plies in this case for security for costs, by the same reason as in any other case.

To strengthen the motion, Mr. Barbour then proceeded to show the nature of the prisoner's defence to the claim of Ellington, and the time and probable costs of obtaining the evidence necessary to sustain the defence. For this purpose, he introduced an affidavit containing substantially a statement of the same facts as those which appear in the pleas filed before the judge of the circuit court. The same papers also accompanied the affidavit as those accompanying the pleas. The affidavit alleged that the prisoner was free in Brunswick county, Virginia, as long ago as 1831; and that from 1832 till 1844, the time when he removed to to this State, he was free, and as a freeman, resided in Walton county, Georgia. Mr. B. also referred to certain telegraphic despatches tending to show that the claim of Ellington was false and fraudulent.

At this point Com. Sullivan pushed the $10 gold coin away from him; and avowed he would not have any fee in the case, let it be decided as it might be.

Mr. Ketchum still insisted on the rule for costs. The case was one that called for security. The prisoner had money to prepare for his defense. He had made some money. He was willing to expend it in defending his liberty. He would yield it all up to show that he was free—the last cent should go; and when that little stream was dried up, there were other and larger streams that would be opened to aid him in so worthy a purpose.

Mr. Walpole replied at length. It was admitted that claimant had a right to a continuance; and there is no law to authorize security for costs. The law don't contemplate a trial; for in a trial there is equality of rights between the parties. Here is no equality of right. The claimant may take affidavit instead of depositions; *while the fugitive has no right to introduce any evidence to show his freedom.* Allusion to the discussions in the U. S. Senate while the law was pending there. The trial of the question of freedom or slavery *must be tried, if at all, in the Slave States.* He denied the right of the prisoner to ask a continuance; for as he has no right to offer any evidence in the case if he were so prepared, he can have no right to continue the cause to procure evidence which he cannot offer. Nevertheless, he was willing to give the prisoner 30 days to prepare to show that he was free, though he did not believe he was. It was often the case that such men supported their pretensions to freedom by forged papers, gotten up by abolitionists for the purpose. The judge would become personally liable by making an order for costs. Do you suppose Congress has enabled you to oppose the obstruction of costs upon the claimant's right. Such power would violate his constitutional rights. To require security for costs would make you liable for an escape. The rule of court referred to is of no force. The judiciary has no power to make a law, and if it should attempt it, the law would be void.

Mr. Ketchum referred Mr. Walpole to the act of Congress of 1827, conferring certain powers on courts, and among them the right to adopt certain rules of court, regulating the practice, &c.

Mr. Walpole read the case of Prigg vs. Pennsylvania; and called on the other party to show a precedent on their side. He then made some general remarks, placing the law Congress above that of conscience.

But the Marshal is bound for the safety of the fugitive; and, if he is liberated by your act, then the penalties of the law will recoil on your own head. If you take this step, you do it at your peril. We demand that it shall not be done.

He then descanted on the liberality of his offer to give 30 days: and alleged that the expense of the 30 days would be $300 to claimant. Besides, he spoke of them as days of sorrow to his client—days of mobs and riots, &c.

When Mr. Walpole concluded, he was ably answered by Messrs. Coburn and Ketchum, who met all his positions, and showed that, bad as the Fugitive Slave Law was, it was not so bad as to admit of the outrages which gentlemen seemed willing to perpetrate in its name. It did, they contended, admit of an investigation full and ample, to establish the freedom of the prisoner, if it existed. They also urged the propriety of ruling the claimant to give security for costs, which question the court took under advisement and gave the parties nine weeks from the 27th of June to prepare their proofs, and get ready for trial.

With this decision of the Commissioner all parties seemed pleased; and they left the court house in a better humor with themselves and each other, than was to be expected, all things considered.

The following will make our readers acquainted with some further particulars.—From them it will be seen that no effort will be spared to reduce this poor man to slavery. If they can get him away from his home and his acquaintances, with only the Ohio river between him and slavery, they doubtless hope to spirit him away somehow. Hence the attempt to move him to Madison.

From the Indiana Free Democrat.

THE CASE OF JOHN FREEMAN.

We mentioned last week that John Freeman, a respectable colored man of this city, had been apprehended as a fugitive slave, and that his case was pending when we went to press, (Wednesday morning) before Hon. Stephen Major, Judge of the Marion Circuit Court, on a writ of *Habeas Corpus.* The proceedings had before Judge Major and the subsequent proceedings before Commissioner Sullivan, will be found elsewhere in this paper.

The case has caused great excitement, and it would be strange if it had not. Freeman has resided here as a freeman for nine years, having come here from Georgia in 1844.—During this period, by his industry and uprightness he has secured the esteem of all acquainted with him.

When Freeman came here he brought with him a considerable amount of property. He deposited, we understand, $600 in Bank; he soon purchased property, and married a respectable girl, then living in the family of Rev. Henry W. Beecher. He has a family of three children, not five as we erroneously stated last week. By his industry and frugality he has acquired property to the amount of four or five thousand dollars.

The manner of Freeman's arrest and the insolence of the claimant had no tendency to prevent excitement. The cowardly officers who arrested him, did so by resorting, as usual in such cases, to falsehood and deception. They represented to him that he was required to go to the office of a Justice of the Peace to give testimony in a case wherein another colored man was a party.—The unsuspecting man accompanied them to the office of Esq. Sullivan, the United States Commissioner. Stopping for a moment at the office of Mr. Ketchum, which is adjoining the Commissioner's office, he was there apprehended and hurried before Commissioner Sullivan. There was great reluctance to give Freeman opportunity to consult counsel. Mr. Ketcham, appearing as one of his counsel, demanded opportunity to consult his client in private, and he was reluctantly permitted to take Freeman into his office for this purpose. The consultation had continued but a few minutes before the claimant, with his posse, called at the door, (which was locked) and became clamorous for his intended victim. Shortly after the door was opened by Mr. K., and officer Stapp and his assistant seized Freeman with a ferocity that would have done honor to tigers, and then hurried him down stairs and to the Court House, to which place the Commissioner had adjourned the hearing. Thither one of Freeman's counsel soon followed. When he arrived in Court, the claimant, Ellington, was insolently examining the mouth of Freeman, probably to discover certain marks therein. Counsel reminded the Court and the claimant that his client was a man and not a *horse*, and that he expected him to be treated as a man. In the mean time the people began to assemble, and it was evident that public sentiment would require a more deliberate trial than the claimant at first intended should be had.—The subsequent proceedings are given by our Reporter.

Wm. Sullivan, Esq., who issued the warrant, did not receive his appointment under the Fugitive Slave Act, but was appointed United States Commissioner for general purposes, previous to the passage of that act. That act, however, gives such Commissioners the same power on this subject as those appointed under the Fugitive Act. We have no doubt Mr. Sullivan engaged in this case against his own wishes. It was thought by some that in the outset he manifested a desire to dispose of the case too hastily.—Whether this is true or not we are unable to say. Being called unexpectedly to the consideration of the case, he may at first have misapprehended his duty. Since the return of the case form Judge Major, we think Mr. Sullivan has shown a disposition to do justice to both parties, so far as the law under which he acts will permit. Counsel for the claimant desired some time for themselves to prepare for trial, but denied that the defendent was entitled to a moment's time for his defense, but out of respect to public opinion they were willing to give thirty days, which they thought a reasonable time, to Freeman to procure evidence of his freedom, if any existed. The Commissioner looking at the distance to be traveled, deemed thirty days not a reasonable time and gave, we think, very properly, nine weeks from last Monday, which day is set for the further hearing of the case.

Thus the matter stands at present. Freeman is now in jail. Marshal Robinson on Monday gave his counsel notice that he sho'd remove him to some other place, but did not say where. The Madison Banner of this morning (Tuesday) says:

"Freeman, we learn, is to be brought down from Indianapolis to-day for safe-keeping in the jail of this county for sixty days; to have a hearing at the expiration thereof on a writ of *habeas corpus.* Probably the excitement with respect to him in Indianapolis is the moving reason of the change of vicinage."

If Freeman is to be removed from this place, it will be a great outrage. There is no necessity of any such removal. There are some Union-saving Hunkers who would like to provoke violence if they could. They would rejoice, we have no doubt, to see a riot, but if they get up one, we are certain they will have to get it up on their own hook. The friends of Freeman have no other desire than to see a fair trial; the counsel of Freeman will make the Marshal such propositions that he will receive the condemnation of every good citizen, if he refuses all of them and removes Freeman. We are assured he will not remove him to-day. We shall endeavor to advise our readers how the matter stands at the latest hour before going to press.

We notice that at the recent State Temperance Convention in Rochester, attempts were made in certain quarters to prevent Frederick Douglass from speaking or voting in the Convention. Douglass has more brains than a squadron of the ungenerous spirits who hissed the colored specimen of God's handiwork.—*Cayuga Chief.*

☞ A friend relates a case, in which a boy in school, who imbibed his politics from a democratic father, refused to cypher in *Whig* money.—*Essex Freeman.*

A gold medal worth $100, has been presented to John F. Hale, by the Com. of the U. S. vessel Germantown, for his services in abolishing the lash from the navy. A handsome testimony.