses should meet in the Commons Hall, on the 9th of December, to compare the votes for Governor.

Mr. Nash presented a bill to permit Clerks of the Courts of Pleas and Quarter Sessions, to take probate of deeds of conveyances. Read and referred to the judiciary committee.

The bill to incorporate Oak Grove Academy, was read the third time and passed.

Mr. Leach presented a bill, to repeal an act concerning the processioning of lands. Referred to the committee on the judiciary.

LITERARY BOARD, &c.

Mr. Barnes presented the following resolution: Resolved, That the Governor be requested to furnish the names of the several debtors to the Literary and Internal Improvement Boards, from the period of the first loss by said Board, up to the present time—the amount due from each, and the security taken for the payment of said loans—specifying particularly when the several debts that are paid were discharged, the several amounts now due, and the names of the debtors, and the securities taken for the payment.

Mr. Barringer said, he desired that the fullest investigation should be had, and to this end he would move to amend the resolution, by striking out of all after the word "Resolved," and inserting the following: "That a select committee be appointed, to obtain from the Governor, as President ex-officio of the Literary and Internal Improvement Boards, the names of the several debtors of said Boards, from the period of their first loss up to the present time, the amount due from each, and the security taken for the payment of said loans, specifying particulars, when the several debts that are paid were discharged, and the several amounts now due, and the names of the debtors and their securities; and further, that said committee inquire into the solvency of the obligors of the bonds of the borrowers, and their securities, and whether any loss has ever been sustained by either of said boards, and by whom, and when, and that said committee report the names of the borrowers to this House, and report in full on all the subjects contemplated in this resolution; and that they have power to send for persons and papers.

Mr. Biggs objected to the amendment. He was not only for procuring the information for the use of the House, but he wished to give it to the people of the State. First, let us adopt the resolution of the gentleman from Edgecomb, and get a report from the Governor, and then let it be printed, that the public may see who are indebted to these boards. After that, he would promise to vote for a committee to investigate the matter; he would go as far as the gentleman from Cabarrus, as far as any one, in the investigation. He hoped the amendment would not be adopted.

Mr. Mills stated, that he entirely concurred in the amendment. The subject had been made political capital of, and he wished it spread before the people. At the last session, a similar resolution had been introduced by one Mr. Joshua Barnes, which he would read. [Here Mr. Mills read from the Journals of the last Legislature, the proceedings on a resolution of Mr. Barnes', of a similar nature with the one before the house, on which a committee, late in the session, made a report, through Mr. Barnes, their chairman, which report and proceedings were published in the Register. And as they are, doubtless, fresh in the memory of all our readers, we deem it unnecessary to publish them here.] Here then, were persons, clothed with authority to investigate this matter, and as they had found nothing wrong, it might fairly have been concluded that there was nothing wrong. But if they were not satisfied, he was for giving them power to make as thorough an investigation as could be made. The amendment of the gentleman from Cabarrus, gave them power to send for persons and papers. The gentleman from Martin said, that he was for printing the report. So was he; and he was for printing it in such a manner, that gentlemen in the East could not say to the people, that such an one in the West, of whom they knew nothing, was insolvent; nor in the West, of one in the East. It seemed to him that the amendment ought to prevail.

Mr. Biggs was understood to endeavor to prove that the report of Mr. Barnes was not made very late in the session. He continued to insist that the plan proposed in the original resolution was the best; that the committee could not tell whether the signers of the bonds were insolvent persons or not; but if the Governor was required to report the names to this House, and they were published and sent throughout the State, it could be ascertained.

Mr. Barringer said, that the arguments of gentlemen on the opposite side, presented a strange dilemma; that of preferring the report of a Whig Governor to one from their own friends. It was strange that they should be willing to trust him in a matter of this kind. How did they know that he would make a fair report? He did not wish to leave them any ground for cavil. The Whigs were for a full investigation. It is true that they felt some delicacy in bringing private matters before the public eye, but when they were taunted with a desire to conceal, they wished the investigation to be thorough, and a statement of the whole matter to be made.

Mr. Cardwell stated, that he should go for the amendment of the gentleman from Cabarrus. He was for a full and free investigation, and he believed the amendment best calculated to effect it. He had all confidence in the Governor, and would be willing to take his statement; but still he would have the committee appointed to aid him. He hoped the amendment would be adopted.

Mr. Avery concurred with Mr. Cardwell. He thought the amendment would secure the fullest investigation, and that seemed to be the object of all. He believed that the bonds should be renewed at a certain time, and he would suggest to the gentleman from Cabarrus, to include in his amendment, a clause requiring this to be inquired into. He should vote for the amendment.

Mr. Ervinghouse thought it strange that gentlemen should object to the amendment. The amplest power was given to the committee to make the investigation. The amendment proposed the same thing, nay, more than the original resolution. The Whigs do not wish to conceal any thing; it is not a part of their policy. Concealment more properly belongs to the Loco Foco party. He was for fully investigating this matter, and spreading the facts before the face of the world; yes, for spreading it upon the wings of the wind, and scattering it to the four corners of the earth. The gentleman from Martin says that he wants a report from the Governor first and then he will vote for a committee. But this would be delaying the matter. We propose to appoint the committee now, and it will give them more time to investigate. And if gentlemen really wish to examine into the matter, in the name of Heaven let us have a full investigation.

Here Mr. Avery moved that the resolution be laid on the table, and that the house proceed to execute the joint order, which was to go into an election for Senator; but the house refused.

Mr. McCree then took the floor. He said that gentlemen seemed to be aiming at the same end; but they were taking different roads. The gentleman from Edgecomb had shown his sincerity in the matter by his acts. At the last session, it seems, he tried the plan proposed by the gentleman from Cabarrus, and he found it accomplished nothing, as some have said, and now he wishes to try some other mode. And this is no new plan. The Governor is an officer of the State, and we have a right to make him, as other officers, account for the manner in which he has discharged his duties. He would say with all due respect to the gentleman from Cabarrus, that though we might have confidence in the report of the Governor, we are a little chary of Whig motions. And as the gentleman from Pasquotank had been pleased to call ours the Loco Foco party, he might exchange favors by calling theirs the Coon-Skin party. He repeated, that the plan proposed by the gentleman from Edgecomb was the usual one in such cases, and he hoped the amendment would not be adopted.

Mr. Francis next rose. Something had been said about political capital having been made out of this matter. He would state a fact that would show the propriety of adopting the amendment. When that itinerant political pedlar, (Mr. Henry,) in the shape of a Federal candidate for Governor, came up in the West, he hung this through all its changes. He charged that the money was under the management of Whigs, and loaned out only to Whigs; and that the Whig Governor kept these facts concealed. And we want it done by a committee of the opposite party. And do gentlemen object to having it done by their own friends? Or do they prefer to trust the Governor? If so they pay a high compliment to the Whig Governor—if the gentleman from Comberland prefer it—the Coon-Skin Governor. Yes, sir, we want this matter printed, too, even if the fact should turn out, as I have heard it suggested, that the political friends of the gentleman from Edgecomb are most largely indebted to those boards. We do not want it suppressed, as I have heard it was at the last session, because of this fact. No, sir, we desire that the whole fact shall be known, that the most thorough investigation should be had, and to this end he hoped that the gentleman from Cabarrus would accept my amendment to his motion that night be offered.

Mr. McCree replied. It was not the first time that the gentleman had made an attack on his political opponents, and called them hard names, because of their

efforts at retrenchment and reform. On another occasion, because they thought proper to print but one copy of the Governor's Message for each member, he called out the pique party. He thought it a small emanation, for one of his standing; and as for what the gentleman had said about our candidate for Governor, he would let it pass for what it was worth.

Mr. Francis in reply. He would say a word in reply to the remarks of the gentleman from Comberland, (he briefly said,) lest they should pass for more than they were worth. Something had been said respecting his standing. He did not know, for he had not taken the trouble to inquire, how he stood with those gentlemen with whom he had the honor to cooperate; but this he would say, that being in ill odor with the gentleman's friends was, to his mind, *prima facie* evidence that he was doing his duty. He did call the refusal to print five copies of the Governor's message for each member a pique party business, and he could prove it. Shortly after that vote, a card was put on his table, from Mr. Loring's office, (and he hoped the gentleman would take him for authority,) proposing to furnish copies of the message at two dollars per hundred, and he made a calculation from that of what would have been the cost of the four extra copies proposed to be furnished to each member. It was just \$13 40; a pique party business truly. But this is the credit side, and there is something to be charged on the other side. Now, about one hour of the three that the house was in session, was consumed in debating this question, which cost the State about \$141—so they saved \$13 40, and spent \$141. And this is their retrenchment and reform.

Mr. Lord addressed the house in an animated strain. He could not see why the gentleman from Edgecomb, or rather, the gentleman from Martin for him, objected to having the subject investigated by a committee. The committee was to be appointed by the chair, and any one who will look at the committee books, can see that the gentleman had no reason to fear that he will not have a majority of his own friends on the committee; for it will be found, on examination, that all the committees, with the exception of one, (and that a very responsible one, on which they expected to throw all their odious measures,) are composed of a majority of his political friends. The amendment proposed by the gentleman from Cabarrus would accomplish at once, what the other gentlemen proposed to do by two resolutions. He hoped the amendment would prevail.

Mr. Cardwell made a few remarks, in which he regretted that so wide a range had been given to the debate, and that such a want of courtesy had characterized it. He wished gentlemen to come up to the question, and not endeavor to make political capital by making speeches to the house. Notwithstanding the insinuations of gentlemen, he gloried in being a Democrat; but he was still in favor of the motion of the gentleman from Cabarrus, and hoped it would prevail.

Mr. Pope, (who had made a motion in the course of the debate to lay the subject on the table, but subsequently withdrew it, at the request of Mr. Barringer,) said he would take occasion to state that his object in making the motion to lay on the table was not to stop the investigation, but the wide range of the debate. He remarked further, that he was on the committee at the last session, of which Mr. Barnes was chairman, and he called upon that gentleman to say, if, when they applied to the Governor as ex-officio President of those Boards, he did not offer every facility for the investigation? [No response.] He would state that he did, and that the committee had the bonds in their hands, and expressed themselves satisfied of the solvency of the obligors.

The question was then taken on the amendment of Mr. Barringer, and decided—yeas 66, nays 48. The resolution was then adopted.

[This report has been written out mostly from memory, with an honest desire to do equal justice to all concerned. The Reporter hopes that no one will have reason to complain that justice has not been done him.]

A message was received from the Senate, stating that the time had arrived for executing the joint order, and proposing to go into the election of a Senator to Congress. The two Houses then proceeded to vote as follows, viz: For Graham 70; Brown 57; Saunders 36. And 82 being necessary to a choice, there was no election.

Mr. Patterson presented a resolution for the relief of Smith Patterson, which was referred to the committee on propositions and grievances.

The two Houses proceeded again to vote for Senator, which resulted as follows, viz: For Graham 67; Brown 58; Saunders 37. No election.

A message was received from the Governor, transmitting the report of the Board of Internal Improvement; and on motion of Mr. Barringer, it was sent to the Senate, with a proposition to print the report.

The House then adjourned.

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MESSAGE
OF THE
President of the U. States,
TO THE TWO HOUSES OF CONGRESS.
December 7, 1842.

To the Senate and
House of Representatives:

We have continued reason to express our profound gratitude to the great Creator of all things for numberless benefits conferred upon us as a people. Blessed with genial seasons, the husbandman has his garners filled with abundance, and the necessities of life, not to speak of luxuries, abound in every direction. While in some other nations steady and industrious labor can hardly find the means of subsistence, the greatest evil which we have to encounter, is a surplus production beyond the home demand, which seeks, and with difficulty finds, a partial market in other regions. The health of the country, with partial exceptions, has for the past year been well preserved; and under their free and wise institutions, the United States are rapidly advancing towards the consummation of the high destiny which an overruling Providence seems to have marked out for them. Exempt from domestic convulsion, and at peace with the world, we are left free to consult as to the best means of securing and advancing the happiness of the people. Such are the circumstances under which you now assemble in your respective chambers, and which should lead us to unite in praise and thanksgiving to that great Being who made us, and who preserves us a nation.

I congratulate you, fellow citizens, on the happy change in the aspect of our foreign affairs since my last annual message. Causes of complaint at that time existed between the United States and Great Britain, which, attended by irritating circumstances, threatened most seriously the public peace. The difficulty of adjusting amicably the questions at issue between the two countries, was in no small degree augmented by the lapse of time since they had their origin. The opinions entertained by the Executive on several of the leading topics in dispute, were frankly set forth in the message at the opening of your late session. The appointment of a special minister by Great Britain to the United States with power to negotiate upon most of the points of difference, indicated a desire on her part amicably to adjust them, and that minister was met by the Executive in the same spirit which had dictated his mission. The treaty consequent thereon, having been duly ratified by the two governments, a copy, together with the correspondence which accompanied it, is herewith communicated. I trust that whilst you may see in it nothing objectionable, it may be the means of preserving, for an indefinite period, the amicable relations happily existing between the two governments. The question of peace or war between the United States and Great Britain, is a question of the deepest interest not only to themselves, but to the civilized world, since it is scarcely possible that a war could exist between them without endangering the peace of Christendom. The immediate effect of the treaty upon ourselves will be felt in the security afforded to mercantile enterprise, which, no longer apprehensive of interruption, ventures its speculations in the most distant sea; and, freighted with the diversified productions of every land, returns to bless our own. There is nothing in the treaty which in the slightest degree compromises the honor or dignity of either nation. Next to the settlement of the boundary line, which must always be a matter of difficulty between States as between individuals, the question which seemed to threaten the greatest embarrassment, was that connected with the African slave trade.

By the 10th article of the treaty then it was expressly declared that "whereas the traffic in slaves is irreconcilable with the principles of humanity and justice, and whereas both his Majesty and the United States are desirous of continuing their efforts to promote its entire abolition, it is hereby agreed that both the contracting parties shall use their best endeavors to accomplish so desirable an object." In the enforcement of the laws and treaty stipulations of Great Britain, a practice had threatened to grow up on the part of its cruisers of subjecting to visitation ships sailing under the American flag, which, while it seriously involved our maritime rights, would subject to vexation a branch of our trade which was daily increasing, and which required the fostering care of the government. And although Lord Aberdeen, in his correspondence with the American envoys at London, expressly disclaimed all right to detain an American ship on the high seas, even if found with a cargo of slaves on board, and restricted the British pretension to a mere claim to visit and inquire, yet it could not well be discerned by the Executive of the United States how such