THE DAILY PITTSBURGH GAZETTE.

ESTABLISHED IN 1786. PITTSBURGH, SATURDAY MORNING, JANUARY 9, 1858. VOLUME LXXI----NUMBER 122.

NEW YORK ADVERTISEMENTS.
From WISCHER, OWEN & CO., GENERAL NEWSPAPER ADVERTISING HOUSE, (Appleton's Building,) No. 246 and 248 Broadway, New York.

Imported Wines, Groceries, &c.
I. & W. GEERY,
205 CANAL STREET, NEW YORK
[Established 1834.]
IMPORTERS AND DEALERS IN FIRST Quality Family Groceries, offer to the Trade, Hotels, Private Families, and all who are choice in their taste, and desire a genuine article, a large variety of
TEAS—Green and Black, Souchong, Pouchong, English Breakfast, Oolong, Imperial, Hyson, Gunpowder, Young Hyson, &c., in chests and half chests.
COFFEE—Mocha and Java.
WINES—Madeiras, Sherries, Ports, Hocks, &c., very old and high grades, in original packages, demijohns, bottles and bottles.
SARTON and GUESTIER'S CLARETS.
CHAMPAGNES—Moet & Chandon's (Cook's Imp'l Yer'ney.
Do Heidsieck, G. H. Mumm's do do do.
LIQUORS—Brandies, Rums, Whiskey, Gin, Arrack, Absinthe, Kirsch, &c., &c., in original packages, viz: Cognac, Maraschino, Anisette, Noyeau Bitters, &c.
MALT LIQUORS—London Brown Stout, Scotch and English Ale.
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SAUCES—For Fish, Curries, Game, Meat, &c.
CHEESE—Stilton, Cheddar, Royal, Victoria, Prince Albert, Parmesan, Gruyere, Sapsago, Dutch and American.
SUGARS—Loaf, Crushed, Pulverized, St. Croix, &c., in barrels and half barrels.
HAMS—Westphalia and American.
OILS—Olive, Sperm and Whale.
Our Liquors are warranted unadulterated and of our own importation. feb3tdw

Gold Medal Pianos.
STEINWAY & SONS, MANUFACTURERS, 84 Walker street, New York, received the following *First Prize Medals* in competition with the best makers in Boston, New York, Philadelphia and Baltimore.
TWO FIRST PRIZE MEDALS at the Metropolitan Fair, Washington, March, 1855.
A GOLD MEDAL, at the Crystal Palace, New York, November, 1856, (being the only Gold Medal given for Pianos within the last six years.)
A GOLD MEDAL at the Maryland Institute, Baltimore, 1856.
THE FIRST PRIZE MEDAL at the Fair, Crystal Palace, New York, November, 1853. Among the judges were the first musical talent in the country, such as L. Mason, Gottschalk, Wallenhaupt and many others. St. & S. Pianos (with and without the Iron Frame) are warranted for three years, and a written guarantee given. Pianos packed and shipped without charge. Prices moderate.
H. KLEBER & BRO.,
Sole Agents for Pittsburgh and Western Pennsylvania.
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B. A. FAHNESTOCK & CO., WHOLESALE Druggists and Manufacturers of White Lead, Lead and Litharge, corner Wood and Front streets, Pittsburgh.
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JOHN HAFT, Jr. (SUCCESSOR TO JAS. McMILLIN,) Wholesale and Retail Druggist and Dealer in Paints, Oils, Dyestuffs, &c., corner Wood and Sixth streets, Pittsburgh.
Regular Agent for Dr. Ford's Medicine. ap23
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All orders will receive prompt attention.
Agent for Schenck's Pulmonic Syrup. mar24:1ydaw
R. E. SELLERS, WHOLESALE DEALER in Drugs, Paints, Dyestuffs, Oils, Varnishes, &c., &c., No. 75 Wood street, Pittsburgh, Pa. Oils warranted. Prices low.
FREDERICK BRAUN.....GEORGE REITER.
BRAUN & REITER, WHOLESALE AND Retail Druggists, corner of Liberty and St. Clair sts., Pittsburgh.
JOSEPH FLEMING, (SUCCESSOR TO L. Wilcox & Co.) corner Market street and Diamond, keeps constantly on hand full and complete assortment of Drugs, Medicines, Medicine Chests, Perfumery, and all articles pertaining to his business.
Physicians prescriptions carefully compounded at all hours. feb1y
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Produce Dealers.
CHEESE WAREHOUSE.—HENRY H. COLLINS, Forwarding and Commission Merchant, and Dealer in Cheese, Butter, Lake Fish and Produce generally, 20 Wood st., above Water, Pittsburgh. my21
J. B. CANFIELD, LATE OF WARREN, OHIO, Commission and Forwarding Merchant, and Wholesale Dealer in Western Reserve Cheese, Butter, Pot and Pearl Ash, and Western Produce generally. Front st., between Smithfield and Wood, Pittsburgh.
M'BANE & ANJER, (SUCCESSORS to A. & A. McBane,) Dealers in Flour, Grain and Produce, Commission and Forwarding Merchants, No. 124 Second street, Pittsburgh, Pa. Jan 1, '57:ly jal2
DAVID C. HERBST, FLOUR, PROVIsions, Provision and Commission Merchant, No. 267 Liberty street, corner of Hand, Pittsburgh, gives his attention to the sale of Flour, Pork, Bacon, Lard, Cheese, Butter, Grain, Dried Fruits, Seeds, &c., &c.
Consignments respectfully solicited. ap3:ly
ALEX. FORSYTH, (SUCCESSOR TO Forsyth & Scott) Forwarding and Commission Merchant, Dealer in Wool, Hides, Flour, Bacon, Lard and Lard Oil and Produce generally, No. 75 Water st., Pittsburgh, Pa.
H. RIDDLE, GENERAL COMMISSION Merchant and Dealer in Groceries and Produce, 72 Fifth street, Pittsburgh, Pa.
Refer to R. HAZLETT, Pittsburgh, BARNSDALL & Co., Pittsburgh.
Consignments solicited and satisfactory returns guaranteed. feb6:1ydawT
ROBERT ROBINSON, COMMISSION Merchant, for the sale of Western Reserve Cheese, Butter, Lard, Bacon, Fish, Pot and Pearl Ashes, Seneca Oil, Flour, Grain, Seeds, Dried Fruit, and Produce generally, No. 8 Smithfield street, between First and Water. ap2
CHARLES B. LEECH, FORWARDING and Commission Merchant, Dealer in Flour, Grain, Bacon, Lard and Butter, and all kinds of Produce, No 8 Smithfield street, between First and Water. feb18
EAGLE WAREHOUSE.—JAS. GARDNER, Wholesale Dealer in Flour, Provisions and Grain generally, No. 6 Seventh street, between Liberty and Smithfield, Pittsburgh, Pa.
Farms cash. mr21y
WM. B. HOLMES & BRO., PORK AND Beef Packers and Dealers in Provisions, corner of Market and Front streets, Pittsburgh, Pa. do6

Attorneys.
ROBERT M'KNIGHT, ATTORNEY AT Law, and Solicitor of the Bank of Pittsburgh, No. 110 Fourth street, Pittsburgh.
JOSEPH S. & A. P. MORRISON, ATTorneys at Law. Office No. 98 Fourth st., near Wood, Pittsburgh, Pa. ap24
HARTHORN & HAZEN, ATTORNEYS at Law. Office in Olson Building, 4 Fourth street, Pittsburgh, Pa.

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MURPHY & BURCHFIELD, DEALERS in Silks and Ladies' Dress Goods generally, Cloaks, Talmas and Shawls, Embroideries and Staple Goods, for family use. An unusually extensive assortment in all the above departments, just received and selling at the lowest prices.
North-east cor. Fourth and Market sts. feb
A. MASON & CO., WHOLESALE
A. MASON & CO., WHOLESALE and Retail Dealers in Fancy and Staple Dry Goods, 55 Fifth street, Pittsburgh.

Carriages.
Coach and Carriage Factory.
JOHNSON, BROTHER & CO., *Corner of Belmont and Rebecca Streets,*
ALLEGHENY CITY.
WOULD RESPECTFULLY INform their friends, and the public generally, that they are manufacturing Carriages, Barouches, Rockaways, Buggies, Sleighs and Cherios, in all their various styles of finish and proportions.
All orders will be executed with strict regard to durability and beauty of finish. Repairs will also be attended to on the most reasonable terms. Being in all their work the best Eastern Shafts, Poles and Wheel stuff, they feel confident that all who favor them with their patronage will be perfectly satisfied on trial of their work.
Purchasers are requested to give them a call before purchasing elsewhere. ap3:1yd

MACKEREL.
20 half bbls No. 1 Mackerel,
30 Qr. do No. 1 do
50 Kits do No. 1 Mackerel,
25 do No. 2 do
In store and for sale by SPRIGGS & CO.,
jel22:tf No. 92 Water Street.
C. A. STROH & CO'S PREMIUM MAGIC DUPLICATING AND IMPRESSION PAPER—A principle of writing without pens or ink. First premium awarded to them by the Ohio State Fair, October, 1857.
It is a beautiful article with which to write a letter and obtain the copy at the same time, without the use of pen or ink, rendering it invaluable to persons traveling. It will take the correct impression of any leaf, print or flower, and is equally adapted for writing on paper, cloth, wood or stone, or the copying of plants, designs, music, &c., without the use of pens or ink, with a lump or common stick. Try it.
W. S. HAYES,
For sale by Market and Second streets.
sal
SUNDRIES—300 bgs. prime Rio Coffee;
20 bbls P R Sugar; 20 bbls standard Crush'd Sugar;
10 bbls Powdered " 15 " Coffee
250 " Golden Syrup; 25 " Excelsior Syrup;
75 kegs fa sav'd Tobacco; 200 kgs twist Tobacco;
25 casks Bi Carb Soda; 25 bf bbls Soda Saleratus;
50 kegs Soda Saleratus; 20 Hogsheads Rice;
50 bf chests Y H Tea; 20 bf chests Black Tea;
60 caddies sav'd " 200 reams Rag Wrapping Paper;
100 box tar'd straw Glass; 100 bdls Straw " "
150 doz Corn Brooms; 500 kegs best brands Nails;
50 boxes Clay Pipes; 2 casks Bland'd Whale Oil;
75 bbls N C Flour; 10 kegs Grain Pepper;
5 bags Allspice; 100 bbls large No 2 Mackerel;
250 sides Sole Leather; 50 bbls shad " "
In store and for sale by WATT & WILSON,
sal4 No. 253 Liberty st.
SUNDRIES—
200 bags Prime Rio Coffee;
100 chests Y. H. and Black Teas;
75 boxes assorted brands Lump Tobacco;
25 kegs Fig Twist Tobacco;
50 bbls Porto Rico Sugar;
50 bbls Refined Sugar;
65 bbls Yellow Refined Sugar;
50 bbls Golden Syrup;
50 bbls Excelsior Syrup;
50 bbls N. O. Molasses;
32 kegs Bi Carb Soda;
50 boxes Soda Saleratus;
100 bdls assorted sizes Straw Wrapping Paper;
15 Hogsheads Rice;
200 Sides Sole Leather;
20 bbls pure Fish Oil;
25 bbls Rosin Oil;
25 boxes assorted Window Glass;
150 dozen assorted Brooms;
200 kegs assorted Nails.
In store and for sale by JOHN FLOYD & CO.
m7
TROTT'S PATENT OIL GLOBES, for Cups, or Steam Engines, for sale by M. F. EATON.

NEW YORK ADVERTISEMENTS
From H. S. SCHELL'S Advertising House, No. 323 Broadway.
AN ENERGETIC BUSINESS MAN CAN make, in any part of the United States, from three to five dollars a day, by selling from sample "THE PATENT INDIA RUBBER SAFETY FLUID LAMP," with an improved Burner. Every family who has regard for life, person, property or economy will purchase them. For information by mail, inclose stamp, to
HAWXHURST & MOTT,
Patentees and exclusive Manufacturers,
no24:6mdy 69 Fulton street, New York.
LIGHTER, NEWTON & BRADBURYS, 421 *Broome Street, New York,* MANUFACTURERS of the Patent Arch Wrought Plank Piano Fortes, celebrated for depth, fullness, richness, purity, and a peculiar singing quality of their tone, for which they have received the highest encomiums from the greatest musical celebrities of the country, and in every fair, when brought in competition with other instruments, have obtained the highest premium. The Patent Arch Wrought Plank, which is owned and used only by us, guarantees their standing in tune longer than any other instrument; while their unprecedented demand in all parts of the country is a sufficient proof of their superior excellence. A liberal discount to Clergymen, Schools and the trade. jel6:1yds

Commission, &c.
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Nos. 242 & 244 Liberty st., Pittsburgh, Pa.
WHOLESALE GROCERS
AND
COMMISSION MERCHANTS,
DEALERS IN
FLOUR AND BACON,
Tin Plate and Tinner's Stock,
AND
PITTSBURGH MANUFACTURES.
jy11:ly
McALPIN & CO.,
(Late of J. S. Leech, McAlpin & Co., Pittsburgh.)
GENERAL COMMISSION
AND
FORWARDING MERCHANTS,
Levee and Washington Avenue,
WYANDOTTE CITY, KANSAS TERRITORY,
REFERENCES:
Joseph S. Leech & Co., and Pittsburgh Merchants generally. jy11:ly
THOMAS & GALLAGHER, COMMISSION AND FORWARDING MERCHANTS, *No. 90 Pine Street,* St. Louis, Mo.
REFER TO
SINGER, HARMAN & CO., JOYNE & LLOYD.
LORENTZ, STEWART & CO., ZOU & PAINTER.
Will purchase to order, Lead, Hemp, Bacon, Grain, &c. Prompt attention given to any manner of forwarding. jel6:1yd

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WELLS, RIDDLE & CO., 80 Fourth Street, Pittsburgh, Pa., MANUFACTURERS OF
WHIPS, THONGS AND SWITCHES. Orders solicited from the trade, and promptly shipped as per instructions.
TERMS—6 months, or 5 per cent. discount for cash. m25:1ydawS
J. & H. GERWIG, MANUFACTURERS OF
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Corner of Penn and Walnut streets, Pittsburgh, Pa.
HAVE ALWAYS ON HAND A FULL supply of Cotton and Hatter Ropes, Bed Cords, Sash and Grate Cords; Wool, Broom, Cotton and Flax Seine; Paper, White and Colored Twine; Cut Lines, Stacking and Mason's Lines. m21:1ydawS
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WILLIAM BARNHILL & CO., 61 Penn st., below Marbury, Pittsburgh, Pa. STEAM BOILER MAKERS AND SHEET Iron Workers, Manufacturers of Barnhill's Patent Boiler, Locomotive, Flued and Cylinder Boilers, Chimneys, Breichen, Fire Bed, Steam Pipes, Condensers, Salt Pans, Sugar Pans, Iron Vessels, Life Boats, etc. Also, Blacksmiths' Work, Bridge and Viaduct Irons, done at the shortest notice. All orders from a distance promptly attended to. je22
Penn Cotton Mills, Pittsburgh.
KENNEDY, CHILDS & CO., MANUFACTURERS of—
Penn A No. 1 heavy 4-4 Sheetings;
Carpet Chain of all colors and shades;
Cotton Twine;
" Bed Cords;
" Plough Lines and Sash Cord;
" Rope of all sizes and descriptions;
Batting.
Orders left at the Hardware Store of Logan, Wilson & Co., 131 Wood street, will have attention. je22:1y
JAMES IRWIN, MANUFACTURER OF
SULPHURIC ETHER; Sulphuric Acid;
Sweet Spirits of Nitre; Nitric Acid;
Hoffman's Anodyne; Muriatic Acid;
Aqua Ammonia, FFF; Nitrous do
Fowler's Solution; my3
J. G. PERRIN.....A. A. JOHNSON.....WM. JOHNSON.
PERRIN & JOHNSON, MANUFACTURERS AND DEALERS IN
WM. E. CHILDS & CO'S PATENT ELASTIC FIRE AND WATER-PROOF CEMENT ROOFING, 152 Penn Street, Pittsburgh, Pa. oct4:tf
H. N. WARREN & CO., MANUFACTURERS AND DEALERS IN
WARREN'S IMPROVED FIRE AND Water-Proof Composition Roofs and Roofing Materials.
Office—24 Fifth street. de12:1y
DANIEL BENNETT, MANUFACTURER OF FANCY COLORED Ironstone Ware, Rockingham and Yellow Ware, &c. Office at the Manufactory, corner of Washington and Franklin streets, Birmingham, opposite Pittsburgh, Pa. mr10:1ydly
THOMAS MITCHELL.....JOHN D. BERRON.....WM. STEVENSON.
Union Foundry.
MITCHELL, HERRON & CO.
WILL CONTINUE THE BUSINESS OF the Union Foundry, at the old stand of PENNOCK, MITCHELL & CO., No. 184 Liberty st.
They will manufacture, as usual, a large and general assortment of CASTINGS, comprising
Cooking Stoves, Ranges and Slide Ovens,
OPEN AND PARLOR STOVES,
MANTLE & KITCHEN GRATES,
Hollow Ware, Wagon Boxes, Axle Arbors, TEA KETTLES, PLOWS & PLOW POINTS, Mill and Machinery Castings Generally,
And GAS and WATER PIPES of all sizes.
ALSO,
IRON AND NAILS OF THE BEST BRANDS
Shovels, Spades, Picks, &c.
All of which will be sold at manufacturers' prices. my7:1y
WILLIAM TATE, PLUMBER AND GAS FITTER, No. 10 Fourth street, near Liberty, and 472 Penn street, near door to Alderman Parkinson's Office, and Federal st., near Lorick Alley.
Every description of Fittings for Water, Gas and Steam.
Encaustic Tile Floor,
For Churches, Halls, Conservatories, Vestibules and Stores.
ALFRED ENGLAND, Sole Agent.
FROM THE ORIGINAL PATENTEES, Messrs. Minton & Co., London, and Messrs Miller & Coates, New York, for Pittsburgh and the West.
All work executed in a superior style. Plans, Drawings and Specimens can be seen at No 2 Fourth street, near Liberty. mr12:1yd
JOHN CAMPBELL, MANUFACTURER OF BOOTS and SHOES of every description, No 24 Smithfield street, Pittsburgh, Pa. oct8:1yd

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H. C. ULMAN & CO., General Insurance Agents and Insurance Brokers, No. 75 Fourth st., Pittsburgh, Pa.
TITE & CHAFFEE Agents Neptune Insurance Co., Lafayette Hall, Wood street.
R. FINNEY, Agent Eureka Insurance Co., No. 9 Water street.
A. CARRIER, SECRETARY Pennsylvania Insurance Company of Pittsburgh, Jones' Building, Fourth street.
SAMUEL L. MARSHELL, Secretary Citizens' Insurance Company, 84 Water street.
F. M. GORDON, Secretary Western Insurance Company, 92 Water street.
J. GARDINER COFFIN, Agent for Franklin Fire Insurance Company, Northeast corner Wood and Third streets.
P. A. MADEIRA, Agent for Delaware Mutual Insurance Co., 42 Water street.
THOS. GRAHAM, Agent Howard Insurance Company and Pittsburgh Life Insurance Company, corner Water and Market streets.
THOS. J. HUNTER, Agent Farmers' and Mechanics' Insurance Co., 90 Water street.
TOSHUA ROBINSON, Agent Continental Fire Insurance Co., 51 Fifth street.
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Upholstery.
WALTER P. MARSHALL.....JOSEPH R. HUGHES.
Wall Paper Warehouse.
WALTER P. MARSHALL & CO., Importers and Dealers, 87 Wood street, between Fourth street and Diamond alley, where may be found an extensive assortment of every description of Paper Hangings, for Parlors, Halls, Dining Rooms and Chambers. Also, Window Shades, in great variety, at the lowest prices to country dealers.
WALTER P. MARSHALL & CO.
This principal cannot be sound. It subverts effectually the sovereignty of the State. It asserts the right of any District Judge of the United States to arrest the execution of State process, and to nullify the functions of State courts and juries, whenever in his opinion a person charged with crime under State authority, has acted in the matter forming the basis of the charge, in pursuance of any federal law or warrant. No Act of Congress, by any judgment sanctions this principle. Such an Act, indeed would be clearly unconstitutional, because in plain violation of the express provision which requires that the trial of all crimes shall be by Jury.
It is deeply to be regretted that collisions of this kind should occur. The authorities of Ohio have never failed in due consideration for the constitutional rights of Federal Courts, nor will they thus fail. But they cannot admit, without dishonor, that State process is entitled to less respect than Federal, nor can they ever concede to Federal writs or Federal officials, a deference which is not conceded to those of the State.
The true course is one of mutual respect and mutual deference. Whenever, in any inquiry upon habeas corpus, by any Court, State or Federal, it may be ascertained that the applicant for the writ is detained under valid process in pursuance of a constitutional law, he should be remanded at once to the custody from which he may have been taken, for trial in due course.
No investigation should take place into the guilt or innocence of the party charged, or what facts were justified by the authority under which the applicant was acting at the time. Inquiries of this character are for juries upon a regular trial and in open court; not for a judge at chambers. If made upon one side upon habeas corpus, they may also be made upon the other. If Federal courts are to protect Federal officials from prosecution by State courts, for violation of State law, State courts, in their turn, must protect State officers from prosecution in Federal courts under similar circumstances. Hence dangerous conflicts must arise, and imminent peril to both liberty and union.
If such conflicts must come, now is the time and the power vested in me, I shall maintain the honor of the State and support the authority of her courts. I prefer to hope that they may be averted by the abandonment, on the part of the Federal authorities, of the indefensible positions which they have assumed.
The same disposition to extend the range of Federal power in disparagement of State sovereignty and popular rights, has been conspicuously manifest in the action of the Federal government in regard to the Territory of Kansas. From the day when that territory was deprived of the safeguard of the Missouri prohibition by the passage of the Kansas-Nebraska Act, the whole action of the Federal government seems to have been directed to the establishment of slavery within its limits.
Instead of committing, in good faith, to the people of the Territory, the formation and regulation of their own institutions, all the influence of the national administration has been exerted to deprive the people of the power to shape their own institutions, and to force upon them, against their will, a form of slavery. This principal cannot be sound. It subverts effectually the sovereignty of the State. It asserts the right of any District Judge of the United States to arrest the execution of State process, and to nullify the functions of State courts and juries, whenever in his opinion a person charged with crime under State authority, has acted in the matter forming the basis of the charge, in pursuance of any federal law or warrant. No Act of Congress, by any judgment sanctions this principle. Such an Act, indeed would be clearly unconstitutional, because in plain violation of the express provision which requires that the trial of all crimes shall be by Jury.
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Instead of committing, in good faith, to the people of the Territory, the formation and regulation of their own institutions, all the influence of the national administration has been exerted to deprive the people of the power to shape their own institutions, and to force upon them, against their will, a form of slavery. The whole practical effect of the Kansas-Nebraska act has been the substitution of Presidential intervention for slavery, instead of Congressional intervention against slavery.
Without resistance or rebuke from the National Administration, the actual residents of Kansas were driven from the polls at the first territorial election, and a pretended legislature was imposed on an unwilling people, by the fraud and force of invaders from an adjoining State.
The people, harassed and outraged beyond endurance by the tyranny of the usurping legislature and its instruments who were countenanced and aided by federal office holders, sought relief in a State organization. Through a convention assembled at Topeka, they framed a State constitution, and, after its ratification by the popular vote, sought admission under it into the Union. Their prayer for such admission, though granted by the House of Representatives reflecting the will of the people, was denied by the Senate reflecting, in this, the will of the Slave Interest.
Every federal officer in the territory who manifested any sympathy with the people, was, from time to time, removed, and bodies of troops were sent to compel submission to usurping power.
A few months since, under an act which practically disfranchised a vast majority of the citizens, a pretended election was held for members of a convention to frame another constitution. This convention was constituted, as was intended, exclusively of the partizans of slavery. It framed, of course, a slave state constitution and proposed for its transmission to Congress without previous submission to the people for ratification. Pretending indeed to submit to popular judgment the question of slavery or no slavery, but so framed the terms of submission that no matter how the people might vote, slavery would in any event exist in the new state, if admitted into the Union under the Constitution.
Happily, subsequent to the election of the Constitutional Convention, the period for the second election of a Territorial Legislature arrived, and at the election then held, the actual residents of the Territory succeeded in electing a majority of its members in both branches. The people, mocked and insulted by the proceeding just narrated, now invoked from the Secretary of the Territory, acting as Governor, the convocation of this body. For compliance with this just demand, the Secretary was removed from office. For expressing himself in opposition to the admission of the State into the Union, under the Constitution of the Convention, and without previous submission to the people, the Governor of the Territory fell under such displeasure of the Administration, that he was constrained to resign his position. If the power and patronage of the Federal Government can secure the admission of Kansas into the Union under this slave-state Constitution, that power and patronage will, without doubt, be actively employed to that end.
In all this the people of Ohio have a deep and vital interest. It is beyond question that a vast majority of her electors are opposed to that interposition of the Federal Government in behalf of Slavery. I trust that the General Assembly will give emphatic expression to the sentiments of the people.
A disposition has been made manifest, within the last few years, by some of the officials of the Federal Government, exercising their functions within the limits of Ohio, to disregard the authority, and to encroach upon the rights of the State, to an extent and in a manner which demands your notice.
In February, 1850, several colored persons were seized in Hamilton county as fugitive slaves. One of these persons, Margaret Garner, in the frenzy of the moment, impelled as it seems, by the dread of seeing her children dragged, with herself, back to slavery, attempted to slay them on the spot, and actually succeeded in killing one, a female child. She and her companions, were indicted by the grand jury for the crime of murder, and were taken into custody upon a writ regularly issued from the Court of Common Pleas.
While thus imprisoned upon the legal process of a State Court for the highest crime known to our code, a writ of habeas corpus was issued by the Judge of the District Court of the United States, requiring their production before him. The writ was obeyed by the Sheriff, and contrary to all expectations, and in disregard, as I must think, of principal and authority, the prisoners were taken from the custody of the officer of the Judge, and, without allowing any opportunity for the interposition of the State authorities, delivered over to the Marshal of the United States, by whom they were immediately transferred beyond our limits.
The alleged ground for this action and order was that the indicted parties had been seized as fugitive slaves upon a Federal Commissioner's warrant, before the indictment and arrest, and that the right to their custody, thus acquired, was superior to that of the Sheriff, under the process of the State. This doctrine must necessarily give practical impunity to murder whenever the murderer may be seized by a Federal official as a fugitive from service before arrest for the crime under State authority. Imputing no wrong intention to the Judge, I am constrained to add that his proceeding seems to me an abuse, rather than an exercise, of judicial power.
A similar case occurred more recently in the county of Champaign. Several deputies of the Federal Marshal, having arrested certain citizens of this State for some alleged offence against the Fugitive Slave act, a writ of Habeas Corpus was issued by the Probate Judge of that county, requiring the arrested parties to be brought before him for inquiry into the grounds of detention. The Sheriff of Clark county, while attempting to execute this writ, was assaulted by these petty officials and seriously injured, while his deputy was fired upon, though happily without effect. A warrant was issued by a Justice of the Peace for the apprehension of the perpetrators of these offences. This warrant was duly executed and the prisoners committed to jail under the custody of the Sheriff of Clark county.
A writ of habeas corpus was then issued by the same District Judge who had interposed in the case of Margaret Garner, requiring the release of these prisoners from the custody of the Sheriff. This writ was duly obeyed, and they were discharged from custody by the officer, and spirited away from the ground that they had been arrested and charged with the execution of a Federal writ, they had a right to overcome, by any necessary violence, all attempts made under the process of a State court, to detain them or their prisoners, even for inquiry into the legality of the custody in which those prisoners were held.
This principal cannot be sound. It subverts effectually the sovereignty of the State. It asserts the right of any District Judge of the United States to arrest the execution of State process, and to nullify the functions of State courts and juries, whenever in his opinion a person charged with crime under State authority, has acted in the matter forming the basis of the charge, in pursuance of any federal law or warrant. No Act of Congress, by any judgment sanctions this principle. Such an Act, indeed would be clearly unconstitutional, because in plain violation of the express provision which requires that the trial of all crimes shall be by Jury.
It is deeply to be regretted that collisions of this kind should occur. The authorities of Ohio have never failed in due consideration for the constitutional rights of Federal Courts, nor will they thus fail. But they cannot admit, without dishonor, that State process is entitled to less respect than Federal, nor can they ever concede to Federal writs or Federal officials, a deference which is not conceded to those of the State.
The true course is one of mutual respect and mutual deference. Whenever, in any inquiry upon habeas corpus, by any Court, State or Federal, it may be ascertained that the applicant for the writ is detained under valid process in pursuance of a constitutional law, he should be remanded at once to the custody from which he may have been taken, for trial in due course.
No investigation should take place into the guilt or innocence of the party charged, or what facts were justified by the authority under which the applicant was acting at the time. Inquiries of this character are for juries upon a regular trial and in open court; not for a judge at chambers. If made upon one side upon habeas corpus, they may also be made upon the other. If Federal courts are to protect Federal officials from prosecution by State courts, for violation of State law, State courts, in their turn, must protect State officers from prosecution in Federal courts under similar circumstances. Hence dangerous conflicts must arise, and imminent peril to both liberty and union.
If such conflicts must come, now is the time and the power vested in me, I shall maintain the honor of the State and support the authority of her courts. I prefer to hope that they may be averted by the abandonment, on the part of the Federal authorities, of the indefensible positions which they have assumed.
The same disposition to extend the range of Federal power in disparagement of State sovereignty and popular rights, has been conspicuously manifest in the action of the Federal government in regard to the Territory of Kansas. From the day when that territory was deprived of the safeguard of the Missouri prohibition by the passage of the Kansas-Nebraska Act, the whole action of the Federal government seems to have been directed to the establishment of slavery within its limits.
Instead of committing, in good faith, to the people of the Territory, the formation and regulation of their own institutions, all the influence of the national administration has been exerted to deprive the people of the power to shape their own institutions, and to force upon them, against their will, a form of slavery. The whole practical effect of the Kansas-Nebraska act has been the substitution of Presidential intervention for slavery, instead of Congressional intervention against slavery.
Without resistance or rebuke from the National Administration, the actual residents of Kansas were driven from the polls at the first territorial election, and a pretended legislature was imposed on an unwilling people, by the fraud and force of invaders from an adjoining State.
The people, harassed and outraged beyond endurance by the tyranny of the usurping legislature and its instruments who were countenanced and aided by federal office holders, sought relief in a State organization. Through a convention assembled at Topeka, they framed a State con-

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