

THE OBERLIN RESCUE.

The Oberlin rescue cases grow more and more complicated, and are likely to lead to an encounter between the Federal authorities and the State Courts of Ohio, similar to that which took place in Wisconsin in the case of Booth, who was proceeded against in a civil suit upon a similar charge of resistance to the Fugitive Slave act. Advantage was taken of the commission of the parties charged into close custody, after the conviction of Bushnell, to apply to the Supreme Court of Ohio for a writ of habeas corpus. In his application to the Court for this writ, which was made on the 21st, Judge Spaulding stated that he intended to question the constitutionality of the Fugitive Slave act, which he held to be an intrusion upon the rights of the State and its sovereign prerogative to regulate, by pains and penalties, its own internal policy. He also insisted that it was the peculiar duty of the Supreme Court of the State to guard the liberties of the citizens of Ohio from infringement, whether by the Federal Judiciary or anybody else. The Court, undeterred by the recent decision at Washington, in the Wisconsin case, which, indeed, admitted their right to issue the writ, though it denied their right to discharge under it anybody committed by Federal authority, granted a rule upon the Marshal to show cause why this writ should not issue.

Both Marshal and District-Attorney were thrown into a great rage by the appearance of this document—the Marshal declaring that the prisoners never should be taken to Columbus. They paid, however, so much attention to the rule of the Supreme Court, that the District Attorney appeared at Columbus, on Saturday to show cause why the writ should not issue. The point was argued on Monday, and the decision of the Court will probably be found under the telegraphic head of to-day's paper.

Already, before the service of the rule, the Marshal had received a telegraphic intimation from Columbus that a habeas corpus might issue, and, knowing that the Cleveland jailer would at once obey it, he began to take measures to get the prisoners back into his own hands. He began with Bushnell, the one already convicted, under pretence that he was wanted in the Court-room, and, having got possession of him under that dodge, clapped him into a side-room of that building, which is the property of the United States, and there kept him as a prisoner. He then sent to the jailer for the mittimus under which Bushnell had been committed to his custody, but that the jailer refused to give up, and still claims Bushnell as his prisoner.

In thus undertaking to lock up Bushnell in a special jail, the Marshal has certainly got himself into difficulty. The only place in which a Sheriff or Marshal has a right to detain a prisoner is in the jail established by public authority. He has no right to lock up his prisoners in any out-of-the-way place he may select. The act of 1834 puts prisoners, committed by the authority of the United States Courts, under the exclusive control of the jailers of the State jails to which they may have been committed. Bushnell was duly committed to the Cleveland jail, and the jailer still holds the mittimus which shows it. The Marshal's detention of Bushnell elsewhere is a false imprisonment, and would seem to afford ample ground for the issue of a habeas corpus, in his case at least, however the Court at Columbus may decide as to the other prisoners.

Meanwhile, an indictment for kidnapping, found by the Grand Jury of Lorain County against Jennings and Manning, the two Kentucky witnesses, has put them in danger of arrest. To protect them against it, the District Judge has committed them to the custody of the Marshal as witnesses, and he keeps them locked up in the building in which the United States Court is held, but whether in the same room with Bushnell or not, we are unable to state. It is suspected that he means to smuggle them secretly out of the State, in order to prevent their detention under the indictment found against them. The Marshal has sworn in a hundred desperadoes or deputies, it is thought with this object. But, to prevent this, a strict watch is kept up about the building in which they are lodged. There are also suspicions of an intention to carry off Bushnell to some secret place of confinement, notwithstanding a pledge given by the District Attorney to the Supreme Court, that, if a writ should issue, Bushnell should be forthcoming. Some curious details will be found in the letters of our Cleveland correspondent.—*New York Tribune*.