

TO THE PUBLIC.

A false and garbled statement having been given by some of the press, and letter-writers from this city, as well as by W. Montgomery, relative to the difficulty between himself and myself, and that matter having undergone investigation in a court of law, I hereby lay before the public the facts, as given on the trial, that every one who feels any interest in the affair may judge impartially and correctly.

As to the correspondence between us, which led to the difficulty, the whole of it was published in the Globe of May 30th, and to it I invite the attention of every one who wishes to know who was to blame in the instance.

It was for the abusive language used in the letter, which appeared in the Globe of May 29th, that I personally chastised him on the next day. My object now is to show to the world, that in giving an account of the affair, he published a statement which events have since proven to be false.

On the 30th of May, immediately after the difficulty, he prepared for the Globe, and had published in the paper of that evening, the following statement: "WASHINGTON, D. C., May 30, 1840. Messrs. Blair and Rives: I must ask that you will publish the whole of the letters of K. Rayner and myself in your paper this evening, with a statement of what occurred in the Capitol this day."

When the House took a recess, but while still in session, I left my seat, passed through the hall to the post office, deposited some papers, to be sent to my lodgings, and was going through the passage to join my company in the Rotunda. A man, who was standing, or meeting me, in the passage, seized me by my right arm, and at the same moment struck me a blow with a large cane, without my knowing who inflicted it. I turned round and discovered that it was my colleague, K. Rayner, with a large cane, which afterwards turned out to be a sword cane. I struck him with a small cane I had in my hand, not as large as my finger, which broke into several pieces the first blow I struck. A fight ensued between us for some time, until we were separated; he with his sword cane, and I with a small piece of my cane. I have no doubt my colleague had placed himself there for the purpose of attacking me. I had no sword cane, or arms of any kind, not supposing my colleague would be guilty of the cowardly attempt at assassination, in which, I fear, from his conduct, I was mistaken. Had I anticipated this attack, I might have been prepared. His conduct has been that of a mean, cowardly scoundrel; first in attacking me through the columns of the Globe, and when his conduct is

that of an honorable man, but that of an assassin, waylaying, and without the slightest notice, with a weapon prepared for the purpose, seeking to take his revenge, cut-throat like. From his cowardice, or some other cause, he was unable to hurt me. He lost his sword from his cane in the fight, which he loudly called for several times after we were separated; and I broke my cane into many pieces over his head. He has acted the part of a base coward and an unprincipled scoundrel. I proved the facts upon him. (See the letters below.) He has therefore failed as yet to injure me, while he has, by his own conduct, disgraced himself, by waylaying and attacking me with a deadly weapon; and I have inflicted chastisement upon him by breaking my cane over his head. He is, therefore, welcome to all he has gotten so far, and to all he can in any way gain hereafter.

Yours, W. MONTGOMERY. I published the following statement in the Intelligence June 2—the Editor of the Globe having refused to publish it in his paper. House of Representatives, June 1, 1840. To the Editor of the Globe:

I wish to make, simply, the following statement through the columns of your paper. The letter, over the signature of W. Montgomery, in the Globe of May 30, pretending to give an account of the difficulty between him and myself, is false, in the main; both as to facts and insinuations. The following is a true statement of the case. I met him purely by accident, in the door, on my way to the post office. I walked up to him directly in front, and deliberately slapped his jaw. Whereupon, he struck me over the shoulder with a cane which he held in his hand, and which broke short off at the first blow. I then turned my cane—which was a sword cane of ordinary size—holding it by the lower end, and gave him a blow over the head, striking him with the handle, or sword end. In striking this blow, the sword flew out some distance. I then repeated my blows, three or four times, with the lower or barrel end of the cane, until we were separated—he retreating backwards all the time. He struck me but once, and that was when he broke his cane. I did not draw the sword from my cane, or attempt to draw it. I had him entirely in my power, but I did not wish to inflict any material injury on him, and should have desisted, after slapping his jaw, had he not struck me with his cane. I have nothing further to say.

Yours, respectfully, K. RAYNER. Such were the contradictory statements of W. Montgomery and myself, in relation to the affair—and happily for the truth, events have since occurred to test and prove which was correct, his version or mine. If his statement be true, then I ought to be a disgraced man; if my statement be true, then he must forever stand disgraced in the estimation of all honorable men, for having published what he knew to be a deliberate falsehood, for the purpose of attempting to conceal his dis-

grace. Since the encounter, the grand jury of the Circuit Court for this District presented me for an "assault and battery" on the person of W. Montgomery.—At whose instance this was done, I have not yet been able to ascertain. On the 16th June, the trial came on, before Judge Dunlap—Francis S. Key, prosecutor—both of them officers appointed by the President, and both of them strong partisans of this Administration. I submitted the case, upon the evidence contained in the following statement, taken down during the trial, by my attorney, Mr. Richard S. Cox:

Circuit Court of the District of Columbia, for the County of Washington, June 16, 1840.

UNITED STATES versus KENNETH RAYNER.—INDICTMENT FOR ASSAULT & BATTERY.

The defendant appeared, in obedience to the process of the Court, and submitted to the judgment.

The District Attorney then produced, on behalf of the prosecution, Phillip Haas, who being duly sworn, says: He was present at the affray which occurred between Mr. Rayner, the traverser, and Mr. Montgomery, in the Capitol, on Saturday, the 30th of May. Mr. Montgomery was passing from the direction of the post office of the House of Representatives. Mr. Rayner came through the middle door, and going towards the post office. They met face to face, near the water-stand.—Mr. Rayner had a cane in his left hand. He described the position of the cane; it was held by the left hand, which then held the cane, and at the same time, with his own right hand, struck Mr. Montgomery twice in the cheeks. Cannot say, certainly, whether his hand was or was not clenched; but, from the sound, believes the hand was open. Mr. Montgomery disengaged his right hand, and with a stick, struck Mr. Rayner. The stick broke with the blow. Mr. Rayner, with his right hand, seized the cane, which was still in his left hand, towards the small end, and struck Mr. Montgomery. At the first blow, the sword, which was at the large end, flew out, and the blows which followed were inflicted with the barrel-end of the cane. Could not distinguish, particularly, the blows which passed. Mr. Montgomery had his hand on Mr. Rayner's breast. Several persons rushed in, and the parties were separated. Mr. Rayner did not appear to wish to injure Mr. Montgomery; had he been so disposed, he might have done so.

The Hon. George H. Proffit was then sworn on behalf of defendant. He stated that he was in the neighborhood of the place. Saw Mr. Rayner and Mr. Montgomery in conflict. Mr. Montgomery had his hand on Mr. Rayner's breast.—The latter had the scabbard or barrel-end of a sword-cane in his hand, with which witness saw him strike Mr. Montgomery one or two blows. The parties were speedily separated. Mr. Rayner appeared cool and composed, and inquired for the part of the cane which he had dropped. In answer to a remark made to him by witness, that as the thing had occurred, and would probably make some noise, he wished that he had left his mark. Mr. Rayner replied, that he did not wish to injure Montgomery, but only to disgrace him, and had slapped his face for having accused him of falsehood. Montgomery appeared a good deal agitated and alarmed.

Mr. Cox observed, that he had nothing further, on behalf of defendant, to lay before the Court, excepting a publication made by Mr. Montgomery, in the Globe of May 30th, the evening after the occurrence, which contained Mr. Montgomery's statement of what had passed, and the previous publication between the parties, which exhibited the circumstances of provocation which had led to the encounter. He asked the Court, in deliberating upon its judgment, to examine this publication, and estimate the provocation which had been offered.

Mr. Key, District Attorney, intimated his intention to wait until Mr. Montgomery, whom he had sent for, should arrive, when he might determine, after consultation with him, whether or not he would lay before the Court any other testimony.

Some time after Mr. Montgomery appeared, and after some conversation with the District Attorney, Mr. Key announced to the Court that he did not design to offer any further evidence.

The foregoing statement was made by me, from notes taken in Court, immediately after the examination of the case, and in I believe, strictly accurate.

June 17, 1840. RICHARD S. COXE. Washington, June 23, 1840.

We hereby certify that we have examined the foregoing statement of the evidence given by us, respectively, on the trial of the Hon. K. Rayner, and the same is a fair and full statement of our evidence, as given under our oath, before the Court.

GEORGE H. PROFFIT. PHILIP HAAS.

From the following certificate, from the Clerk of the Court, it will be seen that these were the only witnesses sworn on the trial.

Criminal Court of the District of Columbia, sitting for the County of Washington.

June 17th, 1840.—Indictment for an assault and battery on William Montgomery—16th June, the case submitted to the Court—17th June, Judgment, that the Defendant pay a fine of \$50, and costs of prosecution.

THE UNITED STATES against KENNETH RAYNER

It appears from the Minutes of the Court, in the above case, that Phillip Haas was the only witness sworn on the part of the prosecution, and the Hon. Mr. Proffit the only one in defence.

Test: WM. BRENT, Clerk. On this evidence, which was contradicted by Montgomery—who was sent for by F. S. Key, the prosecuting attorney, and refused to be sworn, after a close and secret conversation with him for some time—I was sentenced to pay a fine of fifty dollars.

The foregoing evidence speaks for itself. It proves that the aforesaid Montgomery quietly submitted to personal chastisements, and then attempted to cover his disgrace by using towards me low and abusive epithets, and by publishing a statement which he knew to be false, and to which he refused to swear, when brought into court. I ask the public to compare the uncontradicted evidence in the case, as given in a court of justice, with Montgomery's account, both of the manner of my attack and of his own heroism, as contained in his letter of May 30; and the only comment I have to make is, that I regret exceedingly the necessity which compels me to trouble the public further with this matter; and regret still more the necessity which compelled me, in the first instance, to lay my hands on such a wretch.

K. RAYNER. WASHINGTON CITY, July 20, 1840.

LAST BELCHINGS OF AN EXPIRING VOLCANO!

The Nashville Union has the following letter from the Roaring Lion of the Hermitage, in reference to an observation made by Mr. Clay at the late great Whig celebration in that city. It was expected that the impudence of Mr. Clay in visiting Tennessee, and partaking of a public dinner in sight of the Hermitage, would kindle anew the slumbering wrath of the old Hero, but we had hoped that the pacific and even complimentary tone of Mr. Clay's speech would have constrained him, in common decency, to keep his temper under some little restraint. But see how he raves:

Lynchburg Virginian. To the Editor of the Union: Sir—Being informed that the Hon. Henry Clay of Kentucky, in his public speech at Nashville, yesterday, alleged that I had appointed the Honorable Edward Livingston Secretary of State when he was a defaulter and knowing him to be one, I feel that I am justified in declaring the charge to be false. It is known to all the country that the nominations made by the President to the Senate, are referred to appropriate committees of that body, whose duty it is to inquire into the character of the nominee, and that if there is any evidence of default or any disqualifying circumstance, they are to report against him.

Mr. Livingston was a member of the Senate from the State of Louisiana, when he was nominated by me. Can Mr. Clay say that he opposed the confirmation of his nomination, because he was a defaulter? If so, the Journal of the Senate will answer. But his confirmation by the Senate is conclusive proof that no such objection, if made, was sustained, and I am satisfied that such a charge against him could not have been substantiated.

I am also informed that Mr. Clay charged me with appointing Samuel Swartwout Collector of the port of New York, knowing that he had been an associate of Aaron Burr. To this charge it is proper to say that I knew of Mr. Swartwout's connection with Aaron Burr, precisely as I did that of Mr. Clay himself, who, if the history of the times did not do him great injustice, was far from avoiding an association with Burr when he was at the town of Lexington in Kentucky. Yet Mr. Clay was appointed Secretary of State, and I may say confidently with recommendations for character and fitness not more favorable than those produced to me by the citizens of New York in behalf of Mr. Swartwout. Mr. Clay, too at the time of his own appointment to that high office, it will be recollected, was directly charged throughout the Union with having bargained for it; and by none was this charge more earnestly made than by his present associates in Tennessee, Messrs. Bell and Foster.

Under such circumstances, how contemptible does this demagogic appeal, when he descends from his high place in the Senate, & roams over the country, retailing slanders against the living and the dead.

ANDREW JACKSON. Hermitage, August 18, 1840.

How different from the tone of his great and hated rival! The one all magnanimity and generosity—the other as fierce and violent as a caged tiger.

Since the foregoing was in type, we have received the Nashville Whig containing the following dignified Card:

TO THE PUBLIC. Your surprise, I am quite sure, will be as great as mine was, on the perusal of a note, signed Andrew Jackson, addressed to the editor of the Nashville Union, and bearing date on the 18th instant.

The circumstances of my present visit to Nashville are well known here. I declined repeated invitations to attend the Convention holden on the 17th instant, and finally yielded to an unusual appeal, with which I was honored, which it would be difficult for any man to resist.

I was called upon to address the Convention.—In what terms of respect, and for his military services, of praise I spoke, of the distinguished individual who is the occasion of this note, all who heard me can testify. Among the subjects which I discussed, was that of the degeneracy in public virtue, and especially the delinquency and infidelity in public officers, of which within the last few years we have had such lamentable proof. In assigning the causes for this deplorable state of things, I stated, as among them, the subversion of the rule laid down by Mr. Jefferson, of honesty, capacity and fidelity to the Constitution, and the substitution for it of one founded on devotion and subservience not to the country, but to the chief of a party.—That persons appointed to office too often considered themselves as being only put in possession of their legitimate share of the spoils of victory, instead of feeling bound by the obligations of a sacred trust conferred for the benefit of the people. In respect to defaulters, I referred to the case of Livingston, of whose attainments as a jurist, not more consistent with truth than my feelings, I spoke in the highest terms. He was one of the earliest and one of the greatest defaulters. His case occurred under Mr. Jefferson's administration. The records both of the Executive and Judicial departments established his default. He remained a defaulter about a quarter of a century, if not more. How he liquidated the balance against him, and when, I do not certainly know, but I believe it was by property and under the first term of General Jackson.

But whenever and however it was, a tardy payment or composition of the debt could not and did not expunge the fact of his original default.

In arguing from cause to effect, I contended that the appointment of Mr. Livingston was a pernicious precedent. That it was a virtual proclamation to all who were or might be defaulters that their infidelity, in a public trust, constituted no insuperable barrier to a promotion to one of the highest offices in the Government. I did not attribute to General Jackson a knowledge of the default. I went even so far as to say that he might not have reflected upon the consequences of the appointment of an individual so situated. I must now say that, until Gen. Jackson otherwise asserts, I am constrained to believe that he could not have been ignorant of a fact, so conspicuous in the annals of our country, as that of the default of Edward Livingston, Esq. Attorney of the United States, in the District of New York, during the administration of Mr. Jefferson, to the amount of about \$100,000.

It was in the train of the same thought and argument, that I addressed the appointment of Mr. Swartwout to the office of Collector of the most important port in the United States, as one of the most important and injurious examples. His participation in the scheme of Col. Burr, was a fact of such universal notoriety that it supposed, and yet supposed, that no man the least conversant with the history of the country, could be ignorant of it. But it was not upon Gen. Jackson's knowledge of that fact, it was upon the fact itself, that I dwelt.

It is now said that the appointment of Mr. Swartwout was recommended by citizens of New York. I know nothing of those recommendations. Whether they were cause or effect—whether they were gotten up to produce or to give color and cover to the appointment, previously determined to be made—their secret history only could disclose. The appointment occasioned general surprise among the friends and foes of the administration, at the time, and the sequel demonstrates how unwise it was.

These topics of address to the Convention on Monday last, have been selected by Gen. Jackson for comment and animadversion. He was not present on the occasion. He has made no application to me for a correct account of what I actually said; but has been contented to rely upon "being informed," by whom, with what motives, & with what objects, I have no means of conjecturing. Whether his informer may not be some friend of Mr. Van Buren, who, in the present desperate state of his political fortunes, wishes to bring the General into the field, & to turn the tide of just indignation on the part of the People from the General's protegee, the exhibition of his name only would enable the public to decide.

With regard to the insinuations and gross epithets contained in Gen. Jackson's note, alike impotent, malevolent, and derogatory to the dignity of a man who has filled the highest office of the Universe, respect for the public, and for myself, allow me only to say that, like other similar missiles, they have fallen harmless at my feet, exciting no other sensation than that of scorn and contempt.

H. CLAY. NASHVILLE, August 20, 1840.

Southern Men! Republicans! Read!! From the Cincinnati (Ohio) Republican.

GEN'L HARRISON'S SPEECH AT CARTHAGE. THAGE.

We insert, according to promise, so much of Gen. Harrison's speech at Carthage, on the 20th ult. as related to the subject of Abolition.

As a member of the American Society, proposing to me two questions, which he requested me to answer; but having from necessity, arising from the absolute impossibility of my numerous letters I receive, requiring my opinions upon political subjects, declined to answer any from individuals, I willingly embrace the opportunity of answering them which this occasion has given me, without violating the rule I had found myself under the necessity of adopting.

The questions are the following, viz: 1st—Do you believe the people of the United States possess an unrestricted right to discuss any subject, that to them may seem worthy of consideration?

2nd—Do you believe the people of the United States have the right to petition their Legislature for the redress of whatever they may deem a grievance, and for the adoption of such measures as the petitioners may think conducive to the welfare of the nation?

I do not hesitate to answer both of these questions in the affirmative. The Constitution of the United States, and that of our own State, have referred to the people the enjoyment of the rights referred to in both questions, entirely unrestricted, but by their own sense of propriety, and the legal rules which protect the rights of others. The freedom of speech and of the press, are the distinguished characteristics of free government. Without them, we might call our country a Republic, but it would be so only in name, like that of Rome, under the Emperors, it might be a mask to cover the most horrible despotism. The right of the people to write and to speak openly and freely upon all matters of public policy "is the palladium of all civil and religious liberty." The authors of our Constitution must have known that it would be subject to abuses to be used for improper and indeed sometimes for criminal purposes; yet they declared it without restriction. More than half a century has passed away since it came into operation, and although upon one memorable occasion it was resorted to for the purpose of giving effect to counsels tending to paralyze the efforts of the nation, in the midst of a dangerous war, and to encourage the enemy to persevere in supporting their unjust pretensions, still these declarations of rights in relation to writing, speaking and publishing, have been suffered to remain in all their pristine force. I should be the last person who could, under any circumstances, consent to restrict them by legal enactments.

I must, however, take this occasion to repeat what I have before declared, that the discussion of the right of one portion of the States which compose our Union to hold slaves by an assemblage of citizens of other States, which hold none, is in my opinion not sanctioned by the spirit of the Constitution. It is tolerated by the broad and unrestrictive declaration in the Constitution, to which I have referred, it is forbidden by the general tenor of that instrument, and the fundamental principle of the government which it has established. Our government is certainly one of a very complicated character, difficult in some of its aspects to be well understood. To foreign governments it presents, and was intended to present, a power clothed with the most important attributes of sovereignty; and so far as our relations with them may be concerned, they are to see nothing beyond that which is described in our glorious motto "E Pluribus Unum." We are, however, not "one," in the sense that it would be understood if applied to other nations which have been formed one from disjointed and separate parts. Our Union is not that which, like marriage, merges the whole rights of the parties in a common stock. We are not

joined like meeting rivers Which roll into the sea a common flood, And are no more distinguished.

Our Union is more properly like an ordinary partnership composed of a number of individuals, who each furnish a portion of capital, to be subjected to the control of a majority of the partners, but who each also retain another portion under their own exclusive management. With the latter neither the partners collectively nor individually have any more right to interfere than if there existed no sort of connection between them. This is, also, the theory of our General and State Governments. Over the powers retained by the States respectively,

neither the General Government nor the other States nor the citizens of the other States, can exercise the least control. If this opinion is correct, it follows that discussions in public assemblies in relation to the institutions of other States, with a view to alter or affect them, was not in the contemplation either of those who framed the Constitution, or those by whom it was adopted. Let us apply the theory I endeavor to maintain to this assembly. We are here, some three thousand persons, in the double character of citizens of Ohio and citizens of the United States. In the first, we can undertake the consideration and discussion of any subject belonging to our State policy, embody our sentiments in the shape of resolutions or petitions, and in the event of a supposed grievance, present them to the appropriate State authorities for redress. As citizens of the United States, we are competent to consider and discuss any subject of national policy, and by a similar process submit the result of our deliberations, if we should choose to do so, to that department of the Federal Government which possesses the power to give us relief. But in which of these characters either as citizens of Ohio, or as citizens of the United States, could we, consistently with the theory and spirit of the Constitution, discuss a subject belonging exclusively to any other State?

There are many principles to be found in the Constitutions of some of the States (other than the toleration of slavery) which are very much unlike those of Ohio. The property qualification of voters for instance. This is a restriction upon the right of suffrage to which personally I am opposed. Having ascertained that he was a citizen, I would not proceed to enquire the amount of money he had in his pocket, or what other species of property he might possess. With these sentiments I might offer for your adoption a resolution declaring that the restricted suffrage in some of the States was an aristocratical feature in their systems of government, and should be abolished.—Such a proposition could not fail to create much surprise and bring to the mind of every man in the assembly that neither in his capacity as a citizen of Ohio nor of the United States, could he interfere with the people of Massachusetts, Virginia, and Louisiana, in the management of their domestic concerns. Should I be asked if I thought that any harm could arise from such a discussion, I answer decidedly in the affirmative. Harm in more ways than one. It would tend more perhaps, than any thing else, to destroy the idea of the perfect individuality and distinctness of the State governments, which has ever been considered as one of the most important features in our system, and prepare the minds of the people for the prostration of the barriers which have been erected with so much art and care between the General and State Governments, and those of the States respectively, and finally lead to that dreaded consolidation which, in the opinions of our wisest and best statesmen, would be the immediate precursor of the downfall of liberty. It could not fail, also, to impair if not entirely destroy, those feelings of confidence and affection between the citizens of the respective States, which is the only effectual bond of our Union.

From the discussion of any question in an abstract form, no possible injury could arise.

I conclude with the repetition of my opinion that the right of the people to write on, speak on, and discuss any subject which they may deem worthy of consideration, and that of petitioning for the redress of any thing "which they may consider a grievance," are secured to them both by the Federal and State Constitutions, and that these rights can neither be impaired nor restricted. The abuse of these rights is no argument for abolishing them.

As a member of the American Society, proposing to me two questions, which he requested me to answer; but having from necessity, arising from the absolute impossibility of my numerous letters I receive, requiring my opinions upon political subjects, declined to answer any from individuals, I willingly embrace the opportunity of answering them which this occasion has given me, without violating the rule I had found myself under the necessity of adopting.

The questions are the following, viz: 1st—Do you believe the people of the United States possess an unrestricted right to discuss any subject, that to them may seem worthy of consideration?

2nd—Do you believe the people of the United States have the right to petition their Legislature for the redress of whatever they may deem a grievance, and for the adoption of such measures as the petitioners may think conducive to the welfare of the nation?

I do not hesitate to answer both of these questions in the affirmative. The Constitution of the United States, and that of our own State, have referred to the people the enjoyment of the rights referred to in both questions, entirely unrestricted, but by their own sense of propriety, and the legal rules which protect the rights of others. The freedom of speech and of the press, are the distinguished characteristics of free government. Without them, we might call our country a Republic, but it would be so only in name, like that of Rome, under the Emperors, it might be a mask to cover the most horrible despotism. The right of the people to write and to speak openly and freely upon all matters of public policy "is the palladium of all civil and religious liberty." The authors of our Constitution must have known that it would be subject to abuses to be used for improper and indeed sometimes for criminal purposes; yet they declared it without restriction. More than half a century has passed away since it came into operation, and although upon one memorable occasion it was resorted to for the purpose of giving effect to counsels tending to paralyze the efforts of the nation, in the midst of a dangerous war, and to encourage the enemy to persevere in supporting their unjust pretensions, still these declarations of rights in relation to writing, speaking and publishing, have been suffered to remain in all their pristine force. I should be the last person who could, under any circumstances, consent to restrict them by legal enactments.

I must, however, take this occasion to repeat what I have before declared, that the discussion of the right of one portion of the States which compose our Union to hold slaves by an assemblage of citizens of other States, which hold none, is in my opinion not sanctioned by the spirit of the Constitution. It is tolerated by the broad and unrestrictive declaration in the Constitution, to which I have referred, it is forbidden by the general tenor of that instrument, and the fundamental principle of the government which it has established. Our government is certainly one of a very complicated character, difficult in some of its aspects to be well understood. To foreign governments it presents, and was intended to present, a power clothed with the most important attributes of sovereignty; and so far as our relations with them may be concerned, they are to see nothing beyond that which is described in our glorious motto "E Pluribus Unum." We are, however, not "one," in the sense that it would be understood if applied to other nations which have been formed one from disjointed and separate parts. Our Union is not that which, like marriage, merges the whole rights of the parties in a common stock. We are not

joined like meeting rivers Which roll into the sea a common flood, And are no more distinguished.

Our Union is more properly like an ordinary partnership composed of a number of individuals, who each furnish a portion of capital, to be subjected to the control of a majority of the partners, but who each also retain another portion under their own exclusive management. With the latter neither the partners collectively nor individually have any more right to interfere than if there existed no sort of connection between them. This is, also, the theory of our General and State Governments. Over the powers retained by the States respectively,

neither the General Government nor the other States nor the citizens of the other States, can exercise the least control. If this opinion is correct, it follows that discussions in public assemblies in relation to the institutions of other States, with a view to alter or affect them, was not in the contemplation either of those who framed the Constitution, or those by whom it was adopted. Let us apply the theory I endeavor to maintain to this assembly. We are here, some three thousand persons, in the double character of citizens of Ohio and citizens of the United States. In the first, we can undertake the consideration and discussion of any subject belonging to our State policy, embody our sentiments in the shape of resolutions or petitions, and in the event of a supposed grievance, present them to the appropriate State authorities for redress. As citizens of the United States, we are competent to consider and discuss any subject of national policy, and by a similar process submit the result of our deliberations, if we should choose to do so, to that department of the Federal Government which possesses the power to give us relief. But in which of these characters either as citizens of Ohio, or as citizens of the United States, could we, consistently with the theory and spirit of the Constitution, discuss a subject belonging exclusively to any other State?

There are many principles to be found in the Constitutions of some of the States (other than the toleration of slavery) which are very much unlike those of Ohio. The property qualification of voters for instance. This is a restriction upon the right of suffrage to which personally I am opposed. Having ascertained that he was a citizen, I would not proceed to enquire the amount of money he had in his pocket, or what other species of property he might possess. With these sentiments I might offer for your adoption a resolution declaring that the restricted suffrage in some of the States was an aristocratical feature in their systems of government, and should be abolished.—Such a proposition could not fail to create much surprise and bring to the mind of every man in the assembly that neither in his capacity as a citizen of Ohio nor of the United States, could he interfere with the people of Massachusetts, Virginia, and Louisiana, in the management of their domestic concerns. Should I be asked if I thought that any harm could arise from such a discussion, I answer decidedly in the affirmative. Harm in more ways than one. It would tend more perhaps, than any thing else, to destroy the idea of the perfect individuality and distinctness of the State governments, which has ever been considered as one of the most important features in our system, and prepare the minds of the people for the prostration of the barriers which have been erected with so much art and care between the General and State Governments, and those of the States respectively, and finally lead to that dreaded consolidation which, in the opinions of our wisest and best statesmen, would be the immediate precursor of the downfall of liberty. It could not fail, also, to impair if not entirely destroy, those feelings of confidence and affection between the citizens of the respective States, which is the only effectual bond of our Union.

From the discussion of any question in an abstract form, no possible injury could arise.

I conclude with the repetition of my opinion that the right of the people to write on, speak on, and discuss any subject which they may deem worthy of consideration, and that of petitioning for the redress of any thing "which they may consider a grievance," are secured to them both by the Federal and State Constitutions, and that these rights can neither be impaired nor restricted. The abuse of these rights is no argument for abolishing them.

As a member of the American Society, proposing to me two questions, which he requested me to answer; but having from necessity, arising from the absolute impossibility of my numerous letters I receive, requiring my opinions upon political subjects, declined to answer any from individuals, I willingly embrace the opportunity of answering them which this occasion has given me, without violating the rule I had found myself under the necessity of adopting.

The questions are the following, viz: 1st—Do you believe the people of the United States possess an unrestricted right to discuss any subject, that to them may seem worthy of consideration?

2nd—Do you believe the people of the United States have the right to petition their Legislature for the redress of whatever they may deem a grievance, and for the adoption of such measures as the petitioners may think conducive to the welfare of the nation?

I do not hesitate to answer both of these questions in the affirmative. The Constitution of the United States, and that of our own State, have referred to the people the enjoyment of the rights referred to in both questions, entirely unrestricted, but by their own sense of propriety, and the legal rules which protect the rights of others. The freedom of speech and of the press, are the distinguished characteristics of free government. Without them, we might call our country a Republic, but it would be so only in name, like that of Rome, under the Emperors, it might be a mask to cover the most horrible despotism. The right of the people to write and to speak openly and freely upon all matters of public policy "is the palladium of all civil and religious liberty." The authors of our Constitution must have known that it would be subject to abuses to be used for improper and indeed sometimes for criminal purposes; yet they declared it without restriction. More than half a century has passed away since it came into operation, and although upon one memorable occasion it was resorted to for the purpose of giving effect to counsels tending to paralyze the efforts of the nation, in the midst of a dangerous war, and to encourage the enemy to persevere in supporting their unjust pretensions, still these declarations of rights in relation to writing, speaking and publishing, have been suffered to remain in all their pristine force. I should be the last person who could, under any circumstances, consent to restrict them by legal enactments.

I must, however, take this occasion to repeat what I have before declared, that the discussion of the right of one portion of the States which compose our Union to hold slaves by an assemblage of citizens of other States, which hold none, is in my opinion not sanctioned by the spirit of the Constitution. It is tolerated by the broad and unrestrictive declaration in the Constitution, to which I have referred, it is forbidden by the general tenor of that instrument, and the fundamental principle of the government which it has established. Our government is certainly one of a very complicated character, difficult in some of its aspects to be well understood. To foreign governments it presents, and was intended to present, a power clothed with the most important attributes of sovereignty; and so far as our relations with them may be concerned, they are to see nothing beyond that which is described in our glorious motto "E Pluribus Unum." We are, however, not "one," in the sense that it would be understood if applied to other nations which have been formed one from disjointed and separate parts. Our Union is not that which, like marriage, merges the whole rights of the parties in a common stock. We are not

joined like meeting rivers Which roll into the sea a common flood, And are no more distinguished.

Our Union is more properly like an ordinary partnership composed of a number of individuals, who each furnish a portion of capital, to be subjected to the control of a majority of the partners, but who each also retain another portion under their own exclusive management. With the latter neither the partners collectively nor individually have any more right to interfere than if there existed no sort of connection between them. This is, also, the theory of our General and State Governments. Over the powers retained by the States respectively,

neither the General Government nor the other States nor the citizens of the other States, can exercise the least control. If this opinion is correct, it follows that discussions in public assemblies in relation to the institutions of other States, with a view to alter or affect them, was not in the contemplation either of those who framed the Constitution, or those by whom it was adopted. Let us apply the theory I endeavor to maintain to this assembly. We are here, some three thousand persons, in the double character of citizens of Ohio and citizens of the United States. In the first, we can undertake the consideration and discussion of any subject belonging to our State policy, embody our sentiments in the shape of resolutions or petitions, and in the event of a supposed grievance, present them to the appropriate State authorities for redress. As citizens of the United States, we are competent to consider and discuss any subject of national policy, and by a similar process submit the result of our deliberations, if we should choose to do so, to that department of the Federal Government which possesses the power to give us relief. But in which of these characters either as citizens of Ohio, or as citizens of the United States, could we, consistently with the theory and spirit of the Constitution, discuss a subject belonging exclusively to any other State?

There are many principles to be found in the Constitutions of some of the States (other than the toleration of slavery) which are very much unlike those of Ohio. The property qualification of voters for instance. This is a restriction upon the right of suffrage to which personally I am opposed. Having ascertained that he was a citizen, I would not proceed to enquire the amount of money he had in his pocket, or what other species of property he might possess. With these sentiments I might offer for your adoption a resolution declaring that the restricted suffrage in some of the States was an aristocratical feature in their systems of government, and should be abolished.—Such a proposition could not fail to create much surprise and bring to the mind of every man in the assembly that neither in his capacity as a citizen of Ohio nor of the United States, could he interfere with the people of Massachusetts, Virginia, and Louisiana, in the management of their domestic concerns. Should I be asked if I thought that any harm could arise from such a discussion, I answer decidedly in the affirmative. Harm in more ways than one. It would tend more perhaps, than any thing else, to destroy the idea of the perfect individuality and distinctness of the State governments, which has ever been considered as one of the most important features in our system, and prepare the minds of the people for the prostration of the barriers which have been erected with so much art and care between the General and State Governments, and those of the States respectively, and finally lead to that dreaded consolidation which, in the opinions of our wisest and best statesmen, would be the immediate precursor of the downfall of liberty. It could not fail, also, to impair if not entirely destroy, those feelings of confidence and affection between the citizens of the respective States, which is the only effectual bond of our Union.

From the discussion of any question in an abstract form, no possible injury could arise.

I conclude with the repetition of my opinion that the right of the people to write on, speak on, and discuss any subject which they may deem worthy of consideration, and that of petitioning for the redress of any thing "which they may consider a grievance," are secured to them both by the Federal and State Constitutions, and that these rights can neither be impaired nor restricted. The abuse of these rights is no argument for abolishing them.

As a member of the American Society, proposing to me two questions, which he requested me to answer; but having from necessity, arising from the absolute impossibility of my numerous letters I receive, requiring my opinions upon political subjects, declined to answer any from individuals, I willingly embrace