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[This Committee is responsible only for the  
financial management of the paper—not for any of  
its contents.]



NO UNION WITH SLAVEHOLDERS!  
THE U. S. CONSTITUTION 'A COVENANT WITH DEATH  
AND AN AGREEMENT WITH HELL.'  
Yes! it cannot be denied—the slaveholding  
lords of the South prescribed, as a condition of their  
admission to the Constitution, three special provisions to  
secure the perpetuity of their dominion over their  
slaves. The first was the immunity, for twenty years,  
of preserving the African slave trade; the second was  
the stipulation to surrender fugitive slaves—an en-  
gagement positively prohibited by the laws of God  
delivered from Sinai; and thirdly, the exacting, fatal  
to the principles of popular representation, of a repre-  
sentation for slaves—for articles of merchandise, under  
the name of persons. Its reciprocal operation  
artificially majority in the slave representation over that  
of the free people, in the American Congress, and  
hereby to make the PRESERVATION, PROPAGA-  
TION AND PERPETRATION OF SLAVERY THE  
VITAL AND ANIMATING SPIRIT OF THE NA-  
TIONAL GOVERNMENT.—JOHN QUINCY ADAMS.

W. M. LLOYD GARRISON, EDITOR.  
VOL XX. NO. 17.

OUR COUNTRY IS THE WORLD—OUR COUNTRYMEN ARE ALL MANKIND.

BOSTON, MASS., FRIDAY, APRIL 26, 1850.

WHOLE NO. 1007.

J. B. YERRINGTON & SON, PRINTERS.

### Refuge of Oppression.

From the Journal of Commerce.  
POLITICS AND THE PULPIT.  
If there are objections against clergyman's med-  
dling with politics out of the pulpit, what shall be  
said of those who bring politics into the pulpit, on  
the Sabbath? Of such there are many. Not that  
they bring into the pulpit mere party politics, al-  
though in some cases there is a near approximation  
to it. Free Soilism, in its technical, party  
sense, is black and white. What, says the  
minister, express the ideas of the party? We mean  
to say, that, in the pulpit, the Sabbath is  
used as an outrage upon the Sabbath and  
upon the pulpit; an abuse of privilege; an affords  
an opportunity just ground of complaint, and if per-  
sisted in, of reprobation. In proof of this we  
refer to the experience of thousands of our  
readers, who appeal to a religious paper in this  
country. We also appeal to three distinguished Con-  
gressmen, especially editors, and receiving editorial con-  
tributions from a fourth, and how many more we know  
of.

The peaceable, quiet men of our congregations  
than one, are becoming very much dissatisfied with  
the course of their pastors in regard to the slavery  
question, and it is to be feared that separations will  
ensue in consequence. Ministers should recollect  
that one abolitionist makes more noise than twenty  
quiet members, and that consequently they are very  
likely to be deceived as to the real sentiment of the  
congregation. The quiet ones only speak out when  
they can stand it no longer.

### REGAPTURE OF FUGITIVE SLAVES.

The idea of surrendering fugitive slaves, is, we  
own, repugnant to the general sentiment of the North,  
and to be deprecated as the real sentiment of the  
people in the bond? what have we stipulated? The  
language of the Constitution is so clear that it admits  
of no evasion. Even Governor Seward does not at-  
tempt to evade it; though he seeks to diminish its  
force by saying it is 'only a compact.' Yes, it is  
'only a compact,' the most solemn that ever was  
entered into between man and man. A thousand  
oaths would not increase its solemnity. The ques-  
tion returns, 'Will we fulfil our promise? will we  
renew our pledged faith? or will we be recreant to  
both?' We have no right to dissect the Constitution,  
and say we will accept this provision, and reject that.  
We are all full partners in the concern, entitled to  
its all its benefits, and subject to all its risks. We  
cannot be more nor less than this, except by the  
process prescribed by the contract itself. We are  
bound by the whole contract, and by every part of it.  
Every citizen is so bound; nor can he escape from  
his obligations by a mere act of the will. He may  
violate them, but cannot escape from them. If we  
violate the contract, it would be more honorable  
to agitate for a peaceable dissolution of the Union,  
along with Garrison and his confederates, than to  
pursue the sneaking, pilfering policy which too  
many seem inclined to adopt, including some  
from whom better things might be expected.  
For ourselves, we go for the Constitution, and the  
whole Constitution, as it is solemnly bound by it,  
and will honor the bond. The necessity of surren-  
dering fugitive slaves we regret, but cannot avoid.  
Whatever the Constitution requires of us in that  
matter, we will perform, unless we shall become  
convinced, (which we are not at present,) that it is  
contrary to the law of God. On this point we  
cannot overlook the fact that when Onesimus, the  
slave of Philemon, ran away from his master, and  
fled to Rome, where he was converted under the  
instructions of Paul, then a prisoner, the latter did  
not smother him off by the underground railroad, nor  
conceal him in some garret or cellar of the metropo-  
lis, but sent him back to his master, with a most  
courteous, affectionate and christian letter; 'beseech-  
ing Philemon to set Onesimus at liberty; but at the  
same time promising, over his own signature, to pay  
him whatever might be due by Onesimus, (whether  
including service or not, does not distinctly appear  
from the record) and to indemnify him for any wrong  
which the latter might have committed. Our own  
views in reference to this matter are just like Paul's,  
as expressed in his letter to Philemon.—*Ibid.*

you can denounce the tyranny of the government  
of Europe, for endeavoring to crush out the spirit of  
freedom in their subjects, 'tis marvellous that you  
support, to its fullest extent, with all its provisions,  
the execrable attempt of a most despotic minority of  
your own countrymen to place their impious feet upon  
the necks of the millions of freemen as well as slaves  
within the boundaries of this Republic.

### Slavery and Liberty, and the Wrong and Right have been decided.

And Daniel Webster, the 'godlike,' who has so often  
sporting the name of Liberty on his tongue, and sound-  
ed its praises when striving to establish its dominion  
among 'the rest of mankind,' brings his vast power to  
the aid of its deadly foe at home, and refuses to re-  
nounce the will of God, lest it should irritate the  
vindictive spirit of slavery, which at this very hour we  
possess the power, but only lack the will to crush.  
'And wherefore? You have said you seek not pro-  
tection behind the purity of your motives; but you  
present to us as your motive, the desire to preserve  
the integrity of the Union. Your language once  
was, LIBERTY AND UNION; but now it appears  
to be UNION, with or without LIBERTY. You ap-  
prehend that the hundred thousand tyrants will not  
submit to the millions of the free spirits of the free  
States, if the Constitution is used to secure the tri-  
umph of Liberty; so that slavery shall perish of its  
own inherent weakness. You fear that the slave-  
holders will dissolve the Union. Sir, had you any  
such fear? Doubtful; but what then? What is  
there so sacred in the government of which you form  
a part, what so holy in the Union of these States,  
that the sympathies and common sense of mankind  
should be reversed to save it, and Liberty be sacrificed  
to its preservation? Think you, Sir, that to the Aus-  
trian Emperor and the Russian Czar, the perpetuity  
of their powers and their governments does not ap-  
pear equally sacred, to justify the sacrifice of human  
rights to their preservation, as is the Union of these  
States in your estimation, and the peculiar institution  
of the South in the estimation of the traffickers in hu-  
man flesh? What is there, I repeat, so holy in the  
Union in your eyes, that Liberty must die the death  
to preserve it, and seek through blood and fire a re-  
urrection in the old world, where the despots of  
centuries have acquired all the sacredness of time-  
honored institutions, which no impious thought, speak-  
ing 'out of the abundance of a free heart,' shall with  
impunity blaspheme?

### WEBSTER AND SLAVE CATCHING.

RANDOLPH, VT., April 14, 1850.

I have read the last number of the Liberator with  
great interest, and have been somewhat amused with  
the state of the public mind on the question of sla-  
very.  
Fowler has eulogized Webster as having a great  
amount of brain, and a strong, enduring mind; but it  
must be much like the beggar's land—the more one  
has, the worse he is off.  
Political assassins always expect to get into power,  
but they often share the fate designed for others. Let  
the curse and milder of slavery rest on them; let  
them shift hands with the poor fugitive slave, and  
take one draught from that hellish cup of Southern  
blood and bloodhound recreation!

### ANTI-SLAVERY.

But, can it be true that the most democratic govern-  
ment on earth, the most refined people in the world, and from a  
State where anti-slavery influence is more powerful  
than in known among any other people, that your rep-  
resentative has turned from Freedom's temple to the  
base drudgery of slave-catching!

don't believe that Mr. Calhoun was the worst man  
of the world—but we do believe that his whole life, and  
principles, and habits, are an exhibition of the most  
undisguised and unmitigated tyranny that ever did  
exist. He was most devotedly attached to all that  
is known as Christianity. His religion and policy  
were of a type of the barbarism and heathenism of  
ages gone by. We mourn that it was so. He loved  
not the poor, nor did the poor love him. The only  
blessings that he proposed for them were whips and  
chains, and perpetual slavery. They will not call him  
blessed. They will rejoice in his funeral, and  
feel as if their emancipation is nearer than before.  
—*Liberty Party Paper.*

### From the Boston Atlas.

### SOUND THE ALARM!

He must be a very superficial observer of the  
progress of things in Washington, who fails to perceive  
the direct tendency which are at work in that city,  
to make the Northern free States of this Union sub-  
servient to the imperious dictation of the South. We  
have always carefully avoided any approximation to  
a mere sectional issue in the politics of this country.  
We have avoided such an issue, because we feared  
its disastrous effect upon the peace and happiness of  
this Union. The North, though bated and badgered  
for years by the pro-slavery men of the South, have  
put off the evil day. They have hoped for the re-  
turn of better times, and the dawn of an era of more  
noble and generous feelings. They have hesitated  
to drive points to extremes. They quietly submit-  
ted to the annexation of Texas, and the triumph  
which Slavery acquired in that struggle. They pas-  
sively tolerated the war with Mexico, in the vain  
hope that the South, satisfied with its Texan acqui-  
sition, would permit the ordinance of '87 to be ex-  
tended over the free territories which might be ac-  
quired by us.

### THE WEBSTER TESTIMONIAL.

THE NEW BEDFORD MERCURY talks bravely—especial-  
ly for a Whig journal. Listen:

Eight hundred highly respectable Bostonians have  
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These gentlemen are very grateful for being 're-  
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much lament that they ever wandered from those du-  
ties. Now that they have been regularly admonished,  
it is to be hoped that they will behave themselves  
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to slight that able and steadfast organ of the Whig  
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its existence. We hope they can afford it of course  
they have calculated their ability to be exclusive and  
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### DEATH OF JOHN C. CALHOUN.

Calhoun is dead. He expired on Sunday morning,  
March 31st, in the city of Washington. By his death  
the nation has lost a great statesman. From an early  
age he has been in public life, and a variety of im-  
portant offices have been conferred upon him. Dur-  
ing his whole career, he has been a consistent man,  
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party because they are in a minority; but assuredly  
they will find that they do not reflect the Whig senti-  
ment of this Commonwealth, nor do we believe that  
a majority of the Whigs of Boston concur with them.  
That Mr. Webster may carry Congress with him is  
not improbable, but he cannot carry with him the  
Whigs of his own State. The men who endorse Mr.  
Webster are the same whose suspected sentiments  
contributed largely to build up the Free Soil orga-  
nization. The avowed of those sentiments will not  
drive more Whigs into a foreign organization, but  
will cement the old Whig party more strongly to-  
gether. If another faction is to be formed, it must  
be composed of exclusive Webster men. They cannot  
impose their authority on the Whig party, and thus  
drive off another crowd of Whigs. The Whigs will  
override and outvote them overwhelmingly, and if  
there is to be another schism, the eight hundred re-  
spectable gentlemen must fly off for the bulk of the  
party, and set up business on their own account.  
We await the course of events with entire confidence.

### MORE WHIG TESTIMONY.

Gov. Anthony, whom the Whigs of Rhode  
Island have just elected to migrate to that State,  
is a specimen of the relative positions of Clay  
Webster and Benton before the country, in the Pro-  
vidence Journal, of which he is editor and proprietor.

### NOT APPROVED BY THE PEOPLE.

Mr. Estlin—It strikes me that the letter of ap-  
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At no moment since the commencement of the Anti-Slavery enterprise have the devoted and earnest efforts of its advocates been more needed than at this. The American Society stands now, as it did at the beginning, the sole enemy, through all the United States, to the system of American Slavery.

The magnitude of its work, and the importance of the obstacles in its way, and the struggle against the Slave Power, by continuing to test, either gloriously in successful treaty or in humiliating defeat. A contest of ten years has proved that the only hopeful issue is UNCONDITIONAL EMANCIPATION OF EVERY SLAVE, and that such a consummation can never be attained as long as we maintain a political Union with Slaveholders.

The Northern boundary of the slave States is the same to-day that it was when the American Empire came into existence; its Southern is extended westward and southward, embracing vast fertile territories, sufficient to insure its existence for centuries to come. It is something to be thankful and hopeful for, that this extension has not been without a struggle, and that this struggle becomes daily more and more earnest and determined. It will be entirely successful when the North is awakened to the conviction that the ABOLITION OF SLAVERY will also determine its extension—that a Southern and Western boundary will no longer be contended for when Northern is destroyed.

The ABOLITIONISTS of the AMERICAN SOCIETY alone are devoted to this work. The annual efforts of the Anniversary of their organization should remind them, each and all, of the duty they have assumed, and the responsibility which they have recognized as their own. He who does the most to make its action and its voice the most efficient, will have only done the least he ought to do.

The meetings of the Society will be continued, as usual, for three days. The place of meeting will be named in future notices.

WM. LLOYD GARRISON, President. WENDELL PHILLIPS, Secretary. SIDNEY HOWARD GAY, Treasurer.

LAMARTINE AND THE WORKING CLASSES OF FRANCE.

Atheism among the People. By Alphonse de Lamartine. Boston: Phillips, Sampson & Co., 10 Washington street—1850.

This is a translation of one of a series of Essays by Lamartine, which have appeared in his monthly journal, entitled "Le Conseiller du Peuple"—"The People's Counselor." It is written in the usually glowing but somewhat declamatory style of its renowned author, and has passages of great beauty and true eloquence. But we scarcely know whether it gives more pleasure or pain—a mixture of both we have certainly felt in perusing it, but which of these predominates it is difficult for us at this moment to decide.

That the object which Lamartine has in view is a laudable one, that the present moral and spiritual state of our country is a cause for great lamentation, and the most virtuous and heroic efforts for its regeneration; that (to borrow his own language) there has been "a weakening of the sentiment of God in the soul of the people, from year to year, from century to century," may be conceded. Whether this Essay is what is needed in France at the present time, is at least problematical, in our judgment, for reasons which we will state very briefly.

It seems to us that Lamartine over-estimates the importance of a formal, technical recognition of the existence of God; because such a recognition has been common to all Christendom for ages. "To love the people," he says, "it is necessary to believe in God." What kind of a God? The Emperor of Russia, the Emperor of Austria, Haynau himself, the Pope and his Cardinals—the American slaveholders, slave breeders and slave traffickers—all profess to "believe in God." Do they love the people? Will Lamartine venture to reply—all tyranny is abolished, all tyrants are atheists, their religious professions to the contrary notwithstanding? Very well; that why not state his proposition thus—To love the people is to believe in God? Or thus—To love the people is not to believe in God? How many believers in God would be found, either in Church or State, in any nation, by a strict application of this test?

Defining his own faith, he says—"My belief in God is not that vague, confused, indefinite, shadowy sentiment, which compels one to suppose a principle because he sees consequences, a cause where he contemplates effects, a source where he sees the sink of the inexhaustible river of life, of forms, of substances, absorbed for ever in the ocean, and renewed unceasingly from creation." Such a belief, he declares, is only a mechanical separation of the intellect from the instinct of intelligence, in some sort forced and brutal,—"an evidence, not reasonable, not religious, not perfect, not metaphysical." Yet, a few pages afterwards, he seems to involve himself in contradiction by saying—"God is not a mere notion, an idea, an evidence. God is a law, the living law, the supreme law, the universal law, the eternal law. God is a government!" Then how is it atheism to suppose a principle, because one sees consequences—a cause where one contemplates effects? If the Creator manifests himself through laws, principles, causes, results, then to ascertain them, and to prevent them, but live in obedience to what is required, is surely to be profoundly religious and reverent.

We think the statement, that "sometimes the masses have been driven to Atheism by science," is absurd upon the face of it, for would not the converse of this be an absurdity, namely, that sometimes the masses have been led to the adoration of God through ignorance of laws? That many of those masses, geometers, physicians, arithmeticians, mathematicians, chemists, astronomers, measurers of distances, calculators of numbers, &c. &c., have failed to keep the law, and to cherish a devoted spirit, is not more true of them, not so true of them, as it is of the mass of the priesthood, who have usually been hostile to science, and ostensibly devoted to religious investigation. It is one thing to drive men to Atheism, and another that scientific men have sometimes been irreligious and skeptical; for science being of God, and but another name for the confession and recognition of his eternal wisdom, power and goodness, it cannot legitimately produce any such effect.

"Men," says Lamartine, "have been blotting out God, for a century past, from the souls of the people, and more especially in latter years. The masses have been driven to Atheism, they have been driven on every side and on every hand." How has all this happened? Who are they who have done this evil deed? It is, we confess, in the answers to these questions—answers more implied than direct, but not

of opening them to "live emigration, to the virtual cessation of the free laborer." We did not expect to see him, as Mr. Bradbury has done, yielding an honest and manly obedience to the instructions of his constituents, in regard to the immediate admission of California and the exclusion of slavery from the territories; we expected, from his peculiar character, all sorts of evasions of his instructions, if not a direct violation of them. A bold and open declaration that he had no power, would not be bound by them, would have infinitely more honor than the course he is pursuing.

For Mr. Dickinson's associate in this affair, Mr. Webster, who misrepresents Massachusetts as palpably as Mr. Dickinson misrepresents New York, we perceive that the public charity is implored. When an unfortunate man loses all his property by fire, benevolent persons get up a subscription for his benefit. They draw up a paper expressing their sympathy, they set down their names, they part with a little of their own substance that they may contribute something to his.

When a politician loses his reputation by a sudden and suspicious change of opinion, the same course is sometimes pursued. Charitable persons get up a paper, declare their cordial sympathy with the unfortunate person, and part with a little of their own reputation to make him a new one. This process has been tried by Mr. Webster's friends, but the other day, by Mr. Webster's friends, he was decidedly obtained in this way was not found sufficient for the purpose. Only eight hundred persons out of the twenty thousand voters of that city, signed the subscription to furnish out a new reputation for Mr. Webster, and a second subscription has been started in this city. We have a large class of respectable people, respectable as the world goes, who sign any paper that is presented to them. Among these, it will be a hard case if Mr. Webster cannot get a few thousand names.

WASHINGTON DISHONORED.

Mr. Webster resorts to the old trick of quoting the authority of Washington to enforce the doctrines of quietism in the slave States. This is doing rank injustice to the name and fame of the Father of his Country. No one can for a moment believe that the illustrious Washington would have counselled concession and compromise, knowing the extension of human slavery to be the sure fruits of such a policy. He never sought for rest, quietness and peace at the expense of freedom. He did, to be sure, urge sacrifices to maintain the Union of these States, because he believed the purpose of the Union to be the security and extension of liberty, so long as the government of the Union is confined to such a purpose, peace and harmony may well be urged; but when it is sought by the slave power to subvert the government of the Union from its original intention, and to turn it into a means for the extension and perpetuity of bondage, quietness and submission and concession can no longer be urged with propriety.

No one hardly can doubt that were Washington now living, he would be found amongst those most strenuous in opposition to the slave power. All his sympathies and opinions would lead him to join with those who resist the designs of the slaveholders to usurp entire control of the national government, and dictate henceforth our national policy. It was Washington, let it be remembered, who declared that if slavery could be abolished, his suffrage should not be wanting. What an outrage it is that the language of the slave power should be quoted in her weakest and most dishonest hour, should be quoted to justify the treachery of the man who has turned over to the enemy at the height of the contest, when the battle seemed turning against the hosts of slavery.—Essex County Freeman.

AMERICAN SLAVERY.

On Thursday evening last, a numerous assemblage of ladies and gentlemen took place at the Temperance Hall, Little Boston, upon which occasion an interesting address was delivered by Mr. Wm. Wells Brown, an American slave, and delegate from Boston at the Peace Congress, held in Paris, Oct. 1849. Friday evening, a tea-party was held, at which about 200 ladies and gentlemen were present, including George Thompson, Esq., M. P., the Rev. Mr. Etheridge, Rev. Mr. Crossley, Councillors Stockdale and Richardson, E. Ashworth, Esq., &c. After tea, other parties were admitted, and upon the whole, there was a tolerably numerous gathering. Geo. Thompson, Esq., opened the proceedings by stating that he had to depart early without a few words in honor of one whom he considered to be the champion of his race. He had remarked, on the previous evening, that the subject of the slave trade was a new beginning, and of this he had to say, that the slave trade afforded an excellent subject for a prize was awarded in 1785, the best essay in the Latin language on the subject of the Rev. Thomas Clarkson was a competitor, and procured all the works that he could upon the horrors and atrocities of the African slave trade; on examination, he found it was one of the most flagrant crimes. He finished his essay, and won the prize, but his philippic did not stop there, he translated it into English, and took a journey to London. On his arrival with Mr. Phillips, Quaker, who undertook to publish the essay; it did not become a friend. He used to meet these and other friends whilst pursuing the study of the law at the Temple. This was the commencement of the agitation, afterwards followed up by clergymen in Yorkshire, and first introduced to the notice of parliament by Mr. Wilberforce. Mr. Thompson then alluded to the declaration of independence in America, and the idea that then prevailed, that the slave trade should be abolished in that part of the globe—in fact, slaves were ipso facto declared to be free, but the Southern States resisted their emancipation, and a compromise congress prevented the passing of a law. Notwithstanding this, the question had been kept alive by the Society of Friends, and doubtless would terminate in the abolition of such a monstrous and inhuman traffic.

After further remarks, he apologized for being obliged to draw and was warmly applauded. At eight o'clock, Mr. Etheridge introduced Mr. Brown, a very interesting man, but of deep color, who related a variety of incidents of travel, and the manner the slaves are treated, with the horrors of punishment, separation of families, &c. These interesting details are worthy the perusal of all who seek for the redemption and emancipation of their fellow-creatures, and will be found in a narrative recently published by Mr. Brown. Mr. H. M. Richardson then rose to propose to Mr. Brown an address from the ladies of Boston, stating that he had not anticipated such a delightful task, the more pleasant as it was accompanied by a purse containing £12, which they wished to tender as a slight testimony of their esteem, and in consideration of the expense he must have to bear in such an honorable mission. After some further appropriate remarks, he read the address, which was as follows:—

An address presented to Mr. William Wells Brown, the fugitive slave from America, by the ladies of Boston, March 22nd, 1850:—

Dear Friend and Brother,—We cannot permit you to depart from among us, without giving expression to the feelings which we entertain towards yourself personally, and to the sympathy which you have awakened in our breasts for the three millions of our sisters and brothers who still suffer and groan in the prison house of American bondage. You came among us as an entire stranger; we received you for the sake of your misery, and having heard the story of your personal wrongs, and passing an error on the atrocities of slavery as seen through the mirror of your touching descriptions, we are resolved henceforward, in reliance on divine assistance, to have solemnly pledged to you, and to our fellow-creatures, as best you can, to open the prison doors to them that are bound, and let the oppressed go free.

Allow us to thank you that your brief sojourn in our midst has been to us a most precious boon, of a character long to be remembered; and when you are removed from us, and toiling, as we hope you may be long spared to do, in this righteous cause, it may be some solace to your mind to know that your name is cherished with affectionate

regard, and that the blessing of the Most High is earnestly supplicated in behalf of yourself, your family, and the cause to which you have consecrated your distinguished talents.

Mr. Brown received the compliment amidst much cheering, and returned thanks in a feeling manner.

Rev. Mr. Crossley then moved—That this meeting hereby records its thorough detestation of slavery wherever it exists, and cordially congratulates Mr. William Wells Brown on his escape therefrom; and also expresses its hearty sympathy with his efforts and the efforts of all those who are laboring for the freedom of the American slaves, and earnestly wishes them "God speed."

Mr. Ormrod seconded the motion, and it was carried unanimously. After thanks to the ladies for their services at the tea tables, the proceedings terminated.

OUTRAGE IN THE U. S. SENATE—PISTOL DRAWN BY MR. FOOTE!

A scene took place in the Senate of the United States, on Monday (15th inst.), which should put the country to the blush. After an altercation in regard to Mr. Foote's committee, Mr. Benton crossed the floor, advancing on Mr. Foote, but whether with a hostile intent or not, does not appear, when Mr. Foote drew a pistol, concealed on his person, which he presented at Mr. Benton! The members, surrounding the belligerents, promptly interfered, and prevented bloodshed, although the Senate was thrown into a state of confusion, which at one time seemed to threaten a general melee. In this most disgraceful affair, Foote is clearly the guilty party, and should, without delay, be expelled from his seat. He has the spirit of a bully and an assassin, though without doubt, he is a contemptible poltroon, and notwithstanding his vaporing in debate, would be quite likely to run, if his person was in danger. If the Committee raised to investigate this outrage should, as is most likely, merely witness the affair, and the Senate pass over the matter with a mild rebuke, we see not why the insulted community should not petition for the expulsion of Foote, and thus show their indignation against such indecent outrages and the abettors of them.—Plymouth Memorial.

MR. FOOTE'S SELECT COMMITTEE.

IN SENATE, WASHINGTON, Thursday, April 18. The Committee of Investigation into the disorder of yesterday, was announced as follows:—Mr. Dodge of Wisconsin, Webster, King, Phelps, Rusk, Bell, and Shields. Mr. Dodge asked to be excused, because of the peculiar relations existing between him and Mr. Benton.

Mr. Foote said that as far as he was concerned, he would not serve as a member of the Committee, to be any man in America.

Mr. Dodge thanked Mr. Foote for this expression of kind feelings, but said it was a matter personal with himself, and that, from delicacy of feeling on the subject, he must insist upon being excused. The vote being taken, he was excused.

Senators Shields and Rusk made similar requests, which were refused.

On a transaction of the morning's business, Mr. Benton moved to postpone the bill for the purpose of taking up the bill for the admission of California as a State. After a discussion upon questions of order, the Vice-President ruled that a motion to postpone could not be made until the subject proposed to be postponed had first been taken up. Mr. Benton then moved that the Senate proceed to the consideration of the California bill.

Clay moved to lay the motion on the table, which was agreed to. Yeas 27, nays 24, as follows:—

YEAS—Messrs. Atchison, Badger, Bell, Borland, Bright, Butler, Cass, Clements, Davis, (of Miss.), Dickson, Downs, Foote, Hunter, King, Mangum, Mason, Martin, Pierce, Rusk, Sebastian, Sewell, Sturgeon, Turney, Underwood, Whitcomb, and Yale.

NAYS—Messrs. Baldwin, Benton, Chase, Clark, Corwin, Davis, (of Mass.), Dayton, Dodge, (of Wis.), Dodge, (of Iowa), Douglas, Fitch, Green, Hale, Hamlin, Jones, Miller, Morris, Phelps, Seward, Shields, Spruce, Walker, and Webster.

The Senate then resumed the consideration of the unfinished business of yesterday.

Mr. Foote having the floor, said that in view of the exigencies of the case he would refrain from any further remarks, and simply ask the Senate to concur in a speedy vote.

Mr. Mangum expressed the hope that the Senate would vote *seriatim* on all of Mr. Benton's propositions by the majority, or any attempt to vary the debate by the minority.

Mr. Clay expressed his hearty concurrence in what had just been said, and with the hope that the bill would pass without further delay.

The question was then stated upon Mr. Benton's amendment, instructing the committee not to connect California with any other measure.

Messrs. Butler and Borland said they should vote against the proposition, on the ground that they were palpable contradictions, and that the Senate did yesterday. Other Senators also declared their reasons for votes which they would give, so that the votes could not be considered a test.

The amendment was rejected. Yeas 25, nays 26. The question was then taken upon the following amendments proposed by Mr. Benton, all of which were rejected.

Resolved, That nothing in the instructions shall be construed to authorize the said committee to take into consideration anything that relates to either of the following subjects:—

1st. The abolition of Slavery within the States.

2d. The suppression of the slave-trade between the States.

3d. The Abolition of Slavery within the Forts, Arsenals, Dock Yards, and Navy grounds of the United States.

4th. The Abolition of Slavery in the District of Columbia.

And provided further, That said Committee shall not take into consideration any questions relating to the subject of Domestic Slavery in the United States, which shall not be speedily referred to it by order of the Senate.

The question was then taken upon a proposition of Mr. Hamlin, excepting the admission of California from the reference, which was rejected by yeas 20, nays 25.

Mr. Walker moved to amend the original motion of reference, by excepting therefrom the subject of the arrest of fugitive slaves, which was rejected, yeas 17, nays 20.

He then moved to amend by adding a provision, referring to the committee all the petitions and remonstrances sent to the Senate this session, relating to the subjects referred to the select committee.

Mr. Clay hoped the reference would be made. He thought the committee, after reading one or two of them, would be satisfied.

Mr. King opposed the reference of these petitions from miserable fanatics. It was insulting to propose it.

Mr. Hale, in the course of some remarks in reply, said that the Senator from Alabama considered it respectful to refer the cogitations of the Senate, but when it was proposed to refer the thoughts of the people—the of the sovereigns—he called it insulting.

Mr. Clements said he had received a petition from New York, which he should present to-morrow, suggesting the necessity for the establishment of a lunatic asylum for the abolition members, and referring to the case of an individual Senator, asking that his head be shaved forthwith, and that he be put upon a cold water diet. (Laughter.)

After debate, the Chair ruled Mr. Hale's amendment out of order, upon the ground that the propositions to be referred were not under consideration.

The final question being then taken upon the motion to refer Clay and Bell's resolutions to a select committee of 13 without instructions, it was adopted, yeas 30, nays 22, as follows:—

YEAS—Atchison, Badger, Bell, Borland, Bright, Butler, Cass, Clay, Clements, Davis, (Miss.), Dickinson, Dodge, (Iowa), Downs, Foote, Hunter, Jones, King, Mangum, Mason, Morton, Pearce, Rusk, Sebastian, Soule, Spruce, Sturgeon, Turney, Underwood, Whitcomb, Yale.

NAYS—Baldwin, Benton, Bradbury, Chase, Clarke, Corwin, Davis, (Mass.), Dayton, Dodge, (Wis.), Douglas, Fitch, Green, Hale, Hamlin, Miller, Morris, Phelps, Seward, Shields, Smith, Walker, Webster.

On motion by Mr. Mangum, it was ordered that the Senate ballot first for the Chairman of the Committee. On motion by Mr. Davis, (Miss.), the ballot was postponed until to-morrow.

Mr. Hale then moved that all the petitions and remonstrances lying on the table relating to the

subjects just referred to the select committee, be referred to said committee.

Mr. Mangum adjourned, but withdrew the motion for Mr. Douglas, who expressed a hope that the Senate would now, in accordance with the pledge given yesterday by Mr. Clay, take the California bill, and make it the special order for to-morrow.

Messrs. Butler and Mangum insisted upon an adjournment, and the Senate adjourned.

WASHINGTON, April 19.

Mr. Seward moved a correction of the journal, in which he had been recorded as voting in the affirmative upon Mr. Benton's proposition of referring to the Select Committee the question of the internal slave trade. He had voted in the negative.

After the presentation of petitions, Mr. Douglas moved that the California bill be taken up, which was agreed to.

Mr. Donon moved that the bill be made the special order for to-day, immediately after the appointment of the Select Committee.

Mr. Torney moved to refer the bill to the Select Committee.

The question of postponement taking priority, was put, and agreed to.

The Senate then proceeded to ballot for the Chairman of the Select Committee upon the compromise resolutions of Mr. Bell and Mr. Clay. On the first ballot, Mr. Clay had 28 votes, Bell 1, Benton 1, Mangum 1, blank 4.

So Mr. Clay was declared elected.

Messrs. Cass, Dickinson, Bright, Webster, Phelps, Cooper, King, Mason, Downs, Mangum, Bell, and Berrian were, on the next ballot, elected the remaining members of the Committee without opposition.

Mr. Phelps asked to be excused, particularly on account of his health.

Mr. Mangum appealed to Mr. Phelps to withdraw his application. The sitting of the Committee could be so arranged as to put the Senator to no serious inconvenience.

Mr. Phelps said he had other objections. He must say that he had felt from the outset that the appointment of the Committee would result in nothing but an expression of opinion, and that in that view would, if placed upon the Committee, be compelled to throw himself entirely on his own personal views. The probability in his mind was, that the result of the whole proceeding would be unsatisfactory to the Senate and the country.

Mr. Webster hoped Mr. Phelps would not insist. If by example was to be set of excusing, because of the fear that the Committee would arrive at no practicable result, he should perhaps feel compelled to follow it.

Mr. Phelps could not withdraw his application, but if the Senate refused to excuse him, he must make the best of his situation.

The question being taken, Mr. Phelps was not excused.

It will be observed that the opponents of the Committee generally failed to vote at all upon its appointment.

Mr. Benton moved that the Select Committee be instructed to report separately, on each of the subjects referred to it, and not to join two or more subjects, not of the same character, in one bill.

Mr. Badger objected to the consideration, and the motion lies over until the rule.

Mr. Douglas called for the special order, and the California State bill was taken up. After some conversation with reference to the absence of the Committee to convey Mr. Calhoun's remains to South Carolina, a motion to postpone the further consideration of the California bill to next Monday two weeks, was agreed to.

Mr. Butler expressed his surprise that it had been assumed that the subject of the admission of California could be taken up and discussed after the subject had been referred to the Select Committee, and before that Committee should report.

Mr. Clay said Mr. Butler was much mistaken, if he supposed the California bill could be acted on without a struggle, and he hoped a successful struggle to engrail upon it the territorial bill, in one bill.

Mr. Benton gave notice, that when Mr. Clay submitted his amendments, he had in his hand parliamentary law, (holding up four quarto volumes), to show that the Senator from Kentucky proposed a course in violation of all parliamentary practice and law.

Mr. Clay expressed his readiness to meet the Senator's parliamentary law.

Mr. Hale renewed the motion which he made yesterday, that the petitions relating to the subjects referred to the Select Committee appointed this morning, be referred to said Committee.

Mr. Atchison moved that the motion be laid on the table, which was agreed to—yeas 24, nays 23.

From the Boston Daily Advertiser.

SUPREME JUDICIAL COURT.

SARAH ROBERTS vs. THE CITY OF BOSTON.

This was an action on the case, brought by the plaintiff, an infant, who sued by her father and next friend, against the city of Boston, under the statute of 1845, ch. 214, which provides that any child lawfully excluded from public school instruction in this Commonwealth, shall recover damages therefor against the city or town by which such public instruction is supported.

Under the system of public schools, established in the city of Boston, primary schools are supported by the city for the instruction of all children residing therein between the ages of four and seven years. For this purpose, the city is divided into wards, but not by geographical lines, into twenty-one districts, in each of which are several primary schools, making the whole number of primary schools in the city of Boston one hundred and sixty-one. These schools are under the immediate management and supervision of the primary school committees, so far as that committee has authority, by virtue of the powers conferred by votes of the grammar school committee.

In 1848, the following vote of that committee was passed:—

'At a meeting of the school committee of the city of Boston, held at City Hall, on Wednesday, the 12th day of January, 1848:—

The pointed members were nominated and appointed: George Sturtevant, and one hundred and thirty-five others.

Resolved, That the primary school committee be, and they hereby are, authorized to organize their body, and their proceedings as they may think most convenient, and to remove any members at their discretion during the ensuing year, and that this Board will cheerfully receive from said committee, such communications as they may have occasion to make.'

The city of Boston is not divided into geographical school districts; and the general school committee, by the city charter, have the care and superintendence of the public schools. In the various grammar and primary schools, which children are obliged to attend, the regulations of the Primary School Committee contain the following provisions:—

'ADMISSIONS. No pupil shall be admitted into a primary school without a ticket of admission from a member of the District Committee.

ADMISSIONS OF APPLICANTS. Every member of the District Committee shall receive, and he or she who is suitable age and qualifications, residing nearest to the school under his charge, (excepting those for whom special provision has been made,) provided the number in his school will warrant the admission.'

RESIDENCES. Applicants for admission to our schools (with the exception and provision referred to in the preceding rule) are especially entitled to enter the schools nearest their places of residence.

The city of Boston, at the time of the plaintiff's application for admission to the primary school, had established, for the exclusive use of colored children, two primary schools, one in Belknap-street, in the eighth school district, and one in Sun Court-st., in the second school district.

The colored population of Boston constituted less than one sixteenth part of the entire population of the city. For half a century, separate schools have been kept in Boston for colored children, and the primary school for colored children in Belknap-street was established in 1840, and has been kept there ever since. The teachers of this school have the same compensation and qualifications as in the other like schools in the city. Colored children were originally established by the request of the colored citizens, whose children could not attend the public

schools on account of the prejudice then existing against them.

The plaintiff is a colored child, of five years of age, a resident of Boston, and living with her father in the month of March, 1847, in Andover-street, in the Sixth Primary School District. In the month of April, 1847, he being of suitable age and qualifications, (unless her color was a disqualification,) applied to a member of the District Primary School Committee having under his charge the primary school nearest to her place of residence, for a ticket of admission to said school, the number in said school warranting her admission; and no special provision having been made for her, unless the establishment of said two schools, for colored children exclusively, is to be so considered.

The said member of the School Committee refused the application, on the grounds of her being a colored person, and of the special provision made as aforesaid. The plaintiff thereupon applied to the Primary School Committee of the District, for admission to one of their schools, and was in like manner refused admission, on the ground of her color, and the provision aforesaid. She thereupon petitioned the general Primary School Committee for leave to attend the primary school nearest her residence. That Committee referred the subject to the Committee of the District, with full powers, and the said Committee of the District thereupon again refused the plaintiff's application, on the ground aforesaid, and the plaintiff has not attended any school in Boston. Afterwards, on the 15th day of February, 1848, the plaintiff went into the primary school nearest her residence, but without any ticket of admission or other leave granted, and was on that day ejected from said school by the teacher.

The school established in Belknap-street is twenty-one hundred feet distant from the residence of the plaintiff, measuring through the streets; and in passing from the plaintiff's residence to Belknap-street school, the direct road passes the ends of two streets in which there are five primary schools. The distance to the school in Sun Court-street is much greater. The distance from the plaintiff's residence to the nearest school, is by a distance of about 100 feet. The plaintiff might have attended the school in Belknap-street, at any time, and her father was so informed, but refused so to do.

In 1846, George Putnam and other colored citizens of Boston petitioned the Primary School Committee that exclusive schools for colored children might be abolished, and the said Committee, June 22, 1846, adopted a report of a sub-committee, and adopted the resolution appended thereto, which was in the following words:—

Resolved, That in the opinion of the Board, the continuance of separate schools for colored children, and the regular attendance of all such children upon the schools, is not only legal and just, but is best adapted to promote the education of that class of our population.'

If, upon the foregoing statement of facts, the plaintiff is entitled to recover, the case is to be submitted to a jury to assess damages; otherwise, the plaintiff is to become non-suit. The printed rules of the general and primary School Committees of the city of Boston, and the majority and minority reports upon the petition of the Primary School Committee, on the petition of George Putnam and others in 1846, and his petitions are made a part of the case so far as the same may be considered legal testimony. [The nature of these documents will be sufficiently indicated in the opinion of the Court.] The Court may draw such inferences from the facts as a jury would be authorized to draw.

Upon the above statement of facts, the Court below ordered judgment thereon for the defendants, and for their costs. The plaintiff appealed to this Court from said judgment.

The counsel for the plaintiff made the following points: (1.) According to the spirit of American institutions, and especially of the Constitution of Massachusetts, all men, without distinction of color or race, are equal before the law. (2.) The legislation of the State makes no discrimination of color or race, in the establishment of the common schools. (3.) The Constitution of the Commonwealth has never recognized any discrimination of color or race, in the administration of the common schools, but have recognized the equal rights of all the inhabitants. (4.) The exclusion of colored children from the general public schools is a source of practical inconvenience to them and to their parents, to which white persons are not exposed; and is, therefore, a violation of equality. (5.) The discrimination of children by color or race, is in the nature of a violation of equality of children on account of color or race, and to compel them to attend separate schools, is in defiance of the principle of equality. (7.) The Court should declare the by-law of the school committee, making a discrimination of color or race, to be illegal and unconstitutional, although there are no words of express prohibition in the Constitution or laws.

The counsel for the city contended that the question involved in the case was one of pure law. The issue to be fully tested, most of the propositions of the plaintiff's counsel, and if it was necessary to violate them, they ought not to gain it. But these propositions of the plaintiff did not reach the case. The plaintiff brought this suit, alleging that she had been unlawfully excluded from public school instruction. The case found, and it was admitted, that she might have gone to a school as good, in all respects, as any in the city. Her complaint is that she could not have a right (denied to other children) to select her own school; that the school committee, in the far exercise of their discretion, pointed out the particular school to which she should go, as they also did to every other child in the city. The case also found that the plaintiff was not obliged to go farther to school than many white children. The real question, after all, was one of law, namely:—Whether the school committee had the power—the legal right, to make separate schools for white, and separate schools for colored children, acting in good faith for the interests of the children themselves. Whether it was best or expedient to exercise the power as they had done, was an entire and distinct question, with which this Court had nothing to do, provided the committee acted without malice.



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THE CHURCH OF ENGLAND PARTY.

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2. Resolved, That with a cause which in all ages

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POETRY.

From the Boston Republican. WEBSTER. The muzzling boss of liberty...

REFORMATORY.

Romans 13:1, 6. Our respected brother, Amos Dresser, has given an explanation of this passage...

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Thus shalt thou win the high regard Of all the noble and the true; And Freedom's grant, a rich reward...

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