

FUGITIVE SLAVES
Law of Pennsylvania, concerning fugitive slaves and kidnapping.
(Interests to the provisions of the Constitution of the United States, relative to fugitives from labour, and to the protection of people of colour and to prevent kidnapping.)

Sec. 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That if any person or persons shall, from and after the passing of this act, by force or violence, take and carry away, or cause to be taken and carried away, and shall by fraud or false pretence, seduce or cause to be seduced, or shall attempt so to take, carry away or seduce, any negro or mulatto from any part or parts of this Commonwealth to any other place or places whatsoever out of this Commonwealth, with a design and intention of selling and disposing of, or of causing to be sold, or of keeping and detaining, or of causing to be kept and detained, such negro or mulatto, as a slave or servant for life, or for any term whatsoever, every such person or persons, his or their aiders or abettors, shall, on conviction thereof in any court of this Commonwealth having competent jurisdiction be deemed guilty of a felony, and shall forfeit and pay, at the discretion of the court passing the sentence, any sum not less than \$500, nor more than \$2000, one half whereof shall be paid to the person or persons who shall prosecute for the same, and the other half to the Commonwealth; and moreover, shall be sentenced to undergo a servitude for any term or time not less than 7 years, nor exceeding 21 years, and shall be confined and kept to hard labour, fed and clothed in the manner as directed by the penal laws of this Commonwealth for persons convicted of robbery.

Sec. 2. And be it enacted by the authority aforesaid, That if any person or persons shall hereafter knowingly sell, transfer, or assign, or shall knowingly purchase, take a transfer or assignment of any negro or mulatto, for the purpose of fraudulently removing, exporting, or carrying such negro or mulatto out of this state, with the design or intent by fraud or false pretences of making him or her a slave or servant for life, or for any term whatsoever, every person so offending shall be deemed guilty of a felony; and on conviction thereof shall forfeit and pay a fine of not less than \$500 nor more than \$2000, one half whereof shall be paid to the person or persons who shall prosecute for the same, and the other half to the Commonwealth; and moreover, shall be sentenced to a servitude for any term not less than 7 years nor exceeding 21 years, and shall be confined, kept to hard labour, fed and clothed in the manner as is directed by the penal laws of this Commonwealth for persons convicted of robbery.

Sec. 3. And be it further enacted, &c. That when a person held to labour or service in any of the United States, or either of the territories thereof, and under the laws thereof, shall escape into this Commonwealth, the person to whom such labour or service is due, his or her duly authorized agent or attorney, constituted in writing, is hereby authorized to apply to any judge, justice of the peace, or alderman, who, on such application, supported by the oath or affirmation of such claimant, or such authorized agent or attorney as aforesaid, that the said fugitive had escaped from his or her service, or from the service of the person for whom he is duly constituted agent or attorney, shall issue his warrant under his hand and seal, and directed to the sheriff or any constable of the proper city or county, authorizing and empowering said sheriff or constable to arrest and seize the said fugitive, who shall be named in said warrant, and to bring said fugitive before a judge of the proper county, which said warrant shall be in the form or to the effect following, "State of Pennsylvania, — county of ———. The Commonwealth of Pennsylvania, to the sheriff or any constable of ——— county, greeting. Whereas it appears by the oath, or solemn affirmation of ——— that ——— was held to labour or service, to ——— of ——— county, in the state of ——— and that the said ——— hath escaped from the labour and service of the said ——— You are therefore commanded to arrest and seize the body of the said ——— if he be found in your county, and bring him, forthwith, before the person issuing the warrant, if a judge (or if a justice of the peace or alderman) before a judge of the court of common pleas, or of the district court, as the case may be, of your proper county, or recorder of a city, so that the truth of the matter may be inquired into, and the said ——— be dealt with as the constitution of the United States, and the laws of this Commonwealth direct. Witness our said judge, (or alderman or justice as the case may be) at this ——— day of ——— A. D. one thousand eight hundred and ———." By virtue of such warrant, the person named therein may be arrested by the proper sheriff or constable to whom the same shall be delivered within the proper city or county.

Sec. 4. And be it further enacted, &c. That no judge, justice of the peace, or alderman, shall issue a warrant, on the application of any agent or attorney, as provided in said 3d section, unless the

said agent or attorney shall, in addition to his own oath or affirmation, produce the affidavit of the claimant of the fugitive, taken before, and certified by a justice of the peace or other magistrate authorized to administer oaths, in the state or territory in which such claimant shall reside, and accompanied by the certificate of the authority of such justice or other magistrate, to administer oaths, signed by the clerk or prothonotary, and authenticated by the seal of a court of record, in such state or territory, which affidavit shall state the said claimant's title to the service of such fugitive, and also the name, age, and description of the person of such fugitive.

Sec. 5. And be it further enacted, &c. That it shall be the duty of any judge, justice of the peace, or alderman, when he grants or issues any warrant under the provisions of the 3d section of this act, to make a fair record on his docket of the same, in which he shall enter the name and place of residence of the person on whose oath or affirmation the said warrant may be granted, and also if an affidavit shall have been produced, under the provisions of the 4th section of this act, the name and place of residence of the person making such affidavit, and the age and description of the person of the alleged fugitive contained in such affidavit, and shall within ten days thereafter, file a certified copy thereof in the office of the clerk of the court of general quarter sessions of the peace or mayor's court, of the proper city or county; and any judge, justice of the peace, or alderman, who shall refuse or neglect to comply with the provisions of this section, shall be deemed guilty of a misdemeanor in office, and shall, on conviction thereof, be sentenced to pay, at the discretion of the court, any sum not exceeding \$1000, one half to the party prosecuting for the same, and the other half to the Commonwealth; and that any sheriff or constable, receiving and executing the said warrant, shall without unnecessary delay, carry the person arrested before the judge, according to the exigency of the warrant; and any sheriff or constable who shall refuse, or willfully neglect to do so, shall, on conviction thereof, be sentenced to pay, at the discretion of the court, any sum not exceeding \$500, one half to the party prosecuting for the same, and the other half to the Commonwealth, or shall also be sentenced to imprisonment, at hard labour, for a time not exceeding six months, or both.

Sec. 6. And be it further enacted, &c. That the said fugitive from labour or service when so arrested, shall be brought before a judge as aforesaid, and upon proof, to the satisfaction of such judge, that the person so seized or arrested, doth, under the laws of the state or territory from which he or she fled, owe service or labour to the person claiming him or her, it shall be the duty of such judge to give a certificate thereof, to such claimant, his or her duly authorized agent or attorney, which shall be sufficient warrant for removing the said fugitive to the state or territory from which he or she fled. Provided, that the oath of the owner or owners, or other person interested, shall in no case be received in evidence, before the judge on the hearing of the case.

Sec. 7. And be it further enacted, &c. That when the fugitive shall be brought before the judge, agreeably to the provisions of this act, and either party allege and prove to the satisfaction of the said judge, that he or she is not prepared for trial, and have testimony material to the matter in controversy that can be obtained in a reasonable time, it shall and may be lawful, unless security satisfactory to the judge be given, for the appearance of the said fugitive, on a day certain to commit the said fugitive to the common jail for safe keeping; there to be detained at the expense of the owner, agent, or attorney, for such time as the said judge shall think reasonable and just, and to a day certain, when the said fugitive shall be brought before him by habeas corpus, in the court house of the proper county, or in term time at the chamber of the judge, for final hearing and adjudication; Provided, That if the adjournment of the hearing be requested by the claimant, his agent or attorney shall appear and prosecute his claim on the day to which the hearing shall be adjourned; Provided, That on the hearing last mentioned, if the judge committing the said fugitive, on taking the security as aforesaid, should be absent, sick, or otherwise unable to attend, it shall be the duty of either of the other judges, on notice given, to attend to the said hearing, and decide thereon.

Sec. 8. And be it further enacted, &c. That the officers which may or shall be employed in the execution of the duties of this act, shall be allowed the same fees, for service of process, that the sheriffs within this Commonwealth are now allowed for serving process in criminal cases, and two dollars and fifty cents a day for each and every day necessarily spent in performing the duties enjoined on them by this act, to be paid by the owner, agent or attorney, immediately on the performance of the duties aforesaid.

Sec. 9. And be it further enacted, &c. That no Alderman or Justice of the Peace of this Commonwealth, shall have jurisdiction or take cognizance of the case of any fugitive from labour, from any of the United States or ter-

ritories, under a certain act of Congress, passed on the 15th day of Feb. 1793, entitled, "An act respecting fugitives from justice, and persons escaping from the service of their masters;" nor shall any Alderman or Justice of the Peace of this Commonwealth, issue or grant any certificate or warrant of removal of any such fugitive from labour as aforesaid, except in the manner and to the effect provided in the 3d section of this act, upon the application, affidavit or testimony of any person or persons whatsoever, under the said Act of Congress or under any other law, authority or act of Congress of the U. States; and if any Alderman or Justice of the Peace of this Commonwealth, shall contravene the provisions of this act, take cognizance or jurisdiction of the case of any such fugitive as aforesaid, except in the manner herein before provided, or shall grant or issue any certificate or warrant of removal as aforesaid, then and in that case, he shall be deemed guilty of a misdemeanor in office, and shall, on conviction thereof, be sentenced to pay, at the discretion of the court, any sum not less than \$300 nor exceeding \$1000 — one half to the party prosecuting for the same, and the other half to the use of this Commonwealth.

Sec. 10. And be it further enacted, &c. That it shall be the duty of the Judge or Recorder of any court of record of this Commonwealth, when he grants or issues any certificate or warrant of removal, of any negro or mulatto, claimed to be a fugitive from labour, to the state or territory from which he or she fled, in pursuance of an act of Congress, passed on the 15th Feb. '93, entitled, "An act respecting fugitives from justice, and persons escaping from the service of their masters," a d of this act, to make a fair record of the same, in which he shall enter the name, age, sex, and a general description of the person of the negro or mulatto, for whom he shall grant such certificate or warrant of removal, together with the evidence and the name of the places of residence of the witnesses, and the party claiming such negro or mulatto, and shall within ten days thereafter file a certified copy thereof, in the office of the clerk of the court of General Quarter Sessions of the Peace, or Mayor's Court of the city or county in which he may reside.

Sec. 11. And be it further enacted, &c. That nothing in this act contained shall be construed as a repeal or alteration of any part of an act of assembly passed on the first day of March, '80, entitled, "An act for the gradual abolition of slavery," except the 11th sec. of said act, which is hereby repealed and supplied, nor of any part of an act of assembly, passed on the 28th day of March 1788, entitled, "An act to explain and amend an act for the gradual abolition of slavery," except the 7th sec. of this last mentioned act, which is hereby supplied and repealed.

JOSEPH RITNER, Speaker of the House of Representatives.
ALEXR MAHON, Speaker of the Senate.
Approved, March 23, 1826.
J. ANDREW HULZE.

The following legal process for obtaining runaway slaves in the state of Pennsylvania, has been handed to us with a request to publish the same.— The communicator has just returned from Pennsylvania, where he experienced great difficulty in recovering his slave, and wishing to obviate that difficulty with others, obtained the annexed form from a lawyer of that state.

RUNAWAY SLAVES.
Mode of taking up Runaway Slaves in Pennsylvania.

1. If the master send on an agent, he must furnish him with a written authority; there is no prescribed mode for this letter of attorney, but it may state the claimant's right and residence, a slight or full description of his slaves that he abandoned, and authorize the agent to pursue all lawful means of recovering him.

2. The agent must be furnished with the affidavit of the claimant (or master) of the fugitive. There is no prescribed form of this affidavit, but it should state the nature of the claimant's title, a description of the slave's person, and his name; that he absconded, and where the master or claimant resides.

The affidavit must be made before, and certified by a justice of the peace, or magistrate authorized to administer oaths. It must be made in the state or territory where such claimant resides. It must be accompanied by a certificate of the clerk or prothonotary of a court of record of such state or territory, under his hand, and seal of the court, of the authority of such justice or magistrate to administer oaths.

3. The agent thus furnished with the written authority and affidavit of the person claiming the services of the fugitive, must apply to a justice of the peace, or a judge in Pennsylvania, for a warrant to arrest the fugitive and bring him before a judge on the application for a warrant, the agent must himself make oath that the fugitive is a person from the service of the person for whom he is duly constituted agent.

4. The warrant is issued to a sheriff or constable of the county authorizing and requiring him to seize the fugitive and bring him before a judge, and on proof to the satisfaction of the judge, that the person so seized doth

from which he fled, owe the "service" or labour to the person claiming him," the judge delivers a certificate to that effect and authorizing the removal of the fugitive to the state or territory from which he fled. The oath of the owner, however, or persons interested, is not received by the judge as evidence.

If the owner come himself, it is unnecessary to state that he need have made no oath of his title, &c. at home as is required when he sends an agent.

If either the claimant or the fugitive be not prepared with this proof, the judge is authorized to adjourn the hearing, and give time to procure such evidence, and in such case to commit or hold to bail the fugitive for his appearance on such day of adjourned hearing.

ASSAULT IN THE CAPITOL.
House of Representatives.
May 16, 1828.

Mr. M'DUFFIE, from the select committee, to whom was referred the message of the president on the subject of the late outrage, made the following report, which was laid on the table and ordered to be printed.

The select committee to whom was referred the Message of the President of the United States, relative to an assault committed on his Private Secretary, submit the following Report:

Immediately after their appointment, the committee proceeded to the investigation of the subject referred to them. They ascertained from the letter of Mr. Russel Jarvis, referred to them by the House, and from the statement of Mr. John Adams, the Private Secretary of the President, that an assault was committed by the former upon the person of the latter, in the Rotundo of the Capitol, immediately after he had delivered a message from the President to the House of Representatives, and while he was proceeding with another message from the President to the Senate. At this stage of the proceeding, a preliminary question arose with the committee, whether they should report to the House simply the fact that the assault had been committed, with a view to an examination at the bar of the House of the party implicated, and all the witnesses for and against him, or whether the committee should take upon themselves the responsibility of going into a full examination of the whole case, and of recommending as the result of their judgment, upon all the facts and circumstances, the final course which they might deem it expedient for the House to pursue. The former mode of proceeding would have been, perhaps, the more strictly conformable to parliamentary usage and precedent; but the unavoidable interference with the discharge of its ordinary legislative duties, which would have resulted from an examination before the House, constituted, in the opinion of the committee, so strong an objection to that course of proceeding, that they unanimously determined to examine all the witnesses, and to report the facts to the House, with their opinion upon them, having first obtained the consent of Mr. Jarvis that this course should be pursued, and having granted him the privilege of appearing by counsel.

It is here proper that the committee should say a few words in explanation of the delay which has occurred in this examination. After some considerable progress had been made in it, Mr. Jarvis made an application to the committee for leave to examine, by commission, certain persons in the city of Boston. The committee did not feel themselves warranted under existing circumstances, to refuse this request. A commission was accordingly transmitted, to take the examination by written interrogatories, which was not returned until very recently.

The committee will now proceed to exhibit a brief summary of the evidence, the whole of which, in detail, is annexed to the Report.

The material fact, that Mr. Jarvis committed an assault upon the Private Secretary of the President, in the Rotundo of the Capitol, immediately after he had delivered a message from the President to the House of Representatives, is clearly established. Indeed, it is distinctly admitted by Mr. Jarvis. It is also established to the satisfaction of the committee, that Mr. Jarvis knew that the Private Secretary of the President had delivered a message to the House of Representatives, immediately before the assault was committed. Mr. Jarvis, it appears, was in the House when the message was delivered, and immediately followed after Mr. Adams, as he retired from the House. There is some discrepancy in the testimony, as to the nature of the assault; but, in the view taken by the committee, it is wholly immaterial to the question, touching the dignity and privileges of the House.

In the letter of Mr. Jarvis, he stated, as the provocation by which he had been prompted to commit the assault upon Mr. Adams, certain offensive and insulting language used by the latter, in the house of the President, at a levee, in the presence and hearing of the wife of Mr. Jarvis, and other female friends and relations, who attended the levee under his protection.

Mr. Adams submitted a counter statement, differing in several particulars from that contained in the letter

from which he fled, owe the "service" or labour to the person claiming him," the judge delivers a certificate to that effect and authorizing the removal of the fugitive to the state or territory from which he fled. The oath of the owner, however, or persons interested, is not received by the judge as evidence.

If the owner come himself, it is unnecessary to state that he need have made no oath of his title, &c. at home as is required when he sends an agent.

If either the claimant or the fugitive be not prepared with this proof, the judge is authorized to adjourn the hearing, and give time to procure such evidence, and in such case to commit or hold to bail the fugitive for his appearance on such day of adjourned hearing.

ASSAULT IN THE CAPITOL.
House of Representatives.
May 16, 1828.

Mr. P. P. Barbour from the Select Committee, made the following report:

The minority of the Select Committee to which was referred the Message of the President, in relation to an assault committed by Russel Jarvis, upon the Private Secretary of the President, in the Rotundo of the Capitol, immediately after he had delivered a message from the President to the House of Representatives, and while he was proceeding with another message from the President to the Senate, is of the opinion that the assault committed by Mr. Jarvis, upon the Private Secretary of the President, whatever may have been the causes of provocation, was an act done in contempt of the authority and dignity of this House, involving not only a violation of its own peculiar privileges, but of the immunity which it is bound upon every principle, the guaranty to the person selected by the President as the organ of his official communications to congress. It is of the utmost importance that the official intercourse between the President and the legislative department should not be liable to interruption. The proceedings of congress could not be more effectually arrested by preventing the members of either House from going to the Hall of their deliberations, than they might be by preventing the President from making official communications essentially connected with the legislation of the country.

In the case under consideration, the Private Secretary, after having delivered a message from the President, was in the act of retiring, and almost within the verge of this Hall, when the assault was committed upon him. The House was then in session, and the person who committed the assault went immediately from the Hall in which it was deliberating, where he was in the enjoyment of a privilege conceded to him, in common with others who are engaged in reporting the proceedings of the House. If the representatives of the people have not the power to punish an assault committed under these circumstances, then are they destitute of a power which belongs to the most inferior judicial tribunals in the country. The power of punishment for contempt is not peculiar to the common law of England. It belongs essentially to every judicial tribunal and every legislative body. The English law of contempts, as such, has not, surely, the slightest authority in the Supreme Court of the United States; yet the power of that court to vindicate its dignity, and preserve its officers from outrage, during its session, will scarcely be questioned, in like manner, though the parliamentary law of England, as such, can have no authority here, yet all the legislative bodies in the Union habitually act upon its rules.

The power in question grows out of the great law of self preservation. It is no doubt very liable to abuse, and ought always to be exercised with great moderation. In its very nature, it is not susceptible either of precise definition or precise limitation. Each particular instance of its exercise must be adapted to the emergency which calls for it. While, therefore, the committee deem it matter of great importance to maintain the existence of this power, as an essential means of vindicating the dignity and privilege of the House, they are clearly of the opinion that it ought never to be exercised except in cases of strong necessity; and that the punishment inflicted under it, should never be carried farther than shall be absolutely and imperiously required by the existing emergency.

In the present case, though they think the conduct of Mr. Jarvis objectionable to the censure of the House, they can hardly suppose that he was conscious, at the time of committing the assault, that he was offering a contempt to its authority. He disclaims, indeed, any such intention. And as the committee, are aware that many persons, for whose opinions they have very great respect, entertain the belief that the assault in question was not a violation of any privilege of the House, they think they are required, by the spirit of moderation and indulgence in which this power should always be ex-

ercised, to give Mr. Jarvis the benefit of the most favourable construction to his words and actions, and to refrain from punishing him, as a legislator, for the same. The main question, therefore, is, whether the House, in punishing him, is acting in violation of the principle of immutability of jurisdiction, by way of expiation, or as a punishment for the offence committed. There was but a bare majority of the committee in favour of the first of these views, the minority entertaining the belief that the House possesses the right of punishing the offender, and that the House, by inflicting some punishment for the violation of its privileges, is acting in violation of the principle of immutability of jurisdiction.

Resolved, That the assault committed by Russel Jarvis on the person of John Adams, the Private Secretary of the President, in the Rotundo of the Capitol, immediately after Mr. Adams had delivered a message from the President to the House of Representatives, and while he was proceeding with another message from the President to the Senate, is an act done in contempt of the authority and dignity of this House.

Resolved, That it is not expedient to have any further proceedings in the case.

ASSAULT IN THE CAPITOL.
House of Representatives.
May 16, 1828.

Mr. P. P. Barbour from the Select Committee, made the following report:

The minority of the Select Committee to which was referred the Message of the President, in relation to an assault committed by Russel Jarvis, upon the Private Secretary of the President, in the Rotundo of the Capitol, immediately after he had delivered a message from the President to the House of Representatives, and while he was proceeding with another message from the President to the Senate, is of the opinion that the assault committed by Mr. Jarvis, upon the Private Secretary of the President, whatever may have been the causes of provocation, was an act done in contempt of the authority and dignity of this House, involving not only a violation of its own peculiar privileges, but of the immunity which it is bound upon every principle, the guaranty to the person selected by the President as the organ of his official communications to congress. It is of the utmost importance that the official intercourse between the President and the legislative department should not be liable to interruption. The proceedings of congress could not be more effectually arrested by preventing the members of either House from going to the Hall of their deliberations, than they might be by preventing the President from making official communications essentially connected with the legislation of the country.

In the case under consideration, the Private Secretary, after having delivered a message from the President, was in the act of retiring, and almost within the verge of this Hall, when the assault was committed upon him. The House was then in session, and the person who committed the assault went immediately from the Hall in which it was deliberating, where he was in the enjoyment of a privilege conceded to him, in common with others who are engaged in reporting the proceedings of the House. If the representatives of the people have not the power to punish an assault committed under these circumstances, then are they destitute of a power which belongs to the most inferior judicial tribunals in the country. The power of punishment for contempt is not peculiar to the common law of England. It belongs essentially to every judicial tribunal and every legislative body. The English law of contempts, as such, has not, surely, the slightest authority in the Supreme Court of the United States; yet the power of that court to vindicate its dignity, and preserve its officers from outrage, during its session, will scarcely be questioned, in like manner, though the parliamentary law of England, as such, can have no authority here, yet all the legislative bodies in the Union habitually act upon its rules.

The power in question grows out of the great law of self preservation. It is no doubt very liable to abuse, and ought always to be exercised with great moderation. In its very nature, it is not susceptible either of precise definition or precise limitation. Each particular instance of its exercise must be adapted to the emergency which calls for it. While, therefore, the committee deem it matter of great importance to maintain the existence of this power, as an essential means of vindicating the dignity and privilege of the House, they are clearly of the opinion that it ought never to be exercised except in cases of strong necessity; and that the punishment inflicted under it, should never be carried farther than shall be absolutely and imperiously required by the existing emergency.

In the present case, though they think the conduct of Mr. Jarvis objectionable to the censure of the House, they can hardly suppose that he was conscious, at the time of committing the assault, that he was offering a contempt to its authority. He disclaims, indeed, any such intention. And as the committee, are aware that many persons, for whose opinions they have very great respect, entertain the belief that the assault in question was not a violation of any privilege of the House, they think they are required, by the spirit of moderation and indulgence in which this power should always be ex-

ercised, to give Mr. Jarvis the benefit of the most favourable construction to his words and actions, and to refrain from punishing him, as a legislator, for the same. The main question, therefore, is, whether the House, in punishing him, is acting in violation of the principle of immutability of jurisdiction, by way of expiation, or as a punishment for the offence committed. There was but a bare majority of the committee in favour of the first of these views, the minority entertaining the belief that the House possesses the right of punishing the offender, and that the House, by inflicting some punishment for the violation of its privileges, is acting in violation of the principle of immutability of jurisdiction.

Resolved, That the assault committed by Russel Jarvis on the person of John Adams, the Private Secretary of the President, in the Rotundo of the Capitol, immediately after Mr. Adams had delivered a message from the President to the House of Representatives, and while he was proceeding with another message from the President to the Senate, is an act done in contempt of the authority and dignity of this House.

Resolved, That it is not expedient to have any further proceedings in the case.

ASSAULT IN THE CAPITOL.
House of Representatives.
May 16, 1828.

Mr. P. P. Barbour from the Select Committee, made the following report:

The minority of the Select Committee to which was referred the Message of the President, in relation to an assault committed by Russel Jarvis, upon the Private Secretary of the President, in the Rotundo of the Capitol, immediately after he had delivered a message from the President to the House of Representatives, and while he was proceeding with another message from the President to the Senate, is of the opinion that the assault committed by Mr. Jarvis, upon the Private Secretary of the President, whatever may have been the causes of provocation, was an act done in contempt of the authority and dignity of this House, involving not only a violation of its own peculiar privileges, but of the immunity which it is bound upon every principle, the guaranty to the person selected by the President as the organ of his official communications to congress. It is of the utmost importance that the official intercourse between the President and the legislative department should not be liable to interruption. The proceedings of congress could not be more effectually arrested by preventing the members of either House from going to the Hall of their deliberations, than they might be by preventing the President from making official communications essentially connected with the legislation of the country.

In the case under consideration, the Private Secretary, after having delivered a message from the President, was in the act of retiring, and almost within the verge of this Hall, when the assault was committed upon him. The House was then in session, and the person who committed the assault went immediately from the Hall in which it was deliberating, where he was in the enjoyment of a privilege conceded to him, in common with others who are engaged in reporting the proceedings of the House. If the representatives of the people have not the power to punish an assault committed under these circumstances, then are they destitute of a power which belongs to the most inferior judicial tribunals in the country. The power of punishment for contempt is not peculiar to the common law of England. It belongs essentially to every judicial tribunal and every legislative body. The English law of contempts, as such, has not, surely, the slightest authority in the Supreme Court of the United States; yet the power of that court to vindicate its dignity, and preserve its officers from outrage, during its session, will scarcely be questioned, in like manner, though the parliamentary law of England, as such, can have no authority here, yet all the legislative bodies in the Union habitually act upon its rules.

The power in question grows out of the great law of self preservation. It is no doubt very liable to abuse, and ought always to be exercised with great moderation. In its very nature, it is not susceptible either of precise definition or precise limitation. Each particular instance of its exercise must be adapted to the emergency which calls for it. While, therefore, the committee deem it matter of great importance to maintain the existence of this power, as an essential means of vindicating the dignity and privilege of the House, they are clearly of the opinion that it ought never to be exercised except in cases of strong necessity; and that the punishment inflicted under it, should never be carried farther than shall be absolutely and imperiously required by the existing emergency.

In the present case, though they think the conduct of Mr. Jarvis objectionable to the censure of the House, they can hardly suppose that he was conscious, at the time of committing the assault, that he was offering a contempt to its authority. He disclaims, indeed, any such intention. And as the committee, are aware that many persons, for whose opinions they have very great respect, entertain the belief that the assault in question was not a violation of any privilege of the House, they think they are required, by the spirit of moderation and indulgence in which this power should always be ex-