WASHINGTON, D. C.

A REASONABLE REQUEST—STAND IN THE OLD PATHS.

LYNN, MASS., *February* 19, 1854.

To the Editor of the National Era:

Can you not bring some of the Anti-Slavery Know Nothings back to their former faith, by publishing the article of the Pittsburgh Platform on foreign immigration? It will show them clearly where they once stood.

Yours, truly, B. F. MUDGE.

We gladly comply with the request of our correspondent—but the resolves generally are so thoroughly Democratic, in the true sense of the word, that we reprint the whole of them.

Ed. Era.

INDEPENDENT DEMOCRATIC PLATFORM.

Adopted at Pittsburgh, August 12th, 1852.

Having assembled in National Convention as the delegates of the Free Democracy of the United States, united by a common resolve to maintain right against wrongs, and Freedom against Slavery; confiding in the intelligence, patriotism, and the discriminating justice of the American people; putting our trust in God for the triumph of our cause, and invoking his guidance in our endeavors to advance it, we now submit to the candid judgment of all men the following declaration of principles and measures:

1. That Governments, deriving their just powers from the consent of the governed, are instituted among men to secure to all, those inalienable rights of life, liberty, and the pursuit of happiness, with which they were endowed by their Creator, and of which none can be deprived by valid legislation, except for crime.

2. That the true mission of American Democracy is to maintain the liberties of the people, the sovereignty of the States, and the perpetuity of the Union, by the impartial application to public affairs, without sectional discriminations, of the fundamental principles of equal rights, strict justice, and economical administration.

3. That the Federal Government is one of limited powers, derived solely from the Constitution; and the grants of power therein ought to be strictly construed by all the departments and agents of the Government, and it is inexpedient and dangerous to exercise doubtful constitutional powers.

4. That the Constitution of the United States, ordained to form a more perfect union, to establish justice, and secure the blessings of liberty, expressly denies to the General Government all power to deprive any person of life, liberty, or property, without due process of law; and therefore the Government, having no more power to make a slave than to make a king, and no more power to establish Slavery than to establish Monarchy, should at once proceed to relieve itself from all responsibility for the existence of Slavery wherever it possesses constitutional power to legislate for its extinction.

5. That, to the persevering and importunate demands of the slave power for more slave States, new slave Territories, and the nationalization of Slavery, our ever-recurring unanswerable and unalterable answer is—no more slave States, no slave Territory, no nationalized Slavery, and no national legislation for the extradition of slaves.

6. That Slavery is a sin against God and a crime against man, which no human enactment nor usage can make right; and that Christianity, humanity, and patriotism, alike demand its abolition.

7. That the Fugitive Slave Act of 1850 is repugnant to the Constitution, to the principles of the common law, to the spirit of Christianity, and to the sentiments of the civilized world. We therefore deny its binding force upon the American People, and demand its immediate and total repeal.

8. That the doctrine that any human law is a finality, and not subject to modification or repeal, is not in accordance with the creed of the founders of our Government, and is dangerous to the liberties of the people.

9. That the acts of Congress known as the Compromise Measures of 1850, by making the admission of a sovereign State contingent upon the adoption of other measures demanded by the special interest of Slavery; by their omission to guaranty freedom in free Territories; by their attempt to impose unconstitutional limitations on the power of Congress and the People to admit new States; by their provisions for the assumption of five millions of the State debt of Texas, and for the payment of five millions more and the cession of a large territory to the same State under menace, an inducement to the relinquishment of a groundless claim, and by their invasion of the sovereignty of the States and the liberties of the People through the enactment of an unjust, oppressive, and unconstitutional Fugitive Slave Law, are proved to be inconsistent with all the principles and maxims of Democracy, and wholly inadequate to the settlement of the questions of which they are claimed to be an adjustment.

10. That no permanent settlement of the Slavery Question can be looked for, except in the practical recognition of the truth, that Slavery is sectional, and Freedom national; by the total separation of the General Government from Slavery, and the exercise of its legitimate and constitutional influence on the side of Freedom; and by leaving to the States the whole subject of Slavery and the extradition of fugitives from service.

11. That all men have a natural right to a portion of the soil; and that, as the use of the soil is indispensable to life, the right of all men to the soil is as sacred as their right to life itself.

12. That the public lands of the United States belong to the People, and should not be sold to individuals nor granted to corporations, but should be held as a sacred trust for the benefit of the People, and should be granted in limited quantities, free of cost, to landless settlers.

13. That a due regard for the Federal Constitution, and sound administrative policy, demand that the funds of the General Government be kept separate from banking institutions; that inland and ocean postage should be reduced to the lowest possible point; that no more revenue should be raised than is required to defray the strictly necessary expenses of the public service, and to pay off the public debt; and that the power and patronage of the Government should be diminished by the abolition of all unnecessary offices, salaries, and privileges, and by the election by the People of all civil officers in the service of the United States, so far as may be consistent with the prompt and efficient transaction of the public business.

14. That river and harbor improvements, when necessary to the safety and convenience of commerce with foreign nations or among the several States, are objects of national concern, and it is the duty of Congress in the exercise of its constitutional powers to provide for the same.

15. That emigrants and exiles from the Old World should find a cordial welcome to homes of comfort and fields of enterprise in the New; and every attempt to abridge their privilege of becoming citizens and owners of the soil among us ought to be resisted with inflexible determination.

16. That every nation has a clear right to alter or change its own Government, and to administer its own concerns in such manner as may best secure the rights and promote the happiness of the people; and foreign interference with that right is a dangerous violation of the law of nations, against which all independent Governments should protest, and endeavor by all proper means to prevent; and especially is it the duty of the American Government, representing the chief Republic of the world, to protest against and by all proper means to prevent the intervention of Kings and Emperors against nations seeking to establish for themselves republican or constitutional Governments.

17. That the independence of Hayti ought to be recognised by our Government, and our commercial relations with it placed on the footing of the most favored nations.

18. That as, by the Constitution, "the citizens of each State shall be entitled to all privileges and immunities of citizens of the several States," the practice of imprisoning colored seamen of other States, while the vessels to which they belong lie in port, and refusing to exercise the right to bring such cases before the Supreme Court of the United States, to test the legality of such proceedings, is a flagrant violation of the Constitution, and an invasion of the rights of the citizens of other States, utterly inconsistent with the professions made by the slaveholders, that they wish the provisions of the Constitution faithfully observed by every State in the Union.

19. That we recommend the introduction into all treaties, hereafter to be negotiated between the United States and foreign nations, of some provison for the amicable settlement of difficulties by a resort to decisive arbitration.

20. That the Free Democratic party is not organized to aid either the Whig or Democratic wing of the great Slave Compromise party of the nation, but to defeat them both; and that repudiating and renouncing both, as hopelessly corrupt, and utterly unworthy of confidence, the purpose of the Free Democracy is to take possession of the Federal Government, and administer it for the better protection of the rights and interests of the whole people.

21. That we inscribe on our banner, FREE SOIL, FREE SPEECH, FREE LABOR, and FREE MEN, and under it will fight on and fight ever, until a triumphant victory shall reward our exertions.

The Press.

From the Independent Democrat, Elyria, O., April 18.

OHIO POLITICS.

We publish this week the second of two articles from the Cleveland *Leader*, upon Ohio politics. We ask careful attention to both this and the one published last week.

But, while publishing them, we do not fully endorse either. The frequent allusion to "Protestant," &c., would seem to imply a willingness on the part of the writer to make a political test of one's religious faith. We hope this is not so. We are too thoroughly Protestant—we too deeply respect the right of private judgment—we are too thoroughly American—we love too well the principles of religious liberty guarantied by our National and State Constitutions, for a moment to consent to proscribe any man for his religion. On that subject, American policy is settled. Why change it?

It is said that Roman Catholicism tends to intolerance and absolutism—that it is not in harmony with the spirit of Republicanism. This we fully believe. And we believe such is the tendency of all hierarchies, and in the precise ratio in which power is vested in the spiritual ruler. We are Congregationalists. The Baptist, Congregationalist, Universalist, and other religious bodies, adopting a similar discipline, lend the sanction of the altar to our political faith. They educate men Democrats. They develop the individual; whether this form be the best adapted to religious discipline, is not for us to judge. We speak alone of its political influence. But can we say that no man can be a Republican, unless he is a Congregationalist? By no means. The Church is not the only educator among us. Its influence reaches but a small part of the people; and, besides, many who deem an aristocratic form of Church Government the best adapted to its end, in political Government are thoroughly Republican. In Democratic faith they vie with the most radical Independent. And so may a Catholic. All the Republics of the middle ages were Catholic, and Catholic Poland, while libralizing her institutions, was crushed by the armies of Greek and Protestant sovereigns.

It is also said that Catholics owe political allegiance to a foreign sovereign—the Pope. Some acknowledge, or seem to acknowledge, such allegiance. Such are always unworthy the suffrage of Republicans—but for their *political*, not their *religious*, faith. We would not support for any office, we would not permit to become citizens, any who owe political allegiance to any foreign Power, whether to some petty and powerless prince, like the Bishop of Rome, or to some potentate whose threat could excite other than a smile. The very fact of acknowledging such allegiance shows them unfit to be trusted with power at home. But in the Catholic Church, as in most others, there are two parties. They are sometimes called the high and low Church, and in France *ultra* and *cis-montanes*. The former give all religious authority to the Pope—many of the more fanatical vest in him authority over Princes and States; while the latter style him the Chief Bishop of the Church, liable to err, possessing as such no political power, and subject in all things to the Church and its councils. The former party are supposed to be represented by the Jesuits, and most of the Popes are sufficiently ridiculous in their pretensions. But to the latter, or Low Church party, belong the great body of the Church. They teach fidelity to the State, and the highest Christian morality. So long as we delight in the works of Paschal and Fenelon, and eulogize the deeds of Lafayette and Kosciusko—so long as we bring Thomas a Kempis to the aid of our devotions, and strive to emulate the holiness of Madame Guion—we cannot forget that the Chatholic Church has furnished the world with champions of freedom as well as of despotism, with food as well as poison, that she inspires faith as well as superstition.

With what justice or propriety can we make religion merely a political test? How ridiculous a rule that would condemn the Catholic Charles Carroll of Carrollton, and embrace the Protestant Benedict Arnold! No, no! It will never do. Our fundamental laws expressly forbid religious tests; Protestantism forbids them; republican equality forbids them; common sense forbids them. If a man is not a Republican, he cannot represent Republicans, and cannot be properly chosen to represent them, whatever may be his religion. But we do not choose men to represent our religion. A Catholic, a Congregationalist, and a Deist, who agree in their political principles, may vote, for instance, for Salmon P. Chase, an Episcopalian, for any political office, and he may correctly represent each of them in all things where he has any power to act, as well as carry out his own views. Such is the beauty of our free institutions. What, then, care we whether he believes in the equality or subordination of bishops, or, with us, in no bishops at all? Religious questions are not in issue at the polls, and, alas, they are sought to be dragged in!

We hope, then, our friends of the *Leader* do not intend to countenance the mingling of religious controversy with our political strifes. We hope they will not co-operate in driving all Catholics, however Republican they may be, under the control of the enemies of free institutions. The present persecution is a rare godsend to the High Church party. See, say they, to those whose ties to the hierarchy are being gradually dissolved, what Democracy is doing for you! And they do see. The Catholic hierarchy has acquired greater strength and influence within the last year, than it could by a dozen of our accustomed toleration. Injustice is always blind. Wrong means, though for a good end, generally fail. They may do great mischief, but they will defeat the end. Ireland is the most intensely Catholic country in Europe—and why? Catholicism has been driven into the people by civil disabilities, and it only melts away by a long enjoyment of equal rights. So, if the object be right, the means are as foolish as they are unjust.

From the Painesville (O.) Telegraph, April 29.

FUSION.

There is an attempt being made to secure the joint action or fusion of the Republican party of last fall, which gave such an Anti-Nebraska majority in this State, and the Know Nothings, in the coming fall election. The leading papers of the old Whig party, and other papers favorable to the Know Nothing Order, are urging such a fusion. The propriety and usefulness of such a move is now a subject of comment by the press.

We regard a reasonable degree of stability as essential to success in any undertaking. To organize a new political party for every campaign, with a new platform, new measures, and new purposes, is to fritter away all the strength and power which any principles or any measures, however true and necessary, can give to any party. The law of growth and maturity, when applied to a political party, is the same as when applied to anything else. Take up and transplant every spring, and eternity would be too short for you to reap any practical benefit from your labors. It is precisely so with principles, which depend upon the approval of man, and measures which depend upon his action. Men who agree in principle, will disagree in action only as a means to an end; and, in this disagreement, there is not one in a thousand who will not cheerfully acquiesce in the majority rule—provided the end itself is kept steadily in view.

The people of Ohio, and in this section in particular, desire to realize the practical benefits of a free Government, based upon man's equality in the right of enjoyment to all that is common. What their judgment condemns as error, they will not approve; what their feelings condemn as wrong, they will remove just as soon as a way is seen which does not leave a worse wrong in the place of the one removed. In all matters of State policy they ask no exclusive privileges, and they will not long submit to unequal burdens. Any legislation which operates equally, (and we do not mean an assumed equality of position, use, or necessity, but equality from the fact of existence,) will be approved and upheld by them. Nationally they believe Slavery to be a curse, and the greatest obstacle in the way of the people's prosperity; and that the adoption of measures supported by them are absolutely necessary, as preliminary to the extinguishment of Slavery, by rendering it of no use or benefit. These measures are well known and clearly defined, having been laid down in several successive platforms. Here is where a majority of our people stand; and they are willing that all should come and act with them. But to give up a single essential measure for the sake of help from outsiders—who cannot support the whole—and thus weaken ourselves in principle and purpose, can only be asked for by those who know not where to go, and assented to by those who know not the strength of truth and perseverance. Elements may combine, whose leading characteristic touching the object to be gained is common. But, when in relation to this object there is no common sentiment or purpose, there can be no fusion, any more than between oil and water. The Pro-Slaveryism of the old parties gave rise to the Independent Democratic or Republican party. They have made active opposition to Slavery's unconstitutional encroachments upon Freedom, the corner-stone of their organization.

The Know Nothings, in relation to Slavery, take the position of the old parties—refusing to have anything to do with it; thus leaving the slaveholder to do as he pleases. This was the position of the old parties; and so long as they held possession of the political field, Slavery prospered. They cared not for individual opinion, if it found no expression beyond the vicinity of the individual. This is the Know Nothing position, as defined by their leading organ in Ohio, the Cincinnati *Times*, which says:

"Now, what does 'Sam' propose to do? His grand object is the revivification of American nationality. He expects to unite, and will doubtless bind together for this purpose, the North and the South, the East and the West.

"Fill Congress and our Legislatures all over the land with true-hearted Americans; each locality satisfying itself in regard to other matters, as to the opinion of candidates who seek the popular suffrage. Thus, in Ohio or New England, Free Soil, or Whig, or Democrat, may or may not be elected, as suits the people of the various districts and counties; but whether Free Soil, Whig, or Democrat, be chosen, let the man be, all over and all through, inside and out, saturated with *American Nationality*. So in Kentucky, Louisiana, Alabama, &c. 'Sam' says to his dutiful children there, suit yourselves as to Banks, Tariffs, Free Soil, Whigery, or Democracy; but, whatever may be your favorite opinions on either or all of these questions, be sure he rates American Nationality as *the* question above all others, especially at this time. In this way 'Sam' hopes, by leaving *extraneous* matters at rest, so far as he is concerned, to unite the American will!

"Neither *Free-Soilism*, Pro-Slavery, Whigism, nor Democracy, need expect to receive, as such, aid from 'Sam.'"

The Independent Democracy cannot be reconciled to a party which ignores the Slavery question, "as such;" for that question, "as such," is the vital thing in its organization. So far as Freedom is concerned, we might as well return to the old parties whence we came, and believe there is no God but the God of politics, and no law but the lower law of brute force. This subject is important, and for good reasons should receive the attention of every man who looks to political action for the discouragement of Slavery.

From the Cleveland (O.) Leader.

IGNORING SLAVERY AT PAINESVILLE.

The ignoring process is going on lively in the Know Nothing lodge at Painesville. The brethren will find themselves ignored by the People, next.

We derive the following information from the *Telegraph*, published in that place. On Thursday night lately the members met, and ordered a ballot for a delegate to the Grand State Council of the Order, which is to meet in June, at Cleveland, for the purpose of nominating a State ticket for the fall election. The result of the ballot was the election of a well-known Anti-Slavery man. The gentleman accepted the office, with a few remarks, expressing the pleasure with which he should represent his brethren on the occasion, and pledging his best exertions for the furtherance of all measures tending to strengthen the Grand American ideas of *personal*, civil, and religious liberty.

At the next meeting of the Council a resolution was introduced, instructing the delegate how to vote on the Slavery question. It was introduced by A. J. Williams, a bitter Nebraska Locofoco, who was defeated last fall for Prosecuting Attorney on the Slavery issue, by A. L. Tinker, the Anti-Slavery candidate. Finding that nothing could be done for Locofocoism or Slavery out of doors, this notorious servile, Williams, joined the Know Nothings, to see what could be accomplished underground. Well, on the night in question, this A. J. Williams rises in Council, and moves the passage of a resolution instructing the delegate to the State Council to take no action there that shall in any possible manner commit the Council to either an Anti-Slavery or Pro-Slavery position; to *ignore* the question entirely, in all its ramifications. The resolution was laid on the table, and made the order for the next Thursday night.

When the time came, Williams sustained his resolution with a tirade against the Anti-Slavery men, and was followed and sustained by Tinker, who owes his election specially to his pretended Anti-Slavery sentiments.

Here Benjamin Bissell followed Tinker in the support of Mr. Williams and his resolution, and for the "crushing out" of this Anti-Slavery sentiment.

The resolution was carried. The newly elected delegate, upon the passage of the resolution, resigned the office thus made ignoble. A new ballot was ordered, and Mr. Tinker was elected; a gagged delegate, a dumb man, on the only political question that we should suppose a man of Tinker's spirit and sense would care at this time to have an opinion.

The *Telegraph* well remarks, that these gentlemen may play their hand at ignoring, but the question will not stay ignored. In the face of these facts, we have creatures in this city, professing to be editors, who curse and swear as bitterly as did Peter, when denying his Master, that the Know Nothing Order does not ignore the Slavery question, that it is an Anti-Slavery organization, &c. But here the cloven foot sticks out rather palpably, for such attempts at deception to prove successful.

For the National Era.

FREE DISCUSSION IN KENTUCKY.

At a meeting of the citizens in the vicinity of Glade meeting house, Madison co., Ky., called to consider the resolutions and conduct of the late Crab Orchard mob, who in an adjoining county struck down liberty of speech in the person of John G. Fee, on motion, Harrison Buman was appointed Chairman, and P. H. West, Secretary.

After an address from J. G. Fee, showing the nature and corrupting tendency of Slavery, its many evils in a pecuniary, intellectual, social, and moral point of view, on motion of Hamilton Raulings, the following resolutions were read and adopted:

1. *Resolved*, That the conduct of Dr. Montgomery, Wm. Owsley, and other citizens of Lincoln and Garrard counties, in forcibly dragging the person of John G. Fee from the place appointed for preaching and debate, was not only an open violation of law, but of decency and good order, and as such should be discountenanced by all good citizens.

2. *Resolved*, That if Mr. Fee was teaching error, then some one of the many preachers, lawyers, and doctors, of the land, ought to have exposed the error before the people, in open debate; especially as Mr. Fee then, and so often previous, invited discussion.

3. *Resolved*, That the unwillingness to debate, and the resort to brute force, betrays a conscious weakness and guilt on the part of those who thus act. When deeds are evil, men hate the light.

4. *Resolved*, That if John G. Fee had in any wise violated law, then the duty of that mob was, not themselves to violate law, by taking from said Fee liberty of speech and person, but to have, by regular process, brought him before the law tribunals, and thus have demeaned themselves, not as outlaws, but as lovers of law and order.

5. *Resolved*, That if mob violence shall be sanctioned, then no man can have protection of person, family, or property, and that anarchy and misrule must reign.

6. *Resolved*, That as storms purify the natural atmosphere, so, often, does agitation the moral; and that instead of being discouraged, so far as Slavery is concerned, we hail with delight every event which occasions thep eople to examine the nature and consequences of Slavery.

7. *Resolved*, That in the late riot we see another manifestation of the spirit of Slavery, which is the spirit of force—not of reason or justice; and that we give ourselves with redoubled zeal to the extirpation from our land of that monster sin, Slavery, which has not inaptly been called, "the sum of all villanies."

8. *Resolved*, That our appeal shall be to the civil law of the land for a redress of grievances; and that we call upon all good citizens, that as they desire the protection of their own, they should secure to us the free exercise of those rights guarantied to us by the God of Nature, of Revelation, and the Constitution of the land.

Mr. Drowns then arose and offered the following:

Resolved, That as Slavery is now a loathsome beast of fourteen heads, (in fourteen States,) disregarding right and the liberties of all, we, having armed ourselves with the helmet of Liberty, the breastplate of Justice, and the sword of Truth, will wage against it an unceasing war.

Resolved, That we request the publication of the above resolutions in the *Kentucky News*, *Richmond Messenger*, and *National Era*.

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For the National Era.

THE LEGAL TENURE OF SLAVERY.

LETTER XXIX.

THE WRIT OF HABEAS CORPUS—"SECURITY FROM UNREASONABLE SEARCHES AND SEIZURES."

To the Friends of American Liberty:

In my last letter I insisted that the leading and characteristic features of the United States Constitution, as exhibited in its principal and specific *provisions*, were in accordance with its *delared objects in its Preamble*. I remarked that my fellow-citizens in general, who boast themselves of their "Constitutional rights" and "free institutions," would cry out against me, if I should say otherwise. I then undertook to show that these leading provisions of the Constitution, which give it its *character*, and which, in the eyes of the people, constitute it the bulwark of their liberties, are provisions which stand there without restriction or limitation, and are as potent for securing the liberties of black men as of white men, making no distinction of race, condition, or color. I brought forward the provision (Amendment V) which declares, that "*No person* shall be deprived of life, *liberty*, or property, without due process of law," and showed that this was equivalent to an act of liberation to the enslaved.

I now proceed to notice another provision.

II. THE HABEAS CORPUS.

The provision concerning "due process of law" was found among the "amendments," but *this* appears in the original instrument:

"The privileges of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it."—*Art. I, Sec.* 9, *Clause* 2.

"Habeas corpus"—(i.e.,) "have the body"—is "a writ delivering a person from false imprisonment," (duress, confinement, or deprivation of liberty,) "or for removing a person from one court to another."—*N. Webster.*

The object of the writ is to bring the body of the person who had been "restrained of liberty" into a court, "who shall determine whether the cause of his commitment be *just*, and thereupon to do as *justice shall appertain*."—16 *Charles I*, c. 10; *Blackstone's Com., B. I*, 135. It is "directed to the person *detaining another*, and commanding him to produce the body of the prisoner, with the day and *cause of his capture and detention*," &c., "to do, submit to, and receive whatsoever the judge or court awarding the writ shall consider in that behalf."—*Blackstone, III*, 131.

This account of the writ of habeas corpus is, by Blackstone, connected with the language of the Great Charter, that "no freeman shall be taken or imprisoned, but by the lawful judgment of his equals, or by the law of the land." And many subsequent old statutes expressly direct that "no man shall be taken or imprisoned by suggestion or petition to the King or his Council, unless it be by *legal indictment, or the process of the common law*."—*Blackstone, I*, 135.

It will be noticed here, that Blackstone corroborates the authorities cited in my last letter in proof that "due process of law" means "legal indictment." The "process of the common law" includes this, and the trial by jury. And it is evident that the act of habeas corpus, extorted from Charles I, was designed to secure the due "process of law"—the indictment and jury trial, extorted from King John. This is the view taken by Blackstone, who thus couples the habeas corpus with the "Bill of Rights," as carrying out the provisions of Magna Charta. "This writ of habeas corpus," says Blackstone, "is the most celebrated writ in the English law."—(*III*, 129.) And again, in treating of the subsequent abolition of "*the slavish*" (feudal) "tenures," after the restoration of King Charles II, he adds: "An *additional* security of his (the subject's) person from imprisonment was obtained *by that great bulwark of our Constitution*, the HABEAS CORPUS *act*." "These two statutes, with regard to our property and persons, form a second *Magna Charta*, as beneficial as that of Runnymede." "*Magna Charta* only in general terms declared that no man shall be imprisoned contrary to law. The *habeas corpus* act points out the effectual means, as well to release himself, though committed even by the King in Council, as to *punish* all those who shall thus unconstitutionally misuse him."—*B. IV*, 438, 439.

Mr. Christien, the annotator of Blackstone, says that "it is this writ that makes Slavery impossible in England." It was this writ that liberated James Somerset, and terminated Slavery in England, in 1772, by decision of Lord Chief Justice Mansfield.

And now, *after all this*, and with the full knowledge of it all, with the Magna Charta, the habeas corpus act, the Commentaries of Blackstone, and the decision of Lord Mansfield, all before them, and with the applauding public sentiment of our forefathers in both hemispheres, (the College of William and Mary, in Virginia, having conferred her highest honors on the Abolitionist, Granville Sharp, who had procured this decision,) the greatest statesmen, civilians, jurists, and lawyers, in our Western Hemisphere, with their eyes wide open on law and history, our Hamilton, King, Franklin, Madison, the Pinckneys, and their associates, come together and draft a Constitution. And without any hesitancy or demur, that we know of, they all agreed in putting into it this "habeas corpus" act, which had made "Slavery impossible in England;" the act that provides for the liberation of all who are not adjudged by "due process of law" to have forfeited their liberties by crime, or to have been held in accordance with "*justice*;" an act that renders it impossible even for "the King and Council" of England so to deprive a man of liberty that he cannot be thus reached and liberated!

And the people—Northern and Southern—accepted and ratified the Constitution. Not only so, they insisted on adding the "due process of law" amendment, (considered in my last letter,) lest the power of the habeas corpus should fail of being understood in its full scope. It *included*, indeed, by fair implication, the "due process of law," for the reaching of which the writ was devised. But our fathers would leave nothing for inference, in so vital a matter. The nail must not only be driven, but must be clinched.

What did our fathers do in all this? It will be said—and said truly enough—that in no other way could they have secured *their own* liberties. I say so too. I *insist* upon it, that it *is* so. But I insist, further, that, *in doing* it, they did it for *all* "the people of the United States." In other words, they provided as effectually for the liberation of the enslaved, as they did for the security of their own personal freedom. If it will not answer in the one case, it will not answer in the other. And some *white* people are beginning to find it so, in the enforcement of the Fugitive Slave Bill. The Constitution provides a "habeas corpus" and a "due process of law" for *all* of us, or for *none* of us. There can be no help for *that*. If you surrender it for the *colored* man, you surrender it for the *white* man. If you surrender it for your neighbor, you surrender it for yourself. The Fugitive Slave Bill (so called) says nothing of slaves. It says nothing of color. So far as *law* is concerned, there is no more security, *now*, for one person than for another! A pretty predicament for American citizens!

If you say that the slaveholder can hold slaves under the habeas corpus, you say he can do that which the British "King and Council" cannot do. The writ of habeas corpus must be suspended, before Slavery can be otherwise than illegal and unconstitutional. But the Constitution provides for no such suspension as would enslave any one. The Federal Government, in all that it has done to support Slavery, has attempted no such suspension, except in the case of fugitives, and it is a plain violation of the Constitution there.

The Federal Government, by this clause of the Constitution, is solemnly bound to provide Judges in all parts of the country, who, by the habeas corpus and due process of law, shall liberate all who are enslaved. The writ of habeas corpus is utterly and forever incompatible with the claim of property in man. Whether we construe the clause by the dead letter rule of "strict construction," or take the rule of the Supreme Court, or search after the "spirit and intent," in the light of contemporaneous history, it all comes to the same thing. The "intention" of "infringing rights," "overthrowing fundamental principles," and "departing from the general system of laws," by making color or race a bar to the use of the habeas corpus, so far from having been "expressed with irresistible clearness," has no semblance nor shadow of any such expression at all, and no man living can point to anything of the kind, or attempt to do so. The power of the clause to overthrow Slavery is as strong as human language can make it.

It avails nothing to say—either with or without proof—that no such result was *intended*. It *was* intended to secure personal liberty for *some* of "the people of the United States;" and since none of them were excluded, all of them were *included*. The question of "*intentions*" respects only what was intended to be *done*, not the *results* of doing it. No man can foresee all the *results* of his doings. But that does not hinder nor disprove the fact of his intending to do what he did do. More than this: if a man *intends* to do a thing, and *does* it, it may be that the results will be more than he intended, and (especially if the results are righteous) he must abide by them. Suppose five out of six brothers draw up a paper, *intending* to secure *their own* rights of patrimony, and actually securing them. Suppose it turns out, afterwards, that the paper did *more* than was intended—that it secured the equal rights of the *sixth* brother also. Can the five brothers come into court, and safely and successfully plead that they never *intended* to secure the rights of *this* brother? In the case before us, the "intention" of cutting off the sixth brother, of darker hue, is disproved by the absence of any limitation or exception in the document. Some would have it that the founders of our Republic were knaves. But no one supposes them to have been fools.

III. UNREASONABLE SEARCHES AND SEIZURES.

"The right of the people to be *secure in their persons*, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but on probable cause, supported by oath or affirmation, and particularly describing the places to be searched, and the persons or things to be seized."—*Amendment* 4.

Here is another provision for personal security. And this, too, comes in as an amendment—a codicil—correcting or displacing anything inconsistent with it, that may have been found in the original document—a very remarkable provision, in addition to the habeas corpus, the "due process of law," and several other provisions and prohibitions that remain to be noticed.

The clause concerning "persons held to service and labor" will be considered in its proper place. *That* clause is in the original instrument. And if it were thought necessary to introduce an "amendment" which should forever prevent that clause from being construed and used as it has been, we cannot but perceive that this "amendment 4" would have been admirably adapted to that purpose. I do not say that it was thus intended. I do not think that, at that time, there were twenty citizens of the United States, if indeed there were any who suspected that that clause was intended, or would be used, for the recovery of fugitive slaves. The "amendment," however, was designed, and is adapted, to prevent just such abuse as it describes. And the seizure of alleged fugitives, under the enactments of 1793, and especially of 1850, are, in fact, described in the amendment with graphic accuracy, and almost prophetic precision. The persons, houses, and papers, of the people *are* subjected to unreasonable searches and seizures. The warrants are issued in violation of this amendment, and without any reasonable or just cause. "Persons" are torn from their houses, homes, firesides, and families, and, by a "summary" process, dragged into Slavery. And, so far as the provisions of these unconstitutional acts are concerned, (I repeat it,) no citizen, white or colored, is *secure* from these seizures, for the enactments make no distinction of color. White persons, as well as colored, *are* thus seized and enslaved. The advertisements of fugitives often *describe* them as white, so that color, in matter of fact, cannot be regarded a defence; and in the case of those, of all hues, who become obnoxious to those infamous enactments, by "hiding the outcasts," refusing to "bewray him that wandereth," feeding the hungry, and sheltering the houseless, as the religion of humanity and mercy requires them to do, the outrages expressly prohibited in this "amendment" are perpetrated with rigor, and reduced to a system.

This is done in flagrant violation of another provision of the Constitution:

"Congress shall make no law respecting an establishment of religion, *or prohibiting the free exercise thereof*."—*Amendment* 1.

The "free exercise" of the religion of the Bible is prohibited by the Fugitive Slave Bill.

But "the right of the people to be secure in their persons" "against unreasonable *seizures*," is nothing distinct from their right to be *protected from enslavement*. If it does not include this, it can secure no other protection, for there is no such protection for the slave. If *this* clause of the Constitution can protect *any* portion of the people, it can protect *all* of them. If it cannot protect *all* of them, it can protect *none*. The experiment going on, daily, is furnishing evidence of this.

WILLIAM GOODELL.

FOREIGN IMMIGRATION.

To the Editor of the National Era:

Will you publish the statistics upon the subject of Immigration into this country, from its earliest settlement to the present time, if there be such, and oblige

ONE OF YOUR READERS?

The Compendium of the Seventh Census says:

"The number of foreigners who arrived in the United States since 1790 may be stated as follows; the arrivals from 1790 to 1820 are given on the authority of Professor Tucker; those subsequent to that period are obtained from the Custom House reports.*

"TABLE CXXIII.—*Arrivals of Foreigners in the United States.*

Years.	Arrivals.
1790 to 1800	50,000
1800 to 1810	70,000
1810 to 1820	114,000
1820–'21	5,993
1821–'22	5,329
1822–'23	6,749
1823–'24	7,088
1824–'25	8,532
1825–'26	16,151
1826–'27	12,418
1827–'28	26,114
1828–'29	24,459
1829–'30	27,153
1830–'31	23,074
1831–'32	41,287
1832–'33	58,547
1833–'34	65,335
1834–'35	51,899
1835–'36	65,473
1836–'37	79,083
1837–'38	54,363
1838–'39	54,163
1839–'40	84,146
1840–'41	84,504
1841–'42	101,107
1842–'43	75,159
1843–'44	74,607
1844–'45	102,415
1845–'46	147,051
1846–'47	226,182
1848, 15 months, to 30th Sept.	296,387
1849, 1 year, to do.	299,938
1850 do. do.	279,980
1852, 15 months, to Jan. 1	439,437
1853, to 1st January	373,725
1854 do.	368,643

* The Custom House reports are known to give much less than the true number, though they are at present much more correct than formerly. Chickering, from 1820 to 1846, supposes them to fall on the average fifty per cent. short of the truth for each year, and increases the total for that period from 1,354,395 to 2,031,472. Tucker, after making all deductions for persons going to and coming from Canada, makes the number 200,000 between 1820 and 1830, and 636,417 between 1840 and 1850, less 100,000 Americans who emigrated to Texas."

SHOOTING AFFAIR AT GASTON.—On Sunday morning last, about ten o'clock, the citizens of Gaston were thrown into a high state of excitement, caused by a white boy, named Robert Frazier, shooting a negro boy belonging to Dr. Clemens, of that place. The negro boy was playing with a cat, amusing himself in an innocent way, when this boy told the negro to leave the cat, and play with him. The negro not obeying this youth's command, turned round with his face to Frazier; and, as he turned, Frazier fired at him with his gun, the whole load lodging in the negro boy's mouth, tearing part of his nose off, knocking off two or three teeth, and injuring him very much. Medical assistance was promptly rendered by the owner of the boy. Young Frazier was arrested, but admitted to bail.

TEMPERANCE IN THE NAVY.—Lieut. D. D. Porter, commanding the U. S. store-ship Supply, which is going to the Eastern world after a load of camels, has made an arrangement, by which his crew is to be shipped, with the agreement that no grog shall be served on board. The men are to receive commutation for the liquor at the rate of sixpence a day. The abolition of the grog ration in the service should have been simultaneous with banishment of the lash. It is to be hoped Lieut. Porter's praiseworthy experiment will afford convincing proof that rum is not necessary to Jack's comfort or health.

MONS. DARIUS, formerly first bass singer of the theatre of Rouen, who is not less than 102 years old, and who is the oldest professional singer in France, is to sing in a concert which is to be given for the benefit of unemployed workmen.

In Adair county, Kentucky, on the 27th of March, John Pendleton, aged 82 years, was married to the amiable Mrs. Mary Adams, aged 72 years, who is entirely blind.

DANIEL R. GOODLOE,
Washington, D. C.
ATTORNEY AT LAW, will prosecute Bounty Land and other claims on the Federal Government.

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