2. That if Congress and the State Legislature possessed concurrent powers of legislation, (as is the opposing argument,) the exercise of the power by Congress must necessarily supersede the exercise of the same power by a State Legislature: and, therefore,

That Congress having by law prohibited the harboring and secreting of fugitive servants under a penalty payable to the claimant, no act of State legislation prohibiting the same acts under a penalty payable to the State, could be valid. How—he argued—can the same man, for the same offence, and at the same time, be arrested by National officers and State officers; be tried in National courts, and in State courts; and in case of non-payment of penalty be imprisoned in National jails and State penitentiaries?

3. That the right of the States to legislate could not be successfully asserted on the ground that it was a simple police power. To sustain this position, he quoted the opinions of Chief Justice Taney and Judge Daniel in the Prigg case; and further argued, that even if it were a police power, still, the whole power of legislation having been vested in Congress, according to the majority of the court, *no part* of it could remain in the States, by whatever name it might be called.

No one can fail to see the important political bearing which the decision in this case must have. Unless the Supreme Court reverses its own opinion, (long ago delivered, and ever since looked up to as the highest exposition of the constitutional law,) and declares that there is no *exclusive* jurisdiction, either in Congress or the States, but that their power is concurrent, one of two things must result—either all State enactments on the subject must fade from the statute books, and the plaintiff in error in the present case be relieved from his sentence; or, the very Fugitive Slave Act of Congress, which so recently convulsed the land, must be declared invalid, and be blotted from the pages of Federal law. The public will await, with deep interest, the decision of the court.

N. Y. Times.

The Supreme Court has decided as might have been expected. The constitutionality of the Illinois law is affirmed, and citizens are now liable to double prosecution and double punishment for the same offence. Whatever helps Slavery is constitutional—whatever hurts it is unconstitutional!—*Ed. Era.*

IMPORTANT LAW CASE.

Our special correspondent at Washington has sent us a statement of the facts and arguments in a highly interesting case now pending in the Supreme Court of the United States, which presents a very important point of controversy, relative to the power to enact laws for the arrest and delivery of fugitive slaves. The case arose under the Fugitive Slave Act of Illinois, and involves the question whether the power to legislate on the subject of the delivery of fugitive slaves does not vest, exclusively, either in Congress or in the several States; and if so, which has the jurisdiction—the State, or the Federal authority?

Dr. Richard Eels, a warm-hearted, benevolent man, and highly respectable physician, was indicted, under a statute of Illinois, for harboring and secreting a fugitive slave; was convicted and sentenced to pay a fine of four hundred dollars. From this sentence an appeal was taken to the Supreme Court of Illinois, where the sentence was affirmed by a divided Court. Judge (now Senator) Shields delivered the opinion of the majority, and Judge Lockwood the opinion of the minority (among whom was the Chief Justice) against affirmation of the sentence.

From this judgment of the Supreme Court of Illinois a writ of error was taken to the Supreme Court of the United States. The cause stood first on the docket for the present term, and was argued by Senator Chase, of Ohio, orally, and by Mr. Dixon, of Illinois, in writing, for Dr. Eels, and by Mr. McDougal, Attorney General of Illinois, also in writing, for the State.

The leading point made by the plaintiff in in error is, that the *exclusive* power to legislate in relation to the arrest and delivery of fugitive slaves is vested either in Congress or in the States; and that as Congress had already (by the act of 1793) legislated thereon, the State *could not*, and therefore the statute under which the plaintiff in error was convicted and sentenced, is void. Thus the case necessarily brings under review the decision of the Supreme Court in the famous case of *Sprigg* vs. *The Commonwealth of Pennsylvania*, in which the Court held that the master of a fugitive slave had a right to seize him and take him out of the State where found, without any process; and, second, that the exclusive power of legislating upon the subject of fugitives from service *is vested in Congress.*

Senator Chase is well known to hold the opinion that no such rights of seizure and deportation exist in the master; and that the power to legislate on the subject of fugitives from service is not in Congress at all, but *exclusively* in the State Legislatures. That is the "Free Democratic" doctrine; and it will be seen at once that this opinion operates against his own client. In opening his argument to the Court, he adverted to his own opinions, and to his endeavors to impress them upon the Court; but, having failed in these attempts, he now claimed the benefit of the adjudication in the *Prigg* case for his client in the suit. He argued:

1. That the power of legislation on the subject of fugitives from service having been held to be exclusive in Congress, all State legislation upon the same subject must necessarily be void.