Richmond Dispatch.

BY COWARDIN & HAMMERSLEY.

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DAILY DISPATCH.

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THURSDAY MORNING... MARCH 15, 1860.

GENERAL ASSEMBLY OF VIRGINIA.

SENATE.

WEDNESDAY, March 14, 1860.

At 10 o'clock A. M., the Senate was called to order by Lieut. Gov. MONTAGUE, who spent some time in signing enrolled bills.

The Senate were notified that the House had agreed to the Senate resolutions to provide new uniforms for the Jefferson Guard.

Harper's Ferry Expenses.—The Commissioners appointed to audit and pay the Harper's Ferry accounts were directed to report to the Senate a list of all the claims allowed by them; a list of all claims now pending before them and not audited, and a list of all claims presented to them and disallowed—specifying in each case the nature and amount of the claim. In cases of payments on account of pay-rolls of companies, the report shall only contain the designation of the company and the amount allowed. They will also, as far as practicable, report the probable amount of outstanding claims.

Bills Reported.—The following bills were reported, viz: By Mr. French, with leave, a bill to incorporate the Peterstown Woollen and Cotton Manufacturing Company, in the county of Monroe or Giles; by Mr. August, from the Committee on Military Affairs, a bill to amend an act passed the —— day of ——, entitled an act making an appropriation of $—— for the purchase and manufacture of arms and munitions of war.

Order of Business.—On motion of Mr. COGHILL, House bill authorizing the sale of free negroes into slavery, who are sentenced to receive certain punishments and imprisonment, was referred to the Committee of Courts of Justice.

The passage of House bill for the relief of Simon Coiner, of Augusta, was communicated to the Senate by Mr. CHRISTIAN, of Augusta.

The Senate, on motion of Mr. PAXTON, took up the James River and Kanawha Company bill. Mr. WICKHAM offered a substitute therefor, which was ordered to be printed. On motion of Mr. PAXTON, the bill was then made the order of the day for Tuesday next at 11½ o'clock.

The Governor of Ohio.—The subjoined interesting communication, with the accompanying documents, were submitted by the PRESIDENT of the Senate. On motion of Mr. JOHNSON, they were ordered to be printed and referred to the Committee of Courts of Justice. Mr. BRANNON moved that 1,000 extra copies be printed. Carried.

EXECUTIVE DEPARTMENT,
March 14th, 1860.

Gentlemen of the Senate and House of Delegates:

On the 25th day of February last, upon information believed to be reliable, I issued a requisition on the Executive authority of the State of Ohio, for Francis Merriam and Owen Brown, two of the persons engaged with John Brown in the raid at Harper's Ferry. In reply to that requisition, I have received a communication from Gov. Dennison, of that State, declining to surrender these fugitives from justice, for reasons which are, in my judgment, as frivolous as those which were assigned by Gov. Kirkwood, of Iowa, and which, taken together, demonstrate a determined purpose on the part of the Governors of these States to refuse a compliance with the express provisions of the Constitution of the United States, and the laws made to execute those provisions.

Gov. Dennison informs me that the reasons for his conclusion are fully set forth in the copy of an opinion of the Attorney General of Ohio, which he encloses. The Governor's letter and that opinion are herewith transmitted for your consideration.

The Attorney General of Ohio assigns three reasons why this requisition should not be complied with:

"1st. That no enactment of this State (Ohio) has clothed the Governor with the authority to surrender to another State fugitives from its justice, seeking refuge here. Whatever power he may have must be derived from the Constitution of the United States, and the act of Congress respecting fugitives from justice, approved 12th February, 1793." And then he states that under that act,

"1st. He must have been charged in another State, by indictment or affidavit, with the commission there of treason, felony, or other crime.

"2d. He must have fled from that State to escape its justice.

"3d. Demand for his surrender, accompanied by an authentic copy of the indictment or affidavit on which the demand is predicated, must have been made of the Executive authority of the State *from* which the flight was made.

"When these do concurrently happen, the power to remove exists, and must be executed."

2d. He objects that "there is no allegation, still less is there any evidence, that Merriam ever fled from the State of Virginia." The Attorney General says: "True, the preamble to the requisition recites that 'it appears by the annexed documents that Merriam is a fugitive from justice' from Virginia, but this recital does not accord with the fact. No flight is shown whatever by the documents annexed."

3d. The Attorney General takes the ground that "there is nothing to show that he (Merriam) was ever in the State of Virginia, save the allegation in the indictment that the offence of which he is accused was there committed."

I propose to consider briefly these objections: 1st. There is no law of Ohio which authorizes the Governor to surrender fugitives from justice. If this be so, it would only prove that the State of Ohio had refused or neglected to comply with the Constitutional provision, which requires that "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."

I have examined the last revised statutes of Ohio, published in 1854, and find that from the year 1831 to the time of the publication of those statutes, the State of Ohio had made ample provision for the surrender of fugitives from justice. This provision is contained in the ninth section of the act securing the benefits of *habeas corpus*, and is in these words: "Provided, that if any citizen of this State, or person, or persons, at any time resident in the same, shall have committed, or be charged with having committed, any treason, felony or misdemeanor, in any other part of the United States or Territories, where he or she ought to be tried for such offence, he, she or they may be sent to the State or Territory having jurisdiction of the offence." But to evince a determined purpose not to comply with the Constitution, that proviso was repealed by an act passed in 1856, in which the act repealed was re-enacted, omitting the words quoted; and again, in 1858, the repealed act was again repealed, but re-enacted with the same proviso omitted.

And now the Governor of Ohio pleads, through his Attorney General, the fact that there is no law of Ohio which authorizes the Governor to surrender fugitives from justice. If there be any law of that State which authorizes the Governor to *demand* a fugitive from the justice of Ohio, I have been as unsuccessful in finding it as Governor Dennison has been in finding the other. And yet the constant practice of that State is, and its present Governor has acted upon the practice, to demand fugitives from other States.

But if the Governor of Ohio were disposed to carry out the friendly relations which should exist between sister States, he might still have found law on the statute book of Ohio to justify the extradition of a notorious offender and to require him to be sent to the authorities of Virginia. I find in the same Revised Statutes, an act concerning fugitives from justice, passed in 1834, and the repeal of which, after the closest scrutiny, I have not been able to discover, which provides that "when any person shall be brought before any justice of the peace within this State, (Ohio,) charged with the commission of any criminal offence *against the laws of any other State*, or of any of the Territories of the United States, it shall be lawful, and it is hereby made the duty of such justice of the peace to hear and examine such charge, and upon proof by him adjudged sufficient to commit such person to the jail of the county in which such examination shall take place, *or to cause such person to be delivered to some suitable person, to be removed to the proper place of jurisdiction.*"

This law is still in force the friendship which once existed between Virginia and the State of Ohio in the better days of the Republic ought to have induced the Governor to have referred the agent of Virginia to that statute, and to have provided aid and assistance in executing its provisions. If it has been repealed, then is it another evidence of determined purpose to enjoy the benefits of the Union without complying with the obligations imposed. A sad spectacle, exhibiting a great State of a great Confederacy, bound by the obligations of a compact of Union, deliberately setting aside that compact, and repealing laws which itself had enacted to enable her authorities to carry that compact into execution. But, if it be in force, then is it obviously one of the provisions originally designed to execute the clause of the Constitution.

By this law, the criminal is "to be delivered to some suitable person, to be removed to the proper place of jurisdiction." Who so suitable as the agent who asks his extradition under authority from the State having jurisdiction? Who more suitable than the person to whom the Governor of Ohio might have recommended him to be delivered? If, when the requisition is made, the person charged is at large and has not been arrested, it gives authority for his arrest, and when the warrant of the Governor is issued for his delivery to the agent of the State demanding the fugitive, it authorizes his delivery to that agent, who is "the suitable person" intended.

Again, the State of Ohio has shown, in the execution of her own criminal laws, that she does not intend that criminals shall be allowed to escape or be discharged, for mere informalities or defects which might be cured. She has provided, in an act to amend an act securing the benefit of the writ of *habeas corpus*, passed in 1834, and to be found in the same edition of the revised statutes, "that if any person shall be committed to prison or be in custody of any officer for any criminal matter, by virtue of any warrant or commitment, of any justice of the peace of this State, having jurisdiction of such criminal matter, such person shall not be discharged from such imprisonment or custody, by reason of any *informality or defect* of such warrant or commitment; provided, such warrant or commitment shall show, substantially, a criminal matter, for which such justice of the peace had jurisdiction so to arrest or commit." Comity between sister States would seem to imply that a friendly Governor of a State, "once bone of our bone, and flesh of our flesh,"—once a part of Virginia's soil, and to which State Virginia has ever borne the warmest affection, should, at least, not permit a fugitive from justice to escape by reason of an "informality or defect," for which a justice of the peace would not be authorized to discharge a common offender, should induce him, at least, to cause the accused to be arrested and be kept without regard to petty informality or defect in a requisition, when the accused is a notorious criminal, whose history has been published to the world—who has violated the sanctity of our soil, and the most sacred obligations of a citizen.

But if all the laws of Ohio on the subject of the rendition of fugitive slaves from justice have been repealed, that State is still under the Constitution of the United States, and still bound by the laws of Congress, which have been passed to enforce the constitutional guaranties; and the Attorney General admits that "whatever power the Governor may have, must be derived from the Constitution of the United States and the act of Congress. The Constitutional provision which I have quoted gives ample authority. The act of Congress provides that whenever a demand is made by the Executive of one State upon another, "it shall be the duty of the Executive authority of the State or Territory to which such person shall have fled, to cause him or her to be arrested and secured, and notice of the arrest to be given to the Executive authority making such demand, or to the agent of such authority appointed to receive the fugitive, and to cause the fugitive to be delivered to such agent when he shall appear." This law makes it the duty of the Executive of Ohio to cause the person charged to be arrested and secured, and notice of the arrest to be given to the Executive of Virginia, and to cause him to be delivered to her agent. If Virginia has made an omission which is merely formal, or which may be corrected, it is the duty of the Governor of Ohio to cause the accused to be arrested and secured. If she has complied with the law and the accused is in custody, it is his duty to deliver him to her agent. This is an obligation which should not be lightly violated. This is the comity between friendly sovereigns, which is contemplated by the law and was well understood and acted upon by the sires, whose examples in this and other matters, if followed, would render us an united and a happy people.

If, then, the law authorizes it, what ought to have been done by Virginia since she has failed to do that which renders the law inapplicable and without force in the present case? This brings me to consider the defects or informalities which are alleged by the Attorney General to exist in the requisition. That officer states that the accused must have been charged by "indictment or affidavit, with the commission of treason, felony, or other crime."—In this case the requisition was based upon an indictment, in which a Grand Jury, at a special term of the Circuit Court of Jefferson county, on the 8th day of February last, found a true bill against Francis Merriam "for advising slaves to rebel and make insurrection; for conspiring with slaves to rebel and make insurrection, and for conspiring with certain persons to induce slaves to rebel and make insurrection," an offence made felony by the laws of this State. A copy of the indictment, certified by the Clerk of the Court, whose signature and official character was authenticated by the Judge of the Circuit, and all authenticated by the seal of the State, accompanied the requisition.—This is admitted to be a sufficient compliance with the first requirement of the law laid down as essential.

In the next place, it is said, "he must have fled from that State to escape its justice; and the objection is, that "There is no allegation, still less is there any evidence, that Merriam ever fled from Virginia." The Constitution of the United States declares that a person charged with crime, "who shall flee from justice and be found in another State," shall be delivered up. The object of the Constitution is, that when a person has left the jurisdiction of a State, where the crime is committed, is beyond its authority, where its legal process does not extend, and is found in another State, that the State in which he is found shall restore him to the State which has lost jurisdiction, that it may proceed to have him punished. The fact that he is found in the State of which he is demanded, goes to corroborate the charge that he has fled from justice. The fact that he has been indicted, proves that he has been charged with crime. Then, all that is necessary, is to show that he is charged with having fled from justice. It is impossible to show the *quo animo* with which he is found in another State, except from the fact that he has committed crime elsewhere, that he has been indicted for crime, and that if caught he is liable to be punished. The inference of the law, therefore, is, that he has fled to avoid the consequences of his crime.

The law of Congress does not require the Executive demanding the fugitive to state that he has fled from justice. It simply requires that "whenever the Executive authority of any State in the Union, or either of the Territories, North, West or South of the river Ohio, shall demand any person *as a fugitive from justice* of the Executive authority of any such State or Territory, to which such person shall have fled, and shall, moreover, produce the copy of an indictment found, or an affidavit made before a magistrate of any State or Territory, as aforesaid, charging the person so demanded with having committed treason, felony, or other crime, certified by the Governor or Chief Magistrate of the State or Territory from whence the person so charged fled, it shall be the duty of the Executive authority of the State or Territory to which such person shall have fled, to cause him or her to be arrested and secured, and notice of the arrest to be given to the Executive authority making such demand, or to the agent of such authority appointed to receive the fugitive, and to cause the fugitive to be delivered to such agent, when he shall appear."

The requisition which I issued to the Governor of Ohio is in these words:

"Whereas it appears by the annexed documents which are hereby certified to be authentic, that Francis Merriam is a fugitive from justice from this State, charged with advising slaves to rebel and make insurrection, and with conspiring with slaves to rebel and make insurrection, and with conspiring with certain persons to induce slaves to rebel and make insurrection: Now, therefore, I, JOHN LETCHER, Governor of the State of Virginia, have thought proper, by virtue of the provisions of the Constitution of the United States in such cases made and provided, and of the act of Congress passed in pursuance thereof, to demand of the Executive authority of the State of Ohio the surrender of the said Francis Merriam '*as a fugitive from justice*,' to be delivered, ' &c., &c. Now, if as alleged, the documents annexed to the requisition did not show that Merriam was a fugitive from justice, those words in the preamble were a mere surplusage; but those documents did show that he was charged by indictment with felony. The requisition shows, that in making the demand I did assert that he was a fugitive from justice, and in the very terms of the act of Congress, "as a fugitive from justice," thus complying fully with the requirements of the law of Congress. If these words, 'therefore, I, John Letcher, &c., have thought proper, &c., to demand, &c., the surrender of the said Francis Merriam *as a fugitive from justice*,' do not make the allegation that he has fled from justice, it is difficult to conceive what words could have been used that would be more explicit. The allegation, therefore, is made most distinctly and directly. It is not usual to exhibit with the requisition evidence to prove that the party has fled—indeed, I doubt whether an instance can be produced in which it has been done where the requisition is based upon an indictment. If he is not found in the State of which he is demanded, that is evidence of the fact that he has not fled there. If he be found, the Constitution implies the fleeing, and he is to be delivered up. To show that it is not usual to require evidence to establish this fact, where the requisition is based upon indictment, it is only necessary to refer to a demand on this State, made by Governor Dennison himself within the last month. It is conclusive on this point. That document accompanies this communication.

On the 10th day of February last, I received a communication from one of the justices of the county of Warren, informing me that he had committed Silas Taylor to jail, under a charge of having committed a forgery in the State of Ohio. A law of this State, in the true spirit of comity between sister States, having made it the duty of the Executive to communicate the information I had received to the Executive of the State where the crime is charged to have been committed, I directed the Secretary of the Commonwealth to give the necessary information. It was done, and in a short time I received a communication from Gov. Dennison, stating that he had received the letter, but asking "will you oblige me by communicating, at your earliest convenience, in what county in Ohio Taylor stands charged with forgery. This will enable me to communicate with the prosecuting attorney, &c., by which to procure the proper papers for a requisition. If you do not know the county, please send me any other information that will enable me to act in the premises." Instead of refusing to give the aid desired, the Secretary of the Commonwealth immediately wrote to the justice in Warren, who had committed the accused to jail, to give the Governor of Ohio the information desired. And on the 25th of February, I received a requisition from Governor Dennison, demanding the arrest and surrender of Silas Taylor.

This requisition is based upon an indictment which, like the indictment in the case of Merriam, has not one word in it from beginning to end, showing that Taylor had fled from justice or had been a fugitive from justice, and not a scintilla of evidence, either by affidavit or otherwise, to show that he was a fugitive. The only difference between the two requisitions is, that the Governor of Ohio, in his requisition, says: "And it has been represented that Silas Taylor fled from the justice of this State," without saying to whom it had been represented, by whom it had been represented, or when and how it had been represented, and without proof to establish it. The requisition from this State demands the surrender of Merriam "as a fugitive from justice," without proof that he was a fugitive from justice.

What did the Executive of Virginia do under these circumstances? Did he refuse to deliver up the fugitive because he was not proved to be a fugitive, or because the indictment did not assert that he was a fugitive? No. Believing that a sister State would not demand a criminal for trial unless convinced that he had violated her laws, and willing to trust that criminal to the jurisdiction in which the offence was charged to have been committed, I immediately issued my warrant to surrender the criminal asked for, and he was delivered up to the agent of Ohio. Comity and good fellowship between States living in fraternal concord, under the same Union and Government (as I thought) required this of me.

What does the Governor of Ohio do, in a case infinitely stronger—in a case in which it has been published to the world that Virginia had been invaded by a set of desperadoes, who were engaged in murdering her unoffending citizens, and in desecrating her soil, in which the names of the offenders have been established, and a reward has been offered for them as men who have fled from justice, who are known to be guilty beyond the possibility of a doubt? He coolly sits down and submits a requisition for these offenders, which is issued in the usual form, to the acuteness of his Attorney General to pick flaws, and search for informalities and defects, to give a color of reason to deny the extradition, so that the offenders may escape before the defect, if it be a defect, can be remedied. And, before information is given to me of any defect, I find it telegraphed to the world that my requisition has been refused. And, I am told, "whether this defect can be cured, is a question which addresses itself solely to the authorities of Virginia." I should feel that the State of Virginia would be humiliated if I should attempt it, after objections like these, and after the course she has pursued to the State of Ohio in similar cases.

But, 3d. The Attorney General of Ohio objects, that "there is nothing to show that Merriam ever was in the State of Virginia, save the allegation in the indictment that the offence of which he is accused was there committed." The first objection was, that there was not one word in the indictment to show that Merriam had fled from justice; and now the objection is that the allegation that he ever was in Virginia is found nowhere save in the indictment. Where else should it be found?—The act of Congress provides that the fugitives are to be demanded on the certified copy of an indictment, because the indictment sets forth the offence formally. In this case it is expressly stated in the indictment that "said Francis Merriam, being a free person, on the 16th and 17th days of the month of October, in the year 1859, in the county of Jefferson and Commonwealth of Virginia, and within the jurisdiction of this court," did commit the offence with which he was charged. What language could be used to express the thought more fully and more explicitly?

The Attorney General further says: "The necessity of insisting upon rigid proof of flight will not be doubted by any one familiar with the fact, that in some of the States a practice has grown up of demanding the surrender as 'fugitives from justice from those States,' of persons who have never been within their limits, on the legal fiction of a constructive presence and constructive flight. It is not known that this practice has obtained in Virginia, nor is it material to enquire as all other requisitions from whatever State must be governed by an uniform law." If such a practice has prevailed in any of the States of the Union, the Attorney General should have exposed such States—their names should have been given to the country. He does not know that such "practice has obtained in Virginia." Then, why intimate such a charge? Was it the deliberate purpose of the Attorney General of Ohio, to add insult to outrage? Did the Governor of Ohio intend to give his endorsement to the insult so gratuitously offered by his Attorney General? This imputation upon the practice of the State of Virginia is without the slightest justification or excuse, as the Attorney General and the Governor of Ohio both ought to know.

And, now, in conclusion: If the course which has been pursued by the authorities of the States of Ohio and Iowa, is to become the settled policy of the non-slaveholding States towards us, we must adopt such measures for protection against these gross outrages upon our rights as will be suited to the case. We must adopt retaliatory measures, and thus show them that we are determined to resist, with becoming spirit, every encroachment upon us, and every refusal to comply with constitutional obligations and laws intended for our protection. What these retaliatory measures shall be, I leave to the wisdom of the General Assembly.

Respectfully, JOHN LETCHER.

UNITED STATES MARSHAL'S OFFICE,
Northern District of Ohio,
CLEVELAND, March 9th, 1860.

His Excellency JOHN LETCHER, *Governor of Virginia:*

SIR—The letter of the Secretary of the Commonwealth of Virginia, dated the 28th ult., enclosing me requisitions upon the Governor of this State for the arrest of Owen Brown and Francis Merriam, were received on the 4th inst. The same day I proceeded to Columbus, and on the 5th presented the requisitions and accompanying papers to Governor Dennison. He promised to advise me at Cleveland as soon as he had examined the papers as to the course he would pursue, and I returned home.

I am this morning in receipt of a communication from him, a copy of which I have the honor of enclosing herewith. He declines granting your demand and has communicated his reasons for such refusal direct to you. Owen Brown is yet in Ashtabula county, but Merriam has gone from the State.

Very respectfully, yours,
M. JOHNSON.

STATE OF OHIO, EXECUTIVE DEPARTMENT,
Columbus, March 8, 1860.

To his Excellency JOHN LETCHER, Governor of Virginia:

SIR: I have carefully examined the requisitions of your Excellency, and their accompanying documents, for the extradition of Owen Brown and Francis Merriam, charged as being fugitives from the justice of Virginia, and as now being within this State, and am satisfied that no sufficient cause is presented to authorize me to issue either of the warrants asked for. The reasons for this conclusion are fully set forth in the copy of the opinion of the Attorney General of this State, to whom I submitted the papers in the case, which I have the honor to transmit to you herewith.

With sentiments of high respect,
Your obedient servant,
W. DENNISON.

OFFICE OF THE ATTORNEY GENERAL,
COLUMBUS, OHIO, March 7th, 1860.

SIR:—I have thoroughly considered the requisitions of the Governor of Virginia, made upon you as Governor of Ohio, for the extradition of Francis Merriam and Owen Brown, which you have submitted for my opinion.

These cases are essentially alike—the charges against each of the parties substantially similar, the annexed documents of the same general import, and the requisition as to each, in precisely the same form, so that the disposition of the one is, in effect, a disposition of the other. To avoid the needless multiplication of words, I shall herein consider only the requisition for Francis Merriam.

This requisition begins with a preamble reciting that, "whereas, it appears by the annexed documents, which are hereby certified to be authentic, that Francis Merriam is a fugitive from justice from this State, (Virginia) charged with conspiring with slaves to rebel and make insurrection; and for conspiring with certain persons to induce slaves to rebel and make insurrection," and then proceeds in the ordinary form to "demand of the Executive authority of the State of Ohio, the said Francis Merriam as a fugitive from justice, to be delivered to M. Johnson, who is hereby appointed agent to receive him on the part of this Commonwealth."

These are the facts of the requisition itself, material now to be noticed. The only "documents annexed" are, 1st, a transcript of certain proceedings had before the Circuit Court of Jefferson county, Virginia, from which it appears that an indictment had been duly presented against Merriam. 2d, a copy of that indictment, in which he is charged with the offences mentioned in the requisition. 3d, an attestation by Robert J. Brown, Clerk of that Court, under its seal, "that the foregoing is a true transcript from its records," and 4th, the certificate of John Kenney, "Judge of the twelfth Judicial Circuit of Virginia, holding a special term of the Circuit Court of Jefferson county," that Robert J. Brown is Clerk of that Court, "and that his said attestation is in due form."

Upon this state of the case, question is made concerning your power to issue a warrant for the surrender of Merriam to the authorities of Virginia.

No enactment of this State has clothed the Governor with authority to surrender to another State fugitives from its justice seeking refuge here.—Whatever power he may have in this behalf, must be derived from the Constitution of the United States, and the act of Congress "respecting fugitives from justice," approved 12th February 1793, since these are the only enactments assuming to confer this authority, which have authority in Ohio. These are so well known as to need no recital here. The act of Congress, it is to be noticed, does not seek to enlarge the power of extradition beyond the limits imposed on it by the Constitution, and any attempt at such enlargement would be utterly void. Recognizing these limitations, it simply defines the mode in which the power, as established by the Constitution, shall be executed.

This power, both as to the condition of its existence and the manner of its exercise, is of the most special and limited nature. By their very terms no person can be removed from one State to another, in virtue of these constitutional and statutory provisions, except on the simultaneous occurrence of three distinct conditions;

1st. He must have been charged in another State, by indictment or affidavit, with the commission there of "treason, felony or other crime."

2d. He must have fled from that State to escape its justice; and

3d. Demand for his surrender, accompanied by an authentic copy of the indictment or affidavit on which the demand is predicated, must have been made of the Executive authority of the State *from* which the flight was made.

When these do concurrently happen, the power to remove exists, and must be executed. Each, however, is in the nature of a precedent condition, so that the absence of any one of them is not less fatal than the absence of all.

These and not less than these, are the limitations with which the right of extradition has been carefully hedged about by the Constitution and the act of Congress. In the very spirit indicated by these jealous safeguards, the right ought always to be exerted. For this power which delegates the citizen to another jurisdiction, and deprives him of that protection which, as a general rule, the State owes to every sojourner within its limits, is of so high a nature as to exact the utmost care in its application, even to the prescribed cases. Every one charged with its execution should see to it that all the securities by which it has been so anxiously surrounded, are observed with rigorous fidelity.

Examining, in the light of these rules, the requisition for Merriam, it will at once be seen that no case is made for the exercise of this power.

There is no allegation, still less is there any evidence, that Merriam ever fled from the State of Virginia. True, the preamble to the requisition recites that "it appears by the annexed documents that Merriam is a fugitive from justice from" Virginia, but this recital does not accord with the fact. No flight whatever is shown by the "documents annexed." These, as previously stated, consist only of the copy of an indictment found against Merriam in a Virginia Court, with such attestation and certificate as was deemed requisite to establish its authentic nature. In all these "documents," from the beginning to the end, there is no word, no letter, from which human ingenuity can draw the vaguest hint that Merriam had fled from Virginia. Nay, more, there is nothing to show that he was ever within the State, save the allegation in the indictment, that the offence of which he is accused was there committed—Certainly this is not conclusive as to the fact of his presence, for this formal averment of *venue* would equally have been made, because essential to every indictment, whether the part borne by Merriam in the alleged conspiracy and offence had been acted altogether within, or altogether without the limits of the State. In its legal effect, this averment is entirely consistent with the hypothesis that he has never been within the boundaries of the State of Virginia. Granting, however, that the declaration imports the actual presence of Merriam at the place where the commission of the offence is laid, it still remains true that there is absolutely nothing in the papers accompanying the requisition to indicate that he has since fled from, or otherwise left the State. If within it, then he may, for aught that appears in these papers, have continuously bided there up to the very moment when the requisition was made, or even until now. Nor is there anything in the requisition itself which can supply this defect in its "annexed documents," as that nowhere avers a flight by Merriam. It merely refers to these "documents" as giving evidence of such flight, and does nothing more. These, as has been seen, do not furnish any evidence whatever upon that subject, so that the case stands without even an allegation of the existence of this vital condition.

But, if it should be admitted that the recital in the requisition is tantamount to a direct assertion that Merriam was, in the language of that recital, "a fugitive from justice from Virginia," the admission would avail nothing. That assertion is by no means equivalent to an averment that he fled from that State to elude its justice. It may lead to an inference of *actual* flight, or it may mean a constructive one only. Whether it means the one or the other, it is sufficient to say that this extraordinary power is not to be exercised on a surmise, or an inference. Beyond this, however, no mere formal unsworn allegation of flight, be it ever so clear and unequivocal, can be deemed sufficient.—In this, as in all other proceedings which affect the right of personal liberty, every fact on which the power of removal depends must be established by clear and satisfactory evidence. The necessity of insisting on rigid proof of flight will not be doubted by any one familiar with the fact that in some of the States a practice has grown up of demanding the surrender as "fugitives from justice from these States," of persons who have never been within their limits, on the legal fiction of a constructive presence, and a constructive flight.

It is not known that this practice has obtained in Virginia, nor is it material to inquire, as all requisitions, from whatever State, must be governed by an uniform law. Moreover, while this custom sufficiently vindicates the propriety of the rule, the rule itself rests on larger foundations. It grows out of the very nature of the power. The immunity of the citizen from arrest and exile would stand on the frailest ground if held subject to the mere unverified declaration of even the highest functionary in the land. It is not too much to say, that a power so arbitrary can have no lawful existence in a free government.

These considerations, it seems to me, are entirely decisive. For the reason that the requisition, with its "annexed documents," furnishes no evidence of the flight of Merriam from Virginia, it altogether fails, in my judgment, to make out a case which will warrant his extradition. Whether this defect can be cured, is a question which addresses itself solely to the authorities of that State. Finding one barrier to the exercise of the authority invoked by this requisition, it has not seemed proper to inquire as to the existence of any other. For all present purposes it is enough to know that, as the case now stands, the objection is fatal.

Very respectfully, your obedient servant,
To the Governor. C. P. WOLCOTT.

STATE OF OHIO, EXECUTIVE DEPARTMENT,
COLUMBUS March 8, 1860.

M. JOHNSON, Esq., Cleveland:—I have examined the requisitions of the Governor of Virginia and their accompanying documents for the extradition of Owen Brown and Francis Merriam, which you delivered me on the 5th inst., and have decided not to issue either of the warrants asked for. The reasons for this conclusion I have communicated to the Governor of Virginia.

Respectfully, yours, WM. DENNISON.

WM. DENNISON, GOVERNOR OF THE STATE OF OHIO,
To his Excellency the Governor of the State of Virginia:

It appears by the annexed papers, duly authenticated according to the laws of our State, that Silas Taylor stands charged with the crime of forgery, committed in the county of Shelby, in this State; and it has been represented that said Silas Taylor fled from the justice of this State and has taken refuge within the State of Virginia.

Now, therefore, pursuant to the provisions of the Constitution and laws of the United States in such case made and provided, I do hereby require that the said Silas Taylor be apprehended and delivered to Joel F. Skillen, who is hereby duly authorized to receive him and convey him to the State of Ohio, there to be dealt with according to law.

[L. S.] In witness whereof I hereunto affix my name and the great seal of the State of Ohio, at Columbus, this 22d day of February, in the year of our Lord one thousand eight hundred and sixty.

W. DENNISON.

By the Governor:
A. T. RUSSELL, Secretary of State.

STATE OF OHIO, SHELBY COUNTY, ss.

The Court of Common Pleas within and for the county of Shelby, in the State of Ohio, of the term of February, in the year of our Lord one thousand eight hundred and sixty.

The jurors of the grand jury of the State of Ohio, duly empanelled and charged to inquire of crimes and offences committed within the body of the county of Shelby, in the State of Ohio, in the name and by the authority of the State of Ohio, upon their oaths do present and find that Silas Taylor, late of the said county, on the 5th day of December, in the year of our Lord one thousand eight hundred and fifty-nine, in the county of Shelby, in the State of Ohio, unlawfully did falsely make, forge and counterfeit a certain promissory note, which said false, forged and counterfeit promissory note is of the tenor following, that is to say:

"$130—Ninety days after date I promise to pay Silas Taylor or order one hundred and thirty dollars for value received. As witness my hand and seal this 5th of December, 1859.

WILLIAM MUNCH. [Seal.]"

and it is endorsed "Silas Taylor," with the intent thereby to prejudice, damage and defraud one William Munch, contrary to the form of the statute in such cases made and provided, and against the peace and dignity of the State of Ohio.

Second count: And the jurors aforesaid, at the term aforesaid, upon their oaths aforesaid, in the name and by the authority of the State of Ohio aforesaid, do further present and find that the said Silas Taylor, late of the county aforesaid, on the fifth day of December in the year of our Lord one thousand eight hundred and fifty-nine, in the county of Shelby, in the State of Ohio, unlawfully did falsely make, forge and counterfeit a certain promissory note, which said false, forged and counterfeit promissory note is of the tenor following, that is to say—

"$130.—Ninety days after date I promise to pay Silas Taylor, or order, one hundred and thirty dollars for value received. As witness my hand and seal this 5th of December, 1859.

WILLIAM MUNCH. [Seal.]"

and is endorsed "Silas Taylor," with the intent thereby to prejudice, damage and defraud George M. Russell, contrary to the form of the statute in such cases made and provided, and against the peace and dignity of the State of Ohio.

Third count: And the jurors aforesaid, at the term aforesaid, upon their oath aforesaid, in the name and by the authority of the State of Ohio aforesaid, do further present and find that the said Silas Taylor, late of the county aforesaid, on the seventeenth day of January, in the year of our Lord one thousand eight hundred and sixty, in the county of Shelby, in the State of Ohio, did unlawfully and falsely either publish and put off to defraud one William Munch, a certain false, forged and counterfeit promissory note, as a true and genuine promissory note of the said William Munch, given for the payment of one hundred and thirty dollars, which aforesaid promissory note then and there was of the tenor and effect following, to wit:

"$130.—Ninety days after date I promise to pay Silas Taylor, or order, one hundred and thirty dollars for value received. As witness my hand and seal this 5th of December, 1859.

'WILLIAM MUNCH. [Seal.]"

which said note was endorsed "Silas Taylor," he, the said Silas Taylor, then and there well knowing the aforesaid forged promissory note to be false, forged and counterfeit, contrary to the statute in such cases made and provided, and against the peace and dignity of the State of Ohio.

Fourth count. And the jurors aforesaid, at the term aforesaid, upon their oath aforesaid, in the name and by the authority of the State of Ohio aforesaid, do further present and find, that the said "Silas Taylor," late of the county aforesaid, on the seventeenth day of January, in the year of our Lord, one thousand eight hundred and sixty, in the county of Shelby, in the State of Ohio, did, unlawfully and falsely, utter, publish and put off to one George M. Russell, with the intent then and there to defraud the said George M. Russell, a certain false, forged and counterfeited promissory note, as a true and genuine promissory note of one William Munch, given for the payment of one hundred and thirty dollars, which aforesaid promissory note then and there was of the tenor and effect following, to wit:

"$130.—Ninety days after date. I promise to pay Silas Taylor or order, one hundred and thirty dollars for value received. As witness my hand seal this 5th of December, 1859. WM. MUNCH. [Seal.]"

which said note was endorsed "Silas Taylor," he, the said Silas Taylor, then and there well knowing the aforesaid promissory note to be false, forged and counterfeit, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

JOHN H. MATHERS,
Assistant Prosecuting Attorney
Of Shelby County, Ohio.

STATE OF OHIO, SHELBY COUNTY, ss.

I, Jona. Counts, Clerk of the Court of Common Pleas, within and for the said county of Shelby and State of Ohio, do hereby certify that the foregoing is a true copy of the original indictment as filed in my office.

In witness whereof, I have hereunto set my hand and affixed the seal of said Court at Shelby, Ohio, this 15th day of February, A. D., 1860.

JONA. COUNTS,
Clerk of the Court aforesaid.

Bills Passed.—The following bills were passed, viz: House bill amending the 2d and 6th sections of an act entitled an act concerning the Overseers of the Poor of Frederick county and corporation of Winchester, passed Feb. 25th, 1858; for the payment of a sum of money to John P. and Thomas E. Ballard, (for the entertainment of the Mississippi Commissioner as the guest of the State;) incorporating the Petersburg Savings and Insurance Company; to incorporate the Clover Hill Savings Bank in the county of Appomattox; for the relief of Wm. Skeen, Commonwealth's Attorney of Alleghany; releasing the securities of Andrew J. Dotson, late sheriff of Wise county, from the payment of damages; releasing the securities of John H. Allen, late sheriff of the county of Lee, from the payment of damages; releasing the securities of Sampson Benham, late sheriff of Scott county, from the payment of damages; to incorporate the Richmond (horse) Railroad Company, (the road to run through the streets of Richmond;) to amend the 11th section of an act passed May 22d, 1852, entitled an act concerning the terms of the Circuit Courts; to amend the charter of the Monticello Bank; providing for the construction and keeping in repair the public roads of Alexandria county; to incorporate the Richmond, Williamsburg and Central Turnpike Company, in the county of Henrico; to incorporate the Osborne Turnpike Company, in the county of Henrico; for the release of the securities of Wm. Grass, sheriff of Putnam county; to incorporate the Kanawha Cloth Company, in the county of Kanawha; to incorporate the Farmers' Savings Bank of Mannington, in Marion county; authorizing the payment to Scott & Adams of a sum of money, for work done on the Southwestern Turnpike; to protect the fisheries on the Potomac and its tributaries.

Bank Redemption.—The House amendment to the Senate's substitute for the House bill repealing the redemption features of the act of April, 1858, concerning Banks, was called up as unfinished business. The Senate voted down motions to postpone indefinitely and to lay on the table, and the bill was made the order of the day for Wednesday next, at 11½ o'clock, A. M.

Engrossed Bills.—A large number of bills were ordered to be engrossed.

Adjournment.—Pending a motion of Mr. NEWMAN to reconsider the vote rejecting the bill to limit the right to make an entry or bring an action to recover lands, or the possession thereof, west of the Alleghany mountains, the Senate, on motion of Mr. CLAIBORNE, adjourned till Thursday at 11 o'clock.

HOUSE OF DELEGATES.

WEDNESDAY, March 14, 1860.

The House was called to order at 10 o'clock A. M., by Speaker CRUTCHFIELD.

A communication was received from the Senate, through their Clerk, notifying the House of the Senate's agreeing to the House amendments to Senate bill more effectually to prevent dealing with slaves; also, the resolutions from the House of Delegates concerning Revolutionary and other claims of Virginia on the Government of the United States; also, that the Senate had passed a bill for the relief of John J. Lacy, Sheriff of New Kent; and that Lieut. Gov. MONTAGUE had signed a number of enrolled bills, which were returned with the communication to the House for further signature.

Bills Passed.—The following bills were passed, viz: House bill for the relief of Simon Corrier, of Augusta county; House bill refunding a certain sum of money to John L. Fant, of Rockingham county.

Mr. SEDDON, of Stafford, offered the following resolution:

Resolved, That a joint committee of nine on the part of the House and five on the part of the Senate, be raised to take into consideration the Banking Laws of the State, with authority to sit during the recess of the General Assembly, and report thereon to another session of the present, or to the next session of the General Assembly of Virginia.

Mr. DUCKWALL moved to amend by adding that said committee have leave to sit but once.

Mr. COWAN proposed to amend the resolution by making the committee on the part of the House five, and on the part of the Senate three. A vote being taken on Mr. DUCKWALL's amendment, it was lost. The vote being then taken on the resolution as amended by Mr. COWAN, it was lost—ayes 23, nays 75.

The General Tax Bill.—The bill imposing taxes for the support of State Government came up as unfinished business. The subject of merchants' licenses and the amount of taxes to be imposed thereon, was discussed for several hours. The *ad valorem* principle was finally adopted. It charges 1 per cent. on the sales of merchants, exempting entirely all goods of direct importation and all goods made or bought in Virginia. Pending the discussion, the hour of 3 arrived, and the Speaker vacated the chair.

NEWS FROM TEXAS, &C.—The Austin (Texas) Intelligencer publishes official dispatches between Gov. Houston and Secretary Floyd.

Gov. Houston writes February 13: "I have used all necessary caution and prudence, and may now act upon the facts before me. Unless prompt measures are adopted by the federal government, circumstances will compel Texas to adopt the course she desires to avoid. Texas cannot invade with impunity; but if thrown upon her own resources, she may not only resist, but adopt means to prevent a recurrence of outrages," &c.

Secretary Floyd replies on the 28th that immediate action will be taken by the government and able officers dispatched to take command of the department of Texas. A strong reinforcement will also be sent as soon as the season opens.

Governor Houston has also sent a dispatch to Colonel McCulloch, saying that there will be stirring times on the Rio Grande ere long.

At Houston, on the 10th ult., two squares and thirty houses were destroyed by fire. Loss $275,000.

A grave and serious difficulty has occurred between American and Mexican settlers at Mesilla, Arizona. Several have been killed on both sides. The Mexicans outnumbered, and were surrounding the Americans, who had sent to Fort Fillmore for assistance.

MEDICAL GRADUATES.—At the commencement of the Jefferson Medical College, Monday night, there were 170 graduates. The following are among the number:

Virginia.—L. P. Bailey, M. S. Barksdale, J. F. Bass, R. Campbell, J. D. Cooper, J. D. Crawford, J. M. Dennis, J. C. Dunlap, J. E. Ferguson, J. M. Gaines, M. D., T. P. Hereford, Jr., C. J. Hunter, G. W. Hunter, G. A. Jackson, M. Jones, W. W. Morris, C. B. Morton, T. W. Nelson, G. A. Owen, W. T. Owen, J. A. Sale, J. T. Van Buskirk, F. Walker, W. C. Warren. *North Carolina.*—W. G. Clendenin, F. G. Dula, B. G. Dunlap, S. Fulton, W. W. Gaether, D. M. L. Graham, J. Hedgepath, W. A. Ingram, D. W. Lewis, L. W. Robinson, I. F. Shaffner, D. W. Shaw, L. P. Warren. *Tennessee.*—T. B. Bass, M. M. Butler, E. C. Cochran, S. H. Hynds, B. F. Lackey, J. R. Lester, W. J. Moffitt, N. C. Pyles, D. Thomas, A. J. Weldon, I. R. Wingo. *South Carolina.*—P. H. Adams, C. M. Burkhalter, J. B. F. Lever, W. G. Mace, W. T. Thomas. *Georgia.*—A. E. Andrews, M. Bishop, J. E. Blocker, J. A. Butts, B. F. Childs, A. C. Hagerson, G. M. Hanks, G. M. Kerns, W. King, Jr., J. M. Loftin, J. L. Mapp, J. F. Matthews, E. J. Morgan, H. W. Nicholson, W. H. Roberts, B. F. Rudisil, F. Walker, Jas. Wilcoxson.

MURDERS IN ST. LOUIS, MO.—The St. Louis Republican records the following murders, in its issue for Friday:

On Thursday night the house of a man named Henry Myers was entered by burglars, and when hearing their operations, he arose and went in pursuit; he was shot and killed. Frederic William Smidt, native of Hanover, aged about 28 years, was found at about three o'clock yesterday afternoon, lying dead in a pool of blood, in a boarding-house kept by Robert Fenstall. His head was nearly severed from his body, and a more sickening, horrible sight than the deceased, butchered as he was, surrounded by all the evidences of a terrific struggle, could not easily be conceived. There was no testimony of any kind which would serve to account for the awful deed.

FORT UNION THREATENED BY INDIANS AND MEXICANS.—The Santa Fe mail to the 13th ult. has arrived at Independence. The remains of Lieut. May are on the route destined for burial in Washington city.

Serious apprehensisons were felt at Fort Union of an attack from Indians and Mexicans, who are reported as leagued together to capture that post. Preparations had been made for their reception. No hostile Indians were seen on the route, but large bands apparently friendly were met. A company of troops was met at Cow Creek, who will escort all the mails remaining at Pawnee Fork into Santa Fe.

THE POISONING CASE IN NEW ORLEANS.—The coroner's jury in the case of Miss Eleanor M. O'Reilly, whose sudden death some weeks ago, in New Orleans, La., caused suspicion of foul play, returned a verdict on the 6th inst., stating that Miss O'Reilly's death was the result of arsenic, willfully administered to her by Joseph Galeeran, (her seducer,) and they strongly censure Dr. Rama Vionnet for giving the certificate of the cause of her death without any inquiry into the matter; and they call upon the grand jury either to deprive the doctor of his license to practice medicine or indict him as an accessary after the act.

HYATT IN PRISON.—Thaddeus Hyatt, committed by the Senate to the jail of the District of Columbia, occupies a large room, which has been furnished with furniture by his friends, and he will be supplied with food and other comforts, so that he will suffer only from a want of exercise. He will probably apply for a writ of *habeas corpus*, which will bring the case before the Supreme Court. If the Court sustains the Senate, Hyatt cannot escape imprisonment otherwise than by purging himself by testifying, unless the Senate back down and release him.

ANOTHER AMERICAN STEAMER AFLOAT.—The Adriatic, one of the famous Collins' line of steamers, is announced shortly to be once more engaged in active service on the Atlantic ocean, and ply between New York and France. The enormous and steady increase of our commercial relations with France has fully taxed the capacity of the one American steamship line, and the Adriatic will figure rather as a companion than as a rival of the Fulton and the Arago.

LATER FROM MEXICO.—The schooner Arrogant, from Vera Cruz on the 3d inst., has arrived at New Orleans. Gen. Miramon reached San Juan, which is three leagues from Vera Cruz, on the 2d inst., and was threatening an immediate attack on that city. Two vessels had been fitted out at Campeachy and sent to Vera Cruz, to assist the Liberals in the transportation of provisions and munitions of war.

MUNICIPAL ELECTIONS AT THE NORTH.—The Municipal Election in Belfast, Maine, has resulted in the choice of a Democratic Mayor. The Republicans, a year ago, had 200 majority. At Westfield, Conn., too, "the whole Democratic ticket was elected." At Biddeford, Me., the Democrats also elected their Mayor; the Republicans have the Council. At Bangor the Republicans have the Mayor.

STEAMBOAT BURNT AND LIFE LOST.—The steamer Belle of Peoria, bound from Peoria to St. Louis with a full cargo, was burned to the water's edge, on Sunday, at noon. Two firemen and one deck hand were lost, and the second clerk was severely injured. The boat was insured for $15,000.

HEAVY VERDICT.—At the last term of the Court of Common Pleas of Belmont county, Ohio, the Crescent Manufacturing Company of Wheeling, Va., obtained a judgment against the Cincinnati, Wilmington and Zanesville Railroad Company for $51,568.

TOBACCO.—Mrs. Charles Bland raised on twelve acres of land near Sardis, Mason co., Ky., the present season, 20,500 pounds of tobacco, and five acres of the twelve raised 10,500 pounds. The tobacco was the "red Burley,"—and it is said to be of the best quality.

CONTRIBUTIONS FOR THE POPE.—The German Catholics of Cincinnati have contributed $182,000 to replace in the Pope's treasury "the funds sequestered by the machinations of the usurpers of the rights and patrimony of the Holy See."

ARREST FOR FORGERY.—E. L. H. Gardner, City Comptroller, and Robert Lynch, City Clerk of Milwaukie, Wis., were arrested Monday and committed to jail on a charge of forging city orders, and other malfeasance in office.

There were 500 deaths in New York last week.

FOREIGN NEWS.

The Italian Question—Anglo-French Commercial Treaty—Trouble in Italy, &c.

The contents of the America's mails (Liverpool, 25th ult.,) are more fully telegraphed. The following is a summary:

THE ITALIAN QUESTION.

The definitive reply of Austria to the English proposition for the settlement of the Italian question is issued. Reasons are given why Austria cannot accept England's proposal as a basis for an arrangement. Count Rechberg explains that the proposal does not only essentially alter the basis of the European equilibrium, which was founded by the treaties of 1815, but it is also in open opposition to the fundamental principle upon which the legitimacy of governments in general, and especially the Austrian monarchy, is founded. In the third instance the proposals destroy the rights of the Italian Princes, which were placed under the guarantee of Europe, and which the Emperor Francis Joseph has a sacred duty to protect in his quality of chief of the House of Hapsburg. If induced by all these motives, Austria declines the proposed negotiations, she declares, nevertheless, that for the present she will not endeavor to undo by force of arms that which she cannot prevent, although reserving to herself full and entire liberty of action for the future. The tone of Count Rechberg's reply is exceedingly courteous and moderate.

A Vienna dispatch of the 21th gives further particulars of Rechberg's reply to England's propositions. It is dated 17th. He expresses the high estimation of the Emperor at the communication from France, and says the Austrian cabinet recognizes that in the present circumstances there is no opportunity either for Austria or France to interfere in Central Italy. The application of intervention applies to France, Austria having withdrawn from all parts of Italy not under her dominion. The organization of Venetia must remain quite extraneous to the negotiations between the Powers; but the Emperor loyally maintains all promises of Villafranca, and if they have not been realized the fault can only be attributed to the Italian revolutionary party. Austria confines herself to the expression of her conviction that the re-establishment of the former dynasties and the realization of the project of an Italian Confederation would be a much better guarantee to the future of the Peninsula.

A Paris dispatch confirms the statement that Russia and Prussia had joined in a proposal for a conference of the five great Powers. Negotiations between the Powers on the Italian question were, it is said, being rapidly carried on.

GREAT BRITAIN.

In the House of Commons on the 24th ult., Mr. Gladstone made various explanations relative to the French treaty, after which the adjourned debate on Mr. Ducane's motion opposing the budget was resumed.

The principal speaker was John Bright, who eloquently defended the French commercial treaty, and predicted that incalculable advantage would be derived from it by England. He argued that free trade with France would raise itself to the level of the United States, the new tariff with France being as liberal as that with America.

Mr. Cauldwell spoke in a similar strain, and pointed to the results of the great intercourse prevailing between England and America, rendering war all but impossible. The same relation might be established with France.

Sir F. Baring and other members spoke against the budget and the treaty, when the debate was further adjourned.

The debate was resumed on the following evening, the speakers including Messrs. Baring, Walpol and Disraeli in favor of Mr. Ducane's motion, and Messrs. Milner, Gibson, Gladstone and Palmerston against it.

The House divided, and the resolution was rejected—339 to 223; majority for the government, 116—a ministerial gain of 43.

Sir C. Wood stated that the total force to be sent from India to China would be 5,500 Europeans and 4,600 natives.

Mr. Hadfield called the attention of the House to a petition complaining of a meditated breach of the peace between a British subject and an American citizen, for the so-called championship of England, and asked whether the government intended to take any steps to put down the fight.

Sir G. C. Lewis said the subject had been brought to the notice of the Chief Commissioner of Police, who would take steps to prevent the fight within the Metropolitan Police District, but no pledge could be given as to the steps which would be taken beyond that limit.

Lord Dungannon moved a resolution condemning the performance of divine worship in sundry London theatres. After a debate, in which several bishops urged non-intervention in the movement, the resolution was withdrawn.

The London Times, in an editorial on the French commercial treaty, refers to the immense impetus which will be given to the cotton trade, and says:—"If France be imitated by Germany and Italy, if America be shamed into following their example, there is no reason why Lancashire should not double its number of looms within the next five years." It also predicts a great impetus for almost every other branch of manufacture.

The estimate of the sum required to defray the expenses of the China expedition during the year ending 31st March next, is £850,000.

Queen Victoria held the second levee of the season on the 24th. Capt. McClintock, commander of the last Arctic expedition, was presented and received the honor of knighthood.

Wm. Atherton, Solicitor General, is made a Knight.

The London Herald gives a rumor that the government is about to testify its gratitude to Mr. Bright, by making him Postmaster General, vice the Earl of Elgin, whose appointment as Plenipotentiary Extraordinary to China was announced by Lord John Russell.

SPAIN.

The Correspondencia Autograph mentions that Marshal O'Donnell had remitted to the Moors the following basis for the conclusion of peace: Possession of all the territory conquered, including Tetuan, an indemnity of 200,000,000 reals, an engagement to respect the Catholic religion, and commercial stipulations favorable to Spain. A delay terminating on the 23d, was granted for a reply. It was doubtful if the Moors would accept the terms.

The correspondent of the London Times, at the seat of war, writes that the opinion there was that the Spanish government would not show itself deficient in generosity, and that the war was as good as over.

The Moorish loss in the battle of the 4th was estimated at one thousand. Upon their defeat the Arabs committed great excesses, and could not be restrained, although sixteen were put to death on the spot.

Muley Abbas, with his defeated force, was half way between Tetuan and Tangiers.

At the latest date no reply had been received to the conditions of peace, and O'Donnell was preparing further operations.

AUSTRIA.

The London Times announces that it has been suppressed throughout the Austrian empire. Copies arriving by post had been seized, and it was proclaimed that the Times would no longer be suffered to enter the Austrian territory.

TROUBLE IN NAPLES.

A decree of the Minister of War orders officers on leave to join their regiments on the 5th of March. Part of the Municipal Guard have been mobilized. Agitation prevails in Palermo and in the Abbruzzi.

THE MOROCCO WAR.

MADRID, Feb. 25, 1860.—The Spanish squadron has left Algesiras in order to bombard the seaport towns of Morocco, and will probably commence operations by the bombardment of Arphille.

The Paris *Moniteur* announces that the two Moorish deputies arrived yesterday at the camp of Marshal O'Donnell, with a view to propose an interview between Marshal O'Donnell on the part of Spain, and Muley Abbas and the Minister Katch-Kai oh the part of Morocco. This interview took place on the road to Tangiers. The first point discussed was the occupation of Tetuan by the Spaniards, which was objected to by the Moors, whereupon Marshal O'Donnell was on the point of breaking up the conference, but at the request of Muley Abbas it was continued, without, however, producing any result. The Moors asked for a further delay, which was refused by Marshal O'Donnell, who declared the truce to be terminated.

The Marshal returned to Tetuan, and immediately sent for the commander of the Spanish Naval force, in order to concert with him further active preparations.

THE LATEST.

[By the North American.]

The London Chronicle repeated the statement of the Russian and Austrian alliance. The London Herald at first regarded the statement as at least premature, but in a subsequent leader says it is believed that Russia has decided to renew her alliance with Austria. No treaty has yet been signed, but there is no doubt as to the renewal of friendly relations.

The Independence Belge utterly disbelieves the announcement, and the news is also discredited in the Paris journals.

The remainder of the Indian submarine cable has been laid, and Alexandria is now in telegraphic communication with Calcutta and other Indian cities.

In the British House of Commons the Budget was progressing favorably.

It was reported that the annexation of Tuscany to Piedmont has been abandoned.

The Paris Pays also denies the statement in regard to an alliance between Russia and Austria.

Richmond Dispatch.

TERMS OF ADVERTISING.

1 square, 1 day,...... [illegible]	1 square, 5 days,... [illegible]
1...do...2 days,...... [illegible]	1...do...6 days,... [illegible]
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1...do...4 days,...... 1 25	1...do...1 month,... [illegible]

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Advertisements published until forbid, will be charged 50 cents per square of eight lines for the first insertion, and 25 cents for each continuance.

According to a Berlin dispatch of the 27th, a new proposition for a Conference of the five great Powers failed mainly because England declined to allow eventually the free discussion of the treaty of 1856.

The Constitutionnel publishes a dispatch from Count Thouvenel, dated on the 31st of January, addressed to the French Ambassador at Vienna, to be communicated to Rechberg, in regard to Central Italy, the inhabitants having refused to recognize their former sovereigns. He appeals to the conciliatory spirit of the English proposals, as regards the Romagna, and he expresses regret that the Pope allowed the state of things there to become so aggravated. France would still, however, consent to a less radical combination than one proposing the dismemberment of the States of the Church, on the condition of the principle of non-intervention being maintained.

A Turin dispatch says the Russian Ambassador, in the name of his government, represented to Count Cavour the heavy responsibility that would fall upon Sardinia, if, at the very moment the European Powers were endeavoring to make the state of things less threatening, she were to take steps for the annexation of Central Italy. It is said, in consequence thereof, and following the advice of France, all the projects of Sardinia in reference to Central Italy will be suspended for the present.

A circular has been issued by the Sardinian Minister of War to facilitate the consolidation and organization of the Lombardo-Sardinian army.

LOCAL MATTERS.

Attempted Suicide.—The rumor on the street last Tuesday, that Mrs. R. J. Blunt had attempted suicide the evening before, we are assured by her brother is entirely without foundation. We received our information from a number of gentlemen, who had heard the report from, as they supposed, reliable sources, and as the act was said to have been attempted whilst the lady was suffering from temporary derangement caused by family afflictions, those who heard the report gave credence to it. Our informant further states that he was with Mr. B. the greater portion of his time from Friday evening to the hour of his death, and that he made no admission of having used improperly the name of any one. His financial embarrassments caused him to take the poison—an act which he deeply regretted afterwards, and on Saturday morning believed that he would recover from its effects. Mrs. Blunt is said to have borne her bereavement, up to this time, in a becoming manner, and has the deepest sympathy of all who know her.

Hustings Court.—This body was in session yesterday and transacted a large amount of business. The Commonwealth's cases are as follows:

Alexander Taylor, presented for remaining in the Commonwealth contrary to law. *Nolle prosequi* entered and the party discharged.

Alexander Selden, for remaining in the Commonwealth contrary to law, found guilty, but sentence deferred till next term, to give the prisoner an opportunity of leaving the State.

Nicholas Vandervall, indicted for assaulting and beating Mary Tracy, was found guilty, fined $25, and ordered to be imprisoned not exceeding six months unless the fine is paid.

To-day has been fixed upon for the trial of the Screamersville rioters, and it is to be hoped that the Court will either force the parties into trial or have the cases stricken from the docket. Scores of witnesses have been in attendance every term since November last, and it is time that they were relieved from the annoyance of appearing at Court one week in every month.

The Charleston Convention.—We observe that it is in contemplation to charter the magnificent steamship Yorktown for the conveyance of gentlemen to the Convention that will be held there on the 23d proximo, by the Democratic party. This certainly is a wise provision, as we understand that this fine ship is to be appropriated to the use and accommodation of the gentlemen that take passage on board of her whilst she remains there. The crowd will, no doubt, be large in Charleston at the time, and board and lodging may be very difficult to obtain, even at advanced prices; therefore it is a judicious move on the part of those who intend to go to provide themselves against any and every contingency. And let us ask, who would desire better board and lodging than will be furnished on board of this floating palace? She is the crack ship of the line, and, we believe, the fastest out of the port of New York. The veteran Parrish, too, will be in charge of her.

Stabbing.—James W. Chewning was again before the Mayor yesterday morning, to answer the charge of stabbing Wm. W. Shields, on Monday night. The evidence showed that the parties had a misunderstanding about a street hack, which both of them desired to engage—that rough language was used by each of them—that Chewning first got into the hack, but was ordered out and abused by Shields—that after he left the vehicle Shields and his company got into it—that Chewning then returned to the hack and had some words with Shields—that Shields got out, pulled off his coat and struck Chewning, and that C. then stabbed or cut him in the left arm with his pocket-knife. The Mayor, after hearing witnesses on both sides, remanded the prisoner for further examination before a Court of Justices.

Catching Fish.—The assistant clerk of the Second Market made a large haul of fresh shad yesterday morning, catching forty-odd of them in a single haul. At an early hour of the morning the clerk of the First Market saw a little manœuvring between a fish hauler and a huckster, which induced him to believe that the finny family, after being purchased in his district, were to be sold in another, and he thereupon dispatched a messenger to his brother clerk to be on the look-out. In the course of the morning one of the hucksters—James Ford—offered the shad for sale, as expected, and straightway they were captured, and he was called before the Mayor, who fined him $5, and confiscated the entire batch of shad.

Application Refused.—The City Council, at its last meeting, refused to grant one of the volunteer companies the use of a portion of the Clay st. school-house as a drill room, because the flooring was not sufficiently strong for the purpose. The City Engineer, after examining the building, reported adverse to the petition, and gave such reasons as were entirely satisfactory to the Committee on Schools for Monroe Ward, and to the Council, why the petition should be rejected. When the new military hall is erected, most, if not all the companies can be accommodated in that, and in the First Market Hall.

Broad Street Robbery.—David Schriver, a lad, charged with stealing $200 in money from his employer, Daniel O'Donnell, on Monday last; Joseph Griffin, charged with receiving the same, knowing it to have been stolen; and Mary E. Hardeman, charged with receiving $55 of the same money, were before the Mayor yesterday morning; but owing to the absence of witnesses, the examination was postponed until Friday next, and the parties remanded to prison. Griffin says he can prove why it was that he visited Petersburg about the time of the robbery, and Miss Hardeman declares that she has never seen a cent of the money.

Heavy Fine.—Before the Hustings Court yesterday, J. B. Marshall, indicted for cruelty to a slave named Sebin, the property of Miles Cary, was found guilty by the jury, fined $60 and costs, and sentenced by the Court to thirty days' imprisonment in jail. Mr. A. B. Guigon, the counsel for the defence, filed a bill of exceptions, and made application for a supersedeas, which was granted, thus relieving the accused from the imprisonment, at least until the Judge can hear the evidence and argument.

The Chester Meeting is to take place on Friday next, when all persons who have taken stock in the boot and shoe factory to be established at that place, or who may design doing so, will be furnished with free tickets to and from the place of meeting. Whatever the company designs doing, should be done quickly; for the South are now prepared to patronize Southern manufactures, and should be compelled to rely upon the North no longer than is absolutely necessary.

Mr. and Mrs. G. Vandenhoff give their first Dramatic Reading to-night. The programme promises ample entertainment as well as intellectual profit, and Mr. V.'s rendering of the great Trial of Bardell *vs.* Pickwick, is said to be a wonder of Protean versatility. To-night and Saturday night are their only evenings. Mrs. Vandenhoff is a native of Savannah, and comes to her native South crowned with Northern laurels.

Homespun Cloths are becoming so fashionable with business men that the factories in different parts of the State find it impossible, with their present facilities, to fill the various orders that pour in upon them. Our people are learning to discard broadcloths and cassimeres, and to adopt in their stead the beautiful Southern goods to be seen on the streets every hour in the day.

Inquest.—Yesterday morning, Justice Childrey, of Henrico county, attended by Constable Thomas, held an inquest over the body of Michael Dunnivant, a lad, who was accidentally shot at the residence of Mr. [illegible] Landrum, on Monday last. After hearing the evidence, the jury rendered a verdict that the deceased came to his death by the accidental discharge of a gun in the hands of [illegible] Allison, while at play.

Pleasure Seekers will find an attractive bill of fare at the [illegible]