TERMS OF SUBSCRIPTION.

The *National Era* is published every Thursday, on the following terms:

Single copy, one year	$2.00
Three copies, one year	5.00
Five copies, one year	8.00
Ten copies, one year	15.00
Single copy, six months	1.00
Ten copies, six months	8.00

Voluntary agents are entitled to retain 50 cents commission on each yearly, and 25 cents commission on each semi-yearly, subscriber, *except in the case of Clubs.*

A Club of five subscribers, at $8, will entitle the person making it up to a copy for 6 months; a Club of ten, at $15, to a copy for one year. When a Club has been forwarded, additions may be made to it, on the same terms.

THE NATIONAL ERA.

G. BAILEY, EDITOR AND PROPRIETOR; JOHN G. WHITTIER, CORRESPONDING EDITOR.

VOL. IX. WASHINGTON, D. C., THURSDAY, NOVEMBER 22, 1855. NO. 464.

RATES OF ADVERTISING.

Ten cents a line for the *first* insertion, *five* cents a line for each subsequent one. Ten words constitute a line. Payment in advance is invariably required.

☞ Money may be forwarded, by mail, at *my risk.* Notes on Eastern banks preferred. Large amounts may be remitted in drafts or certificates of deposit.

☞ Subscribers wishing their papers changed, will give the name of the post office changed *from*, as well as the post office they wish it hereafter sent *to.*

☞ All communications to the *Era*, whether on business of the paper or for publication, should be addressed to
G. BAILEY, *Washington, D. C.*

WASHINGTON, D. C.

For the National Era.

FUNERAL POMP.

Poor corpse, in costly vestments laid,
Bedecked, bedizened, and arrayed,
And to a careless crowd displayed!

Poor corpse, I will not gaze on thee;
In life a stranger, what can be
Thy pallid, death-cold clay to me?

O mockery! a motley crowd
Praising the fashion of a shroud,
Or whispering censure half aloud!

Sweet friends, I pray you, when I die,
Let not one cold or careless eye
Come and gaze on me where I lie.

Bedeck me not with costly gear,
Nor yet, to grace my simple bier,
Bring other than the gift sincere.

Some pale, small floweret of the spring,
Or summer's sweetest blossoming,
Or autumn's faded tribute, bring.

I know I shall not start, nor glow
With blushes, as they come and go
Round my dead limbs as round a show;

But yet, for love's sweet sake, I pray,
Compose my limbs, then gently lay
The poor, worn tenement away.

Enough that round me, as I sleep,
Those whom I loved should come to weep,
And kiss the lips they cannot keep.

And if one boon be granted me,
In answer to my life-long plea,
What time ye thus bend over me,

My face so sweet a smile shall wear,
Ye cannot choose but linger there,
And say, "Behold her answered prayer!"

C. A. M.

[Entered according to act of Congress, in the year 1855, by Elbert Perce, in the Clerk's Office of the Circuit Court of the District of Columbia.]

FOR THE NATIONAL ERA.

ROSA AND HER SUITORS.

A TALE OF SWEDISH DOMESTIC LIFE.

BY EMILIE F. CARLEN,

Author of "One Year of Wedlock," "The Bride of Omburg," &c., &c.

TRANSLATED BY ELBERT PERCE.

CHAP. XII.

The Stranger.

Christmas, with its pleasures and amusements, was over. Captain Ling, during the entire continuance of the festivities, with their eternal balls and entertainments, had, as it were, lost all thought of the trouble, which otherwise was his constant companion; but after the twentieth and concluding ball had been danced out, and he had had a couple of days repose, he began to find himself haunted again by his old plague; and his anxiety and uneasiness increased more and more, as the days of grace approached their termination.

The Merchant was immovable with regard to fixing the wedding day, before the Captain could produce written evidence of his uncle's intentions of providing for him. Ferdinand knew this would never be, and, after various plans, he concluded to open his heart to Rosa, and appeal to her noble and womanly feelings, to mediate between himself and the Professor; and with the image of such a pleader the Captain at once united in his own mind the idea of perfect forgiveness of the past—that is, he hoped the troublesome and important debt would be paid.

One morning in the latter part of January, he betook himself to Mr. Widen's, with this praiseworthy conceit in his head. Rosa, too, was in a complete mesh of care and anxiety; for some days past, a quite unusual and gloomy depression had taken complete possession of her father, and he appeared so truly sorrowful and dejected, that Rosa, who observed his every action, was cut to the heart. The recollection of the words which her mother had dropped some weeks previously, again came to her mind, though in quite another light than that in which they struck her at the time; she had a foreboding of some connection, some reality in them, which made her quake and tremble for her parents.

If, however, on the one hand, this cause tormented and pained her, there arose, on the other, mighty and profound feelings, which tempest-like beset poor Rosa's heart. Immediately after that memorable New Year's morning, Mannerstedt had declared that he now felt in a position to undertake his journey to Lünd, and therefore would no longer postpone the completion of his academical course; and he had, consequently, decided upon the 1st of February for his departure from H——.

In the interim, he concluded all his lessons and other little engagements; he had even ceased his attendance on the family of Mr. Widen; he alleged as his reason, that the deep sadness of his heart made him quite unfit for all society, and, besides this, he was obliged to apply all his time to his hitherto neglected studies. Rosa suspected that Mannerstedt had made the discovery that they were both hovering upon the brink of a precipice, and the energy of his character had made him exert all his manly strength to rescue both himself and her. She gave him a double portion of her esteem for this, and it did not inflict the least wound upon her womanly delicacy, that he had surmised how much she was devoted to him. Mannerstedt was incapable of a conviction of the kind—of that she felt assured—for how manly and noble had he shown himself at that critical moment, when any other young man, with equally warm feelings, and a less clear head, and less real sense of honor, would have seized upon the favorable opportunity, and have sought to turn it to his advantage.

Frank, however, acted otherwise; the almost convincing glance which he had ventured to cast into the depths of Rosa's heart—the hope, bordering on assurance, that he was dear to her—filled his heart with a sense of blessedness, but with the deep conviction that the impossibility of their union had confirmed Rosa in her resolve to give her hand to Captain Ling. Mannerstedt at once felt and understood that now, as ever, his path of duty was renunciation. Never, no, not even to possess her, would he be guilty of an unworthy action, or one that would lower him in her esteem.

He therefore firmly resolved not to visit Mr. Widen's house again, or see Rosa any more until the day of his departure.

Alone, and absorbed in reflection upon Mannerstedt's lofty example, Rosa was sitting, her work reposing untouched upon her lap, when Captain Ling entered the drawing-room; he was pale, and the sorrow and trouble which his looks so evidently expressed, and which clouded his usually proud brow, startled her.

"What is the matter, good Ferdinand?" she inquired, in a tone of sympathy; "has anything happened?"

"Not exactly already happened," he replied, "but I much dread that something excessively disagreeable will happen. Oh, Rosa, if I only dared to speak openly with you!"

The maiden's thoughts immediately recurred to her father, and she said, with a trembling voice—

"Speak, Ferdinand, I am prepared for the worst—for many days past I have observed that something must be coming; but how have you been able to learn what, since you have not been here during the time?"

The Captain appeared rather astonished and afflicted, for this remark of Rosa's seemed to point out some new cause for uneasiness.

"I really do not exactly understand what you mean, dear Rosa," said he; "but the matter upon which I sought your counsel concerns myself alone."

"Ah, I fancied it was something about papa," said Rosa; "he has been for the last two days so thoughtful and uneasy, that I feared you might have learned some unpleasant reason for it. I am very glad that such is not the case; so sit down by me, and let me know the cause of your disquietude."

Encouraged by Rosa's kindness, Ferdinand now began a narrative of all the events of his life, from his youth; of his unfortunate inclination for play, which had involved him in so much trouble. To this followed his journey to the residence, the jovial banquet, the sarcasms of his comrades on his refusing to join in play, of his burning desire to engage in it only once more, and then, step by step, his struggles, his weakness, and the unhappy results of that unfortunate night, and all except what was connected with Hilda Borgenskold, to which he carefully avoided all allusion.

Silent and pale sat Rosa there, when he had done speaking. It was now quite clear to her why Ferdinand, who had never previously shown her more than common attentions, at the very moment he received his Captain's commission, had, all at once, become so violently enamored, with equal precipitation had paid her his addresses, and now, after an overhasty betrothal, was anxious for as hurried a wedding.

The cause of this was now clear, beyond a doubt; and when Rosa considered in her mind his peculiar relation with his aunt, Mrs. Borgenskold's family, and particularly as regarded Hilda, and recollected his own confession, that circumstances were connected therewith which he could not explain, the whole plan of the noble Captain was unmistakably before her eyes. At the first moment, vexation was the predominant feeling; but when she took the second thought, she came to the conclusion that he had undoubtedly acted very wrong, but that he had been the victim of his own weakness, rather than really vicious.

Now, however, arose in her bosom a thankful aspiration towards the great Disposer of events; for the Captain's unscrupulous confession rescued her from a union with a man so totally devoid of heart, and of all the finer feelings; yet she could not help feeling sorry for him, in his painful position; for that he was suffering was evident, and on no account whatever would she select such a moment as this to lay before him the necessity of dissolving a connection which had been entered into, on his part, upon such grounds; but she fully resolved to seek an early opportunity to do so. Should her father's position be such as she feared it was, the Captain would not be very difficult to convince that it would be by far the best way to break off an alliance which promised so little hope of happiness to either.

With real self-control, and without a sign of indignation, she now broke the silence which followed the Captain's confession, and which he had not hitherto ventured to disturb by either question or observation.

"Poor Ferdinand," said she, "it grieves me to see you so much depressed. Truly, I cannot acquit you of errors and weakness; but your repentance, and your sacred promise never to gamble again, should be sufficient, I hope, to appease your uncle—at least, I will do all in my power to further this end. But I do not venture to hold out to you a decided hope of a successful result. I will not conceal from you that I consider it very doubtful—but I will do all I can to intercede for you."

"I thank you, my dear Rosa," said Ling, with a slight sigh, kissing her hand. "When will you go to the Professor?"

"To-morrow; and," added she, with a smile of encouragement, "be convinced, at least, I will try the result of all my eloquence."

Her mother now entered, and, as the Captain felt in no mode to engage in a conversation upon indifferent subjects, he pleaded an engagement, and took his leave, notwithstanding Mrs. Widen urged him to remain.

"He is difficult and tiresome to manage, and that in no trifling degree, too," said Madame Widen, when Ferdinand had closed the door behind him; and taking her work, she sat down by the window.

Twilight had not quite fallen, when a slow, heavy rolling of wheels announced the arrival of a large carriage.

"Who may that be now?" exclaimed she, inquisitively, as she saw a machine, rather resembling a little house than a carriage, drawn up before the large hotel of the town, which was directly opposite their house. "What do you think, Rosa, dear? Only look how the master himself, the waiters, and half the people in the house, are hurrying down the steps."

While she was speaking, the carriage door was opened, and a very tall, thin, middle-aged gentleman stepped out, and went up the steps with a firm tread and an air of distinction.

"Now, I should like to know who that is," she began again, in a couple of seconds. "I should like to know what he is. I will just observe on which side they light up. If it should be on this side, it is a person of distinction—for the state rooms look this way."

Rosa scarcely bestowed a glance upon the traveller, she had so much besides to occupy her thoughts.

However, her mother quickly exclaimed—

"Did I not say so? Was it not just what I thought? The state rooms are being lighted up, and only see what a running and bustle of strange servants, and chamber-maids, and everybody—and there comes the gentleman himself, preceded by the host with a couple of candles. Who in Heaven's name can it be, that they are making such a fuss about? But no—oh, how tiresome, that pert girl there letting the blinds down. Hem—I had forgotten, with all this nonsense, that I had some orders for Madame Bern."

And Mrs. Widen left the room in great haste.

"Dame Bern—Dame Bern—where are you?"

"Here, Madame; what does my lady please to want?" replied the housekeeper, who came hurriedly from the kitchen, with a basin in one hand and a spoon in the other.

"Have you let the breast of veal cook, Dame Bern?" asked the mistress, who had drawn upon herself the anxious looks of the servants by her eager appearance, and therefore she asked this very natural question.

"Oh, of course, ma'am," said the housekeeper; but perhaps my lady will be so good as to try the apple jelly."

Dame Bern was so practiced in these kind of affairs, that she had quite penetration enough to perceive that her mistress had a special commission for her, and therefore cunningly slipped in the question about the apple jelly.

"Aye, that would not be a bad plan; you generally make it too sweet," replied Madame Widen; and, entering the larder with Dame Bern, she shut the door.

"My dear Dame Bern," she now commenced, in the most condescending tone in the world, "a carriage just stopped at the hotel opposite, and a tall, distinguished-looking, fair gentleman alighted, upon whose account they seemed to be making a tremendous to-do. How shall we manage to find out what it all means? I know that you are very clever in these matters, Dame Bern; can you not send over to Mrs. Swanstedt, and just by chance, as it were, learn all about it?"

"Rely upon me, my lady; as sure as I am alive, we'll soon know all about it; then only look, now; fair, said my lady—aye, yes, what did I say? that was not upon the cards, just to amuse us, depend upon it; now, then, we shall see what happens—meantime, I'll just call Louise, and send her over, to take the great pudding mould, which the Swanstedt people lent us the other day. Louise knows what's what; and if my lady will just go in, I'll look after it all. If I come to the door, and ask if we shall have pancakes this evening, then my lady will know that I have something to tell her."

A long tiresome hour did the lady pass; curiosity was generally one of her darling weak points; but, now that the similarity of the hero with Dame Bern's prophecies was added to everything else, the matter derived an extraordinary degree of interest—and all the more so, that the last few days had been so very tiresome that some change was necessary. At length the door was slightly opened, and Dame Bern's voice was heard, uttering the appointed signal—

"Will my lady please to have pancakes or puffs this evening?"

"I do not exactly know what I will have yet," said Madame Widen, with affected indifference; "I'll come out in a little while, and give you my directions."

But the little while, during which she sat upon thorns, became intolerable.

"Dear me!" she said, "how troublesome these little household matters are;" and, rising, she started off to Dame Bern's room, threw herself into a chair, and hastily exclaimed, "now, then, what news has Louise brought us?"

"Well, ma'am, what we have been able to learn is just this: First, that the gentleman comes from Denmark; secondly, that he proposes going to Stockholm; thirdly, that he is immensely rich; fourth, that he is a widower; and fifth, last, and most important, that he has inquired whether Mr. Widen lived far from here; and when they told him that his house was directly opposite, he answered, 'that is capital,' looked at his watch, and added, 'it will be too late this evening.' Louise could not rightly catch his name, and she forgot it, in the hurry of asking about the other things; but what says my lady to this?"

"Why, it is really very extraordinary," said Madame Widen, thoughtfully; "did I not think, from the very first moment that I saw the man's face, that it was the identical person whom Dame Bern saw in the cards. Heavens, how wonderful! rich—distinguished—a widower—hum, hum! And he asked for the Merchant Widen? Aye, aye, this is something important; and to-morrow he comes, that is certain. Do you know, Dame Bern, that the Captain begins rather to displease me. I do not believe the man is what he should be. I told Widen so at first, but when will husbands ever listen to anything? In short, Captain Ling and Rosa do not suit each other. The worst of it is, I cannot well give Widen a hint of the proposed visit, for then he would guess what has happened, and that I should not like."

They now held a consultation regarding dinner the next day, should the stranger honor them with his presence. This mighty subject occupied two hours, before they came to a satisfactory conclusion. When the family had assembled round the coffee-table the following morning, at half past eight, Larson entered with a card, and asked when the gentleman whose name it bore could have the honor of waiting upon Mr. Widen. He laid the card upon the table, and drew back to await his master's reply. The Merchant took up the card, and strained his weak eyes to enable him to read the finely-engraved letters of the name. Suddenly his cheeks turned ashy pale, his lips quivered, and his usual proud bearing appeared to sink at once into nothingness. However, the consciousness of his servant's presence seemed in some measure to restore him to the power of self-control. He raised his head, and, with an air of forced dignity, said—

"I shall have the greatest pleasure in receiving Mr. Garben at any hour that may suit him."

As soon as Larson had retired, and closed the door, he arose, and made a sign to his wife to come with him. As they were going out at the door, he turned to Rosa, and said—

"Dress yourself, my child—open the state apartments, and seat yourself in the blue-room."

Rosa silently inclined her head, in token of obedience, while she thought with pain of poor Ferdinand, who had gone home, a prey to the most killing anxiety, to await the result of her visit to the Professor. In the greatest haste, she wrote him a few lines, and informed him that the arrival of a stranger prevented her going out before dinner; if, however, any unforeseen event should occur, she would visit his uncle in the evening, and do all that she possibly could. When she had despatched her note, she went to her own room to make a handsome morning toilette, as her father had directed.

Meanwhile, Madame Widen had followed her pale and uneasy husband to his room, with a violently-beating heart. When they had both entered, and the Merchant had turned the key, he exclaimed, in a voice like that of a dying man—

"Brigitta Marie, I am ruined—lost—it is all over with me! Heaven and hell! I see how it is—he has got wind of it! Was I not deep enough in the mire before? The only straw which I had to hold on by, was my credit with this very house, but now everything is at an end. This Garben has acknowledgments from me to an immense amount; and should he now call for a settlement, there is nothing for me but ruin, and I can never hold up my head again. Oh, unhappy, ruined man, that I am!"

And the proud Merchant wrung his hands in despair, and sank upon the sofa.

"For God's sake, dear Widen, be patient!" implored his wife, anxiously. "Let us only devise some means to bear the first burst, for not a trace of the real state of affairs must be visible. Recollect, my dear old man, the directions you yourself gave me on the evening of Rosa's betrothal, when you first confided your troubles to me; and now command yourself, be polite and unembarrassed in your manner, and let us lull him with flattery, dinners, and all sorts of arrangements, so that he may not find a very early opportunity to think of the real object of his visit here. I have heard that he is a widower. Ah, my dear, Rosa is charming. Few men have ever seen her, without finding out that. Only think"——

"Yes, think of the plague taking us off, when the end of the world is to be here to-morrow!" interrupted her husband, viciously. "You women are always ready with your plans and inventions."

"Is it not our duty, then, dear Widen, to be so?" humbly replied his wife, who, to her honor be it said, was a good, sensible woman. "Is it not our duty, when we think we can be of use to our husbands by doing so? If you knew of any better plan yourself, why——and, besides, I heard that Mr. Garben is on his way to Stockholm."

"Hem, hem!" said the Merchant, and, as if endowed with new life, he began to walk up and down the room.

"If it is certain, Brigitta Marie, as you say, that he goes on to Stockholm from here, and I could only be fortunate enough to put off business until his return, a fortnight is gained. My opinion is, that he will then have to look about for some other security for his money, as I am compelled to arrange the collective claims of my creditors in such a manner as to give them each their share of the common fund."

"Widen, my dear love," said his wife, in a trembling voice, "you terrify me. Would not that be as bad—I had almost said, as nearly touching our honor—as anything else?"

"Bah! my love, you don't understand these things," interrupted her husband, in a firmer tone. "Leave all that to me; such things are every-day occurrences; after a time, it is forgotten; and one is just as honorable a man as before, if one only understands the right way to do the thing, and to come to terms with the most pressing creditors. Of course, he is understood," he added, seeing that his wife appeared to derive but little consolation from his reasoning, "that if he should show Rosa such a degree of attention as may lead to the idea that the matter may be arranged some other way, naturally, that would be the best of all; for we may be assured the Professor will persist in his refusal, and I have serious thoughts of breaking off this business altogether. And now I will consider on our plans. Go and dress now, my dear, and go to the drawing-room, where I will shortly be with you—for, Heaven forbid that I should receive him in my own apartment, where the conversation would necessarily turn upon business. Give Rosa a hint that she is to receive a person to whom her father is under many obligations, with especial politeness."

"Yes, yes, I will do all that depends upon me," replied Mrs. Widen; "but now tell me, are we to have any strangers to dinner to-day?"

"Only some few gentlemen, my dear, to-day! If he stays any longer, we must have a large dinner party to-morrow."

"As you like," said his wife, leaving the room, to go and hold a fresh consultation with her housekeeper. After she had closed the door, the Merchant stood silent for a few seconds, with his arms folded, and then mechanically commenced his toilette, taking an occasional look at the glass, to see if his countenance was happy in its expression of habitual security.

JUDGE KANE AND HIS LATE PRISONER.

To the Editor of the National Era:

SIR: Passmore Williamson, the prisoner of Judge Kane, is free! Let the good people of Pennsylvania rejoice that their principal city no longer holds within penitentiary precincts a noble and innocent fellow-citizen! We would join them in jubilee!

From the first to the last day of his imprisonment, we have had no doubt that there was available, at any moment, an easy, ready, and efficient legal remedy for his release from the confinement inflicted on him by the wicked and unprecedented edict of the District Judge for the Eastern District of Pennsylvania, who, from the day he cast his victim into prison, has been legally and justly liable in an action for false imprisonment, at the suit of his prisoner, for a high-handed and haughty trespass to his person, to say nothing of the first deserving of the ermined usurper, in the direction of the political punishment prescribed by the Constitution. Now that the storm of Judge Kane's wrath is over, and an end come to his judgments, we wish to pass in review the facts and law of the case of the late subject of prison-walls—the case of a man who has given to the world an example of patience and non-resistance worthy a freeman of the renowned State of the great Quaker, and a citizen of the beautiful town whose very name is so significant of brotherly love.

Shades of William Penn and Ben. Franklin! Might ye not have enacted for the prisoner the drama of the deliverance of the Apostle Peter, from the bands of a less cruel tyranny—bands which the Paganism of old Rome possibly might have been excused in imposing on the Propagandist of a new faith, the religion of humanity! Was it here, indeed, in this same city of Philadelphia, where for so long time has been immured the prisoner of Judge Kane, that so many deeds famous in revolutionary story, and contemporaneous with the infancy of the Republic, have their origin?

It was, indeed, the great gathering-place of the good and great and just and wise men who sent forth to mankind the Declaration of Independence—that instrument which bears the ineffaceable seal and sentiments of free souls—to be forgotten only when the eternal years come not, and immortal life shall not be! On ground sacred to Freedom, albeit in a city the birthplace of Liberty, over which, in the midnight of despotism, came and stood the star of hope to the nations, and, by its brightness, beckoning thither the Magi of the East and the West, the North and the South, to behold in its cradle the infant Republic, hath been seen, for many a day, the shameful spectacle of an American citizen barred within walls unfriendly to the light, and familiar chiefly with felon footsteps, for no offence cognizable by the laws of the land; and subject to the vindictive hate of one in authority, rejoicing over the [illegible] and penalties which judicial dynamics are able to inflict. In our examination of this case of imprisonment, we wish to analyze the acts of this learned Theban, in the very inception and genesis of his judicial movement in the affair, (it scarcely merits the name of judicial proceeding, being *extra leges et judices*,) which has given him a notoriety as lasting as any monument of infamy reared since the institution of the Roman inquisition, with its dangerous and merciless appliances. We mean the affair which consigned to the common jail of the city of Philadelphia the honest, upright, and philanthropic WILLIAMSON, at whose release all good men will rejoice evermore.

We place upon our record some of the facts of the remarkable *habeas corpus* of Judge Kane, to bring before him certain slaves of one J. H. Wheeler, who was passing with them through the State of Pennsylvania; and the still more remarkable *commitment*, by this Judge, of a person whom he fancied to be a fit subject for his imprisonment—at least, so many of the facts as give ground for the following postulates. We state, therefore, on information, that said slaves departed from said Wheeler, at five o'clock P. M., on the 18th day of July last; that, at eleven P. M., same day, service of the *habeas corpus* was attempted at the house of Mr. Williamson; that the District Court is never in session at a later hour than three o'clock P. M.; that the writ not being served on the 18th, as attempted, and before the time therein named for the return to the same, an *alias* writ was issued, and service thereof made upon Mr. Williamson the next day. These facts we take for foundation. Therefore—

I. *The District Judge never had jurisdiction of any* SUBJECT-MATTER *to warrant habeas corpus.*

It would be extremely absurd to suppose, that because Judge Kane had the right, by virtue of his office, to exercise certain powers, he might do what he pleases touching the rights and liberties of the citizen, indiscriminately. Outside of the powers and duties of his office, as limited and defined by the law of the land, he is as harmless a legal entity as any other person, with the exception that, when tempted to usurp power and inflict punishment, he has greater facilities. We will examine the postulate enunciated above. We have said the District Judge had no jurisdiction in the matter of the Wheeler slaves, and hence no power to issue the *habeas corpus*. These slaves were not *fugitives*, having *escaped* from one State into another, and thereby bringing themselves within the provisions of the Acts of Congress of February 12, 1793, and September 18, 1850. No jurisdiction came or was conferred, therefore, by these acts, or matters within their purview.

We will continue our search for subject-matter for *habeas corpus*. These same acts, just above referred to, are penal upon those who obstruct or hinder the claimant of a slave, or who rescue or harbor or conceal a slave. The application to the District Judge discloses no such charge or matters as these; and, besides, if Mr. Williamson had, by any possibility, brought himself within that statute by any act, the remedy for the injury to Wheeler was not by *habeas corpus*, but by action, in the usual method, in the Circuit Court of the United States, by writ of *capias*—the punishment or penalty for any violation of its provisions, touching obstruction, rescue, harboring, and concealment, is thus provided for, as may be seen on reference to the act. But it was impossible for Mr. Williamson to bring himself, by any act, within the statute; for it provides solely for escaping slaves, under art. 4, sec. 3, of the Constitution. Granting everything — allow that these slaves were *fugitives*, and that Williamson rescued them, &c.—Judge Kane could neither summarily, by *habeas corpus*, at chambers, nor by action in his Court, give relief—it would be an injury to be redressed in another Court than his, another forum. The language of the statute is, "shall forfeit and pay the sum of $500, which penalty may be recovered by and for the benefit of such claimant, *by action of debt*, in any Court proper to try the same." The United States Circuit Court, not the District, is the proper Court. But this affair of *habeas corpus* was no *action*, nor was it in Court—it was only in chambers. No jurisdictional matter springs up here, therefore; and we will search on. But it is said the slaves were enticed away from their master. Is not this, indeed, subject-matter for the *habeas corpus*, and does not jurisdiction of the Judge here find a foothold, a stand-point, a *poco sto*, a pivot for the play of this Archimedean lever in the law, the *habeas corpus?* It would be well for him if it did; but all practitioners know that for such injury Wheeler had his action at law, must come into Court with a *case*, impleading his adversary, with his declaration, and have trial in the manner and form belonging to *actions;* where he will find a Court proper, with its concomitants, crier, clerk, jury, marshal, &c.; where may be found a seal, minutes, entries, records, &c.; in short, he must resort to the proper *Court of Record* for relief in such case, and by *capias*, too—not by *habeas corpus*.

This matter of enticement, then, we see, furnishes no subject-matter for Judge Kane's writ of *habeas corpus* to Mr. Williamson, either in term time or in vacation of term, in the District Court proper or in chambers of the Judge. We go onward, therefore, in our search for subject-matter to warrant this extraordinary use of the *habeas corpus!*

Again: It hath been said that Wheeler, and all slaveholders, by the law of nations, have the right of transit of their human property through territory where Slavery is unknown or disallowed. This is a false saying, which we have not time now, and space here, to discuss. But what if it were true, as put forth by this Judge in one of his late opinions? Is the abandonment of Wheeler, by his slaves, in free territory, subject-matter, under that grave *Code of the Nations*, for the writ sent forth by him to Mr. Williamson greeting? The little, narrow, out-of-court proceeding of Judge Kane, "solitary and alone," without crier, without clerk, without jury, without book of record for judgment, seems not to correspond with the magnitude and importance of so dignified a question; nor, indeed, does Judge Kane's chambers, however luminous, by the lights which burn and beam and radiate within its sacred *penetralia*—lights appearing, nevertheless, to be of the farthing-candle capacity, only rendering "darkness visible" the more distinctly—seem to be the fittest forum for the settlement of the question concerning the rights of human chattels *in transitu*. We fear much that the circumstances of this case, and the character of the tribunal, will not embolden the privileged slaveholder to avail himself of the wisdom of Judge Kane, lately put forth in their behalf. If guided by proper counsel, the slaveholder, we think, in such case as that of Wheeler, will choose other writ than *habeas corpus*, (its use heretofore has been to *free* men, not to enslave them)—will choose another forum than a District Judge's chambers—will look well to see that he has subject-matter, ground of complaint, and that, too, lodged in such place and in "*such form, that the judicial power is capable of acting upon it*," as Judge Story hath expressed it. This transit doctrine, if true, will not warrant *habeas corpus*. It calls for other remedy, and elsewhere—an *action* in *Court*—in any aspect of the affair.

In our search among the categories of complaint, causes of action, and grounds of application, with the facts connected with the Wheeler slaves, for the subject-matter to warrant this *habeas corpus*, we are unable to find any; and we challenge the discovery of any, among the code of nations, their conventions, or the common law—the Constitutions of States, their bills of rights, or their legislative enactments! We will proceed no further in our search; it will be in vain to seek for subject-matter where there is none—there can be none. We stop here. We leave our challenge for whomsoever it may concern.

II. *The District Judge never had jurisdiction of the person of Mr. Williamson under the habeas corpus.*

This proposition is but the corollary of that already examined. If what precedes be true, we are saved time in the proof of this; for what [illegible] did not call for the remedy which the *habeas corpus* writ was designed to be, but left the wrong or injury to be redressed in a Court of Record, it constituting a "*case*" for such Court alone, within the meaning of the Constitution, and furnishing no warrant for its issue, Williamson was not bound to heed its mandate any more than if it had been issued by his Honor John Doe! It was at his option to seek the Judge at his chambers, or at any appointed place in the writ, or to remain absent; to make a return to it, or not, at his pleasure. Suppose he had chosen to remain away, and the Judge had before him the evidence of its due service upon him; or, take the matter as it occurred—he chooses to go at the time and to the place nominated in the writ. What of it? Has the Judge jurisdiction of his person, so as to punish him for any cause? In the one case, if he obtained jurisdiction of the subject-matter—if the complaint before him came within the province of his powers—he might attach him, and thus compel his presence, and, unless he gave sufficient excuse, might be punished for the contempt, in the other case, he need not be attached; being in Court, he may be committed for the contempt summarily; but in either case, would it not behoove a Judge to be careful of his own conduct, so as not to expose himself to liability in the law; to mark well and carefully digest the question whether he may meddle with the *person*, till he has before him jurisdictional *matter?* In the small courts, what justice of the peace is not careful not to issue execution against property or person, till jurisdiction of the subject-matter is had by him, although the defendant may have come into Court and submitted to trial? Suppose the justice to try the subject of title to land, a thing outside of his limits; the defendant, coming into Court on summons, not objecting to his jurisdiction, and even consenting to it, would the judgment be good, the execution be harmless, commitment to jail for contempt of Court during the trial *be safe* for his Honor? Does consent confer jurisdiction? Will neglect to plead it in respect to the person help the trespasser? Now, the Courts of the United States are limited in their jurisdiction. Outside of their limits, the judges thereof are as feeble in power as is the humblest justice of the peace when beyond his statutory boundaries.

We forbear further inquiry or remark under this division of the subject, leaving the reader to examine the quotations which follow, to see whether the Wheeler slave affair constituted such a "case," under the Constitution, as to warrant *habeas corpus* by a Judge out of Court, or give jurisdiction in any manner, short of an action in some Federal Court.

"The judicial department is authorized to exercise jurisdiction to the full extent of the Constitution, laws, and treaties of the United States, whenever any question respecting them shall assume such a form that the judicial power is capable of acting upon it. When it has assumed such a form, it then becomes a case; and then, and not till then, the judicial power attaches to it. A case then, in the sense of this clause of the Constitution, arises, when some subject, touching the Constitution, laws, or treaties of the United States, is submitted to the *Courts* by a party, who asserts his rights in the *form* prescribed by law. In other words, a case is a *suit* in law or equity, instituted according to the *regular course* of judicial proceedings.

"Cases arise under the Constitution, as contradistinguished from those arising under the laws of the United States, are such as arise from the powers conferred, or privileges granted, or rights claimed, or protection secured, or prohibitions contained, in the Constitution itself, independent of any particular statute enactment. Many cases of this sort may easily be enumerated. Thus, if a citizen of one State should be denied the privileges of a citizen in another; if a State should coin money, or make paper money a tender; if a person, tried for a crime against the United States, should be denied a trial by jury, or a trial in the State where the crime is charged to be committed; if a person, held to labor or service in one State, under the laws thereof, should escape into another, and there should be a refusal to deliver him up to the party to whom such service or labor may be due; in these, and many other cases, the question, to be judicially decided, would be a case arising under the Constitution.

"It has sometimes been suggested, that a case, to be within the purview of this clause, must be one in which a party comes into *Court* to demand something conferred on him by the Constitution, or a law, or a treaty, of the United States. But this construction is clearly too narrow. A case in law or equity consists of the right of the one party, as well as the other, and may truly be said to arise under the Constitution, or a law, or a treaty, of the United States, whenever its correct decision depends on the construction of either."—*Story's Com. on the Con., s.* 856–'7, 8.

III. *The District Judge has jurisdiction and can exercise judicial power only where they are given by the United States Constitution and laws of Congress.*

This Federal officer derives his office, and power to act in the same, not from anything found in the Constitution, laws, bills of rights of the States, or the common law, but from what is found in the United States Constitution and the laws of Congress: his jurisdiction in the premises is limited by these—they present barriers to his relentless doings as well as judicial acts, and the voices which echo from their pages teach him, THUS FAR SHALT THOU GO, AND NO FURTHER. The element to which the laws have restricted his power as well as pastime is known; its specific gravity has been measured, and its component parts been well ascertained.

The judicial power of the United States Government is vested in one Supreme Court, and in such inferior Courts as Congress may from time to time ordain and establish.—(*Con., art. iii, sec.* 1.) Congress established the Circuit Court and Districts Courts, and, by the Judiciary Act of 1787, prescribed the powers and duties of the Judges thereof, as well as of the Justices of the Supreme Court. To show the reader the source of the power and authority exercised by this and the other Federal Judges to issue writs, and all the warrant which exists for issuing *habeas corpus* by these Judges, as *Courts*, or as Judges off the bench, out of Court, *as such*, at chambers, mere commissioners for a prescribed duty or purpose, acting rather ministerially than judicially, we here transcribe section 14th of that act, and ask the candid reader to point out the part, paragraph, or proviso thereof, which charters the writ that went forth from Kane to Williamson. Within its few lines, if anywhere, will be seen all and the only grant to issue this process by that functionary:

"*And be it further enacted*, That all the before-mentioned COURTS of the United States shall have power to issue writs of *fieri facias*, *habeas corpus*, and all other writs not specially provided for by statute, which may be necessary for the exercise of their respective jurisdictions, and agreeable to the principles and usages of law. And that either of the *Justices* of the Supreme Court, as well as *Judges* of the District Courts, shall have power to grant writs of *habeas corpus*, for the purpose of inquiring into the cause of commitment. *Provided*, that writs of *habeas corpus* shall in no case extend to prisoners in gaol, unless where they are in custody under or by color of the authority of the United States, or are committed for trial before some Court of the same, or are necessary to be brought into Court to testify."

Here we have the boundaries of the power of these Judges to issue process, clearly marked. Besides this, just as clearly is there a marked distinction in respect to their powers, *in Court* and *out of Court*, over the writs known in the law; in respect to what writs may issue, while they, or either of them, are sitting and holding *Court*, as such, in term; and in respect also to what writ, and under what circumstances it may be issued by a Judge in vacation of term, out of Court, in chambers, so called. Now, the *habeas corpus*, which issued in the matter of these slaves of Wheeler, was not put forth in or of any other Court, but went forth from a Judge in vacation of term; having had a bastard paternity, and a bantling parturition outside of Court-halls, Court-houses, and Court-customs, being born in chambers, a legal *lusus naturæ*, the hybrid progeny of the unholy alliance of Slavery and a descendant of the common law, and adopted as a child into his family by that civilian, because of his long and tender affection for the father and the paternal ancestors?

To change our figures of rhetoric, and to use other language, it is painful, in the extreme, to witness the wresting from its ancient and established uses to the prostituting purposes of Slavery of that old prerogative writ, which dates its origin and advent in the times that developed *Magna Charta*, and has secured, more than all other appliances known in the law, the liberty of the subject or citizen from the trespasses of power. The great liberator has become the great enslaver. This jewel of *Magna Charta* has been subjected to the vulcan fires and forges of infernal gods, whose work-shops, of late, have been the Court-halls and law-chambers of Federal justiciaries, and, by their "peculiar" processes of transmutation, has been manufactured into corroding hand-cuffs and dungeon keys.

We feel justified in appropriating here the sad and sorrowful reflection upon the mutabilito of things, of Hamlet, the noble Prince of Denmark, "To what *base uses* we may return, Horatio! Why may not imagination trace the noble dust of Alexander, till we find it stopping a bung-hole!" The knell of Liberty has been rung, and its funereal sounds have reached our ears! The charnel-house of Slavery hath been flung open wide, to receive its hallowed remains! "Alas, poor Yorick!"

The spirit of Liberty, which animated the fathers of the Republic, seems to have departed with them. What Colonial Judge ever dared to put to such use, so to debase its high mission, as is now done with *habeas corpus* by Federal Judges? It might as well have been used to enforce the enormities of the odious Stamp Act. It is now the miserable man-trap of Slavery!

IV. *The District Judge had no power to commit for contempt in the proceedings under the habeas corpus.*

Let us surrender all the foregoing propositions, for the sake of the argument; allow the Judge the benefit of jurisdiction of the subject-matter—jurisdiction of the person; and grant that the complaint before him made such a "case" as is contemplated by the Constitution—was even triable on *habeas corpus;* in fine, that there appeared sufficient on the face of the proceedings on *habeas corpus*, to show that the Judge had complete jurisdiction, in all respects, of the affair of which he took cognizance.

It is clear, from the language of the Constitution and laws of Congress, that the Federal Judges have had assigned to them positions differing in power and purposes—the one *judicial*, the other *ministerial* and collateral; the one to be exercised *in court*, the other *out of court;* and that while in court they are clothed with judicial power, while out of court they have none.

This difference of power and purpose, according to the position occupied by the Judge at the time of his exercise of the same, may be seen running through all the laws instituting and regulating the courts and the judges thereof. We might instance cases, almost *ad infinitum*, where the judge acts only as a *commissioner*, wholly divested of judicial authority; but we will cite only the following, (*Ex parte Beatty*, 12 *Wend.*, 299,) which was a case of *habeas corpus*, and where our Supreme Court have made the same distinctions which we have above, and expressly declare that the *habeas corpus*, when not granted by the Court, is granted "by one of the Justices thereof, acting as commissioner." Again: In our own State, all the Judges of the Supreme Court, besides those of some other courts, are empowered to hear and determine all applications of insolvent discharge under what is called the Two Third Act, all applications for *habeas corpus* or *certiorari*, and all proceedings supplementary to execution, as prescribed by the Code. In all these doings, the acts of the Judge are not *judicial*, properly so called; these acts are *virtute officii*, and they act not as judges. Their acts in such behalf are protected by the statutes imposing them, and not by any custom or law touching them while sitting as a *court*.

We might cite also in this same connection, in support of our position, those celebrated statutes already referred to above—the fugitive slave law of 1793, and that of 1850, as well as the Judiciary Act of 1787, a section of which we have copied above—to show where Judge Kane stands with his *habeas corpus;* whether in court or out of court; on the bench or in chambers; holding his District Court or his commission; in the trial of a *case* under the Constitution, in open court, or in the hearing of a *proceeding* by *habeas corpus*, in chambers—all of which statutes plainly impose a class of duties on the Federal Judges, besides certain commissioners appointed by them, and also "any magistrate of a county, city, or town corporate"—and all of which judges, &c., in the fulfilment of those duties, act as special officers, for a purpose, out of court, having no general jurisdiction, and being divested of judicial power. And these statutes, giving them the right to act, will protect them only while acting within the scope of the statutory license, and no further: they have no common law powers or privileges. Now, we ask, what follows from these premises? Is it not certainly this: That unless the statutes, which give their acts vitality, provide a means of enforcement of the same, and a punishment for disobedience to their writs, orders, &c., they must submit to be contemned in the exercise of their commission? The Legislature of New York, in the matter of "proceedings supplementary to execution," in the Code, by providing a remedy for the judge while engaged out of court in such proceedings, to enforce his orders and punish disobedience, impliedly endorse our argument in this behalf, and tacitly declare our position impregnable. The last section of the chapter, under this head, expressly provides for contempts. If the judge, in the discharge of his duty here, had power to punish, as in court, why this enactment? We need not bring more references to the statutes imposing on judges out-of-court duties—*ab uno disce omnes.* We are sure that there cannot be found in the so-called Judiciary Act, or in any other law of Congress, a single section or clause giving a Federal Judge, outside of his proper court, any possible ground to punish disobedience to orders! The party injured by the disobedience, or the contempt, as it may be called, must resort to his action or criminal complaint for the injury—the judge having gone the length of the law as it is, there he may rest from his labors—*ita lex scripta est.* *Vide* the Act of Congress of March 2, 1833, to wit:

"If any person or persons, to whom such writ of *habeas corpus* may be directed, shall refuse to obey the same, or shall neglect or refuse to make return, or shall make a false return thereto, in addition to the remedies heretofore given by law, he shall be deemed and taken to be guilty of a misdemeanor."

This applies as well to disobedience to *habeas corpus* issuing out of a court, as to that writ issuing from a judge at chambers. In either case, it seems to be a powerful remedy, and to dispense with commitment. Whether it does or not, the Judge at chambers has no other resort. The following statute certainly does not afford him any means of comfort in the way of penal visitation—it expressly applies to courts; and before Judge Kane could have ordered infliction under its behests, he must have resolved his chambers into Court; and himself, as Commissioner, in *closed* Court, into United States Judge, in *open* Court:

"That the power of the several Courts of the United States, to issue attachments and inflict summary punishments for contempts of Courts, shall not be construed to extend to any cases except the *misbehaviour* of a person or persons in the *presence* of the Courts, or so near thereto *as to obstruct* the administration of justice, the misbehaviour of any of the officers of said Courts in their official transactions, and the *disobedience* or *resistance* of any officer of said Courts, party, jury, witness, or any other person or persons, to any lawful writ, process, rule, order, decree, or command, of said Court."

It may be observed that this section predicates punishment only in cases of resistance to "any lawful writ." It may well be questioned whether this remarkable *habeas corpus* of Judge Kane was a *lawful writ*, being based on such complaint or subject-matter as warranted its use. This we have shown, we think, was without any basis in the law. The only fault we find with Judge Kane's prisoner is, that he paid any the least attention to the writ in Wheeler's behalf; instead of making return to it, he should have treated it as an *unlawful writ*, as it plainly was a wicked contrivance of a slaveholder, by perversion, if not perjury, to entrap a poor *woman* and her *children!* What abominations have not been perpetrated in the name of Justice, and by misuser of her most sacred instruments?

V. *Conflict and confusion have arisen in the matters of the habeas corpus and commitment, by reason of not distinguishing between the acts of the District Judge done in his proper Court, and his acts as Commissioner out of Court.*

It may be seen, on reference to the section of the Judiciary Act which we have inserted under our third head above, that Congress, after licensing the *Courts*, which had been created by it under the Constitution, to use certain writs and to exercise certain powers, extend to the Justices of the Supreme Court, and Judges of the District Courts, power to grant writs of *habeas corpus*, with limitations—thus constituting each of them, independently of any court character, a sort of High Commission or Star Chamber tribunal, STRICTLY AND ONLY TO GRANT HABEAS CORPUS, TO INQUIRE INTO CAUSES OF COMMITMENT or restraint of persons, and to determine the questions involved in the same. This is perfectly manifest on a perusal of the act, so much of which as thus licenses these Judges we here repeat: "And that either of the Justices of the Supreme Court, as well as Judges of the District Courts, shall have power to grant writs of *habeas corpus*, for the purpose of an inquiry into the cause of commitment." Now, who does not see that it is under this clause that Judge Kane acted, when the *habeas corpus* issued to bring before him the Wheeler slaves. It needs no *motion* in Court to get allowance of this writ, when issued as this was by Judge Kane. It certainly was not allowed in the District Court, between the hours of 5 and 11 o'clock, P. M., as that Court was not then in session. Every lawyer knows that this writ is never issued out of a court of record, without motion of some sort to the Court in session; and when so issued, goes forth in due form, with the seal of Court, attorney's and clerk's names, test of Justice or Judge, directed to the person restraining; not so when issued by a Judge out of Court—he has no clerk, seal, or officer to serve the writ, and it must issue without seal, &c., and may be served by any person—all this from the necessity of the case; nor can such a proceeding before the Judge be mixed up and blended with his doings afterwards in Court; he may not transfer papers, before him in such proceeding, to the files of the District Court; nor may there be recorded therein any of his acts done outside, as High Commissioner or Chamber Judge; they belong not to the District Court, and are no part of its judicial transactions; he may not, in the District Court, hear motions in respect to his decision, and orders made by him in such proceeding before him as Commissioner. Nor may his lack of jurisdiction, in respect to subject-matter or the person, in a proceeding before him as such Commissioner, be compensated for by plenary jurisdiction in his District Court. They are distinct spheres of action, and the law as well as justice requires him to keep his action in each separate and distinct.

Let us apply these principles to the Wheeler slave case. Here is a proceeding begun, at least, before Judge Kane, as Commissioner, out of Court. He does Mr. Williamson a grievous wrong, in the exercise of his power under this *habeas corpus* proceeding before him, at the Commission Chamber; of this wrong, Mr Williamson seeks to rid himself, and, forgetting that its infliction was not done in the District Court, considers it the place to apply for relief, and thither despatches messengers for it. No wonder if Judge Kane laughed in his sleeve, to witness the confusion of the sharp-scented pursuers, unable to determine what should be their course. At one time he sees them on this tack—at another time on that—now before the Chief Justice, asking him most graciously to grant *habeas corpus*—and anon before the full bench of five Judges, craving the same mercy—the petition each time being denied, and the prisoner, meanwhile, feeling, if not saying, in the language of Sterne's starling, "*I can't get out! I can't get out!*" Again is made another appeal to the committing Judge. Jane Johnson comes into Court and implores; but she has no STATUS! quoth the Judge, and she has leave to depart in peace! But something must be done, and the prisoner asks to file his bill of grievances in *Court;* but the Judge is now in District Court, and the fancied contempt in the old matter of *habeas corpus*, in his Commission Chamber, rankles in his bosom, and he talks incoherently of purgation, purgatory, prison, &c., hardly knowing what he is, whether District Judge or Commissioner. So adroitly is played the comedy of errors, so frequent is the change of venue, and so various are the kaleidoscopic views!

Now, all this dodging from Court to Court, and petitioning from time to time, seems simply absurd not only, but farcical in the extreme. Judge Kane to talk about STATUS in his District Court! In the matter of the *habeas corpus* and commitment of Mr. Williamson, and all subsequent proceedings in that behalf, neither he himself, nor Wheeler and his slaves, nor the prisoner, nor the counsel, had any *status* in that Court from the beginning to the end of the whole affair! All the parties above mentioned had not, from first to last, any standing or business to transact in that Court.

But enough. The game has been played, and the humanities of the heart and the moral sentiments of the soul sicken at all this legal legerdemain and judicial jugglery, that have been played so successfully, at the expense of the liberty and happiness of a worthy citizen. It is easy to fancy him in his prison solitude, saying, in profound soliloquy—

"What judgment shall I dread, doing no wrong?
You have among you many a purchased slave,
Which, like your asses, and your dogs, and mules,
You use in abject and in slavish parts,
Because you bought them. Shall I say to you,
Let them be free, marry them to your heirs?
Why sweat they under burdens? Let their beds
Be made as soft as yours, and let their palates
Be seasoned with such viands. You will answer,
The slaves are ours. So do I answer you!"

This case of Mr. Williamson is full of instruction. It teaches an important lesson upon the question of State Rights: shows how the Federal Judiciary may trespass on the liberties of the citizen, and trample under foot the rights of the person. As the fathers designed it, the Judiciary Department of the United States Government was a noble, exalted institution. But Congress by its enactments, and Slavery by its exactions, have degraded it to the low level of a press-gang brotherhood, and placed it on equality with special commissioners to catch runaway slaves!—concurrent each in that jurisdiction, alike honorable in that high vocation!

HORACE DRESSER.

New York, November 5, 1855.

PRESENT STATE OF THE DIFFERENCES BETWEEN ENGLAND AND THE U. STATES.

From the London Times, November 1.

When the war in the East first broke out, and England found herself in new and unwonted alliance with France, and an equally unwonted hostility with Russia, there was no power from which she received assurances of support more hearty, more satisfactory, and more spontaneous, than from the United States of America. Even the Minister of the Union in this country, unless we are misinformed, testified to the cordial sympathy of the Cabinet of Washington, and the nation over which it presides. He expressed an apprehension as to the danger of the combined forces of France and overwhelming might of Russia. But he desired us to be under no apprehension on that account, for the United States were willing to make our quarrel their own, and aid us with thousands of stout hearts and brawny arms, as ready to pluck down the despotism of the East, as to subdue the wilderness and level the giant forests of the West.

If the English Government believed these assurances, as we do not doubt the American Minister believed them, we cannot reasonably accuse them of rashness or credulity, or say that they adopted, on doubtful authority, a strange or improbable story. Was it unlikely, *a priori*, that a nation whose noble boast it is that her soil is the chosen abode of freedom, whose every citizen is a missionary against the creed of despotism, should warm to a generous enthusiasm at a war waged for no selfish motive, but to curb barbarous insolence, and save Europe and Asia from being trampled under the heel of an overbearing autocrat? Was it likely that a population, recruited annually from the bitterest enemies of Russia, which has so often evinced a martial spirit, which swarmed to the obscure conflicts of the Mexican war, and has shed its blood so freely in nameless Indian quarrels, should stand aloof from a contest in which world-wide fame was to be won by the brave, and a fair occasion was offered of making American valor illustrious in the van of a conflict, on the decision of which depended the future destinies of the human race? We do not think so; and, therefore, unfortunate as the result has been, we cannot blame our Ministers that, in their urgent need of men, they sought to avail themselves of the resources of the West, and to turn into a legitimate channel the irregular energies of those ardent spirits, which have appeared so long to yearn for an enterprise worthy of their courage. At the same time, the British Government, while establishing depots for enlistment within its own dominions, on the American continent, gave the most stringent orders that nothing should be done in the endeavor to obtain recruits to violate the municipal law of the United States—a direction which, with all deference to the American Attorney General, seems to us to show an intention to respect, instead of to violate, the national sovereignty of the Union.

However, it unhappily soon became only too apparent that the American minister and the British Government had alike mistaken the disposition of our transatlantic brethren. The sympathies of the land of freedom were found in great measure to be enlisted on the side of Russia. Whether it was a jealousy of the French alliance, a secret sympathy with the spirit of territorial aggression, wherever displayed, a desire on the part of the slaveholding States to counteract influences hostile to their domestic institutions, or that the Irish refugees had inoculated the Union with their hatred of England, we cannot say; but certain it is, that accounts began speedily to reach this country of the hostile spirit in which our attempts at recruiting were received, and the philo-Russian tone adopted, with a few honorable exceptions, by the whole American press, was but too apparent. The English Government did not wait to hear more; it had been misled, and it hastened to retract its error. Orders were immediately despatched to America, to desist from all attempts at recruiting, and to give no cause of annoyance to the susceptibilities of the nation.

In the mean while, the American Government had, as well as the British, made its observations on the state of public feeling, and determined not to neglect the opportunity of turning that feeling to account in the interest of the coming Presidential election of 1856. Proceedings were instituted against persons who had acted, or were supposed to act, in the interest of the English recruiting service, and Mr. Crampton, the most popular minister who has ever been accredited from this country to the Cabinet of Washington, was made the object of unmeasured abuse and vituperation. At the same time, the American Government desired their minister in London to make the strongest representations as to the conduct of Great Britain, and to demand a discontinuance of all endeavors at recruiting in the States. The British Government answered, in the most conciliatory tone, that what was demanded had been already done, and offered explanations on the subject, which proved perfectly satisfactory to the American minister, who could not but remember his own sanguine anticipations of a contrary feeling; and so for a time the matter terminated. But the American Government