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NEW-YORK TRIBUNE.

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NEW-YORK TRIBUNE.

Recapture of Fugitives from Labor.

U. S. SUPREME COURT—ARGUMENT OF W. H. SEWARD.

Our readers will not have forgotten the action brought in the Circuit Court of the United States for the District of Ohio, by *Wharton Jones* of Kentucky, against *John Van Zandt* of Ohio, to recover a penalty of $500 for harboring and concealing Andrew, the plaintiff's slave, in violation of the act of Congress, 1793. The Jury, under the charge of the Court, rendered a verdict for the plaintiff. The defendant moved for a new trial, and in arrest of judgment. The cause came into the Supreme Court of the United States on a certificate that the Judges of the Circuit Court were divided in their opinions upon the questions stated in the argument. Counsel for the plaintiff, JAMES T. MOREHEAD of Kentucky; Counsel for the defendant, WILLIAM H. SEWARD of New-York, and S. P. CHASE of Ohio.

The argument of Gov. SEWARD in this important case is before us at length, and we would gladly publish it did not its great length and the crowded state of our columns forbid. We can only state its principal points and present a few extracts which will indicate its general scope and spirit. That it is the fruit of untiring research, and a profound acquaintance with Constitutional Law, and distinguished for the clearness and cogency of its reasoning, we need not say. As a plea for Liberty it is worthy of the author's high reputation.

Mr. SEWARD opens the case by a clear statement of *the points at issue*, as follows:

The defendant moved in the Circuit Court for a *new trial*, on the ground of ERRONEOUS INSTRUCTIONS given by the Court to the Jury; and *in arrest of Judgment*, on the ground of the INSUFFICIENCY OF THE DECLARATION.

On hearing these motions, the Judge of the Circuit Court required instructions from this august tribunal upon EIGHT questions, which arose on the former motion, to wit:

"1. Whether, under the fourth section of the act of February 12, 1793, the notice must be in writing, given by the claimant or his agent, and must contain a statement that the person harbored or concealed is a fugitive from labor, within the meaning of the third section of the statute, and must be served on the person who harbors or conceals the alleged fugitive.

2. Whether such notice, if it be not in writing, and be not served in the manner before mentioned, must be given verbally by the claimant or his agent, to the person who harbors or conceals the alleged fugitive, or whether a general notice in a newspaper to the public is necessary.

3. Whether clear proof, by the confessions of the defendant or otherwise, that he knew the colored person harbored or concealed was a slave, and was a fugitive from labor, be not sufficient to charge the defendant with notice; although he may have obtained such knowledge from the slave, or in any other manner.

4. Whether the facts that the defendant received, from another person, the fugitive from labor, at 3 o'clock in the morning, in the State of Ohio, twelve miles from the place in Kentucky where he was held to labor, and transported him in a closely covered wagon, twelve or fourteen miles, so that he escaped from pursuit, and his services were thereby lost to his master, do not constitute an act of "harboring" or of "concealing" the fugitive within the meaning of the statute.

5. Whether such transportation, with the circumstances thus mentioned, is not "harboring" or "concealing," within the meaning of the statute, although the fugitive should be recaptured by his master.

6. Whether such transportation in an open wagon, whereby the services of the fugitive are entirely lost, by his master, is not "harboring" the slave, within the statute.

7. Whether a claim for the fugitive upon the person who harbors or conceals him, must precede or accompany the notice.

8. Whether any overt act, of a character so marked as to show an intention to elude the vigilance of the master, or his agent, and calculated to effect that object, is "harboring" the fugitive, within the statute.

The Judges of the Circuit Court, require, also, instructions upon six questions, which arose upon the motion in arrest of judgment.

1. Whether the first and second counts in the Declaration, contain sufficient averments that Andrew, the colored man, escaped from the State of Kentucky into the State of Ohio.

2. Whether said counts contain a sufficient averment of notice, that Andrew was a fugitive from labor.

3. Whether the averments in those counts, that the defendant harbored Andrew, are sufficient.

4. Whether those counts are otherwise sufficient.

5. Whether the act of February 12, 1793, is repugnant to the Constitution of the United States.

6. Whether that act is repugnant to the ordinance of the Congress of July, 1787, entitled "An Ordinance for the government of the Territory of the United States, North-west of the Ohio."

Mr. SEWARD submits his views on these several questions under three propositions:

I. THE DECLARATION IS INSUFFICIENT.—This deficiency is shown in several particulars, the most important of which is that it is not sufficiently averred that the defendant had the 'notice' required by the statute that the person harbored by him was a fugitive from labor. The clause in the statute relating to this point is as follows:

"If any person shall, knowingly and willingly obstruct or hinder such claimant or his agent or attorney, in thus seizing or arresting the fugitive, or shall HARBOR OR CONCEAL SUCH FUGITIVE, AFTER NOTICE that he or she is a fugitive from labor, as aforesaid, he shall, for either of the said offences, forfeit and pay the sum of five hundred dollars."

The presiding Judge of the Circuit Court (Mr. Justice MCLEAN) held that positive, direct and formal notice was not necessary; and that *knowledge* possessed by the defendant, however obtained, was equivalent to such notice, or a substitute for it. Such a construction of the statute is obviously necessary to support the declaration, but it would relieve this penal statute against liberty and humanity of a condition expressly and emphatically declared. A person shall not forfeit and pay five hundred dollars for merely harboring or concealing a fugitive. Such protection and hospitality shall not subject the offender to punishment, even though *knowingly* and *willingly* rendered. He may harbor the slave and conceal him from his pursuers, as the law of Nature commands, until after notice that the master forbids.—The words AFTER NOTICE are strongly contrasted in this clause of the section with the previous words *knowingly* and *willingly*, in another part of the same section. The word *after* gives precision. It is not *with* knowledge, or even *with* notice; but *after* notice. And this form of expression raises the notice prescribed up to the dignity of a condition precedent.

If NOTICE be a condition precedent, then the notice must be *explicit, certain, direct and comprehensive*. Such notice is capable of being averred. No such notice is averred; or, at least, none such is described.

The learned Judge held, as a general principle, that when the law speaks of *notice*, it does not contemplate a notice in *writing*, unless such notice be required by statute, by commercial usage, or by the Practice of Courts. He held, also, as a general principal, that knowledge is *equivalent* to notice. But we humbly submit that these general principles, however true, are never applied in construing *Penal Statutes*. Legal conditions may be dispensed with for equivalents, to promote the ends of justice in civil controversies; but they cannot be waived when they are barriers, erected for the protection of the accused.

Wisdom and Humanity are manifested in this condition precedent of notice, as contrasted with *mere knowledge*. For he who obstructs, or hinders a master, in the act of recapture, does what under the Law of Slavery is a palpable private wrong, and commits a breach of the peace. But harboring and concealing a weary and fainting slave, though known as a slave, is not injurious, and does not disturb society. Under no law can this act be deemed immoral; and in most cases it would be charitable. It can only become an offence when persisted in after notice. The Constitution provides for the surrender of fugitives only when *claimed*, and the law, following the Constitution, forbids the freeman to harbor the slave, only after notice of a design, or purpose to reclaim. If there be no such effort, or design, it is as lawful, and as humane, to harbor the slave, as to entertain a fellow freeman. But the construction of the learned Judge, makes the Congress of the United States interdict protection, hospitality and charity to the slave whom no master pursueth, and commands the citizen to shut out the wandering fugitive who may be perishing at his gate. This would be injurious to the *master*, as well as inhuman toward the slave. If he be left to die, his services will be lost; but if he be harbored, and revived, he will be in a condition to be reclaimed.

It is a duty of the citizen, and is a duty of man, in every social state, and even in savage life, to give necessary shelter, comfort and assistance to the wayfaring man, the stranger and the fugitive. Such exiles have a natural right to demand protection and charity. That right is sustained by Divine laws. The Act of 1793, however necessary or just its provisions, by forbidding hospitalities to a class excepted from among all other men, is in derogation of the rights of citizenship and of manhood. Therefore it must be construed strictly, as well for these reasons as because it is a penal law. The plaintiff who complains that his debtor has been wrongfully harbored, must show that he was held to labor under the laws of the State from which he had fled; and when demanding the penalty for forbidden charity, must show that the offender had notice that the guest was so held. Now this Declaration fails to show any such thing. It only charges that the fugitive was held to labor by the laws of Kentucky. But it is not shown by what laws, how enacted and by whom, when, or for what cause—how the fugitive had incurred such calamitous disfranchisement—what was the nature of the labor to be rendered, and when to be performed—on what condition of birth, color, contract, or crime, the disfranchisement attached—in what Court or Tribunal, civil, martial, or chivalric, the fugitive had been heard before the penalty of the law was enforced—what was the form of the Judgment, what was the period of disfranchisement, and when it would end.

II. THE EVIDENCE WAS IMPROPER AND INSUFFICIENT.—The proof of *harborage* and *concealment*, was insufficient. The fourth, fifth, sixth, seventh, and eighth questions certified by their honors, the Circuit Judges, together with the statement of facts, present the acts of harborage and concealment, namely, that the defendant received the fugitive on the Walnut Hills, in the suburbs of Cincinnati, at three o'clock in the morning, from another person, into an open or covered wagon, and conveyed him thence, twelve or fourteen miles. Pursuers appeared, who had no authority from the master, and who arrested the horses. The fugitive leaped from his seat in the wagon and escaped. The master, afterward, approved the attempt at recapture made by the pursuers, although it had been made without his knowledge. These facts might prove the defendant guilty of aiding the escape of the fugitive, or of obstructing or hindering the claimant, his agent or attorney, in seizing and arresting the fugitive, but it is a total perversion of language and sense, to maintain that they prove an act of harborage. A harbor is a place of *rest, repose, security, inaction*. In its nautical sense, which is not its original application, it is a *haven*, where the vessel is moored, its sails are furled, its burthen is discharged, or a new one received. The French designate one of their principal ports *La Havre* and we one of ours, *New-Haven*. The idea of motion, progress, flight, or escape, is absolutely excluded.

Thus it appears that the evidence upon which the defendant's conviction rests was improper and insufficient, under the first count; because, *first*, it showed not an act of *harboring*, but the antagonistical act of *removing* a fugitive; *secondly*, because there was no evidence of the previous notice and claim, which were necessary to maintain the action.

The evidence under the *second* count (which charges an act of concealing the fugitive) is subject to the same exception. "Harboring" and "concealment" are convertible terms; or at most, the offence of *concealment* was created to prevent an escape from conviction under the very technical offence of *harboring*. The act of concealing, when charged, must be clearly and distinctly proved. *Concealment* implies a place, time, and circumstances of seclusion—a roof, a chamber, a dell, a forest, a cave, or some place of the like solitude.

III. THE ACT OF 1793, SO FAR AS THE PRESENT SUBJECT IS INVOLVED, IS VOID, BECAUSE IT VIOLATES THE ORDINANCE OF 1787.

When the Revolution had closed, and while the Articles of Confederation were yet in force, some five thousand persons had made a settlement on the northern bank of the Ohio, and were extending civilization over a wide and beautiful region, washed on the north by the distant Northern lakes, bounded on the east by Virginia and Pennsylvania, and reaching westward to the Spanish possessions on the banks of the Mississippi, over which several States asserted conflicting claims of sovereignty. On the thirteenth day of July, 1787, Congress, then representing all those States, with their consent established an Ordinance concerning that domain. This act provided for the subdivision of the territory into States, and their admission when sufficiently populous, into the Federal Union. Under that Ordinance four States have been erected and admitted, which are now represented in the Federal Councils by eight Senators and thirty Representatives, and contain two millions of free and prosperous people. The People, in the comprehensive use of the term, include all men within a particular jurisdiction. To secure the People within that Territory, throughout all generations, against any possible intrusion of the principle of physical force, in their respective communities, it was solemnly declared and promulgated by that Ordinance, that its design was to extend the fundamental principles of civil and religious liberty, which formed the basis whereon the American Republics, their laws and constitutions, were erected—and to fix and establish these principles as the basis of all laws, *constitutions*, and governments which forever thereafter should be formed in the said territory, and for admission of the States thus to be created, to a share in the Federal Councils, on an equal footing with the original States, at as early periods as might be consistent with the general interests. It was farther declared, that for those purposes the provisions of that memorable Ordinance were set forth and should be considered as ARTICLES OF COMPACT between the original States and the people and states in the said territory, and should forever remain unalterable, unless by common consent. The Ordinance then proceeded to lay the foundations of those future States, and the *first* was a declaration of absolute and universal liberty of conscience. The *second* secured to every inhabitant of the territory, then and thereafter, forever, the *writ of habeas corpus* and the *right of bail*. The *third* united, in auspicious conjunction, guaranties of moral and religious education to youth within the territory, and of perpetual good faith to the Indian Nations. The *fourth* was a guaranty to the new States to be formed, of a right of union with the original States, on the sole condition that such new States should adopt forms of government which should be Republican, and in *conformity to the principles of that fundamental compact*. The *last* and crowning one of all, was this declaration: "*There shall be neither slavery nor involuntary servitude within the territory, otherwise than in the punishment of crime*, (with this sole qualification,) *provided, always, that any person escaping into the territory, from whom labor or service shall be lawfully claimed, in any one of the* ORIGINAL *States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her service*."—(Bloren's Laws U. S. vol. I. p. 60.)

This Ordinance took effect on the 13th of July, 1787, and even if it do not control the Constitution, which was adopted about the same time, it is a valuable contemporaneous exposition of the temper and sentiments of the American People on the subject of Slavery. Kentucky was admitted into the Union on the first day of June, 1792, five years after the Ordinance for the government of the Territory north-west of the Ohio, was established. The Constitution of the United States bears date in September, 1787, but went into effect on the 4th March, 1789. Kentucky, having come into the Union after that Ordinance, was bound by its covenants. The Constitution of the United States was adopted after that Ordinance, and so far as related to the Territory north-west of the Ohio, was necessarily and inherently subject to the same covenants. The word ORIGINAL, in the Ordinance, manifestly implies that the right to recapture fugitive Slaves should be limited to the Thirteen States, then in existence, and Kentucky, by entering the Union afterward, acquiesced in that solemn agreement.

On the 23d of April, 1842, Andrew, a man of thirty years, was on the Walnut Hills, in Ohio, at large, a freeman—free as to all the world, at least, except the person who had before claimed his services in the State of Kentucky. There could be no slavery or involuntary servitude in Ohio. By what right was he pursued, and by force of what law was it wrong to harbor and conceal him from his pursuers? We are answered, "By the law of 1793. But that law was a violation of the ordinance of 1787, so far as the State of Ohio was concerned, if it be construed to extend the right of recapture beyond the *original* thirteen States, to the infant State of Kentucky. Kentucky was not one of the original States; she came into the Union after notice of the Ordinance, and acquiesced in it. But it may be said, that the Constitution had interposed between the Ordinance and the admission of Kentucky. This is true; but the Constitution was framed when there were only the original Thirteen States; and it was to be expounded as to the new States north-west of the Ohio, by their fundamental Ordinance. The new States—the future States—the future generations—north-west of the Ohio—had made a solemn compact with the Thirteen States, which was to be the basis of all new Constitutions. The Constitution was contemporaneous with the compact made between the existing and the future States. The Constitution was never held then or since, to supersede or impair that compact. It was recognized as being in force by the act of Congress of 1800, which prescribed to the new State of Ohio the basis on which it would be admitted into the Union, recited from and in the very language of the Ordinance itself.

Is the Ordinance of 1787 yet in force? His honor, the presiding Judge of the Circuit Court, doubted. But surely that ordinance is perpetual: for it is a treaty which was generously made by an intelligent and powerful confederacy, with four States yet unborn—a covenant between the strong and vigorous actors of the Present, and unseen and unknown generations of the Future, for the security, welfare, and happiness of all. And it was not to be changed, least of all was it to be changed by those who thus made it for the benefit of all, without the common consent of all.—The Thirteen States who united in forming the Constitution could not change it, although all agreed, Ohio could not change it, for she was only one of four new States, whose consent was necessary, and the three others had not yet come into existence. If that Ordinance be not in force, then Ohio, Illinois, Indiana, and Michigan, may severally, at their pleasure, establish slavery and hereditary servitude, and entail their calamities and curses upon future millions, to whom the Thirteen United States have pledged a guaranty against them forever. If the Ordinance be not in force, then the other twenty-five States are without any security against the collusion and the desolations which the establishment of slavery in the north-western regions of our country would be sure to produce.

IV. THE ACT OF 1793 CONFLICTS WITH THE CONSTITUTION OF THE UNITED STATES, AND IS THEREFORE VOID. The law is based upon the second section of Article IV. of the Constitution:—"No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up, on claim of the party to whom such service or labor may be due."

If we admit, for the purpose of argument, that there is ground for the exercise of legislation, by the Congress of the United States, to carry the section into execution, we may, nevertheless, confidently assert that such legislation must be confined to the very object and purpose of the section, and cannot be extended farther. If any State should pass any law or establish any regulation adapted to work a discharge of persons escaping into its jurisdiction from lawful obligation of labor or service, existing in the State whence they fled, or to prevent their delivery to proper claimants, Congress might abrogate such law or regulation. But such an act of abrogation would be unnecessary, because the offensive law or regulation would be unconstitutional, and *ipso facto* void. Here, the Constitutional power reposed in Congress to legislate on this subject, must end; for the object of the Second Article is attained when such action or legislation by the several States is effectually prohibited, or defeated.

The law of 1793 was passed because, when the Governor of Pennsylvania, in 1791, demanded from the Governor of Virginia, three fugitives, not from *slavery*, but from *justice*, the Governor of Virginia answered, that he was not authorized to comply by the mere authority of the Constitution of the United States, without more immediate and direct power, for which he appealed, through President Washington, to Congress. Thus it happened that Congress did, in fact, by law of 1793, exercise legislative power concerning the recapture of fugitive slaves, before any case had arisen, in any State, which showed that the Constitution of the United States was ineffectual without legislation. Occasion was taken of an embarrassment concerning the surrender of fugitives from *justice*, to fortify *slavery*, by giving it what then, at least, was unnecessary aid for the recapture of fugitives from labor. The plea then made for this bold measure was one, not of necessity, at least not of necessity proved, but of a mere analogy between the constitutional provision relating to the surrender of fugitives from labor. It seems to us, that the analogy which was the only foundation of the enactment, does not exist. In regard to fugitives from justice, the Constitution is direct and affirmative:

"A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall on demand of the Executive authority of the State from which he fled, be delivered up to be removed to the State having jurisdiction of the crime."

The provision adopted is direct, positive, absolute. It describes with precision the person to be surrendered, "as one who being charged, in any State, with treason, felony, or other crime, shall flee from Justice, and be found in another State." The culprit shall be demanded by the Executive authority of the State, and by no one else; and it is fairly implied that he shall be delivered up by the Executive authority of the State where he is found, and by *none else*; since, if any other authority were obliged to execute the delivery, there would inevitably be clashing among the police of the several States. No difficulty was found in the Virginia case, except to remove the doubt of the Governor of that Commonwealth concerning his power to execute the surrender—a doubt quite unreasonable, and to be deeply deplored for the consequences which it has produced. Those who contend for an analogy between the two provisions, find their cause so weak as to be obliged to dwell upon the merely fortuitous circumstance, that the two clauses concerning fugitives, are found in juxtaposition. But surely this argument is of no value, if the provisions exhibit a marked contrast. The clause concerning fugitives from labor, instead of being expressed in a direct and positive form, and of imposing an obligation and a duty upon the Executive authority of the respective States, is merely negative, imposes no such obligation or duty, and is content with merely denying to the legislative authority of the several States, power to hinder or obstruct citizens of other States in the assertion of lawful claims to labor or service. "No person held to service or labor, in one State, under the laws thereof, and escaping into another, shall, in consequence of any law or regulation *therein, be discharged from such service or labor*, but shall be delivered up, &c." This is a mere announcement of a principle which shall be paramount, in courts of justice, to any local laws or regulations.

It was truly said, by Judge Story, that, "if the Constitution had not contained the clause now under consideration, every non-slaveholding State in the Union, would have been at liberty to have declared free, all runaway slaves coming within its limits, and to have given them entire immunity and protection against their masters." Therefore the clause is an abridgment of State sovereignty—it conflicts with the principles of natural and civil liberty, and contrasts strongly with the rights and privileges guaranteed to the citizens of all the States by the Constitution. It is therefore, to be strictly construed. If so construed, the clause spends its whole force in an inhibition of laws and regulations calculated in one State to work a discharge of fugitives held to labor in another State by the laws thereof, and neither needs nor contemplates legislation by Congress, but relies for its execution upon the judicial authorities of the States and of the Union.

This argument derives much force from the fact, that the Constitution does not, among its express powers, authorize Congress to enact laws concerning the surrender of fugitives from labor. Such a power is omitted from the long catalogue of legislative powers.

The law of 1793 invades the rights of *personal liberty* secured by the 5th Article of the amendments to the Constitution, which declares that "no person shall be deprived of life, liberty, or property, *without due process of law*;" and that "Due process of law, is a writ or warrant issued by a Magistrate, upon probable cause, supported by oath or affirmation, describing the person to be seized.

Again. The law of 1793 invades the 7th Article of the Amendments. The right of recapture has been declared by this Court to be a *Common Law* right, and clearly it is not one to be tried in a Court of Equity, or of Admiralty. It is, therefore, a right to be tried by a Court, proceeding according to the course of Common Law, and yet the law of 1793 denies to the person arrested, the privilege of trial by jury.

Again. The act of 1793 is unconstitutional and void, because it authorizes not merely an unreasonable seizure of a party, without due process of law, but directs that a judgment of disfranchisement and perpetual labor, may be rendered against him *in his absence, under duress by the plaintiff*, upon *exparte evidence*, without giving him any opportunity to be *heard*, before judgment, or to review it afterward, and throughout the contemplated proceeding, denies him the privilege of *bail*. And this is in palpable violation of the Eighth Article of the Amendments, which declares that "excessive *bail* shall not be required, nor excessive *fines* imposed, nor *cruel* and *unusual punishments* inflicted.

Again. The fourth section of the act is unconstitutional, because it subjects the party harboring or concealing a fugitive from labor, to punishment. While the constitutional provision does not at all inhibit a citizen from yielding such hospitality and entertainment, he has a natural right to exercise it by the constitution of every society. There is a luxury in affording "succor, help and comfort" to the needy and oppressed, and we are commanded to do so by Divine laws, paramount to all human authority.

We are sensible that, in thus abridging Mr. Seward's argument, we have in some degree impaired its force. We have endeavored, however, to seize the most important points and present them distinctly to the mind of the reader. Referring those who wish to see the argument *in extenso* to the pamphlet edition. We conclude our abridgement by giving the closing passage entire:

Finally, The Act of 1793 is unconstitutional, because, by implication and certain effect, it recognizes slavery as a lawful institution, lawfully creating an obligation to labor. All slavery is an open violation of the personal rights guarantied to the people by the Constitution.—However true it may be, that when Congress finds the institution existing in any State, they have no power to disturb it there, it is clear that they have no right to extend it in other States, or compel such States to recognize its peculiar code. Such a power is not expressly conferred by the section which has been considered, nor is it implied by any necessary or reasonable construction. It is manifestly excluded from that portion of the instrument, absolutely interdicted by others which have been recited, and is at war with the spirit of the whole Constitution. We need not refer again, minutely, to its provisions to support this argument.—Our senses tell us, our happiness assures us, our pride proclaims, the graves and glory of our ancestors, every day and every hour reveal to us, that we are a FREE People—that the Constitution is a legacy of Liberty, and that so far as Liberty and Slavery depend on that Great Charter, all men are free and equal. If all this be not evidence enough, we can read the same truth in the severe derision we justly excite throughout the world, and the humiliation we cannot conceal, when we attempt to justify the toleration of Slavery.

For ourselves, humble advocates in a great cause, we cannot hope, we dare not hope, we do not expect, that principles which seem to us so reasonable, so just, and so truthful, can all at once gain immediate establishment in this tribunal, against the force of many precedents and the weight of many honored names. But we do humbly hope that past adjudications, by which the Constitution was unnecessarily declared to recognize, sanction, and guaranty Slavery, may be reconsidered. We appeal to the Court to restore to that revered instrument, its simplicity, its truthfulness, its harmony with the Declaration of Independence—its studied denial of a right of property in Man, and its jealous regard for the security of the People. We humbly supplicate that Slavery, with its odious form and revolting features, and its dreadful pretensions for the present and for the future, may not receive in this great tribunal, now, sanction and countenance, denied to it by a Convention of the American States more than half a century ago. Let the spirit which prevailed in that august assembly, only find utterance here, and the time will come somewhat more speedily, when, throughout this great empire, erected on the foundation of the rights of Man, no Court of Justice will be required to enforce INVOLUNTARY obligations of LABOR, and uphold the indefensible law of PHYSICAL FORCE.

VIRGINIA LEGISLATURE.—In the House of Delegates, on Thursday, the vote rejecting the bill to provide for the extension of the Louisa Railroad to the Eastern base of the Blue Ridge, was reconsidered, and the bill passed by a vote of 63 to 53.

The bills to empower the Corporation of Petersburg to construct a ship canal, and to incorporate the Virginia and New-York steam packet company, also passed the House on that day.

FIRE AT CUMBERLAND.—The steam sawmill of Mr. John S. Walter, at Cumberland, Md. was burnt to the ground on Friday night. The loss is stated to be $15,000—the insurance $4,000. The sash manufactory of Messrs. Mitchell & McFarlan was also destroyed.

☞ The Susquehanna and Tide Water Canal Companies have passed a resolution permitting all provisions intended for the relief of the people of Ireland and Scotland, to pass their works free of toll.

[Baltimore American.

☞ A large barn occupied by James Hill, Jr. & Co. West Cambridge, Mass. was destroyed by fire Saturday night—loss about $3000: partly insured.

☞ The President has recognized Franz August Hirsch as Vice Consul of Prussia for the port of Boston.

☞ The libel suit between Gen. Benton and Ex-Gov. Thomas of Maryland has been compromised.

CITY ITEMS.

TUESDAY, March 9

LECTURE ON ASSOCIATION.—Mr. Godwin delivered a discourse last evening at the Lyceum on the advantages of Association. He began by supposing that some township in this State should organize itself on a principle of unitary interests, where all the property should be held as joint-stock, the different branches of labor executed by different groups and the products divided equitably among the persons engaged in proportion to the capital, skill and talent executed by each—What would be the effect? Industry on the various modes in which the human faculties are used, was classified with eight kinds, viz: Domestic, Science, Agriculture, Manufactures, Commerce, Education, the study and application of Science and Art, Government and Religion.

Mr. Godwin took up each of these in turn, and showed the operation of the present system of isolated and incoherent action in contrast with what would be the case in Association. First he spoke of the immense economies of combined industry—economies in fuel, in rent, in space, in implements, in time—which at the lowest estimate could be reckoned as a five hundred-fold gain. Then he referred to the facilities with which Labor could appropriate scientific discoveries and inventions, to the improvement of the condition of the working classes in shorter hours, more comfortable homes, and agreater variety of occupation; to the advantages of a proper distribution of soils, and a right division of labor; to the manner in which Association would contribute to the complete education of every child, physically, intellectually, and morally, and to the effect of a better external condition in the manners, morals, and happiness of the human race. All these points were most elaborately explained and illustrated.

Having shown the desirableness of Association, Mr. Godwin then passed to a consideration of the law of progress in society. He showed from the Kingdoms of Nature that there was but one law of organization amid the infinite variety of forms and processes, and that this law was applicable to society. The past history of the world proved unequivocally that every step in advance Man had yet made was in subject to this law. Every good tendency of the Present was but a fulfilment of it; and the inference therefore was inevitable that the developments of the Future would exhibit still higher and more beautiful applications of the same universal and divine plan. Men might ridicule and distort and oppose it as they would, but as it was founded on eternal justice, and carried on by the God of all minds, their efforts would be fruitless, and only recoil upon their own heads.

Next Monday evening Mr. George Ripley will lecture on the CHARACTER AND DISCOVERIES of Charles Fourier.

ROBBERY.—A roll of bank bills containing about $90, principally on the Delaware Bridge and Honesdale Banks, were abstracted from the pocket of Mr. J. R. Treadwell, of No. 110 Beekman-st. yesterday. The thief has not been discovered.

INFANT FOUND.—A dead female infant was this morning taken from the water at the foot of Beekman-st by officer McReady of the Second Ward. It was taken to the Coroner's office, where an inquest was held. Verdict, death by premature birth.

ATTEMPTED BURGLARY.—George Simpson and Wm. McGwintz were arrested this morning in the act of attempting to break into the office of Johnson & Brother's distillery.

LARCENIES.—John Ingram was arrested for stealing a quantity of cotton from the foot of Beekman-st.... Jas. Curry, for stealing a fish from Fulton Market.

General Notices.

☞ **Aid to Ireland**—A lecture will be delivered by Mr Jamie Cole on the Irish Question, at Hall, Broadway, between Broome and Grand sts. on Wednesday evening, March 10, at half past 7 o'clock. The proceeds of which will be given to the Irish Relief Fund.

Subject—The Controversy concerning Baptism inconsistent with the Intellectual Character and Profession of the Present Age proved by a Review of its Working from the Reformation to the time of the Evangelical Alliance. Admission 25 cents. m9 3t*

☞ **Rare Chance**—Printing Office for Sale.—The subscribers offer for sale the Printing Establishment heretofore conducted by them, in Worcester, Massachusetts. By a small outlay the office would be made suitable for general printing operations, and would be an excellent stand for an enterprising Printer with a small capital. Terms easy.—Address immediately (post-paid) ESTEY & EVANS, m9 3t* Worcester, Mass.

RHEUMATISM.

AN EXTRAORDINARY CASE.

☞ **To Satisfy the Public** of the authenticity of the following statement, it has been attested before the Mayor of New-York:

I hereby certify that for the past thirteen years I have been severely afflicted with attacks of rheumatism, principally in the hands and limbs, accompanied with great stiffness of all the joints. Sometimes the pains have been so great that I have been unable to move, and my whole health was almost destroyed. During these times, I was troubled with low spirits, my brain was seriously affected, and the incessant and severe pains I have often endured made me repeatedly wish for an end of my sufferings by death. I think no human being can imagine my tortures. For relief I tried almost everything—all my earnings went to the doctors. In the various parts of Europe to which I resided, I sought medical advice, and was for a considerable time under the care of the most celebrated physician in Liverpool. But he did me no good. On my arrival in New-York, last September, I was obliged to leave my ship, as I was unable to walk a step without assistance, and in other respects was in a dreadful situation, with the renewed attacks. I was taken to the City Hotel, and kept in bed for three weeks by Dr. Mott, Dr. Hoffman, and some other physicians of the Hospital, for the space of six weeks; but as I only got worse, I was taken to the Seaman's Hospital, at Staten Island, where I was several weeks undergoing a process of mercury. This nearly killed me, and the doctors told me I must soon die. As I had read the advertisement of Dr. CHRISTIE in the newspapers, and the great cures made by his Galvanic articles, I determined, as a last hope, to send to the office and get some. On stating my case, the Galvanic Bands for the wrists and limbs were recommended, and the Magnetic Fluid. The people at the Hospitals laughed at me for getting them, and told me not to waste my money in the direction. But I persisted in using the Fluid. For the first few hours I felt no change, but the next morning the stiffness in my limbs was decreased, and the pain was less. By night I felt better in every respect, and IN LESS THAN TWO WEEKS I LEFT THE HOSPITAL ENTIRELY CURED. Since that time, which is more than a year, I have been to the West Indies and back, and have suffered a little during that time, but I HAVE HAD NO ATTACK WHATEVER OF RHEUMATISM OR ANY OTHER PAIN whatever, and my health has been perfect in every respect, though I have been exposed to all the vicissitudes of climate. From being so weak that I could hardly stand, I have become as strong and hearty as any person of my age. And I firmly believe that these happy and wonderful results have been accomplished solely by the power of Dr. CHRISTIE'S Galvanic Bands and Magnetic Fluid.

HENRY JOHNSON, 355 Pearl-st. N. Y.

On the 16th day of November, one thousand eight hundred and forty-six, appeared before me the within named Henry Johnson, and made solemn oath that the above statement is substantially true and every particular.

A. H. MICKLE, Mayor of the City of New-York.

The only place in New-York to obtain CHRISTIE'S genuine Galvanic and Magnetic articles, which are achieving such wonderful cures in some of the most afflicting diseases, is at 192 Broadway, between John-st. and Maiden-lane.

Beware of spurious and worthless imitations. No drug store has the genuine CHRISTIE'S articles. Pamphlets, &c. to be had gratis as above. m9 1wos

CAUTION TO THE PUBLIC.

☞ **Johnson's Toothache Drops.**—The Clove Anodyne is the most immediate and permanent cure of pain from decayed teeth, having, from its intrinsic value as a remedy, become immensely popular with those who have used it, many imitations have lately been thrust upon the market by unprincipled persons and sold as the original and genuine article. The object of this paragraph is to caution the public against all such spurious compounds, as no Clove Anodyne can possibly be the genuine article, so long and favorably known by that name, but that prepared during four or five years by A. B. D. Sands, and for the last year by Henry Johnson (successor to A. B. Sands & Co.) who is now the sole proprietor. The only safety for purchasers is to be sure and ask for Johnson's Toothache Drops, and to examine the wrapper of the vial, as every one of the genuine has the signature of Henry Johnson.

Remember that the True Clove Anodyne is an immediate cure for the most violent toothache or pain in the gums, and that it is manufactured genuine only by HENRY JOHNSON, Chemist and Druggist, No. 275 Broadway, west side, in the Granite Building. Sold also at 100 Fulton-st. 77 East Broadway and 356 Hudson-st. Price 25 cents. d19 tf

☞ **Dr. Banning's Body Brace** is an efficient relief for weakness of the voice, lungs, spine and limbs, particularly for dyspepsia, constipation and piles, with weakness of the stomach and sides, weakly females, fast growing children, and all disposed to droop and are sedentary, especially spinal subjects, will be delighted with its action. References given to many distinguished clergymen, who have been rescued from aspersmansion, from debility and bronchitis. Pamphlets and book "Common Sense," giving information, can be had at the office, 425 Broadway. A lady in attendance on ladies. 11f DeWtf

☞ **Water-Cure.**—Dr. SHEW, having returned from Europe, practises this new system at his Institution (47 and 56 Bond-st.) and in the city generally. The Water-Cure Journal (Semi-monthly) by Dr. Shew, is published at the very low price of $1 a year in advance. 13f 1m*

J. D. WHEELER,

☞ **Commissioner for the States** of New-York and Connecticut, Tammany Hall. m1 tf

☞ **Water Cure House.**—Mrs. M. S. Gove continues to recieve patients at her house, 261 Hub-st. New-York.

Mrs. G. also visits ladies and children at their homes, and gives direction for the application of Water Cure. m9 tf

☞ **T. J. Coleman, Exchange Broker, No. 63** Wall-st. New-York. Uncurrent money bought and sold; gold and silver exchanged; notes and drafts collected. o7

CALVIN BLYTHE, GEORGE W. HARRIS.

BLYTHE & HARRIS,

ATTORNEYS AT LAW, No. 1 South Sixth-st. Philadelphia. Refer to Mr. Joseph Tryon, 58 Broad-st. Peter De Witt, Esq. 38 Nassau, and Mr. Bushrod Birch, 63 William-st. New-York. 10f 1awdm

NASH, MORRILL & DONOHUE,

ATTORNEYS AND COUNSELLORS AT LAW,

No. 26 Beekman-st.

Alanson Nash, Augustus C. Morrill, Charles Donohue. } New-York. d15 6m

CARVED LETTER

SIGNS,

By Ackerman,

LATE ACKERMAN & MILLER, 161 Nassau-st. Rifers to Signs on Trust Society building. d19 3m

From South America.

An arrival at Baltimore brings advices from Buenos Ayres to the 12th December. The British Packet says:

This day (12th instant,) completes the 441st day of the blockade.

The news of the surrender of the prizes taken by Garibaldi during his late piratical cruise is confirmed.—The intrusive Government of Montevideo, after having commissioned him to commit those depredations, found itself under the necessity of ordering him to give up his captures; but the freebooter demurring at this, it was obliged to compound with him, pledging itself to pay a monthly sum until the amount of a certain claim preferred by him for expenses incurred at Salto should be satisfied. The buccaneering system is, however, still carried on on an extens