



NO UNION WITH SLAVEHOLDERS.
The United States Constitution is "a covenant with death, and an agreement with hell."
The free States are the guardians and essential supports of slavery. We are the jailers and constables of the institution. . . . There is some excuse for communities, when, under a generous impulse, they espouse the cause of the oppressed in other States, and by force restore their rights; but they are without excuse in aiding other States in binding on men an unrighteous yoke. On this subject, our FATHERS, in FRAMING THE CONSTITUTION, AVERRED FROM THE BIRTH. We their children, at the end of half a century, see the path of duty more clearly than they, and must walk in it. To this point the public mind has long been tending, and the time has come for looking at it fully, dispassionately, and with manly and Christian resolution. . . . No blessing of the Union can be a compensation for taking part in the enslaving of our fellow-creatures; nor ought this bond to be perpetuated, if experience shall demonstrate that it can only continue through our participation in wrong doing. To this conviction the free States are tending.—WILLIAM ELLERY CHANNING.

VOL. XXX. NO. 2. BOSTON, FRIDAY, JANUARY 13, 1860. WHOLE NUMBER, 1516.

SELECTIONS.

THE MILITIA LAW AS AMENDED—VETO OF GOV. BANKS—OPINION OF THE SUPREME COURT.

The following is the concluding portion of the report of Gov. Banks upon a bill entitled "An Act for Revising and Consolidating the General Statutes of the Commonwealth of Massachusetts"—

In the controversy upon the adoption of the Federal Constitution in this, as in other States, very earnest debate arose upon the question, what powers were reserved to the States, and the Constitution finally adopted by the requisite number of States, with an understanding that the provisions afterwards embodied in Article Tenth of Amendments should be incorporated into the Constitution, to wit: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." The division of powers, therefore, is perfectly clear so far as the subject is concerned. That which is not granted to the General Government, nor incident to the powers granted, is reserved to the States, unless expressly prohibited.

The power to provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of officers and the training of the militia, according to the discipline prescribed by Congress, is one of the powers expressly conceded to the Federal Government in the first article, eighth section of the Constitution of the United States.

The power granted in express terms to the Federal Government by this section of the Constitution is that of organizing, arming and disciplining the militia; that reserving to the States is the appointment of officers, and the authority of training the militia, according to the discipline prescribed by Congress. The power to organize includes that of determining which classes of persons shall be so organized; and this has been determined by an act of Congress approved May 8, 1792, entitled "An Act more effectually to provide for the mutual defence, by establishing a uniform militia throughout the United States."

Persons who, by these provisions of the Constitution and Legislature of the United States, are to be organized, armed and disciplined as a uniform militia throughout the United States, are "each and every free able-bodied white male citizen of the respective States, resident therein, who is or shall be above the age of 18 years, and under the age of 45 years. It was, in my judgment, within the power of the Legislature to change this basis of enrollment, or to change or diminish the classes of men embraced in the organization of the militia. It is not sufficient answer to say that, in changing the phrasing of the statute of the United States in the enactment of our own militia laws, we still leave public officers, in the enrollment of the militia, to follow the laws of the United States, without committing the people of this State to a recognition of distinctions between men that are not acceptable. The militia is a national institution.

In all that pertains to organization, arming and disciplining the militia, our laws are but a republication of the laws of the United States, for the information and instruction of the citizens of this State; and if in this republication we misrepresent the law, we lead them into innumerable and constant difficulties and embarrassments in the administration of our laws. Still less is it to be urged, that assuming a recent decision of the Supreme Court of the United States to be rash, that certain persons are not citizens, and therefore their exclusion need not be expressed or implied in our re-enactment of the militia laws. The statutes of the Commonwealth are yet free from the most distant recognition of the doctrine of that decision, and I trust may so remain.

For these reasons, believing the changes proposed in the basis of enrollment to be palpably in contravention of constitutional law, and that they cannot be executed by this department of the government without an infringement of the Constitution which I have sworn to support, I have thought it an imperative duty to withhold Executive approval—and to return the Bill to the House in which it originated; that it may be considered by the Legislature, conformably to the provisions of the Constitution of this State.

Under ordinary circumstances, I should not hesitate, in a case like the present, to act upon my own judgment; but, inasmuch as a disapproval of the legislative proposition to which I have referred imposes upon me the necessity of rejecting, without discrimination, every statute approved by my predecessors, from the foundation of the government, and every amendment proposed by the present Legislature, I have thought it to be my duty, not only to give to the subject the most serious consideration, but to seek direction from the high legal authorities which the Constitution and laws enable me to consult.

It is unnecessary for me to ask of the Legislature a candid consideration of these able State papers. They cannot be so carefully considered by legislators or by the people. It is unnecessary for me to call the attention of the Legislature, in view of the rugged paths of national life upon which, too obviously, we are entering, to the expediency of maintaining the institution of the militia, and perpetuating the harmony of feeling and interest of its members, with the principles and institutions of the government of which as citizens and soldiers they are cheap supporters.

Not is it necessary to enlarge upon the expediency, in every consideration of public policy, of a constant and faithful adherence to constitutional obligations. We can present no more reliable evidence of strength than the fact, that we can maintain our own principles, without invading the rights of others; and for a State to be habitually determined to submit to nothing wrong, there is no other rule of action than to ask nothing that is not right.

I requested the Attorney General, therefore, to prepare an opinion upon two propositions, which I have the honor to transmit to the Legislature, and subsequently, upon the request of the Governor and Council, the Supreme Court submitted an opinion upon the same questions, which has been transmitted to me by the Honorable Chief Justice of that Court, and which I have the honor now to lay before the two Houses of the Legislature. These opinions are elaborate, learned and decided. That of the Supreme Court embodies one of the most luminous and Federal expositions of the relations of the State and Federal governments of the origin, nature and purpose of the institution of the militia of the United States in this Commonwealth, that judicial history presents.

The assessors of the several cities and towns, are annually required, in the month of May, to make a list of persons liable to enrollment; to place a certain copy thereof in the hands of the clerks of their respective towns and cities, and to transmit returns of the militia thus enrolled to the Adjutant General. A certified copy of the returns is annually transmitted to the Governor at Washington by the Governor of this Commonwealth.

The militia thus enrolled are liable to be called into active service at any moment, in case of war, of invasion, to prevent invasion, for the suppression of riots and to aid civil officers in the execution of the laws of the Commonwealth. It seems to me to be a public wrong of the highest character, by an incorrect statement of the law, to mislead civil officers in the performance of their duties, or to require of the Governor of the Commonwealth to transmit to the Department of War an enrollment palpably in conflict with the laws of the United States.

NATHANIEL P. BANKS.

After the message was read, the clerk proceeded to read the Attorney General's opinion, which concludes as follows:

I, therefore, most respectfully submit, as the result of my investigations, that—

1. The Legislature of this Commonwealth cannot constitutionally provide for the enrollment in the militia of any persons other than those enumerated in the act of Congress, approved May 8, 1792, entitled "An Act more effectually to provide for national defence, by establishing a uniform militia throughout the United States."
2. The aforesaid act of Congress, as to all matters therein provided for, and except as amended by subsequent acts, has the force of law in this Commonwealth. In the absence, or even conflict of State legislation, all military officers, under the State government, are sworn to its provisions, and must necessarily perform its duties. All officers whose functions are purely civil must obey it as the paramount law of the land, and cannot obstruct its execution; but they cannot without consistent State legislation be required to enforce it, or to lend the influence or authority of their offices in carrying it into effect.

(Signed) STEPHEN H. PHILLIPS,
Attorney General.

The opinion of the Supreme Court was then read. It is as follows:

INTERROGATORIES
PROPOSED BY ORDER OF THE GOVERNOR AND COUNCIL TO THE SUPREME JUDICIAL COURT.

Whether the Legislature of this Commonwealth can constitutionally provide for the enrollment in the militia of any persons other than those enumerated in the Act of Congress, approved May 8, 1792, entitled "An Act more effectually to provide for national defence, by establishing a uniform militia throughout the United States?"

Whether the aforesaid Act of Congress, as to all matters therein provided for, and except as amended by subsequent Acts, has such force in this Commonwealth, independently of or notwithstanding any State legislation, that all officers under the State government, civil and military, are bound by its provisions?

The undersigned, Justices of the Supreme Judicial Court, having considered the above stated interrogatories, pronounced to them by the Governor and Council, do hereby, in answer thereto, respectfully submit the following opinion:

The Constitution of the United States having charged the general government with the administration of the foreign relations of the whole Union, and the military defence of the whole, (article 1, section 8.) That Congress shall have power to provide for calling forth the militia to execute the laws of the Union, suppress insurrection, and repel invasions; to provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers, and the authority of training the militia, according to the discipline prescribed by Congress, obviously includes the power of determining who shall compose the body known as the militia. The general principle is, that a militia shall consist of the able-bodied male citizens. But this description is too vague and indefinite to be laid down as a practical rule; it requires a provision of positive law to ascertain the exact age, which shall be deemed neither too young nor too old to constitute the militia. One body of legislators might think the suitable age to be from 18 to 19, others from 16 to 30 or 40, others from 20 to 50. Here the power is given to the general government to fix the age precisely; and thereby to put an end to doubt and uncertainty; and the power to determine who shall compose the militia, when executed, equally determines who shall not be embraced in it, because all not selected are necessarily excluded.

The question upon the construction of this provision of the Constitution is, whether this power to determine who shall compose the militia is exclusive. And we are of opinion that it is. A power when vested in the general government is not only exclusive when it is so declared in terms, or when the State is prohibited from the exercise of the like power, but also when the exercise of the same power by the State is superseded, and necessarily impracticable and impossible after its exercise by the general government. For instance, when the general government have exercised their power to establish a uniform system of bankruptcy, that is, laws for sequestrating and administering the estate of a living insolvent debtor; when one set of commissioners and assignees of such estate have taken possession of property, with power to sell and dispose of it, and distribute the proceeds, another set of officers, under another law, cannot take and dispose of the same property. The one power is necessarily repugnant to the other; if one is paramount, the other is void. We think the present case is similar. The general government having authority to determine who shall and who may not compose the militia, and having so determined, the State government has no legal authority to prescribe a different enrollment.

This power was early carried into execution by the act of Congress of May 1792, being an Act more effectually to provide for the national defence, by establishing a uniform militia throughout the United States. This act especially directs who shall be, and by necessary implication, who may not be enrolled in the militia. This is strengthened by a provision, that each State may by law exempt persons embraced in the class for enrollment, according as the peculiar form and particular organization of its separate government may require; but there is no such provision for adding to the class to be enrolled.

We are therefore of opinion that the Legislature of the Commonwealth cannot constitutionally provide for the enrollment in the militia of any persons other than those enumerated in the act of Congress of May 1792, hereinbefore cited.

We do not intend, by the foregoing opinion, to exclude the existence of a power in the State, to provide by law for arming and equipping other bodies of men for special service of keeping guard, and making defence, under special exigencies or otherwise, in any case not coming within the prohibition of that clause in the Constitution, article 1, section 10, which withholds from the State the power to

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

The House then refused to pass the bill, by a vote of 46 yeas to 146 nays.

Mr. WESTWORTH of Lowell asked leave to introduce a bill, and leaving being granted, the same was read for information. The bill was the same as that vetoed by the Governor, with the exception of the word 'white.'

Mr. WESTWORTH then moved that the rules be suspended, so that the bill should take its several readings at the present time. This motion was agreed to.

Mr. KIMBALL of Boston said he earnestly protested against being sold for a small matter of expediency, but he did not see how it could be helped under the circumstances. He did not want to lose the whole revision.

After a very brief discussion between Messrs. TUCKER of Boston, and Mr. GRIFFIN of Boston, the previous question was ordered.

Mr. GRIFFIN of Malden called for the yeas and nays, which were ordered, on the pending question, viz., passage to a third reading.

The bill was then passed by a vote of 170 yeas to 1 nay, the negative vote being cast by Mr. Freeman of Mendon.

The bill was then sent to the Senate.

The Senate having reassembled, the following message was received from the House, through its Clerk:

The bill for revising and consolidating the General Statutes of the Commonwealth, which had previously passed both branches of the Legislature, and been transmitted to the Governor for his approval, has been returned by His Excellency to the House of Representatives, with his objections to certain provisions of chapter 13 of said bill. That thereupon, pursuant to the provisions of the Constitution, the House of Representatives proceeded to reconsider said bill; and having reconsidered the same, and the yeas and nays having been taken thereon, the House refused to pass the bill, two thirds of the members present, and voting thereon, not having voted in the affirmative.

I am further instructed to inform the Senate that the House, under a suspension of its rules, has passed through its several stages to be engrossed, a bill, &c., which is hereby transmitted to the Senate for its concurrence.

The bill having been received, it was moved and agreed that it be read by its title, it being understood that the only alteration was the insertion of the word 'white' in the two sections of chapter 13, where it had been previously struck out.

Mr. DAVIS of Bristol said that, notwithstanding the original bill had been vetoed by the Governor, and that amendment would probably be adopted by the Senate, yet he solemnly and deliberately believed that the former action of the Senate was constitutional, and in view of his constitutional right, he distinctly reaffirmed the opinions he had expressed when the matter was previously before the Senate. He then cited the Constitution, and argued that the action of the Legislature was in accordance with it. He said that the opinion of the Supreme Court had now been indirectly foisted upon the Legislature, and this he considered should be carefully examined, as by a too free asking of opinions from this Court, the Legislature might eventually delegate its duties to the Judges. He was very severe on the execution of the course he had pursued, and stated that he should vote against the bill as amended.

Mr. OGDEN of Suffolk advocated the adoption of the amendment, and considered the Governor was right in obtaining the opinion of the Supreme Court.

Mr. PARKER of Worcester said that although he was a young man, he would not let this amendment pass without raising his voice against it. This was a question as to whether the crack of the slave-driver's whip shall rule in Massachusetts, or whether the voice of the representatives of the people shall be heard. There had been laid on the desks of Senators an opinion of the Judges of the Supreme Court, and he for one exercised his right to take exceptions to this opinion, as a course had been pursued without a precedent in the history of our Commonwealth. A case similar to this occurred in 1835, when Governor Armstrong objected to it. Finding this, he sent a message to the Legislature, requesting that this chapter might be sent to him separately.

This, Mr. PARKER said, was the mainly correct, but Gov. Banks did not even do this, but keeps back his knowledge of this objectionable feature until the last day of the session, and then forces the alternative on the Legislature either of rejecting the Revision or adopting this amendment. If he had the choice either of defeating the Revision or violating his principles, he would stand by his principles. The opinion of the Supreme Court enunciated a doctrine not more infamous than any by the King's Bench in the time of James and Elizabeth of England. He believed that the attention of Senators to the significant fact that the word in controversy was not mentioned in the whole of the lengthy opinion, and this he thought might be attributed to the fact that the Judges were desirous of dodging the issue of putting a brand on the black man. He wished these Judges were within the reach of the people, as he thought then the opinion might have been different. He concluded by saying he should oppose the amendment.

The yeas and nays having been called and ordered on passing the bill to a third reading, the bill was so passed by the following vote:

YEAS—Messrs. Bacon, Bigelow, Conn, G. L. Davis, Evans, Fabens, French, Knight, Norton, Ogdene, Osgood, Rich, Sawin, Simmons, Williams—15.

NAYS—Messrs. Atwood, Boynton, Branning, Cornell, Daggert, R. T. Davis, W. T. Davis, Hotchkiss, Luce, Metcalf, D. F. Parker—11.

The bill was then ordered to be engrossed as amended.

Mr. KIMBALL of Boston asked leave to introduce the following bill:

An act to amend chapter 13 of the General Statutes.

Section 1. So much of chapter 13, section 1, line 1, of the General Statutes, being the chapter of the militia, as provides for the enrollment of the militia, is hereby amended so as to provide that the words 'such persons as are designated by the acts of the Congress of the United States' shall be substituted for the words 'every able-bodied white citizen.'

The act shall take effect from and after May 31st of the year 1860.

Mr. KIMBALL said that the House had caviled down upon an important principle, under the instructions, as he might call them, of the Governor and the Supreme Court. The bill which he offered was not open to the objection urged by the Governor. He thought that the time might come when the word 'white' would be struck out of the United States laws, and he wanted the Statutes of Massachusetts to be put in order for that time. All that he proposed was to get rid of the word 'white.'

After remarks by Mr. GRIFFIN of Malden and Mr. JOHNSON of Abington, Mr. Kimball withdrew his proposition.

LETTER FROM JOHN BROWN.

By permission of the Rev. J. W. McFarland, of Worcester, to whom it was addressed, we copy, from the original, the following letter written by John Brown, in answer to one received by him from Mr. McFarland. The letter, like all the others written by Brown since his imprisonment, speaks the spirit of a true hero and martyr.

JAIL, CHARLESTOWN, Nov. 23, 1859.

Rev. McFarland—Dear Friend:—Although you write to me as a stranger, the spirit you show toward me and the cause for which I am in bonds, makes me feel toward you as a dear friend. I would be glad to have you or any of my liberty-loving ministerial friends here, to talk and pray with me. I am not a stranger to the way of salvation by Christ. From my youth, I have studied much on this subject, and at one time hoped to be a minister myself, but God had another work for me to do. To me it is given, in behalf of Christ, not only to believe on him, but also to suffer for his sake. But while I trust that I have some experimental and saving knowledge of religion, it would be a great pleasure for me to have some one better qualified than myself to lead my mind in prayer and meditation, now that my time is so near a close. You may wonder, are there no ministers of the gospel here? I answer, no. There are no ministers of Christ here. Those ministers who profess to be Christian, and hold slaves, or advocate slavery—I cannot abide them. My knees will not bend in prayer with them while their hands are stained with the blood of souls. The subject you mention as having been preaching on, the day before you wrote to me, is one which I have often thought of since my imprisonment. I think I feel as happy as Paul did when he was in prison. He knew if they killed him, it would be in advance the cause of Christ; that was the reason he rejoiced so. On that same ground, I do rejoice, yes, and will rejoice. Let them hang me. I forgive them, and may God forgive them for they know not what they do. I have no regret for the transaction for which I am condemned. I went against the law of God, it is true, but whether it be right to obey God or men, judge you. Christ told me to remember that they are in bonds as bound with them, to do toward them as you would wish them to do toward you, in similar circumstances. My conscience bid me do this. I tried to do it, but failed. Therefore I have no regret on that score. I have no sorrow, either, as to the result, only for my poor wife and children. They have suffered much, and it is hard to leave them unprovided for. But God will be a husband to the widow, and a Father to the fatherless.

I have frequently been in Worcester, and if any of my old friends from about Akron are there, you can show them this letter. I have but a few more days, and I feel anxious to be away, where the wicked cease from troubling, and the weary are at rest. Farewell!

Your friend, and the friend of all friends of Liberty,
JOHN BROWN.

EXPULSION OF CITIZENS OF KENTUCKY FOR ENTERTAINING FREE STATE SENTIMENTS.

The Cincinnati Commercial of Dec. 31 says that thirty-six persons arrived in that city from Kentucky, on the 30th, having been warned to leave the State for the crime of believing slavery to be a sin. They are from Berea and vicinity in Madison county, neighbors, co-workers and friends of Rev. John G. Fee.

Among the exiles are Rev. J. A. R. Rogers, principal of a flourishing school at Berea, and you can see him in the papers of that place. He is a native of Kentucky, and a hard-working, thrifty man. He had recently erected a steam saw-mill, and owns five hundred acres of land in Madison county, Ky. The Rev. J. F. Boughton; E. T. Hayes and S. L. Carpenter; A. G. W. Parker, a native of South Carolina; Toney, a native of Tennessee; John Smith, a native of Ohio, a farmer, who has lived in Kentucky some years. Mr. Smith is described by Mr. Fee as a gray-haired father, a man of prayer, indeed of eminent piety and usefulness. More than half of the exiles are natives of Southern States, and several are native Kentuckians. The only offence charged against any of them is that of entertaining abolition sentiments.

The movement for expelling these men arose from the excitement of the John Brown story. At a pro-slavery meeting held at Richmond, at which, according to the Kentucky papers, the oldest, most respectable, and law-abiding citizens were in attendance, it was resolved on the ground of 'self-protection,' to appoint a committee of sixty-five, to remove from among them J. G. Fee, J. A. R. Rogers, and so many of their associates, as in their best judgment, the peace and safety of society may require. The committee were instructed to perform this duty 'deliberately and humanely as may be, but effectually.' At the meeting, a letter of J. A. R. Rogers was read, inviting any gentleman of the County who, from rumor or otherwise, has formed an unfavorable opinion of the community of Berea, to visit it, and learn its true character. He says—

'We do not profess to be faultless, but hope that the compliments for industry, probity and good citizenship, that have been paid by those of the first rank in the county for wealth and influence, who have made our acquaintance, may be more and more deserved.'

It is universally known that most of us, in common with Washington and a host of others, whom we all delight to honor, believe that slavery is a moral and political evil; that it is the duty and privilege of those holding slaves to free them at the earliest consistent moment, and in such a way as to promote the general good; and that complexion is not the true test for the regard or privileges that should be extended to a man. We believe, too, that moral and political means only should be used to rid the country of slavery. Insurrection finds no favor here. Brother Fee never has, and if his words be known, I doubt not does not now give the least countenance to the use of force in hastening the end of slavery.

Hope that our confidence may be fully and intelligently placed in Him who once was despised, but is now exalted to be a Prince and Saviour, I remain yours respectfully.

The committee were ordered to carry out the designs of the meeting within ten days, and Mr. Rogers thus describes the warning which he received—

'He was in his cottage, one going to the door, he discovered an imposing catalade, sixty-five well-mounted men being drawn up in warlike array. He was informed that he had ten days in which to leave the State. This was on the 23d of December. He told them that he had not consciously violated any law of the Commonwealth, and was informed that they did not know that he had violated any law, but that his principles were incompatible with the public peace, and that he must go. The charge against him was abolitionism—the penalty, expulsion from the State.'

THE STATE OF KENTUCKY.

We, the undersigned, loyal citizens and residents of the State of Kentucky, do respectfully call your attention to the following facts:

1. We have come from various parts of this and adjoining States to this county, with the intention of making it our home, have supported ourselves and families by honest industry, and endeavored to promote the interests of religion and education.
2. It is a principle with us to submit to every ordinance of man for the Lord's sake; unto governors as unto them that are sent by Him for the punishment of evil-doers, and the praise of them that do well, and in accordance with this principle, we have been obedient in all respects to the laws of this State.
3. Within a few weeks, evil and false reports have been put into circulation, imputing to us motives, words and conduct calculated to inflame the public mind, which imputations are utterly false and groundless. These imputations we have publicly denied, and offered every facility for the fullest investigation, which we have earnestly but vainly sought.
4. On Friday, the 23d inst., a company of sixty-two men, claiming to have been appointed by a meeting of the citizens of our county, without any shadow of legal authority, and in violation of the Constitution and laws of the State, proceeded to call on all our wayward neighbors, to their residences and places of business, and notified us to leave the county and State, and be without this county and State within ten days, and handed us the accompanying document, in which you will see that unless the said order be promptly complied with, there is expressed a fixed determination to remove us by force.

In view of these facts, which we can substantiate by the fullest evidence, we respectfully pray that you, in the exercise of the power vested in you by the constitution and made your duty to use, do protect us in our rights as loyal citizens of the Commonwealth of the State of Kentucky.

SINGLERHURST LIFE,
JOHN SMITH,
E. T. HAYES,
CHAS. E. GRIFFIN,
A. G. W. PARKER,
W. H. TORNEY.

Berea, Madison Co., Ky., Dec. 24, 1859.

Gov. Magoffin says the Commercial, received the bearings of the petitioners, and having courteously read and advised them, for the sake of preserving the peace of the State, to leave it. He said that the public mind was deeply moved by the events in Virginia, and that until the excitement subsided, their presence in the State would be dangerous, and he could not engage to protect them from their fellow-citizens who had resolved that they must go.

He promised them security while they should be departing, and that they should be protected and escorted to the place to which they were to go. They say that for the most part they were treated politely by those who have driven them from their homes, and they have hopes that presently the people of Kentucky will take a sober thought, and allow them to return to their several places of abode and accustomed avocations.

It is certainly not a light matter to drive out of a State men who build steam saw-mills, improve farms, keep schools, and labor faithfully as ministers of the Gospel, and who give no provocation to any in any way—who offend against no law—who make no war upon society—and who merely hold that slavery is a sin, and teach that it should come to an end in God's own good time. The steam-mill of Mr. Hanson was doing well until he was constrained to abandon it. The school of Mr. Rogers was in a flourishing condition, having nearly a hundred pupils during the last term, a great portion of them the children of slaveholders. Kentucky cannot afford to drive beyond her borders the men who build mills and academies.

The exiles seem in good spirits. They do not indulge even in unkind words about those who have made them homeless. They seem to be divided in opinion as to their course in future. They all hope to go back to Old Kentucky, and live, labor, and think on her soil. Some fear they cannot go back, and think of looking out for employment in the free States; and they have vague ideas of appealing for protection in their rights and immunities as citizens to the Federal Government.

The state of society around Berea is deplorable. The people are poor, uneducated, ignorant. Many men and women among the people surround the colony are illiterate, and can neither read nor write. Their habitations are poor—many of them containing but one room without windows. Their clothing is poor, and many are, even in the present incalculable weather, but half covered. Among such a people, this mission was established, to the waking up of a lively interest, in many places, in favor of education.

THE HOUSE OF REPRESENTATIVES.

The House then refused to pass the bill, by a vote of 46 yeas to 146 nays.

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Mr. DAVIS of Bristol said that, notwithstanding the original bill had been vetoed by the Governor, and that amendment would probably be adopted by the Senate, yet he solemnly and deliberately believed that the former action of the Senate was constitutional, and in view of his constitutional right, he distinctly reaffirmed the opinions he had expressed when the matter was previously before the Senate. He then cited the Constitution, and argued that the action of the Legislature was in accordance with it. He said that the opinion of the Supreme Court had now been indirectly foisted upon the Legislature, and this he considered should be carefully examined, as by a too free asking of opinions from this Court, the Legislature might eventually delegate its duties to the Judges. He was very severe on the execution of the course he had pursued, and stated that he should vote against the bill as amended.

Mr. OGDEN of Suffolk advocated the adoption of the amendment, and considered the Governor was right in obtaining the opinion of the Supreme Court.

Mr. PARKER of Worcester said that although he was a young man, he would not let this amendment pass without raising his voice against it. This was a question as to whether the crack of the slave-driver's whip shall rule in Massachusetts, or whether the voice of the representatives of the people shall be heard. There had been laid on the desks of Senators an opinion of the Judges of the Supreme Court, and he for one exercised his right to take exceptions to this opinion, as a course had been pursued without a precedent in the history of our Commonwealth. A case similar to this occurred in 1835, when Governor Armstrong objected to it. Finding this, he sent a message to the Legislature, requesting that this chapter might be sent to him separately.

This, Mr. PARKER said, was the mainly correct, but Gov. Banks did not even do this, but keeps back his knowledge of this objectionable feature until the last day of the session, and then forces the alternative on the Legislature either of rejecting the Revision or adopting this amendment. If he had the choice either of defeating the Revision or violating his principles, he would stand by his principles. The opinion of the Supreme Court enunciated a doctrine not more infamous than any by the King's Bench in the time of James and Elizabeth of England. He believed that the attention of Senators to the significant fact that the word in controversy was not mentioned in the whole of the lengthy opinion, and this he thought might be attributed to the fact that the Judges were desirous of dodging the issue of putting a brand on the black man. He wished these Judges were within the reach of the people, as he thought then the opinion might have been different. He concluded by saying he should oppose the amendment.

The yeas and nays having been called and ordered on passing the bill to a third reading, the bill was so passed by the following vote:

YEAS—Messrs. Bacon, Bigelow, Conn, G. L. Davis, Evans, Fabens, French, Knight, Norton, Ogdene, Osgood, Rich, Sawin, Simmons, Williams—15.

NAYS—Messrs. Atwood, Boynton, Branning, Cornell, Daggert, R. T. Davis, W. T. Davis, Hotchkiss, Luce, Metcalf, D. F. Parker—11.

The bill was then ordered to be engrossed as amended.

Mr. KIMBALL of Boston asked leave to introduce the following bill:

An act to amend chapter 13 of the General Statutes.

Section 1. So much of chapter 13, section 1, line 1, of the General Statutes, being the chapter of the militia, as provides for the enrollment of the militia, is hereby amended so as to provide that the words 'such persons as are designated by the acts of the Congress of the United States' shall be substituted for the words 'every able-bodied white citizen.'

The act shall take effect from and after May 31st of the year 1860.

Mr. KIMBALL said that the House had caviled down upon an important principle, under the instructions, as he might call them, of the Governor and the Supreme Court. The bill which he offered was not open to the objection urged by the Governor. He thought that the time might come when the word 'white' would be struck out of the United States laws, and he wanted the Statutes of Massachusetts to be put in order for that time. All that he proposed was to get rid of the word 'white.'

After remarks by Mr. GRIFFIN of Malden and Mr. JOHNSON of Abington, Mr. Kimball withdrew his proposition.

THE STATE OF KENTUCKY.

We, the undersigned, loyal citizens and residents of the State of Kentucky, do respectfully call your attention to the following facts:

1. We have come from various parts of this and adjoining States to this county, with the intention of making it our home, have supported ourselves and families by honest industry, and endeavored to promote the interests of religion and education.
2. It is a principle with us to submit to every ordinance of man for the Lord's sake; unto governors as unto them that are sent by Him for the punishment of evil-doers, and the praise of them that do well, and in accordance with this principle, we have been obedient in all respects to the laws of this State.
3. Within a few weeks, evil and false reports have been put into circulation, imputing to us motives, words and conduct calculated to inflame the public mind, which imputations are utterly false and groundless. These imputations we have publicly denied, and offered every facility for the fullest investigation, which we have earnestly but vainly sought.
4. On Friday, the 23d inst., a company of sixty-two men, claiming to have been appointed by a meeting of the citizens of our county, without any shadow of legal authority, and in violation of the Constitution and laws of the State, proceeded to call on all our wayward neighbors, to their residences and places of business, and notified us to leave the county and State, and be without this county and State within ten days, and handed us the accompanying document, in which you will see that unless the said order be promptly complied with, there is expressed a fixed determination to remove us by force.

In view of these facts, which we can substantiate by the fullest evidence, we respectfully pray that you, in the exercise of the power vested in you by the constitution and made your duty to use, do protect us in our rights as loyal citizens of the Commonwealth of the State of Kentucky.

SINGLERHURST LIFE,
JOHN SMITH,
E. T. HAYES,
CHAS. E. GRIFFIN,
A. G. W. PARKER,
W. H. TORNEY.

Berea, Madison Co., Ky., Dec. 24, 1859.

Gov. Magoffin says the Commercial, received the bearings of the petitioners, and having courteously read and advised them, for the sake of preserving the peace of the State, to leave it. He said that the public mind was deeply moved by the events in Virginia, and that until the excitement subsided, their presence in the State would be dangerous, and he could not engage to protect them from their fellow-citizens who had resolved that they must go.

He promised them security while they should be departing, and that they should be protected and escorted to the place to which they were to go. They say that for the most part they were treated politely by those who have driven them from their homes, and they have hopes that presently the people of Kentucky will take a sober thought, and allow them to return to their several places of abode and accustomed avocations.

It is certainly not a light matter to drive out of a State men who build steam saw-mills, improve farms, keep schools, and labor faithfully as ministers of the Gospel, and who give no provocation to any in any way—who offend against no law—who make no war upon society—and who merely hold that slavery is a sin, and teach that it should come to an end in God's own good time. The steam-mill of Mr. Hanson was doing well until he was constrained to abandon it. The school of Mr. Rogers was in a flourishing condition, having nearly a hundred pupils during the last term, a great portion of them the children of slaveholders. Kentucky cannot afford to drive beyond her borders the men who build mills and academies.

The exiles seem in good spirits. They do not indulge even in unkind words about those who have made them homeless. They seem to be divided in opinion as to their course in future. They all hope to go back to Old Kentucky, and live, labor, and think on her soil. Some fear they cannot go back, and think of looking out for employment in the free States; and they have vague ideas of appealing for protection in their rights and immunities as citizens to the Federal Government.

The state of society around Berea is deplorable. The people are poor, uneducated, ignorant. Many men and women among the people surround the colony are illiterate, and can neither read nor write. Their habitations are poor—many of them containing but one room without windows. Their clothing is poor, and many are, even in the present incalculable weather, but half covered. Among such a people, this mission was established, to the waking up of a lively interest, in many places, in favor of education.

NON-RESISTANCE AND ANTI-SLAVERY.

There are no more thorough abolitionists than the small and despised set of men and women, who, having renounced the use of injurious force, call themselves Non-Resistants.

I think it may be, that in the earnestness of our inculcation of Non-Resistance with Anti-Slavery, we have all somewhat helped to mislead, both those abolitionists who were not non-resistants, and the community at large.

One piece of private property, however, was unjustifiably taken, namely, a sword, which was one of the few articles which really belonged to Lewis Washington.

It will next be asked—Was it right for John Brown to seize the United States arsenal?

I reply—Certainly it was right. This was the place where a still larger gang of robbers had stored their plunder; the place where a large amount of property, taken from the country at large, North and South, ostensibly to be used for the rightful purposes of a Democratic government, had been applied, by the grossest perversion from its legitimate purpose, to the defence of an oligarchical banditti which had overthrown the Democracy.

Was it right for France to assist the United States in throwing off the yoke of Great Britain? Certainly.

Do you approve of war, then? I do not; and there is no such connection between these two things as your second question attempts to insinuate.

By precisely the same rule is John Brown's enterprise in Virginia to be judged. And the first thing to be done in regard to it is to shake off the opprobrious epithets by which it has been unjustly stigmatized, to show its unfitness, and to refuse to receive its name as the description of a righteous and noble act.

If I am asked—Do you approve of Brown's raid, foray, invasion, insurrection?—I reply, I know of no such occurrence. As to the first three epithets, John Brown invaded no man's rights in Virginia.

When we come to the subordinate, incidental features of this enterprise, each must be judged on its own ground. I do not claim perfection for Brown, nothing but a fair estimate of his merits and demerits. Let us examine the charges that remain.

Was he right in seeing Lewis Washington and John H. Alstadt, in putting them under restraint, and keeping them prisoners?

language, and reason, and justice, in one expression. To speak of an organization which compels one set of men to work without wages, and which drives out of its territories all who presume to censure this tyranny, and which allows and perpetrates every sort of subordinate outrage...

But another incidental feature of Brown's plan was to apply such money and other available property as he found in possession of the slaveholders to the benefit of the slaves.

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LETTER FROM HON. HENRY WILSON TO HENRY C. WRIGHT.

NATICK, Mass., Dec. 27, 1859.

My dear Mr. Wright: On my way to Washington, I read your letters to John Brown and Gov. Wise, concerning a resolution passed at a meeting in this town, to the effect that 'it is the right and duty of the North to incite slaves to resistance, and to aid them in it.'

When called upon in the Senate to explain my position in the meeting which passed your resolution, I did so without casting any reflections on you who had so wantonly misrepresented me.

At the meeting referred to, Mr. Wright offered a resolution to the effect that resistance to tyrants is obedience to God, and therefore the slaves should be incited to resist their masters.

Not content with the wrong done me in your letter to Governor Wise and John Brown, you have, in a letter addressed to me, which I find in the New York Herald of the 24th inst., attempted to sustain your original act of misrepresentation.

The resolution of Mr. Wright, as interpreted by him, contained nothing but a simple expression of opposition to slavery by all proper and legitimate means, but it was artfully drawn up, Mr. Wright, so as to convey to those who did not hear his explanations a meaning of a different character, doubtless with a view of increasing the alarm and excitement now prevailing in the South.

When Massachusetts abandons this policy of peaceful, legal and constitutional reform, which patriotism, humanity and religion sanction, and accepts your policy of "insurrection"—when she requires me to uphold the doctrine that 'it is their right and duty to incite slaves to resistance, and to aid them in it'—then I am not the representative of their sentiments and opinions.

Rev. Henry C. Wright will lecture in School House Hall, Sunday next, at the usual hours of church service, upon the following subject: Fact and Fiction in Religion, or the existence, occupation and location of the soul, after it leaves the body.

Also in the evening, at 6 1-2 o'clock, upon—'Resistance to Tyrants is obedience to God, in reference to the conduct of John Brown at Harper's Ferry.'

Mr. Willard, the editor of the Natick Observer, in a note to me, says: 'I was present at the lecture delivered by Mr. Henry C. Wright on the 20th of November. I printed the notice of the meeting which was summoned to hear his lecture, and not called, as he says in his letter to you, to discuss a resolution.' The hall was full, many prominent business men and members of the Democratic and Republican parties being present.

Sir, you say in your letter to me, that 'a Mr. Brown asked, in an insolent tone, if you were present and

countenanced the meeting; and that, when I explained, 'the slave-driver, who held the lash over you, said "I am satisfied." There can be no mistaking the object of language like this. You wish to convey the impression that I do not, in the Senate, stand by my words and acts at home. Sir, you had associated my name with the sentiment, that it was 'the right and duty of the North to incite slaves to resistance, and when asked by Mr. Brown, in respectful language, tone and manner, to explain the matter, I did so by stating the true character of the meeting; and this you are pleased to denounce as 'subversive'—an attempt 'to depreciate the frowns and stripes of the insolent lords of the lash.' This charge is base and dastardly. My words in Congress, during the past five years, are on the record. That record will show that I have never qualified, disavowed or retracted one word or act of mine out of the Senate.

Temporary hospitals have been arranged for those who have been taken from the ruins.

Many stand at the ruins, frigid with despair. Often a terrible crash, caused by the clearing away, threatens death to all those who may still be alive in the ruins.

Gen. H. K. Oliver is active and conspicuous in directing parties who are endeavoring to rescue the victims of the disaster. Gangs of men, with ropes, are constantly dragging out huge pieces of the wreck which imprison so many. Some of the rescuers are killed in their humane efforts.

Calamity Succeds Calamity! Within the past ten minutes (midnight), the whole mass of ruins has become one sheet of flame!

AMERICAN ANTI-SLAVERY SOCIETY. RECEIPTS. Collections by Marius R. Robinson.

THE IRREPRESSIBLE CONFLICT. IN THE STATE OF NEW YORK. A series of Anti-Slavery Conventions will be held in the State of New York, as follows:—

NEW YORK STATE ANNUAL ANTI-SLAVERY CONVENTION will be held in Association Hall, ALBANY, Tuesday, Wednesday and Thursday, 31st and Feb. 1st and 2d.

NEW YORK STATE WOMAN'S RIGHTS CONVENTION will be held in Association Hall, ALBANY, Feb. 3d and 4th, commencing at half-past 2 o'clock, Friday P. M.

THE SIXTH ANNUAL COURSE OF ANTI-SLAVERY LECTURES. The Sixth Lecture of this series will be given by WM. LLOYD GARRISON, on Sunday evening next, Jan. 16, in Lyceum Hall.

AWFUL CALAMITY AT LAWRENCE, Mass. Fall of the Pemberton Mills—Seven Hundred Persons Buried in the Ruins—Two Hundred Lives lost by Fire—The Whole City in Mourning.

LAWRENCE, Mass., Jan. 10—9 P. M. One of the most terrible catastrophes on record occurred in this city this afternoon. The Pemberton Mills fell, with a sudden crash, about five o'clock, while some 500 or 700 operatives were at work. The Mills are a complete wreck, and some 200 or 300 are still supposed to be buried in the ruins.

Temporary hospitals have been arranged for those who have been taken from the ruins.

Many stand at the ruins, frigid with despair. Often a terrible crash, caused by the clearing away, threatens death to all those who may still be alive in the ruins.

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THE THINKER; BEING THE sixth volume of the 'GREAT HARMONY,' by A. J. Davis, is just published and ready for delivery. Price One Dollar. Single copies sent by mail, postage free, on receipt of the price.

Scrofula, or King's Evil,

is a constitutional disease, a corruption of the blood, by which this fluid becomes vitiated, weak, and poor. Being in the circulation, it pervades the whole body, and may burst out in disease on any part of it.

Its effects commence by deposition from the blood of corrupt or vitiated matter, which in the lungs, liver, and internal organs, forms tubercles; in the glands, swellings; and on the surface, eruptions or sores. This foul corruption, which renders the blood, depresses the energies of life, so that scrofulous constitutions not only suffer from scrofulous complaints, but they have far less power to withstand the attacks of other diseases; consequently, vast numbers perish by disorders which, although not scrofulous in their nature, are still rendered fatal by this taint in the system.

Compound Extract of Sarsaparilla, the most effectual remedy which the medical skill of our times can devise for this every where prevailing and fatal malady. It is combined from the most active remedies that have been discovered for the expurgation of this foul disorder from the blood, and the rescue of the system from its destructive consequences.

Ayer's Cathartic Pills, FOR ALL THE PURPOSES OF A FAMILY PHYSIC, are so composed that disease within the range of their action can rarely without evade them.

Ayer's Cherry Pectoral, FOR THE RAPID CURE OF Coughs, Colds, Influenza, Hoarseness, Croup, Bronchitis, Whooping Cough, and for the relief of Consumptive Patients in advanced stages of the disease.

DR. J. C. AYER & CO. LOWELL, MASS. THEODORE METCALF & CO., BREWER, STEVENS & CUSHING, Boston. BROWN & PRICE, Salem; H. H. HAY, Portland; J. N. MORTON & CO., Concord, N. H.

CARPETING. 'All the Year Round.' JOHN H. PRAY, SONS & CO. IMPORTERS AND DEALERS IN CARPETING, 285 WASHINGTON STREET, (NEAR WINTER STREET).

RECEIVE by Steamers and Packets from England, the latest and best styles and qualities of Carpeting, comprising Brussels, Velvets, best quality of Brussels, Tapestries, Three-plies, Kidderminster, &c., Painted Floor Cloths (of all widths and qualities), Rugs, Mats, Bookings, Feltings, Canton and Cocoa Matting.

AMERICAN CARPETING. ALL WHICH ARE OFFERED AT THE LOWEST PRICES. For cash or approved credit. Sept. 16. JUST PUBLISHED. The John Brown Invasion, AN AUTHENTIC HISTORY. HARPER'S FERRY TRAGEDY. WITH FULL DETAILS OF THE CAPTURE, TRIAL AND EXECUTION OF THE INVADERS.

Resistance to Slaveholders! THIS day published, a pamphlet of 36 pages, entitled—THE NATICK RESOLUTION. Resistance to Slaveholders the Right and Duty of the Southern Slave and Northern Freeman.

POETRY.

SONNETS -- TO JOHN BROWN.

'Tis not all man can do make these vile,
'Tis not all man can say makes a name base:
Noble, strong-hearted Brown! such is thy case:
Slavery may hold thee in its grasp awhile,

And dare they threaten that grey and bleeding head,
Survivor of thy sons for Freedom slain,
Slain to free Kansas' soil from Slavery's tread,

FRIEND GARRISON--I send you a few lines that
were read, the other evening, in this place, upon
the character of John Brown, the martyr. It is the
production of a mechanic while at work in his
lath-

JOHN BROWN.
John Brown, of Osawatimie,
I vindicate to-night;

And though his Waterloo has come,
His name shall live in song,

A history for coming time--
A beacon-light to man--
John Brown, of Osawatimie,

America shall own his worth,
United yet as one;

Each child upon his mother's knee
Will learn his history o'er;

In every land where Freedom strikes
The still untrifling blow,

High in the scale of being stands
A martyr such as he;

Scarce in the history of the past
Such nobleness we find,

But such there were in early days,
And such all time will see,

THE MARTYR OF HARPER'S FERRY.

No longer plain John Brown,
But now enshrined a saint,

For the Liberator.
APPEAL TO THE SOUTH.

Benighted South! why will you not awake?
It is already dawn!

The honest counsel of your truest friends,
Not they who smile so basely on your sin,

Who have at heart naught but their selfish ends,
And meanly lick the dust your grace to win.

From the New York Independent.
BROWN OF OSAWATOMIE.

Spake on his dying day--
'I will not have to shrive my soul

John Brown of Osawatimie,
They led him out to die;

The shadows of his stormy life
That moment fell apart;

Without the rash and bloody hand,
Within the loving heart,

That kiss from all his guilty means
Redeemed the good intent,

Oh! never may you blue-ridged hills
The Northern rife bear,

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THE LIBERATOR.

JOHN BROWN COMMEMORATION MEETING AT WEST BROOKFIELD, VT.

DEAR MR. GARRISON--Of the many meetings held
on Dec. 24, I will give you a brief sketch of one
in the little mountain-enclosed place of West Brook-

Resolved, That the recent tragedy at Harper's
Ferry, on the 17th of October last, is but the legiti-

Resolved, That in the language of Thomas Jef-
ferson, 'one hour of the slave's bondage is fraught

Resolved, That as 'the blood of the martyrs is
the seed of the church,' so the death of Capt. Brown

Resolved, That the deeply afflicted family of
Capt. Brown are peculiarly entitled to, and have a

Resolved, That the people of the North will show
themselves ardent hypocrites and cowards, if they do

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hiring bands from Missouri. This time, John Brown
was a still more unfortunate sufferer. The attack
was made so suddenly, that, before the scattered in-

Driven almost to madness by these multiplied suf-
ferings, he resolved to take the field at the head of a

The sorrow-stricken old man, as he that day re-
turned to his desolate, adopted home, met the re-

For this he was indicted for treason, and for months
he was called an outlaw by a government that had re-

By and by, Mr. President, John Brown had done
his duty in Kansas. By him, and other like noble

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to the cause which the noble old hero espoused, viz:
impartial human liberty; and those three were, first, a
Swedishborgian, from the Bay State; 2nd, a Spiritu-

Execution of John Brown.
A public meeting of the citizens of Marlboro',
(Mass.) was convened in the town hall on Friday

Observance of the Day in Albany.
In Albany, three meetings of sympathy for John
Brown were held on Friday--morning, afternoon, and

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to the slave, and claiming public attention at a meeting
of sympathy for the down-trodden and oppressed!
Well, murder will out. We know where to find this

The North Carolina Case.
FRIEND GARRISON--In the month of September
last, I noticed in the Washington National Era an

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IT IS NOT A DYE.
MRS. S. A. ALLEN'S
WORLD'S
HAIR RESTORER.

The only preparation that has a
EUROPEAN REPUTATION.
Warranted not to contain deleterious substances.

Persons personally known to us have come volun-
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or friends, who have used it. It is the best known

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