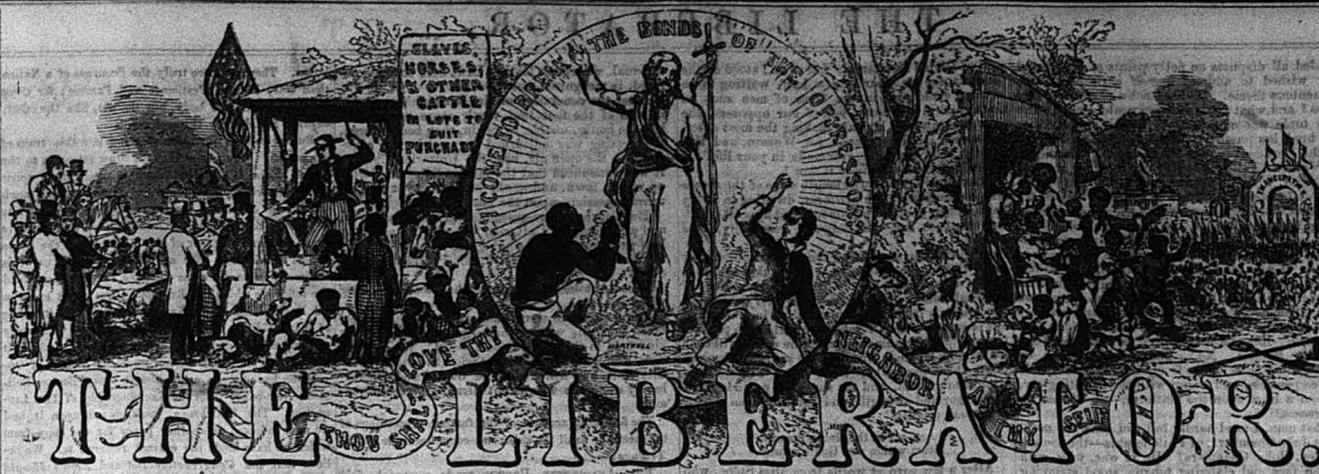


TERMS—Two dollars and fifty cents per annum, in advance. Five copies will be sent to one address for the columns, if payment be made in advance.



No Union with Slaveholders! THE U. S. CONSTITUTION IS A COVENANT WITH DEATH AND AN AGREEMENT WITH HELL.

SELECTIONS.

ADDRESS

Of the Convention held in Syracuse, Oct. 1, 1853, for the purpose of Celebrating the Rescue of the 'Max' Jerry.

TO OUR COUNTRYMEN:

We speak not to our neighbors only, but to all our countrymen also. We speak to them all, because it is the interest of them all, and the right of them all, to know what is our justification for our startling and reprehensible conduct.

We admit, that we are the rescuers of JERRY. All of us are such. If we did not all unite our efforts in rescuing him: if we did not all participate in the councils which resulted in his rescue:

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forbear the incidental remark, that it is because every man knows the character of slavery, that every man shrinks from becoming a slave.

We repeat, fellow-citizens, that we are conscious of the odium that rests upon us. We feel that we are wronged; but we are not impatient for the fighting of our wrongs. We hide our time. The men that shall come after us will do us justice.

The present generation of America cannot 'judge righteous judgment' in the case of unconquering friends of freedom, religion and law. They are so debauched and blinded by slavery, and by the perverse and low ideas of freedom, religion and law, which it engenders, that they 'call evil good and good evil; put darkness for light and light for darkness; put bitter for sweet and sweet for bitter.'

We are aware, too, fellow-citizens, of the peril in which we are involved by our position and purpose. We have rescued one fugitive slave. We must rescue every other that we can. We have exhorted our fellow-men to trample on the Fugitive Slave Act. We must continue to exhort them to do so. We cannot recede. We owe it to ourselves, our children, our country, our God, to go forward.

Judge Hall affords respect for pro-slavery enactments; and is willing to send men into slavery. But, though ten thousand Legislatures had pronounced his son a slave, he would sooner see a whole Court murdered, than see it succeed in sending that son into slavery.

We spoke of the Jurors. Happily, they need not concern themselves with the law of the case. They acquit all the defendants, on the facts in the case. The Government must fail to prove that Jerry was a slave. Slavery, it must be remembered, does not consist in the involuntary service and whippings, or in the other hardships and sufferings of its victims. These are but the incidents of slavery. Its essence consists solely in the assumed conversion of its victims into chattels.

We have said enough to justify our rescue of Jerry. We rescued him, because, as we have said, there was no law, and could be no law, for enslaving him—because there was no law—and could be no law, for reducing a man from the glorious heights, where his Maker placed him, to the level of brutes and things. We rescued him, as we would have rescued any other innocent man, who had been seized and carried away, without pausing one moment to make the absurd inquiry, whether there was a law for the piracy.

We should have been monsters, instead of men, had we not rescued him. To have stopped our ears, when his poor brother cried, and to have forbore to deliver him, when we saw him drawn unto death, would have been to incur the frown of Heaven and the contempt of earth. In a word, we rescued him, because we could not help it. All in vain would it have been for us to try to tamper on our nature, at that high-flood time of its feelings. Those feelings would have their way. That nature would be true to itself.

A distinction has been set up between rescuing a fugitive slave from the hands of private citizens, and rescuing him from the hands of official persons. Some there are, who justify the former, but condemn the latter. The distinction is absurd, and should never be made. If, made, it should be made against the official persons. The 'mischief framed by law,' and executed by the officers of the law, is the worst of all mischief, because apparent, clothed with the authority of law. No mischief should be so promptly resisted as such mischief; and no persons should be so promptly punished as they who attempt to legalize it, and they who officially undertake to enforce it. The abuse of law-making and other official powers is the most fearful wrong that can befall the people; and the most effectual way for the people to invite the perpetration of such wrong, is to give in to the false and impudent doctrine, that officers shelter the abuse of law, in the worst of all mischief, because apparent, clothed with the authority of law.

There was a mob in Syracuse, October 1st, 1851, said the newspapers. It is true that there was. But it was not what the newspapers represented. It was the rescue of Jerry who constituted the mob; but it was those who fell upon that poor, helpless and innocent man. The President and the members of Congress referred to were virtually and prominently among those who fell upon him—were virtually and prominently of the mob. No other leader of that mob, unless it were Daniel Webster, or some very distinguished clerical advocate of the Fugitive Slave Act, was so conspicuous and influential as the President of the United States. Yes, it was the kidnappers of Jerry who constituted the mob. His own lawlessness estopped him from claiming that there is any law in the case. Such reasoning, applied to slavery, justifies us in saying, that if there is a person in all the world so peculiar as we please the yoke of slavery, his peculiarity can furnish no plea for slavery to those who do not welcome that yoke. It also justifies us in saying, that the question, whether slavery is good or bad, right or wrong, is wholly immaterial to our argument. Though it were possible, that its elements could be all from Heaven, instead of being, as they are, all from Hell, nevertheless, no sane man could allow to elaim, that slavery is the subject of the sanctioning and sanctifying law—for the simple reason, that no sane man would consent to be a slave.

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mandment to dishonor the King of Kings, then are we anarchists and despisers of Government.

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mate of their pet schemes of colonization. The occasion of its publication is noticeable. It was delivered on the first Thanksgiving day after the passing of the Fugitive Slave Law. Many earnest Unitarian Ministers were, at this period, incurring odium and personal risk, and injuring their worldly prospects, by fearless condemnation of this iniquitous enactment, and stirring appeals to that 'Higher Law' of which it was a violation. In a discourse delivered on this same Thanksgiving day, entitled, 'The Limits of Civil Obedience,' the Rev. Nathaniel Hall declared 'Government may sin against me, but it may not compel me to indict myself upon another, whom God is telling me to love; and I will not consent to be a party to a deliberate compromise with oppression and wrong, by a smothering and denial of the sacred sentiments of humanity, then the time has come for the purposes of God, so declared in this very fact, for its dissolution.'

The Rev. S. J. May proclaimed that he should throw open his doors to afford shelter and food to the persecuted fugitive, and adds, 'If the Union of these States cannot be preserved, but by our consenting to the great unrighteousness which is embodied in the Fugitive Slave Law, then it is plain that its end is come. Let this great injustice not be done, though the Union falls!'

Dr. Furness exhorted, 'Let the weak and injured have our voices and our hearts. If the laws of man threaten penalties, those penalties let us patiently endure, rather than allow any human authority to terrify us into a transgression of the law of Christ.'

The Rev. Theodore Parker (for whose Unitarianism, though his brethren may blush, yet for whose Christianity the slave has reason to rejoice) declared that no fugitive slave should be taken out of his house, but over his dead body.

The Rev. J. G. Forman (in a discourse entitled 'The Christian Martyrs,' which compelled him to forfeit his pastoral charge) says, 'When a Government shall disregard the moral sense of the best portion of its subjects, and enact laws that are a disgrace to an enlightened and Christian age; when it shall scorn and defy God's highest law, written in his word, and in the human heart, "Thou shalt love thy neighbor as thyself;" when it shall forewarn the Union of these States . . . A moral warfare is now going on between the principles I have endeavored to defend, and the doctrine of unconditional obedience to magistrates and civil rulers. May God give us strength to maintain the righteous cause.'

A reference to the extracts from Mr. Allen's sermon, given in the Inquirer of August 13th, will show that he adopts a very different tone. The upshot of his labored argument seems to be, that it is the duty of all outside the slave States to hold their tongues and shut their eyes, and see what God will send them. 'Do not,' he says, 'disturb conscience; but do not make a parade of it.' 'Slavery is not worse at bottom than unscrupulous rivalry for gain and subsistence; and, indeed, is so far better for a feeble, uneducated, thrifless race, than it would be a cruelty to compel nominal liberty upon them, which would be only to turn them adrift at a heavy disadvantage into the arena of the world's selfish struggle. And if the slave population were set free, where should they go? for, with that heavy hand of memory and sorrow, written in their faces, they would be the most degraded, certainly the cruelest thing would be to expose them naked, as it were, and defenceless, to the rude competition of the stronger race.'

He objects to 'violent assaults upon the institution [of slavery] from abroad,' rebukes the out-spoken condemnation of the Fugitive Slave Law from the pulpit and press, by which means alone the public mind could be awakened to its enormity, and measures originated for its repeal; and he advises that the anti-slavery agitation should be henceforth discontinued, and its advocates direct their energies into 'less exciting channels, the "Temperance cause, the care of the blind and idiotic and insane," &c., in which works 'will be no prejudices of State or section, no railing accusations, none of that unhealthy and injurious condition of moral antagonism to the civil and religious institutions of society.'

All-important as it is to have faith in an over-ruling Providence, it is surely a woeful perversion of that sacred doctrine, when we presume so to read the designs of Providence as to become quiet participants, or even unmoved spectators of violent wrongs. Such an opinion, trust, is a miserable conceit of the governing feeling. It is the feeling of Mr. Allen's argument. I trust I shall be contented from the charge of intentional exaggeration, though I certainly have been guilty of verbal inaccuracy, when, in my only reference to him, I stated from memory that the Rev. J. H. Allen, of Bangor, Me., has printed a sermon in praise of the Union, urging for its maintenance obedience to the Fugitive Slave Law.

Your editorial remark, that 'Mr. Allen's strong sensation from the laws of anti-slavery party has misled Mr. Estlin,' is not so correct explanation, and may confuse some of your readers. Mr. Allen's 'studiously abstract language' is perfectly intelligible to me; his objection is not to the 'views' of any one 'party' of abolitionists merely, but to any movement against slavery which may come in collision with existing interests. You say, 'he is clearly anti-slavery in principle,' but so are nine-tenths of the ministers in the United States; yet while they neither bid their laborers for emancipation God-speed, nor show more better modes of action than those with which they find fault, but little credit is due to them for their anti-slavery professions.

In conclusion, I beg to assure you that it gives me no satisfaction to comment upon the shortcomings of the Unitarians of America upon the slavery question; but having long paid much attention to the subject, being convinced of the truth of the charge proffered by James G. Birney, fifteen years ago, and recently demonstrated by Mr. Allen, in his 'Key,' to the churches of America are the 'Believers of Slavery,' and having ascertained with grief that the Unitarians, as a body, are no less culpable than other sects, I am desirous, when suitable occasions present themselves, to do what little I can—and during the little time the ability may remain to me—to bring to the respectful notice of their English brethren, those courageous and philanthropic ministers in America, who are combating honor on the Unitarian case, by bearing its cross as well as by preaching its doctrines.

I remain, Sir, yours faithfully, J. B. ESTLIN. Bristol, August 25, 1853.

WILKESBARRE SLAVE CASE.

U. S. CIRCUIT COURT—JUDGE GRIER.

[Correspondence of the N. Y. Tribune.]

PHILADELPHIA, Oct. 5, 1853.

Yesterday afternoon, just after the adjournment of the Court, a warrant of arrest was served upon John Jenkins and James Crossin, U. S. Deputies Marshal, charging them with a riot, and an assault and battery upon Bill Thomas, an alleged fugitive slave, with an attempt to kill him. The warrant was issued by a magistrate of Wilkesbarre, on the oath of a man named Gilderseave, of that borough, and was served on the Deputies Marshal by the High Constable of Wilkesbarre. The warrant also includes the name of George Wynkoop, upon whom it has not yet been served. Mr. Wynkoop being absent from the city.

Mr. Jackson, for the High Constable of Wilkesbarre, read his answer to the Court, in which he admits that he held the Deputies Marshal in custody, but alleged that he did so by legal authority, having arrested them on a warrant issued by Gilbert Burrows, a magistrate of Wilkesbarre, the action of Wm. C. Gilderseave, a citizen of Wilkesbarre.

Judge Grier, sternly—Who is Wm. C. Gilderseave? Marshal Wynkoop—Your Honor, he is an abolitionist of Wilkesbarre. Mr. Jackson—He is a respectable storekeeper of that borough. Judge Grier—Was the assault and battery committed on him? District-Attorney Ashmead—No, sir; he does not allege it. Judge Grier—Oh! oh! District Attorney Ashmead said he would now read the petition for the habeas corpus. The petition sets forth all the facts of the case, from the moment the claim was laid before U. S. Commissioner Ingraham, up to the arrest of the fugitive and the service of the warrant on the present occasion.

Ashmead read from the 4th vol. of statutes at large, act of March 5th, 1833, which gives to a U. S. Judge the power to discharge on habeas corpus, when one of the U. S. officers is arrested. He therefore asked that the defendants be discharged.

Mr. Jackson replied. He said that the law did not authorize the officers to execute their process in a riotous manner, as in this case. Judge Grier—I shall take the facts set forth in the petition to be true, unless the other side wish to offer testimony. Mr. Jackson then went on to argue that the act of Congress had no reference to acts committed against the laws of the State, nor could the United States interfere to prevent the execution of the laws of a State. He asked that the defendants be remanded to take their trial, or be required to give bail.

David Paul Brown followed on the same side. He said that the question was a very simple one, and he felt pleasure in approaching it. The duties of the United States and the individual States were reciprocal, and a reciprocal confidence should be exhibited. There was little or no conflict in the case which could not be easily reconciled. Judge Grier—I take it for granted that the facts set forth in the petition are true, and I shall rely upon them, unless they are shown to be false. Mr. Brown—We rely upon the warrant of the magistrate, issued upon the oath of a citizen. Judge Grier—You deny what is set forth in the petition. I will hear the officers of the United States harassed at every step in the performance of their duties by every petty magistrate who chooses to harass them, or by any unprincipled interloper who chooses to make complaints against them—for I know something of the man who makes this complaint. The laws of the United States are binding upon me, and I will not take the warrant issued in this case as sufficient to hold these officers.

Mr. Brown—Your Honor will perceive, that if murder had been committed, we could not prosecute in a United States Court for it. Judge Grier—There has been no murder committed here. They were acting under a process of the United States, legally issued. District Attorney Ashmead said the case was free from difficulty. He called upon the Court to vindicate the laws of the United States and its own officers, who were constantly subjected to the most harassing conduct on the part of men disposed to set the laws of the Union at defiance.

Judge Grier—I shall act as if I had the evidence before me, unless the other side are prepared to deny the facts set forth in the petition. In that case, I shall put the matter off, to give them a chance to submit their testimony. The officers, I suppose, arrested the fugitive, and he resisted; they then used force, to hold him in custody. Mr. Brown—We deny this. We say that he did not resist, and that he was cruelly beaten. We shall show such a case of barbarity as will appal your Honor.

District-Attorney Ashmead—They allege that the officers executed their duties in a riotous manner. They went to the borough, of course, to serve the process which was put into their hands by a U. S. Commissioner, upon the oath of a competent party, countersigned by a Judge of the U. S. Court. They executed the process, and were resisted by the prisoner even to the drawing of a knife upon them, which was put into his hands by one of the by-standers. They were compelled to use sufficient force to secure him, and this the opposite party call rioting. It is not Bill who sues here. They well know that he has fled beyond the jurisdiction of this Court. To hold the officers to answer, there must be some excess of authority shown in what they did, and the proof is upon them. Every officer is, *prima facie*, supposed to act in a legal manner. If every magistrate in the State, numbering, probably, two thousand, to have power to issue his warrant of arrest against the officers of the United States, upon the intervention of any interloper who has the hardihood to swear that the officers exceeded their authority! If this is to be the case, the Marshal himself may be arrested under his warrant, for an alleged improper exercise of his duties; or even the Judges of this Court, or the United States District Attorney, may be subjected to the same annoyance.

Mr. Brown—Your Honor, there was no resistance at all. We put our case on the excess of authority on the part of the officers. If your Honor is determined to go behind the warrant of the magistrate, we ask to be permitted to show the facts in the case, which will be found to be of the most horrible character.

District-Attorney Ashmead asked that the officers be discharged from custody. Judge Grier—If this man Gilderseave fails to make out the facts set forth in the warrant of arrest, I will request the Prosecuting Attorney of Luzerne county to prosecute him for perjury. I know that the United States have a limited authority; but where they have it, it is clear, undoubted and conclusive. That there is the sovereign authority. If any township magistrate, or any unprincipled interloper can come in, and cause to be arrested the officers of the United States, whenever they please, it is a sad state of affairs. After the man against whom the United States warrants was issued has run away, some fellow-interloper and runs to a State Judge for his interference, and has the United States officers arrested. There was a case recently of this kind, and to that I now allude. If habeas corpus are to be taken out after that manner, I will have an indictment sent to the U. S. Grand Jury against the person who applies for the writ, or assists in getting it, the lawyer who defends it, and the sheriff who serves the writ, to see whether the United States officers are to be arrested and harassed, whenever they attempt to serve a process of the United States. I speak of what is daily done to thwart the United States in the exercise of her lawful authority. I will see that my officers are protected. When will you be ready with your proofs in this matter, Mr. Brown? Mr. Brown—This day one week. Judge Grier—Then upon that day I will hear your proof. The case then went over until that time. [Judge Grier, in this case, seems disposed to sustain the views that were suggested by District Attorney Ashmead in the recent case of Bill Fisher, when the U. S. Marshal was arrested.]

RELIGIOUS TESTIMONY.

At the last meeting of the Synod of the Reformed Presbyterian Church in North America, held in the city of New York, the following action was taken on the subject of slavery:—

'We again acknowledge the sin of oppression, as committed and sanctioned in this land. We have long testified, as a Church, against the slaveholding compromises of the national Constitution, and against the prevalent contempt of the race to which the unhappy slaves of our land belong. These are eminently national sins. The whole nation, with some exceptions, is united as one man in maintaining the Constitution, in full view of the fact that it throws its arms over the crime of the slaveholding of our people, and under whose banners the mass of the population are arrayed. These are the national compromises which are being pressed into the late presidential canvass with the express declaration inscribed upon their respective standards, that they would stand by the South in defence of its constitutional claim to recover its fugitive slaves, with an open pledge to adhere to the infamous Fugitive Slave Law, and to allow the extension of slavery into territory now free; solemnly and deliberately, and most presumptuously, renewing a and fully sanctioning the iniquitous compact of 1789. No one acquainted with the doctrine of the national authorities can be ignorant of the slaveholding section of the country exercises, in all the most important matters, a controlling influence over public movements. The spirit of liberty is vanishing away, and that rapidly. The party press of the country, with some exceptions, is either silent on the great question of human rights, or vindicates the wrong. To be an enemy to slavery, and of the acquisition of more slave territory, or the admission of any more slave States, is regarded as a fanatical, we fear, by a large majority of the North. The same course is being pursued in the heart of the United States, as if respects the liberties even of the oppressed in Europe, and hence professed friends of American republican institutions do not blush to rail upon those who took a prominent part in the revolutionary movements of the old world. But more than this—There exist, in all parts of the land, a deep and bitter contempt and hatred of the colored race. It shows itself in denying them the privileges of education; in schemes of expatriation; in the more or less of servitude, because they assume the garb and adopt the language of Christian philanthropy; in condemning its victims, so far as it can, to inferior and less lucrative occupations. It enters the Church, and even there deprives this portion of her members of their equal rights, by express arrangement, or by an equally effectual ungodly public sentiment. In short, we cannot hide the fact that here, as well as in the old world, the spirit of caste and of oppression is rife and shameless.'

SLAVERY AND THE CHURCH. The new school Presbyterians held an ecclesiastical convention recently at Murfreesborough, Tenn., and during its session passed resolutions condemnatory of the action of their Northern brethren touching slavery. The substance of the resolutions is that they are an integral portion of the Presbyterian church of the United States, and that neither the rights and immunities of the church, nor the Bible nor the constitution of the church teaches the holding of slaves to be a sin or a disciplinary offence, and consequently, any meddling with the matter in church affairs is unconstitutional and of no binding force; that they will look with interest on the future action of the conservative portion of their Northern and Western brethren, as on them depends the question whether the integrity of the church is to be preserved.

THE METHODISTS OF MICHIGAN AND SLAVERY. The Michigan Methodist Conference, which has been in session in Detroit, adjourned on the 24th ult. Among the proceedings were two resolutions on the subject of slavery, which were adopted, declaring it to be sinful to hold slaves, except where the legal relation is retained for the purpose of emancipation, and proclaiming the adoption of additional resolutions on the subject of slavery, to be attended with as many and as great efforts, that efficient means should at once be adopted to prevent it.

THE SALEM FEMALE ANTI-SLAVERY SOCIETY commences its tenth course of lectures, this season, at Lyceum Hall, beginning Sunday evening, Oct. 2d. This society, of course, needs no recommendation from us, having stood its own ground most nobly these nine years past, reporting for religious and civil liberty, through good feeling and evil reports, and now, in the vigor of its age, still presents a firm and undaunted front to oppression of every kind. Its efforts in this its coming course of lectures will be found the names of the old and the young warriors of liberty; those whose names are known all over the world, as well as those who are beginning to be known, as champions of the good cause. Sunday evening, of all evenings, is the choicest time to advocate the breaking of every yoke, the unloosening of every burden, and the redemption of the oppressed should go free. So, too, religion the Saviour preached, and practised. Therefore, the efforts of this society in such labors are worthy of most honorable mention, and cooperation by all who believe in practical Christianity. We wish the society the success it so well deserves.—Salem Freeman.





