

PETITION

OF

JAS. N. KENNETT AND OTHERS, CITIZENS OF KENTUCKY,

PRAYING

Indemnity for slaves enticed into Ohio, and whom, under the laws of that State, they are unable to recover.

APRIL 22, 1850.

Ordered to lie on the table.

APRIL 23, 1850.

Ordered to be printed.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Your petitioners respectfully represent, that by article 1, section 1, of the constitution of the United States, Congress is vested with legislative powers; and by article 1, section 8, it is made their imperative duty to pass all laws necessary to carry the powers thereby granted to the government of the United States into effect; while, by article 6, section 2, the laws made under the constitution by Congress are the supreme laws of the land; and, in protection of private personal rights, and the rights of property, by the 4th article, section 2, it is provided that "no person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

Your petitioners further represent, that they possess by birth the proud privilege of citizenship in the State of Kentucky, and reside upon its borders, in the county of Pendleton, south of and adjacent to the Ohio river and the State of Ohio; that under the laws of Kentucky there is due to them, respectively, both the "services" and the "labor" of certain negro men servants, respectively named Tom, Jared, Bob, and Josh, of the value of \$1,000 each, who, within the last six weeks, by the long-continued unlawful acts, mischievous contrivances, and impertinent intermeddlings in the domestic concerns of your petitioners, by persons not citizens of Kentucky; but residing in and citizens of non-slaveholding States, have been wantonly and grievously induced to escape from your petitioners into the State of Ohio; that in consequence of the laws of Ohio, and the "regulations," the combinations and associations of the citizens therein, said servants are discharged from the service and the labor due to your petitioners under the laws of Kentucky, contrary

to the consent and in violation of the rights of your petitioners, as citizens of the United States; that your petitioners, for the want of the passage of the necessary laws by the United States government, in themselves sufficient, necessary, and efficient in the protection of their persons and their rights of property, are, upon the peril of their lives, the hazard of false imprisonment, hopeless and friendless incarceration, upon false and frivolous pretences, utterly precluded and inhibited from passing into the State of Ohio from Kentucky in search and arrest of said servants, thus owing service and labor to them, or in that State to make "claim," by themselves or agents, for their "delivery up" to them, or in any other manner, by reason of mobs, lawless persons, and brute force, to take any steps or measures for the reclamation of their lawful rights in the labor and services of their said servants, which your petitioners might have done, or otherwise would do, had Congress, under the requisitions of the constitution, heretofore "passed all laws necessary to carry the powers granted into effect," or necessary to effectuate the constitutional guaranties aforesaid to the person and property of your petitioners, and which guaranties Kentucky cannot, but Congress alone by the supremacy of its laws can, effectuate and afford.

Your petitioners would further respectfully represent, that the obligations and relations subsisting between citizens and their government are mutual obligations, and reciprocally, in their appropriate sphere, equally binding upon both; that dereliction and injury committed or permitted on the one part imply compensation from the other; while obedience to all legal requirements by the one is justly exacted from the citizen, protection by efficient laws to the person and rights of property to the other is of equal binding force upon the government: and yet it is notoriously known, that, to remove the high grievances complained of, existing in the State of Ohio and among the citizens thereof, Congress hath hitherto passed no efficient laws; and if not so known, it is manifest in the fact that the grievances do exist, to the daily peril, loss, and deprivation of the citizens of Kentucky claiming the services or labor of the class of persons aforesaid, and more especially wherever such claimants reside in Kentucky upon the borders and adjacent to the State of Ohio, notwithstanding the plighted sovereign faith and honor of that State, as a party to the constitution of the United States, to render obedience to the guaranties aforesaid and protection to the persons of such claimants, and "deliver up such property on claim of the party to whom such service or labor may be due."

Your petitioners would respectfully further suggest, that the rules of justice and right between citizens, on the one hand, and their government, upon the other, they (your petitioners) humbly conceive and earnestly urge, are the same as between citizen and citizen, and that, in the latter relations, a delinquency, and a loss sustained by that delinquency or in consequence thereof, imply the restoration of an equivalent to the injured commensurate with the loss suffered; and that, therefore, the absence of due and efficient laws emanating from the government in protection of the rights of the citizens, imposes, under the sanction and force of the eternal principles of justice and right, upon the government thus delinquent in affording protection to the citizens, the just duty and high privilege of making good the loss incurred or right withheld in consequence of the absence of efficient and protective laws. Your petition-

ers, therefore, ask that Congress may do them that justice which is commensurate with the wrong they have sustained by the escape of their property aforesaid, and which they cannot do for themselves for the want of the necessary laws passed by Congress in aid, sustenance, and protection of their persons and their right of property in any effort they may make in the State of Ohio by way of search for or recapture of their property; and that this justice may be done them by the passage of a law granting to them the full equivalent in money of the value of their servants aforesaid.

JAMES N. KENNETT.
WM. COPPAGE.
F. HEWY.
JOHN DOWNARD.