## THE HERALD PUBLISHED STORY THURSDAY EVENING AT

G.H. BEAMAN, Eliur & Publisher. TERMS PER YEAR.

For the Herold. HISTORICAL INCIDENTS OF THIS VICINITY-NO. XXI.

The first newspaper ever printed in Ruthend was called the Harand or Vernour, issued weekly, by Anthony Haswell, editor-three columns on a page. In the fall of 1792 the 13th or 14th number was printed to be distrib-uted the next Monday, and a fire Sab-tath evening destroyed the office and

most of the papers.

The second newspaper published in Rutland was The Farmer's Library, or Termont Political and Historical Register, published every Monday, 'near ther. published every Monday, 'near the State House;' motto "The freedom and impartiality of the press shall remain inviolate," four columns on a page; Editor, James Lyon. The first number issued April 1st, 1793. The second volume commenced April, 1794— 'published every Wednesday, at the sign of the Bible, North of the State House, in the Main st., Rutland, Vt." No motto. The 29th of November, 1794, the Farmer's Library expired, the edthe Farmer's Library expired, the edthe Farmer's Library expired, the editor going into other business in Fair-haven. The number dated the 28th Oct., 1794 was declared to have been printed on paper made of equal proportions of bassecood bark and rags.

March 4th, 1764, this notice appeared:

\*Rev. Mr. Chittenden, will deliver a sermon to the Episcopalian Society, in the State House, Rutland; and on the 30th of Santember, following an analysis of Santember, following and santember of Santember, following analysis of Santember, following and santember of Santember o

the State House, Rutland; and on the 30th of September, following an announcement was made thus, a Protestant Episcopal Church is formed in Rutland and vicinity, under the pastoral care of Mr. Ogden."

There was published occasionally, what was called a "Supplement" to the

Political Register-three columns on a page—the vehicle of scurrilous attacks upon individuals. July 1st, 1793, Frederick Hill, P. M., published a list of six dead letters remaining in the post

Monday, Dec. 8th, 1794, was issued Monday, Dec. 8th, 1794, was issued the first number of the RUTLAND HERALD OF Vermont Mercury, printed by "J. Kirkaldie for S. Williams & Co., in the Main street, a few doors North of the State House." Mo'to—"In the knowledge and virtue of the people, the energy and permanency of the American Government have their faundation. nent have their foundation." June 29th, 1795, the paper is called The Rutland Herald, and Register of the Times." The proprietors were Judge Samuel Williams and Dr. Samuel Williams, the latter being editor.— In 1816, the Herald was still printed. four columns to the page, and the paper as course and brown as at the first.

March 11, 1794, the Social Library of Rutland contained 261 volumes. March 20, 1794, a State Lottery was drawn in Rutland.

January 11, 1790, Thomas Hale, "in consideration of the sum of ten pounds paid and secured by Samuel Williams and others, inhabitants of the said town of Butland, as also for and in consideratom of the useful advantages to be derived to me and the rest of the inhabitrits of Rutland, and the public in general me thereunto moving for the sole and exclusive purpose of a Public Green, or Common, ever to be kept open for that purpose and free from any encrosedments of building, fence or wards of any private person or persons whatever! doeded a part of our village Common described as follows:—

Southerly from the Court House, the building West of J. Barret's store beginning by the highway at the North hast corner of lands of John Smith on which his bouse [now William Hall's] stands, thence, Southerly in the East line of said Smith's land parallel with the Northerly and Southerly highway 20 ruds to a stake and stones; thence East 14 rods to a stake and stones; thence Southerly in the direction of said highway about 55 1-2 rods to the lands of David Tuttle; thence East 6 rods to the highway; thence Northerly by said highway about 62 1-2 rods to the South East corner of lands of Nathan Osgood; thence West 18 rods to the South West corner of said Osgood's land; thesee Northerly on the line of said Osgood's land 12 1-4 rods to the highway ; thence West by said highbounds, and contains, by estimation show to scree and 90 rods of ground."

January 20, 1790, one acre of land North Heat part of the vilare, a store and other build ings then standing thereon, was, by Nathan Occood, for the alleged consideration of £18 decided to Sumuel Williams and others of Ruthand, "except the buildings, timber and frace which are by me to be preserved and removed off from said prevalets by the flut of June west, the said land to remain for the sale purpose of a Public Green or Com-

Why is the bub of a cart' wheel like a handsome young lady? Because it's always surrounded with fellers.

BAILROAD TO RUTLAND.

No. of			
Pianes	miles,	Total	Total descent
5 1	2.149		50.00
ii I	6.94	90 00	32 60
. 6	3.81	42.00	47.00
7	581	158 00	83.00
	14 45	293.00	374 80
	5 17 13 6 7	6 3.81	6 3.81 42.00 7 5.81 158.00

Table of grades from Fagle Bridge to Ben minglon from S. M. Juhasan's Survey. per mite Planes fest arcent descent 12.23 miles.

bles and from other sources we claim distances as follows. We commence at the point in the Rutland & Burlington Railroad where the Troy & Rutland sand the Albany & Rutland Road seperate or diverge, and take those respective routes going south:

Distance from the region stated to a period above the Constitution and above the Law.

as appears from Table A. a-

From Bennington to Eagle Bridge as ascertained by Mr. Johnson's survey, Table No.

1, as above, From Eagle Bridge to Troy by the same survey, (see table

From the termination of Mr. Johnson's survey, at Troy to Albany, if through Ca-

shortest practical line that could be found.

The distance from Rutland to Troy through Salem is, From Troy to Albany through Greenbush

Whole distance,

time the distance from Rutland was 56.60 miles; in his communication, he now makes it 51 miles. We leave the reader to reconcile this as well as oth-

The statement made the 30th ult. rel-ative to the situation and progress of the Road from Troy through Salem to Rut-land land, were in accordance with indisputable evidence in our procession, and without any desire to excistent or falsi-

We feel too much self respect and too much responsibity to the pub-lic, to make any statements which are not drawn from the most reliable sour-

not drawn from the most reliable sourfrom purriety
for the childrenness of this criticism is not
its moral feature. What is the great truth
which Mr Wetster and he apologists afterapt
say, relative to the motive which govhere to reducise. It is that while every man

ern the friends of the Albany and Rut-land Railroad, in their statements and claims; but in drawing a comparison Ma. Epron:—A communication from W. B. Gilbert, Esq., Engineer of the Western Vermont Ruilroad, appeared in the Albany Atlas. Mr. Gilbert calls in question the correctness of the 30th ult., and asserts that they are calculated to mislead the public, that our communication "furnishes an instance of our policy to assail and misrepresent facts." and that our success depends upon misleading, misrepresentation, deceiving, &c., Without making any remarks upon the temper with which his article was writtent we ask attention to a few facts and statements which we subjoin. We also give the tables extracted from actual surveys, which may be relied upon.

In this of grades and distances on Wastern V.

In the contradictions in the statements of the friends of these rival projects, may perhaps, surprise the public; but as far as the undersigned are concerned they pledge their veracity as to their assertions and challenge investigation.

ions and challenge investigation, B. BLAIR, Pres't of the Troy & Rut. R. R.

MR. MANN'S ANSWER TO MR. WEB-STER.

M. CLARK.

Prot of R & W. R R

To the Editors of the Boston Atlas GENTLEMEN: Your semi-weekly of the lat inst contains a letter of the Hon. Daniel Webster, in which he has been pleased to rejecto me. I wish to reply. To prevent all chance of mistake, I quote the following pas-

"But, at the same time, nothing is more false than that such jury trial is demanded in cases of this kind by the constitution, either in its letter or its spirit. The constitution declares that in all criminal prosecutions there shall be a trial by a jury. The claiming of a

Treble of grades and curves from Eugle Bridge to Troy. Extract from S. M. Johnson s Sursey.

GRADIENTS No. 2.

No. of planes. Rise per mile. Total length of planes.

1 35 rest. 16.000 planes.
1 28 6 6.000 month a sentence in the Constitution having the least bearing on the subject. I have seen a publication by Mr. Horace Mann, a stember of Congress from Mann, as ste

rate or diverge, and take ive routes going south:

Distance from the point stated to a point where Mr Harback's survey comperation, and I regret that Mr Webster, while disclaiming annovance at what I said, should disclaiming annovance at what I said, should to be within the bounds of courteous and re spectful discussion. There is nothing in it which might not pass between gentlemen, witcout interrupting relations of civility and friendship. Though full of regret at his novel position, and of dissernt from his unwonted doctrines, yet it aboynds in proofs of delerence to himself. I must now, however, be permitted to add that the highest eminence becomes unenvisible, when it breeds intoler. becomes unenviable, when it breeds intoler, ance of discent, and bars out the humbles

man from a free expression of opinion.

Mr Webster 'laments to see a public man to Albany, if through Cahoes, it will be 8 1-2 miles; if through Greenbush, it will be 7 1-2 miles,

Total dist. by actual survey, 103 18 m. But it is said a shorter line can be obtained to Rutland; if so, it has not yet been found by a survey, and Mr. Harback informs us that his was the shortest practical line that could be of Massachusetts so crude and

When Mr Webster penned his 'lamenta tations over my crudeness, confusion, and ignorance, he doubtless meant to deal me a 80.00 m. mortal blow. The blow was certainly heavy; but the question still remains whether it his Polyphemus strank hard blows, but his blindness left the objects of his passions unharm-

But wherein do those erroneous topinion Do not the facts furnished by these consist, which Mr Webster does not deign to Do not the facts furnished by these tables justify the undersigned in the statement heretofore made and do they not also prove that Mr. Gilbert may have been mistaken in his estimate of distance? We say estimate for we have not been able to learn that Mr. Gilbert has ever surveyed the line of the Albany & Ruthard Road. has ever surveyed the line of the Albany & Rutland Road.

Some weeks since an expose appeared in the Albany papers signed by Hon.
M Clark and other directors of the
Western Vermont Railroad, in which
it was claimed there was not a mile difference in the length of the two roads,
from Eagle Bridge to Rutland. It is
is impossible for us to ascertain how
such statements could be made and
made honestly.

Mr. Gilbert, it is said was Assistant
Engineer, under Mr. Harback in 1846,
and aided in making the accompanying
table of grades and distances. At that
time the distance from Rutland was

may not loose his berse the constitution, which preserves the right in suits at common in
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the man, but is also apposite. I said 'a man may not loose his borso. Into property in a Lorer's without a right to his trail. Mr Webster's comment is, that this case, 'if it have any annings to the implier,' means, that if a man a horse 'stray into his neighbor a field, he cannot lead him back without a previous trail by jury to according the right.' Was ever the plain meaning of a sentence more assetly changed about, end for end? Mr Webster may puch monumeraria with his own doctrines, but he has no right to putch them with mine. I said a men may not lose his horse, or his property in a horse, without a right to the trial by jury. He may I said, a man changed find or retake a last house, without a right to the trial 'Dulce set despire in loco. Or, it is pleasant to see a gave flenator play upon words, but there must be wit to redeeps it from purrility.

amongst us, in regard to any piece of property worth more than twenty dollars, of which violence of fraed may attempt to desposition, has a right to a trial by jury, yet a man a freedom, and that of his postersty first ever, may be wrented from him, as our low now stands, without such a trial. Does not thus hold a man a freedom to be of less value than twenty dollars? If two adverse claimants contest title to an affected slave, whose market value is more than this among each act to man adopted to a jury to try the fact of ownership. But if the alledged slave declares that be owns himself, he is debarred from the right. And this truth, or a common lithistration of it, Mr. Webster and his apologistic think a mittable topic for species or pleasantry! A foreign proverb says that for a man to hill his mother are not in good taste. I trust the moral and religious people of Massechosetts have too much good taste to relish a joke on such a term.

Lead that Mr Butler's bill decades' the trial of the first section of Congress and the constitution, hereing a "bearing myon the sub-five hims."

Now, the first agency of Congress and the constitution, hereing a "bearing myon the sub-five hims."

Now, the first agency of Congress and the constitution, hereing a "bearing myon the sub-five hims."

Now, the first agency of Congress and the constitution, hereing a "bearing myon the sub-five hims."

Now, the first agency of Congress and the constitution of the first agency of the sub-five hims. theme. I said that Mr Butler's bill 'derides' the trie. Now, the first session of Congress com

I said that Mr Butler's bill 'derides' the troal by jury. By that bill every commissioner and clerk of a United States Court, every tiele of Amendment was not ratified, and did marshal and collector of the Cristians, and the sevention thousand postmanfers of the United States, are severally interested with jurisdiction and authority in all parts of the United States, to deliver any man, woman.

Now, the first session of Congress course and the trong that the sevention of Amendment was not ratified, and did not become a part of the Constitution, second in the course of the United States, to deliver any man, woman. United States, are severally interested with jurisdiction and authority in all parts of the United States, to deliver any man, women, or child in the United States, on the strength of an exparte affidavity, made any where is the United States. This affidavit may have been made a thousand certified to by a person who never saw or heard of the individual named in it. A forgred affidavit, or a fictilious affidavit would officult, and in many cases, how impossible, to prove its spuriousness. Did oppression ever before conceive such a tabunal, so counties in numbers, so ample in jurisdiction, so formadable in power? Had a bill semilar to this been preposed in the Statish Parliament, from 1703 to 1776, what would our Fathers have said of it? Yet this bill, with some kindred amendments, heightening its features of a trocity. Mr Webster promised to support, with all its provisions, to the fullest extent.

What aggravates the wrong, is, that the cruelties of the measure would fall upon the poor, the helpless, the ignorant, the untrend-and those in this country formed after that ancestral model? And does not this show, beyond question or cavil, that the principle of the invitation and measured no right to a trial by jury except in the case of case of sections, because, until this time, therefore, according to Mr. Webster, the Constitution ind secured no right to a trial by jury except in the case of case of sections, because, until this time, therefore, according to Mr. Webster, the Constitution in the case of case of the second, until this time, therefore, according to Mr. Webster, the Constitution, because of sections of the strail by jury except in the case of case of the second, until this time, therefore, according to Mr. Webster, the Constitution, there was no clause of sentence at the strail by jury except in the case of case of case in the case of case in

Mr. Webster calls me to account for some mode of trust in other cases?

All the State conventions for adopting the

than in heart.

I said that in promising to support Mr Butter's bill, with sill its provisions to the fullest extent. Mr Webster 'abandoned' the right to a trial by jury. I spoke of him as a Senator, as one who, with his confequence, has full right and power under the constitution, to secure this form of trial to the alledged slave, or to know a freeman seized as a slave. Mr Seward's bill, providing for the trial by jury, in such cases, was before him. He took no notice of it. He passed by 'on the other side while he bestowed his best enconium on Mr. Butler's bill, by promising to support it. Was not this an 'abandonment,' under all the synnot this an 'abandonment' under all the Mr Webster advises me, in a certain con-in suits between man and man, the ancient

tingency, to appeal to that higher authorsty trial by jury is preterable to any other, and which sits cuthroned above the constitution ought to be held sacred."

This article being read in the Convention. the counsel, because of its officiousness, but Judge Marshall said the trial by jury mar as would thank him for it. My ideas of duty inclineured by the United States Constitution, require me to seek anxiously for the true in- us by the Virginia bill of rights — b. 124 require me to seek anxiously for the true in- as by the Virginia bill of rights -16. 224 of my political duties, I should transfer my people in common innguinge talk of a tral at allegiance to any other power, I should adopt the Court of Common Fleus, or the Supreme Mr Webster's advice, and as to the power Judicial Court, do they not include all the 'which sits enthroned above, rather than to branches and members of such courts, the port, must have emerged.

I wish, however, to remark, that though I acknowledge the consitution to be my guide while under outh to support it, yet I do not relish any fling either at the powers above us or at those who reverence them. I hold it to e not only proper, but proof of sound mural and religious feeling, to look to the perfect be not only proper, but proof of sound moral and religious feeling, to look to the perfect law of God for light to enable us more justly to interpret the imperfect laws of man. Es-pecially, when we are proposing to make or amend a law, ought we to take our guage of purpose and of action from the highest stand-ard.

t not improper to say. 'The inferior law must give place to the superior; man's laws to God's laws.'—Maxims, pp 6-7.

'The law of Nature, says Blackstone, being soevel with mankind, and dictated by iod himself, is, of course, superior in obliga tion to any other. It is binding all over the globe; in all countries, at all times. No homan laws have any validity, if contrary to this; and such of them as are valid, derive all their force and all their authority, mediately, or immediately from this original. -

Fortescue, the Chancellor of Henry VI, in us de Laudibus Legium dagiar, cap. 42, has the following passage, the consideration of which, in requital for Mr Webster's advice to me, I respectfully commend to him -

"That is a hard and crue! law which creases slavery and lessens the liberty of en to man advocates liberty God Aimiguty has declared himself the God of Liberty — This is the got of God to man in his creation but slavery is introduced into the world thro liberty form from man always seeks to return to him, as it were, for the purpose of restor-ing him to his primered state.

Having defended my own propositions, I hall now take the liberty to examine some

of Mr Webster a.
He says the Constitution declares that the trial by jury shall be preserved. He then adds, there is no other clause or sen-tence in the Constitution having the least bearing upon the subject. Mark he words There is no other clause or sentence in the Constitution, having the least bearing on the

but for the above samed two provisions, the right of the trial by jury would not have been secured to me by the Constitution in any case. Were I to may that this sour riven borders on

said of it? Yet this bill, with some kindred amendments, heightening its features of a trocity. Mr Webster promised to support, with all its provisions, to the fullest extent. What aggravates the wrong, is, that the cruelties of the measure would fall upon the poor, the helpless, the ignorant, the unfriended. The bill would have been far less disgraceful, had its provisions borne upon the men who should pass it; because, in such ease, there would have been a touch of equality. Now, if this bill does not "derfile all guaranties for protection of human liberty, it is only because my word of reprobation is too weak. It is only because one needs to tear a leaf from the curse-book of Pandemonium in order to describe it by fitting epi-

tear a leaf from the curse-book of Pandemonium in order to describe it by fitting epithets.

Another remarkable feature of Mr Butler's bill, is, that it provides no pensity whatever for any one who shall abuse, or fraudulently use the dangerous authority which it gives it turnishes endless temptations and facilities for committing wrong, it imposes no testraints; it warms by no threats of retribution.

From the constitution alone, then, and not from any power above it, or outside oil it, did congress derive its power, on the 24th of September, 178%, and more than two years before the seventh amendment, was adopted to passible the dangerous authority which it gives it uses. And it Congress, at that time, had begin and it to thave had the same power to provide the trial by jury, to determine the question, slave or free, as it had to provide for this mode of treat in other cases?

unspecified erroneous 'opinion, expressed in relation to this bill. Can any opinion be so false to the Constitution, as this bill to humanity? I deprecate error of all sorts, but hold it to be more venial to err in judgment.

All the State conventions for adopting the Constitution, whose debates are preserved, and all the leading men who figured in them, held, contrary to Mr. Webster, that the therd hold it to be more venial to err in judgment.

as toliows :

abide by it, unawayed by hopes or fears. If In the Massachusetts Convention, it was the constitution requires me to do anything said, without a doubt being expressed from which my sense of duty forbids, I shall eave any quarter, that "the word court does not, my conscience by resigning my office. I am either by popular or technical construction, free, however, to say, that if in the discharge exclude the use of a jury to try facts. When jutors as well as the judges? They certainly do, whether they mention the jurors express do, whether they mention the jurois express ly or not. Our State legislators have constru ed the word court in the same way." - 2EHz off a Debute, 127.

ott's Debute, 127.

Such was the doctrine maintained by the leading minds in the State Conventions, by Christopher Gore, in Massachusetts, by Judge Wilson and Chief Justice McKean, in Fennsylvania; by Chief Justice Matshail, Judge Pendleton, and Mr. Madison, in Virginia; by Judge tredell, in North Carolina, and many ther distinguished names.

In the Virginia Convention, objection was

made to the Constitution, because it did not expressly secure to the accused the privilege of challenging, or excepting to jurors in crim-inal cases. But Mr. Pendleten, the President of the Convention, and for so many years, the highest judicial other in the State, replied When the Constitution may that the trial shall be by jury, does it not say that every meident will go along with at -3 Elliot a

Distute 497. Su when the Constitution provided to: "courts," and defined their jurisdiction, it clearly contemplated trial by jury, in regard to all such rights of the citizens as had usually, theretofore, tried by a jury. Con-gress, indered, might fail to perform its duty but in such case, no provisions of the Constaution, however express and peremptor;

would secure the rights of the propie.

It is perfectly well known to every student of the Constitution, that the only reason why that instrument did not make express provision for the trial by jury, in civil ctere, wester difficulty of running the dividing line between the many case strat should be so tried and the few that should not. All were agrees that ninety-nine per cent, of all civil cases should be tried by jury, but they could not agree upon the classes of cases from which remaining one per cent abould be taken Resolutions for submitting certain propose

amendments to the States, among a nich was the seventh it is as follows: "The Conventions of a number of the States having at the time of their adopting the Constitution expressed a desire, in order to prevent minimateraction or above of stapowers, that turther declaratory and restrictive clauses should be added, and as the extending like ground of public confidence in the government will test insure the beneficant ends of its institution, through the free Congressionly proposed to submit certain. "further declaratory and restricted clauses," to prevent misconstruction or abuse of its powers. States having at the time of their adopting

declaratory and restrictive clauses, "to pre-vent measurant action or abuse of its powers. This heading or tale, of coarse, does not en-large or limit the meaning of the meandments, but it shows the view of their scape and in-tendment which their authors held. But what in the seventh amendment but a "de-ciaratory and restrictive clause," securing the trial by jury, in cases at constitution law," where the hac does it her

ohalf be preserved. Not preace, but preaced. Not mutitated de zero but continued. How can a right be preserved, which does not nireody exact?

In speaking of the trial by jury, in criminal cases, dudge Story were the mane wood. He says it was "preserved." It neither class of cases, civil or criminal, was it ever absorbined or lost, through the fault of the Constitution if not always enjoyed by the attner, it has been through the dereintion of Congress in not passing the requisite lass.

The great men who submitted this ascenth amendancent to the bitates, treated the trial by jury, in civil cases, as a then submitting constitutional right. They passed a law, to put the practical ergoyment of this right into the issued of the people, well knowing that there is scarcely a right which we hold under the Constitution which we can honeficially possess or use, sutheast the intervention of come law, as its charact or medium.

Suppose this seventh amendment had never here adopted, on what ground would he trial by jury, in civil cases, have rested up to the present day?

trial by jury, in civil cases, have rested up to the present day?

In asserting, therefore, that, besides the references he has made, there is not susting "clause, or sentence in the constitution, hering the least bearing on the subject" of jury trule, Mr. Webster is contradicted by the members of the General Convention, by the State Conventions, by the Senators and Representatives, who passed the Judiciary act, and by Fresident Washington who against it. But another of Mr. Webster's assertions is still more extraordinary. He says inothing is more false than that and jury term's farming in more false than that and jury term's farming in the Constitution, either in its letter or in its spirit."

I make a preliminary researt upon the amazing untruth embodied in the form of this preposition.

proposition.

"Acting is more false;" that is, if I, or any one, had affirmed that our constitution forbids trail by jury, in all cases, under penalty of death; or that it establishes the Catholic religion with the accompension of an investigation of a new person of the state of that it does all for each State; or that it does all inquisition for each State; or that it does all these things together; it would not be more "felse" to the "sprit" of the Constitution, than to say that it demands the trial by jury, when a man who is seized as a slave, but who asserts that he is free, invokes its protection. But this pertains to the form only of his se-

stance be not as indefensible as its form.
In another part of Mr. Webster's letter, he says, that he sees "no objection to the provisions of the law" of 1723. Or course, he sees no objection to Mr. Builer's bill, and its amendments, but he prefers them to Mr. Sewards. And he new says, there is nothing in the letter or in the "spirit" of the constitution, which demands the jury triaffor an although along or to receive a course of the constitution, which demands the jury triaffor an although along or to receive a course of the constitution. alleged slave, or for a freeman

bout to be carried awily as a slave.

Feeble and humble as I am great and formnomentous question, and put myself upon

Our Constitution, as the prevent genera-tion has always been taught, yearns towards liberty and the rights of man. The trul by jury, in the important cases of limb, life, or inherty, is essential to these rights. The two therefore, have such close attinity for each therefore, have such close attinity for each other, as to render it highly probable, if not morally certain, that the trainers of the form-er would make provision for the latter; that they would lay hold of it, as by a law of in-strict, to carry out their benchment purposes. The trail by jury was necessary to the vitali-ty of the Constitution; and it would hardly be too strong an expression to say that the constitution, as it came from the hands of its founders, necessared the trial by jury.

framed, we set forth its premable —namely, to lak form which first war asset in to "establish justice," "promote the wellare, and "secure the blessings of liberty," to the 3 Peters Rep. 456-7 people, could never be accomplished with-out the trial by jury. The presimble is not appealed to as a score of power; but it touchappealed to se a score of power; but it touches, as by the finger, the objects which it contempisted; it suggests the means by which its beneficent purposes were to be ruifilled, and it indicates the rules of intempretation by which all its provisions are to be expounded.

And not only the objects for which the con-

statution processes to exist, but historical facts from the time of Magne Charts, and before that time; the practice of the English and of our Colonial and Provincial courts before the fine, all analogues and tendencies of constitu-tional laws, and whatever belon ,s to ideas of freedom, conspire to force the expectation upon us, that, in a matter of such vast concerument so the life-long liberty or bondage of a man and his offspring, it has not left us without the right of trial by jury. The very first law ' for the general good

of the Corony of New Plymouth, (1625), was, "that all criminal acts, and also all mat ters of feespisses and DENTS, between man and man, should be tried by the verdict of twelve honest men."

In that fearful array of crimes which the Declaration of Independence charges home upon the king of Great Britiso, that sustaine natrument enumerates the following as mong the most flagitious !- "For depriving us, in many cases, of the benefits of trial by jury," and "for protecting his troops, by a mack trial, from punishment for any murders which they should commit on the inhabitants of these States."

According to Blackstone, the right to trial by jury has been held, time out of mind, to be the bothergot of Englishmen. The 2nh chapter of the Great Charter guarants d the right, not only in cases of liberty, life and himb, but in cases of property, real and per

In England, it has become a traditional say In England, it has become a traditional saysing, and drops from the common tongue, that
the great object of King, Lords, and Commons, is to get twelve men into a jury box.

Judge Story says, "when our more immedate ancestors removed to America, they
brought this great privilege within them, as
their betch-right and inheritance, as a part of
that admirable common law which had fenced
round, and interposed barriers on every side,
against the approaches of arbitrary power 1s
to now incorporated into all our State Constitutions, as a fundamental right, and the constitutions of the United States would have
been justly observation to the most conclusive been justly observate to the most conclusive objection, if it had not recognized and con-firmed it in the most solemb terms. 3 Com-

Is a conservable, then, that the herces and argon of the Mercolution, who nose in secu-tance to the most formulable power on earth, no many of whom ruse against their own kindred in the member courtry, because they loved liberty better than father or mother, or brother or under, and who endured the presebrother or unter, and who enclured the privations and horrors of a seven years war—as a conceivable, Jany Athat, when they had anhered their independenter, and there was no longer any cartally power to control them, they should have france a fundamental less, and about not have subjust that law with the "private of the trial by jusy, as a breath of ide." As British ampired they were entitled to this trial. As American, don't be presented to this trial. As American, don't be reconstituted to the trial. As American, don't be reconstitute the place them makes a warm constitute them they but been placed in by their "press". By Websiter may they did. He charges the infinite folly and ultridness upon them in an area of the private places.

But, to examine more particularly the phraseology of the seventh amendment. What is the true meaning of these descriptive words, "anite at common haw? I have not Mr. Webster, relying on his high seputation, disposed of this matter a little too outmarily? He says "the constitution declares that, so that common haw, the trial by jury shall be preserved," but he adds, "the reclaiming of a flegitive slaves is not a suit at common law.

But the Supreme Court of the United States has furnished us with an authoritative interpretation of the words of the counting tion bearing on this subject. In the cases of Cohens vo Firginia, is Wheaten it, 407, they define what is meant by a "suit." These are

their words ... We understand it to be "What is a sunt." We understand it to be the prosecution or pursuit, of same claim, demand or request. In law language, it is the prosecution of some demand in a court of justice. "The remedy for every species of wrong is," says Judge Blackstone, the being put in possession of the at right whereof the party in juried is deprived. The instrument whereby this remedy is obtained, are a diversity of suite and actions, which are defined by the Mirror to be the lawful demand of one's right, or as Bracton and Ficts express it, in the words of Justinien, "jus prosequend in juriscia quod alicui debetu.—the form of prosecuting in trail, or judgment what is due to eesting in trail, or judgment what is due to any one; Blackstour then proceeds to de-cribe every species of remedy by said; and they are all eases where the party sueing claims to obtain something to which he has a

claims to obtain something to which he has a right.

"To commence a suit is to demand something by the institution of process in a court of justice, and to prosecute the suit, is according to the common scerptation of language, to continue that demand."

According to the Supreme Court, a saif is the prosecution of some claim, demand or request. But the proceedings for a fugitive slave, according to the very letter of the Constitution, constitute a slave. The person held to service or labor is to be delivered up, on claim of the party to whom such service.

on clare of the party to whom such service or labor may be due.

Still further, in a decision bearing directly on the right to trial by jury, the Supreme Court have defined the term 'common law' in special reference to its meaning in the account to the Court have defined the term 'common law' in special reference to its meaning in the account to the Country when security is the security of the s mendment to the Constitution, which secure are their words:
"It is well known, that in civil causes, in

courts of equity and admiralty, juries do not intervene; and that courts of equity use the trial by jury only in extraordinary cases, to inform the consense of the court. When, therefore, we find that the [7th] same frient requires, that the right of tool by jury shall be preserved in suits at common law, the nat-ural conclusion is, that this distinction was presented to the ninds of Le r mera of the a mendment. By common role they meant, what the Constitution denominated in the what the Constitution demonstrated in the third article 'law 'not merely suits, which the common law recognized smong its old and settled proceedings, but suits, in which legal rights were to be ascertained and determined, in contradictinction to those in which equitable renedies were administered, or in which as in the admirally a mixture of public law, and of maritime law and county, was offers found in the same suit. Probably there were lew, if any, States in the Union, in which some new legal remedies, differing from the old common taw forms, were not in use; but in which, however, the trial by jury intervenced, and the general regulations is other respects, were according to the course of the common law. Proceedings in cases of partition, and of foreign and domestic attachment, might be cited, as examples variously adoptmight be cited, as examples variously adopted and modified In a just sense the amend ment, then, may well be construed to embrace TLE LEGAL BIGHTS -- Pursons ve Bedford, 3 Peters Rep. 456-7.
The last sentence I have underscored. In

this sentence, the Supreme Court plainly say that, if the subject matter of the hings ion. or the object of the proceeding, he to deter-mine a tegal right which was formerly de-termined by a suit at common law, then such a proceeding is embraced in the seventh amendment, and either party in interest has a right to the trial by jury. Now is it not a right to the trial by jury. Now is it not clear that any proceed up which determines whether a man owns tittuelf, or is owned by another man, and which delivers one man in to the custody of another, as his slave, or re fuers so to deliver him, is 'whatever peculiar lines so to deliver him, is 'whatever peculiar form it may assume,' a pracreding 'to settle a legal right — the highest legal right? It is not a right in equit, in admirally, or under the marstime law; but strictly and exclusively a legal right, and nothing rise. According the doctrine of the Supreme Court, then, in the above cited case, the parties to such a recording between the court. proceeding have a right, under the seventh amendment, to a trial by jury. At least, is not such the 'spira' of the amendment? But there is another well known fact, which gives pertonence and stringency to the above view. At common law, the writ de homme repleguando—the writ of personal re-

pievin, or for repleying a man, was an original writ; a writ which the party could sue out, of right, one to be granted on motion, without showing cause, and which the court of chancery could not supersole. It court of chancery could not supersole. It was, according to the very language of the Supremy Court, recognised by the common law 'among its old and settled proceedings. The form of it is found in that great arread of common haw writs, the Registram Brender of common has write, the Registram Brender, was infant against his testimentary guardian, or by a rellein against his testimentary guardian, or by a rellein against his lord. (The Title Imprisonment, L. 4.) If it could be brought by a villein against his lord, then it was the very writ for an ailedged slave against an alledged owner. It was the mode was the very writ for an alledged slave against an alledged owner. It was the mode
provided by the common law for the determnation of the legal right asserted to a human
being. I have always understood that, he
fore the revolution, and before the framing of
our constitution, Comyn's Digrest was a work
of the highest authority. It must have been
well known to all the lawyers in the Convention. Did they expect, then, that when an alleged slave, or a known freeman, should be seed, that he should be harried into bon

dage without any right to this ancient muni-ment of the subject e fiberies.

But "the reciauming of fugitive starce," says Mr Webster, "is not a suit of the common law." But 'the reciain ng of ingitive slaves,' says Mr Webster "is not a suit of the common law. The trescondings presided for by the statute of 1765, to which he were no abjection,' have no amingy to the writ de homine replegiands. But can you destroy the right to jury by shanging the process? A succeiving the jury by shanging the process? A succeiving the process of Market from Georgia or North Carolina, cannot come to Managhinette and spect Mr. Webster from his March beid farm, without being compelled to subtable question of this to a jury. But suppose the law though any, in effect that any one of the seventees thousand postmarters in the United States might be brought into Massachusetts, and amony so numerous a body, is in allied to sure there are come sections me, and the sand hiller might go before the imported postmaster and after proof to bis retification exitier by oral sastinancy or by afficient,—an affect the importance of the United States—tiem the columns shell be put in the importance posterous desired and repower which is literature than the columns shell be put in the importance posterous desired and repower which the literature of the section forms of law, and a trial by jury under the seventh assendance. then the cinimant has only to berrow Mr. Wab-star's core words, and my, "this is not a suit at the comment into " - suppose all this, I say, and