

and our representatives requested to take such action in congress during its present session, as to authorize and require the president of the United States to demand the instant release of any citizen of the United States, whether native or adopted, who is now, or may be hereafter imprisoned or detained by any of the foreign governments under any pretence whatever, and who is not guilty of any crime committed in the country where he is so imprisoned or detained, and to demand ample satisfaction in behalf of such citizen.

Resolved, That no foreign government has the right to claim or retain any of our adopted citizens or their descendants, or any property justly belonging to either, under the plea of owing military or other services, and that the interference of this government is highly proper and necessary.

Resolved, That the governor of this state shall immediately cause to be sent a copy of the foregoing resolution to each of our senators and representatives in congress.

Approved March 5, 1859.

NUMBER IV.

JOINT RESOLUTION relative to the decision of the United States supreme court, reversing decision of the supreme court of Wisconsin.

Whereas, the supreme court of the United States has assumed appellate jurisdiction in the matter of the petition of Sherman M. Booth for a writ of habeas corpus, presented and prosecuted to final judgment in the supreme court of this state, and has, without process, or any of the forms recognized by law, assumed the power to reverse that judgment in a matter involving the personal liberty of the citizen, asserted by and adjusted to him by the regular course of judicial proceedings upon the great writ of liberty secured to the people of each state by the constitution of the United States :

And whereas, such assumption of power and authority by the supreme court of the United States, to become the final arbiter of the liberty of the citizen, and to override and nullify the judgments of the state courts, declaration thereof, is in direct conflict with that provision of the constitution of the United States which secures to the people the benefits of the writ of habeas corpus :
Therefore,

Resolved, the Senate concurring, That we regard the action of the supreme court of the United States, in assuming jurisdiction in the case before mentioned, as an arbitrary act of power, unauthorized by the constitution, and virtually superseding the benefit of the writ of habeas corpus, and prostrating the rights and liberties of the people at the foot of unlimited power.

Resolved, That this assumption of jurisdiction by the federal judiciary, in the said case, and without process, is an act of undelegated power, and therefore without authority, void, and of no force.

Resolved, That the government formed by the constitution of the United States was not made the exclusive or final judge of the extent of the powers delegated to itself; but that, as in all other cases of compact among parties having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress.

Resolved, That the principle and construction contended for by the party which now rules in the councils of the nation, that the general government is the exclusive judge of the extent of the powers delegated to it, stop nothing short of despotism, since the *discretion* of those who administer the government, and not the *constitution*, would be the measure of their powers; that the several states which formed that instrument, being sovereign and independent, have the unquestionable right to judge of its infraction; and that a *positive defiance* of those sovereignties, of all unauthorized acts done or attempted to be done under color of that instrument, is the rightful remedy.

Approved March 19, 1859.

NUMBER V.

JOINT RESOLUTION relating to the revision of the school laws.

Resolved, by the Assembly, the Senate concurring, That the Hon. Henry Barnard, chancellor of the university, Lyman C. Draper, state superintendent of common schools, and Professor J. L. Pickard, of the Platteville academy, be, and are hereby appointed to make such revision of the school laws of this state as they may deem expedient, and report the same to the Governor in time to be submitted by him to the next legislature for its consideration.

Approved March 21, 1859.