

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.