

the man of the plantation have been a committee of detective and protective police. They do not know that the ill-looking man who was there yesterday, and whom the ladies did not like, and all treated with ill-disguised aversion, is a professional hunter of slaves. They have never seen or heard of the Sierra del Crystal, the mountain range at the eastern end of Cuba, inhabited by a horde of white men, who, in the time of the insurrection in the Vuelta de Arriba. They have not heard the story of that downcast-looking girl, the now incorrigibly malignant negro, and the lying mayoral. In the cities they are amused by the flashy dresses, indolence and good humor of the slaves, and pleased with the respectfulness of their manners, and hear anecdotes of their attachment to their masters, and how they so do upon slavery that nothing but had advice can entice them into freedom; and are told, too, of the worse condition of the free blacks. They have not visited the slave jails, or the whipping post, in the house outside the walls, where low white slaves, the flogging of the city-brokers, men and women, as so many real a head.

THE OBERLIN HABEAS CORPUS.

DECISION OF THE OHIO SUPREME COURT.

From the Columbus State Journal, May 31.
The decision of the Supreme Court, in the application for a writ of habeas corpus, and the Fugitive Slave Act, at the recent term of the United States District Court for the Northern District of Ohio, was announced yesterday afternoon, all the Judges being present. The decision of a majority of the Court—namely, Chief Justice Swan, and Judges Scott and Peck—was against the prayer of the relators. Judges Brinkerhoff and Saffell dissented from the majority of the Court.

Whatever may be the conflicting popular opinions upon a decision rendered by a majority of the Court, the people of Ohio will doubtless regard it as the deliberate judgment of the highest tribunal of the State, and will respect it accordingly.

We give below a synopsis of Judge Swan's opinions. We had hoped to have given the opinion entire in this issue of our paper, but it was retained by Judge Swan for revision. The synopsis, however, presents the main points.

JUDGE SWAN'S OPINION.

Judge Swan, Scott and Peck held:

I. That the provisions of art. 4, section 2, of the Constitution of the United States: "No person held to service or labor in one State under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due," is not unconstitutional and void, in reference to the appointment and powers of commissioners, the allowance of a writ of habeas corpus, the mode of reclamation, &c., but whether Congress has any power to pass any law whatever, however just and proper in its provisions, for the reclamation of slaves, or to protect the owner of an escaped slave from interference when duly asserting his constitutional rights of reclamation.

II. That a citizen who knowingly and intentionally interferes with the purpose of rescue, or rescues from the owners, an escaped slave, is guilty of a violation of the Constitution of the United States, whether the Acts of 1793 and 1850, commonly called the Fugitive Slave Laws, are unconstitutional or not.

III. That the question in this case is not whether the Fugitive Slave Act of 1850 is unconstitutional in respect to the appointment and powers of commissioners, the allowance of a writ of habeas corpus, the mode of reclamation, &c., but whether Congress has any power to pass any law whatever, however just and proper in its provisions, for the reclamation of slaves, or to protect the owner of an escaped slave from interference when duly asserting his constitutional rights of reclamation.

IV. That Congress, in the earliest period of the Government, has legislated upon the subject of fugitives from service or labor, and has enacted laws, vindicated the Constitutional right of the owner of slaves against unlawful interference.

V. That such legislation was adopted in 1793 by the 1st Congress elected under the Constitution, composed of many of the members of the Convention who framed the Constitution; has, from that day to this, been acquiesced in by all departments of the Government, National, State and local, and the legislative power of Congress in this subject has been recognized by the General Assembly of the State of Ohio in their statutes; by the Supreme Court of the United States, New York, Pennsylvania, Indiana, Illinois, California, and by the Supreme Court of Ohio on the circuit, and, indeed, by the Supreme Court of every State in the Union, where the question has been made, and has never been denied by the Supreme Court of any State—the Courts of Wisconsin, notwithstanding the popular impression, not forming an exception.

VI. The right to rescue escaped slaves from their owners being denied to all citizens of the United States by the Constitution; Congress having prohibited it, and enforced the prohibition by penalties; and the Supreme Court of the United States having affirmed such legislative prohibition and punishment; if the question is not thus put beyond the reach of the private personal views of Judges; and if they possess judicial discretion or power to overrule, on the authority of their individual opinions, this unbroken current of decisions, and this acquiescence of the States of the Union, and change the settled interpretation of the Constitution of the United States; then there is a limit and no restraint upon Judges making, at any time and under any circumstances, their own individual opinions the arbitrary interpreters of the Constitution.

VII. Whatever differences of opinion may now exist in the public mind as to the power of Congress to punish rescues, as provided in the Acts of 1793 and 1850, no such vital blow is given either to constitutional rights or State sovereignty by Congress thus enacting a law to regulate the relation of the Constitution of the United States, as to demand of this Court the organization of resistance. If, after more than sixty years of acquiescence by all departments of the National and State Governments, in the power of Congress to provide for the punishment of rescuers of escaped slaves, that power is to be disregarded, and all laws which may be passed by Congress on this subject from henceforth are to be persistently resisted and nullified, the work of revolution should not be begun by the conservators of the public peace.

Judge Scott orally assented to the foregoing, as embodying his views, especially in its conclusions; although he reserved his dissent, in a written opinion, to modify some of the details.

Judge Peck delivered an elaborate written opinion, coinciding with Judges Swan and Scott, comprising a review of the decisions of the Courts, and particularly of the State Courts, upon the questions involved in the case, and treating the whole matter as *res adjudicata*.

Judge Saffell also read a dissenting opinion, treating the great matter, that, according to the established rules of construction, authority for Congress to pass the Fugitive Act could be found in the Constitution.

Judge Brinkerhoff also dissented from the majority of the Court, in a forcible opinion, which we give below.

JUDGE BRINKERHOFF'S OPINION.

Judge Brinkerhoff said—Since the close of the argument of these cases—Sunday, and a visit to my family intervening—I have not had time to do more than hastily to sketch a brief outline of my opinion on the questions they present. This I give, and I may, or may not, as leisure or inclination may prompt, commit them to paper, with the reasons on which they rest, more fully, and in detail hereafter.

I. Under the advice of the District-Attorney of the United States, the indictments under which the relators were convicted are appended to, and form a part of, the return to these writs. The question whether they charge a crime or not is, therefore, before us. Both indictments are fatally defective in this, to wit, that neither of them avers that John was held to service or labor in the State of Kentucky, Constitution *therof*. 2d section, 4th article.

1. This defect is not a mere error or irregularity. If it were, so far as this point is concerned, we should be obliged to remand the prisoners; for the writ of habeas corpus cannot be made to perform the functions of a writ of error. But 2d. This defect is an illegality. The averment omitted is of the essence of the crime; without the fact omitted to be averred, there is no crime; for it is no crime to rescue from custody a person held to service or labor in another State *otherwise than* under the laws *therof*. If there was no crime charged in the indictment, the judgment of the District Court of the United States under which the relators are held, is *coram non iudice* and void; they are illegally restrained of their liberty, and they ought to be discharged.

II. The indictment against Bushnell contains

but one count, which charges the rescue of John from the custody of an agent of the claimant of his labor and service in Kentucky—John having been arrested and held in custody without warrant or any color of legal process.

It appears, then, on the face of the record which is made a part of the return to this writ, that here was a person domiciled or sojourning in Ohio, a free State, and therefore presumed in law to be a free man, 'unreasonably seized' and 'deprived of his liberty,' not only 'without due process of law,' but without the pretense of any process at all, whatever. The arrest and custody was in direct violation of the fourth and fifth articles of the amendments to the Constitution of the United States. The rescue of a person thus 'unreasonably seized,' and 'deprived of his liberty without due process of law,' cannot be a crime; and any statute or judicial procedure which attempts to make or treat it as a crime, is unconstitutional and void.

2. The indictment against Langston has two counts, the first of which is entirely similar to that against Bushnell; and the second which alleges a similar rescue of John while arrested and held in custody under a warrant issued by a Commissioner of the Circuit Court of the United States, authorized by act of Congress to issue such warrant, and, under the authority thereof, to arrest, hold, and remove the person described therein to a foreign jurisdiction as a slave.

The acts of Congress referred to clearly attempt to confer on these commissioners the powers and functions of a court; to hear and determine questions of law and of fact; and to clothe their findings and determinations with that conclusive authority which belongs only to judicial action. And the issue of the warrant mentioned in the indictment was a judicial act.

These provisions of the acts of Congress referred to, and all warrants issued under them, are unconstitutional and void, for the following reasons:—These commissioners are appointed by the Circuit Court of the United States only; hold their office at the will of such Courts, and are paid by fees. Whereas, by the express provision of the Constitution of the United States, (Art. 2, Sec. 2, and Art. 3, Sec. 1.) the judicial functions of the United States must be appointed by the President, and with the advice and consent of the Senate, by and with the advice and consent of the Senate, a fixed compensation which may not be diminished during their continuance in office.

The warrant of such a commissioner, therefore, is a nullity; it could afford no authority to hold John in custody; and to rescue him from such illegal custody could not, by the law of the land, be a crime; and therefore the imprisonment of Langston, by way of punishment of such pretended crime, is an illegal restraint of his liberty, and he too ought therefore to be discharged.

III. These relators ought to be discharged, because they have been indicted and convicted under an act of Congress upon a subject matter, in reference to which Congress has, under the Constitution of the United States, no legislative power whatever.

As to the correctness of this proposition, there does not rest on my mind the shadow or glimmer of a doubt.

The Federal Government is one of limited powers; and all powers not expressly granted to it, or necessarily carry into effect such as are expressly granted to it by the terms of the Constitution, are reserved to the States or the people. Amendments, Art. 10.

No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due." Art. 4, Sec. 2.

This is the only clause of the Constitution which anybody pretends to derive, or in which anybody attempts to find a grant of power to Congress, in relation to the subject of fugitives from service or labor. I can find in it no such grant.

The first part of it simply prohibits State legislation hostile to the rendition of fugitives from labor. Such fugitive shall not be discharged 'in consequence of any law or regulation' of the State into which he shall escape, 'but shall be delivered up.' By whom? By Congress? By the Federal authorities? There are no such words, and no such terms in this article.

ART. 4, SEC. 1. 'Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.' Here, in the first place, is a compact between the States respectively—an agreement of several States to act with each other, that the public acts, records, and judicial proceedings of each shall have 'full faith and credit' given to them all. Had this section closed here, would any one claim that it embraced any grant of legislative power to Congress? I think not. But the framers of the Constitution thought that Congress ought to have the power 'to prescribe the manner in which such acts, records, and proceedings should be proved, and the effect thereof,' and that the manner of proving them, and the effect thereof, should be prescribed by Congress, and not a mere contract stipulation by, or injunction of duty upon the States, they say so, and leave us no room for cavil on the subject. But let us go on.

Sec. 2. 'The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.'

'A person charged in any State with treason, felony or other crime, who shall flee from justice, and be found in another State, shall, on demand of the Executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.'

That these clauses of section two are mere articles of compact between the States, dependent on the good faith of the States alone for their fulfillment, and possess no one will dispute. They do not confer upon Congress any power whatsoever to enforce their observance. Then follows the last clause of section two, in respect to fugitives from labor or service, first quoted. And this, like all the other preceding clauses of this article, except the first, is destitute of any grant of power, or even allusion to Congress or the Federal Government. Now, if a grant of power to Congress were here intended, why this silence of the Articles of Confederation and the Ordinances of 1787—no mention of the Constitution intended, why this power to Congress in this clause, why did they not say so, as they did say in the first section, in respect to 'public acts, records, and judicial proceedings'?

It seems to me that no rational answer can be given to this question, except by a denial of such intentions. *Expressio unius exclusio alterius*, is a legal maxim as old as the common law. The express mention of one thing implies the exclusion of all others not mentioned. It is a maxim which applies alike in the interpretation of contracts, statutes and constitutions. Its application was never more obviously proper than to the question before us; and when applied, it seems to me to bring with it a force little short of mathematical demonstration.

Thus far I have reasoned as if we were ignorant of the history of the Constitution. But a glance at that history confirms the conclusions to which we are brought by the ordinary rules of interpretation, and makes assurance doubly sure.

The Articles of Confederation under which the struggle for independence was carried through, and for which the present Constitution of the United States is a substitute, contain nothing but articles of compact. The fulfillment of its obligations was dependent upon the faith of the States alone. The Constitution contains no such requisitions, but had no power to enforce them.

Again: Certain provisions of the ordinance of 1787, for the government of the territory north-west of the Ohio river, were in express terms declared to be 'articles of compact.'

Now, every one of the clauses of the fourth article of the Constitution above quoted were borrowed and transferred, with slight verbal alterations, from the Articles of Confederation, and the Ordinances of 1787—the first three from the former, and the last from the latter—with this exception only, that to the first of these clauses was added a grant of power to Congress to prescribe the manner of proof and effect of public acts, records, and judicial proceedings. Here, then, we have certain articles of compact—admitted or declared to be such, and nothing more—borrowed and transferred from one instrument to another, with no change in their character or their character as articles of compact, except in a single instance where the change is expressly declared. The inference seems to me to be irresistible, that, except so far as the change is expressly declared, they remained, after the transfer, the same as they were before—articles of compact, and nothing else.

I conclude, therefore, that the States are bound, in fulfillment of their pledged faith, and through the medium of their laws, legislation and functionaries, to deliver up the fugitive from service or labor, on claim of the party to whom such service or labor may be due under the laws of another State from which the fugitive has fled. But the Federal Government has nothing to do with the subject, and its interference is sheer usurpation of a power not granted, but reserved.

But, it is said, the question is settled, and our arguments come too late. I deny that it is settled. The Federal legislature has usurped a power not granted by the Constitution, and a Federal judiciary has, through the medium of reasonings lame, halting, contradictory, and of far-fetched implications, derived from unwarranted assumptions and false history, sanctioned the usurpation. I deny that the decisions of a usurping party in favor of the validity of its own assumptions can settle any thing. It is true that the Courts and legislatures of several of the States have decided in the same way; but they have been decisions of acquiescence rather than of original and independent inquiry. The fact that such jurists as Hornblower, Walworth and Webster thought on this subject as I think, shows that the question is not settled. The fact that a majority of my brethren, as I understand them, admit that if this were a real question, they would be with me, and that they yield the strong language which I deny, to the force of the rule of *res adjudicata*, proves that this question is not settled. The truth is, it is not till recently that the mass of intelligent and inquiring mind in this country has been brought to bear upon this question. It required the enactment and enforcement of the Fugitive Slave Act of 1850, overriding the most sacred and fundamental guarantees of the Constitution, and disregarding in its provisions the freedom of conscience, and the rights of the individual, and the rights of the States, and the rights of the people, to awaken general inquiry. That inquiry is now going forward. And so surely as the matured conviction of the mass of intelligent mind in this country must ultimately control the operations of Government in all its departments, so surely is this question not settled. When it is settled right, then it will be settled forever.

But, contemporaneous construction is appealed to. I admit its weight, and its title to respectful consideration. But contemporaneous construction speaks with a divided voice. It is true Congress, as early as 1793, legislated for the return of fugitives from labor. But nearly if not quite every one of the old States had also legislated on the same subject in fulfillment of what they deemed a matter of constitutional obligation resting on them. And such legislation on the part of the States, old and new, continued until the Supreme Court of the United States, in the Prigg case, as late as 1842 (16 Peters, 539), assumed for the Federal Government exclusive authority over the subject. And those who appealed to contemporaneous construction should themselves respect it. From the foundation of the Government until within the last ten years, Congress claimed and exercised, without question, full and complete legislative power over the Territories of the United States, and since 1822, in American companies, as late as 1842 (16 Peters, 539), assumed for the Federal Government exclusive authority over the subject. And those who appealed to contemporaneous construction should themselves respect it. From the foundation of the Government until within the last ten years, Congress claimed and exercised, without question, full and complete legislative power over the Territories of the United States, and since 1822, in American companies, as late as 1842 (16 Peters, 539), assumed for the Federal Government exclusive authority over the subject. And those who appealed to contemporaneous construction should themselves respect it. 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POETRY.

For the Liberator.

THE NEW GINEVRA.

'Frederick Bremer well said "the fate of the negro is the romance of history." No other land has one of such profound interest. Would I could place you in a narrow room, where one of the bravest souls God ever gave first breathed the air of a free State...

From lips whose earnest eloquence Enchained us like a spell, That wondrous tale in living words Of deepest truth fell: All faces turned to meet that face, Listening, with lips apart, To the voice that swayed the multitude, As if it bore one heart.

In every bosom, how'er cold, Swift sympathy upspring, Touched by the magic power of Love, Divine, and ever young, Tears and glad shouts extolled the deed Heroic, that dare prove That young pair's love of liberty— Their liberty of love.

A picture through my memory passed, As that strange tale was told, And in the poet's plaintive words Returned the legend old Of fair Ginevra, stealing up In all her bridal bloom, So blithe of spirit, as she passed With smiles into her tomb; No cruel fate pursued her steps, No phantom of despair Rose up between her and the heart

Whose love made life so fair; No secret terror urged her flight, No fear of human wrong— But still her story lives, embalmed In painting and in song. A nobler legend of our times Shall future poets tell, A new Ginevra, fair and brave, In brighter tints shall dwell. Within that narrow cell of pain, Undaunted, undismayed, The dearest blessing of his life A lover's form arms laid, To count the long, slow hours depart, With tortured limbs had stifled breath, To wait for freedom, or the pang Of capture, and of death.

But God was with her, and he spared That valiant soul to prove How much a woman's heart can dare For liberty and love. Oh men! whose eager hands and lips Give to such deeds applause, Bestow the tribute of your lives To serve a righteous cause; Remember the faithful love That blesses life for you, Grow wiser of the gift, and learn A chivalry more true. Oh women! whose quick sympathy Spoke in your silent tears, In the safe shelter of your homes, Forget not coming years; Make of your womanhood a shield For human griefs and fears— Give to God's noblest work on earth Brave labor, and not tears.

L. M. ALCOTT.

LIFE.

BY WILLIAM C. BRYANT.

Oh Life! I breathe thee in the breeze, I feel thee bounding in my veins, I see thee in these stretching trees, These flowers, this still rock's mossy stains. This stream of odors flowing by, From clover-field and clumps of pine, This music, thrilling all the sky, From all the morning birds, are thine. Thou fill'st with joy this little one, That leaps and shouts beside me here, Where Laus's clay-white rivulets run Through the dark woods like frightened deer.

Ah! I must thy mighty breath, that wakes Insect and bird, and flower and tree, From the low trunden dust, and makes Their daily gladness, pass from me— Pass, pulse by pulse, till o'er the ground These limbs, now strong, shall creep with pain, And this fair world of sight and sound Seem fading into night again?

The things, oh Life! thou quickenest, all Strive upward toward the broad bright sky, Upward and onward, and they fall Back to earth's bosom when they die. All that have borne the touch of death, All that shall live, lie mingled there, Beneath that veil of bloom and breath, That living zone 'twixt earth and air. There lies my chamber dark and still; There atoms, trampled by my feet, The waste, to take the place I fill In the sweet air and sunshine sweet.

Well, I have had my turn, have been Raised from the darkness of the clod, And for a glorious moment seen The brightness of the skirts of God; And knew the light within my breast, Though wavering oftentimes and dim, The power, the will, that never rest, And cannot die, were all from Him.

Dear child! I know that thou wilt grieve To see me taken from thy love, Will seek my grave at Sabbath eve, And weep, and scatter flowers above. Thy little heart will soon be heald, And being full of bliss, till thou To younger forms of life must yield The place thou fill'st with beauty now.

Catch the sunshine! though 'tis only One pale flickering beam of light; There is joy within its glimmering, Whispering 'tis not always night. Don't be moping, sighing, weeping— Look up! look up like a man! There's no time to grope in darkness, Catch the sunshine when you can.

Catch the sunshine! though life's tempest May unfulfil its chilling blast; Catch the little hopeful straggler! Storms will not forever last! Don't give up, and say 'Forsaken!' Don't begin to say 'I'm sad!' Look! there comes a gleam of sunshine? Catch it! oh, it seems so glad!

Catch the sunshine! don't be grieving O'er that darksome billow there! Life's a sea of stormy billows We must meet them every where. Pass right through them, do not tarry, Overcome the heaving tide; There's a sparkling gleam of sunshine Waiting on the other side.

Catch the sunshine! catch it gladly! Messenger in Hope's employ, Sent through clouds, through storm and billows, Bringing you a cup of joy. Oh! then, don't be sighing, weeping— Life, you know, is but a span; There's no time to sigh and sorrow— Catch the sunshine when you can.

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congratulation and counsel which these noble women and earnest men may have to offer to us.—N. C. W. The noise of people entering at the commencement of the meeting, combined with the noise of the street, prevented the writer of the above from hearing the remarks made by Mrs. Severance on taking the chair. We have been fortunate enough to obtain a full report of them from another hand, as follows: LADIES AND GENTLEMEN.— In accepting the duties accorded me on this occasion, permit me to say a very few words in regard to the movement which this meeting represents. It enters itself among the efforts of the age, and the anniversaries of the week, as the most radical, and yet, in the best sense, the most conservative of them all. It bears the same relation to all the charities of the day which strive nobly, in their way, to serve woman, that the radical anti-slavery movement bears to all superficial palliations of slavery. Like that movement, it goes beneath effects, and seeks to remove causes.

Recognizing woman as an equal human being with man, before God and the State, it claims for her equality of position and of action in the family—including an ownership of herself and an equal ownership of her children; equal opportunities of education, and of effort in society; and equal recognition and protection under government—recognition in other ways than those she now enjoys with us, as tax-payer, criminal, and debtor. Accepting the family as an Institution, more undeniably than any or all others for which the claim is made, *Divine* in its origin and aims, this movement seeks to secure its integrity and purity, by removing from its sphere of causes all unworthy motives, all base necessities of food and shelter; by giving woman, to whom these temptations come, thorough education, worthy personal aims, profitable and honorable work. It seeks freedom and equal rights for her in the family, in order that its highest uses and harmonies may be secured; and that she may not need to seek them out of it, and in its overthrow.

This movement seeks, moreover, not only to correct the influences which beset woman in regard to marriage, and to secure for her considerate preparation for its high duties when entered upon, but it demands, as equally essential to the happiness and purity and true order of the home, a like preparation and an equal purity on the part of the husband and father—that public opinion and the law should cease to clamor of the outraged honor of the husband, by a misdeed of the wife, while his unfaithfulness may be notorious, and scarcely a crime in the eye of either law or public opinion. It seeks, not to make secondary with woman the duties of the home, but to add others to them—rather, to replace the frivolities which are already, in many cases, added to them, with graver duties and nobler pleasures; and to substitute for the delights of charity, the higher and no less pleasurable functions of preventive justice.

It would save individuals and homes from utter wreck, by educating woman to self-support, and to fill the father's place in the event of his inability, desertion or death; individuals and homes which now tax Philanthropy to its utmost, and furnish an ever renewed and discouraging supply to its hands and energies. It will be seen, then, that, instead of confounding the philosophy of the new movement on behalf of woman with the theories which claim unlimited indulgence for appetite and passion,—or, mistaking the results of those theories for a legitimate outgrowth of the latter the cure, and the only radical cure, for such disastrous doctrine and practice. Give woman access to culture and its rewards—freedom of action and ability to labor successfully—and you have fortified her against the *ennui* and indolence, or the poverty which lead to wrong-doing, you have educated a being who will help to raise the world out of its sordidness and strife, by the magnificence and magnetism of her own superior soul; and who, disdaining to profane marriage by seeking it for position and support, will therefore be worthy to find the noblest love, and home.

Allow me to repeat to you, in conclusion, the exquisite poetic stanza of Tennyson, so often read and heard, but never too often recalled—than which no statement could better define this movement of ours: 'The woman's cause is man's—his rise or sink Together—dwarfed or godlike—bond or free. If she be small, slight, stunted, miserably, How shall man grow?' 'The woman is not undeveloped man, But diverse.' 'Yet, in the long years, *hiker* must they grow, The man be more of woman, she of man; He gain in sweetness, and in moral height—She mental breadth, nor fall in child-ward care, Nor lose the childlike in the larger mind.'—And so these twin, upon the skirts of time, Sit side by side, full-summed in all their powers, Self-reverent each, and reverencing each—Discord in individualities, But like each other as are those who love.' 'Then comes the stately Eden back to men—Then reign the world's great brides, chaste and calm; Then springs the crowning race of humankind.'

And you, who are privileged with the poet to foresee this better Eden—we, who have 'The Future, grand and great—The safe appeal of Truth to Time'—adopting the victorious cry of the crusaders, 'God will it!'—may listen to hear above the present din and discord, the stern mandate of his laws, bidding the world 'onward! onward!'—and catch the rhythmic reply of all their movements.—'WE ADVANCE!'

DEPARTURE OF SENATOR SEWARD FOR EUROPE. NEW YORK, May 8, 1859. The friends of Senator Seward chartered the steamer Josephine and Alida, and went down to the Narrows, to meet the Senator to the steamship. The *Herald* of this morning has the following account of the scene:—'Soon after arriving at the Horse-Shoe, the crowd gathered about Mr. Seward, and called loudly for a speech. Cheers were given for the first Republican President, Gov. William H. Seward, the next President of the U. S., &c., and an enthusiastic individual shouted, "No danger, Governor, of revealing any secrets here. The wide expanse is all around us." Mr. Seward then mounted a settee, and said: Gentlemen—It would, of course, be impossible for me to persuade you that anybody could be insensible to the manifestations of such hospitality as I am receiving at your hands. I will, with your leave, however, undertake to interpret it, leaving you all its political bearings and relations, and will regard you not as politicians, not as Republicans, but as fellow citizens, and as friends, who, against my will, followed me to the house of my friend, where I was entertained, took me up at the door of my hotel, unwilling to leave me alone in your city, and who will not part from me now until you separate from me at the gates of the ocean. (Applause.) Gentlemen—The sky is bright; the sun is auspicious. All the indications promise a pleasant and prosperous voyage, and it will depend upon my own temper whether out of it I am able or not to make the material for which I go abroad—the knowledge derived from the sufferings and strivings of humanity in foreign countries—to teach me how to improve and share the condition of my own countrymen. I will only say, gentlemen, in expressing my thanks to you, now that we are at the point of separation, that I trust it may be my good fortune to return amongst you, and resume the duties, now temporarily suspended, in the great cause of Freedom and Humanity. But no one knows the casualties of life, and two voyages separate me from you. What may happen in that space and time, no one but a benevolent Providence knows. If it is my lot not to return among you, I trust I shall be remembered as one who accomplished in his own life the laudable ends of an honorable ambition,

and died far away from his native land, without an enemy to be recalled, and without a regretful remembrance, and with the conviction that he had tried to deserve the good opinion which his friends entertained of him. THE PARTING SCENES. By this time the steamer Ariel was observed coming down through the haze from the direction of the Narrows. Mr. Seward returned on board the Josephine, which steamed out to meet the Ariel. The gang-plank was run out, and Mr. Seward, with many kind greetings and God-speeds, ascended to the deck of the ocean steamer. Governor Cary—Our kind remembrance to Chas. Sumner, cried out—'Captain, take good care of him,' shouted another to the Captain of the Ariel—'My life for it,' answered the Captain, then the plank was hauled in, the ropes cast off, and the two steamers separated. Then Shelton's band played national airs, the cannon of the Josephine pealed, loud huzzas went up, and hats and handkerchiefs waved. Then Senator Seward, his cane and a bundle of newspapers still in his hands, mounted the lofty wheel-house of the Ariel, his head bare, his dark gray locks waving in the breeze, and his form contrasting in sharp outlines against the dark sky, and bowed in response to the demonstration from his friends. Mrs. Alida and the Josephine were following just astern of the Ariel, their decks dark with the cheering crowds, and just then the steamer City of Washington, bound for Liverpool, came up with an unusual large load of passengers on her decks, many of whom joined in the ovation. Flags were flying from all the vessels, and from the Telegraph Station at Sandy Hook Point. Handkerchiefs were waving, bands playing, cannon thundering, people cheering, and altogether the scene was one of the most exhilarating descriptions. In this manner the four steamers reached the bar, all together, when the Alida turned back; but the enthusiasm on board the Josephine was at full heat, and the Captain was persuaded to make a turn beyond the Hook. Accordingly the Josephine steamed over the bar by the side of the Ariel, and accompanied her, dancing over the waves three or four miles out, the cannon firing until the ammunition was exhausted, and the people cheering until they were hoarse.

Long after the Josephine had turned back, and when a mile or two of water lay between her and the ocean steamer, the figure of a small man, with head bare, was discernible standing on the Ariel's wheel-house. THE SICKLES VERDICT. Bad taste in the reporters of American newspapers is perhaps to be expected and forgiven; but the counsel, who are apparently eminent in their professions, might be expected to know better. They appear, however, to have behaved infinitely worse. The opening editorial, in the *District* Attorney's office, is a disgraceful composition, and had the misfortune to read. It is every thing which an opening statement in a capital case ought not to be. If Mr. Ould's speech was disgraceful, that of Mr. Brady, the counsel for the prisoner, can only be described as disgusting. The member of *Mary*—bone himself, when he defended Bernard, never sank so low. For no less than seven hours did Mr. Brady pour out such a flood of fastian and nonsense, usually opposed to law, logic and common sense, as the collective power of the whole Old Bailey bar—which is not without performers of a similar character—would not produce in seven years. After a rigorous preface, he laid down three positions: 'First, human laws do not shield us from the enjoyment of human rights. Secondly, love by *Divine* law is perfect, though not regulated by human law. Third, the *Divine* law attaches responsibilities, to actually hold the most desirable of things—hence, impudence to stand up in a Court of Justice, and maintain—without interruption or rebuke from the Judge (who holds his office at the will of a mob whose daily head is bunkum)—that every man has a natural right to kill any one who commits adultery with his wife, and that human laws cannot take away that right. The stupidity of the defence is exactly on a par with that of the law. Nothing but extracts can give a notion of what was said. After a vast quantity of illogical rubbish about malice, (in which it was maintained, first, that malice was not to be presumed without proof, and secondly, that Sikkles shot *Ke* because he was angry with him for seducing his wife, which is the strongest kind of malice.) Mr. Brady proceeded to show that adultery was very wicked, and that adulterers ought to be killed. In support of this thesis, he reads every passage in the Bible which alludes to adultery, and to which mercy might properly be extended, but to recognize the fact, that a man has a legal right to avenge any wrong whatever by the death of the wrong-doer, is to break up the very foundations of society. We have noticed the case as an illustration of the way in which justice is administered where the judge has no power, and where the party who will do the deed, is the one who introduces democracy into this country.—*London Saturday Review.*

'SICKLES.' Some important deductions may be rationally drawn from the Washington narrative. The following thought is not inopportune: In the first place, we see that the very class of men who have been distinguished for devotion to the LETTER of HUMAN ENACTMENTS, when every principle of right has been closed down—as, for instance, in relation to the 'bogus laws' of Kansas and the Fugitive Slave Act—have, in this matter, been the loudest and most noisy declaimers in favor of the 'Higher Law.' The great point relied on by the counsel for Mr. Sikkles was, that human law did not protect the sanctity of the marriage bed, and that the prisoner was, therefore, necessarily, thrown upon the law of self-defence and self-justification. Apply this principle to the Slave System a moment. The Statutes of the South do not protect the sacredness of human liberty; therefore the slave is thrown back upon the law of self-preservation; and, as the *Divine* law is, 'He that stealeth a man, and selleth him, or if he be found in his hand, he shall surely be put to death'; and, as human codes in the Slave States fail to enforce this penalty and to protect the slave, he may, nay, according to the logic of Mr. Graham, (Sikkles's counsel,) he is bound to act the part of the executor of the *Divine* law, and send every slaveholder, who robs himself or his wife or child of themselves, SIKKLES, to his last account. And not only this—but, even vowing this law for the protection of human life, every colored man, bond or free, whose wife or daughter is debauched by one of the dominant race—whether he be his 'owner' or not—is bound to execute upon the transgressor this same *Divine* law against adultery which is pleaded in justification of Mr. Sikkles. We want the same principle applied all around. What is the law for the goose for the Samba? What is law for Sikkles? It is law for Samba. What say you to this, reader?—*Erie True American.*

MORAL OF THE DIFFERENCE. On the 8th ultimo, in the city of Baltimore, it was computed that some thirty thousand people assembled to witness the execution of four wretched criminals was to die on the gallows. One of those condemned to die was the victim of the seducing human blood because the victim had seduced his wife. And yet, till it not in Gath, with this man—this colored man—was convulsed with agonies of death, a white man is being tried within forty miles for killing the seducer of his wife, concerning whom his counsel says, 'Why should this husband suffer when he rose in obedience to the instincts of his nature, and perpetrated an act for which he must receive the approval of every intelligent and reflecting man?' How is this? What sophistry have we here? Why must Sikkles receive the approval of every intelligent and reflecting man, for the very deed which hangs the negro? Why? Ah, in this case it is the color of the skin—there's the explanation! Such is justice in the United States of America, and such will continue to be, while the monster slavery, like a giant incubator of evil, trends equity in the dust.—*Christian Reflector.*

DIABOLISM IN WASHINGTON.

We have before noticed the imprisonment and conviction in Washington of a free father for harboring his own son, born of a slave mother. In giving the conclusion of the protracted Sikkles farce, the Washington correspondent of the *State Journal* says: When this trial commenced, there was a poor colored man in our jail, brought in guilty of harboring his own son, and Judge Crawford put off his sentence, it was understood, only for a day or two. But the colored offender has lain in jail by this day with-out a thought or a particle of attention, and if he rotted there—who would care? Remember that District Attorney Ould was paid by Ohio, and every other free State, to prosecute this poor man for feeding and sheltering his own son when he was in distress. Can you instance a more diabolical state of things in Europe? THE SIKKLES TRIAL. The moral of this whole transaction is—Messrs. libertines! be careful not so much what you do, as to whose prejudice you do it. Select your victims carefully from among you who have no fathers, brothers or husbands, who can wield a club or aim a pistol—prey upon the orphan, the defenceless, the lowly, or you sin at the risk of your lives. But choose prudently, and there are for you neither legal nor illegal terrors—there is fear neither of the prison nor of the bullet—there is, in short, perfect impunity.—N. Y. Tribune.

From the American Phrenological Journal. PIRENOLOGICAL CHARACTER OF THE LATE CHARLES F. HOVEY, ESQ. The portrait of Mr. Hovey evinces the following characteristics: In the first place, he had a full, plump, robust, and energetic organization. His head was large, and amply sustained by a strong and well-balanced physique. He had excellent lungs, first-rate digestive powers, and a free and energetic circulation. These qualities of body gave uncommon power to all his manifestations, and braced up his mind and character to meet any emergency. In considering his phrenology, in the second place, we observe that the forehead appears smooth and full, indicating excellent practical intellect, power to gather knowledge and employ it successfully in business, in education, and in whatever pertains to a useful and efficient course of life. The middle of the forehead appears to have been fully developed, showing excellent memory, power of retaining information, and of holding it in readiness for use whenever it was required. He had large Order, indicating system, method, and neatness in all his affairs, with large Calculation, joined with his large Acquisitiveness, rendered him an economist, and an accurate financier and business man. He appears to have had a good memory of principles and ideas, but was more discriminating, critical, and practical than he was logical, methodical, and speculative in his cast of intellect. Such a mind always asks what is true, what is practical, what is useful and available, but does not spend its strength upon visionary speculations and impracticable abstractions. He was pre-eminently a man of common sense and sound judgment, willing to follow truth, regardless where it might lead him, or how hard or how long he might be obliged to struggle to gain the victory. His Constructiveness appears to be large, which, joined to his practical and energetic mind, and his energy, would make him able to accomplish more business with the same means than most men, and to have every thing work with such admirable system and harmony, as to insure success when most men would fail. He had an excellent knowledge of character, and an intuitive judgment of the motives and dispositions of strangers; and also knew how best to address himself to persons of different casts of mind, in order to produce the most desirable result. His Conscientiousness was able to make himself personally acceptable to almost every body, however different their dispositions, or however much their opinions might differ from his. His Benevolence was decidedly large, and, with so practical an intellect as his, and such courage and fortitude as are evinced by his organization, rendered him a Good Samaritan in all the avenues of reform and charity which commended themselves to his support. He was never won to the course of a cowardly or truckling expediency, or to refrain from answering a good conscience, however hard or unpopular the course in which duty beckoned him onward. He had small Imitation, as seen in the rapid sloping of the front part of the top head from the centre outward; hence he was no imitator, and, in his conduct and speech, would often be eccentric. This non-imitative disposition served to cut him loose from a desire to conform to usage, or to be governed by a conservative public sentiment. What he deemed true and right to him he adopted, and acted upon it, though it might be never so unpopular, and this he did with as much freedom and disregard of custom as if he had been alone in the world. His Spirituality was also moderate, and Veneration not large; hence his mind lacked that faith and devotional feeling which leads to a religious manifestation. He was an ardent lover of his kind, disposed to do justly to the last degree, and to exhibit philanthropy and kindness. More animation, Faith, and Imitation would have been an improvement to his mental organization. His firmness, his independence of feeling, and his justice were paramount qualities, and these, backed up by courage, made him heroic in the fulfillment of what he deemed his duty. His friendship and social attachment were remarkably strong, and he was enabled to call around him troops of friends who were true to him personally, though they might not harmonize with him in opinion. Few men have been more beloved, and few have done more to deserve it.

WILL OF THE LATE C. F. HOVEY. Among the leading items of the Will of the late Charles F. Hovey, Esq., are the following: 'To his wife, \$47,000, with household goods, plate, &c.; to two of his four sons, \$17,000 each, and to the remaining two \$15,000 each, to be held in trust until they become of age, to Wm. Lloyd Garrison, Stephen S. Foster, Parker Pillsbury, and Henry C. Wright, \$2000 each; the residue of the estate, estimated at from \$30,000 to \$40,000, is disposed of as follows by the words of the will: 'After setting aside sufficient funds to pay all legacies herein made, I direct my said trustee to hold all the rest and residue of my estate, real and personal, in special trust for the following purposes, namely: 'To pay over, out of the interest and principal of said special trust, a sum of not less than \$8000 annually, until the same be all exhausted, to Wendell Phillips, William Lloyd Garrison, Stephen S. Foster, Abby C. Foster, Parker Pillsbury, Henry C. Wright, Francis Jackson and Charles B. Whipple, or their survivors or survivor, for them to use at their discretion, without any responsibility to any one, for the promotion of the Anti-Slavery cause and other reforms—such as Woman's Rights, Non-Resistance, Free Trade and Temperance, at their discretion; and I request said Wendell Phillips, and said survivors or survivors, to expend not less than \$2000 annually, by the preparation and circulation of lectures, employing agents, and the delivery of lectures day will, in their judgment, change public opinion and secure the abolition of slavery in the United States, and promote said other reforms. Believing that the chains upon four millions of slaves, with tyrants at one end and hypocrites at the other, has become the strongest bond of association between the slave and his oppressor, and his associates, I request said Wendell Phillips, or his survivors, to expend a sum of money, not to exceed \$5000, for the preparation and circulation of such publications as tend to destroy every pro-slavery institution.' Wendell Phillips, Esq., and George O. Hovey, brother of the deceased, are appointed guardians of his sons, with an express desire that they should be all become industrious cultivators of the soil.

Gov. Wise has written a letter of three columns, defining his position on the slavery question. He is for national protection of the institution, and therefore he and his friend Douglas may be held to have parted company. The strength of a kiss, according to Byron, is to be measured by its length; Wise's is the strongest ever written. But it never will be known what its real character is, unless it is being ever read it, or ever will read it. What Mr. Carlyle says of Dr. Nara's life of Burghley is applicable to the Virginia Governor's letter: 'Such a light reading by the deluge, have been considered as the life of man is now there shut out. Ten; and we cannot but think it somewhat unfair in our regard to demand of us so large a portion of so short an existence.'—*Traveler.*

AYER'S PILLS. Are curing the Sick to an extent never before known of any Medicine. INVALIDS, READ AND JUDGE FOR YOURSELVES. JULIUS HARRIS, Esq., the well-known performer of "Columbus," whose choice products are famous in every city.

JOHN F. BRATT, Esq., Sec. of the Free Baptist Church, N. Y. I take pleasure in adding my testimony to the fact that the Pills have done me much good. I have been afflicted for many years with a complaint of the bowels, and have tried every medicine in the world, and these Pills are the only ones that have done me any good.

DR. J. C. AYER'S PILLS. I have been afflicted for many years with a complaint of the bowels, and have tried every medicine in the world, and these Pills are the only ones that have done me any good. I have been afflicted for many years with a complaint of the bowels, and have tried every medicine in the world, and these Pills are the only ones that have done me any good.

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Prepared by Dr. J. C. AYER, Practical and Analytical Chemist, Lowell, Mass. THEODORE METCAL & CO., BROWN & PRICE, Salem; H. H. HAY, Portland; J. N. MORTON & CO., Concord, N. H. Sold by Druggists and Dealers in Medicines every where.

HUMORS OF THE HUMAN SYSTEM. It is well known that the juices of the body are governed by natural laws, such as regulate the vegetable life in the change of seasons. In winter, they are congealed, or are in some degree solidified, and the pores are closed up, and the whole body is hard and firm, and an accumulation of impurities takes place. The general influence of Spring causes an expansion of all living matter, the sap rises in vegetable life, and the juices of our bodies are given out and enter into the common circulation.

WORCESTER WATER-CURE. DR. SETH ROGERS, being called to the residence of a friend in Paris, where he has spent several months in medical observations, will resume, after July 1, 1859, the medical superintendance of this Institution. May 27, 3d.

THE PHRENOLOGICAL JOURNAL FOR MAY. CONTAINS portraits of Dr. W. A. Alcott, D.D.; Simmons, M. D.; and Robert A. Milder; Reports of the American Board of Commissioners for Foreign Missions; Self-Reliance; Longevity among English Quakers; Importance of Sleep; Formation of Opinions; Woman.

Gilder, and Picture Frame MANUFACTORY, No. 34 BEACH STREET, BOSTON. (Near Washington Street.) PICTURE FRAMES made of every variety, plain and ornamental, for Oil Paintings, Engravings, and Photographs. Gilding, in all its branches, executed with neatness and dispatch. Old Paintings cleaned and varnished. ASH & CO. Old Frames handsomely re-gilt.