

# TO THE PEOPLE.

We have seen, with mingled feelings of surprise and mortification, a circular issued by W. Montgomery and M. T. Hawkins, dated House of Representatives, Feb. 1, 1837. We were surprised that members of Congress should have descended from their high stations to have engaged in so unbecoming a course, and we are mortified beyond measure that members should have come from North Carolina. We deem it a duty to you, we deem it due to ourselves, to expose the misrepresentations of this circular, and, in doing so, we endeavor to treat its authors with all due respect, while we avoid their example, and remember to maintain our own respect.

Such of the abusive language applied to Gen. Harrison we shall not notice. His character is beyond the reach of such assaults. For a long time he has been in the service of his country; he has often risked his life, and sacrificed his seat in Congress on account of his regard for the rights of the Southern States. We challenge the most rigid examination of his character. We defy the most severe exercise of malicious criticism of his military conduct and into his civil history. Thus far, every attack proved he was better than he appeared before; and, as Americans, proud of the reputation of our distinguished countryman, we invite attention to his story. The miserable exploded slander that he is a "bank, federal, abolitionist" candidate, is utterly unworthy of notice. The policy of the Van Buren party has created and fostered hundreds of State banks. We will at any time compare notes, and will prove hundreds of federalists to belong to the party. Numerous instances can be given of their receiving high office from Mr. Van Buren. Nothing is more susceptible of proof than that the abolitionists have nominated candidates of their own, and that they are opposing Harrison, shoulder to shoulder, with the Van Buren party.

To show the People of our State who are the abolitionists, who are co-laborers with Messrs. Montgomery and Hawkins in their unworthy warfare, ask that the letter of Duncan, of Ohio, may be examined. To give evidence of the fiendish malignity with which the South is assailed by Van Buren men, we hope the declaration of Tappan may be remembered; the man who offered to subscribe \$500 to buy powder and shot for the negroes, and then in insurrection! These men are members of the same party as our colleague—all unite in vilifying an old soldier who has served his country well—all unite in their efforts to elect a man President of the U. S. of a man who approves of the proceedings of a Court Martial in which testimony was admitted against a white man!

But we dismiss this. It has been too often refused to claim further notice of lands. The authors of this circular could not have made any man in the South believe this charge, before they wrote this extraordinary circular, such an exhibition of disregard of facts as this circular affords, they & their endorsers must rely upon something beyond bare assertion to gain credit to their statements.

But what do they say in this circular? General Harrison is charged by them, on the first page of their circular, with "acts and votes" in favor of selling "white men and white women for sheriff's fees, clerks' fees, and other fees, and fines imposed by courts, who, from their poverty, were so poor as to be unable to pay these costs in money." We submit whether the act does not bear its own refutation on its face. The act related to fines and punishments. It applied only to those who were sentenced, on conviction of any crime or breach of any penal law, to pay "a fine or fines, or without the costs of prosecution." The reading of the law exposes the needless charge; because it says "with or without the costs of prosecution." Messrs. M. & H. would have you believe that, in enacting this law, the clerks' fees, and sheriff's fees were alone consulted. It was intended as a punishment for crimes, such as horse stealing, hog stealing, burglary, arson, &c., & is expressly mentioned in the law, when the criminals were "on conviction" sentenced to pay a fine, "with or without the costs of prosecution." Messrs. M. & H. seem to think this law would operate only on those who, in their poverty, were so poor as to be unable to pay these fine and costs money! If it had been intended to affect those only who "from their poverty" were so poor, we suppose those who "from" any other cause were poor would never have been sold under this law! Messrs. M. & H. seem to think there are two classes of poor men; first, "the poor" simply, then, secondly, those who "from their poverty are so poor!" But we will give these authors the full benefit of their extract from this law, we quote the law of Indiana as contained in the circular.

Extract from the Laws of the Indiana Territory, printed at Vincennes, by Messrs. Stout and Smoot, in 1807, and now in the Library of the State Department, Washington City.

## CHAPTER VI.

### An act respecting Crimes and Punishments.

Sec. 30. When any person or persons shall, on conviction of any crime of breach by penal law, be sentenced to pay a fine or fines, with or without the costs of prosecution, it shall and may be lawful for the court before whom such conviction shall be had to order the sheriff to sell or hire the person or persons so convicted to any person or persons who will pay the said fine and costs, for such term of time as the said court shall judge reasonable.

And if such person or persons, so sentenced and hired or sold, shall abscond from service of his or her master or mistress before the term of such servitude shall be completed, he or she so absconding shall, on conviction before a justice of the peace, be whipped with thirty-nine stripes, and shall, moreover, serve two days for every one day so absent.

Sec. 31. The judges of the several courts of record in this Territory shall give this in charge to the grand jury at each and every court in which a grand jury shall be sworn.

JESSE B. THOMAS,  
Speaker of the House of Representatives.  
B. CHAMBERS,  
President of the Council.

Approved, September 17, 1807.

WILLIAM HENRY HARRISON.

Indiana, at this time, was a Territory; she had not become a State; she had no penitentiary—probably she had few jails in her borders. If a man had robbed a man of his horse, or stolen his hog, although the vagrant might have owned property to the amount of a thousand dollars, still, under this law, he might have been "hired to service" for such term of time as the court "judged reasonable." The object of the law was to punish and to reform offenders. Under this law a notorious offender could be hired out for twelve months, and made to work instead of being confined in jail, & at public expense out of the taxes paid by honest "good neighbors." The law reached not only those who "from their poverty were so poor" as to be unable to pay costs, but those who might be able to pay costs, and who served to be hired out and made to work. It is perfectly plain, therefore, that this law was made for, and applied only to persons convicted of crimes, and it could only be carried into effect after indictment by a grand jury, and conviction by twelve free men, who heard testimony on oath. And Messrs. M. and H. in their circular, say, that, under this law, poor white men and white women could be "sold by the sheriff, at public auction, as slaves." Are "slaves" sold for such term of time as courts deem reasonable, on conviction for crimes? As well might it be said apprentices are sold as slaves. Is it not an insult to you, does it not evince a contempt for your understandings, when such statements are published for your examination? But we will not misrepresent—we quote the words from the third page of the circular:

"We deem comment useless, and will therefore only say, that on the 17th of September, 1807, General William Henry Harrison, the then Governor of Indiana, and holding the sole control of all the laws in his own hands, actually signed the above bill, which provides that poor white men and women, who are from their poverty unable to pay sheriff's fees, clerks' fees, lawyers' fees, and court fines, should be sold by the sheriff, at public auction, as slaves. How would you feel to see one of your poor but respectable and good neighbor men sold at auction by the sheriff of your county as a slave, under this Harrison law, to some free negro? And only think of what would be your feelings to see one of your poor but respectable neighbor men knocked off under the sheriff's hammer to a free negro as his slave, to be sold under his commands, and compelled to obey them, whatever they might be; and should also resist and disobey and leave her black master's service, and he should apprehend her, and drag her before a single justice of the peace,

and under this Harrison law, have thirty-nine lashes inflicted upon his white female slave, and then compel her to serve two days for every one she had lost from her black master's service, would you be willing to vote for such a man as President? And this is the bank federal Whig candidate's former opinions and principles, and which he refers us, and adopts as his present opinions and principles; and this man, with these principles, is the nominee of the great Harrison and Baltimore bank, federal, abolition Convention for President of these United States; and they strongly solicit your votes for him, and particularly demand the votes of poor men, while at the same time he actually refuses to be seen by, or even spoken to by a poor man; and you are asked by these federal Whigs to take him upon his former opinions and acts, and they as above stated.

We care not for granted that any intelligent man will see at once this misstatement, and will, as soon as the law is read, be entirely satisfied that selling a horse, a hog, or a hog thief, or one who had committed forgery or perjury, after he had been "repeatedly" by twelve men, cannot properly or with truth be said to be selling "respectable and good neighbor men" for lawyer's fees.

We know the People, "the respectable and good neighbor men" of North Carolina too well to believe, for one moment, that they would oppose the election of Gen. Harrison because he wished to punish thieves, forgers and perjured wretches. One who did not know our people, would suppose that North Carolina was a den of thieves, from reading this circular. How could honest people suffer by such a law? No honest man could complain of it. It was passed to protect honest men against those who violated the laws of God and man, and relieve honest men from taxes. And surely no North Carolinian, residing in that State, remarkable for the general good character, the orderly and correct government of its people, can be influenced by such appeals. We pronounce this attempt an unworthy artifice, unbecoming members of Congress, representing honest men, as the authors of this circular do, and insulting to the People of North Carolina, who would suffer as little by such laws as any other people in the world.

But there is another misrepresentation in the extract last quoted, which either betrays an unpardonable ignorance in those who profess to hold themselves ready to answer "any inquiries which may be asked," or shows a wilful departure from the truth. Messrs. M. and H. as if they were electioneering among convicts from a penitentiary, ask "How would you feel to see one of your poor but respectable and good neighbor men sold at auction by the sheriff of your county as a slave, under this Harrison law, to some free negro?" If Gen. Harrison had ever sanctioned a law by which a free negro was authorized to buy a poor and respectable man, he would deserve, and would receive from us, nothing but the severest censure. Instead of feeling justly proud, as Americans, of his glorious victories in the field over the British and Indian forces, we should blush to hear the name of Harrison. Instead of reflecting, with feelings of exultation, on the events of a long and well-spent life, on the unshaken integrity of his character as a soldier and as a statesman, we should say he deserved the curses of every "respectable good neighbor man." But what is the real state of the case? In many of the States of the Union there are similar laws, and the idea of a white man being sold to a free negro seems never to have been thought of by any one but Messrs. Montgomery and Hawkins.

The law of North Carolina, which many of the members of Assembly in North Carolina voted for, does not contain any clause forbidding a free negro to hire a convict. Like a paricide among the Athenians, there was no law to prevent it, for no man, it was thought, could be wicked enough to commit the crime. Will it be said that the members of the Legislature of North Carolina ever voted for a law to sell poor "but respectable neighbor men" as slaves to free negroes? We hope not yet the assertion may be made with as much truth of this law as of the Indiana law. Examine for yourselves the law of North Carolina.

By this law of our own State, which we quote from memory, not having the book before us, it is provided that certain persons who are idle and disorderly in their conduct (not confined to those who are convicted of crimes, as the Indiana law was) should be "hired out," "but if such persons were of ill fame, so that he or they could not be hired out for the costs, nor give sufficient security for the same, and his or their future good behaviour, in that case, it shall and may be lawful for said Court to cause the offender or offenders to receive thirty-nine lashes on his or their bare back, after which he or they shall be set at liberty, and the costs incurred thereon shall become a county charge, which punishment may be inflicted as often as the person may be guilty, allowing twenty days between the punishment and the offence."

Consult the journals of the Legislature, when the revised statutes were adopted, and learn how many of the supporters of the Administration voted for this law.

But to show how careful Gen. Harrison was, as he has always been, of the rights of the poor, we call your attention to the following section of a law of the Territory of Indiana:

"Extract from the laws of the Indiana Territory, printed at Vincennes, by Messrs. Stout and Smoot, in 1807, and now in the Library of the State Department, Washington City.

Yes, extract from the very same book from which Messrs. Montgomery & Hawkins copied their extract.

We copy the following from page 343, chapter 48, section 9th, of the same book:

"No negro, mulatto, or Indian, shall at any time purchase any servant other than that of their own complexion, and if any of the persons aforesaid shall, nevertheless, presume to purchase a white servant, such servant shall immediately become free, & shall be so held, deemed, and taken."

Signed as follows:  
JESSE B. THOMAS,  
Speaker of the House of Representatives.  
B. CHAMBERS,  
President of the Council.

Approved, September 17, 1807.

WM. H. HARRISON.

Now, fellow citizens we can repeat the words of the circular, and say "we deem comment useless," and will therefore only say, "that on the 17th day of September, 1807, Gen. Wm. Henry Harrison, the then Governor of the Territory of Indiana," (the same man who is the son of Benj. Harrison, a signer of the Declaration of Independence; the same man who was appointed Governor of the Territory of Indiana by Thomas Jefferson, the author of the Declaration of Independence in the year 1803 and in 1806, afterwards by Mr. Madison in 1808, after this law had been passed; the same man who fought and conquered at Tippecanoe and the Thames; the same man whom cut-throats abolitionists, and all horse thieves, hog thieves, housebreakers, &c. who do not wish to be made to work, hate so bitterly; this same person who lost his seat in Congress because he defended Southern rights; this same Wm. Harrison, "actually signed the above bill" which forbade a negro to purchase a white servant! although that white servant had been convicted by a jury! Now, fellow-citizens, "how would you feel" if one of you were the representative of "respectable good neighbors," and published such a circular? "And only think of what would be your feelings," if one of you had published such charges against an honest old soldier, and said "the above is a true statement of facts on record?" "We appeal to every honorable man among you, (not totally blinded by party prejudice,) who loves his friend, his liberty, and his country, to pause, reflect and examine well the principles and recorded acts," of those men who will thus grossly insult your understandings.

We leave the Indiana laws here.

Messrs. Montgomery and Hawkins also give an extract from the Journal of the Senate of Ohio in 1821, from which we take the following:

"Mr. Fithian then moved to strike out the 19th section of the bill as follows:

"Be it further enacted, That when any person shall be imprisoned either upon execution or otherwise for the non-payment of a fine or costs, or both, it shall be lawful for the sheriff of the county to sell out such person as a servant to any person within this State who will pay the whole amount due for the shortest period of service; of which sale public notice shall be given at least ten days; and upon such sale being affected, the sheriff shall give to the purchaser a certificate thereof, and deliver over the prisoner to him, from which time the relation between such purchaser and the prisoner shall be that of master and servant, until the time of service expires, and for injuries done by either, remedy shall be had in the same manner as is or may be provided by law in case of master and apprentice. But nothing herein contained shall be construed to prevent persons being discharged from imprisonment according to the provisions of the 37th section of the act to which this is supplementary, if it shall be considered expedient to grant such discharge: Provided, That the Court, in pronouncing upon any person or persons convicted under this act, or the act to which this is supplementary, may direct such person or persons to be detained in prison until the fine be paid, or the person or persons otherwise disposed of agreeably to the provisions of this act."

"Which motion was decided in the affirmative: Yeas 20, Nays 12."

Among the 12 nays, it seems, the Name of Harrison is found. This is seen in its terms to prescribe that the relation between the parties shall be that of master and apprentice." It only related to those who were "imprisoned." Messrs. M. and H. have not ventured to say that "omnibus men and neighbor women" under this law, could be sold as slaves. This only charged us to the Indiana law, which has heretofore been very misrepresented.

The first charge against Gen. Harrison was, that he voted for a law to sell men for debt. In 1821, when this slander was brought against Gen. Harrison, he wrote a letter to the Editor of the Cincinnati Advertiser, from which we copy the following:

"I would appeal to the candor of your correspondent to say whether, there were an individual confined under the circumstances I have mentioned for whose fate he was interested, he would not gladly see him transferred from the filthy enclosure of a jail, and the still more filthy inhabitants, to the comfortable mansion of some virtuous citizen, whose admissions would check his vicious propensities, and whose authority over him would be more than is exercised over thousands of apprentices in our country, and those bound servants which tolerated in our as well as in every other State in the Union. Far from advocating the abominable principles attributed to me by your correspondent, I think that imprisonment for debt, under any circumstance but what where fraud is alleged, is at war with the best principles of our Constitution, and ought to be abolished.

"I am, sir, your humble servant,

"WM. H. HARRISON."

In 1830, Gen. Harrison wrote a letter to Mr. Pleasant, relating to the subject, from which we quote the following:

"So far from being willing to sell men for debts which they are unable to discharge, I am, and ever have been, opposed to all imprisonment for debt. Fortunately, I have it in my power to show that such has been my established opinion; and that, in a public capacity, I avowed and acted upon it. With those who have preferred the unfounded and malicious accusation refer to the Journals of the Senate of the United States, 2d Session, 19th Congress, page 235; it will there be seen that I was one of the Committee which reported a bill to abolish imprisonment for debt. When the bill was before the Senate, I advocated its adoption, and on its passage voted in its favor. [See Senate Journal, 1st Session, 20th Congress, pages 101 and 102.]

"It is not a little remarkable, that if the effort I am accused of having made, to subject men to sale for the non-payment of their debts, had been successful, I might, from the state of my pecuniary circumstances at the time, have been the first victim. I repeat, the charge is a vile calumny. At no period of my life would I have consented to subject the poor and unfortunate to such a degradation, nor have omitted to exert myself in their behalf, against such an attempt to oppress them.

"I am, dear sir, with great respect,

Your humble servant,

"WM. H. HARRISON."

"J. H. PLEASANTS, Esq."

Although this charge is not made in the circular, it has been made in many newspapers, and we feel bound to let the whole truth be known to you. Like all the other thousand slanders against Gen. Harrison, the examination redounds to his credit. He was influenced by feelings of humanity in wishing to relieve prisoners from the loathsome vapors of a dungeon, that they might as apprentices, work out their fines.

Mr. Mason, of Ohio, who is well acquainted with the laws of that State in a speech recently made by him, very satisfactorily explains this vote Mr. M. says:

"Sir, I wish now to call your attention to the vote of Gen. Harrison, and the circumstances under which it was given. The attention of the Legislature of Ohio, during its session of 1820-'21, was anxiously directed to the consideration of some plan for their relief of the people, then suffering under a degree of distress and embarrassment unexampled in the history of that State. With a currency depreciated and deranged, the financial resources of the State crippled, and a Treasury exhausted, the people loudly complained of the almost intolerable burden of taxation; they demanded a reformation and reform in the expenses incident to the administration of the criminal law of the country. In this posture of public affairs, with a gradually increasing expenditure for the prosecution and punishment of offenders, and a penitentiary crowded with convicts, that had become an annual charge on the Treasury, the Legislature assembled, and undertook to provide a remedy for the grievances complained of, by instituting a revision of the entire criminal code of the State. The task was one of great difficulty and labor; but it was accomplished with as much success as was attainable in the then condition of the country. The great object in view was to diminish the public expenditures in criminal cases, by reducing them to the lowest point consistent with the ends proposed to be secured by the due and proper administration of punitive justice. To effect this, the House of Representatives passed a bill entitled 'An act supplementary to the act for the punishment of certain offences therein named,' and sent it to the Senate for concurrence. Several new provisions were introduced into this bill. By it certain offences which had before been punished by imprisonment in the penitentiary were made punishable by fine and imprisonment in the county jail."

"It was this bill 'for the punishment of certain offences therein named,' which contained the 19th section to which we have just referred. In that 19th section it will be seen as follows: 'But nothing herein contained shall be construed to prevent persons being discharged from imprisonment according to the provisions of the 37th section of the act to which this is supplementary.' &c."

In the "act for the punishment of certain offences therein specified," passed February 11, 1815, (See Chase's Statutes, 2d vol. pages 893, 456, 6, 7,) you will find the 37th section here referred to, and which is as follows:

"Sec. 37. That when any person shall be confined in jail for the payment of any fine and costs that may be inflicted agreeably to the provisions of this act, the county commissioners may, if it be made to appear to their satisfaction that the person so confined cannot pay such fine & costs, order the sheriff or prior of such county to discharge such person from imprisonment; and the sheriff or jailor, upon receiving such order in writing, shall discharge such person accordingly: Provided, That the commissioners may, at any time thereafter, order and cause to be issued an execution against the body, lands, goods or chattels of the person so discharged from imprisonment for the amount of such fine and costs."

Remember the 37th section was retained and Gen. Harrison voted for this, and it expressly provided that, if any person "cannot pay such fine and costs," the county commissioners may discharge them. A poor man, therefore, could not suffer by this law. We repeat, this section is not given by Messrs. Montgomery and Hawkins. This gives relief to those who could not pay the fine, and this provision was retained in the law for which Gen. Harrison voted.

But the case is stronger still. In the celebrated 19th section, against the motion to strike out which Gen. Harrison voted, it appears that the criminal had the same "remedy which was provided by law in case of master and apprentice."

Here is the 2d section of the law of Ohio relating to apprentices, to be found in Chase's Statutes, vol. 1, pages 885, 6, in the Library of Congress.

"Sec. 2. That if any master or mistress shall be guilty of any mistreatment, or necessary provision or clothing, or other ill treatment so that said apprentice or servant shall have just cause to complain; or the said apprentice or servant be guilty of any misdemeanor, or ill behavior, or do not perform his or her duty to his or her master or mistress, then the said master or mistress, apprentice or servant, having just cause of complaint, may repair to any justice of the peace in the township, who shall, upon the application of either, issue his warrant or summons for bringing the said master or mistress, apprentice or servant, before him, and take such order or direction between the said master or mistress, apprentice or servant, as the equity and justice of the case shall require."

We are very willing any honest, respectable neighbor man should read the 2d section of the 37th section, and the 19th section above quoted, all parts of the law for which Gen. Harrison voted, and form his own opinion of it. We quit this part of the subject by quoting the laws of Ohio.

By the laws of Ohio, now in force, no negro or mulatto can come and settle in that State unless he produce a certificate of his freedom, and enter into bond for his good behavior and support. A penalty is imposed on any person who harbors or employs such negro, to be paid to the owner of said negro. The laws of Ohio also provide that runaways shall be delivered up to their owners, upon their proving their property. Negroes are not regarded in Ohio as standing on the same footing with white men. Neither have Messrs. Montgomery and Hawkins or any other persons charged that a negro can purchase as a slave a white man in Ohio.

The above extracts fully show this, if there was no other evidence. We quote the following from the laws of Ohio, copied from page 536 of Statutes of Ohio, vol. 1:

"That no black or mulatto person or persons shall hereafter be permitted