Frederick Douglass' Paper.

DEVOTED TO THE RIGHTS OF ALL MANKIND, WITHOUT DISTINCTION OF COLOR, CLASS, OR CLIME.

VOL. VIII.---NO. 36. ROCHESTER, N. Y., AUGUST 24, 1855. WHOLE NO. 400.

FREDERICK DOUGLASS' PAPER is Published at No. 25, Buffalo Street, (opposite the Arcade.) every Friday morning, by FREDERICK DOUGLASS.

TERMS OF SUBSCRIPTION.

Single copy, one year,	$2 00
Three copies, " "	5 00
Five copies, " "	8 00
Ten copies, " "	15 00
Single copy, six months,	1 00
Ten copies, " "	8 00

Voluntary Agents are entitled to retain **50** cents commission on each new yearly subscriber, *except in the case of Clubs.*

In making up clubs for FREDERICK DOUGLASS' PAPER, it is not requisite that the subscribers shall all be at one Post Office.

☞ Subscribers wishing their papers changed, will give the name of the Post Office changed *from*, as well as the Post Office they wish it hereafter sent to.

☞ All papers are forwarded, until an explicit order for discontinuance, with payment of all arrearages, is received.

☞ The Editor cannot undertake to return communications to correspondents.

ADVERTISEMENTS, not exceeding *ten lines* inserted three times for **One Dollar;** every subsequent insertion, **Twenty-Five Cents.** Liberal reductions made on yearly advertisements.

☞ All Communications, whether on business, or for publication, should be addressed to

FREDERICK DOUGLASS,
Rochester, New York.

WILLIAM OLIVER, PRINTER.

Our Correspondence.

For Frederick Douglass' Paper.

ETHIOP BEFORE THE CONVENTION--NO. I.

WASHINGTON PARK, Brooklyn, August 10th, 1855.

MY DEAR DOUGLASS:—Change, says one, is an invariable law of nature. All things, says another, are subject to change. A third says, that in obedience to this law of change, we are not responsible for our acts, our thoughts or our feelings, for twenty-four hours together.—Be this as it may, many things have changed in Gotham—many things have changed in its sister city (Brooklyn) within a short space of time; and I, (Ethiop,) too, have changed—not in principles, not in zeal for the good CAUSE, but my locality from the Heights to a snug little nook on the top of Washington Park, of Revolutionary memory, from whence I can

> O'erlook the pious town below,
> And distant Gotham at a glance,

and peruse, in quiet, my simple etchings for you and your *readers*. From this point of attitude, so far from the atmosphere of the *well-a-day* scenes of life, within the whirl and play of the free winds of heaven, and enjoying a fine, mental bird's-eye view of the whole country, still shut out from motal eye, I proceed to take some *etchings* and portraits of the coming National Convention, which may be of service to it in October, and to the country now and hereafter.

The Call for this Convention has been issued. It is now to be seen with what response it will be met by the people themselves—by the general mass—for whom it may fairly be inferred it is designed to benefit. The leading charge against us, as a whole, at the present day, and one exceedingly prominent, is, that we deserve no other condition than servitude—or that a condition of dependence is the one for which we are only fitted—the evidence whereof is adduced in, that we use not, nor seek the means whereby to attain a higher condition. On the other hand, it is held that we, as a class, have no need for any especial movements, conventional or otherwise, for our advancement, as the whites make preparations for the general community, and we should push in and claim participation, or hang on till we can do so. "Especial efforts," say this *class* of *reasoners*, hitherto made, were wrong in foundation, insufficient in prosecution, and hence, void of effect." We may subtract from this last class a portion who believe, that if *others*—than many of the men now at the *helm* of affairs—had been there, things would have been better managed than they are. Then again, by this same process of subtraction, we find another *class* yet who feel that if white men are not at the wheel of the vessel that is to guide black men over the rough and uneven sea of progress, into the haven of *equality*, they can never arrive—the ship will founder, sink, and all hands perish. These are satisfied to be the commonest of the common sailors—scullions—anything; and tho' the ship be fast going to the bottom, so long as a single white man, not having with the rest fled, but remain at the wheel-house, they will cry "all is well! all is well!" Such is their confidence in the capacity and disposition of whites to do for them what, by position and education, they (the whites) have neither the capacity nor disposition to do, and which only the blacks themselves can do for themselves.—There is yet another class who believe in action—right onward, straightforward action. Diverse as we then are in thought and sentiment, differing as we do in habit, training, and imaginary interest, what wonder that we should, at this day, be found maintaining such diverse and conflicting opinions—what wonder that there is not cohesiveness enough yet found among us to unite us upon some grand given point, from which we may ascend to the temple of social, political and mental equality, and yet that such an element does exist among us—an element, if properly sought, tempered and applied, sufficient to cement us, there cannot be a doubt.

To the Convention, then, of 1855, may we not look for the cohesion of the people of color, and their concentration upon some grand, effective principle. The Convention of '55, in its composition, will be unlike that assembled at Rochester in '52. That Convention sprang almost spontaneous from the people. It was a gathering of the best and foremost off-shoots of the people, collected by reason of their first choice, as the best they could offer to the fastidious but eager market. Perhaps no body of men ever came together with better purpose or stronger determination than did most of these men—and none acted in better faith towards a constituency or with greater prudence in view of a foe. Yet, with all this, if we may take the oft-repeated complaints, the numerous faultfindings, the thousand-and-one dissatisfactions as evidence, either their aims and schemes are in advance of the masses, or there exists a lack of faith on the part of the masses in the ability of these leaders to prosecute with success what they aim to do—or it may be the *would-be-leaders* of the day, so far placed a breach between the two, as to render the best attempts partially unsuccessful. The Convention of '55 will differ from that of '52, insomuch that it not only throws open the door wide enough, and will hold it open long enough for the *parties*, entertaining every shade of view respecting our welfare; but the several parties may, if they will, bring with them all the experience and results of the past. Present acknowledged leaders, too, if sent to the Convention of '55, will have the advantage of having associated with them, whether real or would-be, certainly new and untried leaders, fresh from the people; and these FLEDGLINGS, filled with vigor will—it may be of themselves—endeavor to find the grand principle that will unite and guide our people at least to the summit of elevation. Let us hope so. One thing is certain, that if the masses had been disposed to act upon what has been already evolved, or should they, by some process, be led to act upon what is now placed before them, it would be enough for a speedy and successful elevation. The point, it seems to me, is, however, not that there are not *plans* sufficiently comprehensive and well-matured for the action of the masses, but a lack of correct conception of them, and a want of disposition to put them into execution by these masses. To bring, then, the masses up to the point of knowing when and how to act, and acting when they know, is the grand requisite of the present day. It is the height of folly—indeed it is folly almost out of sight, to argue "the folly of conventional deliberations among us;" and those who do so, if sincere, have yet the very alphabet of our affairs to learn. They belong, however, to that class who believe that the whites should do all the thinking and deliberating for us, and we the toiling for them. But we must, by kind, but rigid and continued training, hope to school them out of this and similar fallacies, and bring them yet within the walks of duty and sphere of usefulness.

The last and best bit of gossip, and extraordinary case of *monomania* here, is that of Communipaw, who went down to the *Flats* the other day and caught a violent headache, and returned with the *measles*, fully believing he was Ethiop—yes, that he, Communipaw, was Ethiop! *Doctor* (not Snug the Joiner, but) *Joiner White* being sent for, purged him with *hyssop*, which brought on copious presperation and soon made him better. The patient, when last heard from, was rusticating at that *Bridgport Hotel* I mentioned in one of my letters of last season, and was convalescent, and public anxiety regarding him has somewhat abated.

Yours truly,

ETHIOP.

LETTER FROM OREGON TERRITORY.

PORTLAND, July 9, 1855.

DEAR DOUGLASS:—I feel to rebuke myself for the long intervals between my communicating. Much has transpired in the past year, that you should have been made acquainted, that would be unimportant now to relate. I promise, for the future, more attention.

I find much in this new country to admire, and much to deplore. The state of society, agriculture, and the mechanical arts, are working out, in their varied departments, all that can be desired to make a community prosperous and happy. I must also admit the climate more preferable to that of the cold regions of Western New York. Although we are passing thro' the ordeal of reversion in trade, depression in the money market, and the like, yet, from what I can learn of the money market, state of trade, and the high prices for the commodities of life, in the Atlantic States, we are to have the advantage. While labor has fallen to one and two dollars per day, thousands of tons of flour are passing through our hands at $2 25 and $2 50 per 100 lbs. These are some of the things to admire. On the other hand, it is sickening to see and know that the great battle for freedom has just commenced in this territory.

The elections recently passed were the most exciting since her admission. *The so-called Democracy*, and the Know Nothings joined, are here. The latter were shamefully defeated. (I have no cause to regret this unless we can look to them in a different light to what they represent themselves in various portions of the Union.) General Joseph Lane has been returned to Congress by a large majority over ex-Governor Gains, formerly of Kentucky.

The slavery party now have the ascendency in Oregon. They have, for their apostle, Dalazon Smith, who at one time figured largely in the States as a Methodist preacher, under Polk's Administration. To get rid of him, was given sealed documents, and sent on an errand he knew not what, to Central America. Nothing more under that Administration was heard of him. He finally appeared in this territory as "*envoy extraordinary*," to make laws for this people. Last winter, in the Legislature, he distinguished himself as one of the servile tools of the slave oligarchy, boldly taking the ground to make this a slave territory, succeeded in passing a new law that colored people should not settle in the territory.

The result of these proceedings has aroused the friends of freedom. A grand Convention will be held in October, at the Capitol, (Corvalles,) preparatory to spreading the doctrine throughout the territory. It will be a hard contest. More than one half of the population are the lower order of Missourians.

The Fourth passed off quite *patriotic. More lies* were told about the freedom of this great Republic than can be repented of by the return of the next grand jubilee. The U. S. War Steamer Massachusetts, was laying at anchor in our river early on the morning of the Fourth. The flags of all nations were run up. The reverberatory sound of her heavy guns echoing through the mountains, made it look warlike. Would to God it had been in defence of liberty. I am pleased to see through your paper, that the Anniversaries of the National Industrial Movements, and others, show visible signs of progress in the right direction. God speed you on to victory. Permit me to join heart and hand with

A. H. FRANCIS.

UNDERGROUND RAILROAD.—Five fugitives from old Virginia arrived at the house of the station-keeper in Syracuse, at about 12 o'clock one night last week. They are resolute fellows and came thro' "on time." The stock in this road is rising.

For Frederick Douglass' Paper.

NEW HAVEN, Conn., Aug. 6, '55.

FREDERICK DOUGLASS, ESQ.: DEAR SIR:—Thinking that a letter from the "Elm City" might prove itself interesting to you, I have embraced the present opportunity of giving you a brief account of things in general in our beautiful *urbs*. I had the pleasure of meeting you, sir, while on a visit to my uncle's (Mr. George Duplex) at Danby, N. Y., during the fall of '52. At that time you addressed the citizens of the above place, at the Town Hall. I also met you again in Ithaca. Since that time, I have, thro' the columns of your paper, gained the general news of the day, and kept watch of your own movements. It will, perhaps, be interesting for you to know, sir, that, upon returning home, I instantly made arrangements for prosecuting the study of medicine. I had my fears and doubts as to whether I would be admitted at "Yale." Knowing that prejudice against color was somewhat apparent, in time past, I, however, felt nerved for a trial; knowing, too, that I ever had received, at the "Academical Schools and Seminaries" which I attended in my younger days, every marked attention, both from instructors and students, I felt encouraged to make a commencement. Accordingly, I entered the office of George E. Budington, M. D., of this city, a distinguished surgeon, physician and scholar. December 18th, 1853, as an "office student," applying myself closely to my studies, I was not long in unravelling the delicate network which surrounds the study of medicine.—By degrees, the doctor generally would send me to look after his patients, until at last he seldom operated without my assistance or presence.—On the 14th day of last September, I applied and was admitted into the "medical class" of the "Yale Medical University." During the past winter, I dissected largely, in common with my class-mates; and both in college and out of its walls, the truth compels me to say, that I never experienced any other than the most polite treatment from my fellow class-mates. The required time of study is three years, also attendance upon the lectures, three years. You are then examined privately "by the Medical Board," after which the graduating exercises take place. As I am a member of the class of '56, I shall graduate, if I live, in that year. As to practice, after that I receive my sheep-skin. I rather think of spending a year or more in Europe, and shall settle down in practice either in Jamaica or Liberia. It is now vacation with us, which makes the city appear quite dull.—Commencement at Yale is over, and ninety young men have gone forth to commence the battle of life. The attendance was as usual quite large, and the annual "Commencement Exercises" were very good. The "valedictory address" was very brilliant and intellectual; it was delivered by John E. Hodd, of Pittsfield, Massachusetts.

The Maine Law, which has been so carefully obeyed throughout our State, is getting to be a dead letter. Liquor can be got at the present time almost anywhere, and drunkenness is quite a common occurrence.

The Black Swan gave a concert here in June, which was rather largely attended. Her style of singing is good, and with careful training, she may make a fine vocalist.

The people of color, of which I am proud of being one, are making rapid progress.

The "Young Men's Literary Society," connected with the Temple-street Church, is progressing finely throughout the State. In fact, the young men seem to have roused as from a deep sleep, and are either storing the mind with useful knowledge or are learning some of the mechanical trades.

But I have already wearied your patience, and will, therefore, close. If you should find that this lengthy production has aught of interest in it, I shall, in my next, write something in reference to quackery.

Very respectfully yours,

C. VAN RENSSELAER CREED.

Selected Matter.

From the Toronto Globe.

BROTHER JONATHAN WANTING CANADA!

It is gratifying to observe the increasing interest taken by our American neighbors in this Canada—for it shows they begin to perceive the vast resources of the land; but the cool way in which they talk of appropriating us to their own uses is exceedingly amusing. One highly respectable journal—the Buffalo *Express*—commenting on international affairs the other day, coolly observed:—

"If our country would add to its greatness and wealth by substantial and valuable acquisition, it would negotiate for and obtain the Canadas by honorable purchase."

Excessively modest—buy us up from Great Britain like a flock of sheep! On this the Albany *Knickerbocker* takes his Buffalo brother to task for ignorance of *etiquette* in the appropriation line. There is delightful harmony between the pair on the main question,—"obtain the Canadas"—some slight difference as to the way of going about it, but that no doubt will be amicably and satisfactorily arranged. *Knickerbocker* thinks there might possibly be some little objection to the buying-up process, on the part of the people of Canada; he goes for the stroking-down policy—the boa-constrictor plan, slaver 'em first, and then bolt 'em. Listen to *Knickerbocker*:—

"Not by purchase but honorable negotiation. The Canadians possess too much pride to allow their country to become a matter of sale. Negotiation would be complimentary, while a proposal to purchase would be looked upon as an insult. We believe that the annexation of the Canadas would be a matter which would produce immense benefit to both nations."

The Buffalo annexationist does not take this rebuke meekly—he fancies he knows *etiquette* as well as another—he thinks *Knickerbocker* "is striving to create a distinction without a difference." "The Canadas," Buffalo observes, "are British colonies," and the mother must have an equivalent if she sells her child to Brother Jonathan. "How far the pride of the Canadians might be mortified by pending negotiations between the United States and Great Britain" for the proposed purchase and sale, Buffalo pretends not to know—but of this he is quite certain "such a proposition could involve no disrespect to the Colonists!"

We observe, too, that the New York *Herald* of Tuesday last contains an editorial article kindly condoling with the people of Canada on the "foreign controul" exercised over them.—The article is founded on some rumors that have reached New York that "Sir Edmund Head is not popular among his Colonial subjects," and is on the point of "being chased, and hurried, and bullied by the Canadian mobs, just as Lord Elgin was." All which is entirely new to Canadian readers. After a little more like this, the *Herald* proceeds:—

"The Canadians have reached the point in their history where foreign control becomes burthensome. They imbibe a democratic spirit from their youth. They necessarily grow up republicans. All their institutions are republican, all their ideas predicated on the theory of popular equality. Nothing more natural than that they should feel an inward repugnance to submit to the control of the Englishman—the foreigner—who is sent among them every few years with power to veto their laws, control their government, and play the mischief generally with their public affairs. The Canadians see plainly enough that they are as fit for self-government as the English, and they ask themselves unconsciously why it should happen, such being the case, that they should be obliged not only to give thirty-one thousand odd dollars per annum to a gentleman whose only claim to their charity is his title and his neediness, but to concede one-third of their authority over the Province to a man far less fit to exercise it than any one of themselves. * * * It would be far more sensible for the Canadians to vote an address quietly to the Queen, begging her to send them no more governors, than to go on, as heretofore, making bad blood, and quarrelling with men who really deserve their respect and esteem. The British government would certainly not insist on sending governors to Canada against the people's will; and it is quite plain that far better men for the position could be found in the province than out of it. That the Canadians will come to that ultimately, is obvious. It is only a question whether the anomalous plan of British governors should be continued, at the cost of the public peace of mind and honest men's characters, until it can no longer be borne; or whether the future should be anticipated, and the mischief in store evaded, by adopting at once a reform that in the ordinary course of events will only be accomplished in the lapse of years, and after more inconvenience and trouble."

What strange notions some people must have about Canadian Institutions. Do our cotemporaries not know that the people of Canada have as entire control over their own affairs as the people of the United States?—that the connection between this Province and Great Britain has hardly a thread left to bind it, except the mutual affection which subsists between our people and the good offices constantly and frankly rendered toward us by the parent State? True, a nominal controul over the administration of public affairs is held by the Crown, by the appointment of the Governor General, and the power of vetoing laws passed in the Provincial Parliament. These, and the burden of protecting us from foreign aggression, are the sole direct powers now held by the Imperial Government in Canada—and did the people of Canada desire the removal of every one of these, there is hardly a doubt that Britain would respond to their appeal as readily and generously as she has resigned, one after another, the privileges she possessed under the old Colonial system. But the people of Canada do not desire any change in their relations towards Great Britain. The Imperial Government never seeks to interfere with our local affairs; public measures adopted here, at the demand of the Canadian people, however unpalatable in Downing-street or St. Stephens, receive the Royal assent without hesitation—the veto is practically unknown. And as to the appointment of the Governor General, it is sufficient to say that he cannot do one official act, he cannot appoint the lowest office-holder without the special advice and recommendation asked and obtained of a responsible Cabinet, chosen from the representatives of the people.

If the writers of these extracts, really think that they correctly describe the feelings of the people of Canada, let them just come over here for a few weeks, and make inquiries for themselves; let them pass through a few of our splendid agricultural counties, and talk with our prosperous farmers; let them loiter through our stirring towns, and gather the views of our thriving mechanics and traders; and our word for it, they will go back with changed ideas. It is quite true that the people of Canada, as the *Herald* says, have imbibed "a democratic spirit." But they fancy that democratic influence can be far more certainly and speedily brought to bear on the administration of public affairs, through the democratic constitution Canada now happily possesses, than by the complicated and corrupting political machinery of the American Republic. And a curious fact it is for the consideration of our cotemporaries that the Tory party in Canada, actually urge the adoption into our constitution of a portion of the American sytem, for the very purpose of curbing democratic influence. It is quite true that all our ideas in Canada are "predicated on the theory of popular equality"—but it is equally true that our ideas and theories, receive a rude shock when we look across the lines, and we are almost led to the conclusion that Canada is really the only country in which "popular equality" is practically to be found. It is quite true that we Canadians "feel an inward repugnance to the controul of the Englishman"—but fortunately the feeling has no food to live upon, for neither Englishman nor anyone else attempts to controul us. The Canadians do undoubtedly see plainly that they are as fit for "self-government as the English"—and so they possess it, and cherish it, and would fight to retain it against all the world. It is quite true that our Governor General receives "thirty-one thousand odd dollars"—but it is not true that we give it in charity to title or neediness. We fancy that, notwithstanding his title, our present Governor, and many of his predecessors, would compare far from unfavorably, in education, talent, sagacity, integrity or patriotism, with the Presidents of the American Republic for many a day past. It is quite true we might get a man for less money; but we keep before us the case of Daniel Webster, once an American Statesman and Prime Minister, and prefer that our Functionaries should be adequately remunerated, rather than that they should be the paid hirelings of Boston merchants. It is also true that we might get a man among ourselves quite as fit to hold the sceptre as those selected by the Crown; but we prefer to have an appointed Governor free from party ties and responsibilities, and under the severe restraints of the British Ministerial system,—rather than a party Governor, placed beyond our control for four years, and removable only then after an uncertain party contest. We have watched the working of elective Presidents, from the day of General Jackson's vetoes, down to Franklin Pierce's Kansas outrage; and our deliberate conviction is, that had John Tyler become, by accident, Governor-General of Canada, we would have had him out in three months; that had old Hickory done here what he did at Washington, he would certainly have been impeached; and that had Polk or Pierce broached their Mexican or Nebraska villanies—but, thank Heaven, we have no Polks or Pierces on British soil, in the nineteenth century!

Let our American friends keep themselves cool this hot weather. The Canadians are right well satisfied—entirely satisfied—with their position; but should they ever become discontented, the last idea likely to cross their minds would be the suicidal move of tacking themselves on as the fag-end of the model republic. Why should they? A splendid soil, free institutions, little debt, light taxation, all the markets of the world open to them, and no slavery—what could they gain by annexation, but increased taxes and "foreign rulers?" Think you our people would like to pay 40 per cent. of taxes, instead of 10, to be spent a thousand miles away, or to go hat-in-hand to Washington, suing to those who had no sympathy with them, for that which they may now command from their own representatives? Brother Jonathan may rest assured that all his gibes about "foreign rulers," in regard to Great Britain, tell with tenfold effect against American annexation.—Never did colony, since the beginning of the world, enjoy such high advantages as Canada possesses; never was colony so generously treated by a Parent State; never was colony so prosperous and contented; and long may she remain so! But when the day comes, if come it must in the lapse of years, when Canada shall change her condition, assuredly she will hoist her flag as an independent nation, closely and warmly allied to Old England!

THE INDIANA BLACK LAW.

The working of this diabolical statute is well set forth in the following case, which we find recorded in the *Fort Wayne Times* of the 6th inst.:

Ten days ago, James P. Brown, a citizen of Ohio, traveling westward, stopped in this city and was detained here on business a few days. This person belongs to that proscribed and hated race on whose skin God's sun has imprinted a darker hue than ours. On the 30th day of July, Brown was arrested on a warrant from J. B. Dubois, issued on information and complaint of John Hardendorff. On Brown's own statement that he was a citizen of Ohio, he was convicted and fined ten dollars and cost of suit. In default of payment he was committed to jail. A writ of habeas corpus was sued out and this matter came on for hearing before his Honor James W. Borden, at chambers on a writ of habeas corpus, on Thursday, and was finally determined on Friday last. Messrs. L. M. Ninde and C. Case appeared for the prisoner, and W. W. Carson for the State. The sheriff made return to the writ of habeas corpus, that he held the prisoner by virtue of the mittimus of J. B. Dubois, Esq. The mittimus set out that "James P. Brown, a mulatto and person "of color, was found in the county of Allen and "State of Indiana in violation of law—where-"upon said Brown was arrested and tried for "said offense and found guilty." To this return Messrs. Ninde & Case filed exceptions, alleging that it showed no conviction for any offense known to the laws of Indiana, nor did it appear that any such final judgment had been rendered as would authorize the issuing of a mittimus.—These exceptions were argued by counsel and sustained by the Court, his Honor holding that said mittimus did not authorize the holding of the prisoner in custody. Mr. Case then moved that the prisoner be discharged. Mr. Carson interposed a motion that the Court proceed to hear evidence to sustain the charge against the prisoner, and that he be held to bail for his appearance at the next Common Pleas Court, to which counsel for defendant objected. Both motions were argued to considerable length by counsel, and the Court, taking the same under advisement, adjourned to Friday morning at 9 o'clock. Money was deposited as security for the appearance of the prisoner at the time appointed, and he was permitted to go at large.

Friday morning the prisoner appeared in person and by his counsel. Mr. Carson also appeared for the State. His Honor overruled the motion made by Mr. Case for the discharge of the prisoner, and sustained the motion of Mr. Carson, deciding that he would hear the evidence against the accused with a view recognizing him to appear at the next Common Pleas. To these rulings of the Court counsel for the prisoner excepted. Mr. Carson then asked and obtained leave to file an affidavit of John Hardendorff, dated August 2, 1855, charging said Brown with being a *mulatto*, and with having come into the County and State on or about July 20, 1855, contrary to Section 1st of the act to enforce the 13th Article of the Constitution, &c., and proposed to offer evidence to sustain said charge.

To the filing of this affidavit, and to the introduction of the proposed evidence, the prisoner, by his attorney, objected, but his objections were overruled. Thereupon John Hardendorff and Dr. Bricker were sworn and examined on behalf of the prisoner.

Mr. Case then addressed the Court assuming, among others, these positions:

1. That the Court had no power to investigate in this manner any charge save that on which Brown was originally committed, as set forth in the mittimus, and that, as had already been decided, amounted to no charge at all.

2. That the filing of an affidavit containing a new charge, on the hearing of a habeas corpus, and the introduction of testimony to sustain it, was a proceeding without precedent and altogether unwarranted in law.

3. But admitting the right of the State to file the affidavit, and introduce the proof, she had entirely failed to make a case. "The "statute," said he, "designates two classes of "persons and only two who are prohibited from "coming into the State, viz: *Negroes* and "*Mulattoes*, and being a highly *penal* statute, "every word and sentence of it must be strictly "construed. If it contains words susceptible of "a limited as well as a more general meaning, "the limited interpretation in favor of the ac-"cused, must prevail. This rule of construction "was as old as the *common law*, and as well "established as any of its venerale safe-guards." Adopting this rule, only a full-blooded African, or his descendant and a half-blood—half white and half black blooded—are excluded by the statute; and when a prosecution is instituted under it, the State must prove what she alleges, viz: in this case, that the accused is a *mulatto*. She has utterly failed to make such proof. Mr. Case here cited *Webster* to show the strict meaning of the word *negro* and *mulatto*, and read numerous decisions, Massachusetts and Ohio Reports, wherein the definition of Webster had been adopted by the courts in cases analogous.

The argument of Mr. Case was full, logical and conclusive, and worthy of this able, earnest and honest lawyer, and friend of humanity and liberty.

Mr. Carson, on behalf of the State, insisted at length that the *intention* of the makers of the Constitution and the Legislature was to exclude all persons of more than one-eight negro blood, and that this was evident from the statutes prohibiting such persons from giving testimony, and from intermarriage with whites.

To this position of Mr. Carson it was well replied by Mr. Ninde, that from the very words used by the Legislature in these last named statutes it was evidently the judgment of that body that the words *negro* and *mulatto* would not answer the purpose in view; else why did they not use them?

Mr. Ninde replied eloquently and conclusively to every position assumed by Mr. Carson, closing at 2 P. M.

His Honor, Judge Borden, then delivered his opinion, holding the construction of the statute contended for by the prisoner's counsel to be correct, and that the State having failed to prove Brown to be a mulatto or negro, he must be discharged. Ordered accordingly.

Henry Ward Beecher succeeded wholly, as usual. His oration was so entirely un-Cambridge-Phi-Beta-Kappa like—it was so free, fresh, and genial—that all were rejoiced, as at a new dispensation. Would that the oratory of nature might replace our Cambridge formalism. What is the reason that no man raised at Cambridge can ever speak with a natural emphasis? Why must his voice rise and fall in regular inflictions, which have no more to do with the sense than the pitching and rolling of a vessel has to do with its getting forward? Indeed, I am unusually made *sea-sick* by this pitch and roll of the regular Cambridge orator, and a sensation of great discomfort comes over me; so that when a man talks straight out and right on, like Beecher, it is a relief to both body and mind.—*Bost. Cor. Ch. Inquirer.*

THE SMITH SCHOOL (established exclusively for colored children) in Boston, is likely to be given up for want of scholars, colored parents being disposed to avail themselves of the power, given them by the last Legislature, to send their children to the public schools nearest to their places of residence.

HON. GERRIT SMITH.

We learn from a letter in the *Tribune*, which appears by the date to have been written from this city, that Hon. Gerrit Smith has it in contemplation to found and endow a great educational institution somewhere in Central New York, to which he will dedicate the bulk of his property. We are informed that his plans for this institution are nearly matured, and that it is to be a University of the highest class and established on the most liberal principles. It is to be surrounded with an ample farm, to give the opportunity of tillage to such students as may desire to strengthen and invigorate themselves by labor, and is to make suitable provision for cases of struggling merit. We do not learn that the location, has, as yet, been fixed upon, and could wish that the generous founder would remember the beautiful hills which surround our own city, and the splendid advantages which it offers for the support and convenience of such a University.

The article in the *Tribune* says that, probably, no citizen of the United States, save perhaps the late Amos Lawrence of Massachusetts, has shared more literally with his fellow men the advantages of a princely fortune than Gerrit Smith; and by far his greatest benefaction, exceeding the aggregate of all his others, is yet to be bestowed. Within a few years past he has given $25,000 to the Library of the City of Oswego; $50 apiece to 500 poor women; 50,000 acres of land in lots of 50 acres each, to colored people; 20 acres each, with $10 apiece, to 500 poor men; 20,000 acres in Madison, the County where he lives, to an Association of young men, and upward of $50,000 to the Anti-Slavery cause. He has given farms of good tillage land to many poor men, and to the needful requisites to promote their cultivation. These noble acts of considerate generosity are practical illustrations of Gerrit Smith's long cherished views of the use of property by the rich, and of the relations of this class to the poor, as well as evidences of his own consistency in the opinions he has so frequently expressed of the accumulation of property in the hands of the few. Mr. Smith's father was once an associate in business with the late John Jacob Astor, was popular among the Indians of the Six Nations, and before the right of those people to sell their lands was taken from them made extensive purchases of the tribes in this State. On his death he left to his son (the present Gerrit Smith) over a million acres of land, mostly situated in Northern and Central New York. A moiety of these acres he has disposed of. Among the lands which he still retains are extensive tracts in Madison County and large tracts in Oswego, which in view of the prospective growth of the City of Oswego—a place which is receiving a new start from Reciprocity—must become of immense value.—*Reformer.*

LETTER OF SYMPATHY.—The following letter has been addressed by the members and friends of Shiloh Presbyterian Church in this City, of which the Rev. Dr. Pennington is Pastor, and shows that the colored people of this City are awake to the value of men who aim to extend freedom:

To James P. Braddock, Passmore Williamson, John Ballard, William Curtis, William Still, James Martin, and Isaiah Moore.

DEAR FRIENDS: In addressing you this letter of sympathy, we are powerfully prompted by a sense of gratitude to you, and equally impelled by a sense of justice to the cause of Liberty.

You are suffering under the shadow of the law, without a shade of justice; but, friends, your cause is just—you are suffering not as evil-doers, but we believe as those who have fallen into *evil hands.*

Be of good cheer. The God of Justice will defend you.

You have the sincere prayers of Jane Johnson, her two sons, and many other true lovers of liberty.

"The race is not to the swift, nor the battle to the strong, neither yet bread to the wise, nor yet riches to the men of understanding, nor yet favor to men of skill: but time and chance happeneth to them all."—Eccl. ix. 12.

"For promotion *cometh* neither from the East nor from the West, nor from the SOUTH. But God *is* the judge: he putteth down one and setteth up another."—Psl. xxi. 6. 7.

"He disappointeth the devices of the crafty, so that their hands cannot perform their enterprise.—He taketh the wise in their own craftiness: and the counsel of the froward is carried headlong."—Job v. 11.

"Great men are not *always* wise; neither do the aged understand judgment. Therefore, I said, Hearken to me; I also will show mine opinion."—Job xxxii. 9. 10.

J. W. C. PENNINGTON, Pastor.

The Elders, Trustees, and Members of the Church.

OUTRAGE IN KENTUCKY.—Some nine months since, a free colored woman named Carter, in Evansville, Indiana, having a daughter lying at the point of death, employed a Mr. Eli Briant, a citizen of Evansville, to go across the Ohio river into Kentucky, to bring over a son residing there, a free man, who had never been a slave, to see the sister before her death. On the return of Briant and the free negro, it became necessary to stop over night at Henderson, Kentucky, where the negro was arrested as a runaway slave, and Briant as a negro stealer, committed to jail. The negro immediately proved himself free, and as a matter of course the charge against Briant was left without foundation. Having him in custody, however, it was determined that he should pay a penalty for the crime of living in a free State.

A vigorous search for evidence of guilt was fruitless, but he was held on suspicion and required to give bonds for $500 for good behavior and to leave the State, in default of which he was committed to prison. At the following term of the Circuit Court, a strenuous effort was made to find a bill of indictment against Briant with no better success; but instead of setting him at liberty he was again committed to jail on suspicion, and his bail increased to one thousand dollars. The tender mercies of slavery now consigned Mr. Briant to a gloomy prison, badly fed, with bad lodgings, and without a spark of fire, or other means of warming himself.

On the 28th of May last, after an imprisonment of more than seven months, the county and the Court finding that even the ground of suspicion could not be strenthened, that imprisonment was likely to be for life, that the underground railroad was doing as good a business as before, in chivalry and magnanimity permitted this citizen of Indiana and native of Kentucky to be released from bondage on his giving his own recognizance in the sum of one thousand dollars for his good behavior towards the citizens of Kentucky, and forthwith depart from the State, and never to return.

A MONUMENT TO GERRIT SMITH.—We are happy to learn that Gerrit Smith contemplates a disposition of his great property that regards the good of the living, and is local, practicable, and full of promise. The Oswego Palladium says that it is his purpose to found and endow a great educational institution somwhere in Central New York, to which he will dedicate the bulk of his property. His plans are nearly matured. The institution is to be a University of the highest class, and established on the most liberal principles. It is to be surrounded with an ample farm to give the opportunity of tillage to such students as desire to strengthten and invigorate themselves by labor, and is to make suitable provisions for cases of struggling merit. *Boston Telegraph.*

UNDERGROUND RAILROAD.—The Norfolk *Beacon* says of this well-managed road: "Again we notice that this line is in operation. On Saturday night, a man owned by Mr. Turner, of the firm of Herman & Co., and a negro and child of T. Bottimore and Mr. S. Marsh, and a slave of L. Stosser, were induced to take through tickets."

MISCELLANEOUS NEWS ITEMS.

—"Punch" teaches book-keeping in one lesson of three words, "never lend them."

—The *Scientific American* gives it as its opinion that railroad trains will yet be running at 100 miles an hour.

—GOV. SEWARD has been invited to deliver the ORATION before the Plymouth Rock Association on the 22d of December next.

—Mr. THACKERAY is to deliver a course of lectures next winter before the N. Y. Mercantile Library, on "Men of the World."

—A flour and grain league has been formed in Lynn, with two thousand shares, eighteen hundred and fifty of which have been subscribed for.

—The Aztec children, who were formerly exhibited in New York, are now in Paris, and are said to have been received by the Emperor.

—The venerable Rev. Father Sawyer, who is within two months of being a hundred years old, is dangerously ill at Bangor, Me.

—Great numbers of surgeons from different parts of Germany, have formed engagements with Russia.

—A band of English Gypsies, some twenty-five in number, are encamped in the woods near Hoboken, where they subsist by fortune-telling, horse-jockeying, tinkering and pilfering.

—The *Tribune* says that the liquor convention appointed a committee to negotiate with purchasers and will sell their vote to the highest bidder.

—Mike Walsh has sailed for Europe, and intends to visit the Crimea. Europe sends us some of its worst characters, and it is only fair that this country shall reciprocate.

—The Empire City which arrived from Aspinwall on Saturday morning, brought $904,480 in gold. Her news is no later than that brought by the George Law.

—Four dollars per day is held to be moderate harvest wages in Wentworth, C. W. In York county the farmers are paying California wages also.

—The yellow fever is on the increase in Norfolk and Portsmouth, and both towns are almost depopulated by the precipitate flight of the inhabitants.

TEXAS ELECTION.—A dispatch from New Orleans states that GOV. PEASE the democratic candidate, is supposed to be re-elected Governor. Ex-Governor BELL elected to Congress.

—Forty colored men of Boston have enrolled their names upon the list of a new military company, of which it is probable that Robert Morris, Esq., will be the commander.

—Letters have been received from Mr. Buchanan, announcing his intention of returning home in the steamer of the 6th of October, accompanied by J. Addison Thomas, the new Assistant Secretary of State.

—In the Police Court, in New Bedford, a man arraigned for drunkenness disclosed that he purchased his liquor at the City Liquor Store, and yet the justice insisted upon fining him.

—The Chicago papers notice the departure of the ship Arabia, from thence *direct* to Liverpool. She goes by way of the Lakes, the Welland Canal and the St. Lawrence, to the Atlantic.

—The British Government has issued orders to enlist no more recruits in the United States. Taking into consideration the small number obtained, the heavy cost and the legal difficulties, they have concluded it does not pay.

—Rev. Payson Williston, D. D. of East-hampton, was ninety-three years old on Tuesday week. He is the oldest living graduate of Yale College. His health is good so that he is always able to attend church on the Sabbath.

—Chauncey C. Burr, a sort of editorial "confidence man," has started a paper in New York, called the "*Nation.*" It is to be more "National" than the *News*. It is to be, in a word, *darnational.*—*Albany Atlas, Aug. 2.*

—It is said that Gen. Cass has somewhere made a short speech. As short and long are ideas of comparison, it is probably meant that the General's speech was short compared to eternity.—*Greenfield Republic.*

—The New York *Times* insinuates to the bakers that now is the time for them to make money, "while alum is a drug and potatoes cheap, and everybody has the skill to convert sour spoilt flour into bread that is good enough to sell."

—An exchange states that "Brigham Young, during a recent tour through southern Utah fell upon an inexhaustible bed of coal;" and another adds:—"If the bed were thoroughly on fire we should suspect that Brigham had got home."

—The Lancaster *Eagle* says: "The evidence that Atchison joined the Know Nothings in Washington city for the avowed purpose of making use of its means to carry Slavery into Kansas, is in existence and can be produced."

—Returns from thirteen counties of Wisconsin, comprising the earliest and most thickly settled portions of the State, exhibit an aggregate population of 308,131, against 191,452 five years ago, being an increase of 116,679, or about 62 per cent.

A HARDSHIP.—A colored man arrived at the Cincinnati wharf, a few days since, was afterwards landed in Covington, and taken before the Mayor to decide his right to freedom. He affirmed that he was from New York, and was on his way home. The Mayor sent him back to Paduca for proofs of his freedom.

—A party of fourteen ladies and gentlemen left Burlington, Vt., on the 6th, for the woods and lakes of northern New York, upon a grand fishing, sporting and pleasure excursion. Two of the ladies (Mrs. Cameron and Miss Steever) will spend several weeks in the heart of the wilderness, camping out and roughing it like true votaries of Diana.

—Bismuth has been discovered in Shelby county, Ky. The metal is very brittle and fusible, and exhibits by the plow-pipe the genuine characteristics of bismuth. It readily dissolves in concentrated nitric acid to a clear solution. Muriatic acid acts but feebly upon it. The solution in nitric acid results in nearly pure bismuth, with only some slight traces of zinc and iron.

—The largest mail ever received at the Boston Post Office was that which arrived last evening from New York and the South. It weighed *fourteen and a half tons*, and required an extra baggage car for its conveyance. It was taken from the Worcester depot to the office in six waggon loads! A large proportion of this matter was Congressional and Department documents.

DREADFUL CONDITION OF MASSACHUSETTS.—A Southern paper now before us, wails dismally over the Wheeler slave case in Philadelphia, and puts all the responsibility of that dreadful emancipation upon Massachusetts—the "seducer" of Pennsylvania. The latter State, the writer thinks, may recover from the outrage, but the Bay State is "a goner."—"She is rotton to the core." She was once the cradle of Liberty, but now she *aspires* to become its grave. She is striving to be not only a grave, but "the undertaker" of the States.—She is trying to be not only "a grave" and "an undertaker" but "to hang the we ls of the Union upon the eagle's beak." Good heavens, what are we coming to? What will become of us, and what will become of the beak of the eagle?—*Boston Atlas.*