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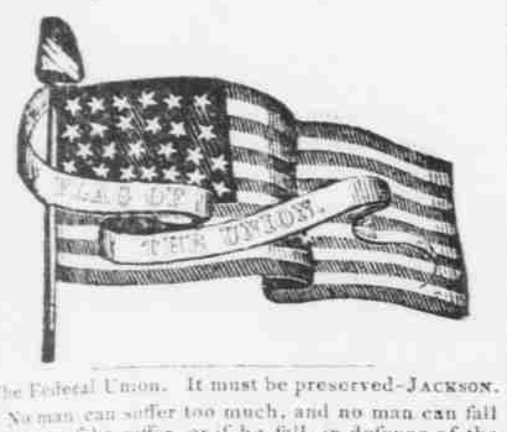
FLAG OF THE UNION.

VOL. I. | CITY OF JACKSON, NOVEMBER 29, 1850. | NO. 2.

PROSPECTUS OF THE Flag of the Union.



The Federal Union. It must be preserved.—JACKSON.

No man can suffer too much, and no man can fall too soon, if he suffer, or if he fall, in defence of the Liberties and Constitution of his Country.—WEBSTER.

Resolved, That we regard the present crisis and the momentous questions now at issue, as justifying the obliteration of all old party lines; and that we will, and do unite, heart and hand, as a Union party for the preservation of the Union.

Resolved, That we will use every effort in our power to extend the circulation of the "FLAG OF THE UNION," to be published at Jackson, and recommend it to the patronage of the friends of the Union throughout the United States.

In accordance with the first of the foregoing resolutions, unanimously adopted at the great Union Mass Meeting held in the city of Jackson, on the 18th November, inst., we, the undersigned have united, in the editorial charge of the FLAG, to devote our labors to preserve the integrity of the Union, as it is, and in the hope that the pa- [illegible] the Fathers of the Republic, [illegible] of all parties since [illegible] free institu- [illegible] hands of dem- [illegible] as the sacred ark of the [illegible] tract entered into by our fathers of [illegible] tion for themselves and their posterity forever, and our purpose will be to declare the truth as it is, and to publish such facts and reasons as may be useful to promote the great cause we have espoused. All matters of a mere party character we shall studiously exclude from the paper, and devote our columns singly to the service of that cause.

Under the second of the above resolutions, we call upon all friends of the Union, throughout the State, to stand by and aid us by their active exertions and their means. Whilst we devote our all to the cause, we call upon them to add their mite. Let each one of them aid us by his subscription and by his efforts to promote the circulation of the FLAG. Our opponents are organized and actively engaged, with all the art of skillful managers, not always over-scrupulous, to attain their ends. Eager to implicate the people in their scheme and hurry them to committal beyond recall—intent to change our organic law, dissolve our relation to the Federal Government, and compel us to *unconditional submission* to a miscalled and irresponsible "Committee of Safety," whose behests are to be our law, it is but natural to suppose, that they will resort to every skillful expedient to obtain the sanction of the people to their revolutionary schemes. Such a crisis is no holiday occasion; the time for instant, decisive and manly action, worthy of the glorious patriots of '76, is upon us, constraining us, by every consideration of honor and duty, by our regard for our families and the security of our children and our homes, to discharge, fearlessly and boldly, the sacred duties of freemen.

It is our desire that the FLAG shall bear to every corner and neighborhood throughout the State, the principles of the Union men of Mississippi. Let the truth be known and understood, and we have no fears for the result. But to accomplish this great object, we require the efficient aid, and the active and constant co-operation of the friends of the cause throughout the State, and it is with implicit confidence in their devotion and zeal in the cause of the Union, that we thus invoke their aid for its preservation.

THOS. PALMER,
EDWARD PICKETT.

Jackson, November 22, 1850.

Terms: Three dollars a year, in advance. Post Masters and others, are requested to act as Agents.

NEW MAIL ARRANGEMENTS,
Commencing July 1, 1850, at Jackson, Miss.

Vicksburg and New Orleans. [illegible]
[illegible] via Brandon, Miss., and Montgomery, Ala. [illegible]
Columbus, via Canton, &c. [illegible]
Holly Springs, via Canton, Lexington, &c. [illegible]
Natchez, via Gallatin, &c. [illegible]
Yazoo, Livingston, and Beattie's Bluff. [illegible]

[illegible] on SUNDAY from half-past [illegible]
J. C. M'ALLISTER, P. M.

FASHIONABLE MILLINERY, AND DRESS MAKING.

MRS. E. T. VIRDEN has just returned from New Orleans, with a good supply of [illegible] Straw and Silk Hats, of the latest [illegible] Ribands, Flowers, Fancy Veils, Plumes, [illegible] and Mantillas, Toilet articles [illegible] of the Ladies of Jackson and vicinity.

WINES AND LIQUORS.
Brandies, Irish Whiskey, Cordials, Wines, Bitters.
[illegible] the largest and best stock of all the [illegible] WINES AND LIQUORS in town, I can [illegible] they will be satisfied with [illegible] Persons wanting [illegible]
No. 3 Cheapside.

NEW BUCKWHEAT.—Just received prime New York, the first in market. At HULL'S.

MISSISSIPPI LEGISLATURE.

HOUSE OF REPRESENTATIVES, FRIDAY, Nov. 22.—The Resolution offered by Mr. Nash, of Coahoma, approving the course of Senator Davis and Messrs. Brown, McWillie, Featherston and Thompson, and disapproving that of Senator Foote, being before the House, Mr. GRIFFIN, of Chickasaw, said:

MR. SPEAKER: I had determined that I would not engage in this discussion until the true issue would properly come before this body for its consideration. I am aware, sir, that a crisis will arrive during the history of this Legislature when it will be expected that myself and every gentleman in this house will take a firm and decided stand in relation to the great questions at issue before this body. When that crisis shall have arrived, I will express fully, fairly and fearlessly my views upon the great questions now at issue.

I shall not attempt at this time to discuss the whole subject, but since I see in the Mississippian of this morning the proceedings of a meeting that came off at Paloalto, in my county, and since gentlemen seem to feel called upon to say something of the feeling of their constituents, I feel that it is my duty to say something upon this subject. I, too, sir, represent a constituency upon this floor—an honorable and intelligent constituency, and for fear it is understood that Chickasaw is in favor of secession or disunion I will express my opinion upon that subject. I believe there is a large majority opposed to secession or disunion, or a State Convention. I will state to this house what sort of test has been had,—and the only test where both sides of the question has been discussed—so far as I know. A meeting was gotten up by those in favor of another Nashville Convention, and notice of that meeting given through the Argus, the only paper now published in our town.

The object of that meeting was to elect a delegate to the proposed Nashville Convention, to fill the vacancy of Gen. Waul, former representative of our district, (resigned.) I stated to that meeting that I should oppose the election of any gentleman to that station, from the fact that I could see no good reason for reassembling that body—that I had not been able to discover any good that had resulted to this country on account of its former sitting. So I was opposed to spending the people's money on account of any more Nashville Conventions. The vote was then taken and stood 18 to 10 against the resolution. Also, upon that occasion, I challenged any and all of those differing with me upon this great issue to meet me at each and every precinct in our county, and discuss the question, and take the vote of the people upon the subject—and if the people did not endorse my views, that I would resign; for although I represent an honorable constituency, yet I will not represent any people whose views I can not carry out, upon a great question like this; but no one met me in debate. So I am left to act upon my own responsibility.

This house is now attempting to pass a resolution condemnatory of the course persued by Gen. Foote in the Congress of the United States, at its last session, in relation to the bills passed and known as the adjustment measures. I shall vote against censuring Gen. Foote or any other Senator, or representative in Congress, just because I chance to differ with him in opinion. I differ in opinion with Jefferson Davis, and all our Representatives, and yet I admit that they are honest in their opinions and in their votes; but, sir, I came here to censure no man. It is true, as stated by my friend from Lowndes, that Davis and all the repreresentatives almost contended strenuously for the doctrine of non-intervention, and now that they are contending against it, they have not been consistent, as I think. But, sir, I would vote against any bill proposing to censure these gentlemen. I endorse Mr. Foote, upon his Union policy, and believe that he has been actuated by the best of motives. Gen. Foote seems to be now upon trial in this house, and, sir, it reminds me of the common proceeding before a justice of the peace—for this legislature is nothing more than a justice's court, so far as Gen. Foote's case is concerned, he will appeal to the great Supreme Court of Mississippi—the body of the people, and that jury will bring in a verdict in his favor as I think.

I am asked the question whether I endorse Mr. Foote in relation to the repeal of the Mexican law in the territories? I say that just so soon as the constitution and laws of the United States were extended over these territories, that all Mexican laws were abolished and supplanted by the laws of the United States, and so Mr. Foote thought.

It seems that this legislature is determined to order another Convention, and I say for myself that I will vote against a convention for the reasons already given. First, that no good has resulted from the convention that has come off; nor do I believe that any possible good can result from another meeting of that or a similar body. But, in the event that a Convention must come, will my colleague, and other gentlemen agreeing with him, suffer the people to settle that question themselves. This legislature has no power to call a Convention, that power belongs to the people. And, sir, I say that we derive all our power from the people, and that we are simply the agents of the people. Then, sir, I ask the question, will those gentlemen let the people vote convention or no convention, untrammeled by any other issue? If so, I am satisfied the people will do right. But will you take this course, or will you, as you did at the last session of the legislature, positively refuse to let the people determine this question, and assume the responsibility of imposing upon them another convention without consulting their will upon the subject? Oh, but say you, the people may elect the delegates this time; but I say we do not want any delegates if the convention does not carry. If the convention doctrine should carry, then elect your delegates. It will be recollected that this same question was at issue at the last session, and carried by a majority, without consulting the people whether they were in favor or opposed to a convention. And a protest will be found recorded upon the journals of the last session, signed by myself and various other gentlemen, then in the minority, and in favor of the rights of the people, that stands in bold relief, and in support of our possitions now upon the same questions. Let the plain common sense proposition of convention or no convention, go before the people, and I will then willingly submit to their will.

[To show the consistency of the above remarks of Mr. Griffin, and their agreement with the meeting in Chickasaw, to which he refers in his speech, we copy a sketch of the proceedings of that meeting, published in the Aberdeen Independent of the 16th October.]

PUBLIC MEETING IN HOUSTON.—A small number of the citizens of Chickasaw county met at the Court House in the village of Houston, on the 26th inst., for the purpose of appointing a delegate to represent them in the Southern Counvention to be holden at Nashville.

Gen. Featherston was called to the chair; but being unwilling to serve, on motion, Capt. R. G. Steele was made chairman; C. C. M. Marable was requested to act as Secretary, but declined because he did not know for what purpose the meeting was called. D. H. Lindsay was asked to serve, but he refused to do so, assigning as a reason his opposition to the objects of the meeting. J. M. Thomson was appointed secretary.

The Chairman then requested Gen. Featherston to explain the purpose for which they had assembled, which after the usual hacknened *rant* about the injustice done the South in the adjustment of the much vexed question of Wool and Indy, he stated to be for the purpose of appointing a delegate to the Southern Convention. Col. Cobb of Lowndes, was then proposed as the most suitable person for this duty, but it being suggested that he was not ultra Southern in his views, his name was withdrawn, and Thos. N. Waul, Esq., substituted, which being submitted, was lost by a vote of 18 to 9. It was then moved that the meeting adjourn to the 6th of November, which motion on being seconded, was withdrawn.

Our talented and fearless representative, Jack T. Griffin, then addressed the meeting in his usual felicitous style. He stated that he had opposed the resolution to send a delegate to the Nashville convention because he thought such an assemblage could produce no possible good result. That it would be time enough to drain the public treasury when the South had suffered wrong; when the compromises of the constitution had been assailed; but to waste the public monies sending representatives to this so called convention was foolish, nay, worse than foolish—what could such an assemblage accomplish? What authority would its members have to bind the States to defend its action? He contended that they would not express the will of a majority of the Southern people. Again, he said, that he opposed the principle of a dozen men claiming authority to express the wishes of two thousand free citizens. He said in a few days he would be called to consider our federal relations. That he wished to represent the views of his constituents, and while he did not doubt their right to instruct him, he would not concede that right to an assemblage of a dozen persons. That he was willing to canvass the county with any gentleman they might select, and after a fair discussion of the question to submit it to a vote of each precinct, and that if a majority of his constituents did not sustain his views, although he felt they had done him much honor in electing him, he would resign, for he declared himself unwilling to represent a people whose wishes he could not carry out.

[REPORTED FOR THE FLAG OF THE UNION.]

Speech of Hon. STEPHEN ADAMS, of Monroe, on the resolutions of censure against Senator Foote:

MR. ADAMS said that he always took great pleasure in approving when he could, but condemned with great reluctance. He trusted that he was honest himself in his official conduct, and judged others by the same rule, unless he had positive evidence to the contrary. Nothing in the course of Senator Foote had satisfied him that the Senator was governed by any other than patriotic motives. He thought the House should be fully convinced that they themselves reflect the will of their constituents before they censure the Senator for disobeying the wishes of those who were the common constituents of the Senator and the House. The same Congress that passed the adjustment measures will convene again in December and adjourn by law on the fourth of March. We have no reason to believe that the measures of adjustment now sought to be condemned by this House will be repealed by this Congress; and the people will have an opportunity to vote for new members of Congress and new members of our State Legislature, before any farther action of Congress on the subject. This legislature did not elect Senator Foote, and will have no voice in his re-election.

All the questions involved in the resolutions of censure have arisen since this legislature was elected. The people, as a body, have not formally instructed this legislature in reference thereto, and he therefore thought that every prudential consideration required the House to refer the unpleasant controversy to the ballot-box.

It is said by gentlemen on this floor that to vote against the resolutions would be to condemn Senator Davis and our Representatives. To throw the weight of Senator Davis and the Representatives in the scale against Senator Foote, to say the least of it, was unfair; it was not necessary nor was it just to make any such issue. He believed himself that the course pursued by Senatot Davis and our Representatives and others who acted with them had aroused the friends of the Union in the non-slaveholding States to the danger of Dissolution; and had contributed to secure the concessions acquired by the late adjustment measures, while Senator Foote, by the devotion he manifested to the Union, has done more to perpetuate fraternal affection, good feeling and confidence between the Northern and Southern States, in his opinion, than has ever fallen to the lot of any one man: and as our government was based on the confidence and affections of the people, that Senator had done more than any other to sustain the great bond of our Union and preserve the government of our fathers. Mr. Adams said he had voted for the instructions given to Senator Foote, but denied that he had violated them. The instructions had reference to the admission of California, alone, as a single and isolated measure. When the admission of California was presented in the United States Senate as an isolated measure, Senator Foote voted against it according to instructions. When it came up as one of a series of compromise measures, it presented an entirely new question on which that Senator had no instructions from this body, and his own judgment was his only guide, being responsible to the people for his course on the new questions so presented. The adoption of any other principle would be to destroy representation, responsibility and usefulness. He should therefore vote against the resolutions.

REMARKS OF MR. WELSH, OF KEMPER.

It is well known to yourself, Mr. Speaker, and others that I am not in the habit of often troubling this house with any remarks, but sir, the importance of the resolutions now under consideration, my own feelings on this occasion, as well as the interest which I know is felt by those whom I have the honor in part to represent, in the subject matter of these resolutions, demand of me that I bestow on them something more than a silent vote. And in the outset, it may not be improper to remark, that I am not the friend or admirer of Gen. Foote in any sense of the word; certainly not personally, for I have not even the pleasure of his acquaintance, and as parties have hitherto been divided, God knows I am still less his political friend. In this issue, then between him and his former co-adjutors, I hope I may claim to be influenced by those principles of right and justice, (according to my understanding of the subject,) by which I trust I shall ever be actuated. And sir, I could scarcely be induced, as a member of this body, to censure the conduct of any man, occupying the high position of a Senator in the Congress of the United States, acting too, under the solemn injunctions of an oath which he must understand and interpret for his own conscience, unless I desired to drive him from his post, either for an evident want of capacity or integrity of purpose, which would unfit him for the proper discharge of the great responsibilities resting upon him. For no difference of opinion then, upon questions of propriety and expediency, merely, involving no constitutional principle, could I consistently with my own feelings, vote resolutions of censure upon a man, who, in discharging a sworn and solemn duty, has at most, only acted differently from what others have or might have acted under the same circumstances, when his motives are not only unimpugned, but above suspicion. But in what has Gen. Foote violated the constitution of the United States, or the doctrines of the South in reference to the slavery question as heretofore expressed and understood? Certainly not in his vote against the admission of California as a State. For although her admission under the circumstances was perhaps a political necessity, and his course, had he voted for it, could have justified, yet I imagine the advocates of these resolutions, who are in the habit daily and hourly almost, of expressing such decided opposition to that measure, do not desire to censure him for his vote against it. Well sir, how does he stand in reference to the fugitive slave bill? A measure originated by the South, designed for the benefit of the South, supported by the entire South, and opposed only by the abolitionists and free soilers of the North. Surely the supporters of these resolutions do not wish to censure him for his vote in favor of this bill. Next, in importance of the series of measures complained of at the South, is the bill giving to Texas ten million of dollars for a portion of her territory,—a measure which already has been opposed by the same individuals for two different and directly opposite reasons. At first great indignation was expressed at the outrage upon Texas in this matter, a sovereign State was about to be despoiled of by a portion of her territory, and Southern valor and Southern patriotism was invoked in behalf of Texas in the anticipated contest. Now, however, since the United States have acknowled her right to the country, and offered her an amount of money supposed to be equal to its value, and she, as a sovereign State, exercising her unquestionable right to determine this matter for herself, has decided to accept the sum offered her, and relinquish her claim to the territory, it is denounced as an outrage upon the people of the United States, and great opposition is expressed to it upon this ground. I do not contend now, and never have, that Texas in reality ever had any title to this country, or at least any other title than that which enured to her by virtue of having written in her constitution that it belonged to her. But, she having asserted that it was hers, and the United States having gone into a war and prosecuted it upon that assumption, were forever afterwards estopped from denying the title of Texas to the country. And upon this state of facts, the government had the same right to acquire this that it has to acquire other territory. It might be further remarked in defence of this measure, that the settlement of doubtful questions, questions of boundary and the like, is a sufficient consideration for a contract. But above all, it may be said, that it contributed to calm the troubled waters, by settling the most angry and irritating questions lately before the country, and was, perhaps, the only means of averting the most direful of all calamities, a conflict between the arms of the United States of Texas. But sir, be the merits of this bill what they may, General Foote voted against it, and I can not well conceive how those who profess to be opposed to it can object to his course. The last of the series of measures adopted at the late session of Congress, to which I shall invite your attention in connection with this matter, is the bill providing territorial governments for Utah and New Mexico, for which Gen. Foote and his colleague in the Senate, both voted. And what objection is there, or rather what objection can be made to this bill consistent with the doctrine distinctly promulgated in the Presidential campaign of eighteen hundred and forty-eight by one of the great political parties of the country, and acquiesced in, perhaps, with entire unanimity by the other. I am not prepared to say, sir, that non-intervention is the measure of our rights. But it is undeniable that a large portion of our fellow-citizens so recently as eighteen hundred and forty-eight, desired to elevate to the Presidential chair a distinguished statesman of the North, for the reason above all others that he held to this doctrine; or in other words, that Congress under the constitution had no power over the institution of domestic slavery, either to establish or abolish it in the territories of the United States. And, unless Gen. Foote could have foreseen that, in the progress of things, those who, in Mississippi had held this doctrine so fully, would as completely abandon it, he could have taken no other course than the one he has pursued. And it may be remarked in this connection that the Utah and New Mexico bill, to say the least, is as good for the South as the Clayton compromise, for voting against which, Messrs. Stephens and Toombs, of Georgia, were denounced throughout Mississippi as traitors to Southern interests, and by none perhaps more lustily than by those who advocate the passage of these resolutions. Upon all the measures then, which I have enumerated, Gen. Foote not only voted with the South, but with his colleague in the Senate, and while the course of the latter is approved, in the very same resolutions, that of the former is condemned in the most unmeasured terms. I do not intend by these remarks to endorse all the conduct of Senator Foote. I must confess, sir, that I cannot see as he does that the South has gained anything by the late plan of adjustment, nor by that policy of conquest and acquisition which rendered some sort of adjustment necessary. For although it is a painful and a mortifying truth, yet it is undeniable, that the South has no foothold upon the most valuable of all the territory acquired by the late war with Mexico; a war for the support of which she, perhaps, contributed two-thirds of the money, and upon every battle field of which from the frontiers to the capital of Mexico, the choicest and bravest of her sons have fallen. But in settling the various questions arising out of this acquisition, her honor has been saved, no constitutional principle, nor any of the doctrines for which she has heretofore contended, have been violated. For no mere difference of opinion then as to the policy to be pursued in settling the agitating questions lately before Congress, could I be induced to censure either of our Senators, both of whom, doubtless were influenced by a high and conscientious regard for what they conceived to be their duty, to themselves, to their constituents, and to the country. And it seems to me that resolutions such as these, wounding the feelings and mortifying the pride of Gen. Foote and his friends, (who, to say the least, are no small minority of the State,) are not the means of peace and reconciliation—are not the means of bringing about that unanimity of feeling and of action, which in the perilous crisis now upon us, seem so much to be desired by those who advocate their adoption. Sir, they come among us as a fire-brand, as the messenger of discord and dissension, denouncing, as they do, in terms of extreme severity, all the acts of a distinguished public servant, much of whose conduct we are bound to sanction, leaving the balance to say the worst, of questionable propriety. And sir, as I have said before, though we may not approve of all the acts of our Senator, yet it is inconsistent with my own feelings as well as the generous sentiment of those whom I represent, to say in the language of these resolutions, "that we consider the interests of Mississippi unsafe in his keeping." And, as I am opposed to the adoption of the original resolutions, I would be equally opposed to their adoption, when amended, by striking out all that relates to Gen. Foote, according to the proposition of the gentleman over the way, thus leaving them silent as to him, and approving the conduct of the rest of our delegation in Congress. For, to my mind, they would then contain all that was objectionable in a direct censure of his course, with nothing of its openness or manliness to commend it.

Telegraphic Fibbing.

By the following extract of a letter, from a gentleman of Tennessee, which we have just received, it will be news to the Union men of Mississippi who participated in the recent Mass Meeting in this city, on the 18th inst., to learn, that that triumphant demonstration has been telegraphed to Nashville as a *failure*. Never have the wires transmitted a more gross absurdity. The letter also contains a notice of the doings of the Nashville Convention, which will be interesting to our readers:

"I see by a despatch, published in one of the Nashville papers this morning, from Jackson, Miss., that your legislature has ordered thirty thousand copies of Quitman's message to published; that the Union Meeting, on Monday, was a failure; and that Mississippi is for disunion. I hope this is not true. The Nashville Convention adjourned on Monday, the 18th, in "hot haste." They refused to let the Tennesseans speak. The disunionists found that Tennessee was no place for them. They were afraid to meet the Tennesseans in debate and therefore found it prudent to retire. The treatment towards Maj. Donalson has aroused in the bosoms of Tennesseans a feeling of scorn and indignation towards that convention which is more easily felt than described. They dared not meet the old friend and bosom companion of Gen. Jackson face to face and advocate their "unhallowed purposes." Whenever any real aggressions are made upon Southern rights Tennessee will go as far as any State to defend the honor and interests of the South, but when there are no just grounds for resistance, the land of Jackson will be true to his principles. I do hope that your State will not yield to the counsels of bad men, whose object is not the good of the South, not the preservation of our rights and our honor, but their own individual promotion. What has the South to gain by disunion at this time? Will disunion establish slavery in California or enable us the better to recover our fugitive slaves? Did not those very men who are now advocating disunion sustain Gen. Cass when he said slavery was "forbidden by law" in the acquired territories? Shame upon such consistency and such Southern men who are for dissolving the Union on account of that which they themselves sustained.

I send you a neutral paper* from Nashville, which gives an account of the closing scenes of the Convention. Whigs and Democrats alike in this State condemn disunion at this time. If the North should refuse to act in good faith, in regard to the Compromise, then we may prepare for the most determined resistance. Then we will be united, because we will have good ground upon which to stand. * * * * * I fear there are dangers ahead. May they be arrested. In the language of a great statesman, I can say, "I put my trust in Providence, and in the good sense and patriotism of the people, who will yet, I hope, arouse themselves before it is too late." Mr. Nicholson's speech will be published in a day or two. A. V. Brown and Gen. Donalson intend laying their views before the public. Tennessee is a thorough Union State.

* The paper referred to has not been received.

From the Boston Post.

NULLIFICATION OF THE LAWS OF CONGRESS—ABUSE OF LEGAL PROCESS

The proceeding in the city of Boston in relation to the recent attempt to enforce the fugitive law will doubtless be regarded at the South as placing Massachusetts in the attitude of direct and open nullification of a law of Congress, the constitutionality of which Mr. Webster (who has hitherto been revered by the whigs of Massachusetts as the expounder of the constitution) declares he has heard no man whose opinion is worth regarding deny. Such a conclusion, whether well or ill-founded, will have an untoward influence upon the relations of this to other States, and may lead to retaliatory measures at the South, affecting the commerce, manufactures, and business of this Commonwealth, not unlikely to end in an entire non-intercourse. We do not suppose that our merchants, shoe dealers, and manufacturers anticipate any such result, or are prepared for any such consequences from the acts of a few over-zealous, indiscreet, or designing persons; but, if it is intended to obviate the tendencies of these acts, some indications must be given, stronger than we have yet seen, that they do not receive the countenance of this community, and are not sanctioned by the legal tribunals or the sober sense of the people.

An obnoxious law is always open to free discussion, to all legal and lawful means to effect its repeal, or to the earnest defence of any party it implicates against its penalties, always observing the forms of law and a resort to constitutional and legal measures in such defence. No one has a right to complain of such a course, and no wrong can be done while the peace of the community is not disturbed and the right of individuals are respected. But the wanton abuse of legal process to such an end is as reprehensible in its spirit, if not as dangerous in its consequences, as open resistance to law. Tested by this rule, some of the proceedings to which we allude should not pass without that condemnation which public opinion, if not judicial tribunals, will sooner or later stamp upon them.

For some time past the papers have contained numerous notices of writs and other processes served upon two persons, Hughes and Knights, the agents of slave-owners at the South, who have been here in pursuit of fugitive slaves under the recent law of Congress. These persons have been held to bail in some forty thousand dollars upon frivolous civil suits, which no doubt before any calm judicial tribunal would be held as groundless prosecutions. Let us, now that we have a pause from the excitement, look at this matter calmly, and see how the city of Boston will stand before the country, or her own highest judicial tribunal, if what has passed in the streets is to be repeated, or if what has been done is to be regarded in the business marts and the political conventions of the South as the approved acts of this whole community.

An act of Congress has passed, and has been signed by the President, known as the fugitive slave law. Mr. Webster says of it: "It is the law of the land, and as such is to be respected and obeyed by all good citizens." Moreover, every man who holds an office, State or national, and every attorney-at-law, is directly sworn to support the constitution and laws of the United States; and every citizen is directly or indirectly sworn to the same duty of allegiance.

Two agents, with powers of attorney, came here demanding the execution of this law. Their complaint, to give it the highest legal sanction, was presented and heard before the two judges of the circuit court of the United States, (Woodbury and Sprague,) and, upon legal evidence and oath, the circuit court, as a court, issued a warrant, returnable before that court, for the arrest of a fugitive. The warrant was delivered to the United States marshal; but no arrest has been made, or probably can be made, with any force the marshal can command. Besides the incitement of the colored population almost to a state of riot, a series of proceedings have been had, under forms of legal process, to drive the agents out of the city. This began by a writ against the agent for alleged slander upon William Crafts, the fugitive; which slander, it is said, consisted in saying that Crafts had stolen his own body, or words to that effect. The colloquium here, as the lawyers call it—that is, the meaning and application of the words—plainly renders them not actionable; and so any court must and will decide. On two of these suits bail was procured in twenty thousand dollars, which every lawyer knows was excessive, and therefore unconstitutional, and from which any judge of our courts would have relieved the party. The design plainly was incarceration, by requiring excessive bail, when the constitution declares that excessive bail shall not be required.

Other civil suits followed, claiming ten thousand dollars damage for a conspiracy to kidnap William and Ellen Crafts, and these suits were divided and subdivided so as to exact twenty thousand dollars additional bail, which was also given. It is said that the deputy sheriff who served these writs was directed to take the parties in the evening and not in the day-time. What attorney gave such direction? His name should be known; for surely if there was a combination to deprive a party of bail and get him imprisoned, it would constitute a conspiracy against him: so that we should have the case here of a suit against a party for a conspiracy to kidnap by means of a conspiracy to deprive him of bail, and take him to prison. We know nothing of the parties concerned, and charge no one with this act or intent. The officer knew his duty better, and served the writ in the day-time, and this excessive bail was again given. At every arrest a mob of all colors collected around the sheriff's office, and it was with difficulty that outrage was prevented by the sheriff. The city police, mayor, and all looked on, and gave no aid, and made or permitted no interference. The city, apparently, was in complete possession of the blacks. At noonday the carriage of the agent, in which he went from the sheriff's office after giving bail, was surrounded by a mob, and the terrified driver carried the party, against his protest, over East Cambridge bridge, and then refused to take him back, and left him to his own defence.

This he used, it is said, sufficiently to protect himself from any contact with the colored mob that followed him, and, keeping them at a distance, he procured a vehicle, and returned to his lodgings at the United States Hotel. Nothing but the fear of a revolver prevented a catastrophe and bloodshed. The law was silent.

The next proceeding was a criminal process, issued by a justice of the peace on a charge of kidnapping, and returnable to the police court. This is a very questionable proceeding. A justice in Boston may, perhaps, hear a complaint, and send it to the police court; but is a proceeding of rare occurrence, and never proper when the police court is open to hear complaints. No justice of the police court would have issued a warrant on such a complaint, which was groundless on the face of it. In the mean time, the party had left the city before he knew of the warrant, and it was not served. The papers say that the sheriff was directed not to serve it until night, so as to insure the imprisonment of the party.

Now, let us see how the law stands in this regard. All these proceedings upon alleged kidnapping must founded—if at all—upon the law of Massachusetts, which declares that if any person, without lawful authority, shall forcibly carry or send any person out of this State, &c., he shall be punished therefor. The act must be done without lawful authority. Now, it was known that the agent of the slave owner was here with a power of attorney to take the fugitive, and, in additon to this, that a warrant of arrest had been issued from the highest United States Court in the district.

The supreme judicial court of Massachusetts and the Supreme Court of the United States—the highest exponents of constitutional law, State and National—have both decided that either or both of these constitute a lawful authority to seize or arrest a fugitive from labor, and convey him to the State from which he fled. Fanatical lawyers and their associates would do well to examine the laws of their own State before they give crude opinions upon its unconstitutionality that may excite a mob to resistance and violence. The cause of the Commonwealth vs. Griffith, in the second of Pickering's report, page 11, settles all these issues. In that case an indictment was found against Griffith for an alleged assault and battery in seizing and confining one Randolph, formerly the property of one McCarthy, of Virginia, deceased. Randolph had lived in New Bedford, in this State, for five years since he fled from Virginia. He owned a house there and had a family. Griffith had an authority in writing (not under seal) from Mason, the administrator in Virginia of McCarthy, to seize and arrest Randolph, pursuant to the fugitive act of 1793, section 3. That section provides that the person to whom the service of a fugitive is due, his agent or attorney, is empowered to seize or arrest such fugitive, and take him before any judge of the United States courts or any magistrate; and upon proof to the satisfaction of such judge or magistrate, by oral testimony or affidavit, that the person so seized or arrested owes service under the law of the State from which he fled, it shall be the duty of such judge or magistrate to give a certificate thereof, which shall be sufficient warrant for removing the said fugitive to the State or Territory from which he fled. The 6th section of the recent fugitive act contains the same provisions, except that United States commissioners are substituted for State magistrates, who have been prohibited by State laws from acting. If one is constitutional, both are; and hence the opinion of the supreme court of Massachusetts in Griffith's case covers the recent case of the agent in the case of Crafts. Those who think to bring the supreme court of Massachusetts in contact with the Supreme Court of the United States upon the constitutionality of this law will see the futility of it if they are capable of reading and understanding the opinions of the Massachusetts bench delivered by Chief Justice Parker in the Griffith case, and by the present Chief Justice Shaw in the case of Aves, in the 18th of Pickering's report.

In the case of Griffith the constitutionality of the law of 1793 was maintained by Pliny Merrick and Marcus Morton, counsel for Griffith, and was contested by the Attorney General, Perez Morton, William Baylies, and Parsons—men rather more competent to try the constitution than any of the jubilant young lawyers on the committee of vigilance. "The court unanimously sustained the constitutionality of the act of 1793, Judge Thatcher dissenting only so far as to "think it intended that the seizure should be made in conformity to the laws of the several States." But the court decided that even a power of attorney was not necessary, and that the agent of the owner or of the administrator might come here and reclaim and seize the fugitive without a warrant, and that it was constitutional for Congress to prescribe the mode of reclaiming a slave, and that when a seizure is made, it is to be made according to the act of Congress, and not comfortably to the State laws. Griffith was sustained in his arrest of the fugitive, and Chief Justice Parker said, "We do not perceive that the statute is unconstitutional, and we think that the defence is well made out." And he added "that the construcion now given by the court to this statute (of 1793) had been adopted ever since the federal constitution went into operation by Lowell and Davis, justices of the district court of the United States."

The more recent case of Aves, in the 18th of Pickering's reports, page 193, distinctly sustains the validity of the law of Congress for reclaiming fugitive slaves. The learned Chief Justice Shaw gives the reasons for the compact of the northern with the southern States in the constitution to deliver up their fugitives so plainly that no man who calmly considers it can fail to see that it was a question of no union or of a constitution with that provision, and that, without union, then (as should be now if the Union were dissolved) the return of fugitives must either be matter of treaty between independent States, or the source of endless and desolating border wars.

It is manifest, then, that the supreme court of Massachusetts, whose decision binds all inferior tribunals, hold that the seizure of a fugitive from labor by an agent like Hughes or Knights, with a power of attorney, or his arrest under a warrant, is constitutional and lawful, and that, upon proof shown of such seizure or arrest, it would be decided by Chief Justice Shaw and the whole court to have been done with lawful authority, and therefore not kidnapping, or an attempt to kidnap. And this shows that, if the lawyers who issued those writs knew the laws and decisions of this State and its highest court, they must have known that neither a civil nor criminal suit against these agents could be sustained a moment before the courts.

We have cited only State decisions in this matter; but the highest exponent of constitutional law—the Supreme court of the United States—remains to control all State courts or State legislatures in this matter. That tribunal—the common umpire for all the States—has most distinctly settled the question by the learned opinion of a northern judge (Story,) in the case of Commonwealth vs. Prigg, the 16th Peter's reports. On that case—covering the whole ground—stands the law of the land, and no State court has attempted or will attempt to call it in question.

Thus, without a single partisan feeling—for we have none on this grave subject—we have submitted a candid view of the law as it is; and every cool man must see that it will be so expounded and enforced in all our courts, State and national. He who seeks to resist the law as it is, by violence, by practical nullification, or by abuse of legal process may acquire a temporary notoriety, but he will feel no ultimate good for himself, and least of all for the cause of the slave; for let him be assured that whenever the issue comes in law-abiding New England between the decisions of the mob or the decision of the magistrate, the latter will be sustained and the former crushed by all the moral, intellectual, pecuniary, and physical power of the community, and, if need be, of the whole country.

Letter from Joseph McDowell of Rankin, ON A SOUTHERN CONFEDERACY.

MT. MARY, Nov. 9, 1850.

In my preceding numbers, I think I have shown to the mind of every man, whose passions have not superceded and taken the place of his reason, that the object of some of those who projected the Nashville convention was the dismemberment of the Union, and that with a view to this result, they endeavored to commit the South to such measures as they believed Congress could not or would not sanction. I will now show that they have not abandoned their purpose; and if they should succeed, slavery could not be retained in these United States fifty years. No, they have not abandoned their purpose, and if the people of the country do not show them that the current of public opinion is adverse to their hopes, that great calamity will be sprung upon us like the Mexican war.

Had patriotic counsel prevailed the annexation of Texas (to which we were all agreed) could have been accomplished without a war: but that did not suit the politicians. We wished to annex it to the Union but they wished to annex it, together with Mexico, to their contemplated Southern confederacy—to enlarge the area—(the proper definition of area is *thrashing floor.*) To enlarge the area of the Southern confederacy they wished to conquer Mexico, but the current of public opinion, which these politicians watch with so much solicitude, was not propitious, and their plans, for the time being, were defeated. The demonstrations that were afterwards made against Mexico, in defiance of the treaty, as well as those that were made, and are now being made against Cuba, all have for their object the same purpose—to acquire Southern territory—to originate difficulties between the North and the South that cannot be compromised by Congress—to disrupture the Union and establish a Southern confederacy.

By appealing to our prejudices and fears, instead of our common sense, they are now endeavoring to make the result of the war subservient to the purpose for which it was commenced. But honor to whom honor is due. Some of them behaved gallantly in Mexico. The laurels bravely won in that war were obtained in the service of my country, and, I honor them; but are we like some silly animals, night hunted with a torch, to be blinded with their effulgence, and led captive at their will? Gilding can not turn brass into gold, and the combined laurels of all the heroes from Epaminondas down to Washington cannot convert such politicians into statesmen. A man may have animal courage to march to the cannon's mouth, who has not the moral courage to be unfashionably honest among thieves.

The statesman instead of waiting to see how public opinion inclines, should have the ability and moral courage to direct it—a higher and more noble courage than was ever displayed in the heat of battle, or on the field of carnage. But our legerdemain politicians generally possess neither the one nor the other, and are careless about all abilities except the ability to be elected.

But let us examine the project of the proposed Southern confederacy. How many confederacies are we to have? If but one Southern confederacy where is the line to run between us and the adhering States? And what kind of government are we to have? Would the restless, ambitious men who are urging this measure be satisfied with any government that could be established? No, Luciferlike, they would still strive to rule or ruin—as in the republics of France and Mexico, revolution would follow revolution, and ultimately, the leader who could control most means and the largest force would be president first and emperor afterwards.

The ambitious aspirations, the conflicting views, and selfish interests of the politicians could never harmonize in any government.—But suppose I am mistaken; the question then recurs, where is the boundary line to be located? Would our present frontier slave States, Maryland, Virginia, Kentucky, and Missouri, go with us? It is certainly not their interest to do so. Slaves are unprofitable in those States, and without them the value of the soil would be greatly enhanced.—Had it not been for the officious interference and threats of the abolitionists, they would have enacted laws before now to gradually abolish slavery. But suppose they go with us, what would be their situation compared with what it is now? At present, if a slave absconds and his owner can overtake him before he gets into Cardaa, he can command all the powers of the United States to arrest and conduct his slave back—and the slave can generally be overtaken, for he is compelled to travel through our own territory near two hundred miles before he reaches Canada. If, however, he succeeds in escaping into Canada, he is as free as his master—all the civil power of the United States cannot reclaim him—we have no international law upon that subject and never can have.

Now if we dissolve our Union, it would in effect bring Canada to the borders of the slave States, which are only separated from us by lines and rivers, being converted into a separate government, would stand in precisely the same relation to us that Canada now does, and it would be equally impossible to obtain international laws upon that subject. The slave who would step across the line between Maryland and Pennsylvania, or across the Ohio river, would be free and could never be reclaimed.

These States; then, could not retain their slaves twelve months—would immediately be filled up with people whose feelings are hostile to slavery, and finally separated from us under the same influences that operate between us and our present free States. North Carolina, Tennessee and Arkansas would then become frontier slave States, and would share the same fate.

Well, advance the last tier of slave States and die like men, it is all you could do. Dissolve the Union, and in fifty years there would not be a slave in these United States. But this result would not be arrived at without wading through rivers of blood. To interrupt the allegiance of the States to the Federal Union would be more disastrous to the country than to obstruct its rivers and prevent their flow to the ocean—the Union of waters. In the one case we would have a deluge of water, in the other a deluge of blood.

Brazil has been brought forward as an instance where slavery has existed, without interruption, in a country adjoining free and independent States. This is true; but there would be a great difference between the proposed Southern Confederacy and the Empire of Brazil. The latter is surrounded by half civilized people, who, like themselves, submit their consciences to a common church, directed by a Jesuitical policy, which exercises a controling influence over the civil authority, as well as the consciences of the people.

We would be surrounded by an unfettered, inquisitive, and intelligent people, who consider it one of their reserved rights to determine for themselves, what constitutes religion, and many of them consider slavery sinful.

The only danger slavery has to apprehend is from the unregulated religious vagaries incidental to a free government, and which, like political vagaries, can only be controled by the patriotism and common sense of the country.

But can the politicians succeed? Not in Mississippi. At the call of the General Government, men enough could be raised in Rankin county to put down the insurgents of Mississippi.

Could they succeed in any State—even in Old Carolina, the forlorn hope of disunion? No! There is at least a respectable minority in Carolina, who would oppose the overthrow of the best government in the world, for the wild experiment of a Southern Confederacy.

For the last few years, the course of Carolina has not been such as would have been expected from her revolutionary history. To a causal observer, it would seem that patriotism had died when the sun went down upon the graves of Sumpter and Pickens; but just as sure the sun rose again and continues to mature the harvest of the Old South State, and to paint the bow of Heaven (the Ark of promise) upon her clouds, the spirits of these patrots still animate the bosoms of hundreds, if not thousands in Carolina. As in the days of the Revolution, when their fathers defied the combined power of the British and the tories, they would take refuge in their swamps and wait for assistance from the General Government: and even if none should be sent they could not be conquered.

The memory of the past would nerve their army, and the phosphoric light arising from the mouldering bones of their departed patriots, would dispel the gloom, and show them how to strike for liberty and the honor of their country's flag—the Stars and Stripes of the Union.

JOSEPH M'DOWELL.

Secession avowed—The relative positions of Tennessee and South Carolina.

Yesterday was a day long to be remembered in Tennessee! Resolutions were introduced by Gen. Pillow on behalf of nearly all those who were recognised by the Convention as Delegates from this State—(eighteen to twenty-three)—in favor of acquiescing in the action of Congress in settling the distracting questions recently before it—whilst on the other hand, Hon. Langdon Cheves, the Nestor of the South Carolina Delegation, came forward with a resolution for SECESSION AS THE ONLY REMEDY for Southern grievances, reading thereafter, a long manifesto in support of his position.

In it he denounced the Constitution of the United States as a fetid mass of corruption, which stinks in the nostrils, and pronounced the Union as already "*dissolved!*"

Thus are Tennessee and South Carolina, (supposing he speaks the sentiments of that State,) flatly opposed to each other,—thus is the issue made between *fidelity to the Constitution of the United States*, and opposition to those who would destroy it!

To the people of Tennessee there is but one choice—they will without distinction of party *sustain the men who sustain the Constitution.*

Nash. Banner, 15 inst.

☞ A good deal of excitement and not a little amusement were elicited one day last week, by one Parker, who, when part of the way across the Jersey City Ferry from New York, remarked to the passengers that he "believed he would not ride any farther with that boat," and immediately jumped overboard. He sustained himself easily upon the surface of the water until he passed around Castle Garden, a distance of more than a mile, and against the tide. It was ascertained that he was enveloped in an India-rubber over-dress, and came out with his under clothes as dry as when he went overboard.