**CHE 30** arily brongh by his master into this state. I as to obstruct the administration of have no cognizance of the case, so far as respec.s th.s. pplication, so far as they may effect bis right. If the man claimed as a slave be not entitled to his freedom under the laws of this state, the master must pursue such remedy for his recovery as the laws of the state have provided for him."

**In Jones agt.** Vandzandt, 5th Howard, 229, Mr. Justice Woodbury uses language equally expressive: "but the power of nationat law (said that eminent jurist) to pursue and regain most kinds of property in the limits of a foreign government is rather an act of comity than siric. right, and hence as property in persons might not thus be recognized in some of the states in the Union. and its reclamation not to be allowed through either courlesy or right, this clause was undoubtedly in roduced the constitution as one of its compromises for the safety of that portion of the Union which did sermit such property, and which o herwise m gh: of eu be deprived of n enthey by its merely crossing the line of an adjoining sale; this was thought to be too harsh a doctrine in respect to any title to property of a friendly neighbor, not brough nor placed in another state under state laws by the owner himself, but esciping there again t his consent, and forthwith pursued in rder to be rectaimed.

Other authorities might be quoted to the same e.ec', but it is necessary, for if it be not clear that one voluntarity brought into a clear that one voluniarity brought mid a state is not a fugitive, no judicial language c.n everimake it so. Will we then, for the "sake of sustaining this judicial jurisdiction, presume that these slaves of Mr. Whenever eccept from Virg.nia into Pennsylvania, when no stath allegation was made in his petition, when it is expressively stated in the petition of Mr. Williamson, verified by his affirmation, that they were house house you'many house that they were brough: here voluntarily by his master, and when this fact is virtually concoded by the Judge of the District Court in ais opinion ! Great as is my respect for the judicial antihorities of the federal government, I cannot consent to suitify myself in order to gustain their unauthorized judgements, and more particularly where as in the case before us, it would be at the expense of the liber y of a citizen of the commonweatth.

The only remaining ground upou which this jurisdiction can be claimed, is that it was in a controversy between citizens of different states, and 1 shall dismiss this branch of the case simply by affirming-1st, that the proceeding by habeas corpus is, in no legal sense, & controversy between private parties; and if it were to the Circuit Court alone is given this jurisdiction. For the correctness of the first position, 1 Baldwin in Holmes agt. Jennifer, published in the appendix to 14 Peters, and to that of Judge Botts, of the Circuit Court of New York in Barry agt. Mercein et al reported in 5th Howard 103. And for the second to the 11th section of the Judiciary Act, passed on the 24th of September, 1789.

My view of this case had been committed to writing before I had seen or heard the opinion of the majority of the court. Having heard it hastily read but once, I may mistake its purport, but if I do not, it places the re-Jusal of the habeas corpus mainly upon the ground that the conviction for contempt was a separate proceeding, and that, as the District Court had jurisdiction to punish for contempts, we have no power to review it decision. Or, as it appears from the record that the prisoner is in custody upon a conviction for contempt, we are powerless to grant him relief.

Notwithstanding the numerous cases that are cited to sustain this position. it appears to me to be as novel as it is dangerous. Every court of justice in this court of has in some degree, the power to commit for contempt. Can it be possible that a citizen once committed for contemptis beyond the hope u.on in due form assers what it true, would of relief, even although the record entite me party to reast. shows that the alleged contempt was believed a state of the analysis of the period in a period in the period of th not within the power of the court to der or a jucge or court willow, julisdiction, punish summarily? Suppose that the suows such probable cause as to seave it no Judge of the District Court should send to prison an editor of a newspaper for a contempt of his court in commenting upon his decision in this very case; would the prisoner be beyond the reach of onr writ of habeas rorpus? If he would, our boasted security of persona liberty is in truth an idle boast, and our constitutional guarauties and write of right are as ropes of sand. But in the name of the law, I aver that no such power exists with any court or judge, state or fede-Tai; a sub is locate, mpted to be exercised, there are modes of relief, full and ample, for the exigency of the occasion. I have not had either time or opportunity to examine all of the cases cited, but, as far as I have examined them, they decide this and nothing more-that where a court of competent jurisdiction convicts one ofa contempt, another court, without appellate power, will not re-examine the case to determine whether a contempt was really committed or not. The history of punishments for contempts of court, and the legislative action thereon, both in our state and Union. in an unmistakeable manner teaches, first, the liability of this power to be abused, and second, the promptness with which its unguarded use has been followed by legislative restrictions .-It is no longer an undefined, unlimited power of a star chamber charactor, to be used for the oppression of the citizen at the mere capitce of the judge or court, but it has its boundaries so distinctly defined that there is no mistaking the extent to which our tribunals of law may go in punishing for this offence. In the words of the act of Congress of 2d March, 1831, " The power of the several courts of the United States to issue attachments and inflict summary punishments for contempts of court, shall not be construed to extend no any or except at the misbehavior of any perso cses persons in the pres- | wilt of habsas corpus, which the court had no

The slave in this case having been volun- ence of said courts, or so near thereto jurisdiction to issue, the conviction is coram justice, the misbehavior of any of the officers of the said courts in their official transactions, and the disobedience or resistance by any officer of the said courts, party, juror. witness, or any other person or persons, to any lawful writ, process, order, rule; decree, or command of said courts."

Now Passmore Williamson was convicted of a contempt for disobeying a writ of habeas corpus commanding him to produce before the District Court certain persons claimed by Mr. Wheeler as slaves. Was it a la wful writh Clearly not, if the court had no jurisdiction to issue it; and that it had not I think is very plain. If it was uniawiul, the person to whom it was directed was not bound to obey it; and in the very words of the statute, the power to punish for contempt " shall not be construed to extend to it."

court, and we will not look into the record to see how the contempt was committed. I answer this by asserting that you cannot see the conviction without seeing the cause, for it is a part of the same record which consists 1st, of the petition; 2d, the writ return, and 4th, the judgment. " It is ordered and adjuged by the court shal without bail or mainprize, as for a contempt in refusing to make return to the writ of habcas corpus heretofore ssued against min at the instance of just such an instructor as this community a contempt in refusing to make return Mr. John H. Wneeler."

As 1 unders, and the opinion of a majority of my breachern, as soon as we get the word contempt the book must be closed, and it becomes instanting sealed es to the residue of the record. 'Lo sustain this commiment we musi, it seems, first presume, in the very teeth of the admitted fact, that these were runaway the autilities fact, that these were runaway shaves; and second, we must be care-in: to read only portions of the record, less we should and that the prisoner was committed for reliance a data way of the record. for refusing to obey an unlawfin writ.

i canno, toresear the expression of the opinion that the rule all down in this case, refer to the opinion of Mr. Justice by the majority, is traught with great danger Baldwin in Holmes agt. Jennifer, pubthe state. Whilst in contest involving the the state. Whilst in contest internal and right of property merely, i presume we may state at the judgments of the United States Courts, in Cases no. whom their jurisdic ton, as numbers, ye., it a single Judge chinks [1, oper to determine that one of our chilch. been guily of contemp, even if such ustermination had its foundation in a case apair which the Judge had no power to pronotated judgment, and was most mannesby in cheet violation of a solemn act of the very tegista tive authority that created the court over which the judge presides, it seems that such

determination is to have an the force and eitect of a judgment pronounced by a court of competent jurisdiction, acting within, the ad-mitted aphere of its constitutional power. Nay, more. We coniess ourselves powerass to protect our chizens from the aggressons of a Court as foreign from our Since

Government in matters not committed to its jurisdic ton as the Court of Queens bench in ingiand, and this upon the authority of decisions pronounced in cases not at an analog hand, ready for i outs to the one now under consideration, 1 suit purchasers, believe this to be the hrst recorded case where the Supreme Court of a State has refused the prayer of a chizen for the writ of hastas corpus, to inquire into the segurity of an imprisonuen. by a Judge of a reaerai Court for concempt, in returng obed.ence to a writ void for

wan, of jurisdiction. 1 win conclude by recapitulating hegrounds upon which I dank this writ should be awar-

ist. At common law, and by the statute of free, the writ of naveas corpus ad subjictendum is a writ of right demandance whenever a pe-

on judice, and void. For these reasons I do most respectfully but

most earnestly dessent from the judgment o the majority of my brethren, refusing the writ applied for.

Condersport Academy. THE Summer Term of this institution will commence on Wednesday, June 20, 1855, and continue eleven weeks.

Terms. Elementary branches—Orthography, Geography, Arithmetic, Physiology, \$3.00 Higher Arithmetic, First Lessons in 3.50

5.00 1.50 Drawing, extra, 1.50 Instruction on the Piano Forte, extra, 10.00

Pre-payment of all bills strictly required. The subscriber takes this occasion to ex-

press his thanks to the people of Poster and of other sections for their liberal support but, says the opinion of the mejori-ty, he was convicted of a contempt of wor hy of the entire confidence and support of an who desire a sound rud menial as well as a diorough mathematical and classical edu; cation.

J. BLOOMINGDALE, Principal. The undersigned Officers and Trus.ees of the Couderspor. Academy are moved by a sense of official and personal duty, to call the sists 1st, of the petition; 2d, the writ atten ion of the public, and of the people of and alias writ of habeas corpus; 3d, the our county in particular, to the rising and useful character of this institution of tearning. When we invited the present worthy Principal to the post he occupies, we found the Acadthat the said Passmore Williamson be emy depressed and dec.ining. We submitted committed to the custody of the Mar-its organization and other most onerous atlairs to his discression and management; and our experience enables us with increased confi-

needs. H. H. DENT, President, H. J. OLMSTED, Treas., T. B. TYLER, Sec'y, IMPORTANT TO LUMBER-

## MEN. SKINNER'S

PATENT SHINGLE-MACHINE. THE undersigned, agent for the Patentee in Potter and the adjoining counties of Pennsylvania and New-York, would respect funy call the attention of Lumbermen and others to this labor-saving machine, patented Nov., 1651, and now in successin operation in various parts of the United States. This mach ne will rive and shave from one to two thousand shingles per hour, and will work hem ock equally as well as pine, the practical working of which can be seen at Genesce Fork, where one is now in operation. Any information respecting the same with be given by addressing the subscriber, U. CHAMBERLAIN.

Eilisburg, Pa., March 20, 1505. SLATES, Pencis, Writing Books, Drawing Books, Account and Memorandum books, Tracts, Sunday School Question and Glass Books. Lak. Paper sand, Chalk, Cray-

ons, Scamp Wax, Prsue, Tracing, Drawing and Games Paper; Biotting Boards, Perio rated Pour S. Port Collos, and Porte-Monnales Cultand examines at the JOCENAL BOOK-STORE.

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on credit or for e sh. Presses, Wood Pype, and all other Printing.

## HYGEANA.

SEAMEN, &c., OF ALL WARS: THEIR WIDOWS, AND MINOR CHILDREN. Brought Home to the Door of the Million. A WONDEREUL DISCOVERY has recent'y S. M. KNIGHT, Attorney for Government been made by Dr. Curtis, of this city, in the treatment of Consumption, Asthua, and all diseases of the Lung. We refer to "Dr. Cur-CONTINUES to give prompt and personal Cattention to the prosecution of Claims of diseases of the Lung. We refer to "Dr. Cur-tis' Hygeana, or Inhaling Hygean Vapor and Cherry Syrup." With this new method Dr. every description against the Government, and particularly to those before the Treasury Cherry Syrup." With this new method Dr. C. has restored many afflicted ones to perfect health; as an evidence of which he has inunmerable certificates. Speaking of the treatment a physician says : It is evident that inhaling—constantly breathing an agreeable, healing vapor, the medicinal properties must come in direct contact with the whole of the with the means of obtaining the earliest and most favorable action on Claims, with his facilities for the d-spatch of business, justify him in assuring his Correspondents, Claim-nuts, and the Public generality, that interests arial cavity of the lungs, and thus escape the many and varied changes produced upon them when introduced into the stomach, and subjected to the process of digestion. Hygena is for sale at the druggists' through out the country. N. Y. Dutchman, Jan. 14.

The Inhaler is worn on the breast under the linen without the least inconvenience-the heat of the body being suffic.ent to evaporate. the fluid. Hundreds of cases of cures like the follow-

ing might be named. One package of the Hygena has cured me of the Asthma of six

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Hygeana. My sister had been cured of a dis ressing cough of several years standing, and decided to be incurable by her physicilars. She was *J. H. Gautert, P. M., Richmend, Me.* Price Three Dollars a Package.—Soid by No. 149 Chambers st., N. Y.—1 Packages sent free by express to any part of the United cough of several years standing, and decided to be incurable by her physicians. She was cured in one month by the Hygenna.

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Important to Farmers and Mechanics. THE subscriber has purchased of J. Bamborough the right to use in Potter and M'Kean counties his patent in the construction of Fanning Milis. He has also, at great ex-bense, commenced the manufacture of a PRL-MIUM MILL which will clean from 100 to 200 busiess per hour. This Mill was pate to March 20, 1847, since which time it has stood at the head of the list at all the State and coun-CHOT AND LEAD at lower figure Sdown town at A BUTTER -election of Collee not few A in the county than at SPENCERS ty agricultural societies where it has been ex-hibited, and is a universal favorite with al TEA by the chest or pound for sale by SPLNCLE armers who have tried it. It took the pre-mium at the first Agricultural Fair held at PLUG TOBACCO-Fine Cut, Ches and Smoking by the mound at ltarrisburg, Oct. 31st, 1:51, when there were LUG TOBACCO-Fine Cut, Che-and Smoking, by the pound, at SPLNCER VEW arrival of Pure Ground Coffeet 30,009 people present; and at the great State Agricultural Fair at New-York, i.eld at Rochester Sept. 16-19, 1551, this Fanning Mill received the highest honors. - Having met with uniform success wherever NY one desirous of a good quart NY one desirous of a good quart Symp of Moasses will do well or a SPINCLE tried, I confidently invite the farmers of Potter and M'Kean counties to call at my shop in Coudersport and examin cfor themselves.

Premium Fanning Mills.

torger ascretionary with the court or judge o whom application is made, whother the

ownous application is made, whether the writishan or shall not issue. od. That where a person is imprisoned by order of a Judge of the District Court of the United States for refusing to answer a writ of nebcas corpus, he is entitled to be discharged from such impr.sohment if the Judge of the District Cours had no authority to issue the

writ. 4th. That the power to issue write of halees corpus by the Jadges of the record Cours course of the record of the record of the second is a mere auxiliary power, and dia, no such writ can be issued by such judges where the eause of compared by satu junges where the eause of compared intended to be renedied by it is beyond their jurisdic ion. oth. That the courts of the lederal govern-

menture courts of similed jurisdiction, deprived from the constitution, and that where ine jurisdiction is no. given by the constitution or by Congress in pursuance of the constant-

tion, it does not exist. o.n. Anat when it does not appear by the recoid that the court had jurisdiction in a pro-ceeding under our housis corpus act to relieve from an inegri imprisonment, want of juris-diction may be shown by proving the fact of

the case. diction of a Cour. arises upon a rule of habeas c.rous, all the facts set forth in the petition rending to show want of jurisdiction are to be considered as irue, unless they contradict the

record. Sin. That when the owner of a slave volun army brings his slave from a slave to a free state, without any intention of remaining therein, the right of the stave to his freedom jepends upon the law of the state into which he is thus brought. 9th. That it a slave so brought into a free

s.a.e escapes from the custody of the master white in said s.a.e, the right of the master to reciaim him is not a question arising under the constitution of the United States or the inws thereof, and therefore a judge of the United States cannot issue a writ of hazers corpus directed to one who, it is alleged with holds the possession of the slave from the master, commanding him to produce the body

of the save before the said judge. toth. That the District Court of the United States for the Eastern district of Pennsyivana has no jurisdiction, because a controversy is between cuizens of diagrent states, and that a proceeding by habeas corpus is no legal

a proceeding by habeas corpus is no legal sense, a conroversy between private parties. 11th. That, the power of the several courts of the United States to inflict summary punish-ment for contempt of court in disobeying a writ of the court, is expressly confined to cases of disobadience to inwfitted. cases of disobedience to lawful writs.

.

12th. That where it appears from the record that the conviction was for disobeying a April 15, 1855.

Materiais, except paper and Cards, (which of publication. have no fixed quainy or price,) turnished at

in sufacturers' prices. The a.est Specimen Book of the Foundry is treety given to all prin ing offices, on the re-ceipt of hi y cents to prepay postage.

publish into advertisement, including this note, three times before the first day of July, 1855, and forward me one of the papers, will be allowed their bills at the time of purchasing five times the amount of my manufactures. New-1 ork, Feb. 12, 1855. Address, GEO. BRUCE,

45-3t

Address, 13 Chambers-st. New-York-

## War Declared at Last.

THE long repose of Europe is about I to be disturbed by the bugie's note and the reville of the drum, calling its slumber-ing millions to arms in the detense of their ing minious to almost in the defense of their firesides and their country. England and renders are calling for men and means, and rending forward their armies to battle against the aggressions of the Russian Bear; but while the Oid World is convulsed by revolu tion, unusual peace and plenty reign in the New

In the peaceful and quiet pursuit of our business we have formed a copartnership under the name and style of N. S. BUTLER &  $\cup O_{1}$ , and have taken the store in Empire Block, in the village of Olean, formerly occu-pied by Thing & Brother, and are now receiving a splenuld new stock of goods adapted to the season and wants of the community, which we intend to sell exclusively for cush down, at prices that will cause consternation and dismay in the ranks of old logyism that has been so long established in this section. Our stock will consist in part of the follow ng Goods:

Crockery, Boots & Shoes, Hardware, Hats, Caps, Oil Cloths, Drugs, Carpets, Medicines, Dye Stuffs, Gluss, Paints & Oils. Putty, Sash, Chairs, Bedsteads, Mattrasses, Feathers Stone and Wooden Ware,

And we mean to keep such an assortment of And we mean to keep such an assortment of the above goods that persons from a distance can be assured of finding everything they usually want at prices that will do them good Call and see for yourselves. N. S. BUTLER & CO. Olean, May 5, 1854. 6-51

New Goods. T B. TYLER has just returned from the ocity, and is now prepared to show the largest and best stock of Drugs, Medicines, Panuts, Oils, Books, Stationery, Paper Hung-ings, and Fancy Goods in the county.

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W EBSTERS DICTIONARY - POCKE, Sciool, University, Octavo, and Quarto cantions, for safe by TYLER. VIOLINS and Flutes just received by TYLER.

Notice THE partnership here ofore existing be-tween W. T. Jones & Bro. is this day dissolved by mutual consent. The debts due said firm will be found in the hands of W. T Jones, and all chains against said firm are to be presented to him for navnent be presented to him for payment. W. T. JONES. A. F. JONES.

A. F. JONES. I do hereby appoint A. F. JONES. for the transaction and management of an or any of my business, giving hum full authority and power in the same. W. T. JONES. Coudersport, September 25, 1854.

DIARIES for 1855 just received at TYLER'S CLOVER SEED, and all kinds of Garden Seed, for sale at SPENCER'S.

HE best three ailling tea and 6d sugar is OLMSTED's. HONEY.-A good quality of honey for sale at C. SMITH's

TEAS, fresh and chesp, at TYLER'S.

A supply always on hand, to be sold on rea-DULVERIZED Corn Starch, for food sonable terms. JOHN RECKHOW. 6-3711 THE subscriber hereby gives note to the public that having given PLEDR SECTI-his note for eighty aniars, bearing date that the last of March, 1854, payable September

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A SMALL lot of Law 1500N" worth, dec'd, which will be sold cheap. JANE W. BUTTERWORTH. Administration Administra

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