THE WASHINGTON UNION.

The Supreme Court of the United States.

THE DRED SCOTT CASE.

The Official Report.

JUDGE CATRON'S OPINION.

Mr. Justice Catron.

The defendant pleaded to the jurisdiction of the circuit court, that the plaintiff was a negro of African blood; the descendant of Africans, who had been imported and sold in this country as slaves, and thus had no capacity as a citizen of Missouri to maintain a suit in the circuit court. The court sustained a demurrer to this plea, and a trial was had upon the pleas of the general issue, and also that the plaintiff and his family were slaves, belonging to the defendant. In this trial a verdict was given for the defendant.

The judgment of the circuit court upon the plea in abatement is not open, in my opinion, to examination in this court upon the plaintiff's writ.

The judgment was given for him conformably to the prayer of his demurrer. He cannot assign an error in such a judgment. (Tidd's Pr., 1163; 2 Williams's Saund., 46 a; 2 Iredell N. C., 87; 2 W. and S., 391.) Nor does the fact that the judgment was given on a plea to the jurisdiction avoid the application of this rule. (Capron *vs.* Van Noorden, 2 Cr., 126; 6 Wend., 465; 7 Met., 598; 5 Pike, 1005.)

The declaration discloses a case within the jurisdiction of the court—a controversy between citizens of different States. The plea in abatement, impugning these jurisdictional averments, was waived when the defendant answered to the declaration by pleas to the merits. The proceedings on that plea remain a part of the technical record, to show the history of the case, but are not open to the review of this court by a writ of error. The authorities are very conclusive on this point. Shepherd *vs.* Graves, 14 How., 505; Bailey *vs.* Dozier, 6 How., 23; 1 Stewart, (Alabama,) 46; 10 Ben. Monroe, (Kentucky,) 555; 2 Stewart, (Alabama,) 370, 443; 2 Scammon, (Illinois,) 78. Nor can the court assume, as admitted facts, the averments of the plea from the confession of the demurrer. That confession was for a single object, and cannot be used for any other purpose than to test the validity of the plea. Tompkins *vs.* Ashley, 1 Moody and Mackin, 32; 33 Maine, 96, 100.

There being nothing in controversy here but the merits, I will proceed to discuss them.

The plaintiff claims to have acquired property in himself, and became free, by being kept in Illinois during two years.

The constitution, laws, and policy of Illinois are somewhat peculiar respecting slavery. Unless the master becomes an inhabitant of that State, the slaves he takes there do not acquire their freedom; and if they return with their master to the slave State of his domicil they cannot assert their freedom after their return. For the reasons and authorities on this point, I refer to the opinion of my brother Nelson, with which I not only concur, but think his opinion is the most conclusive argument on the subject within my knowledge.

It is next insisted for the plaintiff that his freedom (and that of his wife and eldest child) was obtained by force of the act of Congress of 1820, usually known as the Missouri-compromise act, which declares: "That in all that territory ceded by France to the United States which lies north of thirty-six degrees thirty minutes north latitude slavery and involuntary servitude shall be, and are hereby, *forever prohibited.*"

From this prohibition the territory now constituting the State of Missouri was excepted; which exception to the stipulation gave it the designation of a compromise.

The first question presented on this act is, whether Congress had power to make such compromise; for, if power was wanting, then no freedom could be acquired by the defendant under the act.

That Congress has no authority to pass laws and bind men's rights beyond the powers conferred by the constitution is not open to controversy. But it is insisted that by the constitution Congress has power to legislate for and govern the Territories of the United States, and that by force of the power to govern laws could be enacted prohibiting slavery in any portion of the Louisiana Territory; and, of course, to abolish slavery *in all* parts of it, whilst it was, or is, governed as a Territory.

My opinion is, that Congress is vested with power to govern the Territories of the United States by force of the third section of the fourth article of the constitution. And I will state my reasons for this opinion.

Almost every provision in that instrument has a history that must be understood, before the brief and sententious language employed can be comprehended in the relations its authors intended. We must bring before us the state of things presented to the convention, and in regard to which it acted, when the compound provision was made declaring: 1st. That "new States may be admitted by the Congress into this Union." 2d. "The Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States. And nothing in this constitution shall be so construed as to prejudice any claims of the United States, or any particular State."

Having ascertained the historical facts giving rise to these provisions, the difficulty of arriving at the true meaning of the language employed will be greatly lessened.

The history of these facts is substantially as follows:

The King of Great Britain, by his proclamation of 1763, virtually claimed that the country west of the mountains had been conquered from France, and ceded to the Crown of Great Britain by the treaty of Paris of that year, and he says: "We reserve it under our sovereignty, protection, and dominion, for the use of the Indians."

This country was conquered from the crown of Great Britain, and surrendered to the United States by the treaty of peace of 1783. The colonial charters of Virginia, North Carolina, and Georgia included it. Other States set up pretensions of claim to some portions of the territory north of the Ohio, but they were of no value, as I suppose. (5 Wheat., 375.)

As this vacant country had been won by the blood and treasure of all the States, those whose charters did not reach it insisted that the country belonged to the States united, and that the lands should be disposed of for the benefit of the whole; and to which end the western territory should be ceded to the States united. The contest was stringent and angry, long before the convention convened, and deeply agitated that body. As a matter of justice, and to quiet the controversy, Virginia consented to cede the country north of the Ohio as early as 1783; and in 1784 the deed of cession was executed, by her delegates in the Congress of the Confederation, conveying to the United States in Congress assembled, for the benefit of said States, "all right, title, and claim, as well of soil as of jurisdiction, which this Commonwealth hath to the *territory* or tract of country within the limits of the Virginia charter, situate, lying, and being to the northwest of the river Ohio." In 1787 (July 13) the ordinance was passed by the old Congress to govern the Territory.

Massachusetts had ceded her pretension of claim to western territory in 1785, Connecticut hers in 1786, and New York had ceded hers. In August, 1787, South Carolina ceded to the confederation her pretension of claim to territory west of that State; and North Carolina was expected to cede hers, which she did do in April, 1790; and so Georgia was confidently expected to cede her large domain, now constituting the territory of the States of Alabama and Mississippi.

At the time the constitution was under consideration, there had been ceded to the United States, or was shortly expected to be ceded, all the western country, from the British Canada line to Florida, and from the head of the Mississippi almost to its mouth, except that portion which now constitutes the State of Kentucky.

Although Virginia had conferred on the Congress of the Confederation power to govern the territory north of the Ohio, still, it cannot be denied, as I think, that power was wanting to admit a new State under the Articles of Confederation.

With these facts prominently before the convention, they propose to accomplish these ends:

1st. To give power to admit new States.

2d. To dispose of the public lands in the Territories, and such as might remain undisposed of in the new States after they were admitted.

And, thirdly, to give power to govern the different Territories as incipient States, not of the Union, and fit them for admission. No one in the convention seems to have doubted that these powers were necessary. As early as the third day of its session, (May 29th,) Edmund Randolph brought forward a set of resolutions containing nearly all the germs of the constitution, the tenth of which is as follows:

"*Resolved*, That provision ought to be made for the admission of States lawfully arising within the limits of the United States, whether from a voluntary junction of government and territory or otherwise, with the consent of a number of voices in the national legislature less than the whole."

August 18th, Mr. Madison submitted, in order to be referred to the committee of detail, the following powers as proper to be added to those of the general legislature:

"To dispose of the unappropriated lands of the United States." "To institute temporary governments for new States arising therein." (3 Madison Papers, 1353.)

These, with the resolution that a district for the location of the seat of government should be provided, and some others, were referred, without a dissent, to the committee of detail, to arrange and put them into satisfactory language.

Gouverneur Morris constructed the clauses, and combined the views of a majority on the two provisions, to admit new States; and, secondly, to dispose of the public lands, and to govern the Territories, in the mean time, between the cessions of the States and the admission into the Union of new States arising in the ceded territory. (3 Madison Papers, 1456 to 1466.)

It was hardly possible to separate the power "to make all needful rules and regulations" respecting the government of the territory and the disposition of the public lands.

North of the Ohio Virginia conveyed the lands, and vested the jurisdiction in the thirteen original States, before the constitution was formed. She had the sole title and sole sovereignty, and the same power to cede, on any terms she saw proper, that the King of England had to grant the Virginia colonial charter of 1609, or to grant the charter of Pennsylvania to William Penn. The thirteen States, through their representatives and deputed ministers in the old Congress, had the same right to govern that Virginia had before the cession. (Baldwin's Constitutional Views, 90.) And the sixth article of the constitution adopted all engagements entered into by the Congress of the Confederation as valid against the United States; and that the laws, made in pursuance of the new constitution, to carry out this engagement, should be the supreme law of the land, and the judges bound thereby. To give the compact, and the ordinance, which was part of it, full effect under the new government, the act of August 7, 1789, was passed, which declares, "Whereas, in order that the ordinance of the United States in Congress assembled, for the government of the Territory northwest of the river Ohio, may have full effect, it is requisite that certain provisions should be made, so as to adapt the same to the present constitution of the United States." It is then provided that the governor and other officers should be appointed by the President, with the consent of the Senate; and be subject to removal, &c., in like manner that they were by the old Congress, whose functions had ceased.

By the powers to govern, given by the constitution, those amendments to the ordinance could be made, but Congress guardedly abstained from touching the compact of Virginia, further than to adapt it to the new constitution.

It is due to myself to say that it is asking much of a judge, who has for nearly twenty years been exercising jurisdiction from the western Missouri line to the Rocky mountains, and, on this understanding of the constitution, inflicting the extreme penalty of death for crimes committed where the direct legislation of Congress was the only rule, to agree that he had been all the while acting in mistake, and as a usurper.

More than sixty years have passed away since Congress has exercised power to govern the Territories, by its legislation directly or by territorial charters, subject to repeal at all times, and it is now too late to call that power into question, if this court could disregard its own decisions; which it cannot do, as I think. It was held in the case of Cross *vs.* Harrison, (16 How., 193, 4,) that the sovereignty of California was in the United States, in virtue of the constitution, by which power had been given to Congress to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States, with the power to admit new States into the Union. That decision followed preceding ones, there cited. The question was then presented, how it was possible for the judicial mind to conceive that the United States government, created solely by the constitution, could, by a lawful treaty, acquire territory over which the acquiring power had no jurisdiction to hold and govern it, by force of the instrument under whose authority the country was acquired; and the foregoing was the conclusion of this court on the proposition. What was there announced was most deliberately done, and with a purpose. The only question here is, as I think, how far the power of Congress is limited?

As to the Northwest Territory, Virginia had the right to abolish slavery there; and she did so agree in 1787, with the other States in the Congress of the Confederation, by assenting to and adopting the ordinance of 1787, for the government of the Northwest Territory. She did this, also, by an act of her legislature, passed afterwards, which was a treaty in fact.

Before the new constitution was adopted she had as much right to treat and agree as any European government had. And, having excluded slavery, the new government was bound by that engagement by article six of the new constitution. This only meant that slavery should not exist whilst the United States exercised the power of government, in the territorial form; for, when a new State came in, it might do so, with or without slavery.

My opinion is that Congress had no power, in face of the compact between Virginia and the twelve other States, to *force* slavery into the Northwest Territory, because there it was bound to that "engagement," and could not break it.

In 1790 North Carolina ceded her western territory, now the State of Tennessee, and stipulated that the inhabitants thereof should enjoy all the privileges and advantages of the ordinance for governing the territory north of the Ohio river, and that Congress should assume the government, and accept the cession, under the express conditions contained in the ordinance: *Provided*, "That no regulation made, or to be made by Congress, shall tend to emancipate slaves."

In 1802 Georgia ceded her western territory to the United States, with the provision that the ordinance of 1787 should in all its parts extend to the territory ceded, "that article only excepted which forbids slavery." Congress had no more power to legislate slavery *out* from the North Carolina and Georgia cessions than it had power to legislate slavery in, north of the Ohio. No power existed in Congress to legislate at all, affecting slavery, in either case. The inhabitants, as respected this description of property, stood protected whilst they were governed by Congress, in like manner that they were protected before the cession was made, and when they were, respectively, parts of North Carolina and Georgia.

And how does the power of Congress stand west of the Mississippi river? The country there was acquired from France by treaty in 1803. It declares that the First Consul, in the name of the French republic, doth hereby cede to the United States, in full sovereignty, the colony or province of Louisiana, with all the rights and appurtenances of the said territory. And, by article third, that "the inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the federal constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and, in the mean time, they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess."

Louisiana was a province where slavery was not only lawful, but where property in slaves was the most valuable of all personal property. The province was ceded as a unit, with an equal right pertaining to all its inhabitants in every part thereof to own slaves. It was, to a great extent, a vacant country, having in it few civilized inhabitants. No one portion of the colony of a proper size for a State of the Union had a sufficient number of inhabitants to claim admission into the Union. To enable the United States to fulfil the treaty, additional population was indispensable, and obviously desired with anxiety by both sides, so that the whole country should, as soon as possible, become States of the Union; and for this contemplated future population, the treaty as expressly provided as it did for the inhabitants residing in the province when the treaty was made. All these were to be protected "*in the mean time;*"—that is to say, at all times between the date of the treaty and the time when the portion of the territory where the inhabitants resided was admitted into the Union as a State.

At the date of the treaty, each inhabitant had the right to the *free* enjoyment of his property, alike with his liberty and his religion, in every part of Louisiana; the province then being one country, he might go everywhere in it, and carry his liberty, property, and religion with him, and in which he was to be maintained and protected, until he became a citizen of a State of the Union of the United States. This cannot be denied to the original inhabitants and their descendants. And, if it be true that immigrants were equally protected, it must follow that they can also stand on the treaty.

The settled doctrine in the State courts of Louisiana is, that a French subject coming to the Orleans Territory, after the treaty of 1803 was made, and before Louisiana was admitted into the Union, and being an inhabitant at the time of the admission, became a citizen of the United States by that act; that he was one of the inhabitants contemplated by the third article of the treaty, which referred to all the inhabitants embraced within the new State on its admission.

That this is the true construction I have no doubt.

If power existed to draw a line at thirty-six degrees thirty minutes north, so Congress had equal power to draw the line on the thirtieth degree—that is, due west from the city of New Orleans—and to declare that north of *that line* slavery should never exist. Suppose this had been done before 1812, when Louisiana came into the Union, and the question of infraction of the treaty had then been presented on the present assumption of power to prohibit slavery, who doubts what the decision of this court would have been on such an act of Congress? yet the difference between the supposed line and that on thirty-six degrees thirty minutes north is only in the degree of grossness presented by the lower line.

The Missouri-compromise line of 1820 was very aggressive; it declared that slavery was abolished forever throughout a country reaching from the Mississippi river to the Pacific ocean, stretching over thirty-two degrees of longitude, and twelve and a half degrees of latitude on its eastern side, sweeping over four-fifths, to say no more, of the original province of Louisiana.

That the United States government stipulated in favor of the inhabitants to the extent here contended for has not been seriously denied, as far as I know; but the argument is, that Congress had authority to *repeal* the third article of the treaty of 1803, in so far as it secured the right to hold slave property, in a portion of the ceded territory, leaving the right to exist in other parts. In other words, that Congress could repeal the third article entirely, at its pleasure. This I deny.

The compacts with North Carolina and Georgia were treaties also, and stood on the same footing of the Louisiana treaty; on the assumption of power to repeal the one it must have extended to all, and Congress could have excluded the slaveholders of North Carolina from the enjoyment of his lands in the Territory now the State of Tennessee, where the citizens of the mother State were the principal proprietors.

And so in the case of Georgia. Her citizens could have been refused the right to emigrate to the Mississippi or Alabama territory, unless they left their most valuable and cherished property behind them.

The constitution was framed in reference to facts then existing or likely to arise: the instrument looked to no theories of government. In the vigorous debates in the convention, as reported by Mr. Madison and others, surrounding facts, and the condition and necessities of the country, gave rise to almost every provision; and among those facts it was prominently true that Congress dare not be intrusted with power to provide that, if North Carolina or Georgia ceded her western territory, the citizens of the State (in either case) could be prohibited, at the pleasure of Congress, from removing to their lands, then granted to a large extent, in the country likely to be ceded, unless they left their slaves behind. That such an attempt, in the face of a population fresh from the war of the revolution, and then engaged in war with the great confederacy of Indians, extending from the mouth of the Ohio to the Gulf of Mexico, would end in open revolt, all intelligent men knew.

In view of these facts, let us inquire how the question stands by the terms of the constitution, aside from the treaty? How it stood in public opinion when the Georgia cession was made in 1802 is apparent from the fact that no guarantee was required by Georgia of the United States for the protection of slave property. The federal constitution was relied on to secure the rights of Georgia and her citizens during the territorial condition of the country. She relied on the indisputable truths that the States were by the constitution made equals in political rights, and equals in the right to participate in the common property of all the States united, and held in trust for them. The constitution having provided that "the citizens of each State shall be entitled to all privileges and immunities of citizens of the several States," the right to enjoy the territory as equals was reserved to the States, and to the citizens of the States, respectively. The cited clause is not that citizens of the United States shall have equal privileges in the Territories, but the citizen of each State shall come there in right of his State, and enjoy the common property. He secures his equality through the equality of his State, by virtue of that great fundamental condition of the Union—the equality of the States.

Congress cannot do indirectly what the constitution prohibits directly. If the slaveholder is prohibited from going to the Territory with his slaves, who are parts of his family in name and in fact, it will follow that men owning lawful property in their own States, carrying with them the equality of their State to enjoy the common property, may be told, you cannot come here with your slaves, and he will be held out at the border. By this subterfuge owners of slave property, to the amount of thousand of millions, might be almost as effectually excluded from removing into the Territory of Louisiana north of thirty-six degrees thirty minutes, as if the law declared that owners of slaves, as a class, should be excluded, even if their slaves were left behind.

Just as well might Congress have said to those of the North, you shall not introduce into the territory south of said line your cattle or horses, as the country is already overstocked; nor can you introduce your tools of trade, or machines, as the policy of Congress is to encourage the culture of sugar and cotton south of the line, and so to provide that the northern people shall manufacture for those of the South, and barter for the staple articles slave labor produces. And thus the northern farmer and mechanic would be held out, as the slaveholder was for thirty years, by the Missouri restriction.

If Congress could prohibit one species of property, lawful throughout Louisiana when it was acquired, and lawful in the State from whence it was brought, so Congress might exclude any or all property.

The case before us will illustrate the construction contended for. Dr. Emerson was a citizen of Missouri; he had an equal right to go to the Territory with every citizen of other States. This is undeniable, as I suppose. Scott was Dr. Emerson's lawful property in Missouri; he carried his Missouri title with him; and the precise question here is, whether Congress had the power to annul that title. It is idle to say that if Congress could not defeat the title *directly*, it might be done indirectly, by drawing a narrow circle around the slave population of Upper Louisiana, and declaring that if the slave went beyond it he should be free. Such assumption is mere evasion, and entitled to no consideration; and it is equally idle to contend that because Congress has express power to regulate commerce among the Indian tribes, and to prohibit intercourse with the Indians, therefore, Dr. Emerson's title might be defeated within the country ceded by the Indians to the United States as early as 1805, and which embraces Fort Snelling. (Am. State Papers, vol. 1, p. 734.) We *must* meet the question, whether Congress had the power to declare that a citizen of a State, carrying with him his equal rights, secured to him through his State, could be stripped of his goods and slaves, and be deprived of any participation in the common property? If this be the true meaning of the constitution, equality of rights to enjoy a common country (equal to a thousand miles square) may be cut off by a geographical line, and a great portion of our citizens excluded from it.

Ingenious, indirect evasions of the constitution have been attempted and defeated heretofore. In the passenger cases, (7 How. R.,) the attempt was made to impose a tax on the masters, crews, and passengers of vessels, the constitution having prohibited a tax on the vessel itself; but this court held the attempt to be a mere evasion, and pronounced the tax illegal.

I admit that Virginia could, and lawfully did, prohibit slavery northwest of the Ohio, by her charter of cession, and that the territory was taken by the United States with this condition imposed. I also admit that France could, by the treaty of 1803, have prohibited slavery in any part of the ceded territory, and imposed it on the United States as a fundamental condition of the cession, in the mean time, till new States were admitted in the Union.

I concur with Judge Baldwin, that federal power is exercised over all the territory within the United States, pursuant to the constitution; *and*, the conditions of the cession, whether it was a part of the original territory of a State of the Union, or of a foreign State, ceded by deed or treaty; the right of the United States in or over it depends on the contract of cession, which operates to incorporate as well the Territory as its inhabitants into the Union. Baldwin's Constitutional Views, 84.)

My opinion is, that the third article of the treaty of 1803, ceding Louisiana to the United States, stands protected by the constitution, and cannot be repealed by Congress.

And, secondly, that the act of 1820, known as the Missouri Compromise, violates the most leading feature of the constitution—a feature on which the Union depends, and which secures to the respective States and their citizens an entire EQUALITY of rights, privileges, and immunities.

On these grounds I hold the compromise act to have been void; and, consequently, that the plaintiff, Scott, can claim no benefit under it.

For the reasons above stated, I concur with my brother judges that the plaintiff, Scott, is a slave, and was so when the suit was brought.

Mr. Justice McLEAN and Mr. Justice CURTIS dissented.

We fully appreciate the position of the indomitable democracy of the Empire City, and would advise them, as we would advise the democracy everywhere, under similarly trying circumstances, to look to the courts and the ballot-box for protection and redress.

[*Washington Union.*

Certainly. That is exactly what they are doing, except that they cannot get at the ballot-boxes just at present. But you will hear from them in November.

[*N. Y. Journal of Commerce.*

The Detroit (Mich.) Free Press says that a train, consisting of 102 long freight cars, in which were over 1,000 head of cattle and a large number of hogs, was brought over the Michigan Central railroad a few days ago. The train was drawn by three locomotives.

WASHINGTON CITY.

TUESDAY MORNING, JUNE 2, 1857.

☞Mr. HENRY M. LEWIS, Montgomery, Alabama, is our general travelling agent for the States of Alabama and Tennessee, assisted by C. F. LEWIS, JAMES O. LEWIS, and SAMUEL D. LEWIS.

☞Mr. ISRAEL E. JAMES, No. 182 South Tenth street, Philadelphia, is our general travelling agent, assisted by WM. H. WELD, JOHN COLLINS, JAMES DEERING, J. HAMMITT, R. S. JAMES, THOS. D. NICE, R. W. MORRISON, E. W. WILEY, WM. L. WATERMAN, ALEX. H. CARSON, D. K. MUSTIN, BEN. F. SWAIN, T. ASHMAN, and P. DAVIS.

☞Mr. C. W. JAMES, No. 1 Harrison street, Cincinnati, Ohio, is our general collecting agent for the Western States and Texas, assisted by H. J. THOMAS, WILLIAM H. THOMAS, THOS. M. JAMES, DR. A. L. CHILDS, GEORGE MORRIS, and RICHARD LEAKE. Receipts of either will be good.

Hon. Lewis Cass, Secretary of State, has, since our last issue, left Washington on a short visit to his home in Michigan. During his absence Hon. John Appleton will officiate as Acting Secretary of State. General Cass will return to the seat of government towards the close of the present month.

THE MUNICIPAL ELECTION.

In the local column will be found the result of the municipal election held in this city yesterday, together with a brief, and, we believe, an impartial account of the bloody and disgraceful transactions which marked its progress in the early part of the day. Our city authorities were fully prepared to cope with and effectually put down any violations of the peace on the part of such of our own citizens who have done so much to injure the good name and damage the best interests of Washington since the advent of know-nothingism in our midst; but they were not prepared for the importation of gangs of armed bullies and desperadoes from a neighboring city, and hence the frightfully-fatal scenes of yesterday.

It must be apparent to the whole of this outraged community that these Baltimore ruffians did not visit their sympathizing brethren of Washington from their own bloody promptings, but that they were expressly picked out, hired, and brought to this city for the purpose, to use their own language, of "regulating the election"—or, in other words, to shoot, cut down, or stab all who attempted to vote the anti-know-nothing ticket. We have too much reason to fear that these wretches were directly or indirectly employed by persons in this city who have hitherto enjoyed a high social position. If, on investigation, this fear should prove to be well grounded, there can be no hesitation as to where the real responsibility of yesterday's bloody work belongs.

THE FUGITIVE-SLAVE CASE IN OHIO.

Brief mention has already been made in our telegraphic column in relation to what appears to be a serious conflict in Ohio between State and federal authority, growing out of an attempt of the deputy United States marshal and his assistants to arrest certain parties in that State who stand charged, as is alleged, with harboring and concealing a fugitive slave. In the Cincinnati Gazette (black republican) of last Friday's issue we find the following account of the arrests and the rescue:

"There has been great excitement during the last two days in Green county, Ohio, in consequence of the arrest of four individuals charged with aiding a slave to escape. On Tuesday United States Deputy Marshal Churchill, accompanied by eleven assistants, left this city for Mechanicsburg, Champaign county, Ohio, eleven miles from Urbana, having with him a warrant issued by Commissioner Newhall, for the arrest of Charles and Edward Taylor, brothers, Russell Hyde, and Hiram Guttridge, who, says the warrant, did, about the 21st day of August, 1856, harbor and conceal one Add White, a person owing service and labor to Daniel G. White, of Flemingsburg, Kentucky, who had, previous to said date, escaped into the State of Ohio, and, was then a fugitive from such service and labor, so as to prevent the discovery and arrest of the said Add White. The offence charged, it will be observed, is not that the slave was aided in his escape from his master in Kentucky by the four accused persons, but that they sheltered and protected him in Ohio; or, in other words, they 'put him through' on the underground railroad. The penalty for the offence is a fine of a thousand dollars and imprisonment."

"On Wednesday morning the deputy marshal left Urbana with his posse, in hired carriages, and in Mechanicsburg and the neighborhood succeeded in arresting the four accused individuals. While the arrests were in progress, the most intense excitement was created in the vicinity. The news spread rapidly, and a determination was expressed to use every means the law provides to rescue the prisoners from the hands of the border ruffians, as the officers were called, whose sole object, it was confidently though erroneously asserted, was to take them over to Kentucky and lynch them.

"A writ of *habeas corpus* was procured from a judge in Champaign county, and the sheriff attempted to serve it; but before he could do so, the officers had conducted the prisoners beyond the bounds of the county. A second warrant was then procured in Clarke county. The sheriff in this instance pursued and came up with the party; but they refused to obey the writ. The sheriff not having force to compel obedience, they proceeded on their journey to this city. A third writ was then obtained in Greene county, and the sheriff of that county, with his posse, served it upon the United States officers at six o'clock yesterday morning, in Jamestown. The United States officers resented the act of the county officers in seizing their horses' reins before making known their business. A warm altercation ensued. The sheriff and his men were assisted by an excited crowd of two or three hundred persons. Rifles and pistols were displayed. The marshal and his men drew their weapons, and several shots were fired. Mr. Churchill discharged his revolver at the crowd, but no one was injured. The conflict was sharp and stubborn, but superior numbers prevailed, and the deputy marshal, with all his posse, were made prisoners, and a despatch received yesterday afternoon stated that they were to be sent last night to Springfield for trial."

The Cincinnati Enquirer of Saturday morning thus notices the arrest and subsequent imprisonment of the deputy United States marshals:

"All the reports concur as to the main facts of the great outrage recently committed at Xenia in the forcible resistance of the deputies of the United States marshal while engaged in executing a writ issued by the United States commissioner, and their arrest and detention by a sheriff of one of the counties, aided by a lawless mob. There is no doubt or difficulty as to the authority of the marshals; the fact of their having the prisoners in custody, and the legality of the officer from whom the writ issued. The naked questions are then presented, whether the United States government has the power to enforce the process of its courts within the State of Ohio? whether the populace or the State authorities can, upon their private convictions or ideas as to the right and justice of the laws of Congress, set aside and disregard the authority of the federal judiciary? and whether the general government will, under any circumstances, and from an apprehension of any consequences, submit to such contempt and violation of its power and dignity? The test case has now arisen. The deputies of the United States marshal are now in the custody of the sheriff of Greene county. They must be rescued and released at all hazards, or henceforth the federal government is without weight or respect within this State. It is quite vain to incur the expense of a federal judiciary here if it is to be thus made the sport of a mob, the scorn of the populace."

Some further particulars will be found in the subjoined telegraphic despatches:

"CINCINNATI, May 29.—The United States marshal telegraphed to the Secretary of the Interior to-day for instructions regarding the arrest and imprisonment of United States officers at Springfield, but the nature of the instructions received has not transpired.

"Judge Leavitt, of the United States district court, issued a writ of *habeas corpus* to-day, and the United States marshal has gone to Springfield to serve it. In case of resistance being offered, it is reported the United States troops will be called out."

"CINCINNATI, May 30.—The United States Deputy Marshal Churchill and his assistants were brought before Justice Christie, at Springfield, this morning.

"Messrs. Elliott and Churchill were arraigned on two charges—one for assaulting Deputy Sheriff Compton, and the other for assaulting Sheriff Layton with intent to murder.

"Messrs. Churchill and Elliott asked, through their counsel, that the amount of bail be fixed for their appearance at the next term of the common pleas. Their bail was then fixed at $2,500 each on both charges. The balance of the party, eight in number, were required to give bail in the sum of $10,000, and, refusing to do so, were all committed to jail."

The case as it now stands, confused and even contradictory though it may be, reveals a state of feeling among that class of people in Ohio who affect to be guided in their civil relations by a higher law than any recognised by the constitution, which is calculated to excite a deeper feeling than that of apprehension in the heart of every true patriot. We shall defer further comments until we are in possession of all the facts in the case; and in the mean time the whole country may rest assured that the President will discharge his high constitutional obligations before the nation promptly, boldly, and faithfully, and uninfluenced by any other motives save the honor, the prosperity, and the integrity of the Union; or, to use the language of Secretary Thompson, in his despatch to the United States marshal of Ohio: "Execute the law. The President expects you to do your duty, and he will do his."

No official account of the affair, beyond a brief telegraphic despatch from the United States marshal, has reached the government; and until the President is fully and correctly advised in regard to the true merits of the case, it would be unreasonable to look for any official interposition from this quarter.

A GLANCE AT THE EASTERN HEMISPHERE.

Count de Segur relates, in his Memoirs, that his appointment to a mission to Russia naturally led him to inquire anxiously into the nature of those functions which he was about to assume. In the course of his inquiries he did not hesitate to apply for information at the hands of the most eminent diplomatic corps in the city of Paris. He had frequent conferences, among others, with the Count de Aranda, the Spanish minister, who had tendered him the help of his diplomatic experience. Segur tells us that he had expected an array of formidable folios, references to musty treaties, minutes of sharp negotiations and bundles of astute protocols. Great, however, was his surprise when de Aranda, from a bookstand by his side, spreading before him a map of the world, pointed out the configuration of the various States, their peculiar boundaries, and their tendency to encroach upon each other's territories. "Look," said he, "at those outlines of frontiers, natural or arbitrary—at those irregularities of territory—wedging into each other. To rectify the one and enlarge the other, at your neighbor's expense, is the whole secret of diplomacy!"

We are not prepared for an unqualified adoption of Aranda's system of diplomatic ethics, nor yet to admit the pre-eminence of physical power, resulting from conquest, over the higher moralities of right. In regard to ourselves, whilst the honor of the country declines the adoption of such a code, and its policy turns aside from acquisitions by mere conquest, we are pleased to think that we have enlarged no boundaries at "our neighbor's expense." On the other hand, we can proudly boast that the expansion of our territory is the result of no violence, and that, in one instance at least, what was already ours by the triumph of our arms in lawful warfare we made doubly so by the sanctions of the national policy and the contributions of the national purse!

These reflections, however, do not look to any present considerations touching the enlargement of our possessions. They arose in our mind from our musings on the events which are even now preparing in the Olden World, and to these, therefore, our train of thoughts more appropriately returns. Whatever may be thought of Aranda's system of political ethics, based upon the suggestions of geography, it must be confessed that he brought de Segur to the true sources, from which the power and extension of European governments are derived—sources from which the skilful diplomate may inform himself, as they supply the reflecting mind with the secret of the history, vicissitudes, morals, and wants of the various nations of the earth. Well have geography and philology been called the twin eyes of history; and history the Bible of statesmen, teaching the philosophy of perennial examples. The philosophy of such a system, viewed out of the light of morality, and applied to the semi-crystallized civilization of the East, is sustained by the merest glance at the configuration of our globe. Any one familiar with the political geography of the world of antiquity during the period which swayed between the reign of Alexander the Great and the diffusion of the Roman dominion can easily trace an ovoid line, resting partly on the continent of Asia, taking in a portion of Persia and Arabia; thence crossing the Red sea, curving along the northeastern extremity of Africa, and enclosing in its periphery England, Holland, France, Germany, Spain, Italy, Sicily, Sardinia, Greece, European and Asiatic Turkey, with a goodly portion of Russia in Europe. Embracing Denmark at one extreme point, and the island of Malta at another, this vast line has for its most striking landmarks the Caspian sea and the Persian gulf on the right, and the Pyrannees and the North sea on the left.

However fanciful to the eye this outline may seem, nothing can be more real than the fact that the area which it encircles covers a space within which all the great questions of the human intellect—religion, legislation, government, morals, letters, sciences, arts, and trade—have sprung and spread in succession, each one of them taken up and discussed and modified in its turn. If the earlier geographers were justified in calling the north of that space the *officina gentium*—the depositaries of nations and tribes—later experience may well call that portion of it immediately below the north and trending to the south the cradle of the civilization of the world.

Within that space science settles the origins of mankind; and twice within it the living traditions and sacred records of our race acknowledged the direct revelations of God. Within that space dynasties grappled with dynasties—nations subjugated nations—tribes absorbed tribes—until new nations grew out of the blending of races, with their instincts of aversion, their prejudices of blood, still lurking in their aggregates. Though in their migrations and changes the line of march has generally been directed to the west, the nations have, at various periods, shown a tendency to retread their steps to the east. At no time has this disposition been more fully revealed than it is in our days. England is this hour turning her tremendous resources to the uttermost regions of the eastern world, not merely with an eye to the more ample outlets, and the easier supplies of her commerce, but with schemes of conquest as additional security to her Asiatic possessions, for the safety of which the slow but steady advances of Russia from the west through Persia, from the east through Mauchchuria, give her serious cause for alarm. Russia, too, has as pressing reasons for outward expansion; Russia, that fears lest her immense populations should stagnate into an apathy hostile to her future great destinies, or awakened at home into an activity dangerous to her system of government. Russia has certainly as deep and controlling an interest as England's in the mastery of the human hive called the east.

But the appeal of interest and the demands of the future do not go to these alone. In the seeming distance, though in relative proximity—through her possessions now existing, or hereafter to be—through the embranchments and prolongations of our railroads, and through the daily multiplication of our ocean steam navigation—America, we mean, converting our political appellation, the America of the United States, the inheritor of the parent instincts of daring, energy, and enterprise, is even now on the march of progress, leading to the East in the prosecution of a system of industry and commerce, upon which, for all her dowager airs of waning majesty, the old mother may well look appalled. Hence, both from the New and the Old World, the tendencies of modern times point to the original dwelling-places of mankind. The cry of the crusader—"God wills it!"—is again heard, and again the nations are up and on the march from the West to the East: in the old hemisphere, through the canal of Suez, soon to be, and the railroad of the Euphrates; and in the new hemisphere, across the isthmian transits, and over the waters of the Pacific. Indeed, we have an idea that the great struggles which have so long dinted the surface of Europe are fast passing away to remoter theatres. The Crimean war readily justifies the thought. The future battle-fields on which the potentates of Europe will lavish the blood and exhaust the resources of their subjects will mostly be marked about the Himalayah, Ceussan, Kerdossan, and China.

This great eastern question, which keeps all the cabinets of Europe in a fever of political excitement and watchful jealousy, is not one of yesterday's growth. Fourteen centuries ago, between the reigns of Marcus Aurelius and of Justinian, it commanded no little degree of interest. Helgabaal and his monster reign were the offspring of this question of the East. It called Julian the Apostate to Persia, where "the Galilean conquered" and the spear of the wild horseman solved for him the questionings of impiety. It seems to be wound up in a lurking and undying instinct, which sends man, in the heat of excitement, under the whisperings of hope, to those solemn regions of Asia, as it were in search of the vestiges of his primitive origins and rights! Alexander lines the Ganges with phalanxes flushed with countless victories. The Roman Dominion, in the very hour of its agony, was transformed into an eastern empire. Christian feudalism, with the impulse of a single man, wended its way to Syria, to retemper the sword of its chivalry in the waters of the Jordan and battle under the walls of Solymæ. Within the period of our own experience, Napoleon crowded the very base of the Pyramids with his republican cohorts. Had not a momentary check, aided by visions of imperial honors, sent him suddenly back to France, who can now surmise what the "great child of destiny" might among nations, themselves the blind worshippers of fatalism, have left for the action of England, Russia, and France at the present day?

There are men at this day, and they of no inferior reach of mind, and no mean experience in statesmanship, who sincerely believe that the great enigma of the East may yet be solved at the expense of modern civilization and peace. We repudiate any such belief. That the East is in imminent danger we have not the slightest doubt. That, even after a contact of one hundred and fifty years with a higher civilization, it is now on the path of self-regeneration and progress, every cotemporary fact forbids to admit. That not only Turkey, but the whole East also, is "a very sick man;" and that the European doctors will administer empiric, if not martial remedies, we are fully convinced. But that it should ever so recover as to exercise any self-directed influence that can tell on modern, western civilization, is a dream, which could hardly find shelter in the fancy of even the most inveterate commander of the past. History, to the contrary, has handed to us both an example and a proof of no little weight. When Rome, as we have already adverted, was passing away a last struggle turned her energies toward the East. She created Byzantium, which finally substituted Persian sovereigns for Roman emperors. Did Byzantium then change the face of Europe? Why, she groped to decay through a life of imperial corruptions and mystic quiddities, leaving no sensible result and no living mark to tell of eight centuries of power. Germany and Gothland, Teutons and Huns, and the whole North—the Caucasus and the very Tartars, all recent, unknown, and barbarous tribes—convulsed the world, and beat down her walls for the inroads of the followers of Mahomet, when the tortuous policy of crowned heads still maintains on the soil of Europe. The times for such inroads are irrevocably gone—the hoof of Attila is not again destined to crush civilization in Europe. Those nations have run their allotted course in the great cycles of humanity. Modern progress is too firmly stayed for the resistance of these swarms of barbarians. The latter must be absorbed in the course of the former, as the noxious gas is taken up by the tree to which it gives beauty, vigor, and strength! The ways must be prepared outside of their hitherto stationary existence for that civilization of which Europe on the eastern and America on the western hemisphere are now the depositaries, and are about to be the messengers to these nations of the East.

We copy the following from the St. Louis Republican of last Friday's issue:

"EL PASO AND FORT YUMA WAGON-ROAD.—Mr. N. L. Hutton, principal engineer of this road, is now in this city. Upon the arrival of Mr. J. B. Leach, the energetic superintendent, these gentlemen will leave for the scene of their duties. The place of rendezvous is Memphis, Tennessee.

"Mr. Hutton is one of the most thoroughly competent engineers in the service of the government."

On the 14th instant, at a large and spirited meeting of the citizens of Peoria, Illinois, the necessary amount of stock was subscribed, and the company formed to construct a railroad from that place to the State line, to connect the Peoria and Oquawka railroad with the Fort Wayne Western at Rensselaer.