

From the New York Commercial Advertiser.  
The Amistad.

The anxiously expected decision of the Circuit Court, upon the questions raised by the habeas corpus, was pronounced yesterday morning, in the presence of as many persons as could possibly find place in the Court-room. What it would be no one could form an opinion; and of course it was listened to with deep and profoundly silent attention. We are enabled to place it before our readers almost in the very words of the learned Judge who gave it.

DECISION OF JUDGE THOMPSON.

On the opening of the Circuit Court, Monday, September 23d, Judge Thompson gave his decision with respect to the application of the prisoners' counsel to have the Africans discharged under the writ of habeas corpus—and denied the motion. He said the question before the Court was simply as to the jurisdiction of the District Court over the subject matter. He regretted that the case had not been held up for further consideration, and that he had so little opportunity to examine the various important questions that are involved in it, with that thoroughness and deliberation that were desirable. He regretted this the more as the case is a very peculiar and complicated one. It was one also difficult to be understood by the public. He could not be insensible to the fact that the feelings of the community were deeply involved in the question, and he feared there might be misapprehension of the real questions to be disposed of by the Court.—It is possible, he said, that there might be some misrepresentation. He would therefore have preferred that time should have been allowed for him to give a written opinion. But the counsel have thought it advisable, and he did not say it was not excusable, to call upon the Court to dispose of the case now, and he was compelled, though much against his wishes, to dispose of it in the best way he could.

The question to be decided now is not as to the ulterior rights of either party,—but it is whether the District Court can take cognizance of the subject matter that grows out of this case. In order to ascertain this, we must recur to the laws of the United States. The case has been placed before the Court on the abstract right of holding human beings in bondage, or on the general question of slavery. The Court is not called upon here to determine this abstract question. It is sufficient to say that the constitution of the United States, although the term slavery is not used, and the laws of the U. States do recognize the right of one man to have the control of the labor of another man. The laws of the country are founded upon this principle. They recognize this kind of right.—Whatever private motives the Court may have, or whatever may be their feelings, on this subject, they are not to be brought into view in deciding upon this question. They must give the same construction to the laws of the land, sitting in this State, as they would were they sitting in Virginia. It is the province and the duty of the Court to determine what the laws are, and not what it might be desirable they should be. My feelings, said Judge Thompson, are personally as abhorrent to the system of slavery as those of any man here, but I must on my oath, pronounce what the laws are on this subject. The true question, then, is as to the law, and not as to any of the questions involved in the case. The simple question to determine is as to the right of the District Court of Connecticut to take cognizance of the matter.

Under the laws of the United States all seizures in a district are to be taken notice of in that district where the seizure is made. The important question is always as to the place of seizure, and the question always turns upon that.—If a seizure is made within the limits of a state, the jurisdiction of the District Court is local. If it is made on the high seas, any District Court may take cognizance of the matter. Where, then, was the seizure made in this case? It seems to be agreed by the counsel on both sides that the seizure was actually made in the district of New York. If that be the case this District Court has no jurisdiction of it whatever.—But if the seizure was in fact made on the high seas, this District Court has jurisdiction. Judge T. said he had supposed at first, that the seizure was in fact made in the district of New York, but when he came to examine the matter he found it was not so. Lieut. Gedney, in his libel, states no such thing. He says he was on a survey within the state of New York, but he does not say that he actually discovered the schooner Amistad within that district, and that he made the seizure within the district of New York. All the evidence before the court is what is set forth in the libel. The vessel, it seems, was taken off Montauk Point. The grand jury, in their statement, say it was a mile distant from the shore. If this be correct, it was a seizure upon the high seas, and therefore the matter is rightfully before the Court for this district.

In the absence of absolute certainty on the point the Court can endeavor to ascertain from the best evidence in their reach, by examining maps and charts, the locality of the place; and after making such an examination, they are of opinion that the actual place of seizure does not appear to be within the jurisdiction of the District Court of New York, but upon the high seas. The admiralty jurisdiction upon the ocean extends to low water mark. Between high and low water mark there is alternate jurisdiction between the admiralty and common law courts. In deciding then that the seizure was made, in the judgment of the Court, upon the high seas—if either party is dissatisfied, the Court can institute inquiry to ascertain the exact place, but the more regular course is, for the party dissatisfied, to interpose a plea to the jurisdiction of the Court, and then the District Court must institute an inquiry to ascertain where the seizure was made. It is not competent then for this Court, at the present time, to say the District Court has no jurisdiction in the case. Consequently this Court can not now pass upon the question as to the property—that matter belongs to the District Court. Should either party be dissatisfied with the decision of that Court, an appeal can be taken to the Circuit Court, and afterwards to the Supreme Court of the United States. Meantime the parties must be put to their pleas in the District Court, in order that all the facts, &c., may be put upon record.

It has been said this is a question of liberty, and therefore that this Court ought to decide the case in a summary and prompt manner. But in the judgment of the Court, this ought to have no influence in the decision. The situation of the prisoners is such that they must be taken care of by somebody. They did not come here voluntarily. It is not the case, therefore, of persons coming

here of their own accord, and being taken up by other persons against their will. If the District Court has jurisdiction of the schooner, they have jurisdiction of the persons of these Africans, and they are bound to provide necessaries for them. They can provide for them as well as any other persons. The case seems to have been argued on the part of the prisoners as if they ought to be discharged if the Court has no jurisdiction. This is not so. If it should be decided that the District Court here has no jurisdiction they can decide also that the case be submitted to the District Court of New York. The Court would, in that case, send vessel and cargo, and every thing appertaining, to that Court. The prisoners would not be discharged, but sent also to the District Court of New York. No benefit would arise to them in being removed from this to another district. It is therefore a matter of no consequence to the prisoners whether the question is tried here or in the district of New York.

It has been said that the subsequent proceedings in filing these libels and claims here, were without authority. But if the case is within the jurisdiction of the District Court, other libels could be filed. It is true, that if the original libels have been filed in order to bring the matter within the jurisdiction of this Court, the proceedings may be irregular. If there is any irregularity, it can be corrected by filing a new libel—the case being in the possession of the District Court, nowever, it is bound to receive claims of any body.—This Court cannot decide whether these Spaniards have a right to these persons, or whether they should be put in the possession of the President of the United States. These questions are not now regularly before the Court. They must come up hereafter, and the Court must dispose of them. The courts of the United States have taken cognizance of cases analogous to this. The question of jurisdiction is a preliminary question and the Court should not decide questions of abstract right. The courts of the United States, have taken cognizance of cases where foreigners claimed the persons of slaves. But this is the first instance where a writ of habeas corpus has been applied for. It has never been made a question whether they were instantly free on being brought into the United States. The case of the Antelope is directly in point. The Spanish and Portuguese consuls claimed these subjects as property—the Court said they must show their title.

There may be an impression here, that because slavery is not tolerated in Connecticut, the right of these Spaniards should not be investigated. The court, however, must be governed by the laws of the United States, and not by the laws of the state of Connecticut. Our form of Government recognized the right to import slaves up to the year 1808.—It is true the constitution does not use that language, but it recognizes that right up to a certain period, and declares that till then it was a lawful importation. The constitution also provides for the recovery of persons that may escape from one state into another where service is due. It goes even beyond this, and interdicts the states from passing laws that oppose claimants from taking fugitive persons in the free states. Should any state pass such laws, they would be absolutely void. We must look at things as they are. The court feel bound, therefore, to say that there is no ground upon which they can entertain the motion under the writ of habeas corpus.

They fear that some misapprehension exists in the public mind as to the effect and ground on which the case has been disposed of by the grand jury under the direction of the Court. The question now disposed of has not been affected by what previously took place. The only matter settled previously was that there had been no criminal offence cognizable by the courts of the United States. If the offence of murder has been committed on board a foreign vessel, with a foreign crew and with foreign papers, this is not an offence against the United States. It is an offence against the laws of the country to which the vessel belonged. The courts of the United States have, in such cases, no jurisdiction—but if the offence be against the laws of nations this Court would have jurisdiction. A murder committed, as in the case of the captain of the Amistad, is not a crime against the laws of nations, connected as it is with the slave trade.

The Court said that as they perceived there were note-takers present, they hoped they would be careful to make a true representation of the decision. The Court does not undertake to say that these Africans have no right to their freedom, but leave that matter in litigation in the District Court, subject to appeal. And for reasons assigned, deny this motion.

One of the counsel for the prisoners then asked the Court if they meant to express the opinion that a foreigner coming here with a slave can call upon the U. S. Courts to enforce the claim of the foreigner to the slave. Judge Thompson, in reply, said he did not wish to decide now upon the abstract question. As a judge he did not feel called upon to decide it.

From the N. Y. American.

THE CAPTIVES OF THE AMISTAD.—We cannot deny to ourselves the pleasure of publishing the following communication, which we find in the Post of last evening. We honor the Rev. Mr. Dewey, for that he had the boldness to speak out when so many are interestedly silent, or clamorous on the opposite side—and although he, as a minister of the gospel, may ask with something of scornful incredulity, wherein should consist "boldness," in the expression of an honestly entertained opinion, we, who see more of the workings of this every-day world, tell him there is boldness, and, in proportion, honor, in thus standing for right that is unpopular, and truth that is denied by time-servers, and the faint professors of hypothetical freedom, but strenuous and earnest defenders of actual slavery.

To the Editor of the Evening Post:

My dear sir:—The following brief extract on the case of the prisoners of the Amistad, from a discourse which I delivered on last Sunday morning, I have been requested to send for insertion to some of the public prints. I confess that I am induced to do it, not more by the request, than by the comment which I have frequently heard since Sunday, on the boldness of the passage. Boldness, sir? Has it then come to this,—that, from the unhappy controversy which has arisen among us, concerning Slavery, we are to be prevented from expressing the sentiments of common humanity? If it be so, then I think it is time for those who are not Abolitionists, as I am not, in the technical sense of that word, should let it be

known that neither are they cautious to the claims of eternal justice.

ORVILLE DEWEY.

"What if we were doomed to take the place of those unfortunate men, who are now immured in the prisons of a neighboring city,—yes, and immured there for the very act which has rendered our forefathers illustrious—for drawing the sword for freedom! We build the sepulchres of our fathers, and incarcerate those who imitated them! And I know not but the abused freedom of our discussions, on a kindred topic—abused alike in the maintenance and in the resistance of them—has lessened the sensibility which a just and generous people ought to feel, to the affecting case that is presented to us.

Let me then turn from the particular subject of my discourse to speak of it for a moment. A company of persons are torn from their homes and sold to the man-stealer that ever prowls about the coast of unhappy Africa. Alas! that the infamous traffic should still prevail,—nay, and with increased extent and atrocity. These unhappy persons thrust into the hold of a slave-ship—treated with a cruelty never inflicted on beasts—suffer all the indescribable horrors of the middle-passage—and at length, are landed upon an unknown shore, far from their country, their children and their homes. Their re-purchase in Havana, their change of masters, their conveyance on board another ship, alters not the case to them; it is all one tissue of wrong, fast strengthening into the bond of endless slavery. If the worm, trodden on, will turn—if the insect, pressed by an unwary hand, will sting—if the wild beast will tear and rend to free himself from the hunter's toils—will not a man, conscious of right in his bosom, rise against the injustice that binds him to hopeless captivity? I know not what the laws of nations—what treaties and compacts may demand—but I know what humanity demands—what justice demands. And the man who will not groan within himself, if these already suffering, wronged and injured beings must be sent back to a bloody death in Cuba, deserves not himself to be free."

If, after this just and eloquent passage, we were disposed to hold up to the scorn of our readers, one in all respects its opposite, we would take the leading article in last Evening's Star, wherein these men of the Amistad—black though they be—that have "drawn the sword for freedom," are treated as pirates and murderers; and the honorable sympathy manifested at Hartford, in favor of the oppressed, who, by their own right arms, have broken their chains, is described as "calculated to make a melancholy impression upon the people of this country."

But Mr. Dewey, as a preacher of the gospel, is honorably laboring in his vocation, and the Star, as the advertised friend of the South and its peculiar institutions, is laboring in that which it has chosen.

A Voice from Maryland.

The following cheering extract is from a letter which we have recently received from an intelligent gentleman in Frederic co. (Md.)—Penn. Freeman.

Whilst I am writing I would inform you that the anti-slavery cause is gaining ground in this section of the country. Three years ago an abolitionist, an amalgamationist, fanatic and insurrectionist were interchangeable terms, and an abolition paper would have been a prodigy. But now, anti-slavery papers are read regularly by our respectable and intelligent citizens. The persecutions of the abolitionists, the death of Lovejoy, the violation of the freedom of the press, the burning of your Hall, the rejection of petitions are beginning to have their legitimate effects, and have in the very nature of things done more for the promotion of the cause they were intended to crush than the united efforts of its friends. Thus does God make the wrath of man to praise Him. But still the cause is unpopular: I probably am making sacrifices in subscribing for your paper; there are many who would not risk their interests by subscribing for anti-slavery papers, who still wish to read them, and the public mind is yet deplorably ignorant on the subject of human rights. We want light. The Colonization Society is one of the strongest barriers in the way of abolition principles, by affording a rampart behind which the secret friends of slavery (who would not advocate the soul-destroying system in all its atrocity) may fortify themselves.

But I must close. I bid you God speed in your glorious undertaking. You have done much good. Already has a wound been given to the monster which must prove fatal, if not permitted to heal. Be not discouraged if in the agony of the dying hour he should grasp his victim still closer. Remember that on the efforts of the friends of liberty depends not only the happiness of two millions and a half of fellow beings, but also the securing of our liberties, and the salvation of our country.

Yours in the cause of the slave.

Frederic co., Maryland.

Mr. Birney.

Mr. Birney lectured at Cincinnati, Sept. 10th, in the 6th Presbyterian Church, to a crowded audience. The Philanthropist says, it was one of his best efforts; a clear, strong, calm and conclusive demonstration of the nature of slavery. Ex-Senator Morris followed, in an address of an hour, in his usual fearless and energetic style of exposing the encroachments of the SLAVE POWER.

We regret to learn, by a letter from the West, that our brother has met with another accident, that will prevent his lecturing as extensively as he intended in Ohio, preparatory to the special meeting at Cleveland. We understand that his health was much improved on his journey to Cincinnati; but on going hence to Louisville the boat grounded. After trying to get her off for three or four hours, they succeeded about half-past nine o'clock in the evening. All the passengers had got out of her in order to make her lighter, and were on board of another boat, grounded also just alongside of her. They were all to be returned to their boat, which had dropped below into deep water, in the yawl. Mr. B. went the last trip in the yawl—it was overloaded; and in the impatience of many to get out first it was upset, filled, and went down under the guard. Seven or eight, besides Mr. B., had to swim to shore (about forty or fifty yards) for their lives. Mr. B. was much exhausted, and the fatigue brought back the daily visitation of his slow fever.—Emancipator.

THE VOICE OF FREEDOM.

MONTPELIER, SATURDAY, OCTOBER 5, 1839.

State Semi-Annual Meeting.

A Semi-Annual meeting of the VERMONT ANTI-SLAVERY SOCIETY will be held at Montpelier, on the 17th day of October inst.

Business meeting will commence in the Free Church, at 10 o'clock, A. M. and public exercises will be held at 2 o'clock, P. M.

All Auxiliary Societies are urgently solicited to send delegates; all persons who are avowed abolitionists and in favor of the great movement now making to a considerable extent throughout the civilized world, to do away slavery, are invited to participate in the deliberations of the Society.

A general attendance is requested at all the public exercises. It is expected the session of the Society will occupy most of two days.

J. A. ALLEN,  
Sec. of Executive Committee.

Middlebury, Oct. 1, 1839.

State Meeting.

Shall there not be a strong rally of the friends of freedom at the State meeting on the 17th of October? The time is at hand, but if our friends in every quarter will act in a spirit worthy of themselves, the meeting will be one of thrilling interest. It is not important that delegates be formally chosen by societies, but there ought to be a general rally of the anti-slavery host. Subjects of grave importance, having an important bearing on the cause, are to be discussed and decided. We appeal with earnestness to our brethren residing in this and adjacent counties. Those who live in the neighborhood of anti-slavery meetings, surely ought not to fail of attending unless prevented by a positive providential hindrance. Remember, remember the meeting on the 17th of October.

Important Testimony.

We have just had an interview with a highly respectable Baptist clergyman who has recently returned from the South, after a year's sojourn in the States of Virginia and North Carolina. Our friend has been in circumstances which enabled him to make pretty extensive observation of "Slavery as it is," and to note the prevailing sentiments of the more intelligent and influential men in those States in reference to the great question of the day. We hope to have the opportunity, ere long, of publishing some interesting statements from his own pen. From the present interview, we feel warranted in laying down the following propositions as the result of our informant's observations in the South.

1. That slaveholders, especially professors of religion, are taking a more lenient attitude on the question of abolition. The leaven of free principles is diffusing itself among the people.
2. As a general fact, the Colonization enterprise is sustained in Virginia and Carolina on the ground that it is favorable to slavery and opposed to emancipation. Our informant knows of no case forming an exception to this remark.

CHARACTERISTIC. The anti-colonization papers are quoting Liberia advertisements of Rum and Brandy, dated seven or eight years ago, in order to make an impression unfavorable to the temperance of the colonies; while they know—or ought to know, for ample evidence of it has been before the public for years—that, in regard to the traffic in & use of ardent spirits, those colonies are very far in advance of the state of Vermont. (a) Is there no news about spirit-drinking and spirit-selling of later date than 1832, that will answer their purpose? (b)

By the way, the Voice of Freedom acknowledges that "there is reason to hope that a better currency [than tobacco, rum, &c.] has since come into use,"—i. e. since 1829. And is it no achievement of humanity to have introduced a better currency on such a coast? Does not such a change in the currency essentially and most beneficially influence the habits and character of the people? (c) Vt. Chronicle.

(a) If the laws governing the people of the Sandwich Islands "seven or eight years ago," had been framed by a Board professedly benevolent, or religious, and the chief magistrate had been appointed by the same Board, would it not have been marvellous if they had permitted the traffic in brandy, rum, powder and spear-pointed knives?

(b) There is much more "news" on this subject than the Chronicle will care to publish. The Rev. Mr. Wilson, a missionary of the American Board, in the Missionary Herald for September, 1839, gives an account of an excursion along the coast for the collection of information with a view to the enlargement of the mission. Under date of March 3, 1839, Mr. Wilson describes his visit to the town of Krako and his interview with "the most important man" of the town. Mr. W. says, "We visited him and found him very hospitable. His dwelling is constructed in native style, but on a larger scale than usual. It is of an oblong square, perhaps about sixty feet long and twenty or thirty wide. It is partitioned off into apartments of equal size. The first, through which we passed, is used as a store room, and was supplied with a puncheon of rum, a case of muskets, a few teeth of ivory, &c. The next apartment is an open hall, with no furniture except a swinging hammock. The next is occupied as a sleeping room, and we were forthwith introduced to it. In one corner of this stood a plain pine cupboard, which was well furnished with decanters of water, rum and wine." \* \* \* "The general style of building here is very similar to that in the vicinity of Cape Palmas; and the character and habits of the people too are also very similar."

Is this "news" late enough for the Chronicle? (c) If the character and habits of the colonists have undergone any marked improvement, how happens it that the missionaries of the American Board have not made the discovery? Mr. Wilson, in a letter dated Feb. 7, 1839, says, "I think both Cape Lahou and St. Andrews inviting points for missionary operations." Why? "Their RE. MOTENESS from European and AMERICAN SETTLEMENTS is not one of the least encouraging circumstances to make them so."

Does the Chronicle exchange with the Missionary Herald?

Montpelier Temperance House.

Having had ample opportunity to test the character of Col. Carter's Temperance House, we can confidently adopt the following commendatory paragraph, from the last Rutland Herald:

We often hear about this season of the year, the inquiry, who keeps the best public house at Montpelier? Now it is not always easy to understand what meaning the inquirer himself affixes to the word best: as it will admit of various applications, according to the habits, temperament and circumstances of him who asks such a question—neither are we about to say which of all the public houses at the seat of government is the best; for on this point even honest men might not exactly agree.—But this much we will say, to all sober, sedate, quiet people, like ourselves, about to go to Montpelier, go to "Carter's Temperance House," and if you do not find as good a table, as good attendance, as good beds and comfortable rooms, and as much quiet as the particular circumstances usual at the commencement of "the session" will admit, and all upon as fair terms as at any other public house, we are mistaken—that's all.

What Southerners think of Colonization.

The editor of the Georgetown Advocate (speaking of Henry Clay) says: "The fact of his being President of the Colonization Society is enough to convince the most fastidious that he is no friend of abolition; besides which, he is a slaveholder himself. The Colonization Society is in our opinion, strengthening the interests of the slaveholder, by sending the lazy free negro out of the way of the industrious slave, thereby preventing the bad influence of their associating together."

The Empire State.

The Friend of Man brings us a cheering account of the annual meeting of the New York State Anti-Slavery Society, held at Utica on the 18th and 19th ultimo, Gerrit Smith, Esq. in the chair. The attendance was quite equal to that of any of the former meetings. The subject of political action seems to have been the most prominent topic of discussion. The President, Gerrit Smith, introduced a proposal for amending the constitution of the Society in such a manner as to pledge its members not to vote for pro-slavery law-makers. The Friend of Man observes that "this elicited an animated discussion, though the measure was opposed by only two or three of the members. Only two, we believe, opposed the amendment on principle, (if principle it may be called, that decides such questions on considerations of expediency.) After a long and patient discussion, the amendment was carried with only one dissenting vote. We regard the measure a very important and timely one."

The receipts during the year were \$19,769 68; disbursements, \$20,554 65.

Instead of taking pledges on the indefinite plan formerly practised, blank notes were circulated, to be filled out and signed by individuals, who are held personally responsible for the payment, without subjecting the society to the expense of sending agents to collect the amount in their respective neighborhoods, but with the understanding that the signers are to make those collections themselves from their neighbors. The amount thus subscribed, including a small amount of money, was about \$1700. In addition to this, the President, Gerrit Smith, gave his check for \$478 53, and also became responsible for the support of the editor of the society's publications, during the coming year. So that the amount of definite subscription and contribution may be stated at upwards of \$3000. This we are persuaded, is worth as much as three times the amount pledged in the former manner.

The Anti-Slavery Lecturer, subscribed for at the annual meeting, a year ago, and paid for in advance, will terminate with the December number. Upwards of 25,000 copies are thus in process of distribution, and a few thousand copies remain on hand, for future use, 30,000 having been printed. It is thought best to terminate the present series with the December number, so that after that time our friends will be supplied with any cheap publication of the kind from this society. Under these circumstances, and considering the very limited circulation of our weekly paper, the Friend of Man, in comparison with the large number of abolitionists in the state, a proposal was introduced by the Executive Committee to reduce the size of the paper to half its present dimensions, and publish it once a fortnight, at 50 cents per annum. After much debate in the annual meeting, it was finally concluded that the paper must be published weekly, at the reduced size, at \$1.00 per annum. A few subscribers were obtained on the spot, and each delegate was appointed an agent to procure subscribers in his own neighborhood, and receive & forward payments in advance. A spirited effort on the part of our friends will thus secure a much greater circulation for the paper at the reduced price, than it has yet received. The change will be made as soon as our Executive Committee can make the necessary arrangements.

[The volume of the Anti-Slavery Lecturer, noticed above, has been published monthly in the newspaper form. When completed, it will comprise the very best series of anti-slavery lectures extant. We hope to see the whole embodied in a bound volume in due time.]

We close our notice by copying some of the most important resolutions adopted by the Society: