affidavit from another State, containing the charge of crime would be conclusive evidence of the right to take the fugitive back, but the identity of the person in that case as well as a fugitive from labor must be proven here by competent witnesses before the tribunal provided by law for that purpose. In these respects, therefore, the negro is placed upon a perfect equality with the white man who is so unfortunate as to be charged with an offence in another State, whether the charge be true or false. It is no answer to this proposition to say that slavery is no crime, and therefore the parallel does not hold good. I am not speaking of the guilt or innocence of slavery. I am speaking of our obligations under the Constitution of the United States. That sacred instrument says that a fugitive from labor *"shall be delivered up,"* upon the claim of the owner. The same clause of the same instrument provides that fugitives from justice shall be delivered up. We are bound by our oaths to our God to see that clause of the Constitution as well as any other provision carried into effect. The moral, religious, and constitutional obligations resting upon us here and hereafter are the same in the one case as in the other. As citizens owing allegiance to the government and duties to society, we have no right to interpose our individual opinions and scruples as our reasons for violating the supreme law of the land as our fathers made it, and we have sworn to support it. The obligation is just as sacred under that supreme law to surrender fugitives from labor as fugitives from justice. And the Congress of the United States are as imperatively commanded to provide the necessary legislation for the one as for the other. The act of 1793, to which I have had occasion to refer so frequently and which has been read to you, provided for these two cases in the same bill. The first half of that act, relating to fugitives from justice, applies, from the nature and necessity of the case, principally to white men, and the last half, for the same reasons, applies exclusively to the blacks. I have shown you by reading and comparing the two laws in your presence, that there is no constitutional guaranty, or Common Law right, or legal or judicial privilege for the protection of the white man against oppression or injustice under the law passed in 1793, and now in force for the surrender of fugitives from justice, that does not apply in all its force in behalf of the negro, when arrested as a fugitive from labor, under the new law. What more can the friends of the negro ask than, in all his civil and legal rights under the Constitution, he should be placed on an equal footing with the white man? It is said that the law is susceptible of being abused by perjury and false witness. In what human enactment does not the same objection lie? You or I or any other man who was never in California in his life are liable, under the Constitution, to be sent there in chains for trial as a fugitive from justice, by means of perjury!—But does that prove that the Constitution and the laws for carrying it into effect are wrong and should be resisted, as we were told last night, to the dungeon, the gibbet and the grave? It only demonstrates to us the necessity of providing all the safeguards that the wit of man can devise for the protection of the innocent and the free, at the same time that we religiously enforce, according to the letter and spirit, every provision of the Constitution. I will not say that the act recently passed for the surrender of fugitives from labor accomplishes all this; but I will thank any gentleman to point out any one safeguard against abuse in the old law or in the law for the surrender of fugitives from justice that is not secured to the negro under the new law. I pause in order to give any gentleman an opportunity to point out the provision. I invite enquiry and examination. My object is to arrive at the truth—to repel error and prejudices—and to avoid violence and bloodshed. Will any gentleman point out the provision in the old law for the protection of the freeman that is not secured to him in the new one?

A gentleman present arose and called the attention of Mr. Douglas to the provision for paying out of the Treasury of the United States the expenses of conveying the fugitive back in case of anticipated resistance.

Ah, said Mr. D., that is a question of dollars and cents, involving no other principle than costs of the proceeding! I was discussing the question of human rights—the mode of protecting the rights of freemen from invasion, and the obligation of surrendering fugitives under the constitution. Is it possible that this momentous question, which was only forty eight hours ago deemed of importance enough to justify the city council to nullify an act of Congress, and raise the standard of rebellion against the Federal Government, and which was supposed to create the necessity for a report and resolutions, by a committee of distinguished men, in this Hall last night, calling upon all good citizens to resist this law, in obedience to the higher law of God, by violence even, to the dungeon and the grave, has dwindled down into a mere petty dispute, who shall pay the costs of suit? I confess my utter inability on this occasion to discuss that momentous question! Yesterday the constitution of the ocean bound republic had been overthrown, the privileges of the writ of habeas corpus had been suspended—the right of trial by jury had been abolished—pains and penalties had been imposed upon every human citizen who should feed the hungry and cover the naked—the law of God had been outraged by an infamous act of a traitorous congress—and the standard of rebellion raised by our city Fathers was floating in the breeze, calling upon all good citizens to rally under its sacred folds and resist with fire and sword—what? the payment of the costs of suit upon the arrest of a fugitive from labor!

Is there any other objection to this law which any gentleman would like to have explained? I hope no one will be backward in propounding inquiries, for I have but a few days to remain with you, and desire to make a clean business of this matter on this occasion.

A gentleman rose and desired to know why the Bill provided for paying ten dollars to the Commissioner for his fees in case he decided in favor of the claimant, and only five dollars if he decided against him.

I presume, said Mr. Douglas, the reason was that he would have more labor to perform.—If, after hearing the testimony, he decided in favor of the claimant, the law made it his duty to prepare and authenticate the necessary papers to authorize the claimant to carry the fugitive home; but if he decided against him, he had no such labor to perform. The law seems to be based upon the principle that the Commissioner should be paid according to the service he should render—five dollars for presiding at the trial, and five dollars for making out the papers, in case the testimony should require him to return the fugitive. This provision seems to be exciting considerable attention in the country, and I have been exceedingly gratified at the proceedings of a mass meeting held not far distant in which it was resolved unanimously that they could not be bribed for five dollars to consign a *freeman* to perpetual bondage! This shows an exalted state of moral feelings, highly creditable to those who participated in the meeting. But it might be well for them under the same high moral sense to instruct their Representatives to the Legislature to reform our criminal code in this respect.

Under our laws, as they have stood for the seventeen years I have been a citizen of the State, in all criminal cases, on the preliminary examination before the magistrates, and in all the higher courts, if the prisoner be convicted the witnesses and jurors, and all the officers are entitled to their fees and bills of cost; *but if he be acquitted, none of them receive a cent. In order* to diffuse the same high moral sense throughout the whole community, would it not be well at their next meeting to pass another resolution that they would not be bribed by the fees and costs of suit in any case, either as witnesses, jurors, magistrates, or in any other capacity, to consign an innocent man to a dismal cell in the penitentiary, or expose him to an ignominious death upon the gallows? Such a resolution might do a great deal of good in denoting the character of our citizens abroad, at the same time that it would inspire implicit confidence in the liberality, disinterestedness, and conscientiousness of those who adopted it.

Is there any other objection to this law?

A gentleman rose and called the attention of Mr. Douglas to the provision vesting the appointment of the Commissioners under it in the courts of law, instead of the President and Senate, and asked if that was not a violation of that provision of the constitution which says that Judges of the Supreme Courts and of the inferior courts, should be appointed by the President and Senate.

I thank the gentleman, said Mr. D., for calling my attention to this point. It was made in the speech of a distinguished lawyer last night, and evidently produced great effect upon the minds of the audience. The gentleman's high professional standing, taken in connection with his laborious preparation for the occasion, as was apparent to all from his lengthy written brief before him while speaking, inspired implicit confidence in the correctness of his position.

My answer to the objection will be found in the Constitution itself, which I will read:

"The President shall nominate, and by and with the consent of the Senate, shall appoint ambassadors, other public ministers, and consuls, Judges of the Supreme Court, and all other officers of the United States, where appointments are not herein otherwise provided for, and which shall be established by law."

Now, it will be seen that the words 'inferior courts' are not mentioned in the Constitution.—The gentleman in his zeal against the law, and his frenzy to resist it, interpolated these words and then made a plausible argument upon them. I trust this was all unintentional, or was done with the view of fulfilling the "Higher Law."—But there is another sentence in this same clause of the Constitution which I have not yet read. It is as follows:

"But the Congress may by law vest the appointment of such *inferior officers* as they think proper in the President alone, *in the Courts of Law*, or in the heads of Departments."

What is meant by *"inferior officers"* whose appointments may be vested in *"the courts of law"* will be seen by reference to the 8th Section of the Constitution, where the powers of Congress are enumerated, and among them is the following: "To constitute tribunals *inferior to the Supreme Court.*" Is the tribunal which is to carry this act into effect inferior to the Supreme Court of the United States? That is the only question, and I leave those who preach resistance to the law to answer it. I will remark however, that these Commissioners are not appointed under the new law, but under an act of Congress which has stood on the Statute Book for many years. If those who denounced and misrepresent this law had ever read it before they attempted to enlighten the people upon it, they would have saved themselves the mortification of exposure, as I will show by reading the first section:

"Sec. 1. Be it enacted, &c., That persons who may have been, or may hereafter be, appointed Commissioners in virtue of any act of Congress, by the Circuit Courts of the United States, and who in consequence of such appointments are authorized to exercise the powers that a justice of the peace or other magistrate of any of the United States may exercise in respect to offenders for any crime or offence against the United States, by arresting, imprisoning, or bailing the same under and by virtue of the thirty-third section of the act of the 24th of September, seventeen hundred and eighty-nine, entitled "An act to establish Judicial Courts of the United States," shall be and are hereby authorized and required to exercise and discharge all the powers and duties conferred by this act."

Thus it will be seen that these Commissioners have been in office for years, with their duties prescribed by law, nearly all of which were of a judicial character, and that this new law only imposes additional duties upon them and authorizes the increase of the number. Why has not this grave Constitution question been discovered before, and the people informed how their rights have been outraged in violation of the supreme law of the land? Truly, the passage of the fugitive bill has thrown a flood of light upon Constitutional principles.

A gentleman rose and said that he would like to ask another question, which was this: if the new law was so similar to the old one, what was the necessity of passing any at all, since the old one was still in force?

Mr. Douglas, in reply, said, that is the very question I was anxious some one should propound, because I was desirous of an opportunity of answering it. The old law answered all the purposes for which it was enacted tolerably well, until the decision by the Supreme Court of the United States, in the case of Priggs vs. the State of Pennsylvania, eight or nine years ago. That decision rendered the law comparatively inoperative, for the reason that there was scarcely any officers left to execute it. It will be recollected that the act of '93 imposed the duty of carrying it into effect upon the magistrates and other officers under the State governments. These officers performed their duties under that law, with fidelity, for about fifty years, until the Supreme Court in the case alluded to, decided that they were under no legal obligation to do so, and that Congress had no constitutional power to impose the duty upon them. From that time many of the officers refused to act, and soon afterwards the Legislature of Massachusetts, and many other States passed laws making it criminal for their officers to perform these duties. Hence the old law, although efficient in its provisions, and similar in most respects, and especially in those now objected to, almost identical with the new law, became comparatively a dead letter for the want of officers to carry it into effect. The circuit and district judges of the United States, were the only officers left who were empowered to execute it. In this state, for instance, Judge Drummond was the only officer authorized to try a fugitive case, and resided in the extreme north west corner of the state, within six miles of Wisconsin and three of Iowa, and in the direction where fugitives from labor were least likely to go. If a fugitive was arrested at Shawneetown, or Alton, three or four hundred miles from the residence of the Judge, the master would attempt to take him across the river to his home in Kentucky or Missouri, without first establishing his right to do so. This was calculated to excite uneasiness and doubts in the minds of our citizens, as to the propriety of permitting the negro to be carried out of the state without the fact of his owing service, and having escaped, being first proved, lest it might turn out that the negro was a freeman, and the claimant a kidnapper. And yet, according to the express terms of the old law, the master was authorized to seize his slave wherever he found him, and to carry him back without process, or trial, or proof of any kind whatsoever. Hence it was necessary to pass a new law, in order to carry into effect, in a peaceable and orderly manner, the provisions of the law and the Constitution on the one hand and to protect the free colored man from being kidnapped, and sold into slavery, by unprincipled men on the other hand. The purpose of the new law is to accomplish these two objects—to appoint officers to carry the law into effect, in the place of the magistrates relieved from that duty by the decision of the Supreme Court, and to guard against harrassing and kidnapping the free blacks, by preventing the claimant from carrying the negro out of the state until he established his legal right to do so. The new law, therefore, is a great improvement in this respect upon the old one, and is more favorable to justice and freedom, and better guarded against abuse.

A person present asked leave to propound another question of Mr. Douglas, which was this: If the new law is more favorable to freedom than the old one, why did the Southern slaveholders vote for it and desire its passage?

Mr. Douglas said he would answer that question with a great deal of pleasure. The Southern members voted for it for the reason that it was a better law than the old one—better for them—better for us,—and better for the free blacks. It places the execution of the law in the hands of responsible officers of the government, instead of leaving every man to take the law into his own hands, and to execute it for himself. It affords personal security to the claimant while arresting his servant, and taking him back by providing him with the opportunity of establishing his legal rights by competent testimony before a tribunal duly authorized to try the case, and thus allay all apprehensions and suspicions on the part of our citizens that he is a villain attempting to steal a freeman for the purpose of selling him into slavery. The slaveholder has as strong a desire to protect the rights of the free black man as we have, and much more interest to do so, for he well knows that if outrages are perpetrated under the law, and freemen are seized and carried back into slavery, from that moment the indignant outcry against it will be so strong here, and everywhere, that even a fugitive from labor could not be returned lest he also might happen to be *free*. The interest of the slaveholder, therefore, requires a law which shall protect the rights of all freemen, black or white, from any invasion or violation whatever. I ask the question therefore, whether this law is not better than the old one—better for the north and the south—better for the peace and quiet of the whole country? Let it be remembered that this law is but an amendment to the old one, and that the old one still remains in force except so far as it is modified by this. Every man who voted against this modification, thereby, voted to leave the old law in force; for I am not aware that any member of either House of Congress even had the hardihood to propose to repeal the law, and make no provisions for carrying the Constitution into effect. But the cry of Repeal as to the new law has already gone forth. Well, suppose it succeeds, what will those have gained who joined in the shout? Have I not shown that all the material objections they urge against the new law apply with equal force to the old one? What do they gain, therefore, unless they propose to repeal the old law also and make no provision for carrying the Constitution into effect? This must be the object of all men who take this position. To this it must come in the end, and that soon. The real objection is not to the new law, nor to the old one, but to the Constitution itself. Those of you who hold these opinions do not mean that the fugitive from labor should be taken back. That is the real point of your objection. You would not care a farthing about the new law, or the old law, or any other law, or what provisions it contained, if there was a hole in it big enough for the fugitive to slip through and escape. Habeas Corpuses—Trials by Jury—Records from other states—Pains and Penalties—the whole catalogue of objections would be all moonshine if the negro was not required to go back to his master. Tell me frankly is not this the true character of your objection?

Here several gentlemen gave an affirmative answer.

Mr. Douglas said he would answer that objection by reading a portion of the constitution of the United States. He then read as follows:

"No person held to service or labor in one state under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, BUT SHALL BE DELIVERED UP on the claim of the party to whom such service or labor may be due."

This is the supreme law of the land speaking to every citizen of the Republic. The command is imperative. There is no avoiding, no escaping the obligation so long as we live under and claim the protection of the Constitution. We must yield implicit obedience or we must take the necessary steps to release ourselves from the obligations to obey. There is no other alternative. We must stand by the Constitution of the Union with all its compromises, or we must abolish it and resolve each state back into its original elements. It is, therefore a question of Union and Disunion. We cannot expect our brethren of other states to remain faithful to the compact and permit us to be faithless. We are prepared, therefore, to execute faithfully and honestly the compact our fathers have made for us! The Divine law has been appealed to as authority for disregarding our most sacred duties to society. The City Council have appealed to it as an excuse for nullifying the fugitive slave law, and a committee embodied the same principle in their resolutions to the meeting in this Hall last night, as applicable both to the Constitution and laws. The general proposition that there is a law paramount to all human enactments—the law of the Supreme Ruler of the Universe—I trust that no Christian and civilized people are prepared to question much less deny. We should all recognize, respect, and revere the Divine law.

Mr. Douglas exposed and condemned in strong terms the doctrine that the Divine law was to be used as a pattern for disobedience to the laws of the land. He believed there was a law paramount to all human enactments, which it was the duty of every man to recognize, respect and revere; but that law taught obedience, not resistance to the constituted authorities. He believed the Constitution of the United States and all laws necessary to carry it into effect were in harmony with the Divine law, and that a man performed his moral and religious duties by being faithful to society, to his country, to the laws and his oath, not by violating all that was sacred in pretended obedience to a "higher law" than the Constitution. He also explained the circumstances which rendered his absence unavoidable when the vote was taken on the Fugitive Slave Bill in the Senate. He wished to avoid no responsibility on account of that absence, and therefore desired it distinctly understood that he should have voted for the bill if he could have been present. He referred to several of our most prominent and respected citizens by name, as personally cognizant of the fact, that he was anxious at that time to give that vote.

He believed the passage of that or some other efficient law a solemn duty imperatively demanded by the Constitution. In conclusion, Mr. D. made an earnest appeal to our citizens, to rally as one man to the defence of the Constitution and laws, and above all things and under all circumstances, to put down violence and disorder, by maintaining the supremacy of the laws. He referred to our high character for law and order heretofore, and also to the favorable position of our city for commanding the trade between the north and south through our canals and railroads, to show that our views and principles of action should be broad, liberal and national, calculated to encourage union and harmony instead of disunion and sectional bitterness. He concluded by remarking, that he considered this question of fidelity to the Constitution, and the supremacy of laws, as so far paramount to all other considerations, that he had prepared some resolutions to cover these points only, which he would submit to the meeting, and take their judgment upon them. If he had consulted his own feelings and views only, he should have embraced in the resolutions a specific approval of all the measures of the compromise, but as the question of rebellion and resistance to the Federal Government has been distinctly presented, it has been thought advisable to meet that issue on this occasion, distinct and separate from all others.

Trial of Archibald Elliott.

The People vs. Archibald Elliott.—This case brought by change of venue from Livingston county came up in our circuit court last Thursday morning. The forenoon was spent in getting a jury. After dinner the case was opened in a brief address to the jury by B. C. Cook, Esq., states attorney, who then called the following witnesses.

Joseph Springer.—Lives in Bayou precinct, Livingston county; was acquainted with James Mullen, in his lifetime. Knew defendant last winter, and have known him about two years last spring. Have known Mullen, more or less, for thirteen years. I happened at deft.'s house on the 17th day of Feb. last, on Sunday, 3 o'clock P. M. Archibald Elliott said, you will see Mr. Mullen probably before I will, I want you to tell him to come to my house and get some of Mullen's things; and that Mullen had some of his. He had been that morning to get his things, and Mr. Mullen was not at home, and he wished him to come down and get his things and give def. up his, a tub and barrel, I think, he mentioned. Some half hour after Mullen came to Elliott's, and only just stepped inside of the door. I then proposed to go home, we started, myself, Orlando Chubbuck, John Evans and Mullen, got over the bars, and got our horses. I said to Mullen, Archey told me a few minutes ago to tell you to come and get your things and give him up his: he had been to your house this morning to get his things, but you were not at home. Mullen said, "let us go back and get the things." I replied, "Mullen, if you go back, you and the boys will be likely to get into a row; I don't want to do it." He wanted I should go back. I told him if he wo'd promise not to raise any fuss with the boys, and Chubbuck would go back, I would go back.—They said all, if he would promise to have no fuss with the boys they would go back with him. He promised he would not, and we all returned to the house. We got close to the door. Def't. stepped out some 10 or 12 feet to a bunch of lumber with a knife in his hand, a large broad bladed knife, single blade. I, with Chubbuck and Evans turned off to where Elliott was. Mullen stepped within about 12 feet of the door. I said to Archey, "I have done your errand to Mullen, and he has come now to get his things; says you may get yours." Archey gave me no reply. Mullen said, "Archey, come, give me those big shoes, (a pair of horse shoes,) that is about all I care about." Archey made no answer; Mullen walked right into the house; he had been in but a minute or so when I heard him ask his (Mullen's) wife for the shoes; don't know what the reply was. There was loud talk raised between Robert Elliott and Mullen right away after Mullen went in. A minute or two after Mullen went into the house, George Elliott came to the door and called Archey, and he went in. About the time he got into the house, heard him hollow to leave the house or he would blow his brains out, or blow him through. I was sitting on the lumber then. Heard Mullen reply to give him his plunder and he would go; he had sent for him to come and get it, and he would not go without it. There were then loud words in the house. Chubbuck says to me, "Let's go in and see what they are doing." We started, I passed right on past the door to the window; Chubbuck was with me; when I got to the window, looked in. Archibald Elliott was standing with his gun drawn up to his shoulder; I looked through the glass; the gun was cocked, with a cap on; could see Mullen at that time; the gun was pointing right towards him; my head was not over 10 feet from the lock of the gun—maybe not over a foot; my face was against the window glass, and Elliott was standing with his shoulder against the door post. Mullen had his child in his arms, a child 18 months or 2 years old; saw nothing else in his hands. I said, twice or three times, "Archey, put the gun down;" he made no reply while I was standing at the window. Archey told Mullen to leave the house or he would blow him through; Mullen replied, "give me my property that I was sent for to get, and I'll go, and I wont go without it."—Mrs. Mullen came round, caught hold of me, pulled my head away from the glass, and just then I heard the report of the gun. Chubbuck was at the window with me all the time; I was on the west side, Chubbuck on the east; Mullen stood off to the east side of the window. Evans went into the house before the gun was fired; he stood in the north part of the room when the gun was fired. There was a terrible bustle in the house. I stood a moment or two deliberating what to do, and then went into the house. Mullen was sinking down and falling backwards as I stepped into the door; Deft. was in the room, they were close together yet, I took Mullen by the shoulders out of the room into the other. He was shot in the left shoulder, a hole large enough to insert three fingers; could not tell whether it was a bullet or shot; was a large hole. Took Mullen out of doors and laid him on the ground: he appeared utterly insensible, made some moaning while I stood by him. Deft. came out of the door and walked down towards the stable, and shortly after came back. He said, "Mr. Springer, do you think I have killed him?" I said, "Archey he is a dead man." Says he, "I am willing to be hung now." Saw soon after deft. on his horse going over to Moon's Point very fast. I then left and went for an officer; after I first started, I came back, turned Mullen over; he said, "I will my property to my brother." We then rode for an officer three quarters of a mile and back; when we got back Mullen was dead. This happened in Livingston county, Illinois, on the 17th day of February last. It was a shot gun the deft. had. About one year before this, the Elliott boys, Robert and George, had a row with Mullen; deft. told me if he had had the gun in place of the boys, he would have shot him.

Cross Examined—I was riding past the house, going home, saw Evans and Chubbuck there; wanted to see Evans and stopped; did not know they were to be there; it was about 3 o'clock. I was in the house, Evans, Chubbuck, and Elliott boys were there; we were in a part of the house where Archy kept some groceries; can't say positively whether I saw Margaret Mullen the first time I was there that day or not. When Mullen first came to the house deft. was not in the room; he was in the next room; the door was closed.—Evans, Chubbuck, and George were in when Archey told me to give word to Mullen about the things. Mullen had before that time told me to call on deft. and get a pair of large horse shoes and put them on a beast of his I was working.—Mullen was in the room; they lived in the east room and of the house; don't know of his going out that room; did not see him at time I heard the first threats; can't tell whether he was in front room or not; when Mrs. Mullen took hold of me at the window she appeared excited, and said she wanted me to bring deceased out—to "go betwixt them," were her words.

Orlando Chubbuck—Was at deft's. house, Sunday, Feb. 17, 1850; was first there in the afternoon; John Evans went with me, and Edward Carlton was there when we got there, or came soon after. Joseph Springer came a short time after we got there. Mullen came to the house, but did not go in, I think, at that time. When I went there, Robert and George Elliott and Mrs. Mullen were there. Deft. said to Springer, "you will probably see Mullen before I will; I wish you would tell him, if he will give up a tub and barrel he has of mine I will give up whatever I have got of his." He said he had been to Mullen's that morning to get the tub and barrel, but as he was not at home he did not get them. He said he wanted no further trouble with Mullen; was willing to give up Mullen's things if Mullen would give up his. This word was communicated to Mullen over the bars by Springer as we were all going away. Mullen, Springer, Evans, and myself went back to the house together; when we came near, deft. was standing near the pile of boards. Springer told him he had given the word he had sent to Mullen, and that he was willing to give up the tub and barrel, and wanted a pair of horse shoes. Deft. made no reply. Mullen then said he had the tub and barrel, was willing to give them up, and wanted no trouble.—This was said in presence of Archey. Deft. made no reply. I asked deft if he was not going to do as Mullen proposed; he had said he wanted no difficulty, and I advised Archey to let him have the shoes. Deft. made no reply. Springer made similar remarks. While I was talking I heard some person speak and call Archey to come in; I was standing with my back towards the door; turned round and saw George Elliott standing in the door; did not see Mullen, he had passed out of my sight. Archey went in. At the time I turned round, as soon as he got into the house, heard him order some person to leave the house; don't know what he called any name. He said "leave the house or I'll blow your brains out."—Heard other voices using threats and ordering him to leave the house. Mullen said, "I will leave as soon as I get my horse shoes, or property"—used both expressions. I started towards the house; Springer went with me; went to the door; when we got there, George Elliott stood before the inside door with a large cythe in his hand; I asked him what he was going to do with it; he made no reply; he soon after put the cythe down. I passed along to the window, which was near the south corner of the house, opening into the next room; Springer went with me. I saw deft. standing on the inside of the window; he had the gun drawn up in the position to shoot; it was cocked and had a cap on. Could'nt see Mullen then, heard his voice. I rapped on the window and asked Archey what he was going to do with the gun. He said he was going to shoot if he stepped a step nearer towards him. I said to him in substance that Mullen had come there in a peaceable way by his request, that he was making no threats to injure him, and that he had better put down his gun. Deft. said he knew what he was going to do with the gun, or words to that effect. About this time Mrs. Mullen came up behind us screaming; I turned round, and as I did so heard the report of the gun. I stepped to the door; Springer and Mrs. Mullen went in. Saw Springer, Mullen, and deft. in the room; deft. had no gun then. Springer had hold of Mullen, who appeared to be falling over backwards.—Springer took him out of the door and eased him down on the ground. Saw Mullen an hour after, and he was dead. Deft. told me the gun was loaded with shot. It had been proposed some of us should go after a doctor. Deft. said he would go; washed the blood off himself and left; he did not come back; he went first in the direction of Moon's.

Cross Examined—Did not see Mullen go into the house; don't know the precise time when we went into the house; can't say how long it was deft. stood at the boards; might have been five or 10 minutes. It was a very short time after Archey went into the house before the gun fired. When I spoke to deft. he lowered the point of the gun a little. There was a physician residing at Moon's Point. I don't know that I heard Evans' voice before the gun was fired.

Godfrey Kyle—Have known deft. 2 years.—James Mullen 2 or 3 years; was down at Elliott's; before I got there I stopped at Mullen's house; old man Elliott was there; he came down; one of his eyes were blue; he said Mullen had kicked him; and then I heard Archey say, "Now I will go right up and give him a shot." He took the shot gun and put four bullets in and the old man told him not to go up there, and he set the gun down.

Cross Examined—No one else was there at that time; old Mr. Chubbuck came in soon after. This was a year ago last winter. I staid an hour or two; might have been 10 or 11 o'clock a. m. Think old Mr. Elliott about 70.

Philo Zillman—Have known the deft. 2 years; have heard him say that Mullen had ordered him out of his house once, and he took his gun and said he would shoot him. This was about a year and a half ago.

Cross Examined—Never told Moses Allen that I never heard threats made by deft. against Mullen; made no such statement to Moses Allen or Jack Evans near the jail door since this term of court, nor to Gardner. I was at Elliott's house when this transaction took place; don't recollect whether any other person was present; think I was at work for Elliott; we were out doors when the statement was made.

Re-Examined—Told Elliott when he asked me if I heard deft. say that he would shoot Mullen before the week was out, that I had never heard him make such threats.

Cornelius Zillman—Never heard any threats; known deft. 2 years, dec'd 12.

Silas Henderson—Known deft. 11 years; Mullen about a year longer. Year ago last spring was going to Todd's mills and overtook deft. on foot, going to Peru; he got into the wagon; conversation arose between us about Mullen and his wife; deft. said he had loaded his gun to shoot him but they had made it up; but he said if he ever whipped his wife again he'd shoot him.

David Allen—Deft. was at my house, and said at the time his brothers shot at Mullen, if he had had the gun at that time he would have shot him. He was there another time, and talking about Mullen and his wife he said the time was out for them to live together, and he was going to put him through. The last conversation was on the Friday before Mullen was killed. The first conversation was a month or so earlier.

John Evans—have known deft. 3 or 4 years; knew James Mullen. Was at the house of deft. on the afternoon of the 17. Chubbuck went there with me: Springer and Mullen came there before I left. Chubbuck, Springer, and Mullen went out to the bars. I remained out of doors a short time, then went into the house. The woman that called deft. was in the house when I went in; he had a gun when I went in. Mullen and his wife were in the room. When I first went into the room there was a cry from Mrs. Mullen that there would be murder done. I stepped into the south door. Says I, "Archey what are you doing with my gun?" Says he, "Mr. Evans, I know what I am doing with my gun." I just passed Mullen when the gun went off. Mullen was in a stooping position, as though he had just put down the child. I saw the child there; did not see any thing in Mullen's hand; don't believe any other person but Robert was in the room when the gun fired. Mullen and Archey were little more than the length of the gun apart when it fired; neither were walking at the time.

Cross Examined—I opened the door; Mullen was stooping as if he was grabbing for a child; Mullen did not make any motion towards Archy at the time. I had been there some time when Springer came. Did not see Springer and Mullen, and don't know whether the latter was in the house at all before we came back from the bars.

Ensley Pope—Some two years ago heard threats from def. against Mullen. Def. said Mullen had been abusing his sister; if he did it again he calculated to shoot him.

Here the prosecution rested. The following witnesses were called by the defence:

Bissell Chubbuck.—Was present yesterday, heard part of the examination of Godfrey Kyle. Understood him to state I was there at the time threats were made. I went over to Elliott's at 10 or 11 o'clock, Kyle was there putting up a store. In the afternoon three Irishmen came from Mullen's, and said Mullen had knocked down the old man and knocked the woman into the fire. George and Robert said they would go up and see Mrs. Mullen, with a gun. Isaid, "don't take the gun." Archy said, "you shan't have the gun." Old Mr. Elliott came down and told how he had been abused. Archy told him to set down. Robert got the gun and went off. Archy called to them to bring the gun back, they did not, but after a while they came back, with the gun broke, all bloody. Archy scolded and swore about the gun being broke, cried about it; he did not load the gun at that time, and I did not hear him say, "Now I will go up and give him a shot."

Cross Examined—This was two years ago last November. I am hard of hearing; won't swear I heard all that was said; don't think Archy left the room while I was there, but won't swear he could not have done so.

Margaret Mullen—Am the widow of James Mullen, was at deft's house on the 17th Feb. last. James Mullen came there on the afternoon of that day; he came alone. Springer, Evans, and Chubbuck were there that afternoon. Saw Springer before I saw Mullen. He came in with his hands in his pockets. When he came to the door he clasped his hands; he asked if there was no way of opening the door. I told Robert to open the door. When he came in, he went right forward and took up a bag with corn in; Robert told him to lay it down; Mullen held on to it and kept looking. Archey came up and said, "Mullen, that don't belong to you." Mullen laid it down. Archey said, "leave my house." Mullen said, "I shan't do it." Archey said, "if I have got anything of yours, take the law, and get a search warrant." He told him the fourth time to leave. Archey turned round to go into the grocery; as he passed, Mullen pulled out his knife and opened it.—Archey said, "James Mullen, don't draw your knife on me." Archey and Mullen went into the grocery, and then Archey came back into the next room with me and closed the door. James turned round with his knife in his hand, and swore he would either take or lose a life. I rushed out and called on Joe Springer to take Mullen away. He stood and laughed at me. I saw the knife in his hand. Joe Springer was standing with his face up to the window in the east room. The window is near the middle of the east room. It was not very long from the time I spoke till the gun was fired. James Mullen made a threat on the 26th day of December. We took dinner at Archey's. "Well," said he, "that puppy wanted to get my team to get some lumber." He said he would take his life or he would take his glass. The gun was dirty. James, Archey, and Robert were in the room at the time James drove his shoulder against the door. Never observed Mullen throwing his hands before except when he was excited. On the 26th December, and the day after, Mullen abused me, and I told Archey a few days after that. Was not present when Mullen beat my father, that Chubbuck testified to. I had told Archey of the ill usage I had experienced from Mullen. Once he kicked me so that I miscarried. It will be 3 years ago in December.

I have 2 children by him. He struck me and throwed me down and put his knee on my breast. Dan McGee came in shortly after and hollowed murder. A little after I had a baby—he kicked me out of bed one night. At the time the three Irishmen were there he abused and whipped me, knocked my father down, and told him if he stirred he would cut his head off. He flung me into the fire and burned my arm severely. He was a large, stout man.

Cross Examined—The child was in the east room all the time the affray happened; when Mullen tried to push open the door into the west room, I ran out twice to Springer.

George Elliott—Brother of prisoner; was at his house on the 17th February last; James Mullen came there in the afternoon; Orlando Chubbuck, Jos. Springer, and John Evans were there. I was over head; was called down to give Mullen a glass of liquor, by order of Chubbuck; Springer and Mullen drank; Mullen started to go out, then turned; Evans came out of the west room, and all went out of the door down to the fence, then came back again; Mullen came up slapping his hands, and came into the grocery. He went to go in the west room; the door was closed, he pushed against it; Robert told him not to break the door, and opened it. Mullen went in and took up a bag of corn; Robert said, "James, that does not belong to you," and asked him what he wanted. He said his property. Robert said there was no property there belonging to him. They were arguing a few minutes when Archey came in; said he, "James, what do you want?" Mullen said, "my property." Deft. told him the law was open, to sue him, or take out a search warrant. Mrs. Mullen then bro't Mullen into the grocery; Archey came in also, then slipped into the east room and closed the door. I saw a knife in Mullen's hand in the grocery, open; he rushed from his wife and put his shoulders against the door and burst it open; saw the child on his left arm when he opened the door, the knife was in his right hand. Archey told him to close his knife; "I'll be damned," says he, "if I do till I am a corpse or take one." Margaret run for Springer and Chubbuck to come in. John Evans came in and walked over to where Archey was, and said, "Archey, what are you going to do?" "I want Mullen to close his knife and leave the room." The gun was pointed partly to the floor; he lowered the muzzle to the ground. Evans walked out of the room, and then Mullen made a rush in a stooping position at Archey; I was standing in the centre of the grocery, the door wide open. The child remained on Mullen's arm but a short time; he throwed it under the table. He stood up about two minutes, and then made the rush.

Cross Examined—Did not hear word sent to Mullen; never went out of the grocery. The door was not broken. The answer to Evans was for Mullen to shut his knife and leave the room. Don't suppose I could see the whole of Mullen. Springer and Chubbuck were not at the window when Margaret ran out, but stood at the door.

Re-examined.—The scythes were knocked down and I put them up. I told Archey that brother James had sent me to him to tell him to beware of Mullen, for he would kill him.

Robert Elliott—Brother of deft.; was at his house on the 17th Feb. last; first saw Mullen that afternoon going away with Springer, he came back again. Saw Mullen go into the grocery. * * * Mullen asked if there was no way to open the door, and began to push the door in. I told him I would open it, and did so. He came in and took up a bag of corn. I told him to lay it down; we then had some words. Archey came into the room and told him to lay it down; he did not do it at this time. He then drew a knife on Archey; he took the knife from his pocket. Archey took into the grocery; Mullen and his wife followed; Archey went back into west room; door was closed or nearly so; Mullen pushed the door open; it was strained; one of the panels was pushed out of its place. Archey told him several times to go out, that the law was open, &c.; he swore he'd be damned if he would. He struck his two hands together after he had thrown the child down, "Now," said he, "the best horse leaps the ditch," and sprang forward, and the gun was fired. Archey was standing at the window with the gun in his hand.

Cross Examined—Did not tell old man Chubbuck that Archey's face and hand were cut, and that he had gone off on to the prairie. Mullen did not straighten himself up at all after putting down the child. He drew the knife immediately after dropping the corn. Suppose he had advanced two or three paces when Archey fired. Archey told Springer and Chubbuck that he would lay down his gun if Mullen would lay down his knife. Am sure it was the lower panel of the door that was strained. Don't know which panel was strained.

George Elliott, cross examined—Never told Chubbuck that Mullen had cut Archey's hand and face, and that Archey had gone off into the prairie and I supposed bled to death. After the shot Mullen rushed forward, caught hold of Archey, bit his finger, and it bled.

James D. Gunn—Coroner; shot went into the left shoulder, near the collar bone, and came out on the right side of the small of the back. I Saw this knife at Elliott's on the 18th Feb., open.

Cross examined—No blood on the knife when I saw it; don't know whose knife it was. Think the door opening from the grocery into the west room 4 panelled. Did not notice it injured.

Benjamin Barrett—About 1st of Feb. Mullen came to my house at 10 o'clock at night. He told me next morning he could not get along, either he or Archey must lay in Alton. Never told Archey of this.

James Gleason—Some time last winter Mullen came to my house; said he had some difficulty with the Elliotts; had made a back log of the old man, and broke a gun over another, and if they did not let him alone he would kill one of them.

James Elliott testified to Mullen's having made threats to take Archey's life.

Archibald Elliott, sen.—Am the father of deft. Age beyond seventy. Mullen abused his wife, I told him not to do it, he knocked me down, and when his wife interfered he threw her upon the fire.

Thomas Elliott—Know the knife, it belonged to Mullen; saw him put the marks on it.

Margaret Mullen—Never told young Chubbuck that Mullen had the child in his hands.

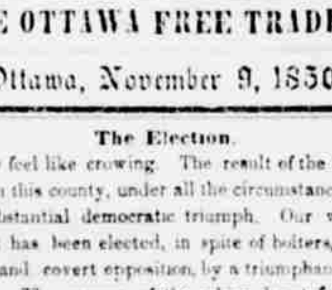
Orlando Chubbuck—Soon as we heard the report of the gun. Mrs. Mullen came out with the child in her arms, exclaiming it was shot. I asked what made her think so, she said because James had had it in his arms.

Bissel Chubbuck—On the 18th Feb. was at Elliott's. Saw Mullen dead. Robert said Mullen had cut Archey's face and hands, so that there was no doubt but he had bled to death. They said he had gone over to Pope's after Dr. Follet.

John Evans—Mullen did not rush up towards Archey; he was stooping; his face was not towards Archey.

The case was argued by J. C. Champlin and W. Chumasero, Esqrs., for the defence, and by B. C. Cook, Esq., for the prosecution.

The jury retired from the bar at half past 2 o'clock p. m., and at 7 o'clock returned with a verdict of guilty, and that the defendant be confined in the penitentiary 18 months. Upon demand of the defendant, the jury were polled and several disagreed to the verdict. The jury again retired, and at 11 o'clock were discharged, having been unable to agree. The defendant then entered a plea of guilty of manslaughter, and the court sentenced him to three month's imprisonment in the penitentiary.



"JUSTICE AND EQUALITY."

THE OTTAWA FREE TRADER.

Ottawa, November 9, 1850.

The Election.

We feel like crowing. The result of the election in this county, under all the circumstances, is a substantial democratic triumph. Our whole ticket has been elected, in spite of bolters, and open and covert opposition, by a triumphant majority. The success of the whigs heretofore in playing the game of *divide and conquer* had emboldened them to imagine they would have another easy victory. But for once they were foiled. Although many, too many democrats again lent themselves to the whigs to defeat our candidates, we have, under all the circumstances, good cause to rejoice at the size of our majority. The day was exceedingly unpleasant, and not half the vote of the county was polled, and yet our average majority is not less than 300. If the whole vote had been polled, old democratic La Salle would, in spite of all untoward circumstances, have rolled up her usual majority of 6 or 700 in favor of the Democratic candidates.

We refer our readers to the table in another column for the particulars of the election in this county. The table is not complete, but the towns to hear from will change the figures very little.

In this representative district we have also triumphed. Mr. Phillips is elected almost without opposition. The majority of Mr. Hise is some 300 in this county, 29 in Grundy, and about 60 in Livingston. Bureau is not heard from, further than that there is but little difference between Beebe and Hise, so that the success of the latter is beyond doubt. The issue between Messrs. Beebe and Hise was made a local one in many parts of the district, so that the vote of neither is a test of party strength.

As to this congressional district, the result was for a day or two in doubt, but we can now safely say that our candidate is "out of the woods." Dr. Molony has undoubtedly been elected by a majority of from 8 to 12,00. We cannot say that we are surprised at the falling off in the democratic majorities in many of the counties. Whatever else may be said of Dr. Molony, he is a very poor electioneerer. He lost many hundred votes by his ill-timed speech at Joliet. Then the Union between the free soilers and democrats was but illy cemented in most of the counties. In some parts Molony was too much hunker, in others too much free soil; and he lacked the tact of Coffing to satisfy both extremes. We give below the majorities as far as heard from. They may be relied on as not put down too large, and it will be seen place Molony's election beyond a doubt.

	Molony.	Coffing.
Cook county	1,100	
Lake,		200
Boon,		11
McHenry,		150
Dupage,	150	
DeKalb,	150	
Kane,	100	
Will,	50	
Livingston,	60	
Grundy,		14
Bureau,		150
La Salle,	250	
McLean,		
Champaigne,		
Vermilion,		
Iroquois,		
Kendall,		

New York.

The contest is exceedingly close in New York, but Seymore, democrat, probably elected. See Telegraphic news.

Livingston County.

Molony's majority 58, one precinct to hear from, which will increase it a few votes. Hise and Phillips' majority about the same. Loveless, independent, democrat elected sheriff.

Kendall County.

R. D. Miller, democrat, is elected sheriff. Coffing supposed to have a small majority.

Galena District.

Private despatches from Galena state that Thompson Campbell is undoubtedly elected in that district.—Glory enough for one day!

Michigan Election.

The telegraphic reports favor the probability of the whigs having elected all their Congressmen in Michigan. This was owing to divisions on the free soil question.

Mr. Beebe's Explanation.

The last Peru Telegraph finally brought an explanation from Mr. Beebe, of his connection with the negro-hunting affair at this place last spring, of which we gave a history several weeks ago. Mr. Beebe denies all further connection with the affair than that he acted as coachman, and *tried* to find out from certain citizens in Ottawa *where* the negroes were, that he might obtain from them certain papers, &c. It is our private opinion, if he had found out the *whereabouts* of the negroes in question, they would hardly have got away by leaving the papers referred to; at least those that were taken at the edge of town, and carried back to Peru by Mr. B. *as coachman*, found that there was little virtue in *their* papers. We do not propose however to answer Mr. Beebe's communication. The fact that he had some three weeks' time to prepare it, and only let it reach the light three days' before the election, when there could be no reply made to it, sufficiently indicates the object and character of the communication. We have a constitutional distrust of all statements that are delayed to the eve of the election. But let by-gones be by-gones.

DROWNED.—A man named Theadore B. Cox fell from the packet 'Chicago,' the 6th inst., into the water, while at the wharf, at this place, and was drowned. His body was taken up about 20 minutes after, and an inquest held over it, under the direction of A. B. Smith, Esq., the Coroner not being present. The verdict attached no blame to any one, and declared it an unavoidable accident. He had paid his fare to Morris, Grundy county. Mr. Smith had the body decently interred in the Ottawa cemetery.

Death of Gov. Ford.

The Peoria papers announce the death of Ex-Governor THOMAS FORD. We announced but a few weeks ago the death of his wife. He had been in feeble health for a long time. The *State Register* thus speaks of the honored deceased.

We learn with feelings of profound sorrow of the death of our much esteemed ex-governor, Thos. Ford, which occurred on Sunday, at Peoria. Having been raised in our state from childhood, participated in her early struggles, as a territory, cotemporary with her admission into the Union, and being an actor in all her political history—he has become endeared to us by no common ties. Gov. Ford was one amongst the first lawyers in Illinois, in which profession he became an ornament. For many years he distinguished himself as an able judge of the circuit court, was elected by the legislature to the supreme bench, from which high station he was called to take charge of one more exalted, as governor of the state, where his duties were arduous and difficult. We deplore his loss as a citizen and public man, and as a devoted personal friend.

But a short time since we announced the death of Mrs. Ford, the *mother*, to-day the death of the *father*. May the orphan's tear find sympathy from the hearts of those around them.

A Good Paper.

There are not many newspaper readers of the present that ever propose to themselves an idea of a good paper, or what kind of paper is required to meet the wants of an intelligent family.

The objects of such publications, as issue from the news paper press, doubtless, are two fold, and no more:

First, to present a summary of important and interesting events; and, secondly, to be a medium through which to educate, instruct, and persuade the mind.

Accordingly papers have before them the broad field of the world from which to gather *facts* that are desirable to be known, and the equally broad field of human thought to gather instruction and life for the mind.

To accomplish their work more perfectly, and to meet the distinct demands of the mind, the work of gathering and selecting—of unfolding and impressing is divided.—One class of periodicals takes what pertains properly to the business affairs of men—the affairs and relations of civil society. The other chiefly confines itself to the fields of morals and religion. These two distinct provinces are properly separated and treated of in different papers, and both are far more successfully surveyed and the matters of each more fully discussed and presented, in this way, than they could be if both fields and both objects were united in one.

This division of labor creates the necessity for what are termed "religious papers" in distinction from those which are secular.

It is not the object of this writing to institute a comparison of the relative importance of these two kinds of papers. They are both necessary, and this is enough now.

No man can be thought to be rational, in the highest sense of the word, who neglects to acquaint himself with what pertains to the moral, intellectual, and spiritual condition of mankind. The interests of human minds far transcend in importance the contents of a leather pocket-book. The etherial souls of men, in their relations one to another—the *life* that animates our mortal clay, for which all business is conducted, for which all other interests are important—the life that is to continue without cessation, cannot in the *rational* soul of man, wholly give place to speculations in "hides and tallow."

In order that every man may acquaint himself with the manners and customs of the wide spread, variegated, human brotherhood—their condition, mentally or morally—their hopes and fears—their woful or joyous anticipations for the present, the future, and the hereafter, he should take a religious news paper. A paper whose accuracy can be relied on—whose breadth of view takes in the world—whose sympathies are large as the human family, and whose biases are ever towards the higher and nobler interests of the entire human race. No man who has health and strength should deem himself too poor for such an ennobling expenditure. No man in sound condition is too poor, or can afford to be destitute of such a medium of acquaintance with the numerous scattered relatives of his own family kin, and with the way they are thriving or otherwise under the providence of the common Father.

For our part we know of no paper in this country, that so well meets our idea of a good paper, in its department of morals and religion, as the New York *Independent*. We should like to see this, or some such periodical, in the family of every man—to know that it is read and "inwardly digested." It would be a hopeful thing for our land.