

was in proper form. 2d. That a copy of the indictment found, accompanied the requisition and 3d. That the officers with which the parties were charged, is a crime in Pennsylvania. If there has been a doubt on your mind as to the latter point, it will be removed by the case just cited, where it is also held that a writ of habeas corpus is a crime within the meaning of the Federal Constitution. By statute, the offence of kidnapping is made indictable in your State as well as in this and the crime regarded as odious in both.

If a State Executive cannot then, under the Constitution and laws, exercise the right of quiring into the guilt or innocence of a party charged with crime, what is there in public utility or in the characteristics of the case under consideration, to sustain such a dangerous assumption of power. The right of trial by jury, the most sacred and time honored of human institutions, is justly regarded as the great safeguard of our liberty and property. Any other means of establishing our rights justly, must be regarded as a usurpation of power and dangerous to the integrity of our institutions. Next to this is the right to be tried by a jury of the vicinage which in criminal accusation is a duty as well as a right. As already intimated if the power to go behind the record to examine the facts, exist in a particular case, it can be exercised in a general one. If your Excellency has the right to pass upon the guilt of McCreary, and Merritt in order to avoid the hazard of an unfair and prejudicial trial in Pennsylvania, what limit would you assign to the exercise of this power? Where shall the duties of the State end? Let it be the ordinary case of a fugitive from justice, without the claims of citizenship, and no distinction in principle can be drawn, what protection could the accused have, if the principle contended for be the true one? If the right exists at all, it exists for the accused, and not for the State. The consequence would be, that the accused might be twice tried and jeoparded for the same offence. If tried and acquitted in the State to which he had fled, it would be no bar to a second trial, for the same offence, in the State from whence he fled. It is thus apparent, that a virtual disregard of the law, but might, in practice, be utterly destructive to the rights of the accused. The letter of the Constitution certainly gives no latitude to Executive discretion and if not a necessary result from its spirit or the policy of an Executive to place the accused in the hands of a jury, it is a plain duty. If satisfied that the forms required by the Constitution and laws Congress have been complied with, and that the offence charged is a crime where committed, there can be no other determination than to deliver up the alleged fugitive from justice to the authority lawfully demanding him.

The administration of the Constitution and laws providing for the rendition of fugitives from justice has been confided to the Executive authority of the States and in the absence of a revisionary tribunal some irregularity in practice has necessarily arisen. With the exception of a few decisions, the practice has been mainly to place the accused on habeas corpus almost the only authorities bearing on the questions arising out of the subject, are the opinions of State Executives. So far as I have been able to examine them I find them against the position assumed by your Excellency. These decisions, which are not the forms of requisition and the construction that should be given to the terms 'other crimes' as used in the Constitution.

Prior to the act of 1794, Mr. Edmund Randolph, then Attorney General of the United States, in discussing the proper point of reference for a writ of habeas corpus, says: "In the present instance a grand jury convened before two of the Justices of the Supreme Court of Pennsylvania have made it (the charge of guilt) and thus have furnished the ground for bringing the foregoing bill to a formal trial. Should a writ of habeas corpus be granted, it would be incongruous as a charge, the object of which is to bring the accused to a trial, and the object of the writ is to prevent a trial. For between an indictment and trial there is no intermediate examination of the facts and to wait for the examination of an absent party, before a writ of habeas corpus is granted, would be to render behind his back.

Governor McDonald of Georgia, in a communication to Governor Seward of New York in June 1841, when insisting upon the delivery of a fugitive on a requisition sustained by affidavits only remarks: "The object of the Constitution is to prevent the arrest of a criminal in the State to which they may flee, to be tried in the State within whose jurisdiction the offence was committed and not to try them before arrest in the State where they may be found. All that the Constitution intends is that when a person engaged in a crime, has fled to another State, he should be brought into another, the officers of the United or if your Excellency please, of the State in which he may be found shall arrest him upon the same evidence of guilt and no more than would have justified his arrest in the State whence he fled. An indictment is nothing more than an accusation or charge of crime, and it cannot be pretended that the evidence on which the Grand Jury based their charge should be communicated to enable your Excellency to determine whether their conclusions were erroneous in fact."

THE DEMOCRAT.

The Largest Circulation in Northern Pennsylvania—1852 Quarter Weekly.
S. B. & E. B. CHASE, EDITORS.
MONTROSE, JULY 7, 1852.

Democratic Nominations.

CANAL COMMISSIONER,
Thomas H. Forsyth,
Of Philadelphia County.

AUDITOR GENERAL,
Ephraim Banks,
Of Mifflin County.

SURVEYOR GENERAL,
J. Porter Crawley,
Of Crawford County.

Persons in the Eastern section of the County, wishing to pay for the DEMOCRAT, please Blank, or get Job Work done, can do so by calling at our Law Office, directly opposite the "Lark House," GREAT BEND, PA.

Accident.—We are informed that a young man named Sherman had his hand dreadfully mutilated by the bursting of a musket which he was in the act of firing, at Summersville last Monday morning. His arm was afterwards amputated between the wrist and elbow. Of further particulars we are not informed.

Contracts Awarded.—The contracts for the extension of the Delaware, Lackawanna and Western Railroad from Scranton, Pa., to the Delaware Water Gap, were opened in N. Y., on Tuesday, awarded to seven lowest bidders.

We learn that a young man by the name of Uwe, residing three or four miles south-west of Montrose, was accidentally shot last Thursday. He was standing a few feet from a gentleman who was loading a pistol which was accidentally discharged, the ball entering his side. It was very skillfully extracted from a point near the other shoulder, by Dr. PATRICK, having passed completely through his body. Strange as it may seem, at last accounts he was alive.

Concerning our first page may be found the correspondence between Governor Bigler and Governor Lova of Maryland, touching the kidnapping case of Rachel Parker. Aside from the interest the case presents of itself, it has become doubly interesting by the unlooked for refusal of Gov. Lova to give up the authors of the crime on requisition—a refusal without precedent or warrant. The alleged fugitive was discharged by a Maryland Court, and declared free, last winter, and yet the men who came upon the soil of Pennsylvania and carried her into slavery, are screened from trial by the Executive of the State in which they have virtually been declared guilty.

Read the correspondence and see how beautifully Governor Bigler overthrew his Maryland antagonist. Wonder if those Whig partisans who persist in stating that Mr. Buchanan is a very much better man than Mr. Bigler for the past four months, alleging that he had withdrawn his requisition, will now be honest enough to publish this correspondence.

The Fourth.

Another grave has been dug in the Churchyard of Time, and thither has another anniversary of our national existence passed. The day was generally observed by the citizens of this county, so far as we can learn, by exercises appropriate to the occasion. In Montrose there was quite a large gathering of Sabbath School scholars, and a couple of addresses were delivered: at the Presbyterian Church, after which the little fellows were conducted to the grove and fed with many good things. This air and streets were alive with fire-crackers through the day and evening, one or two were seriously endangering some dozens of boys—a band of music traversed the streets, and fire-balls and rockets blazed through the darkness of the night.

At South Springville we learn that a large and interesting Celebration was had. Some 1,500 or 2,000 persons were present, and able addresses were delivered by R. B. Little, Esq. of Montrose, and others. Mr. Little's address is represented as one of extraordinary eloquence and power. At the request of friends, we shall lay it before our readers next week.

New Publications.

Harper's Magazine, for July, is a superior No. The illustrated article, giving portraits of all the signers of the Declaration of Independence, views of their residences, and several views of the buildings and grounds of the Jefferson estate, is alone worth a quarter's subscription. The other articles in this No. are of a like high order of excellence. As this Magazine is not for sale by booksellers here, persons wishing it will have to remit direct to the publishers, Harper & Brothers, Franklin Square, N. Y.—\$3 per annum.

A Fair's Home Magazine for July is promptly on our table, and an excellent No. It is published by T. S. Arthur & Co. Phila.—\$2 per annum.

We also acknowledge the receipt of the 34th numbers of the Mother's Magazine, the Ladies' Keptake, and the Ladies' Pearl, all of which are excellent periodicals for the home circle, and every way worthy a generous patronage. Samples may be seen at this office.

The Saint Nicholas, a spicy little periodical, published at Owego, N. Y., is an excellent July. It is handsomely printed, and published monthly at \$1 per annum.

New York Correspondence.

New York, Saturday, July 3, 1852. The weather yesterday being so insufferably close and warm; but at the afternoon approached dark clouds were seen to rise on the western horizon an unmistakable precursor of a thunder-storm and at about 5 o'clock it came down upon us in all its fury. It rained in torrents—the wind blew with the power of a tornado—and hail fell in some parts of the city as large as hen's eggs; in fact, we have not been visited by so violent a storm in a long time; and for the time it lasted (which fortunately was short) it did a great deal of damage in the city. The Crystal Palace suffered considerable damage on account of the suddenness with which the storm broke upon them, the workmen who were engaged upon the roof and dome were unable to close the openings through which they ascended to the roof, the consequence was that the interior of the building, under the dome, was deluged with water. Fortunately the most of the articles in the Palace, had not been unpacked and those which had been removed to a place of safety. The effect of the storm within the building, while it was at its height, is said by those who were present as being indescribably grand. The falling of such immense hailstones upon the roof and glass sides, the gathering of the rain and the violence of the wind produced such a combination of effects as is rarely witnessed. The work in the interior going on with a great deal of activity and the counters are arranged so as to give all the available space for the purpose of exhibition, at the same time allowing sufficient space for passage around them without crowding. The space under the dome is intended for statuary and other large works of art, and a great many occupy the places assigned to them. Italy the mother of art has contributed richly to the exhibition. I intend to visit the Palace this afternoon, and in my next I will be better able to give a description of the interior up to the present time. The storm appears to have been more violent in the vicinity of the Palace than in any other part of the city. Three houses were blown down on the opposite side of the street which were nearly finished. A number of workmen were driven into one to seek shelter from the storm, of whom three were instantly killed and six or seven wounded. A number of buildings in process of erection in other parts of the city were also blown down.

The sixty appointments of Collector Bronson took the oath, and their places in the Custom House yesterday. Poor fellows, they are nearly worn down with care and hope deferred; but as they have reached the realization of their hopes, it is expected, that they will again buckle on armor for the fight.

From Washington we learn that Samuel Hart one of the oldest naval constructors in the service, has been appointed Chief of the Bureau of Construction, Equipment, and Repairs, Vice Commodore Shubrick who goes out under the law of 1846. Hon. R. J. Walker, Minister to China, and Sen. Jas. Keenan, Consul at Hong Kong expect to leave New York about the 20th of September. For London see our special notice.

Gen. Sherman persists in stating that Mr. Buchanan is a very much better man than Mr. Bigler for the past four months, alleging that he had withdrawn his requisition, will now be honest enough to publish this correspondence.

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For the Democrat.

Celebration at Great Bend.

The seventy-seventh Anniversary of our National Independence was celebrated in the village of Great Bend, with unusual enthusiasm. The day was ushered in by a federal salute of thirteen guns by Col. A. Spicer of Harford. At about nine o'clock, the people began to pour in from all the surrounding country; and at ten, the excursion train from Scranton brought a large delegation from New Milford, under the direction of Col. Pratt; and a large number from other places on the road. The different Scranton trains alone brought some eight hundred persons; and at several of the stations there were hundreds who could not get aboard. At half past ten the procession was formed under the direction of C. E. Farnam, Marshal of the Day, and assisted by Col. Ogden Pratt, and marched in the order previously announced, to the ground in Ledersville, a few rods from the Depot of the N. Y. & E. R. R.

After music by the Band, prayer by the Rev. J. B. McCreey, and Reading of the Declaration of Independence by Gen. John Bayless of Kirkwood, N. Y., an eloquent Oration was delivered by SIMON R. CHASE, Esq., of Great Bend, to an attentive audience of about three thousand persons.

The audience then was marshalled into procession by the same order, and marched back to Carpenter's Hotel, where dinner was in readiness to which all did sit justly.

After the cloth was removed, the citizens drank, with pure cold water, the following toasts:

REGULAR TOASTS.

The President of the United States.—Taken from the people, we feel he is one of us.—May his administration be a prosperous and efficient one, and such as to endear him to the hearts of the people.

Pennsylvania.—Keystone of the Arch of Liberty. She is able to sustain her part.

The Seventy-seventh Anniversary of American Independence.—We hail it with joyous enthusiasm: May our free Institutions be as cloudless.

The Orator of the Day.—The eloquent and ardent admirer of Washington and Jefferson, and like them liberal and Democratic in all his views: May he yet do honor to his country in the councils of the nation.

Col. A. Spicer.—Men of energy: May the nation never lack in emergencies.

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Col. A. Spicer.—Men of energy: May the nation never lack in emergencies.

Great Bend Brass Band.—In age young; but in skill and execution old and unexcelled.

The Governor of Pennsylvania.

Our National Standard.—May its stars and stripes, unstained, ever wave over us.

Our Public Improvements.—An Iron band to preserve our Union.

The Freedom of the Press.—So long as it continues, we fear not corruption.

American Enterprise.—What is there it may not accomplish.

Religious Liberty.—The safeguard of our country: May it never diminish.

Ladies of the Keystone State.—Beautiful as the scenery of the hills and vales; whose love of liberty flows like the burning Antheus; and whose strength is the invincible Gibraltar of her mines.

VOLUNTEER TOASTS.

By T. D. ESTABROOK. Our Union.—May it never be divided by sectional prejudices or party lines.

S. B. CHASE, Esq. The Ballot-Box.—The safeguard of our freedom; the mainspring of our government: May its purity ever be preserved.

Col. A. Spicer. Friend with friend: one against one: sword in and up to the hilt.

Col. Ogden Pratt. Success to the true Ladies, and the true marking men; those that think and act for themselves; for by such our Independence was won, and in such only can we hope.

Gen. JOHN BAYLESS. The Day we Celebrate.—May its consummation be celebrated in the universal freedom of the world.

ISAAC RECKHOW, Esq. The Handmaid to industry is a free commerce.

N. P. WALKER. Our Country.—Her march is the march of mind. She has a spear and shield; the motto on her shield is Freedom, Independence and Peace.

Dr. JAMES BROOKS. Liberty, Civil and Religious: chief corner stones of a nation's happiness.

S. B. CHASE, Esq. Washington.—The only man who ever possessed the entire confidence of the whole American people: May all the youth of our country emulate his exalted virtues.

ISAAC RECKHOW, Esq. A Farm to every citizen: an excellent settler on the public lands.

CHAS. E. FARNAM. The American Eagle.—May her broad wings continue to spread till they cover the two hemispheres.

PETER DEGREES, Esq. American Liberty.—May it be sustained without the shedding of blood.

HENRY MCKINNEY. The Declaration of Independence.—A reiteration of the bible: "That God made man of one blood to dwell upon the face of the earth; and that he is no respecter of persons."

By THE SAME. "Virtue, Liberty and Independence."—In a national view, cannot be maintained without a knowledge by the mass of the people of the science of government.

By THE SAME. The Object of Government is to protect its citizens: not enslave them.

By THE SAME. The Fourth of July.—The prototype of universal freedom.

The Day passed off without any accidents, which, considering there were about five thousand persons in the place was quite remarkable. There was an exhibition of fireworks in the evening.

PACIFICUS.—A lad, a day or two since was called to the witness stand at the Common Pleas Court, whose tender years raised a doubt as to his competency as a witness, by not understanding the nature and obligation of an oath. The first question put was: "Are you a son of the plaintiff?" The little fellow crossed his legs, and deliberately putting about half a paper of tobacco into his mouth, replied with the utmost composure, "Well so it's reported." He testified.

As way way to had the Sheriff's Office. Spend time talking every time you see a dollar.

Young Arthur Spring.

The following is a copy of a letter that has been received by a gentleman from this city, from young Arthur Spring:

WASHINGTON, June 12. Dear Sir—I am sorry to hear that my father did not die in the land of the living. But I hope God will forgive him for the wicked life he led in this world. I return my sincere thanks for the many kindnesses that were shown to me in Philadelphia. I have but little to write, and my only object is a desire to walk in the path of God. No doubt this information will give you pleasure, and it shall ever be my earnest endeavor to improve the opportunities you have so generously extended to me, and also to prove myself worthy of your confidence and esteem.

Your faithful and unfortunate friend,
ARTHUR SPRING.

Young Spring, we may add, has a situation in the store of a respectable confectioner at Washington, and receives fifteen dollars a month and board. He enjoys the esteem and confidence of his employer, having rendered for his present engagement with him for six years. There are three other children, daughters, who are in an Asylum at Washington city.—Philadelphia Inquirer.

Supreme Court.

The following important opinion was delivered in the Supreme Court, at Harrisburg, on Tuesday week:

Armstrong vs. Ware. Opinion of the Court by Lewis J.

The law gives a lien to mechanics on every building erected by them; but not for adding to or altering an old building. The parties in their contract call this work alterations and additions; but it is properly so? Every part of the house was constructed, except a part of the walls, and even these the openings are new.

There must necessarily be cases wherein it is difficult to decide whether work done is to be regarded as the erection of the alteration, any building which old materials enter into, and which would be unreasonable. A saddle may be new, though old stirrups, and even some leather of an old one, used in making it. A saw-mill may be new, though it has an old water wheel or fore-bay. Where the structure of a building is so completely changed, that in common parlance, it may be properly called a new building, or rebuilding, it comes within the lien law. This is sometimes difficult to decide, and then it must be left to the jury. Under the evidence here the court might have decided that it is a case of 'building erected' within the meaning of the lien law, and ought to have ordered a nonsuit. Judgement reversed and a new trial awarded.

Albany and Binghamton Railroad.

It appears to be settled at last that the Albany and Binghamton Railroad is to be built, and some portion of it has been put under contract. This enterprise has long been considered a rival for what is called the Providence and Fishkill road, and makes a cross cut to take coal from Pennsylvania to Boston. It is regarded this as the last of the old railroads that has been and is being built between the New York and Erie and Central Line, that will prove profitable. The others projected, and to follow after these in progress, will only serve to check the headlong course of recklessness, by running the business into the ground, and causing a sacrifice of millions.—Foughkeepsie Eagle.

Pres. Pierce's visit to Susquehanna county.

It is anticipated that President Pierce will leave Washington during the month of July and August, and seek a more northern climate. We know of no place he will be more likely to pick, than the great hills of Susquehanna, which he has recently visited to manifest affection; partiality; having called one of our distinguished citizens to assist him in his administration of the government.

In anticipation of the above great event, the well known firm of TIFFANY & SMITH's of Brooklyn, have refitted their stock of the choicest lot of goods of the kind that has ever been expected all who are anxious to fit up their persons and habitations, in a manner becoming to see the Lion, will call without delay. Bring on your cash and ready pay, and we will send you home with a load of goods and a happy heart. Come one, come all, and fix to see the President. June 16, 1852. 317

Deaths.

In Dimock, July 1st by A. Williams Esq. Mr. CHARLES GARY of Jessup, to Miss LOMA SHELLE of Dimock.

In Bridgewater, on the 3d inst. by Eld. Col. M. ALYS BARCOCK, to Miss CAROL BISSER, of the former place.

In Rush, June 28, by Eld. H. H. GRAY, Mr. W. V. REDDILL, and Miss MARIANA LORRAINE.

By the same July 2d, Mr. DAVID SMAY and Miss K. H. DEWEY.

In Bridgewater on the 29th ult. Theresa H. ROO, wife of Seymour Root aged 63 years. The deceased had but a brief residence here, being lately from Kent, Litchfield Co., Conn. Her death was very sudden and unexpected, both to herself and friends, giving her after the attack but a few moments to express her trust in Jesus Christ, the Saviour in whom she had long had confidence to save her from sins and the wrath to come. From our short acquaintance with her as a member of the Methodist E. Church, we think we may safely say of her in scripture language, "Write from henceforth, Blessed are the dead who die in the Lord, even so saith the Spirit for they rest from their labors and their works follow him." [Con.]

List of Letters.

Remaining in the Post Office at Montrose June 30th, 1852.

Austin, Dana
Barrows, Mrs. E.
Baldwin, Peleg Heirs
Beater, Ann
Brown, Hosea
Blakester, O. S.
Bawden, Wm. M.
Cannwell, Z.
Coleman, Riley
Clark, Mrs. H. B.
Cornell, Mary
Cook, Worthing T.
Colman, Wm.
Coakley, Mrs. B.
Doyle, Joseph
Darrow, Mrs. H.
Eliot, Thos.
Evans, John
Fox, Edmund
Foster, Miss Sally
Gregory, Mr. G.
Greene, John
Gregory, Nathaniel
Gregory, Asahel

Milford, John C.
Moran, Miss C. E.
McMillan, T. J.
Moore, Wm. G.
Normole, Samuel
Postmasters of Bridge-water
Parks, John
Park, Sarah
Phalen, Julia
Read, John M.
Russell, Jane A.
Rierdon, Dennis
Smith, Wm. H.
Stephens, Miss Sally
Stewart, John
Smith, Mrs. E. C.
Smith, Mrs. Sally
Sherman, Ebbot
Thomson, Miss F.
Tills, Miss C. J.
Thayer, C. C.
Thomson, Wm.
Williams, Mrs. Ann
Williams, Mrs. L. S.