

This Congressional statute did not afford a simple, speedy and efficient remedy for the recovery of fugitives from labor, the Legislature of Pennsylvania, at the request of the adjoining State of Maryland, in 1826, passed her act "to give effect to the provisions of the Constitution of the United States relative to fugitives from labor, for the protection of free people of color, and to prevent kidnapping." This excellent and well considered law met all the existing emergencies. It required the judges, justices of the peace and aldermen, of the State upon the oath of the claimant, to issue their warrant for the arrest of any fugitive from labor, making it necessary for such warrant should be made returnable, by whomsoever issued, before a judge of the proper country. It required sheriffs and constables to execute such warrants. It authorized the commitment of the fugitive to the county jail, and otherwise made provisions to secure its execution, and at the same time to prevent its abuse.

This law continued quietly in operation, until the decision of the Supreme Court of the United States, made in 1842, in the case of Prigg vs. the Commonwealth of Pennsylvania. The history of the case may be briefly stated: Edward Prigg was indicted by the Court of Oyer and Terminer of the State for kidnapping a person named Margaret Morgan. Upon the trial it appeared that she was held a slave in the State of Maryland, and that she escaped into Pennsylvania in the year 1812 - that 1837 Edward Prigg was appointed, by the owner of the slave, to seize and arrest her as a fugitive from labor. In pursuance of this authority, and under a warrant issued by a Justice of the Peace, Prigg seized the negro woman to be arrested, and without having obtained any warrant of removal, he delivered her for her owner in the State of Maryland. These facts were found by a special verdict, and by the agreement of counsel, a judgment was rendered against Prigg. From this judgment an writ of error was taken to the Supreme Court of the State, where a *pro forma* judgment of affirmance was again, by agreement, entered, and the case was referred to the Supreme Court of the United States.

It will be observed that the question, whether Edward Prigg was really guilty of the crime of kidnapping under the Pennsylvania statute of 1826, was never actually passed upon, either by court or jury, in the county of York, or by the Supreme Court of the State. The jury merely found the facts and the action of both courts was but a matter of form.

In the argument and determination of the case, in the Supreme Court of the United States, it appears to have been taken for granted that our act of 1826 made it a criminal offense for a master to take his slave out of his State without a warrant of removal, and upon this construction, the act was declared unconstitutional and void. This, I submit, was a clear misapprehension of the nature and meaning of the Pennsylvania statute of 1826, was never actually passed upon, either by court or jury, in the county of York, or by the Supreme Court of the State. The jury merely found the facts and the action of both courts was but a matter of form.

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Wendell Phillips. [For the Watchman] Messrs. Editors of THE DEMOCRATIC WATCHMAN.—The last issue of the Centre Democrat has just been read by me with mingled feelings of sorrow and contempt. I am sorry that a newspaper in good old conservative Centre county should at this critical period in our history attempt to inflame the public mind which is already excited to such a dangerous pitch. I am sorry that we should have among us men who seek to embroil us in a civil and intestine war, for such will be the end and which is not far distant, should the call of the Centre Democrat be heeded. A party demonstration, such as contemplated by the Democrat, could but have the effect of creating a division among our citizens strictly upon a party line which as the conflict progresses, will grow into a bitter hatred, which can only be appeased by blood. At this very critical time party lines should be forgotten. Those little animosities which always grow out of the excitement incident to a political campaign, should be forgiven and the whole people unite as one man regardless of party, and by their combined efforts strive to heal the difficulties that now hover around us and threaten the destruction of the best government ever devised by man. Every true hearted lover of his country, whether he be Democrat or Republican, deprecates the present fearful crisis, and should be willing to make any honorable sacrifice of party principle to avert the terrible consequences attendant upon a dissolution of the Union.

THE WATCHMAN. BELLEFONTE, PENNA. THURSDAY, JANUARY 10, 1861. FOR SALE.

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