

are cast open to him, there is but a faint hope that he will not soon become a tenant of the prison house of the grave. This circumstance alone, it seems to your committee, would justify the pardon asked. It cannot certainly be the policy of the State, in a case at least not of unquestionable guilt, to keep its shackles upon a prisoner until the power of death dissolves them. This we believe, from the evidence before your committee, will be certainly the result of a longer confinement of the prisoner referred to in this report.

Independent of this circumstance, there is another to which your committee will allude, without intending to cast the slightest censure upon the jury, or others connected with the trial. The jury were the peers of the accused, sworn to try the facts; and it would be wrong for us, at this remote period from the trial, to intimate a doubt that they did not maturely consider their verdict. But your committee are advised, that the conviction in this case, was on purely circumstantial evidence. Those who are conversant with criminal trials well know the uncertain character of the best circumstantial testimony. The plainest and well connected train of presumptions, from which it seemed impossible to draw improper conclusions, have been found often to vanish before facts, disclosed by time. It is a species of testimony ever to be distrusted, because ever liable to be disproved. And as it was upon this testimony that the accused, in this instance, was convicted, we think it a powerful reason, when connected with his condition, to influence a legislative pardon.

If your committee were permitted to combine with these disclosures to the intelligence of the House, an appeal to the best feelings of the heart, they might say that a young and bereaved wife, in the stainless purity of her pious affections, and an aged mother in her solemn affliction, are joining their tears and supplications in appeals for mercy. But satisfied that justice can receive no wrong from a dispensation, justified by the peculiar facts of the case, we are disposed to place the merits of the application alone on the facts; and recommend the passage of the bill.

BENJAMIN F. PORTER, *Chairman.*

Mr. McClung moved the indefinite postponement of the bill; which was lost.

Yeas 39—nays 52.

YEAS—messrs. Speaker, Abernathy, Banks, Calhoun, Campbell, Douglass, English, Fowler, Harris, Harrison, Hendrix, Hill, Hodges, Jackson, Jones of Cov. Lankford, Marchbanks, McClung, Moore of M. Morris, Morrisett, Mundy, Norris, Pickett, Pynes, Richeson, Robinson, Scott, Smith of L. Smith of P. Smith of T. Tate, Valliant, Watts, Whorton, Williams of J. Williams of P. Winston of S. and Woodward.

NAYS—messrs. Barclay, Bishop, Bridges, Cain, Clay, Cochran, Cooper, Crowder, Cunningham, Dear, Dubose, Dunklin, Dunn, Earle, Erwin, Findley, Fletcher, Gamble, Gresham, Griffin, Henderson, Henley, Jones of Conecuh, Jones of G. Kendrick, Kennedy of L. Kennedy of M. Kidd, Martin, McCoy, McLemore, McMillion, Meriwether, Miree,