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A WEEKLY JOURNAL-DEVOTED TO POLITICS, NEWS, LITERATURE, AGRICULTURE, SCIENCE, AND MORALITY

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ADDRESS

of the State Central Committee. TO THE PEOPLE OF PENNSYLVANIA: Fellow-Citizens-The manner of organiz-

ing the Territories of Nebraska and Kansas, you will agree with us, is not necessarily an issue in this contest-it is not a subject connected with the duties of a State Executive. It is scarcely possible that the election of a Governor, whoever may succeed, is to have any practical bearing upon the future policy of those Territories and surely no man will be so unreasonable as to hold the Governor of Pennsylvania accountable in an official sense for what Congress has already done on this subject. It is a subject with which that officer has had, and can have, officially, nothing whatever to do. As a member of the Demoeratic party it must be presumed that he takes an interest in public affairs, and has not been an inattentive observer that there has existed a diversity of opinion in relation to certain features of this measure.

Since the origin of our government, with

occasional intervals, the question of slavery in some of its phases, has been a subject of violent and at times dangerous controversy in Congress, menacing the peace of the people and the existence of the mitional confederacy. Its adjustment with the Territories has led to the most threatening struggles. These were invariably renewed by every new acquisition of Territory. In 1820, the act of Congress fixing the Missouri line was adopted interdicting the extension of slavery north of 36 deg. and the extension of slavery north of 30 deg.
30 min, as a means of settling the controversy growing out of the acquisition of Louisiana from France in 1803. In 1845 this line was extended over Texas, which had just been annexed to the United States and seemed to answer the purpose of an adjustment. In 1848, however, when it was proposed to extend this parallel of 36 deg. 30 min. from the Rio del Norte to the Pacitic, it was defeated in the House of Representatives, after having passed the Senate, by a majority of tenvotes The agitation in the country soon became general, and by 1850 it had assumed an alarming aspect. The good and great men of all parties, forgetting former differences and constrained by a nobler spirit of patriotism, united in a common effort to allay the mighty surging of an excited public sentiment. Foremost in this great work was the cloquent and patriotic Clay, sustained by Cass Webster, King and others. A series of acts were passed, familiarly known as the Compromise Measures, which were acceptable to the people and were ardently maintain-

One of these acts organized the Territories of New Mexico and Utah, on the principles of non-intervention—on the plan of allowing the people to decide for themselves whether they would have the institution of slavery or not. The whole country seemed satisfied with the doctring of non-intervention by Congress in the regulation of the domestic institutions of the Territories including that of slavery. Without stopping to inquire into the constitutional power of Congress to legislate on the subject or to what extent that power might be exercised, the people regarded it as wis , and politic to remove this topic of angry and dangerous controversy out of Congress, and confide it to those who may occupy the Territories. We may however remark that the question of authority in the passage of the Ordinance of 1787 under the old Confederation is a very different one from the passage of the Missouri Compromise or any slavery restriction whatever, under our present Constitution. Under the Confederation the institution of slavery was not recognized—under the Constitution it is, in three several partid-

1st. In fixing the basis of representation and direct taxation. -2d. In tolerating the foreign slave trad

If it even be clear that Congress is possess ed of ample power to legislate on the subject (and that is steatly denied by Gen. Cass and other emment men of the country) it was proper to forego its exercise. The resort to this mode of adjustment in 1850, seemed most auspicious for the honor, the dignity and peace of the States—for the happiness

And is not this policy right and just in it self according to all our theories of govern ment? Indeed we should never allow our selves to fear the consequences of trusting any question of politics or morals with the people whether they be residents of a State or Terri tory. This mode of adjustment rests on great principles, which in their application will be co-extensive with all the Territory we now during as the race of man. It is a principle ted and voted for the Nebraska and Kansas in beautiful harmony with our republican in bill, as well as those who voted against it. stitutions the principle of self-government the basis of our entire system. It was for this doctrine that our forefathers perilled their this doctrine that our forefathers perilled their gress who thinks it would be permanently a York, not long since, calls for the earnest lives, their fortunes and their sacred honor in slave-holding country; I have no idea that it condemnation of every lover of our national the Declaration of Independence—that they could." struggled and bled, and left their bones to bleach on the battle fields of the revolution. It was for this principle of self-government, that they invoked the interposition of heaven and accepted the proffered aid of the generous stranger. For seven long years did they labor to impress upon Lord North and George III, the virtue and power of this great fundamental truth in the science of government.
The attempt of that monarch "to bind the Colonies in all things whatsoever," and to impose taxes without representation, gave this principle growth and vigor, and cost him armies and an empire. Since that day to the present time it has been gaining strength in all divilized countries. American experience has fully solved and settled the problem of man's ability for self-government. Where can be found the instance in which governmental affairs have been submitted to, or intrusted with the people, that the results have not been salutary? Who will then, at this Territory? Who will say that a man resid its absolute futility in the slave-holding States, ing in Massachusetts should, through his rep and that not a single slave will ever be held adopt and regulate institutions of local gov- ting it to be passed."
trument for his fellow man in Utah, New Gen. Houston said:

of these Torritories, their Democratic fellowcitizens whom they leave behind shall decide for them what kind of local institutions they hall have?—that their judgment and not that of the emigrants themselves shall control braska the wider region will escape, for the as to the institution of Slavery? Or who reason that its soil and climate are uncongenwill contend that the people will be careless of their own true interests?—that their government will be feeble or injudicious? Who public attention has been so well and so ef-ever says these things doubts all the princi-ples of our republican institutions, and disre-ish a hope that slavery will not be able to ards the lessons of experience and the teach- gain a foot-hold even in Kansas," ngs of the sages of the revolution.

We have already intimated, that we will cult questions of Congressional power, which or, who says in a letter dated June 19, 1854 have grown out of the slavery controversy in "Slavery can have no legal existence in those the Halls of the National Legislature. We territories, either by act of Congress, or uncare not to decide, where so many eminent der the false pretence of popular sovereignty?" men have differed, whether Congress has the It may in fact be safely said that of all the in the Territories. Be that as it may, we as will not be a slave Stale added to the Union, sert that it was wise in 1850, as in 1851, to and that the territory embraced in the Louis refer the whole question to the sovereign will inna purchase not already admitted, will come of the people, to be settled through the action in as free States.

of the local governments, as all other questions of domestic policy are settled. The territory that the United States may hereafter rights of property, the relations between hus acquire must be South of 36 deg. 30 min, band and wife, parent and child, guardian and that this principle of popular sovereignty the question of domestic slavery, the relation slavery north of 36 deg. 30 min. is a virtual Laws miler the foot of violence.

the creation of circumstances for ourselves, doubt continue to-have that effect. It would but that we must deal with existing facts.— in all probability have been a happy event. The same difficulty occurred in the history of for the country, had this doctrine of popular the country. We had the institution of sovereignty in the territories been adopted in trovers to mystily the people and regain slavery entailed upon us, and the only matter 1820. We should most likely have had a lost power. of enquiry has long been, how it was to be larger proportion of free States than we now managed to the greatest advantage of both lave.

The Missouri line was never a favorite menber several millions, and we are forced to the sure with the old Democratic statesman. It dilignma of retaining a large portion of them suited a temporary purpose, and quieted alg-in bondage, or make them our companions itation for a time, but it was manifestly wrong and equals, and permit them to share the in principle, and legislation of a dangerous honors of the State, and internarry with our character, calculated to divide the country daughters and friends. In the foreible language of Mr. Jefferson "we have the wolf by the ears, and we can neither hold him nor people.

And yet much has been done in a legal and onstitutional way for the and lioration of this unfortunate race of people. The men of the that I have ever contemplated," revolution had to deal with the institution of . In 1820 he wrote to John Ho slavery as they found it, and they so acted in the formation of the government. When marked principle, moral and political, once these States were colonies of Great Britain conceived and held up to the angry passions one was a slave-holding the time the Constitution was framed, twelve out of the thirteen were slave holding States. Six of the original thirteen have now become free, not by abblition agitation in Congress, the true scope of the Constitution." States in their sovereign capacity at home.

This leaving the question to the people was first adopted by Congress in 1850, and was if not in direct violation of the Constitution, intended to be general in its application to all is repugnant to its principles." Territories thereafter to be organized—that it We might swell the list of authorities or was to be a finality as to the principle to be this same point, from eminent American invoked, but not a finality as to its applica- state men, living and dead. ion—for that, would imply that no more ter- It is difficult to force from the mind thelie ritories were to be organized. This position lief that this whole subject of slavery in the boundaries of Utah and New Mexico, no re- a sovereign state to control this subject is not spect seems to have been paid to the act of discussed even by abolitionists. The right to 1820, fixing what is termed the Missouri line, establish or abolish the institution is admit- the separeignty of the States and of the peonor the act of 1845 extending that line to the ted. The only effect that the legislation of Rio del Norte. The larger portion of Terri- Congress can possibly have must be confined tory included in these acts of organization to the territorial probation of a State, during was taken from the Mexican acquisition, but which time it can exercise but a limited influtency include, also, a portion of the Texas Territory north of 36 deg. 30 min., and a part of country. When once admitted into the Unthe Louisiana purchase, which was covered ion with slavery, a State can abolish it for by that line. This Territory was taken from admitted without it, she can establish it.

under the act of 1820, interdicting slavery Should the people north of 36d. 30m. in Nenorth of 30 deg. 30 min., and subjected to braska become numerous enough to be all-the action of the principles of the Compro-mitted as a free State, they could afterwards mise of 1850, that the Territory thus embrace establish the institution, even if the Missouri al should be admitted into the Union as line or the act of 1820 had not been disturb 3d. In providing for the rendition of fugi States with or without slavery as the people ed. Suppose for example, that any of the thereof might determine. These facts and States covered by the ordinance of 1747, claimed as a precedent for the act organizing were at this time to establish slavery, where Nebraska and Kansas. It is for these reasons, would be the remedy? There would be note. and in this sense also, claimed that the princi- If the people of a territory should desire to ples of non-intervention as adopted in 1850 have the institution, but perceiving that Conshould be regarded as a finality. As Pennsylvanians we are not the advocates Union, they could forbear to establishit until

of the extension of slavery, and we deny that after their admission, and then do as they and prosperity of the people, and above alls the principles of the Nebraska and Kansas might deem best. Hence the wisdom of alfor the stability of our National Union. Will produce that effect. It merely leaves it lowing that power to control in the beginning. to the people to determine this question for that will most certainly control in the end, or themselves. But the soil, climate and prost at a subsequent period.

ductions of that region are not adapted to It is not to be denied that there is a most slave labor. It is our firm belief that slavery violent and unwarrantable spirit evoked by State with him. We waited for sonle time will not enter those Territories. Those who this slavery conflict, that should be discount to scuttle verification of this rodomontade, ard sensitive on this point should not close tenanced by the good men of all parties. It but the challenge dame not. We have heard their eyes to the evidence that surrounds them, is one of the enigmas of human nature, that nothing of Mr. Portock since his nomination, The indications are all opposed to its extension it can become so unseasonable in some of its except his secret visit to Philadelphia, to join to that country! Such is the belief of the manifestations. Our Anti-Nebraska friends the Keow-Nothings, and some two of three have or ever can have, and which are as en ablest then in the nation, those who advoca- should take care lest the mania of a wild and letters, written to wheelle the Abolitonists to requisitions which has always been claim-

Mr. Douglas said: "I do not believe there is a man in Congress who thinks it would be permanently a

Mr. Badger said: "I have no more idea of seeing a slave population in either of them (Nebraska or Kansas) than I have of seeing it in Massachu-

Mr. Edward Everett said: "I am quite sure everybody admits that this is not to be slave holding region."

Mr. Hunter said: Does any man believe that you will have a lave-holding State in Kansas' or Nebraska? couless that for a moment, I permitted such to be made with the slave power, is the illsan illusion to rest upon my mind."

Mr. Bell said, that as respects the south it was a contest for a mere abstraction." Mr. Benton said in his first speech against

ie bill:
"The question of slavery in these Territo-

resentatives in Congress, be permitted to in Kansas of Nebraska under it, even admit-

Mexico Minnesota, Nebraska or Kansas?—
Will our Whig or Abolition friends agree being introduced into these territories than that when they shall have emigrated to any into illinois!

Even Mr. Seward, who is astute on subject, thus expressed himself:

I feel quite sure that slavery at most can get nothing more than Kansas; while Neial with the staples of slave culture-rice, sugar, cotton and tobacco. Moreover, since the

But to render assurance double sure, we have even a stronger opinion from Judge I'dlof discuss the abstract and somewhat diffi lock himself, the Whig candidate for Governower to establish or abolish the institution acquisitions of territory from Mexico, there

nd ward, are so confided, and we can con- may drive the institution farther south than lye none more sacred and important in the lany positive act of Congress could do. Nor cial state; and we see no good reason why should it be forgotten that the interdiction of of inaster and servant, should alone be with-beld from the action of the people.

It must not be forgotten, that we have not influence of such legislation, and it would be

Thomas Jefferson once said: "This Missouri question by a geographical

line of division, is the most portentious one In 1820 he wrote to John Holmes:

James Madison said:

"I must own that I have always leaned to the belief that the restriction was not within

sustained by the fact, that in forming the territories is greatly magnified. The rightof

gress might object to their admission into the

ungovernable fanaticism should possess their as it has already possessed many others. The fortunate as some of Gen. Scorr's; and they ferent States of the Union.' I have also inflammatory, and treasonable proceedings of have caused a great many lawyers to wonder searched in vain for the cases in which not an abolition convention in the City of New how he obtained the title of Judge. an abolition convention in the City of New

Wendell Phillips said :-

"The Union sentiment is the great vortex which swallows up the great minds, and they have power enough for the time being to in-I challenge any man to tell me what the Un-

"Resolved, That the one grand vital issue solution of the existing American Union." Henry C. Wright spoke to the resolution

and said: "I like that resolution very much. This country denies God, or if it believes in God I do not. The Christian God is the most aktraitor to that Constitution. I thank Gol on."—Pennsylvania Patriot. also that I am an infilled to the popular religious Work — Leady Diet.

this the same time the leading Abolition journals LETTER FROM GOV. BIGLER. were loud in their ilenunciations of the bill itself; and treasonable in their opposition to the action of the government. Horace Greeley, through the New York Tribune; said in eference to the contemplated passage of the

"Better that confusion should ensue er that discord should reign in the National Councils better that Congress should break ip in wild disorder, may better that the cap tollitself should blaze by the torch of the in cendiary, or fall and bury all its inmates beneath its crumbling ruins, than that this per fidy and wrong be finally accomplished." There were many treasonable exhibitions

ilso, by the same class of men, during the re cent Anniversary of American Independence. At some places the bells were tolled, as if mounting for some great National calimity. At Fariungham, Massachusetts, treasquable speeches were delivered, after which Garrison, boye named, burned the Constitution of the United States and the Fugitive Slave Law amid the applause of men of as little patriotism as Henedict Arnold or himself.

Such are the incendiary and inflamatory sentiments with which despicable fanates are endeavoring in indoctrinate the minds of the Northern people. Such sentiments are the fit precursors of the recent riots and naurder in Poston, trampling the Constitution and

Let us therefore, fellow-citizens, discard the doctrines of the Abolitionists and anti-davery agitators, and look upon the opinions they have promulgated and are now promul gating, as the false lights thrown out by the ancient Federalists, during the Missouri con-We have great confidence in the do

of popular sovereighty, and in the justic wisdons of the people. They have saved the country in many important crisis in our affairs. It was the people that settled the government upon the republican platform after the felleralists of 1798 were driven from er. It was the people who sustained Jac against the Mammoth bank. It was the mass of the people who have always uphed the country in time of war. It is to the people that we must look for protection against the miserable treason and despicable wiles of the chemies of the republic. The people of Pennsylvania will be time to their constitutional obligations, and their triumph in 18\$1 and 1852, are evidences, that they are not only willing to be so, but also that they have the power to be so. The day of wild fandtieism has phised by in this State, and her Hemodracy and her people generally have planted themselves upon the principles of the Compromise of 1850, and there they will continue to stand, whether victory or defeat awaits them. They are willing to see the citizens of for themselves, without the control or dictation of the Central Government, which may by a usurpation of power pretend to define the lines of freedom and slavery by degrees

of latitude and longitude, or by geographical boundaries. The Democracy of Pengsylva-nia guarding the destinies of the great central Commonwealth of this Union, will adhere faithfully to the principles of the Constitution. ple, and the stability and repose of the nation. The people of Pennsylvania are unselfish and unambitious, but they are just they are modest and unpretending, and slow at arriving at conclusions, but they are powerful for good. The people of Pennsylvania are patriotic by instinct, and will crush tolatoms all the weble barriers to a healthy flow of public sentiment. Pennsylvania has blways been in patriotic, lunion-loving State has always stood by the flag of our common country. She is the Keystone of the Federal-Arch, and standing midway between the North and the South, she constitutes the great breakwater, against which the waves of nor-

thern fanaticism and southern folly, have long surged and will continue to surge in vain. J. ELLIS BONHAM, Chairman. George D. Werker, Secretary. Where now is Poor Judge Pol-

lock?" When Judge Pollock was nominaled, will be remembered, the Whigs made a great blow about his eloquence, and endeavored to get up some enthusiasm by stating that he would challenge Gov. Broken to stump the

readiness and willingness to meet Judge Porlie. This was an open, fair and manly challenge, but how has Judge Pollock answered tions of State and National policy, fully comfrom whom they may. Come, Judge Por-

OUICE WORK. Jacob Dietrich stele \$94

EXECUTIVE CHAMBER, Harrisburg, May 26th 1853. To His Excellency, E. Louis Lowe, Governor of Maryland:

Your Excellency's communication of th 2d instant informing me that you had declin ed to issue a warrant for the arrest and deliv ery of Thomas M'Creary and John Merritt, alleged fugitives from the justice of this State came to hand by due coulse of mail. An unusual pressure of other official duties must plead my apology to your Excellency for having so long delayed to acknowledge its re-

I have examined with some solicitude and much care the reasons thus communicated to me by your Excellency, for your refusal to comply with the requisition of the Governor of this State for a warrant to arrest the said fugitives, and regret that I should feel required to say, after all this consideration, that I cannot regard the reasons assigned as sufficient; indeed I feel constrained by a high ense of official duty to dissent almost entire from the doctrines promulgated by your excellency, touching this unfortunate affair.

Before proceeding to discuss the important features of this unpleasant controversy, it would seem proper that I should at least atempt to remove from your mind apprehenions, not disguised in your communication that the prosecution of the fugitives may have proceeded from prejudice or unfriendly feeling on the part of certain citizens of Pennsylvania. I can, I am happy to say, see no-thing in the preliminaries of this case to warrant this impression. The vindication of the law and the punishment of crime, I beg to assure you, were the only objects sought.—The very amiable relations which have long existed between Maryland and Pennsylvania should be sufficient, it seems to me, to relieve your Excellency from apprehensions as to the just intentions of the authorities of this State. There is surely nothing in the history of Pennsylvania to excite distrust in the justice of her laws or the purity of their administration .-Some excitement very naturally grew out of the circumstances connected with this affair; but I cannot conceive that it is of such a character as to hazard the supremacy of the law, or endanger the integrity of trial by jury; and I regret exceedingly that your Excolleney should have found it necessary to "inake any allusions whatever, that may possibly be supposed to reflect ungraciously upon any of the citizens of another and a friending may, on special occasions, prevail withthe territories determined in their primary as he it from me therefore, to recognize the territories determined in their primary as hight of your Excellency, under the law or rules of comity, to refuse to surrender the acnot be had by a jury of this State; nor can I agree with you that the interest manifested by the citizens of Chester county, in the girls, Elizabeth and Rachel Tarker, whom they knew to have been carried off from their midst in violation of law, should be regarded as 'a very strong and unreisonable prejudice,' nor that such a state of feeling in a community is to render the ends of justice 'exceed-

ngly uncertain.'

I shall not attempt to answer at length the dea of innocence which you have been pleased to interpose for fugitives, for I must deny its legitimacy 'entirely. One or two points, however, would seem to demand a parting notice. You allege that Mr. MCreary went to Pennsylvania, not as a kidhapper, but for the sole purpose of capturing Rachel Parker, then supposed to be Eliza Grocus, the fugitive stave of Mrs. Dickeou! The answer to this is, that the laws of Congress prescribe a mode of reclaiming a fugilive from labor, and had Mr. M'Creary respected these forms there would now be no indictment against him.— Had he taken the alleged Eliza Crocus before an United States Commissioner, to establish her identity, as the law requires, the fact would have been developed that the person whom he was about to carry off, was not Eliza Crocus but Rachel Parker. At best, therefore, it will be seen that Mr. M'Creary and your Excellency will certainly agree with me that he should bear the consequences. But this whole inquiry into the guilt or innocence of the accused parties, is unauthorized, and to my mind in dear derogation of the letter and spirit of the Constitution and laws of the United States; nor can I agree with you that the 'ease of M'Creary comes within the scope of that discretion in regard out of their votes. His letters were as un- ed and exercised by the Executives of the dif-Sould three or four weeks ago, a letter was corpus, have repeatedly gone behind the republished from Gov. Bigler, unhouncing his quisition and have examined into and decided upon the merits of the cases themselves '--LOOK at any time and at any place, to discuss This examination, so far from bringing me to any topic that may be of interest to the pubconfirmed me in the belief, that there is nothing in the Constitution of the United States, have power enough for the time being to influence the people. The only remedy for the slave is the destruction of the government.—
I challenge any man to tell me what the Union has done for us."

Win, Loyd Garrison proposed the following resolution:

"Regarded That the one would state in the what the Union has done for us."

Broaded That the one would state in the United States, and we heard in the Constitution of the United States, to the intervention of the United States, in the laws of Congress, or the practice of the Governors of the respective States, to warrant the Whigs thought to play, won't win. Gov. Broaded the following resolution worthy of his skeel.—

Broaded That the one would state in the United States, in the laws of Congress, or the practice of the Governors of the respective States, to warrant an Executive in going belief a correct region which you have made in defence of the accused, constitutes subject matter for the consideration of a Parameter in the Constitution of the United States, the law of Congress, or the practice of the Governors of the respective States, to warrant the Whigs thought to play, won't win. Gov. Broaded in defence of the consideration of a Parameter in the Constitution of the United States, the law of Congress, or the practice of the law of the law of Congress, or the practice of the Congress, or the practice of the law of Congress, or the practice of the law of Congress, or the practice of the law of Congress, or the law of Congress of Congress, or the law of Congress of Congress, or the law of Congress of Congress of Congress, or the law of Congress of Congress of Congress of Congress, or the law of Congress of Co

Pollock take it up if he dare. He will find consideration of a Pennsylvania jury when our champion sound on all the great questing the question of guilt or innocence, and should not, I apprehend, have attracted the petent to defend his course, and the course of notice of the Executive of Maryland, when en-the Democratic party, from all assaults come quiring into the forms of the requisition: The Constitution of the United States pro-LOCK, night the string, and let us hear your vides 'that a person charged in any State denundrations of popular sovereignty; let us with treason, felony, or other crime, who shall ries, if thrown open to Territorial action, will cursed of demons. No man's rights can be hear your defence of religious bigotry, and flee from justice and be found in another be a question of numbers—a question of the inscription of the Executive aumajority for or against slavery; and what a Constitution. I don't care that (snapping the infamy and ignominy of our brothren of thority of the State from which he fled, be chance would the slave-holders have in such his fingers) for any such book or Constitution, foreign birth. We had anticipated fine sport delivered up to the State having jurisdiction his fingers) for any such book or Constitution, foreign birth. We had anticipated fine sport delivered up to the State having jurisdiction when the question of liberty or slavery is to this campaign, but we hear Judge Pollock of the crime. The law of Congress declares not been salutary? Who will then at this chance would the slave-holders have in such day doubt the fitness of the American people a contest? No chance at all. The slave employ found within the limits of the Constitution. It thank God on."—Pennsylvania patriot.

The law of Congress accuracy of the American people a contest? No chance at all. The slave employ at a most uncustom of liberty or slavery is to the commuting magnetrate, and insured that the considered. The law of Congress accuracy of the crime? The law of Congress accuracy of the commuting magnetrate, and insured that the considered. The law of Congress accuracy of the crime? The law of Congress accuracy of the commuting magnetrate, and insured that the following the content of the commuting magnetrate, and insured that the considered. The law of Constitution of the commuting magnetrate, and insured that the considered is not to be brought out. We again call on a promise that the constitution of the crime? The law of Constitution of the commuting magnetrate, and insured that the considered is not to be brought out. We again call on a promise the constitution of the crime? The law of the constitution of the commuting magnetrate, and insured that the considered. The law of the constitution of the crime? The law of the crime? The law of the constitution of the crime? The law of the crime? The law of the constitution of the crime? The law o moreover, produce a copy of the indiatment been arrested on a requisition to the Execu- That learned gentleman further remarks, Our of this country and of all Christendom. Quice Work.—Jacob Dietrich stelle \$94 found, or an affidavit made before a magisThe Hon Edmand Quiney said that: The Hon Edmand Quiney said that: The Hon Edmand Quiney said that is a Covington, Ky., on Wednesday trate of any such State or Territory from authority, and a writ of habeas corpus awardconstitution displayed the ingenuity of the ingenuity of the Grand Jury, indicted, tried, convicted and the decided that:

The Hon Edmand Quiney said that: The was arrested, sent before whence the person so charged fled, it shall be ed for his liberation. Chief Justice Savage decided that:

The Hon Edmand Quiney said that: The was intended to be conferred upon the Exceptive authority to cause decided that:

The Hon Edmand Quiney said that is a price of New York and delivered to the proper trate of any such State or Territory from authority, and a writ of habeas corpus awardcy was intended to be conferred upon the Exed for his liberation. Chief Justice Savage decided that:

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be made out; and still your Excellency has manding him as authentic, have been presented to go behind this charge and inted."

Much controversy has been held between ie Executives of the respective States of the proceedings. Your Excellency may be uninion, as to the meaning of the terms "oth- derstood by your, silence to concede, 1st., r crimes" as expressed in the Constitution That the demand of the Executive of Pennand touching the forms of equisition; but in sylania was in proper form. 2d. That a copy to instance that I have been able to discover of the indictment found, accompanied the reefore the present, has an Executive claimed quisition, and 3d. That the offence with the right to go behind admittedly correct, re- which the parties were charged is a crime in ford and dismiss the accused on the facts of Pennsylvania. If there has been a doubt on the case. No objection is made to form or your mind as to the latter point, it must be substance of the requisition, and the crime

But whilst admitting the sufficiency of the requisition as to forth, you assume or of kidnapping is made indictable in your infer from an authorized inquiry into the facts, the innodence of the accised and then ask ded as odious in both. if it would be right for the laws of Pennsylania to punish a man under such circumstances, and if you should give, your consent that a citizen of Maryland should be exposed hat the law must be idministered as it is. t is not for an Executive officer to account or the consequences, nor is it safe to doubt the justice of the law. The idea that it is my

The provisions of the Constitution must tion between the Sovereign and Independent the offence charged is a crime where commit-States, and are not, only positive and manda- ted, there can be no other determination than tory in their requirements, but contain a man- to deliver up the alleged fugitive from justice lest infimation as to the jurisdiction of the to the authority lawfully demanding him. offence charged. If it had been intended to the constitution and laws providing for the rendition of fugitives authority of the State to which the person from justice has been confided to the Execucharged may have fled, beyond the right to live authority of the States and in the abknow that the offence charged is a crime in sence of a revisory tribunal some irregularity the State where committed, then the man- in practice has necessarily arisen. With the date that he or she be removed to the State exception of a few decisions emanating from having jurisdiction would be superfluous .- individual judges proceedings on habeas cor-If the right claimed by your Excellency ex- pus almost the only authorities bearing on ists for the purposes of protection—even as to the questions arising out of the subject, are a citizen of the State to which he has fled, it the opinions of State Executives. So far as I ollows that it also exists for all the purposes have been able to examine them I find them of trial and punishment; a principle entirely against the position assumed by your Excel-repugnant to the well settled policy of the lency. These controversies have had refereriminal law, the jurisdiction as to the guilt ence mainly to the sufficiency of affidavits, carried off Rachel Parker in violation of law, or innocence of the accused being vested ex- the forms of requisition and the construction clusively in the courts of the State or place that should be given to the terms," other where the offence was committed. Nor is crimes" as used in the Constitution. it necessary to argue that legislative jurisdic- | Prior to the act of 1794, Mr. Edmund Ran-

clusively in Congress. that your Excellency had complied with the requisition, and after the arrest and delivery of the accused to the agent of Pennsylvania, a writ of habeds corpus had issued for their of a fugitive on a requisition sustained by af-liberation, the legality of their detention fidavits only, remarks: 'The object of the could be the only subject of inquiry before Constitution is to secure the arrest of a crimthe court. If in the language of the Supreme inal in the State to which they may flee to Court, already referred to, the net of Congress be tried in the State within whose jurisdicsupercedes all State legislation upon the sub- tion the offence was committed, and not to eet, and by necessary implication prohibits try them before arrest in the State where t, how can the Executive of a State exercise they may be found. All that the Constitupower expressly withheld from the Legislature, upon the most important considerations, with treason, felony or other crime, in one Even in the ordinary practice, under the writ State shall escape into another, the officers of of habeas corpus, I submit that the only matter builted States, or if your Excellency please, ter properly examinable would be the legality of the State in which he may be found, shall of the detention of the accused and the bailarrest him on the same evidence of guilt and able nature of the offence. It would seem a no more than would have justified his arrest in the State whence he fled. An indictment

In what feature of this plain mandatory Executive of one State on the requisition of law is found the right to go behind the re-cord and try the case? The injunction to laws of the United States, will not inquire as deliver the fugitive under the prescribed forms to the probable guilt of the accused. The onof the requisition is positive. If it had been by inquiry is whether the warrant on which contemplated that the Governor upon whom he is arrested states that the fugitive has been the requisition is made should inquire into demanded by the Executive of the Statestorn the merits of the case, why did not Congress which he is alleged to have fled, and that a so declare? M'Creary and Merrit are claim-ed on the indictment of a grand jury the ing him with having committed treason fel-lighest grade of a prima facia case that can ony or other crime, certified by the Executive

mire into the facts of the case, and into the From this view of the question, it follows elings of the people who might be called then, that the only proper inquiry by the Expon to act as jurors. quisition is made is the strict legality of the removed by the case just cited, where it is alharged to the language of your Excellency, so held, that an offence made indictable by a sas "odious in Maryland as in Pennsylva-statute, is a crime within the meaning of the Federal Constitution. By statute, the offence

If a State Executive cannot then, ander the Constitution and laws, exercise the right of nquiring into the guilt or innocence of a party, charged with crime, what is there in pubo an unjust prosecution." The answer is lie policy 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 honord of human institutions is justly regarded luty as an Executive to foreknow the kind of as the great safe guard of our liberty and trial which is to await parties claimed on the prosperity. Any other mode of establishing requisition of your Excellency, or the Govers our rights judicially, must be regarded as a hor of any State is truly startling. Why sir, to my mind no Executive should pretend to understand the facts or the consequences; he should be content to obey the mandates of which in criminal accusation is a duty as well the Constitution, confiding the rights and in-terests of accused parties to their peers and the laws of the land. Your view of the sub-facts, exist in a particular sense, it can be exject, it will be readily seen would impose up-on the Executive a most oporous and delicate has the right to pass upon the guilt of Mduty, not contemplated by the act of Con-gress. If it be the right of the Executive, up-on whom a requisition is made, to go behind sylvania, what limit would you assign to the the indictment to notice the facts for the pro- exercise of this power? Where shall the dutection of the accused, his fluty is to do so.— ties of the Executive end and those of the ju-if he has the right to do so in one case, he is ry commence? Let it be the ordinary case lirected feel- bound to do so in all, a duty utterly impract of a fugitive from justice, without the claims ticable and never should be attempted. of citizenship, and no distinction in principle out, but the sacred portals of justice, in this Should an Executive be expected to reverse can be drawn, what protection could the acorderly Commonwealth, are seldom if ever in- the action of a grand jury in the absence of cused have, if the principle contended for to vaded by popular clamor. The guilt or inno- all the testimony on which the indictment be the true one? If the right exists at all, it cence of parties is ever established according to the rules and principles of the law. Far to recognize the right of your Excellency, under the law or law or both the prosecutor and accused in the rest of both the prosecutor and accused in the law or law or both the prosecutor and accused in the law of law or law or both the prosecutor and accused in the law of law or law or both the prosecutor and accused law. The inevitable effect of your Excellency's po- the State to which he had fled, it would be cused on the allegation that a fair trial might sition would be to lead to a system thus im- no bar to a second trial, for the same offence practicable and dangerous. If therefore I in the State from whence he fled. It is thus were entirely satisfied of the innocense of the apparent, that the doctrine or right contenoccused, I could not consent to participate in ded for is not only a virtual disregard of the the establishment of a precedent so fraught law, but might, in practice, be utterly destrucwith dangerous consequences to the peace of tive to the rights of the accused. The letter the country and the ends of justice, as to acquiesce in the right of an Executive to go to Executive discretion and if not a necessary behind the indictment of a jury, and a requi- result from its spirit or the policy of the law, sition in regular form, to decide the merits of when it would follow that the duty of an Executive is a plain one. If satisfied that the forms required by the Constitution and laws rave the paramount effect of a treaty stipula- Congress have been complied with, and that

tion over this subject is vested solely and ex- dolph, then Attorney General of the United Iusively in Congress.

States, in discussing the very point raised by This point has been clearly maintained by your communication of the 2nd, says, "In States, in discussing the very point raised by the Supreme Court of the United States. Un-the present instance a grand jury convened der this view of the case, as settled by the before two of the Justices of the Supreme lighest tribunal known to the law, the position contended for by your Excellency derives no strength from a supposed analogy to the proceedings under a writ of habeas corpus, or the duties of a committing magistrate. In clared to be incompetent as a charge, the obtained in the proceedings regulated ject of this article in the Constitution must by the statutes of the respective States, or either be defeated or be truly oppressive. For settled by the practice of the courts, and can between an indictment and trial there is no only, in any case, apply to the arrest and de-tention under the local law-it cannot inter- wait for the examination of an absent culprit. fere with the paramount authority of the Con-before a demand would compel a judgment stitution and acts of Congress. Assuming to be rendered belind his back.

Gov. M'Donald of Georgia, in a communi-cation to Governor Seward of New York in June 1841, when insisting upon the delivery tion intends is, that when a person charged

dissolved. Sentenced by Kenton Circuit Court, to two him or her to be arrested and secured and delissolved. This was during the pendency of the New years confinement in the penitentiary before livered to the Executive authority making fore whom is brought a prisoner arrested as a fugitive from justice, by a warrant from the copy of the bill of indictment would not be