THE

GREAT WESTERN MAGAZINE

AND

ANGLO-AMERICAN JOURNAL

OF

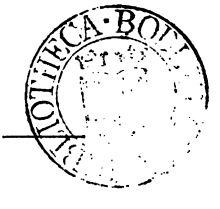
LITERATURE, SCIENCE, ART,

COMMERCIAL AND POLITICAL ECONOMY, STATISTICS, &c.

VOL. I.

EDITED BY

ISAAC CLARKE PRAY.



LONDON:

PUBLISHED BY SIMPKIN, MARSHALL, AND CO.,

STATIONERS' HALL COURT,

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THE

GREAT WESTERN MAGAZINE.

APRIL, 1842.

THE NORTH AMERICAN INDIANS*.

BY THE EDITOR.

THE progress of colonies and conquests is scarcely marked by mankind until, having arisen into moral and political grandeur, the advancement boldly forces itself upon the attention by the presence of empires, kingdoms, and states. A new state springs to birth,—not like Minerva, in complete armour, from the head of Jupiter, but gradually; for, increasing and extending its industry and enterprise, it soon freights every breeze with the din of its enginery, which, over and ever augmented, at last "grates harsh discord" on the ear of the world. Anon, the solitary ships, with an addition to the heraldry of nations in their floating ensigns, challenge the prouder rivals on the unchartered sea; and then, as though by magic, under the same banner, careers toward many a clime and clusters in many a port, a new and, perhaps, powerful navy, respected by every potentate of the earth, because, through necessity, it is acknowledged as an armament of one of the family of nations. Thus it was in the days of the decayed kingdoms of the East, and thus is it found in our own times, when, in almost every part of the globe, are seen the results of the colonists of many a nation, and particularly those of Great Britain—to whom labour seems a luxury, and the cultivation of a generous soil an ample and satisfactory reward.

It was a few years ago, comparatively, that the white-man had not looked upon the red inhabitants of the New World; and now, behold the encroachments of the descendants of the English Pilgrim Fathers, at the North, and of the Spaniards, at the South, fast extinguishing, and for ever, all traces of the originally powerful, and, even now, not wholly subdued aboriginal tribes of America. A few years ago, the red-man, or, as he is generally called, the Indian, trod his native hills a free—a happy being. Contentment was in his wigwam, and his hunting-grounds were safe. He neither knew "fire-weapons," nor "fire-water"—the former the white-man's ally for the annihilation of the Indian's body, and the latter the too deadly poison for the destruction of his native spirit and dignity, often used, we fear, with a recklessness which no christian can palliate, and much less excuse. The progress of civilization, the desire for gain both on the part of governments and individuals, and the concomitant circumstances, are driving back, step by step, the native tribes from the Atlantic to the Pacific Ocean; and that immense barrier, the Rocky or Shining Mountains, standing almost equi-distant from the two oceans, and stretching from one end of the American continent to the other, even to the Frozen Ocean, promises to prove only a slight wall in the presence of Mammon—although at an elevation of from seven to twelve thousand feet, its inferior peaks, even in the depth of summer, being encrusted with snow.

The total destruction of the original owners of the soil seems certain. While, on the one hand, we behold them contaminated by intercourse with our own race, forgetting their ancient dignity and privileges, and falling into a state of semi-

* Letters and Notes on the Manners, Customs, and Condition of the North American Indians. Written during Eight Years' Travel amongst the wildest Tribes of Indians in North America, in 1832, 33, 34, 35, 36, 37, 38, 39. By Geo. Catlin. 8vo, pp. 522. London, 1841.

barbarism—that worst slavery; and, on the other, captured and condemned by the Mexican gold and silver hunters to work, in perpetual night, in the bowels of the earth, and removed wholly from the glorious light and air which were their natural elements, we shall delight, aided by the evidences of Mr. Catlin and our own investigations, to show what they may have been and what they might be, by exhibiting what they are, when uncorrupted, and unchanged from their pristine condition.

It is a deplorable, yet a most imposing and grand spectacle to witness the exertions of these brave and noble men, still to hold their native soil, and manfully and energetically to cope with their victorious adversaries, aided only by stout hearts and their primitive instruments of warfare. Behold them, doomed tribes, roving over the almost boundless prairies, secreting themselves in mountain fastnesses, supplying their daily wants by the vigorous exercises of the chase, tracked and hunted by the remorseless soldiery of civilized nations, pressed back into the wilderness, deprived of their offspring, robbed of their lands, despoiled of their possessions, quiet and ease torn from them, the luxury of peace, wherever they may be, uncertain; and without confidence even in the treaties of their pursuers. Behold them as they are, not surpassed by any people in natural dignity of character, hospitality to the stranger, love of their kindred, veneration for their religion, wisdom in council, and bravery in battle—uncivilised, it is true, but still in proportion to their advantages of a moral and religious character, actually "an anomaly" in the natural history of man—noblemen all by nature, and, as it were, taught by the Great Spirit whom they worship, till their demeanour, in many respects, becomes even exemplary for those who boast of their opportunities for moral and religious elevation of character. While sympathy and pity are extended to these maltreated tribes, he who views them as they really are, should not fail to bestow his commisseration on those of christian nations, who, the devotees of Mammon, make their pilgrimages year after year into the territories of the red-man, and scruple not to carry with them means of destruction: for it is the desire of gain, of gain only, which furnishes the inferior causes for the not very distant annihilation of every tribe upon the vast North American continent. What the demoniacal alcohol does not accomplish, followed up by the bayonet, the introduction of the small-pox, particularly fatal as it is to these aborigines, is certain to ensure—for thousands of men, women, and children are swept away by it every year.

That the governments interested in these people, who now possess two-thirds of the soil, will so far lose sight of their own aggrandisement as to give a sincere and lasting protection to the children of the country, which they are now daily wresting from them, is "devoutly to be wished." All the eloquence of the pen, the statesman, and of the clergy, however, has been exerted in the United States in vain to raise the spirit of justice and mercy, while many a writer, one is forced to believe, has been employed to abuse the Indian character, and to pronounce sympathy for the "savages," foolish and wholly fruitless. For instance, the description of the author of "Astoria," and of the author of "Nick of the Woods," show anything but a desire to give the Indian the shadow of a plea for his position; nay, the misrepresentations of character are made by statements which seem to us wholly at variance with the truth, and wholly uncorroborated by impartial observation. It is to be regretted, at least, that Mr. Washington Irving has condescended to lend the influence of his popular, if not powerful name, to blazon the atrocious deeds of Mr. Astor's traders as worthy and full of enterprise, while the whole tenor of his observations is such as to blacken the Indian tribes, and to deprive them of the common indulgence due to untutored humanity. The hurried manner in which the author travelled, and the nature of his mission under the auspices of Mr. Astor, did not allow him, aristocratic as we esteem him to be, to do otherwise than to promote his patron's views, and to fail in his duty to picture Indian life and manners, which he would have easily witnessed had he gone into the uncivilized districts with a mind unbiased. In our opinion, the stories of traders and whiskey-sellers are not very authentic sources of information, or the exaltation of their murders of red-men, in cold blood, very creditable to their historian; consequently, if Mr. Irving's book be judged by the truth, and by a code of morals worthy of a christian community, the intelligent reader will pronounce a harsher verdict upon it than we are disposed to utter, although no one can regret more than we do that so able an historian has tarnished his reputation as a humane and high-minded man.

The travels of Mr. Catlin have been conducted under no patronage whatsoever.—He has visited the western half of the North American continent, now occupied only by the aborigines, with a truly benevolent spirit, self-advised, and determined, if

possible, to furnish enlightened society with written and pictorial descriptions of the country and its inhabitants. He has had no particular individual or company to please by making exaggerated statements; and as he seldom theorizes, but deals in facts throughout his work, he is entitled to very high credit, and we feel assured will enjoy it. In the two volumes before us are four hundred etchings illustrative of the various interesting objects which he saw during his residence, from 1832 to 1839, among the wildest tribes. These etchings are faithfully taken from his oil paintings by his own hand, and form another monument by the side of his "gallery," to his untiring patience and industry. The text accompanying these is written in a plain, free, and epistolary style, unpolished yet earnest, and in its earnestness and truth full of interest and information. If there be little rhetorical beauty in some pages, the defect in the style will be found amply atoned for by vivid descriptions, copious information upon the manners and customs of the natives, a very clear insight into their character generally, and creditable comments on their peculiarities as contrasted with our own. We recognise in several of the portraits the heroes who, at no very remote period, amused us in the hour of soldiership, and, doubtless, themselves, by plucking the feathers from the plume of our chapeau, as we mingled in a throng of some thirty or forty of them, while they were receiving presents from the United States' government; and, from our observations made during several years' residence in America, we are satisfied that the most unquestionable reliance may be placed upon Mr. Catlin's descriptions and illustrations. Here, too, we may thank the author, since he has never had any desire to sell his collection in this country, for gratifying the world with so well-directed an effort to multiply copies of it; for this work, with a trifling latitude of expression, is a genuine miniature copy of the "gallery," as far as it is possible for one to be made in so small a compass, and without the introduction of the actual weapons, dresses, &c., which may easily be imagined by a careful study of the correct effigies here presented.

A brief review of a portion of this work, to exhibit the shrewdness of Mr. Catlin's observations, the truth of his colouring, the novelties which his investigations have elicited, and the many corrections of popular errors which his patience and study have overthrown, will now be made. Our own comments must necessarily be brief.

Mr. Catlin, after leaving St. Louis, went up the Missouri river to the mouth of the Yellow Stone river, a distance of over two thousand miles. The navigation of the great stream is very dangerous, in consequence of the rapidity of the current, and the falling in of its rich alluvial banks, which fills the river with trees, which sticking to the bottom catch every floating thing, and form what are termed *snags*. The water is very turbid, and is the colour of coffee and milk mixed. Drift-wood continually arrested by these snags proves formidable on the approach of the navigator, and though he may not be passing the classical "Styx," Mr. Catlin says that he is literally on the river of sticks, and, we suppose, must be in quite as much trepidation as were some of the worthies of old, when ferried across the dark river by the unwearied Charon. The scenery on the Missouri is by no means monotonous, as has been represented. A thousand miles or more of the upper part of the river present on the banks hills and dales, bluffs and ravines, where herds of buffaloes, elks, and antelopes, goats and mountain sheep, bound over the green fields; while for twenty-six hundred miles, from St. Louis to the Missouri Falls, is a continued plain or prairie, here and there only being discovered a fine growth of forest timber. Mr. Catlin says:

"The summit level of the great prairies stretching off to the west and the east from the river, to an almost boundless extent, is from two to three hundred feet above the level of the river, which has formed a bed or valley for its course, varying in width from two to twenty miles. This channel or valley has been evidently produced by the force of the current, which has gradually excavated, in its floods and gorges, this immense space, and sent its débris into the ocean. By the continual overflowing of the river, its deposits have been lodged and left with a horizontal surface, spreading the deepest and richest alluvium over the surface of its meadows on either side; through which the river winds its serpentine course, alternately running from one bluff to the other, which present themselves to its shores in all the most picturesque and beautiful shapes imaginable. Some with their green sides gracefully slope down in the most lovely groups to the water's edge, while others, divested of their verdure, present themselves in immense masses of clay of different colours, which arrest the eye of the traveller with the most curious views in the world. These strange and picturesque appearances have been produced by the rains and frosts, which are continually changing the dimensions, and varying the shapes of these denuded hills, by washing down their sides and carrying them into the river.

"Among these groups may be seen tens and hundreds of thousands of different forms and figures of the sublime and the picturesque; in many places for miles together, as the boat glides along, there is one continued appearance before and behind us of some ancient and boundless city in ruins—ramparts, terraces, domes, towers, citadels and castles, may be seen; cupolas, and magnificent porticoes; and, here and there, a solitary column and crumbling pedestal, and even spires of clay, which stand alone—and glistening in distance as the sun's rays are refracted by the thousand crystals of gypsum which are imbedded in the clay of which they are formed. Over and through these groups of domes and battlements (as one is compelled to imagine them) the sun sends his long and gilding rays, at morn or in the evening, giving life and light, by aid of shadows cast, to the different glowing colours of these clay-built ruins—shedding a glory over the solitude of this wild and pictured country, which no one can realize unless he travels here and looks upon it.

"It is amidst the wild and quiet haunts that the mountain-sheep, and the fleet-bounding antelope sport and live in herds, secure from their enemies, to whom the sides and slopes of these bluffs (around which they fearlessly bound) are nearly inaccessible. The grizzly bear, also, has chosen these places for his abode; he sullenly sneaks through the gulphs and chasms and ravines, and frowns away the lurking Indian; whilst the mountain sheep and antelope are bounding over and around the hill-tops, safe and free from harm of man and beast."

This is certainly not monotonous scenery. On the contrary, what can be imagined in nature more beautiful and sublime, inasmuch as it approaches the highest magnificence of art? Here, too, on either side, let it be recollected, are the villages of the red-men. As the steamboat (the first that ever tried the stream) which conveyed our artist and author, passed along, amid the roar of cannon discharged from the deck, the effect upon the natives was striking—filling them with amazement and fear. Some called the boat "the big-thunder canoe," and others "the big medicine canoe, with eyes." It was medicine, synonymous with *mystery*, because it could not be comprehended, and it could not be sightless, for "it saw," they said, "its own way, and took the deep water in the channel!"

Where the aborigines are found farthest removed from the civilized world, there they appear the most cleanly in their persons, the most elegant in their dress, and in the highest enjoyment of life. The Crows and the Blackfeet are two tribes which are particularly mentioned in this account, and from the specimens we have seen ourselves we can vouch for the correctness of the remark. "There is no great difference, however, in the costliness or elegance of their costumes, or in the materials of which they are formed; though there is a distinctive mode in each tribe of stitching or ornamenting with the porcupine quills, which constitute one of the principal ornaments to all their fine dresses; and which can be easily recognised by any one a little familiar with their modes, as belonging to such and such a tribe. The dress (usually) consists of a shirt or tunic, made of two deer-skins finely dressed, and so placed together with the necks of the skin downward, and the skins of the hind legs placed together, the seams running down on each arm from the neck to the knuckles of the hand; this seam is covered with a band of two inches in width, of very beautiful embroidery of porcupine quills, and suspended from the under edge of this, from the shoulders to the hands, is a fringe of the locks of black hair taken from the heads of victims slain in battle by the wearer's own hand. The leggings are made of similar materials, and down the outer-side of the leg, from the hip to the feet, is a similar band, ornamented and fringed in the same manner. These locks of hair are procured from scalps and worn as trophies."

Each man among these tribes is a lord or knight, and each woman or squaw a slave. "The only things which he deems worthy of his exertions are to mount his snorting steed, with his bow and quiver slung, his arrow-shield upon his arm, and his long lance glistening in the war parade; or, divested of all his plumes and trappings, armed with a simple bow and quiver, to plunge his steed among the flying herds of buffaloes, and with his sinewy bow, which he seldom bends in vain, to drive deep to life's fountain the whizzing arrow." The woman, on the other hand, is engaged in domestic servitude, by cooking the food, dressing the skins for the raiment of the family, carrying burthens, and doing all the other drudgery incident to household affairs.

The manner in which the bisons or buffaloes are attacked and killed is presented by Mr. Catlin, both in his etched and written illustrations, with great force and truth. The hunting-party goes out until a herd of these huge animals is discovered; when this is done, each person strips himself of every useless appendage in the shape of

dress, while the horses, trained to this kind of chase, exhibit every appearance of having dispositions for the encounter. Hundreds of victims are before them; and, at a given signal, the onslaught commences. Amid the dust and the trampling of hoofs, the party rushes forward full of excitement, as the chase is more than merely exhilarating, being attended oftentimes with danger. Soon the horses are in the midst of the wild herd, and their riders deal death from their bows and guns on either side. When the arrow pierces the heart, the blood gushes from the mouth and nostrils of the victim, and thus one after another is slain, until hundreds lie dead upon the prairie. Mr. Catlin attacked a large bull during one of these engagements, and as, in describing very graphically the sequel, he shows the nature of his enthusiasm for seizing every interesting subject and transfering it to the canvass, he shall speak for himself:

"I picked my way through the crowd to get alongside of him. I went not for 'meat,' but for a trophy; I wanted his head and horns. I dashed along through the thundering mass, as they swept away over the plain, scarcely able to tell whether I was on a buffalo's back or my horse—hit, and hooked, and jostled about—till at length I found myself alongside of my game, when I gave him a shot as I passed him. I saw guns flash in several directions about me, but I heard them not.

"I found that my shot had entered him a little too far forward, breaking one of his shoulders, and lodging in his breast, and from his very great weight it was impossible for him to make much advance upon me. As I rode up within a few paces of him, he would bristle up with fury enough in his *looks* alone, almost to annihilate me; and, making one lunge at me, would fall upon his neck and nose, so that I found the sagacity of my horse alone enough to keep me out of reach of danger; and I drew from my pocket my sketch-book, laid my gun across my lap, and commenced taking his likeness. He stood stiffened up and swelling with awful vengeance, which was sublime for a picture, but which he could not vent upon me. I rode around him, and sketched him in numerous attitudes; sometimes he would lie down, and I would then sketch him; then throw my cap at him, and arousing him on his legs, rally a new expression, and sketch him again. In this way I added to my sketch-book some invaluable sketches of this grim-visaged monster, who knew not that he was standing for his likeness.

"No man on earth can imagine what is the look and expression of such a subject before him as this was. I defy the world to produce another animal that can look so frightful as a large buffalo bull, when wounded as he was, turned around for battle, and swelling with rage; his eyes bloodshot, and his long shaggy main hanging to the ground; his mouth open, and his horrid rage hissing in streams of smoke and blood from his lips, and through his nostrils, as he is bending forward to spring upon his assailant."

The buffalo bull often weighs two thousand pounds. It has a long, shaggy, black mane, which falls entirely over the head and shoulders. The horns are short, but very thick, and have but one simple curve. The ball of the eye is very large and white, and the iris is jet black. The buffaloes graze in immense herds, between the 30th and 55th degrees of latitude. Thus it will be seen they differ from the European bison, and are peculiar to North America.

Mr. Catlin gives a very satisfactory refutation of the "fairy circles" found in the western part of the country. Many travellers have supposed these circles to have been made by the dances of the Indians, while others have indulged in more ingenious theories—the more ingenious, of course, in proportion to their absurdity. These "fairy circles" are green spots, perfectly circular, often near the bones of buffaloes, which lie upon the prairie, and, of course, also well calculated for theories. They who have penetrated, however, to the places where the buffaloes now exist, as Mr. Catlin has done, knock all these theories in the head. "A bull in his wallow," says Mr. Catlin, "has a very significant meaning with those who have ever seen a buffalo bull performing *ablution*, or rather endeavouring to cool his heated sides by tumbling about in a mud puddle."

"In the heat of summer, these huge animals, which, no doubt, suffer very much with the great profusion of their long and shaggy hair or fur, often graze on the low grounds in the prairies, where there is a little water lying amongst the grass, and the ground underneath being saturated with it, is soft, into which the enormous bull, lowered down upon his knee, will plunge his horns, and at last his head, driving up the earth, and soon making an excavation in the ground, into which the water fills, forms for him, in a few moments, a cool and comfortable bath."

In this way the animal commences the excavation, and moving himself around in

a circular manner, takes up a portion of the mud upon his fur. Others of the herd "follow suit," and the place is gradually deepened, when it soon fills up with vegetable deposits, which give a rank luxuriance to the grass springing within it, and proves very attractive to the unwise travellers who approach, after the buffaloes have been driven, as the poor aborigines are, from their natural homes.

All this information, as well as everything else described by Mr. Catlin, is accompanied by etchings which impress the descriptions upon the mind, and contribute to make his work one of the best records of a traveller that we have ever had the pleasure to read. The etchings* of the dance, of the chase, of the scenery, of the buffaloes and their "wallows," are exceedingly entertaining, as they are replete with spirit, and also very well executed. It is impossible to run through all the details presented by Mr. Catlin. The mass of instruction and amusement in his book must be derived from that source alone, for it is so intimately incorporated with his adventures that to attempt to analyze in so delicate a matter were to destroy. We may as well remark here, that this work is written in such a way that it has all the interest peculiar to a romance; and when we suppose that some scene has been fully described and is at an end, it is again presented under such additional circumstances and incidents that a new interest is imparted to the whole. Travel we must with the author. He has taken us into the country of the red-men, and there he keeps us, despite of any tendeney we may have to fly back to the affairs of civilized life. No matter what subject he touches, he is eloquent, for he is in earnest; and the earnestness with which he communicates information is one of the loftiest proofs that the knowledge which he inculcates is of a character claiming our attention and respect.

The tribe of Mandans excited no ordinary curiosity in Mr. Catlin's bosom; and he passed many days in their villages, that he might be able the better to represent them faithfully. He found them about two thousand in number. Alas! not one of them now lives. The small-pox, accidentally introduced into their midst by a party of the American Fur Trade Company, had swept all but a few of them away, and an enemy completed the extermination and took possession of their villages. Had not Mr. Catlin been a visitor among them, they and their customs would have passed from the face of the earth, without leaving a vestige to mark that they once were! No account that our traveller gives is more entertaining than the record of his residence among this now extinct tribe—a tribe almost wholly unlike any other on the continent, and, in the opinion of Mr. Catlin, the veritable descendants of Madoc. He thinks that a colony from Wales arrived at the Gulf of Mexico, gradually passed up the Missouri river, and finally settled on the Upper Missouri, where he found them; or that they landed in Florida and passed over to the Ohio river. He traces them on the river, by finding in various localities the evidences of their existence, in the ruins of their villages and the mouldered remnants of their burial-places—confirmed as such, also, by the traditions of those of the tribe with whom he conversed.

The Mandans were proud of their origin, and asserted that they were the first people who were created; and, though each priest or medicine-man had a peculiar faith with regard to their origin and other abstruse subjects, yet many of their traditions and observations excited so much interest in the mind of Mr. Catlin, that he studied diligently in order that he might do this tribe adequate justice in his comments; and it gives us pleasure to state that the account is in the highest degree satisfactory, evincing that his labours have been successful. In their personal appearance, deportment, and customs, they differed from the other tribes on the continent. They were but little disposed to war, acting generally on the defensive, and seldom made incursions into the territories of their neighbours. They were distinguished as the "friendly Indians" by all white persons, as their politeness and hospitality were proverbial; and the manner in which Mr. Catlin was treated confirms the opinion thus generally expressed, for no nation could have been more hospitable or more anxious to honour a stranger. In the carriage of their persons they were easy and elegant—unlike, in their complexions, to the copper-colour of the other tribes, having eyes and hair of various colours. Their language and customs, too, were peculiar. Of the latter, the author presents us with a revelation of several which now thrill us with horror, and now convulse us with laughter. Nothing can surpass the descriptions of the "religious ceremonies." They are delineated in a masterly manner, both with the pencil and the pen, and show to what a pitch of horrible cruelty natural religion may carry its votaries, when they are unguided by

* From these we have been permitted to copy for this number of our Magazine.

the pure star and angelic music of Bethlehem. Mr. Catlin sat in their midst while they tortured themselves by such revolting inflictions that we cannot even pause to give a faint outline to make known their character. They were not dissimilar to the awful lacerations and pains endured by the Hindoos at the car of Juggernaut.

Of the manner in which the Mandans instructed their children in the arts of war, we have an account so graphic and beautiful that we extract it, together with a brief description of their gambling games—amusements in which every tribe of Indians seems to indulge very freely, probably from the want of more exciting amusements to while away the tedium of a life, one-half of which is passed in a species of idleness bordering upon the luxury of leisure known to "independent gentlemen" in this country.

"During the pleasant mornings of the summer, the little boys between the age of seven and fifteen are called out, to the number of several hundred, and being divided into two companies, each of which is headed by some experienced warrior, who leads them on in the character of a teacher, they are led out into the prairie at sunrise, where this curious discipline is regularly taught them. Their bodies are naked, and each one has a little bow in his left hand and a number of arrows made of large spears of grass, which are harmless in their effects. Each one has also a little belt or girdle around his waist, in which he carries a knife made of a piece of wood and equally harmless; on the tops of their heads are slightly attached small tufts of grass, which answer as scalps, and in this plight, they follow the dictates of their experienced leaders, who lead them through the judicious evolutions of Indian warfare—of feints—of retreats—of attacks—and at last to a general fight. Many manœuvres are gone through, and eventually they are brought up face to face, within fifteen or twenty feet of each other, with their leaders at their head stimulating them on. Their bows are bent upon each other and their missiles flying, whilst they are dodging and fending them off.

"If any one is struck with an arrow on any vital part of his body, he is obliged to fall, and his adversary rushes up to him, places his foot upon him, and snatching from his belt his wooden knife, grasps hold of his victim's scalp-lock of grass, and making a feint at it with his wooden knife, twitches it off and puts it into his belt, and enters again into the ranks and front of battle.

"This mode of training generally lasts an hour or more in the morning, and is performed on an empty stomach, affording them a rigid and wholesome exercise, whilst they are instructed in the important science of war. Some five or six miles of ground are run over during these evolutions, giving suppleness to their limbs and strength to their muscles; which last and benefit them through life. After this exciting exhibition is ended, they all return to their village, where the chiefs and braves pay profound attention to their vaunting, and applaud them for their artifice and valour. Those who have taken scalps then step forward, brandishing them and making their boast as they enter into the scalp-dance, (in which they are also instructed by their leaders or teachers,) jumping and yelling—brandishing their scalps, and reciting their *sanguinary deeds;* to the great astonishment of their tender-aged sweethearts, who are gazing with wonder upon them."

"The game of Tchung-kee is a beautiful athletic exercise, which they seem to be almost unceasingly practising whilst the weather is fair, and they have nothing else of moment to demand their attention. This game is decidedly their favourite amusement, and is played near to the village on a pavement of clay, which has been used for that purpose until it has become as smooth and hard as a floor. For this game two champions form their respective parties, by choosing alternately the most famous players, until their requisite numbers are made up. Their bettings are then made, and their stakes are held by some of the chiefs or others present. The play commences with two (one from each party) who start off upon a trot abreast of each other, and one of them rolls in advance of them, on the pavement, a little ring of two or three inches in diameter, cut out of a stone; and each one follows it up with his "tchung-kee," (a stick of six feet in length, with little bits of leather projecting from its sides of an inch or more in length,) which he throws before him as he runs, sliding it along upon the ground after the ring, endeavouring to place it in such a position when it stops, that the ring may fall upon it, and receive one of the little projections of leather through it, which counts for game, one or two or four, according to the position of the leather on which the ring is lodged. The last winner always has the rolling of the ring, and both start and throw the tchung-kee together; if either fails to receive the ring or to lie in a certain position, it is a

forfeiture of the amount of the number he was nearest to, and he loses his throw; when another steps into his place. * * * These people become excessively fascinated with it; often gambling away everything they possess, and even sometimes, when everything else was gone, have been known to stake their liberty upon the issue of these games, offering themselves as slaves to their opponents in case they get beaten."

Of the traditions of the Mandans, we select two taken from the lips of several dignified chiefs of the tribe, as subjoined. These traditions, together with the similarity of their language to that of Wales, incline us to support Mr. Catlin's theory as to their origin.

"The Mandans (people of the pheasants) were the first people created in the world, and they originally lived inside of the earth; they raised many vines, and one of them had grown up through a hole in the earth, over head, and one of their young men climbed up it till he came out on the top of the ground, on the bank of the river, where the Mandan village stands. He looked around, and admired the beautiful country and prairies about him—saw many buffaloes—killed one with his bow and arrows, and found that its meat was good to eat. He returned, and related what he had seen; when a number of others went up the vine with him, and witnessed the same things. Amongst those who were trying to get up, was a very large fat woman, who was ordered by the chief not to go up, but whose curiosity led her to try it as soon as she got a secret opportunity, when there was no one present. When she got part of the way up, the vine broke under the great weight of her body, and let her down. She was very much hurt by the fall, but did not die. The Mandans were very sorry about this; and she was disgraced for being the cause of a very great calamity which she had brought upon them, and which could never be averted; for no more could ever ascend, nor could those descend who had got up; but they built the Mandan village, where it formerly stood, a great way below on the river; and the remainder of the people live under ground to this day."

The chiefs and doctors told this story with due gravity, and the latter professed to converse with those in the earth at certain seasons, asking their opinions and advice on great occasions. The other tradition is as annexed:—

"At a very ancient period, O-kee-hee-de (the Evil Spirit) came to the Mandan village with Nu-mohk-muck-a-nah (the first or only man) from the West, and sat down by a woman who had but one eye, and was hoeing corn. Her daughter, who was very pretty, came up to her, and the evil spirit desired her to go and bring some water; but wished that before she started, she would come to him and eat some buffalo meat. He told her to take a piece out of his side, which she did and ate it, which proved to be buffalo-fat. She then went for the water, which she brought, and met them in the village—where they had walked, and they both drank of it. Nothing more was done.

"The friends of the girl soon after endeavoured to disgrace her, by telling her that she was *enciente*, which she did not deny. She declared her innocence at the same time, and boldly defied any man in the village to come forward and accuse her. This raised a great excitement in the village, and as no one could stand forth to accuse her, she was looked upon as *great medicine*. She soon after went off secretly to the upper Mandan village, where the child was born.

"Great search was made for her before she was found; as it was expected that the child would also be great medicine or mystery, and of great importance to the existence and welfare of the tribe. They were induced to this belief from the very strange manner of its conception and birth, and were soon confirmed in it from the wonderful things which it did at an early age. They say that amongst other miracles which he performed, when the Mandans were like to starve, he gave them four buffalo bulls, which filled the whole village—leaving as much meat as there was before they had eaten; saying, that these four bulls would supply them for ever. Nu-mohk-muck-a-nah (the first or only man) was bent on the destruction of the child, and after making many fruitless searches for it, found it hidden in a dark place, and put it to death by throwing it into the river.

"When O-kee-hee-de (the Evil Spirit) heard of the death of this child, he sought for Nu-mohk-muck-a-nah with intent to kill him. He traced him a long distance, and at length found him at *Heart River*, about seventy miles below the village, with the big medicine-pipe in his hand, the charm or mystery of which protects him from all his enemies. They soon agreed, however, to become friends, smoked the big pipe together, and returned to the Mandan village. The Evil Spirit was satisfied; and Nu-mokh-muck-a-nah told the Mandans never to pass Heart River to live, for it was

the centre of the world, and to live beyond it would be destruction to them; and he named it *Nat*-com-pa-sa-hah, (heart or centre of the world)."

Before we close this view of the tribe of the Mandans, we may remark that Mr. Catlin has given a vocabulary of their language, and it may be seen in the words below, what a striking affinity exists between some words in the Welsh and the Mandan tongues.

ENGLISH.	MANDAN.	WELSH.	PRONOUNCED.
I	Me	Mi	Me
You	Ne	Chwi	Chwe
He	E	A	A
She	Ea	E	A
It	Ount	Hwynt	Hooynt
We	Noo	Ni	Ne
They	Eonah	Huna *mas.* Hona *fem.*	Hoona Hona
Those ones		Yrhai Hyna	
No, or *there is not*	Megosh	Nagoes	Nagosh
No		Nage Nag Na	
Head	Pan	Pen	Pan
The Great Spirit	Maho peneta	Mawr panaethu* Ysprid mawr†	Mavor panaether Usprid maoor

To some slighter grounds for the opinion which the author entertains in respect to their origin, it is not important that we should allude. The subject is unquestionably a novel one, and they who would investigate it cannot do better than to consult the volumes under notice.

After visiting the Mandans, Mr. Catlin entered the villages of the Minatarees, (people of the willows,) situated on the west bank of the Missouri river, and eight miles above the Mandan village. He found that the tribe numbered about fifteen hundred souls, residing in three villages of earth-covered lodges. Mr. Catlin thinks they are a colony of the Crows. They were protected by the Mandans, and had adopted many of the customs of their protectors; yet scarcely one of them could speak in the Mandan tongue, although nearly every one of the Mandans could speak the Minataree language—showing, we think, that the Mandan language was very difficult, as we know it was different from any other used on the continent. The chief of the tribe was upwards of a hundred winters old, and, though his voice and sight were nearly gone, yet he was not without energy in tendering to the traveller the hospitalities of his wigwam. Mr. Catlin having expressed a desire to visit the upper village of the tribe on the Knife River, a small stream emptying into the Missouri, on which the Minatarees live, a scene ensued which is well described in the author's own words:

"The old chief having learned that we were to cross the river, gave directions to one of the women of his numerous household, who took upon her head a skin-canoe, (more familiarly termed in this country, a bull-boat,) made in the form of a large tub, of a buffalo's skin, stretched on a frame of willow boughs, which she carried to the water's edge, and placing it in the water, made signs for us three to get into it. When we were in and seated flat on its bottom, with scarce room in any way to adjust our legs and our feet, (as we sat necessarily facing each other,) she stepped before the boat, and pulling it along, waded towards the deeper water, with her back toward us, carefully with the other hand attending to her dress, which seemed to be but a slight slip, and floating upon the surface until the water was above her waist, when it was instantly turned off over her head and thrown ashore; and she boldly plunged forward, swimming and drawing the boat with one hand, which she did with apparent ease. In this manner we were conveyed to the middle of the stream, when we were soon surrounded by a dozen or more beautiful girls, from twelve to fifteen and eighteen years of age, who were at that time bathing on the opposite shore.

"They all swam in a bold and graceful manner, and as confidently as so many otters and beavers; and gathering around us, with their long black hair floating about on the water, whilst their faces were glowing with jokes and fun, which they were cracking about us, and which we could not understand.

"In the midst of this little aquatic group, we three sat in our little skin-bound tub,

* To act as a great chief—head or principal—sovereign supreme. † The Great Spirit.

(like the "three wise men of Gotham, who went to sea in a bowl," &c.,) floating along down the current, losing sight, and all thoughts, of the shore, which was equi-distant from us on either side; whilst we were amusing ourselves with the playfulness of these dear little creatures who were floating about under the clear blue water, catching their hands on to the sides of our boat—occasionally raising one-half of their bodies out of the water, and sinking again, like so many mermaids.

"In the midst of this bewildering and tantalizing entertainment, in which poor Ba'tiste and Bogard, as well as myself, were all taking infinite pleasure, and which we supposed was all intended for our especial amusement; we found ourselves suddenly in the *delightful* dilemma of floating down the current in the middle of the river, and of being turned round and round, to the excessive amusement of the villagers, who were laughing at us on the shore, as well as these little tyros, whose delicate hands were besetting our tub on all sides, and for an escape from whom, or for fending off, we had neither an oar, or anything else, that we could wield in self-defence, or for self-preservation. In this awkward predicament, our feelings of excessive admiration were immediately changed to those of exceeding vexation, as we now learned that they had peremptorily discharged from her occupation our fair conductress, who had undertaken to ferry us safely across the river; and had also very ingeniously laid their plans, of which we had been ignorant until the moment, to extort from us in this way, some little evidences of our liberality, which, in fact, it was impossible to refuse them, after so liberal and bewitching an exhibition on their part, as well as from the imperative obligation which the awkwardness of our situation had laid us under. I had some awls in my pockets, which I presented to them, and also a few strings of beautiful beads, which I placed over their delicate necks as they raised them out of the water by the side of our boat; after which they all joined in conducting our craft to the shore, by swimming by the sides of, and behind it, pushing it along in the direction where they designed to land it, until the water became so shallow that their feet were upon the bottom, when they waded along with great coyness, dragging us towards the shore, as long as their bodies, in a crouching position, could possibly be half-concealed under the water, when they gave our boat the last push for the shore, and raising a loud and exulting laugh plunged back again into the river—leaving us the only alternative of sitting still where we were, or of stepping out into the water at half-leg deep, and of wading to the shore, which we at once did, and soon escaped from the view of our little tormentors, and the numerous lookers-on, on our way to the upper village."

Mr. Catlin, in the next place, descended the Missouri river for six or seven hundred miles, and went into the country of the Sioux or Dahcotas. They numbered forty or fifty thousand, and had eight or ten thousand warriors, well mounted, and well armed. Here he found the American Fur Company's fort, near the mouth of the Teton river, on the west bank of the Missouri. "There is no tribe on the continent, perhaps," says Mr. Catlin, "of finer looking men than the Sioux, and few tribes who are better and more comfortably clad, and supplied with the necessaries of life. There are no parts of the great plains of America, which are more abundantly stocked with buffaloes and wild horses, nor any people more bold in destroying the one for food, and appropriating the other to their use. There has gone abroad, from the many histories which have been written of these people, an opinion which is too current in the world, that the Indian is necessarily a poor, drunken, murderous wretch; which account is certainly unjust as regards the savage, and doing less than justice to the world for whom such histories have been prepared. I have travelled several years already amongst these people, and I have not had my scalp taken, nor a blow struck me; nor had occasion to raise my hand against an Indian; nor has my property been stolen, as yet to my knowledge, to the value of a shilling; and that in a country where no man is punishable by law for the crime of stealing. Still, some of them steal and murder, too; and if white men did not do the same, and that in defiance of the laws of God and man, I might take satisfaction in stigmatising the Indian character as thievish and murderous. That the Indians in their *native state* are '*drunken*,' is false; for they are the only temperance people, literally speaking, that ever I saw in my travels, or ever expect to see. If the civilized world are startled at this, it is the *fact* that they must battle with, not with me; for these people manufacture no spirituous liquors themselves, and know nothing of it until it is brought into their country, and tendered to them by christians. That these people are '*naked*,' is equally untrue, and as easily disproved; for I am sure that with the paintings I have made amongst the Mandans and Crows, and other tribes; and with their beautiful costumes, which I have pro-

cured—I shall be able to establish the fact, that many of these people dress, not only with clothes comfortable for any latitude, but that they also dress with some considerable taste and elegance. Nor am I quite sure that they are entitled to the name of '*poor*,' who live in a boundless country of green fields, with good horses to ride; where they are all joint tenants of the soil, together; where the Great Spirit has supplied them with an abundance of food to eat; where they are all indulging in the pleasures and amusements of a lifetime of idleness and ease."

The letters from Fort Leavenworth, Lower Missouri; Pensacola, West Florida; Fort Gibson, Arkansas; Mouth of False Washita, Red River; Great Camanchee Village; Alton, Illinois; his summary on the tribes in his epistle from St. Louis, (Nos. 47, 48, 49,) Fort Snelling, Fall of St. Anthony; Camp des Moins, and Red Pipe Stone Quarry, Coteau des Prairies, are replete with interest, and amusing narratives. The traditions connected with the Red Pipe Stone Quarry, merit particular attention, and the geological aspect of the locality is worthy of being noticed. We cannot pass either without presenting some of the curious information regarding them. One of the Knisteneaux said:—

"That in the time of a great freshet, which took place many centuries ago, and destroyed all the nations of the earth, all the tribes of the red-men assembled on the Coteau du Prairie, to get out of the way of the waters. After they had all gathered here from all parts, the water continued to rise, until at length it covered them all in a mass, and their flesh was converted into red pipe-stone. Therefore it has always been considered neutral ground—it belonged to all tribes alike, and all were allowed to get it and smoke through it together.

"While they were all drowning in a mass, a young woman, K-wap-tah-w (a virgin,) caught hold of the foot of a very large bird that was flying over, and was carried to the top of a high cliff, not far off, that was above the water. Here she had twins, and their father was the war-eagle, and her children have since peopled the earth.

"The pipe stone, which is the flesh of their ancestors, is smoked by them as the symbol of peace, and the eagle's quill decorates the head of the brave."

Tradition of the Sioux.—"Before the creation of man, the Great Spirit (whose tracks are yet to be seen on the stones, at the Red Pipe, in the form of the tracks of a large bird) used to slay the buffaloes and eat them on the ledge of the Red Rocks, on the top of the Coteau des Prairies, and their blood running on the rocks, turned them red. One day when a large snake had crawled into the nest of the bird to eat his eggs, one of the eggs hatched out into a clap of thunder, and the Great Spirit catching hold of a piece of the pipe-stone to throw at the snake, moulded it into a man. This man's feet grew fast in the ground where he stood for many ages, like a great tree, and therefore he grew very old; he was older than an hundred men at the present day; and at last another tree grew up by the side of him, when a large snake ate them both off at the roots, and they wandered off together; from these have sprung all the people that now inhabit the earth."

"Amongst the Sioux of the Mississippi, and who live in the region of the Red Pipe Stone Quarry, I found the following and not less strange tradition on the same subject: 'Many ages after the red men were made, when all the different tribes were at war, the Great Spirit sent runners and called them all together at the 'Red Pipe.'—He stood on the top of the rocks, and the red people were assembled in infinite numbers on the plains below. He took out of the rock a piece of the red stone, and made a large pipe; he smoked it over them all; told them it was part of their flesh; that though they were at war, they must meet at this place as friends; that it belonged to them all; that they must make their calumets from it and smoke them to him whenever they wished to appease him or get his good-will—the smoke from his big pipe rolled over them all, and he disappeared in its cloud; at the last whiff of his pipe a blaze of fire rolled over the rocks, and melted their surface—at that moment two squaws went in a blaze of fire under the two medicine rocks, where they remain to this day, and must be consulted and propitiated whenever the pipe-stone is to be taken away.'"

"The following speech of a Mandan, which was made to me in the Mandan village four years since, after I had painted his picture, I have copied from my note-book as corroborative of the same facts:—

"'My brother—You have made my picture and I like it much. My friends tell me they can see the eyes move, and it must be very good—it must be partly alive. I am glad it is done—though many of my people are afraid. I am a young man, but my heart is strong. I have jumped on to the medicine-rock—I have placed

my arrow on it, and no Mandan can take it away. The red stone is slippery, but my foot was true—it did not slip. My brother, this pipe which I give to you, I brought from a high mountain, it is toward the rising sun—many were the pipes that we brought from there—and we brought them away in peace. We left our *totems* or marks on the rocks—we cut them deep in the stones, and they are there now. The Great Spirit told all nations to meet there in peace, and all nations hid the war-club and the tomahawk. The *Dah-co-tahs*, who are our enemies, are very strong—they have taken up the tomahawk, and the blood of our warriors has run on the rocks. My friend, we want to visit our medicines—our pipes are old and worn out. My friend, I wish you to speak to our Great Father about this.'

"The chief of the Puncahs, on the Upper Missouri, also made the following allusion to this place, in a speech which he made to me on the occasion of presenting me a very handsome pipe about four years since :—

"'My friend, this pipe, which I wish you to accept, was dug from the ground, and cut and polished as you now see it, by my hands. I wish you to keep it, and when you smoke through it, recollect that this red stone is a part of our flesh. This is one of the last things we can ever give away. Our enemies the Sioux, have raised the red flag of blood over the Pipe Stone Quarry, and our medicines there are trodden under foot by them. The Sioux are many, and we cannot go to the mountain of the red pipe. We have seen all nations smoking together at that place—but, my brother, it is not so now.'"

Having given a general view of the topics embraced in Mr. Catlin's work, let us present a few remarks and deductions which have resulted from our examinations. The American aborigines are usually kind, and their generosity borders upon heroism. Their tranquil and affectionate domestic character is proverbial, while the utmost of their scanty fare is always tendered to the wanderer in their territories. Pledging fidelity, they are always found constant, and need never be mistrusted. Implacable in war, they are equally amiable in peace ; and while they secure by the latter feature in their character warm apologies for the former, from those who have received kindness at their hands, they even render the common calculating friendships of civilized life, by comparison, as odious as they are apparently necessary. Devotedly attached to their homes and tribe, no allurements can make them happy amid the magnificent abodes of Europeans. They sigh for home, as constantly as the light seeks the east at morning ; and they cannot be happy where they find that the conditions of friendship are but the delicate barter and purchase of the mind. That such a people should seem cruel can scarcely be wondered at. By the philosophical mind, however, there can be found something to reconcile this seemingly contradictory phasis of character, to say nothing of the exaggerations of those who have ignorantly written upon the subject, and who on "Horror's head" have horrors accumulated.

The Indians, then, being all that we have represented them,—free, untutored children of nature, indolent, or living a life of luxury—and knowing no danger except that which arises from the hostilities of neighbouring tribes, find total extermination of their enemies to be the only lasting security of their own happiness—and in this belief, they go forth to war, animated by one sentiment, which, ever and ever burning within their bosoms, leads them into modes of warfare which seem cruel in the extreme when brought into comparison with the refined tactics of civilized nations. Hence arise those common opinions that the Indians are savages in the most unlimited sense of the word, while, in truth, they are anything but savage, either in their every-day hearts or in the manners and customs with which they receive the stranger. War with them is not a delight—but, as it seems to them, a duty—and one of the most solemn of all the enterprises which excite their ambition. When they deem it inevitable, the council-fire is lighted, the chiefs and wise men are assembled, and the deliberation and debate are grave and important. The tribe is then convoked, and the decisions and reasons for a war are proclaimed by concise yet eloquent speeches, which animate every manly soul for the encounter. In these appeals to the feelings of the tribes, no circumstance is unmentioned which can awake their energies in behalf of their homes, their wives, their children, their hunting-grounds, and the preservation of those prescriptive rights which they have inherited from their noble ancestors—their Fathers who sleep beneath the graves where they recline at the sun-set. Aroused by the oratory, they join in the war-dance, and devote themselves to death or victory, knowing no thoughts or passions till the war be ended, save those which minister to that excitement which they deem most serviceable to accomplish the great end in view. Thus released from the

common business of an indolent life—from its luxuries and its domestic pleasures, they know, for the time, no other existence than that of monomaniacs—and terrible, indeed, are the deeds which they are sworn to enact. Mercy is criminal; and the only fulfilment of their duty, the death of their adversaries.

The historians of the American aborigines have been too commonly prone to treat these wild tribes as aggressors. This is wrong. It may be safely asserted that Europeans have always been at fault in this particular, while the Indians have ever acted on the defensive. It is not strange that the original owners of the soil should retaliate, after finding their hunting-grounds taken from them, territory after territory, till they have been driven from the Atlantic almost to the Pacific! They would, unquestionably, be rightfully termed a miserable race, had they never exhibited any feeling for the homes of their fathers and the graves of their ancestors. Provoked to war, how can it be expected that the Indians should quietly submit to the encroachments of their greatest enemies, or to conduct their warfare upon the principles of civilized nations, of which they never heard, or which, hearing of, they would be slow to understand? Shocked as we may be at the tales of villages burned, of men, women, and children massacred, we must find an apology for these acts in the habits and customs of a people who are unenlightened by civilized chivalry, and who cannot well discover a "proper retribution" for those who have not scrupled, again and again, to commit the self-same outrages against their unfortunate race. They have no newspapers or historians to answer the charges of murder and massacre often brought against them. If they had, we should be told that the death of every white-man who has been killed by them, occurred on Indian ground; that each death was an execution, and not a murder; and that, having no written laws or courts of justice, they find only satisfaction for the death of their brethren, in the destruction of those white-men who fall into their hands. Could they write, they would declare that for every white-man killed by them, they could refer to numbers killled by us, in which the only difference in the deeds would be that their acts would be termed "murders" and ours "victories," by a logic and a reason only known to civilized power, the force of which they are not able to understand, and consequently cannot explain.

THE OLD MAID IN THE WINDING-SHEET.

A TWICE-TOLD TALE.

BY NATHANIEL HAWTHORNE.

The moon-beams came through two deep and narrow windows, and showed a spacious chamber, richly furnished in an antique fashion. From one lattice, the shadow of the diamond panes was thrown upon the floor; the ghostly light through the other slept upon a bed, falling between the heavy silken curtains, and illuminating the face of a young man. But, how quietly the slumberer lay; how pale his features; and how like a shroud the sheet was wound about his frame! Yes, it was a corpse in its burial clothes.

Suddenly, the fixed features seemed to move with dark emotion. Strange fantasy! It was but the shadow of the fringed curtain, waving betwixt the dead face and the moonlight, as the door of the chamber opened, and a girl stole softly to the bedside. Was there delusion in the moonbeams, or did her gesture and her eye betray a gleam of triumph, as she bent over the pale corpse—pale as itself—and pressed her living lips to the cold ones of the dead? As she drew back from that long kiss, her features writhed as if a proud heart were fighting with its anguish. Again it seemed that the features of the corpse had moved, responsive to her own. Still an illusion! The silken curtain had waved, a second time, betwixt the dead face and the moonlight, as another fair young girl unclosed the door, and glided ghost-like to the bedside. There the two maidens stood, both beautiful, with the pale beauty of the dead between them. But she who had first entered was proud and stately, and the other a soft and fragile thing.

"Away!" cried the lofty one. "Thou hadst him living! The dead is mine!"

"Thine!" returned the other, shuddering. "Well hast thou spoken! The dead is thine!"

The proud girl started, and stared into her face with a ghastly look. But a wild

and mournful expression passed across the features of the gentle one; and, weak and helpless, she sank down on the bed, her head pillowed beside that of the corpse, and her hair mingling with his dark locks. A creature of hope and joy, the first draught of sorrow had bewildered her.

"Patience!" cried her rival.

Patience groaned, as with a sudden compression of the heart; and removing her cheek from the dead youth's pillow, she stood upright, fearfully encountering the eyes of the lofty girl.

"Wilt thou betray me?" said the latter calmly.

"Till the dead bid me speak, I will be silent," answered Patience. "Leave us alone together! Go, and live many years, and then return and tell me of thy life. He, too, will be here! Then, if thou tellest of sufferings more than death, we will both forgive thee!"

"And what shall be the token?" asked the proud girl, as if her heart acknowledged a meaning in these wild words.

"This lock of hair," said Patience, lifting one of the dark clustering curls that lay heavily on the dead man's brow.

The two maidens joined their hands over the bosom of the corpse, and appointed a day and hour, far, far in time to come, for their next meeting in that chamber. The statelier girl gave one deep look at the motionless countenance, and departed—yet turned again and trembled, ere she closed the door, almost believing that her dead lover frowned upon her. And Patience, too! Was not her white form fading into the moonlight? Scorning her own weakness, she went forth and perceived that a negro slave was waiting in the passage with a wax-light, which he held between her face and his own, and regarded her, as she thought, with an ugly expression of merriment. Lifting his torch on high, the slave lighted her down the staircase, and undid the portal of the mansion. The young clergyman of the town had just ascended the steps, and bowing to the lady, passed in without a word.

Years, many years rolled on; the world seemed new again, so much older was it grown, since the night when those pale girls had clasped their hands across the bosom of the corpse. In the interval, a lonely woman had passed from youth to extreme age, and was known by all the town, as the "Old Maid in the Winding Sheet." A taint of insanity had affected her whole life, but so quiet, sad, and gentle, so utterly free from violence, that she was suffered to pursue her harmless fantasies, unmolested by the world, with whose business or pleasures she had nought to do. She dwelt alone, and never came into the daylight, except to follow funerals. Whenever a corpse was borne along the street, in sunshine, rain, or snow, whether a pompous train of the rich and proud thronged after it, or few and humble were the mourners, behind them came the lonely woman, in a long white garment, which the people called her shroud. She took no place among the kindred or the friends, but stood at the door to hear the funeral prayer, and walked in the rear of the procession, as one whose earthly charge it was to haunt the house of mourning, and be the shadow of affliction, and see that the dead were duly buried. So long had this been her custom, that the inhabitants of the town deemed her a part of every funeral, as much as the coffin-pall, or the very corpse itself, and augured ill of the sinner's destiny, unless the "Old Maid in the Winding-Sheet" came gliding, like a ghost, behind. Once, it is said, she affrighted a bridal party with her pale presence, appearing suddenly in the illuminated hall, just as the priest was uniting a false maid to a wealthy man, before her lover had been dead a year. Evil was the omen to that marriage! Sometimes she stole forth by moonlight, and visited the graves of venerable integrity, and wedded love, and virgin innocence, and every spot where the ashes of a kind and faithful heart were mouldering. Over the hillocks of those favoured dead would she stretch out her arms, with a gesture, as if she were scattering seeds; and many believed that she sought them from the garden of Paradise; for the graves which she had visited were green beneath the snow, and covered with sweet flowers from April to November. Her blessing was better than a holy verse upon the tomb-stone. Thus wore away her long, sad, peaceful, and fantastic life, till few were so old as she, and the people of later generations wondered how the dead had ever been buried, or mourners had endured their grief, without the "Old Maid in the Winding-Sheet."

Still, years went on, and still she followed funerals, and was not yet summoned to her own festival of death. One afternoon, the great street of the town was all alive with business and bustle, though the sun now gilded only the upper half of the church-spire, having left the house-tops and loftiest trees in shadow. The scene was cheerful and animated, in spite of the sombre shade between the high brick buildings.

Here were pompous merchants, in white wigs and laced velvet; the bronzed faces of sea-captains; the foreign garb and air of Spanish creoles; and the disdainful port of natives of Old England; all contrasted with the rough aspect of one or two back-settlers, negociating sales of timber, from forests where axe had never sounded. Sometimes a lady passed, swelling roundly forth in an embroidered petticoat, balancing her steps in high-heeled shoes, and courtesying, with lofty grace, to the punctilious obeisances of the gentlemen. The life of the town seemed to have its very centre not far from an old mansion, that stood somewhat back from the pavement, surrounded by neglected grass, with a strange air of loneliness, rather deepened than dispelled by the throng so near it. Its site would have been suitably occupied by a magnificent exchange, or a brick-block, lettered all over with various signs; or the large house itself might have made a noble tavern, with the "King's Arms" swinging before it; and guests in every chamber, instead of the present solitude. But, owing to some dispute about the right of inheritance, the mansion had been long without a tenant, decaying from year to year, and throwing the stately gloom of its shadow over the busiest part of the town. Such was the scene, and such the time, when a figure, unlike any that have been described, was observed at a distance down the street.

"I espy a strange sail, yonder," remarked a Liverpool captain; "that woman in the long white garment!"

The sailor seemed much struck by the object, as were several others, who at the same moment caught a glimpse of the figure that had attracted his notice. Almost immediately, the various topics of conversation gave place to speculations, in an under tone, on this unwonted occurrence.

"Can there be a funeral so late this afternoon?" inquired some.

They looked for the signs of death at every door—the sexton, the hearse, the assemblage of black-clad relatives—all that makes up the woeful pomp of funerals. They raised their eyes, also, to the sun-gilt spire of the church, and wondered that no clang proceeded from its bell, which had always tolled till now, when this figure appeared in the light of day. But none had heard that a corpse was to be borne to its home that afternoon, nor was there any token of a funeral, except the apparition of the "Old Maid in the Winding-Sheet."

"What may this portend?" asked each man of his neighbour.

All smiled as they put the question, yet with a certain trouble in their eyes, as if pestilence, or some other wide calamity, were prognosticated by the untimely intrusion, among the living, of one whose presence had always been associated with death and woe. What a comet is to the earth, was that sad woman to the town. Still she moved on, while the hum of surprise was hushed at her approach, and the proud and the humble stood aside that her white garment might not wave against them. It was a long, loose robe, of spotless purity. Its wearer appeared very old, pale, emaciated, and feeble, yet glided onward, without the unsteady pace of extreme age.

At one point of her course, a little rosy boy burst forth from a door, and ran, with open arms, towards the ghostly woman, seeming to expect a kiss from her bloodless lips. She made a slight pause, fixing her eye upon him with an expression of no earthly sweetness, so that the child shivered and stood awe-struck, rather than affrighted, while the Old Maid passed on. Perhaps her garment might have been polluted, even by an infant's touch; perhaps her kiss would have been death to the sweet boy, within the year.

"She is but a shadow!" whispered the superstitious. "The child put forth his arms, and could not grasp her robe!"

The wonder was increased, when the Old Maid passed beneath the porch of the deserted mansion, ascended the moss-covered steps, lifted the iron knocker, and gave three raps. The people could only conjecture, that some old remembrance, troubling her bewildered brain, had impelled the poor woman hither to visit the friends of her youth; all gone from their home, long since and for ever, unless their ghosts still haunted it—fit company for the "Old Maid in the Winding-Sheet." An elderly man approached the steps, and reverently uncovering his gray locks, essayed to explain the matter.

"None, Madam," said he, "have dwelt in this house these fifteen years agone—no, not since the death of old Colonel Fenwicke, whose funeral you may have remembered to have followed.—His heirs, being ill agreed among themselves, have let the mansion-house go to ruin."

The Old Maid looked slowly round, with a slight gesture of one hand, and a finger

of the other upon her lip, appeared more shadow-like than ever, in the obscurity of the porch. But, again she lifted the hammer, and gave, this time, a single rap. Could it be, that a foot-step was now heard, coming down the staircase of the old mansion, which all conceived to have been so long untenanted? Slowly, feebly, yet heavily, like the pace of an aged and infirm person, the step approached, more distinct on every downward stair, till it reached the portal. The bar fell on the inside; the door was opened. One upward glance, towards the church-spire, whence the sunshine had just faded, was the last the people saw of the "Old Maid in the Winding Sheet."

"Who undid the door?" asked many.

This question, owing to the depth of shadow beneath the porch, no one could satisfactorily answer. Two or three aged men, while protesting against an inference which might be drawn, affirmed that the person within was a negro, and bore a singular resemblance to old Cæsar, formerly a slave in the house, but freed by death some thirty years before.

"Her summons has waked up a servant of the old family," said one, half seriously.

"Let us wait here," replied another. "More guests will knock at the door anon. But the gate of the grave-yard should be thrown open!"

Twilight had overspread the town, before the crowd began to separate, or the comments on this incident were exhausted. One after another was wending his way homeward, when a coach—no common spectacle in those days—drove slowly into the street. It was an old-fashioned equipage, hanging close to the ground, with arms on the pannels, a footman behind, and a grave, corpulent coachman, seated high in front, the whole giving an idea of solemn state and dignity. There was something awful in the heavy rumbling of the wheels. The coach rolled down the street, till, coming to the gateway of the deserted mansion, it drew up, and the footman sprang to the ground.

"Whose grand coach is this?" asked a very inquisitive body.

The footman made no reply, but ascended the steps of the old house, gave three raps with the iron hammer, and returned to open the coach-door. An old man, possessed of the heraldic lore so common in that day, examined the shield of arms on the pannel.

"Azure, lion's head erased, between three flower de luces," said he; then whispered the name of the family to whom these bearings belonged. The last inheritor of its honours was recently dead, after a long residence amid the splendour of the British court, where his birth and wealth had given him no mean station. "He left no child," continued the herald, "and these arms, being in a lozenge, betoken that the coach appertains to his widow."

Further disclosures, perhaps, might have been made, had not the speaker suddenly been struck dumb, by the stern eye of an ancient lady, who thrust forth her head from the coach, preparing to descend. As she emerged, the people saw that her dress was magnificent, and her figure dignified, in spite of age and infirmity—a stately ruin, but with a look, at once, of pride and wretchedness. Her strong and rigid features had an awe about them, unlike that of the white Old Maid, but as of something evil. She passed up the steps, leaning on a gold-headed cane; the door swung open, as she ascended—and the light of a torch glittered on the embroidery of her dress, and gleamed on the pillars of the porch. After a momentary pause—a glance backwards—and then a desperate effort—she went in. The decypherer of the coat of arms had ventured up the lowest step, and shrinking back immediately, pale and tremulous, affirmed that the torch was held by the very image of old Cæsar.

"But, such a hideous grin," added he, "was never seen on the face of mortal man, black or white! It will haunt me till my dying day."

Meantime the coach had wheeled round, with a prodigious clatter on the pavement, and rumbled up the street, disappearing in the twilight, while the ear still tracked its course. Scarcely was it gone, when the people began to question, whether the coach and attendants, the ancient lady, the spectre of old Cæsar, and the Old Maid herself, were not all a strangely combined delusion with some dark purport in its mystery. The whole town was astir, so that, instead of dispersing, the crowd continually increased, and stood gazing up at the windows of the mansion, now silvered by the brightening moon. The elders, glad to indulge the narrative propensity of age, told of the long faded splendour of the family, the entertainments they had given, and the guests, the greatest of the land, and even titled and noble ones from abroad, who had passed beneath that portal. These graphic remini-

scences seemed to call up the ghosts of those to whom they referred. So strong was the impression, on some of the more imaginative hearers, that two or three were seized with trembling fits, at one and the same moment, protesting that they had distinctly heard three other raps of the iron knocker.

"Impossible!" exclaimed others. "See! The moon shines beneath the porch, and shows every part of it, except in the narrow shade of that pillar. There is no one there!"

"Did not the door open?" whispered one of these fanciful persons.

"Didst thou see it, too?" said his companion, in a startled tone.

But the general sentiment was opposed to the idea, that a third visitant had made application at the door of the deserted house. A few, however, adhered to this new marvel, and even declared that a red gleam, like that of a torch, had shone through the great front window, as if the negro were lighting a guest up the staircase. This, too, was pronounced a mere fantasy. But, at once, the whole multitude started, and each man beheld his own terror painted in the faces of all the rest.

"What an awful thing is this!" cried they.

A shriek, too fearfully distinct for doubt, had been heard within the mansion, breaking forth suddenly, and succeeded by a deep stillness, as if a heart had burst in giving it utterance. The people knew not whether to fly from the very sight of the house, or to rush trembling in, and search out the strange mystery. Amid their confusion and affright, they were somewhat reassured by the appearance of their clergyman, a venerable patriarch, and equally a saint, who had taught them and their fathers the way to heaven, for more than the space of an ordinary lifetime. He was a reverend figure, with long, white hair upon his shoulders, a white beard upon his breast, and a back so bent over his staff, that he seemed to be looking downward, continually, as if to choose a proper grave for his weary frame. It was sometime before the good old man, being deaf and of impaired intellect, could be made to comprehend such portions of the affair as were comprehensible at all. But, when possessed of the facts, his energies assumed unexpected vigour.

"Verily," said the old gentleman, "it will be fitting that I enter the mansion-house of the worthy Colonel Fenwicke, lest any harm should have befallen that true christian woman, whom ye call the 'Old Maid in the Winding-Sheet.'"

Behold, then, the venerable clergyman ascended the steps of the mansion, with a torch-bearer behind him. It was the elderly man who had spoken to the Old Maid, and the same who had afterwards explained the shield of arms, and recognised the features of the negro. Like their predecessors, they gave three raps with the iron hammer.

"Old Cæsar cometh not," observed the priest. "Well I wot, he no longer doth service in this mansion."

"Assuredly, then, it was something worse, in old Cæsar's likeness!" said the other adventurer.

"Be it as God wills," answered the clergyman. "See! my strength, though it be much decayed, hath sufficient to open this heavy door. Let us enter, and pass up the staircase."

Here occurred a singular exemplification of the dreamy state of a very old man's mind. As they ascended the wide flight of stairs, the aged clergyman appeared to move with caution, occasionally standing aside and oftener bending his head as it were in salutation, thus practising all the gestures of one who makes his way through a throng. Reaching the head of the staircase, he looked around with sad and solemn benignity, laid aside his staff, bared his hoary locks, and was evidently on the point of commencing a prayer.

"Reverend sir," said his attendant, who conceived this a very suitable prelude to their further search, "would it not be well that the people join with us in prayer?"

"Well-a-day!" cried the old gentleman, staring strangely around him. "Art thou here with me, and none other? Verily, past times were present to me, and I deemed that I was to make a funeral prayer, as many a time heretofore, from the head of this staircase. Of a truth, I saw the shades of many that are gone. Yea, I have prayed at their burials, one after another, and the 'Old Maid in the Winding-Sheet' hath seen them to their graves!"

Being now more thoroughly awake to their present purpose, he took his staff, and struck forcibly on the floor, till there came an echo from each deserted chamber, but no menial, to answer their summons. They therefore walked along the passage, and again paused, opposite to the great front window, through which was seen the crowd, in the shadow and partial moonlight of the street beneath. On their right was the

open door of a chamber, and a closed one on their left. The clergyman pointed his cane to the carved oak pannel of the latter.

"Within that chamber," observed he, "a whole lifetime since, did I sit by the death-bed of a goodly young man, who, being now at the last gasp"—

Apparently, there was some powerful excitement in the ideas which had now flashed across his mind. He snatched the torch from his companion's hand, and threw open the door with such sudden violence, that the flame was extinguished, leaving them no other light than the moonbeams which fell through two windows into the spacious chamber. It was sufficient to discover all that could be known.

In a high-backed, oaken arm chair, upright, with her hands clasped across her breast, and her head thrown back, sat the "Old Maid in the Winding-Sheet." The stately dame had fallen on her knees, with her forehead on the holy knees of the Old Maid, one hand upon the floor, and the other pressed convulsively against her heart. It clutched a lock of hair, once sable, now discoloured with a greenish mould. As the priest and layman advanced into the chamber, the Old Maid's features assumed such a semblance of shifting expression, that they trusted to hear the whole mystery explained by a single word. But it was only the shadow of a tattered curtain, waving betwixt the dead face and the moonlight.

"Both dead!" said the venerable man. "Then who shall divulge the secret! Methinks it glimmers to-and-fro in my mind, like the light and shadow across the Old Maid's face. And now, 'tis gone!"

THE MORALITY OF POVERTY.

Poverty is a comparative term. Between the extremities of pauperism and that moderate competence which the wealthy speak of with contempt as a poor pittance, and which is certainly trifling in comparison with their "unsunned heaps," the interval is very wide. The condition of the very poor we do not take into consideration, at present, as the main topic of our inquiry; though we shall by no means omit to speak of them in turn; but we shall endeavor to present a picture of simplicity and moderation in living, and the advantages of a sufficient competence (paradoxical as it may be thought) over an overgrown and superfluous income.

Poverty has many significations, with a wide range, embracing the pauper and the poor gentleman, aye, and the poor noble, in some countries. Kings even have been beggars, and have subsisted on casual bounty. The millionaire thinks all men poor who are not possessed of equal wealth with himself; while the day-labourer regards the small trader and master mechanic as rich men. In towns, one standard of wealth prevails; in the country it is much lower. Thus we find an ever-varying measure of the goods of fortune. Of a nobler species of wealth, it is not so difficult to ascertain the true value. An excellent book is yet to be written for the rich, which should inform them of their duties towards their poorer neighbours; which should resolve the claims the poor have upon them, from the claims of nature, as well as from conventional position; which should confirm them in habits of benevolence and in the practice of "assisting the brethren." By assistance, we refer not merely to alms-giving, that being regarded as a fundamental part of charity; but we also include under that phrase, the giving of wise and disinterested counsel; defending from oppression and slander; persuading to the practice of right and justice; warning from evil, by instilling good principles and generous sentiments; and in the comprehensive language of Scripture, loving our neighbour as ourself, and consequently acting for him as if for ourself. Higher charity than this, is none: a charity the richest may be too poor to bestow; a charity the poorest may prove rich in dispensing. If love abounded, what a rich world would not this planet become! If man was to man a brother and a friend, (at the same time increasing the world's gear not a copper, and neither introducing any fantastical schemes of agrarian equality,) in all the relations of life and family, as master and servant, father and son, brother and companion, artist and artisan, in sickness and in health, at home or abroad, there could be no poverty, no disappointment, and none but natural sorrows. For though many sources of grief would still continue fresh and open, as sickness, death, loss of friends and family, and failure in favourite plans of life and action, yet they would be so mitigated by universal tenderness, and so suffered by a general sympathy, as to lose half their sharpness in losing all their

repulsive features. No disappointments could then occur, because sincerity and plain dealing would take the place of falseness and deceit. None but a self-tormentor could then be unhappy, where all would become companions, in good and evil seasons, and through every changing round of fortune's wheel. But this is an ideal not soon to be recognised.

A man without a penny has yet what all the world cannot purchase—the human form and the human nature. With these, if he has health and resolution, he may become anything, except what can be reached only by innate genius or a higher order of mental gifts than his own. Give him education, you make him a scholar; breeding, you train him a gentleman; religion and morality, and you fill him with the sentiments of a christian. Let no one say, the poor scholar or the poor gentleman is hurt by his education and manners. Pride often distorts those characters, but they ought to be above pride. A cultivated mind, so far from being trammelled by a narrow income, flies beyond it; and taste, the quality of the fine intellect, is a faculty of selection. The wisest economy is the nicest taste. Profusion is tasteless. A man of fine judgment and small income will actually live in a more genteel style, than a rich coarse-minded nabob. He may have fewer articles of expense, but they will be choice and delicate. His style of living will be frugal, yet elegant; which is more pleasing than extravagance without judgment. A genteel taste in living, eschews extravagance, pomp, and all superfluity, as essentially vulgar. There is not a more pitiful sight than a mean-spirited man in a splendid house. His soul is too small for it. On the other hand, the great heart cannot be contained within the most magnificent palace, and yet, may content itself in the most humble mansion. The great and good poor man, in his modest and retired parlour, affords a nobler spectacle than a king or a pyramid.

Riches too often excite absurdity of conduct: the giver of the gorgeous feast gets only a rich harvest of ridicule for his pains and anxiety. The master of an immense establishment is little better than the landlord of a great hotel: guests enter and depart; he is pushed aside as a stranger and in the way. All this while his personal gratifications are limited. The poor soul! he lives for others; his wealth is for others: he is nobody himself. But go to the house where the man is greater than the mansion, and you forget the bare walls unhung with admirable paintings, for his face and the countenances of a loving circle are the finest portraits in the world; you tread on a carpet without reflecting it is no Brussels pattern, and you sit easily on a chair that has no satin cushions for the indolent parvenus of fashion. If a man is not rich, how much he avoids; from how many petty distractions is he not free. Plutus is even a severer master than Necessity.

In point of respectability the difference is great. Hardly without an exception, the ancient families of America, the descendants of the statesmen and lawyers and heroes of the revolution, (the only real aristocracy,) are poor. The rich class are, in the great majority of cases, sprung originally from the lowest class, who have acquired wealth by cunning and pernicious habits; without education, without sentiment; governed by no laws of courtesy; subservient to no dictates of the Spiritual Philosophy; coarse-minded and coarse-mannered, but clothed in purple and fine linen, and faring sumptuously every day. With such as these, poverty of spirit and want of pelf are synonymous terms. The poor rich man and the rich poor man are the most perplexing problems.

Authors and professed scholars, excluded as in great measure they are from amassing a fortune, and ill paid for their elaborate labours, are among the objects of especial pity, not to say contempt, (pitiable truly, and returning upon the contemner) of these bloated minions of Dives. They would patronise merit, and condescend to take genius by the hand. Contemptible arrogance! ye meanest of the mean, ignoble souls, whose highest privilege it is to be immortalized to posterity by the classic scorn of the indignant human creature you would protect; the true joys of the scholar, the calm life of the thinker, the grateful occupations of the author, are unknown to you. Thriftless men, who in any other occupation would have succeeded as ill; and incapables, who should as soon have attempted shoemaking as authorship, have managed to reflect a most undeserved odium on those pursuits; which adorn wealth and elevate poverty, which beautify science and invigorate business. Worthily and in sincerity pursued, what occupation is so full of utility as well as of delight, as literature. A mode of life that leads to reflection and self-denial; that fosters humanity and begets an enlarged curiosity; that inclines equally to serious, resolved action, and to a gay, cheerful temper; which teaches to confine our wants and limit our desires, but at the same time to expand the affections, and to fortify the will; a mode of life that consecrates its followers as a select body of

liberal spirits; that unites the cultivation of the highest faculties with the performance of the commonest duties; that inspires a sense of reverence in the dullest souls and fascinates the roving eye of pleasure; employments, in fine, which form alone, the worthiest labours of the wisest and best—these constitute the occupations and fill the hours of the scholar.

The literary life is never so happily spent, as in a condition of moderate competence and in the enjoyment of social happiness. The wealthy scholar, even if a man of genius, is obliged, from the nature of his position, and to avoid the scandal of meanness or the odium of an unsociable disposition, to live in a manner abhorrent to his tastes and literary habits. He must live splendidly, when he would prefer elegance and quiet; he must entertain the indifferent and the inquisitive, where he had rather be surrounded by the chosen friends of his youth. In a word, the rich scholar must live like a mere rich man, and is in danger of sinking the first character in the second. Wealth has obscured genius, which would have been drawn out by exertion, at least as often as talent has been obscured by misfortune.

A great error, though a very frequent one, is, that utter solitude and celibacy are suited to the man of letters. That the greatest works require long meditation and perfect repose is true. No less true is it that the periodical critic and essayist must pursue his labours in a state of serenity and partial retirement. The true literary life is a quiet existence. No genuine scholar ever yet loved a crowd. Yet he loves society for conversation, and masses for observation of manners. He loves chiefly domestic pleasures; the good wife has often assisted, and never yet impeded, the occupations of her husband. The inmates of his dwelling learn to respect his hours of solitude and study. A judicious disposal of his time will leave the master his own master, and the experiences of domesticity will prove more rich and abundant than the knowledge of the hackneyed courtier or politician.

Privacy may boast of its heroes and heroism that a public scene cannot display. We look in a wrong place for truly great characters; we seek them in high stations, but seldom find them there. Magnanimity, like eloquence, is often found where we least expect it. There are more heroical actions occurring every day in the retirement of private life than are to be seen on the great public stage of the world. There is more of fortitude exhibited, more of patience in suffering, more true benevolence, a nobler charity, a wider and wiser generosity, deeper affection, and higher aims than the mind of a mere worldling can conceive. The reason is plain. The greatest intellects seek repose from the vain struggles of ambition and inefficient plans of improvement. The gravest business of life, rightly viewed, is a mere farce; and those pleasing labours and endearing adversities, that make up a private life of contented trial and consequent happiness, are in fact higher and of more real importance. Domestic life is the only field for a certain class of virtues, by no means the least in value. These are of the softer and milder kind, amiable and attractive. Home is the school of the affections, as the world affords the test of the will and intellect. In that embowered valley bloom the sweet flowers of hearts-ease and contented joy.

The life of Wordsworth might be proposed as a model to the author who loves letters rather than a literary reputation, who prefers fame to fashion—not only to the poet, but to the humblest prose writer, do we propose it. His fine maxim should be engraven on the heart of every true student—"Plain living, and high thinking." De Quincy, who published his recollections of the late poets some years since, in Tait's Magazine, has described the life of the Miltonic Bard, as simple to frugality. He resided in a small cottage with his wife and sister; his guest was conducted into the largest room in the house, smaller than an ordinary bed-room, and which had another occupant, Wordsworth's eldest boy. The common sitting room was half parlour and half kitchen. The great poet, like a good man, a lover of simple pleasures, delighted in his kettle's "faint undersong." His library was very small within doors, but without, what immense folios were his daily reading—the grand mountain scenery of his neighbourhood. Nature is Wordsworth's library, or at least wisest commentator. Were he never so rich he could possess no pictures like the landscape around him. Even his friend, the fine painter, Sir George Beaumont, might only copy this original. And for company, what more needed he, to whom grand thoughts in rich abundance came flocking at his call; who possessed such an admirable sister and so excellent a wife. Southey was but a few hours' journey distant. Coleridge was sometimes his guest. There, too, came Hazlitt and Charles Lamb; and there ever abided, guardian angels of the poet, the spirits of humanity and philosophy, in strict alliance with the Genius of Poesy!

None but a poor-spirited fool ever esteemed a man the less for his poverty; and pity, in such cases, is insult. The compassion is a glozing apology for the indulgence of purse-pride, the meanest form of Satan's favourite sin, and which he must heartily despise. He who devotes a life to letters, cannot expect wealth: competency is the most he can look for,—a thorough education in its widest sense for his children, and a comfortable, though confined maintenance for those dearest to him and least fitted to struggle with misfortune. A fair example and an honourable fame is a richer legacy than a large fortune without either. Most fortunate he, who can unite all. But the spirit of study is adverse to the spirit of accumulation. A man with one idea, and that of money-making, can hardly fail, from one dollar, of realizing a million. But a man of many ideas, of a comprehensive spirit, and of aspiring views, can never contract his manly mind to the circumference of a store or factory. In his fixed and awful gaze at the wonders of creation, or in his rapt ecstacy at the celestial harmony of poesy, opportunities of profit will slip by, the golden moments of barter escape! His purse is lighter, it must be confessed; but he has gained a richer accession of fancies and feelings, than the world can give or take away.

TO THE SPIRIT OF KEATS.

BY J. R. LOWELL.

GREAT soul, thou sittest with me in my room,
Uplifting me with thy vast, quiet eyes,
On whose full orbs with kindly lustre lies
The twilight warmth of ruddy ember-gloom;
Thy clear, strong tones will oft bring sudden bloom
Of hope secure to him who lonely cries
Wrestling with the young poet's agonies—
Neglect and scorn which seem a certain doom:
Yes! the few words which, like huge thunder-drops,
Thy large heart down to earth shook doubtfully,
Thrilled by the inward lightning of its might,—
Serene and pure, like gushing joy of light,
Shall track the eternal chords of Destiny
After the moon-led pulse of ocean stops.

THE CARTOUCHEANS IN FRANCE.

CARTOUCHE was a splendid highwayman in France, in the days when ambassadors transported themselves across the country with great quantities of specie in travelling carriages, when fine ladies were encumbered with jewels, and gentlemen wore watches set with rubies. In those times of brilliant pomp, when the court of Louis XIV., and subsequently the regent Duke of Orleans, cherished expense and luxury among the higher class, and set the example for the better support of monarchy; when gambling and dissipation were carried to perfection; when the government itself turned gamester, and recalled and adulterated the currency at will; when the old system of the country, its wealth and honours, were fast falling into decrepitude, there arose as fungi out of a corrupted soil, a band of depredators, rogues, thieves, and assassins. The evils of the state are written in its police reports. For every vice in the rich and educated, there is a crime in the illiterate and the poor. The private gambler was waylaid by the robber as he turned homeward rich with his midnight spoils, and the financiering government was betrayed into the hands of speculators.

Cartouche had gained his early laurels in the provinces; with his band he infested the neighbourhood of Orleans, the high road to Italy, and the woods of Fontainbleau; but Paris, with its central wealth and prodigal vices, offered higher prizes for boldness and ingenuity, and he turned to the capital. The insecurity of the streets offered a

tempting field for the display of the courage and dexterity of a man like Cartouche. He robbed in the very centre of Paris, upon the Pont Neuf itself, where the neighbourhood of the Seine offered a convenient means of sending an unwelcome witness out of the way. But the crowning glory of Cartouche's genius and legerdemain grew out of the famous Mississippi scheme; and his story, with that of some of his friends, may show how productive a mismanaged government may be of private villany. It affords a lesson which should not be forgotten, a lesson not without its parallel in more recent events. Law and the Regent debased the currency by their schemes of monopoly and banking for the benefit of a race of speculators and pickpockets. Society has since grown more civilized, and men of talent apply their genius in a different way. Instead of highwaymen and burglars, we have defalcators and forgers.

We have recently lighted upon a scarce tract, by De Foe, which gives a picture of the iniquities of this period in France. It purports to be a translation from the French, (though the idiom and verisimilitude of De Foe's style are stamped on every page,) and to give a narrative of the murder of some English gentlemen near Calais, in 1793, under circumstances of peculiar atrocity; with the detection of the band of robbers, and various details, and Newgate Calendar anecdotes of their previous villanies. They were a gang brought up in the school of Cartouche, and with some shades of difference, growing out of different temperaments and education, approved themselves worthy disciples of that great captain. The character of Cartouche was developed in his policy and ingenuity; one of his chief successors was a coarser villain, a man of butchery and blood; another afforded a beautiful exemplification of the military system, by the readiness with which he would strip the fallen, and secure his booty by stabbing the wounded. He was a professed and accomplished suttler of the camp. We confess it is not to our taste to follow such fellows in their career of crime; though the study even of their wickedness would not be without its uses in a knowledge of political history. We read of torture being applied to urge confessions and facilitate the discovery of accomplices, which is simply mentioned as "the ordinary question;" something as familiar to the court, as the asking the prisoner to hold up his right hand, and then to take it down again. Then there are the final inhuman tortures of the wheel, when the culprit was dislocated limb from limb, and lay exposed to a lingering death, with his face in mockery turned to the heavens, until justice, in its humanity—a humanity in signal cases withheld—extended the merciful *coup de grâce*, and released the poor wretch from the miserable social system under which he suffered. It will always be evident, that the inhumanity of a punishment never will deter from crime; yet there are living legislators in the state of New York at this moment, who vindicate the use of capital punishment, who, with Mr. Dennis the hangman, think it a peculiarly simple and beautiful remedy for the diseases of the state.

Washington Irving, in his sketch of the Great Mississippi Bubble, has recently traced the progress of Law's financial schemes, and the rapid public demoralization which ensued. He might have drawn still further anecdotes of the system from this little tract of De Foe. The great market of exchange was held in the Rue Quincampoix, and thither resorted not only the stock-jobbers of Paris, but foreign speculators from Germany, Switzerland, and other parts of Europe. Much booty fell into the hands of the robbers by the way; and those who were plundered and returned home, it was remarked, fared much better than those who were so unfortunate as to get safe to Paris; the former lost only their ready funds; the others, in the excitement and bewilderment of the stock exchange, mortgaged house and lands, and were stripped of everything. This was called the Quincampoix fair. Irving has drawn a vivid picture of the doings of a single day. "A stock exchange was established in a house in the Rue Quincampoix, and became immediately the gathering-place of stock-jobbers. The exchange opened at seven o'clock, with the beat of drum and sound of bell, and closed at night with the same signals. Guards were stationed at each end of the street, to maintain order, and exclude carriages and horses. The whole street swarmed throughout the day like a bee-hive. Bargains of all kinds were seized upon with avidity. Shares of stock passed from hand to hand, mounting in value, one knew not why. Fortunes were made in a moment, as if by magic; and every lucky bargain prompted those around to a more desperate throw of the die. The fever went on, increasing in intensity as the day declined; and when the drum beat and the bell rang at night, to close the exchange, there were exclamations of impatience and despair, as if the wheel of fortune had suddenly been stopped, when about to make its luckiest evolution." Here Cartouche suddenly made a fortune of many

million of livres. In the emergency of the very rapid success that attended these banking schemes, the company had either not experience enough, or perhaps not time enough, to open a simple set of transfer books; they simply issued their notes in the form of a certificate, as easily transferable as a bank bill, and good only to the actual holder. Cartouche had only to dip his hands in the pocket of a stock-jobber in the throng of the street, and become the unquestioned possessor of thousands; "for now," says De Foe, "to get the paper of a stock was to get the stock, let it amount to what sum soever; to pick a pocket and draw out a pocket-book, was to get an estate, and it was a frequent thing to have some gentlemen in the crowd whose very pocket-books were worth many millions. Hence, nothing was more frequent in the middle of the hurries in the Quincampoix street, than to see men running and staring from one to another, confounded, and, in a manner distracted; one having lost his pocket, others their letter-cases, others their table-books with their papers in them; and whenever such things happened, it was a million to one, odds, that they ever heard of them again." When Cartouche had thus acquired a sufficient principal, he let the stock advance in his hands, till it rose to two thousand per cent., when he called for the ready money and retired.

But worse scenes than these light-fingered operations grew out of the speculation; the pocket-books began to be better protected, when the rogues followed the fortunate stock-holder homeward; they would call him out of the Café from his dinner, on pretence of business, and rob him in a private room; they would waylay him in the street; they would secrete themselves in his lodging, or get admission by treachery, and rob and murder in the night. Bargains at length had to be made in whispers, and the initiated walked about with their hands in their pockets. Then the magnificent bubble burst. Cartouche, in the midst of the disaster, was broken on the wheel, and his followers took again to the highway, and after many murders and desperate acts, the worst of them met with a like fate. Thus endeth a chapter in the history of France; a memorable lesson to all corrupt financiers and defalcators.

LESTER'S GLORY AND SHAME.*

This is not exactly the kind of publication a good man or a sound thinker would desire to see at this time, upon the peculiar domestic relations of England. It is a vain-glorious declamation upon a very serious subject. There has been a period among American readers, when a book set forth with such a title might have passed current by the sheer force of assumption; but we would remind the author, if he ever intends to write again, that this day has passed. American literature has outlived its early poverty; it has been cultivated by at least a few genuine authors, who have set before the public models of excellence, and taught them to discriminate. The worth of a sound education, a classic style, and just sentiments, is, we believe, as properly appreciated here as anywhere. When Joel Barlow was thought an epic poet, Mr. Lester might have passed for a patriotic tourist; alas! that he has fallen on these evil days of light and knowledge.

There is always a certain quantity of heated declamation, illogical argument, and incongruous small talk afloat in society; we cannot always escape it in the best cultivated drawing-rooms; it is spouted at clubs, it is familiar to juries, it is heard at lectures, and far too often in the pulpit. It has always been so, and we presume it always will be. A more perfect system of youthful education, the increase of classical studies, the promotion of discipline in colleges, might indeed be expected to advance mature thinking, and render society less of a bear-garden; but the evil will remain. Youths who neglect timely instruction, when they grow up to be men must sharpen their wits upon one another, and we may expect to hear the clangour of their dull weapons. These are impertinent from necessity; others are impudent from choice; they talk without reading, and argue without reflection, and prefer at any time a brawling disputation to the calm voice of truth. These are social evils, and may to some extent be pardoned. Time hangs heavy on the hands of the illiterate and the vain; the anxiety for distinction is always in inverse ratio to the merit of the party; a wise man will hence avoid these inconsequential talkers, and an indulgent man will laugh at them. It is a greater misfortune when one of these characters undertakes to write a book. A book is a more sacred thing than a man; it has access to our hours

* The glory and the Shame of England: by C. Edwards Lester. 2 vols. 12mo. New York: Harper and Brothers, 1841.

of privacy, to the retirement of leisure, to the simplicity and earnestness of our fireside. The most loquacious talker can be known but to very few out of his unhappy circle; a book of very bad manners, by the press, puffery, and the imprint of the Harpers, may in a fortnight be introduced all over the land.

Mr. Lester has undertaken to write a melo-dramatic book in the style of popular eloquence affected at public meetings, and addressed to uncultivated audiences at the minor theatres. Mr. Lester composes throughout at fever-heat. He is an ultra specimen of the exaggerating class; men who deal in superlatives, and talk hyperboles over the table; emphatic, noisy, small-beer politicians, whose eccentricities are restrained by no modesty, who brow-beat by loudness and gesture; the pertinacious and the dogmatic. The title of the book is sufficiently indicative of its general spirit. There is great pretence, exaggeration, and excitement, and very little worth listening to after all. To hearken to the clamour, one would think the North river, so often proverbially mentioned, were actually on fire; the newspapers and engines run down with clatter and criticism, and find that it is but the reflection of a straw heap, the vapouring of a book-maker, the kindling of a New Jersey swamp.

Mr. Lester has aided his readers in the interpretation of his volume, by a very extraordinary frontispiece. In the distance, tower St. Paul's and Westminster Abbey; the sun is obscured by the smoke of innumerable factories; on the left are the wooden walls of England with flag and pennant; on the right a crowded mass of heads diminishing from a few full-lengths to mere pin-points; in front, on a rock, stands Britannia, resplendent with spear and shield; and on a projecting headland, in this confusion of air, earth, and sea, a majestic lion with his paw on the back of a prostrate human being in a slashed doublet and Turkish cap. This all indicates something very alarming,—the lion is shaggy and ferocious; but what it all means we are at a loss to conjecture, unless the lion be a merely typical figurative lion, in the literary sense, an emblem of Thomas Campbell's pawing and trampling upon the genius of American poetry in the great abolition "meeting of the world" at Exeter Hall.

The portions of the work devoted to literature are the most odd and entertaining. For the serious parts, the exhibition of the evils of the Corn Laws, the suffering under the factory system, the details of calamity alleged, the eager defence of the oppressed and unfortunate, we have too great a respect for the sorrow hid under all these things, to question in aught the discretion or the facts of the author, lest in so doing we should seem to detract from a sympathy too rarely felt and expressed in a world where power and prosperity are always too much worshipped: we should be inclined to think, however, that the remarkable cases related by the traveller are single ones; it cannot be usual for beggars, even in the streets of London, to fall down on their knees for alms, and leave the tracks of blood on the pavement; and one may ride in omnibuses for many years without meeting with so sad an adventure as befel Mr. Lester in his journey to the East End. For the rest, we could catalogue as many woes near at hand in the streets of this city; crime and misfortune are not the curses of England more than they are the common evils of humanity. In every family we may find some tale of grief; in every breast, the seeds of sin; in every man's history, the climax of all disasters—death.

The chief literary characters introduced to the reader in these pages, are Dickens and Thomas Campbell. The first is by far the most novel and refreshing lion of the two, though the author of Wyoming, in spite of many tourists, is not so hackneyed in his paces, but he can yet give a very courageous whisk of his tail, and frighten away the lookers-on, particularly those of them who have any participation in American poetry. To exhibit these lions chronologically, Mr. Lester first became acquainted with Campbell, at the great abolition meeting. The poet undertook a speech on the occasion, wherein he hinted at a great deal of concealed displeasure, at the silence of American authors on the subject of slavery. In the warmth of the moment, forgetting his position, before "the world" in the cheers and laughter, and doubtless thinking himself in the presence of friendly after-dinner port and mahogany, he ventured a few colloquial remarks on the American poets. As reported in Mr. Lester's book, he went on—"the Americans have noble heads for prose; among them they have the very first prose writers in the world; but in verse —ah! I will say nothing—it may do very well to run upon all-fours, but it cannot rise. (Laughter.) It puts me in mind of the old story of the dying man. A friend was preaching to him, and painting all the joys of Paradise, when the poor fellow said, 'Oh, say no more about the joys of Paradise; your bad style makes them disgusting.'" Here was a nation offended at a stroke, and the poet set about to amend the error by a written apology, and a commission to Mr. Lester to set the matter

right with his countrymen. But Campbell excited, was not half so insane as Campbell in his right mind. The apology is less flattering than the speech. The latter was a mere *jeu d'esprit*, somewhat misplaced, but more laughable than mischievous, and only to be found fault with by the vainest of all vain people; and in this position Mr. Lester placed himself and his countrymen, by admitting, for an instant, an *apology* from glorious Tom Campbell, whom all America loves, and will love, let him laugh and joke about the poets as he please. The affair was perfectly ridiculous. Delegates had assembled from all parts of the world, and women were knocking at the doors in vain, for admission: the meeting was charged with sorrow and denunciation towards slave-holding America, when a pleasant dinner companion turned the tide of indignation, and mirthfully substituted a few harmless poets for the dread men-stealers of the South. Mr. Lester is a poet, and if ever Campbell reads his book, he will beg his next countryman who comes along, to expunge the apology. A dinner and a breakfast followed the interview with Campbell, at Freemason's Hall. The dinner was given by a Dr. Beattie, the author of the letter-press to a widely circulated series of views of Scotland. Mr. Lester told a pathetic story of the woods of Wyoming, and Campbell, now on his good behaviour, after the abolition speech, exclaimed, "Sir, you make me happy, although you make me weep. I can stand before my enemies, and no man ever saw me quail there; but, sir, you must forgive me now, this is more than I can bear." They all sat in silence, till Dr. Beattie exclaimed "If this is not the feast of reason and the flow of soul, there is no such thing on earth." Whereupon, Campbell said it was the flow of soul; doubtless a very pleasing confirmation to the gaping tourist. The conclusion of the whole of this matter is, that it is sometimes a breach of confidence in a guest to make people ridiculous, by reporting after-dinner conversations.

Campbell appeared to more advantage afterward in the breakfast scene. "He was dressed in a blue coat, white pantaloons and waistcoat, and light blue cravat," and he talked as a man dressed in such cheerful habiliments should talk. Mr. Lester tells a really charming anecdote of a lion's skin, which lay before the fire for a hearth rug. "That rug, sir!" said Campbell, "why, I think more of that rug than I should of a Devonshire estate. Why, sir, when I sit down to my old table here, I find a never-failing source of inspiration in that tiger skin. I prize it almost as highly as I do my own." There is a genuine animation about this, worth a dozen bottles of that after-dinner flow of soul and claret. Campbell, besides, gave a fine motto for the future editions of Channing out of Chatterton—

> "The man is right—he speaks the truth—
> He's greater than a king!"

Campbell gave our traveller a letter of introduction to Dickens, which he very disingenuously put in his pocket, and introduced himself to Boz, at his house, merely as "an American who would be greatly obliged if he could see Mr. Dickens." The request was granted, and the visiter introduced to the study, where the author sat in an arm chair, with a sheet of Master Humphrey on the table. Then ensued a philanthropic declaration on the part of the author, and some very sensible remarks from Dickens. Boz was pressed for a reply to the demand for answers to questions, and had recourse to the declaration of Independence to help him out. "Oh, sir, ask as many questions as you please; as an American, it is one of your *inalienable rights*." The first question was what is familiarly termed a dead-set. "Allow me to ask, if the one-eyed Squeers, coarse but good John Brodie, the *beautiful* Sally Brass, clever Dick Swiveller, the demoniac and intriguing Quilp, the good Cheerbly (misquoting an author to his face) Brothers, the avaricious Fagin, and dear little Nelly, are mere fancies?" Boz replied good-naturedly and satisfactorily enough, as Mr. Lester might have known from what he had already published in the preface to Nickleby, that they were so partly; but that Dickens ever uttered the long declamation recorded against him we doubt. It would appear indeed, from the innate evidence of the book, that the machinery of conversation is somewhat apocryphal. A Colonel Manners is introduced, making long speeches and quotations in Westminster Abbey, who is admitted to be a mere lay figure; and we have doubts of the reality of a very remarkable Irish lord, in the Liverpool rail-cars, whom from his stale anecdotes, statistics, and moralizing, we believe to have been no one else but James Grant. Be this as it may, these two volumes have perplexed us not a little. Sometimes we have been inclined to think the author writing a work of pure fiction, and conveying his moralities in a new style of allegory; at others, we have thought Mr. Lester literal, and what appears invention, to be merely an exhibition of his

own peculiar idiosyncrasies. The speeches reported are very extraordinary, s so, that if genuine, we may strongly suspect the writer to have been frequen victim of a species of deception, popularly known as gammon; if not, the aut fairly succeeded in gammoning himself. Mr. Lester appears to have gone ab a tourist, eager both to admire and censure; he probably arranged his theo his book beforehand, for many of his facts and illustrations are drawn from a twenty years back. Espriella's Letters are not the best evidence against th eighteen hundred and forty-one. When Mr. Lester appeared in England, his pores were wide open for the reception of his favourite ideas, and he seems t believed whatever was told him.

But enough. We might have condemned this book on more serious groun the weakness of the author. It is bad in principle, for it seeks to confirm minds of the uneducated a feeling of hostility toward a foreign country, "with at no distant day," as the agitating Mr. Lester observes, "they may be brougl collision," and fosters a vain sense of superiority at home, equally fatal to t well-being of the people.

WAKONDAH;

THE MASTER OF LIFE.

"We have already noticed the superstitious feelings with which the Indians regard the Blac but this immense range of mountains (the Chippewyan or Rocky mountains) which divides all t know of the world, and gives birth to such mighty rivers, is still more an object of awe and ver They call it 'The Crest of the World,' and think that Wakondah or the Master of Life, as the nate the Supreme Being, has his residence amongst these aerial heights."—*Astoria, Vol. I., p*

THE Moon ascends the vaulted sky to-night;
With a slow motion full of pomp ascends,
But mightier than the Moon that o'er it bends
A Form is dwelling on the mountain height
That boldly intercepts the struggling light—
With darkness nobler than the planet's fire:
A gloom and dreadful grandeur that aspire
To match the cheerful Heaven's far-shining might.

Great God! how fearful to the gazing eye!
Behold the bow that o'er his shoulder hangs,
But ah! winged with what agonies and pangs
Must arrows from its sounding bow-string fly;—
An arc of death and warfare in the sky.
He plants a spear upon the rock that clangs
Like thunder; and a blood-red token hangs,
A death-dawn, on its point aspiring high.

Upon his brow a garland of the woods he wears,
A crown of oak leaves broader than their wont;
Above his dark eye waves and dims its brunt—
Its feathers darker than a thousand Fears—
A cruel eagle's plume: High, high it rears,
Nor ever did the bird's rash youth surmount
A pitch of power like that o'ershadowed front
On which the plume its storm-like station bears.

Filled with the glory thus above him rolled—
How would some Chinook wandering through the night,
In cedern helm and elk-skin armour dight,
Be pierced with blank amazement dumb and cold!
How, fear-struck, scan the Spirit's awful mould;—
The gloomy front, the death-dispelling eye,
And bulk that swallows up the sea-blue sky—
Tall as the unconcluded tower of old!

Transcendent Shape! But hark, for lo a sound
  Like that of rivers and of mingled winds
  Through forests raging till the tumult finds
Or makes an outlet free from hedge or bound,—
Breaks from the Holder of the mountain-ground.
  Oh, listen sadly to the urgent cry!—
  No mightier shadow of a strength gone by
Through the whole perishable Earth is found.

The Spirit lowers and speaks: "Tremble ye wild Woods!
  Ye Cataracts! your organ-voices sound!
  Deep Crags, in earth by massy tenures bound,
Oh, Earthquake, level flat! The peace that broods
Above this world and steadfastly eludes
  Your power, howl Winds and break;—the peace that mocks
  Dismay 'mid silent streams and voiceless rocks—
Through wildernesses, cliffs, and solitudes.

"Night-shadowed Rivers—lift your dusky hands
  And clap them harshly with a sullen roar!
  Ye thousand Pinnacles and Steeps deplore
The glory that departs! Above you stands,
Ye Lakes with azure waves and snowy strands,
  A Power that utters forth his loud behest
  Till mountain, lake, and river shall attest
The puissance of a Master's large commands!"

So spake the Spirit, with a wide-cast look
  Of bounteous power and cheerful majesty;
  As if he caught a sight of either sea
And all the subject realm between:—Then shook
His brandished arms, his stature scarce could brook
  Its confine; swelling wide, it seemed to grow
  As grows a cedar on a mountain's brow
By the mad air in ruffling breezes took.

The woods are deaf and will not be aroused—
  The mountains are asleep, they hear him not,
  Nor from deep-founded silence can be wrought,
Tho' herded bison on their steeps have browsed:
Beneath their banks in darksome stillness housed
  The rivers loiter like a calm-bound sea;
  In anchored nuptials to dumb apathy
Cliff, wilderness, and solitude are spoused.

Then shone Wakondah's dreadful eyes,
  With fire and lurid splendour, like the stars
  That dazzle earth beholding them;—the wars
That noble spirits wage with enemies,
Flash in his aspect through its cloudy guise;—
  His tower-high stature quakes in all its parts,
  And from his brow a mighty sorrow starts—
A sorrow mightier than the midnight skies.

"Oh, wherefore tremble? Wherefore should I fear
  Because these creatures now, by chance, are dumb?
  Nor longer to my bidding with obeisance come;
As when, in times to startle and revere,
Templed on high within this cloudy sphere,
  With wondering worship of the dusky wood—
  The quivered stream, the dark-eyed solitude—
I stamped my image on the rolling year.

" At eve or morn whene'er I walked these hills,
From ridge to ridge they shook, from peak to peak;
A thousand warrior tribes that dare not speak
Lay in my shadow with the awe that chills,
Dumb with the fear that boundless force instils.
Wakondah was a god and thunderer then,
Nor bent his bow nor launched his shafts in vain—
Lord of each power that terrifies or thrills.

" Your dark foundations felt my framing hand;
Nor can your sun-smote summits e'er forget
By whom their flood-resisting roots were set—
By whose clear skill their skyey powers were planned.
Through all the borders of the lofty land—
Mountains! I call upon you to attest
Whose habitable wish upon your crest
Reared up his throne and fixed his Godhead stand.

" My spirit stretched itself from east to west,
With a winged terror or a mighty joy;
And, when his matchless bow-shafts would annoy,
I urged the dark red hunter in his quest
Of pard or panther with a gloomy zest,
And while through darkling woods they swiftly fare—
Two seeming creatures of the oak-shadowed air,
I sped the game and fired the follower's breast.

" Outsounding with my thunder thy loud vaunt,
Thou, too, hast known me, mighty Cataract!—
When rocks in headlong motion thou hast tracked,
Like some huge creature goaded from his haunt,
Along the mountain passes rough and slaunt—
Who makes his foaming way while all around
He awes the circuit with a shuddering sound:—
So ragest Thou and lift'st Thy sounding front!"

Power crumbles from the arm, and from the brow
Glory declines with surety swift as light:
Like towers that lose in storms their wondrous might,
Dark principalities of air must bow
And have their strength and terror smitten low:
The hour draws nigh, Wakondah, when on thine
Yon full-orbed fire shall cease to shine
Uplifted longer in Heaven's western glow!

" Lo! where our foe up through these vales ascends,
Fresh from the embraces of the swelling sea,
A glorious, white, and shining Deity.
Upon our strength his deep blue eye he bends,
With threatenings full of thought and steadfast ends,
While desolation from his nostril breathes,
His glittering rage he scornfully unsheathes
And to the startled air its splendour lends.

" The nation-queller in their length of days—
The slaughterer of the tribes art thou! the rude,
Remorseless, vengeful foe of natural blood
And wood-born strength reared up amid the maze
Of forest walks and unimprisoned ways;—
The dwellers in unsteepled wastes; the host
Of warriors stark and cityless, whose boast
Was daring, proof 'gainst torture that betrays."

Oh wrestle not, Wakondah, with the Time;
  The Time resistless in its present hour
  Of rugged force, of multitudinous power
To make itself triumphant o'er the clime,
Where streams are endless, mountains as sublime,
  And valleys shadowy and calm as ever
  Yet tasked a Godhead's high and bright endeavour,
Since first the world was in its mighty prime.

Far through the desert, see his fiery hoof
  Speeds like the pale white courser of St. John,
  With rage and dreadful uproar thundering on!
At every step old shadows fly aloof,
While on and on he bounds with strength enough
  To master valley, hill, and echoing plain—
  Cheered by the outcry of a savage train
Of white-browed hunters armed in deadly proof.

"Through the far shadows of the gathering years
  I see, visions denied to mortal eyes;
  Phantoms of dreadful aspect that arise
Cold with the anguish of their wintry fears;
And struggling forth from out a gulf of tears
  And blood by banded nations vainly shed,
  Above them all a single Wo its head
Lifts high and awes its customary peers.

"I say not now what name that Wo shall bear,
  What mournful omen on its front is written,
  What pillared glories by its sad rage smitten—
Shall fall to earth, and all th' embracing air
With its dread sound of wasting tumult tear;
  These are the future's—voiceless let them rest
  Deep in the shadow of her silent breast,
Till vengeance bid the sons of men—Prepare!"

So spake the Spirit; but I deemed I saw
  That in the language of his gloomy eye,
  That made a falsehood of his augury.
I know that Heaven is true to its great law;
I know how deep and damnable a flaw
  Has through its righteous code of truth been rent
  By erring swords and hands with blood besprent—
And this it is that fills my soul with awe.

And yet oh God! I dare to ask of thee
  Pardon and palmy days for this dear land;
  The glory of thy sun, thy shadowing hand,
In mercy spread abroad from sea to sea,
That all its wide vast empire so may be,
  From loud Atlantic unto Oregon,
  An orb of power, and never to be won
Nor yielded up,—a home and fortress to the free!

"The past is past!" Wakondah spoke, "the past
  Is past: to others lifeless, cold, and dumb
  Beyond repeal, I bid its shadows come
Swiftly before me, nor care I how vast
That which I gendered shall appear at last
  As when at first its dim colossal form,
  Huge, rude, mis-shapen, noisy as a storm—
Rose up, by me called upward and amassed.

" Falling or rising through the azure air—
  Green dells that into silence stretch away;
  Ye woods that counterfeit the hues of day,
With colours e'en the day could not repair
From his wide fount of morning dyes and fair
  Evening or noon; innumerous rampant life
  With which this waste or verdant world is rife—
As yet were not; the offspring of a godlike care.

" Oh, backward how that youthful glory gleams—
  Ye creatures of my undiminished arm,
  When shadowing hills were lifted like a charm,
And at a word their duly measured beams
Sprung to their chambers in the mountain seams.
  This was no task-work, nor a tale of joy,
  Thus an immortal puissance to employ
In building worlds and pouring ocean-streams.

" Oh! might and beauty of the forming earth—
  Shaped by a hand sufficient and divine,
  For such was then Wakondah even thine!—
With hill and mountain-masses bursting forth,
And struggling all along the blue-aired North—
  With smiling valleys winding far between,
  And rivers singing all aloud, though yet unseen:
While I, their sire, hung joyous o'er their birth.

" A fearful and a perilous joy was mine,
  When brooding thus above the seething world
  I saw the striving giants swiftly hurled,
With thunderous noises to and fro; a constant line
Of furnaced lightnings, ever forced to shine
  Quick, fierce, and kindling through the shapeless gloom,
  Made the dull void some creature disentomb,
And cheered its birth-pangs with a fire benign.

" What voice of portent shook the gulf that held
  The uncreated majesty of woods,
  The calm deep beauty of the solitudes
Of boundless fields; and from the deep compelled
That Behemoth, whose roar has lately quelled
  Nations in panoply of arms arrayed!
  Amid the sounding mass and undismayed
By striving rivers, shock of hills impelled.

" 'Gainst hills and wild beasts raging into light,
  Wakondah stood, and o'er the tumult bent,
  Its Ruler and its steadfast firmament.
He breaks the bondage of the cruel Night
That wraps them in its folds, and like a blight
  Of storms that rage and thunder but to save
  And purify, he burst your rock-ribbed grave—
The matchless Master of redeeming might."—

The Spirit ceased, and all along the air,
  From where in speechles majesty he stood—
  On either hand through all the solitude
Of glittering peaks and dusky vales, to where
The wild beasts held afar their anxious lair—
  A sudden silence like a tempest fell;
  A silence and a gloom that none can tell—
A calm too dread for mortal things to bear.

No cloud was on the moon, yet on His brow
  A deepening shadow fell, and on his knees
  That shook like tempest-stricken mountain-trees,
His heavy head descended sad and low:
Like a high city smitten by the blow
  That secret earthquakes strike, and toppling falls
  With all its arches, towers, and cathedrals
In swift and unconjectured overthrow.

Thenceforth I did not see the Spirit lift
  Again that night his great discrowned head,
  Nor heard a voice: He was not with the dead
Nor with the living, for the mighty gift
Of boundless power was passing like a rift
  Of stormy clouds that still will have a tongue
  Ere yet the winds have wafted them along
To endless silence, whitherward they drift.

THE SPIRIT—AN APOLOGUE.

BY DR. T. GRAY, JUN.

In a deep and solitary glen, amid lofty rocks, cool grottoes, and laughing fountains, dwelt a spirit—a wild, playful spirit.—She had no soul; but her existence was like that of one of those beautiful bubbles, that occasionally sail, glittering and sparkling down the stream, throwing off all the varying colours of the rainbow in their course, till they suddenly burst and vanish for ever. Her delight was to keep herself for ever unseen by mortal eye, and to imitate the sounds that met her ear; whether sad or joyous, she cared not. She had no soul, how should she know that there were such things as joys and sorrow? Sometimes she would repeat the last notes of the blackbird, and enjoy his surprise at his near but unseen respondent. Sometimes she would throw back the deep notes of the thunder, as it rolled by; and anon, break into murmured repetitions of the low cadence of the running stream.

As she sat one evening in her solitary cave, she was delighted, for the first time, with the full rich, gushing notes of music. Long she listened in delighted surprise, endeavouring to repeat the notes, as they floated out upon the air. For the first time now, she wanted something. There was something above and beyond her; and her whole being and desire was wrapped up in its attainment. Her former amusements seemed tame and joyless, compared with the loftier yearnings that now filled her bosom. So she left the caves and enjoyments that hitherto delighted her, and became the Spirit of Music.

The character of the Spirit was changed. The childish and unmeaning enjoyments of her former years lost the illusions that had charmed her. The deep, passionate strains of music, in which she now floated through the air, breathed not in vain around her. Thoughts, images, and ideas, the first buddings as it were of a soul, floated faint and dim through her mind.—With these first rudiments, the germ of the future soul, came feelings of sadness that were wholly new and strange to the hitherto wild and capricious spirit. The animating notes in which and to which she danced and revelled through the sparkling noon, delighted and amused her; but the soft, low strains in which she floated through the moon-lit air, gradually assumed for her more and more witchery, and still increasing delight. Yet ever with them came those faint outlines of thoughts, the phantoms as it were of intellect, that gradually became more and more vivid, and feelings that at once soothed and surprised the wondering spirit; and still as music lighted up the first sparks of a soul within her, she repaid the debt by pouring it out into music.

But this state of things did not last. Music that was rocking the cradle of this new soul's infancy, began to prove unsatisfactory. The divine spark it had lighted, was all ready to burst into flame; and not by music could it be longer fed.—New yearnings, new thoughts, new desires sprang up in the bosom of the spirit. She felt that there was something above and beyond her, but she knew not what. One

by one, her former enjoyments lost their charm, and her pleasures ceased to please Her noontide dances became less frequent, and her evening strains more sad.

As the spirit was wandering one fine moon-lit evening, with even more than usual melancholy in her plaintive notes, over the glittering surface of the Ægean waves, she saw a young man seated on a broken column, near the wall of the Pirœus. He was apparently gazing on the broad expanse of waters that lay stretched before him, with an intense and steady gaze.—The spirit hushed her lay as she approached, and soon found that he saw not that, on which apparently he looked so earnestly. His broad, high, pale brow was partly covered by dark hair that curled about it, and through which it showed, like white marble through wreathing vine-leaves. His uncovered head was turned upward; and the rich yellow moonlight fell in a golden flood upon his face. The spirit gazed on him with astonishment, and an interest she had never known before.—Suddenly she poured out one of her softest and saddest strains. The young man listened with intense delight, and at length burst into a passionate flood of tears.

A feeling of curiosity had now taken possession of the spirit. She felt—for the germs of feeling were twin-born with those of thought in her mind—she felt that there was something about the young stranger's thoughtful and dreamy state of mind, with which her own sympathised. He too seemed to be reaching upward to something not yet attained. Can it be thus, thought the spirit, everywhere—with everything? Does every yearning of the heart end thus? Does every step we ascend, only serve to show us myriads of new ones, to which we must equally aspire, but can never hope to reach? Must there for ever be something above us to be won, then to pall upon our taste, and prove only a step to another, which like that is to delight, and like that expire? Is there to be only an eternity of pursuit, and an eternity of disappointment? Better then return to my woods and caves, and become again an unmeaning echo.

But these very thoughts and aspirations only proved how impossible was that return. The celestial flame was kindling within her; and the waters of all her former fountains would now prove unavailing to extinguish that Promethean spark.

The young man at last rose to depart, and the unseen spirit accompanied him. He paused for some minutes before a marble statue of surpassing beauty, and gazed upon it with silent and unutterable delight. A deep sigh at length escaped him. "Could I but rival that!" he exclaimed.

It was the festival of the greater Panathenæa. All Athens was abroad upon the banks of the Ilissus, to see the torch races that were about to commence. Every fountain and grotto was sparkling and flashing with lights and torches, that gleamed out from behind pillar and statue and grove. The fragrance of a thousand flowers, that wreathed the statues and tombs, and hung in garlands and coronals from pillar to pillar, loaded the air. The gush of the river, at times rising above, and at times drowned by the hum and laughter of the busy multitudes that were pouring from the city, added its music to the scene. The Ceranicus, with all its solemn and lofty associations, its walks, its foliage, and its tombs, was decorated like a fairy scene, and even more replete with life than with death. It was hither that the young Athenian bent his steps. Idly and listlessly did he gaze on the scene, as the torches flew from hand to hand, or expired on the course, like the hopes of high hearts in the race of life;—but the olive crown seemed to offer no attractions to his mind; and he turned listlessly away from a scene, which seemed to wrap all Athens, but himself, in an ecstacy of delight.

Turning from all the glitter and show, into a dim and narrow alley, the Athenian opened a low door, and entered a narrow and dirty workshop. But amid the dust and chips and fragments of marble and sculptor's tools, rose a beautiful female statue, in which the young sculptor—for such he was—had embodied the combined beauties of the fairest forms of Greece. He gazed upon his work, at length completed, with unsatiated and unmingled delight. But even to this hour of enjoyment there came at last those deep yearnings, those aspirations of the soul after something higher, which the spirit had wondered at in herself, and which she now perceived to form a part and portion of the soul. "I have gained enough of that divine essence to *feel*, but not enough to *enjoy*," she exclaimed; "why should I not enter into some human form, and receive at once all its kindling influences? True, I may chain me to pains and to sorrows; but is it not destined that immortality shall grow out of death? Yes, I will—I will die, that I may live."

The eye of the young sculptor became sad, as he gazed on the masterly work of

his hand. "Why," he exclaimed, "cannot I find a soul, fit for such a body? I, whose capacity for love is so deep, so glowing, must be doomed to feel it burning out in smouldering ashes, for want of an object worthy of its energies and its powers. O Apollo! Great Apollo!—why wilt thou not deign to bless thy child—to animate this work of *thy* spirit, though of *my* hand? Why wilt not thou enshrine in those perfect proportions and charms, a spirit worthy of it, and of thee; worthy of the vast, burning, lofty aspirations, that fill this heart?"

As the sculptor finished this ardent prayer, to his utter surprise and consternation, he saw a rosy tinge steal along the marble. Blue veins crept over the white surface. Light broke out from the marble sockets. Brighter and stronger came the rosy tints, till the cheeks and lips were sparkling in living, glowing, breathing beauty. The white marble beneath, however, seemed scarcely to change its hue, though it was human, warm, living flesh. The prayer of the sculptor was heard.—The spirit had entered the statue, and acquired at once a mortal life and an immortal soul.

But did the aspirations of the pair cease with their gratification? Never. Throughout eternity they can never cease. One morning, for the last time, they were seen to enter the work-room of the sculptor. From that hour they were seen no more.

STUDIES ON CONTEMPORARY SINGERS.

ALTERED FROM THE FRENCH.

LOUIS LABLACHE.

LABLACHE! Here is one of those artistical superiorities before which the loftiest reputations bend down as if in the presence of royalty. Since the appearance of Lablache upon the musical stage, the singers who had previously made a name in *basse-taille* parts have been all eclipsed, and no one else has arisen to dispute with him the first place.

Lablache, like Rubini, is of an age at which the agitations of the life of an artist are still productive of pleasure and glory. He was born at Naples in 1794; his mother was Irish, and his father was a Frenchman, who had left Marseilles to escape the perils of the revolution. But another revolution, in 1799, surprised the father of Lablache in his new country, and caused his ruin. He died of grief. Joseph Napoleon granted his protection to the unfortunate family, and placed young Louis in the *Conservatorio della Pietà de Turchini*, now *San-Sabastiano*. Here the boy studied both instrumental and vocal music. One day, a contra-bassist was wanting in the orchestra of *Santo-Onofrio;* Marcello Perrino, Lablache's master, said to him, "You are perfectly acquainted with the violoncello; it would be easy for you to play the contra bass." Lablache had an aversion to this instrument; nevertheless, he had the gamut of it written out for him, and three days afterwards he executed his part with perfect accuracy. M. Castil-Blaze has truly said, that even if Lablache had not been endowed with a magnificent voice, he would not the less have shone among the virtuosi of the day; he would have played upon the violoncello like Bohrer, upon the flute like Tulou: from the organ to the jews-harp all instruments were at his command; he had only to choose.

When still quite young, Lablache felt a strong desire to tread the boards. Five times in succession did he desert the Conservatorio to enter upon a dramatic career. On one occasion he engaged to perform at Salerno for fifteen ducats a month; he received a month's pay in advance, remained two days at Naples, and spent it all. As, however, he did not like to go to Salerno without some portable effects, or the appearance at least of baggage, he took with him a trunk, which he filled with sand. Two days afterwards, the vice-rector, who had got upon his traces, arrived at Salerno, discovered him, and had him seized by *sbirri* whom he had brought for the purpose. The manager, to indemnify himself for the fifteen ducats paid in advance, took possession of the fugitive's trunk, and proceeded to make an inventory of its contents. It was opened, and to the infinite astonishment of all present, was found stuffed with—just what Lablache had put in it.

The youth's pranks, however, produced a good result for his comrades, and for art in general; a hall of representation was constructed in the interior of the conservatory, and from that time he had an opportunity of gratifying his passion for the stage. He no longer thought of flight, but prosecuted his studies, which he terminated at the age of seventeen.

We will not follow Lablache through the various theatres on which he performed previous to appearing before the Parisian public; it will suffice to say, that his talent was everywhere admired, everywhere sought to be retained; that the actor was fêted, the singer applauded, and that testimonials of regard were showered upon the individual.

It was in November 1830, that Lablache made his début at the *Théâtre Italien* of Paris, in the part of Geronimo in the *Matrimonio Segreto*. It was a perfect triumph. He played the character with wonderful talent, and was at once acknowledged to be the first basse-taille of the epoch.

To obtain an idea of the power of this artist over the multitude, and the minds of the élite, one must attend a performance at the Italian Theatre, when he fills an important part. Scarcely does he make a step upon the boards when a great movement is remarked throughout the whole house, as if produced by an electric stroke. Imagine the most frigid, the most silent, or the most indifferent assemblage. Suddenly all heads are erect, all brows are expanded, all mouths are relaxed: Lablache has appeared. Behold that fine imposing countenance, those eyes in which are reflected the genius and frankness of the artist, that colossal, dignified figure. Lablache, both in person and voice, is the true type of the genuine basse-taille. He can put on all kinds of physiognomies, assume all kinds of characters; comic or serious, tragic or sentimental, he carries you away, captivates your imagination, and enchains all minds. He is a veritable Proteus. Marino Faliero or Doctor Dulcamara, the father of Desdemona or Don Magnifico, he makes you weep, or laugh, or shudder, at his will, and that by a look, a gesture, a mere movement of his body.

The voice of Lablache descends to *sol* basso, and mounts to *mi* sharp. This is a very ordinary compass, as it only embraces thirteen notes, or an octave and a fifth; what renders his organ so marvellous is its timbre, its power, its vibration, its exquisite truth. One should hear him in grand concerted pieces, when all the other voices are in full development around him, and the orchestra is putting forth its entire strength. His voice rises above the whole, swaying both the stage and the orchestra, while the éclat of his tones is never confounded with the tones of the deeper instruments which double them. The effect which this magnificent organ adds to the power of the vocal and instrumental masses cannot be described; it is a cannon in the midst of a fire of musketry, it is thunder amid a tempest.

And yet how admirably he manages this enormous volume of sound; how skilfully he modifies it, giving it, when he pleases, grace and fascination, and sometimes even coquetry. Here, in our opinion, is the climax of art. Labour in his case has fashioned nature, without taking aught from its primitive beauty.

In the light style of music, he has been known to accomplish the most surprising feats. One evening the *Preva d'un Opera Seria* was performed; in the duo with Madame Malibran, the lady thought she would disconcert him by sundry embellishments absolutely bristling with difficulties, which she had prepared for the purpose, and which it was incumbent upon him to execute after her; but this snare laid for the throat of our singing Hercules only served to manifest its agility and suppleness —note for note, passage for passage, shade for shade, Lablache, with his *voce di testa*, repeated instantaneously all the phrases which Malibran had elaborated with so much trouble. Returning to the green-room, she could not refrain from expressing her astonishment at the ease with which he had surmounted the difficulties that she had thrown in his way; to which he replied, with his usual *bonhommie*, that he had not perceived the difficulties.

Lablache is not a singer in the sense commonly attached to this word. Do not therefore constantly ask him for flourishes, for *traits dentalés*, for ascending and descending chromatics; do not expect from him the grotesqueness of the point d'orgue, the whim of grace notes, and the embellishment of the Cadenza. He has no need to resort to such means for producing effect: he finds it in dramatic truth, in a perfect musical accentuation, in the sentiment of the art, which he possesses in the highest degree. As he is always obedient to truth, there is no singer who renders with more fidelity and intelligence, not only the productions of contemporaneous art, but also the ancient masterpieces, the execution of which has become so difficult for the singers of the day. He is indebted for all these qualities to profound study, such as

few artists now pursue. So far does he carry the love of his art, that he would never allow himself to appear on the stage without having satisfied himself, by all sorts of investigations, that everything in his costume and carriage is in exact accordance with the character and the epoch of the part he is about to perform. His first appearance as Henry VIII. in *Anna Bolena*, is still remembered in London. So striking was his resemblance to the original, that the spectators experienced a species of horror, as if they were gazing upon the tyrant himself.

The triumph of Lablache is in the *opera buffa*. Never did any *basse-taille* give recitative in a style more natural, with more amusing vivacity, and more sparkling humour. There is nothing more diverting than to behold this Rhodian colossus skipping and gambolling about the stage with sylphlike lightness; you fancy at every moment that he must sink beneath the weight of his body, and just as you think him prostrate, he flies off like a butterfly. *Mi vedrai farfallone amoroso.*

An accomplished singer in tragedy as well as in comedy, an unrivalled actor in characters the most opposite, a theorist versed in his art, and competent to expound, define, exalt it, Lablache is thus a consummate artist. To these merits he joins literary attainments of a varied description, an acute intellect, and an elevated character, which renders him an object of affection and esteem to all by whom he is known.

RUBINI.

THERE is no name in the history of art more justly celebrated than that of Rubini. His reputation is colossal; he has been hailed king of singing by all Europe. No artist can be cited whose genius has manifested itself with more dazzling splendour, and has so long sustained itself with constantly increasing superiority.

Rubini is still young. He was born in 1795, at Romano, a small place situated about four leagues from Bergamo. In 1812, he made one of the chorus in the theatre of this town. He was afterwards attached to an itinerant troupe, from which, however, he soon separated for the purpose of undertaking a pilgrimage through Italy, in company with a violinist named Modi. But the tribulations and vicissitudes of this nomadic existence were little to his taste, and he accepted an engagement at Pavia. His success was there so great that he was successively called to Brescia, to Venice, and at length to Naples, where the director, Barbaja, brought him out with Pellegrini and Nozzari, in two operas which Fioravanti had composed for him. *Adelson y Salvini* and *Comingio*. In 1819, he appeared at Rome in the *Gazza Ladra* with Mlle. Mombelli; and at Palermo with Lablache and Donzelli. At Naples, whither he returned after those brilliant excursions, he met with Mlle. Chomel, a distinguished singer, who soon afterwards became his wife, and repaired with him to Vienna, where he experienced a memorable reception.

It was on the 6th of October 1833, that Rubini appeared for the first time in Paris, in the *Cenerentola*. Since that epoch, his career has been an uninterrupted series of triumphs, in France, in England, in Austria, in Italy, the cradle of his glory; they are too recent, and have shed too brilliant a lustre upon the musical world, to render it necessary to detail them here. Besides, it is not so much a biography that we wish to give of this great singer, as an analytical study upon his voice and his method, which, without ever having been committed to paper, has nevertheless exercised, like that of the Garcias, an incontestable influence over all the schools of vocalists.

The voice of Rubini is a tenor in the full reception of the word. It starts from *mi*, and ascends, in "notes of the breast," to *si* sharp; it continues, in "notes of the head," or *falsetto*, or *fa*, always with an intonation of perfect justness and equality. Thus the scale which it compasses is of two octaves and a note. But that is only its ordinary extent, for we have heard Rubini, in the *Roberto D'Evereux* of Donizetti, leap up to *sol*. True he had never gone so high before, and he himself seemed astonished at the feat. As to the power of his organ, it is never beneath what the strongest dramatic expression can exact from a singer. But this power, great as it is, never wounds the ear by too boisterous bursts. His voice is enveloped, as it were, in light gauze, which, without impeding its most rapid bounds, softens the asperities that are almost inseparable from an energetic vibration. Thence that sweetness, that indefinable charm, which spread around the singer, when he pours forth accents of tenderness and wo. It is of him that it may indeed be said, without exaggeration and almost without metaphor, that he has tears in his voice.

We willingly acknowledge that he is greatly indebted to nature for these rare and precious qualities; but what art has added to them is immense One of the

prodigies of that art is displayed in the passage from the *voce di petto* to the *voce di testa*, and vice versâ. When he has reached the limits of his register of the breast,—for example, *si*,—the change for the purpose of entering the falsetto is operated in so marvellous a way, that it is impossible to catch the moment of transition. Another of these prodigies is, that being gifted with very ample lungs, which demand a great quantity of air, he measures his respiration with such skill, that he loses only just so much of his breath as is requisite for producing the sound proportioned to the value of the notes. His manner of breathing is also one of those secrets of the art which it is impossible to describe. So adroitly does he conceal the artifice of respiration, that in the longest phrases you can never perceive the moment when the breath is taken. To understand this phenomenon, it is necessary to know that he fills and empties his lungs almost instantaneously and without the slightest interruption, as you would do with a cup which you should empty with one hand and fill with another. It may be imagined what advantage the singer derives from this faculty, which he owes as much to nature as to study. By its aid, he can give a brilliant and varied colouring to his phrases, as his organ preserves in its gradation the strength necessary to begin, to prosecute, and to conclude, without interruption, the longest periods.

There is no singer whose pipe is lighter, more agile, more flexible than that of Rubini. It tends itself to the most unforeseen, accidental, arduous caprices of composition. There are no ornaments, no *fioriture*, no passages, however difficult, which he cannot accomplish, and which he does not always succeed in accomplishing with the most marvellous perfection. His voice may set the most rapid instruments at defiance, and yet he knows how to be sparing of ornaments, and how to employ them with discretion. Rubini is perhaps the very first artist who, possessing that immense facility of execution, the success of which is always sure, has understood that the most astonishing embroideries are not in keeping with passionate situations. There are works, like *Lucia di Lammermoor*, in which he abstains from all embellishments. And then let it be said, that Rubini does not possess dramatic intelligence in the highest degree. It should still be proclaimed aloud, for connoisseurs as well as for the ignorant, that Rubini is both the most brilliant and the most expressive singer who has appeared upon the stage!

It is true that Rubini sometimes allows himself to play with his voice, and run riot in all sorts of *gorghetti*, to use the Italian phrase. Thus, in the famous duo of *Mosé*, which he sings with Tamburini, he stifles both the musical idea and the dramatic situation beneath a pile of ornaments. But we happen to know that this is a concession which Rubini makes with regret to that unintelligent part of his audience which cares little for truth, provided it be amused by difficulties of often very doubtful taste; just as some pretended lovers of painting take vastly more delight in gaudy, flaring hues, than in natural colouring and correct design.

There are people who will affirm that Rubini is a cold and stiff actor, if they do not even say that he is no actor at all. This is an error which it is easy to destroy. That immoveableness, for which he is reproached, is the necessary consequence of his mode of singing. Behold him in those famous adagios, when, motionless and with his head thrown back to open a wider passage for his voice, he pours forth those mellifluous, limpid, impassioned tones which waken such profound emotions! The slightest displacement of the body would cause that voice, which is now so sure of itself, to undulate, and would deprive it of that equality and finish of which the charm is indefinable. It is his voice that weeps, his voice that makes you weep. Talma himself, with his admirable pantomime, did not produce more thrilling effects.

No, it must not be imagined that Rubini is only a sublime singer, who moves his hearers only by the potency of his voice. He should be seen in scenes of rage and despair, in dramatic situations, where he darts forth his note like a thunderbolt, to obtain an idea of his mimic energy and the truth of his movements. In the finale of *Otello* and in the curse of *Lucia*, one is at a loss which to admire in him most—the consummate actor or the inimitable singer.

Such are the various aspects under which this fine sample of an artist is manifested. Nature and art have combined to render him a phenomenon. His voice is strong, sweet, equal, true; it was nature that made it so, and nature never showed herself more generous. His method is perfect, because it is based upon truth and the most exquisite taste. Rubini has brought to perfection the science of singing; he does better whatever was done before him, and moreover, art is indebted to him for many innovations with which all other methods have become enriched. Thus, to cite but a single example, Rubini was the first to introduce into singing those vigorous

aspirations, which might be called *à répercussion*, and which consist in prolonging a sound upon the same note, before the completion of the cadence. This shock given to the voice, this species of musical sob, always produces the greatest effect, and there is no singer now who does not endeavour to imitate it.

Nevetheless, as there is nothing entirely perfect in the world, Rubini also pays his tribute to human nature. In our opinion he is too negligent in his manner of phrasing the recitative. In concerted pieces, likewise, he does not even give himself the trouble to sing, and when it pleases him to open his mouth, it is only to keep the most absolute silence. It may be said that Rubini does not exist in *morceaux d'ensemble*. Often, too, he sings with his falsetto what he should sing with his natural voice. It is perhaps to these artifices that Rubini owes the complete preservation of his organ, which is as fresh now, as in his youth; but it is not less true that by such indolence he may injure the dramatic thoughts of the composer, and paralyse the efforts of his comrades.

We have said nothing of the character of Rubini, our object having been to speak of the artist; but we cannot conclude this rapid sketch without rendering homage to his generous sentiments, to the simplicity of his manners and the goodness of his heart. All his comrades, and all those who have approached him, can testify to his elevated qualities as an artist and a man.

TAMBURINI.

Antonio Tamburini is another child of fruitful Italy, that land which seems to console itself for its political degradation by the splendour of its artistical glory.

Born at Faenza, on the 28th of March 1800, he received from his father, Pasquale Tamburini, a professor of music, that early education which directs gifted natures towards the destinies they are to accomplish. But the young instrumentalist, who at the age of nine years was filling with distinction a place in an orchestra, experienced instinctive promptings to another career; and, soon afterwards, was seen figuring in the choir of the church, and upon the stage of his native town. His success as a vocalist was such as to attract the notice of the elder Mombelli, of Madame Pisaroni, and of several other celebrated artists. At the age of eighteen, he made a triumphant début at the *Cento* theatre, in Bologna, in an opera by Generali; and next played at Mirandola and at Correggio, where he awakened the liveliest enthusiasm. The fame of his success drew upon him the attention of the Italian managers, and in 1819 he accepted an engagement for the theatre of Placenza, where is still preserved the memory of his brilliant performances in *Cenerentola* and the *Italiana in Algieri*. The same year he appeared at Naples. Pavesi, Generali, and Mercadente wrote for him, and enabled him to add some original creations to his triumphs.

Driven from Naples by the troubles of 1820, Tamburini appeared successively at Florence, Leghorn, Turin, and Milan. It was in this last city that he encountered Mlle. Marietta Gioja, whom he subsequently married, with whom he sang in the *Posto Abandanato*, which Mercadente had just written for them.

Mlle. Gioja was the daughter of the celebrated choreographer of that name, who died in 1826. Her mother was of French origin—the child of the Marquise de Pins, who married Count Gaëtani, a noble who had visited France in the suite of the king of Naples. The first husband of Madame Gioja was the Marquis de Misiallia, by whom she was left an immense fortune on condition of never marrying again; but having secretly espoused Gioja, and the fact being discovered, she was thrown into a convent, whence she was released by the protection of Marie Caroline. This lady, a woman of great beauty, who preferred the love of a poor artist to the splendours of her opulent condition, had three children by him, two sons and a daughter. The last is now Madame Tamburini.

A short time before his marriage, Tamburini had the misfortune to lose his mother, and such was his affliction that he had thoughts of retiring from the world and seeking an asylum in the church. Fortunately, at least for the art of which he is one of the glories, his application was rejected, or rather its immediate gratification was refused, on the ground of his being an actor, and time brought him back to his studies and toils.

Being engaged to perform at Trieste, Tamburini stopped at Venice on his way. The emperors of Austria and Russia happened at the time to be in the city of the doges. Either from their having expressed a desire to hear the young and already distinguished singer, or from the local authorities not being willing to allow the

occasion to escape of adding a new charm and pleasure to the brilliant *fêtes* they were giving to their illustrious guests, Tamburini, at the very moment of departure, was detained by superior orders, and conducted with all the consideration due to his talent, to the opera house. There he was kept prisoner two days, to assist in the performances which their majesties were to honour with their presence. His success was immense. Rome, Palermo, and Naples, which were subsequently the theatres of his triumphs, still preserve the memory of his passage. It is related that at Palermo and at Naples he took the places of Mesdames Linarini and Boccabadati, who, from timidity or caprice, refused to execute their cavatinas. This *tour de force*, says a writer of Palermo, provoked thunders of phrenetic applause, fifteen times. At the conclusion of the opera he was called out to receive the bravos of the audience.

After making for two or three years the delight of the Neapolitan dilettanti, Tamburini resumed his peregrinations, and in 1827 and 1828 we find him at Vienna. The unrivalled troupe which combined David, Rubini, Donzelli, Lablache, Cicimara, Ambroggi, Botticelli, Bassi, Mesdames Mainviella, Rubini, Mombelli, Ungher, Sontag, Giudetta Grisi, Dardanelli, and Grimbaun, had just left that capital. Tamburini nevertheless succeeded in *enthusiasmizing* a public still agitated by their incomparable performances; and he shared with Rubini the honour of being decorated with the medal of the Saviour by the royal and imperial municipality of Vienna. This was no ordinary compliment; for, among strangers, Wellington was the only one who had previously received it.

England next welcomed the artist, and confirmed the brilliant reputation he had earned in Italy and Austria. It was during his stay in London that M. Robert, then director of the opera in Paris, succeeded in engaging him for several years. His début at the *Salle Favart* was made in October 1832, and the enthusiasm of the Parisian dilettanti, which six years have not exhausted, definitively established the claims of superiority of the *Rubini of basse-tailles*.

Of all the great Italian singers, Tamburini is perhaps the one whom nature has most favoured with her gifts. It is to her that he owes that exquisite organization which has rendered him one of the first artists of the epoch. One may be a great singer and yet meet with but mediocre success on the stage, if the exterior of the individual be not, in a musical point of view, in harmony with the moral qualities of the vocalist. Now, Tamburini unites in the highest degree the various qualities which constitute a perfect artist. In his whole person there is a symmetry, a *désinvolture*, which at once prepossesses you in his favour; his figure, without being too tall or too broad, is well knit, and displays both grace and strength; his features are mild and intelligent; his head is finely placed on his shoulders; and in all his movements there is ease and elegance. It may easily be comprehended what benefit Tamburini must derive from these physical advantages, which are enhanced by the good taste and correctness of his costumes; for he is one of the actors who in this respect have been most laborious in their researches. His by-play and his pantomime are not less excellent; in his most vehement, as in his most buffoon parts, there is never the slightest exaggeration, the least incongruity. His performance in serious operas is dignified and earnest; in tragic characters he is impassioned—to use a theatrical phrase, he burns the boards.

Those who have met Tamburini in society, have never found the man inferior to the artist. The esteem which he enjoys, and the numerous friends whom he possesses, are an unequivocal tribute to his worth.

As a singer he belongs to that description of basses which reach neither the extreme heights of the upper nor the extreme depths of the lower notes; his voice is a barytone, but of the kind calculated to sing bass parts. It descends to *la* below, and ascends to *fa* above, embracing thirteen sounds, the true compass of a barytone. It is especially remarkable for its truth of intonation, its sonorousness, fulness, clearness, and purity. It is of remarkable equality; there is no singer who can boast of an organ more even than his in all its notes. Take it in its various parts, you can find nothing in it to object to; take it as a whole, you will be compelled to admit that nothing more perfect can exist. Analysis and synthesis have simultaneously guided his studies, and given him all that it is possible to attain by this double labour. To this he owes that expression, that precision, which are to be perceived in his manner of sending forth his voice. The sound which he emits is always pure, delicate, and mellifluous; his inflections are always accurate and light. In our opinion, his voice is better adapted to the brilliant and graceful than to the strong and tragic style; but it is not less admirable in the sentimental and passionate cantilena, which is now one of the most decided characteristics of the Italian school. In

the former, his performance of the parts of *Dandini* and *Figaro* are models; and in the latter, he cannot be surpassed in *Lucia di Lammermoor* and the *Puritani*. He is not, however, by any means unable to rise to the most powerful efforts of tragedy. After hearing him in the last adagio of *Lucia:*

"Ella è mio sangue
Io l'o tradita,"

and in the famous duo of *Otello*, it is not permissible to doubt that he could attain, if he pleased, the highest dramatic expression.

All that the study of vocalization can effect in the way of finish, all that method can accomplish in the way of correctness, are to be found in this admirable singer. We know of no one who possesses in so high a degree the art of swelling, sustaining, and diminishing a note. He leaves nothing to be desired in regard to intonation and *portamento*. The power of his voice is always graduated in such a way as never painfully to affect the ear, and he throws it out with vigour, without ever allowing the least effort to be perceived. He does not domineer over the choruses and orchestra like Lablache, but he makes himself heard through them both, and though his voice vibrates strongly and brilliantly, it never loses that velvetness which constitutes its principal charm. His *portamento* is preserved equally pure throughout the diatonic scale. Whatever he sings, his style is always marked by excellent taste and an excellent method. What has especially rendered him popular is the torrent of *fioriture* which pour from his throat, and spread themselves, as it were, over the audience; the volubility and flexibility of his organ are marvellous; he embroiders and entangles notes and passages with as much success as the most daring tenors or sopranos. One must have been present at the incredible contest of vocalization in which Rubini and Tamburini engage in the duo of *Mosé*, to obtain an idea of the wondrous flexibility of the latter's voice. What Rubini can do in this way is well known. He is the finest pearl of that bracelet of which Tamburini is one of the most beautiful diamonds. There is no hardihood which Rubini does not attempt, no difficulty or caprice which he does not achieve with a perfection that it would seem impossible to approach; nevertheless, Tamburini, in this piece, does not yield to his rival either in agility, boldness, or precision.

But the most richly adorned singing, the most exquisite embellishments, would be only an insipid play of notes, were they not accompanied by sentiment and dramatic expression; and it is by these latter qualities that Tamburini has caused himself to be enrolled among the most accomplished singers of the epoch.

GRISI.

In the family of Giulia Grisi, singing is not, as has been asserted, an hereditary talent. The parents of this *cantatrice* were altogether strangers to the stage, and we are not aware that in ascending higher, any vestige of musical celebrity will be found among her ancestors. We only know that Madame Grassini, who had great success in her day upon the boards of the Italian Opera, is the aunt of Giulia and Giudetta Grisi; and perhaps the two sisters owe to the encouragements of the celebrated artist, a portion of their talent.

Giulia Grisi was born at Milan in 1812. The daughter of M. Gaëtano Grisi, a distinguished topographical officer of the empire, and of a sister of Madame Grassini, she manifested at an early age the most brilliant dispositions for vocal music, and often astonished her family by the fidelity with which she imitated gestures, the demeanour, and even the singing of the artists whom she happened to hear.

It was at Bologna, in the house of her uncle, that she began her musical studies; and when sixteen, she made her début in the theatre at that city, in the *Zelmira* of Rossini. Her success justified the hopes which had prompted the choice of her profession, and earned for her the honour of a partition composed expressly for her by the Maëstro Mililloti.

In 1828, Florence, the city of the arts, robbed the Bolognese of their youthful wonder, and admired in her the loveliest Juliet that had ever been seen in the *Capuletti* of Vaccai. The following year, the part of Zoraïde, in Rossini's *Ricciardo é Zoriade*, was a splendid revelation of the glory which was to be achieved by the young songstress.

After delighting the inhabitants of Pisa, and a second time those of Florence, where she was solicited to accept a third engagement, Grisi went to Milan,

appeared at the theatre *de la Scala*, in company with Donzelli and Madame Pasta, and shared with those two great artists the honour of attaching her name to the production upon the lyric stage of *Norma*, that magnificent composition which crowned the glory of Bellini. It is said, that Madame Pasta was so struck during the first rehearsals of the opera, with the resources of the *débutante*, that, influenced by apprehension or inexcusable jealousy, she induced Bellini to suppress the solo of Adalgisa in the trio of the first act.

Grisi was in Corsica, reposing after the fatigues and labours which had injured her health, when the directors of the Italian Opera in Paris, succeeded, in securing her services. She was adopted by France in 1832; and eight years, during which she has sustained the most difficult rôles of the buffo and serious repertory, have not yet exhausted the lively sympathy with which the severe public of the Italian theatre welcomed her débuts. From that period Grisi has not left France, except to go with Lablache, Rubini, Tamburini, and her other comrades, to England, and reap two or three rich harvests of wreaths and guineas.

It is to the Italian school that the reputation of Grisi as a great singer must be ascribed. She cannot be said to have had any particular master; by her admirable faculty of imitation she derived from an association with great singers that assemblage of different qualities which has given her a place by herself amid contemporary artists. Thus, she owes to her contemplative admiration of Madame Malibran, the first revelation of those dramatic bursts which she has since so splendidly developed; to her study of Madame Pasta, that nobleness, that tragic severity, that full, powerful expression, which she carries into the parts of the new Italian repertory, more especially. But, every allowance made in favour of the rights of the genius that creates, Madame Pasta had not that limpidness of voice which charms us in Grisi and Madame Malibran, that incredible agility which we admire in our great cantatrice. For, once for all, we should well understand what is meant by a fine voice. A fine voice is one which, in the proper extent of its register, is powerful, clear, round, vibrating, and flexible. This is the natural beauty of the voice. These qualities should be found in all the notes of the vocal scale of every singer, and it is art which gives this perfection. But it should not be supposed that the finest voice is that which has the greatest extent. An artist might possess the greatest number of imaginable octaves and yet have a bad voice, if destitute of that equality which, in our opinion, is the most admirable attribute of vocal organization. Thus, Madame Malibran was assuredly a great singer, but no one will deny that her voice, though very extensive, was almost defective in some other respects. She would go lower than Grisi, and higher also; but her upper tones, and the middle ones which connect the *voce di testa* with the *voce di petto*, were not always agreeable, and it was to cover these defects that she employed all the resources of her art, or rather the artifice of her method. She was frequently obliged to change whole phrases into some partitions; and more than once we have heard Rossini, with that caustic wit which characterizes him, allude to the manner in which she arranged certain passages of Otello, calling her arrangements *chemins de traverse*.

The voice of Madame Grisi embraces two octaves. It reaches from *ut* below to *ut* above the staff—a fine extent in the register of a perfect soprano, which enables the composer to develope all the beauties of melody, and even the caprices of fantasy. And in this compass, greater certainly than usual, what justness, what purity, what strength, what *morbidezza*, what roundness, what velvetness of tone! If, as we have reason to believe, our theory upon the beauty of the voice is admitted by the professors of the art, it must be acknowledged that a voice more completely beautiful than that of Grisi has never been heard.

Intonation is another essential quality which merits all the attention of criticism. It is not every one who can recognise, not absolute truth of intonation, but those delicate, almost imperceptible, shades, which make the fourths or demi-fourths of tones. Madame Pasta, that great artist, had the fault of singing too low. In France this was remarked by few; but in Italy, where ears are more exercised, the public needed to accustom itself to hear her to forget this imperfection, abundantly compensated for, as it was, by so many natural and acquired merits. Now, the intonation of the voice of Grisi is as sure, as true, as finished as possible; and it is well that it is so, for if the defect just alluded to disfigured her organ, it would be much more perceptible and painful than in the case of Madame Pasta, from the vigour with which she attacks her notes. Her voice is especially remarkable for its precision and finish; never does a doubtful note mar her vocalization. As to her method, it is the nature

of her voice which indicated to her, as if by instinct, the manner she ought to adopt. Her powerful organization, the scope of her tones, led her evidently to a broad, declamatory, dramatic style, and it is by this path that she reached the heights of her art, considered in its relations with tragedy. Thus, whatever appertains to the stronger passions, as anger, fiery love, jealousy, rage, finds an admirable interpreter in her. Her voice, her method, her beautiful, expressive, majestic countenance, are all noble and theatrical; one sees that she neither can nor should sing for the mere object of singing; her element is the drama in its loftiest and most sublime parts. It is for this reason she so affects the rôles of Desdemona, Anna Bolena, and Norma, which exhibit the three most striking aspects of love—love in all its fervour and despair, love in all its melancholy and regrets, love in all its jealousy and fury. It is not astonishing that Pasta, Malibran, Ronzi, and Grisi, should have had a predilection for these three eminently tragic parts, in which the three shades of the passion are depicted with Michael-Angelesque colours. Find in the old repertory a single opera that presents as many strong situations as *Otello*, *Norma*, and *Anna Bolena*.

What now signifies the reproach cast upon Grisi, of not liking in the same degree the part of Donna Anna in Mozart's *Don Giovanni*. Assuredly her musical organization does not conceal from her any of the numerous beauties which abound in this masterpiece; but, we repeat, it is not in the nature of Giulia Grisi to sing for the mere purpose of singing. And what situation does the insipid poem of Don Juan offer to the genius of the beautiful cantatrice? Imagine Talma playing Figaro, or Mlle. Rachel the part of Columbine. And yet, are there many singers who have performed, or who now perform, as well as Grisi, the light, brilliant, coquettish parts of Rosina in the *Barber of Seville*, of Ninetta in the *Gazza Ladra*, and of Donna Anna in *Don Juan*? We are not afraid to say, that if she is naturally disposed to tragic rôles, the marvellous flexibility of her organization enables her to execute simple, light, and graceful music with the same excellence, if not with the same satisfaction to herself. It was the same with Malibran, Pasta, and Ronzi.

Like her predecessors, Grisi possesses a perfect method of vocalization. The multitude of delicate shades, of happy *traits*, of graceful inflections, of evolutions of voice, by means of which she surmounts every difficulty, distinguish her among the most celebrated singers in this style. But what elevates her above all the rest, is her *mezza-voce* singing, her extraordinary *smorzature*. What efforts, what labour, what perseverance must have been requisite to obtain a mastery over that formidable power of voice, so as to be able to restrain and diminish it, and give it in the weakest sounds that equality, that clearness, and that soft vibration, which is one of the distinctive characteristics of her at once graceful and impassioned style.

As an actress, it must be acknowledged that Grisi has rarely had an equal in the combination of qualities which constitute a great tragedian. France, England, Italy, have paid homage to her beauty. Every one admires the purity of her features, the severe and at the same time harmonious contour of her face, the eloquence of her eyes, the expressiveness of all her motions, and her glossy, raven hair, so effective in scenes of desperation and frenzy. Her acting, her singing, her look, all reveal inspiration and spontaneousness; rarely is she found in the same part to go through in the same manner the different dramatic situations.

Let it not, however, be supposed that the *diva* of the *Théâtre-Italien* is an irreproachable singer. We have sedulously studied all the aspects of this artistical physiognomy, and by the side of the rarest and most beautiful qualities we have discovered some little blemishes which should be pointed out. She may thus be reproached with the exaggeration of her qualities. The impulse of her powers hurries her, in spite of herself, into excess. She often succeeds in overcoming it, but she oftener yields to it, and then she is carried away beyond the bounds of truth. This, in fact, is the defect of all strong organizations, on whatever steps of the social ladder they may be placed. When Grisi, also, begins a long phrase, it might be thought that she finds difficulty in putting her voice forth and giving it the movement required by the measure. This does not proceed, as has been said, from the dryness of her throat and mouth; it is, on the contrary, a super-abundance of saliva which causes the voice to hesitate, as it were on its first start. Once, however, that the impulse is given, her mouth and her throat serve her admirably; she sustains the longest and most arduous parts without fatigue; her *débit* is always sure, and never does the slightest relaxation endanger the measure.

Having thus done homage to the genius and skill of the artist, let us in conclusion pay a merited tribute to the heart of the woman. Every one is familiar with the beautiful actions of Madame Malibran, the generous use which she made of the money

lavished upon her wonderful talents. Those who have the happiness to be intimate with Grisi, and from whom she cannot completely conceal her acts, have related to us some of them which do the highest honour to her character and her feelings. We regret that they cannot be made public, to oppose them to the timid echoes which have been given sometimes to gross malevolence. We may say, however, without violence to her modesty, that nowhere can be found a woman more generous, more disinterested, more compassionate to misery.

PERSIANI.

Madame Taccinardi-Persiani is the daughter of the tenor Taccinardi, who enjoyed great celebrity in his day. He sang with considerable success at the Italian theatre of Paris, and is said to have exhibited some whimsical caprices as an artist. Having observed the unfortunate influence which the defects of his physiognomy exerted upon the public at his entrance on the stage, he requested the composers and poets employed to write for him, to seek out parts which would permit him to begin to sing behind the scenes, and by this means cause him to be heard before he was seen; but as this expedient could not always be resorted to, he invented another stratagem to hide a portion of his body from the spectators, that of having himself drawn upon the stage in a triumphant car. His beautiful voice, however, which was one of the truest tenors ever heard, his fine dramatic intelligence, and admirable method, abundantly compensated for his defects. No singer since his time, has declaimed recitative with that simple and natural expression which has become one of the secrets of the vocal art. It is but just, also, to add that the conditions of the lyric drama are not now such as they then were; it may be even said that they are entirely changed.

Madame Persiani is thus a musician by inheritance, if we may so speak. There is artist blood in her veins, and she worthily sustains the honour of her name. She received from her father her whole musical education. Nature bestowed upon her an organ of great extent, but deficient, perhaps, in some parts, in pliability and sweetness. Earnest study, incessant labour, have almost entirely remedied the defects. Her operatic career began upon the stage of Leghorn in Italy, but her débuts were by no means brilliant, and did not presage the triumphs she was afterwards to achieve. It was at Milan that she laid the foundations of her fame, which increased with great rapidity at Florence, and reached its highest point in 1835 at Naples, where she created with great eclat the fine part of *Lucia di Lammermoor*.

Since that period her dramatic life has been an uninterrupted succession of trumphs. After appearing upon the principal theatres of Italy, she was called to Vienna, where she left the most flattering recollections. At length she came to Paris, and the select public of the *Teatro dei Buffi* did not hesitate to sanction with its high approbation the brilliant renown which had preceded her arrival. At present, Madame Persiani is one of the most splendid jewels of that superb crown of artists which constitutes the glory of Italy and the pride of the musical world.

The voice of Madame Persiani is one of the most extensive with which we are acquainted in the register of the true soprano. It rests with great firmness upon the lower *si*, and ascends to *mi*, comprising eighteen notes, which surpasses the ordinary soprano limits; add to this a suppleness and flexibility unrivalled. It is one of those obedient voices, which lend themselves, not only to the execution of the greatest difficulties, but also to the most daring caprices of vocalization. It is not from nature, as we have intimated, that she derives these qualities; to study she is indebted for a large share of them. It is study which enabled her to *rinforzare* and *smorzare*, that is to say, to swell and diminish her voice, by sending it forth full, pure, and free from all nasal and guttural influence; to manage her respiration, prolong it beyond the usual duration, and render it almost imperceptible; to execute with so much precision and success those ascending and descending chromatic gamuts, which she casts like so many glittering sheaves at her astonished auditors. Admire also her exquisite taste in the choice of embellishments, her delightful manner of linking sounds together by the most felicitious transitions, of swelling and diminishing them by insensible shades; see in the boldest attempts the difficulty vanquished by apparently the simplest means, and always with grace, elegance, ease. Her voice is a prodigy of pliability and fascination; in two words, it astonishes and charms.

It must not, however, be supposed that the voice of Madame Persiani is perfect.

Her breast-notes are somewhat rough and harsh, and when she rises into the lofty regions of singing, she utters occasionally sounds which resemble screams. But these defects, which must be irreparable, since they have resisted the most determined efforts of the skilful cantatrice, are lost amid her numerous acquired and natural merits.

Let us now examine the particular character of her talent. It is certain that she cannot accomplish with equal success the various styles which constitute dramatic action. We have seen and admired her in the *Sonnambula*, in the *Lucia*, in the *Elisire*, and in *Don Juan*—these operas, we opine, form the extent of her lyric resources, placed as they are between the two extremes of the tragic and the buffo. It is not merely the nature of her voice which restrains her within these limits; it is also the expression of her acting, and, we might add, the ensemble of her physical organization. Not that Madame Persiani is devoid of grace or charms; on the contrary, there is in her whole appearance a certain *spirituel* archness, a piquant naïveté, that awaken the interest and sympathies of the spectators; her smile is animated, and from her head falls a flood of hair, which produces an admirable effect, particularly in the grand scene of *Lucia*. It is but just moreover to say, that she appears to have a true perception of her powers; her ambition is never too vaulting; she is perfectly aware of what is adapted and what is opposed to the character of her talent—a rare intelligence among artists.

In conclusion, we wish to pay a tribute to Madame Persiani, which every one doubtless silently renders to her. Since her arrival in Paris she has been an object of especial attention; we have watched with interest her onward march, and we can now confidently affirm that her place is marked in the front rank of contemporary artists. She does not, however, owe this distinguished position to new studies and labour; the talent of this actress at the period of her arrival was already in full maturity; but she has acquired that confidence without which the rarest qualities of a singer remain paralysed. The regard and admiration of the public of the Italian Opera have been manifested to her in so many ways that she has necessarily at last acquired that assurance which she needed, and now that she can abandon herself without fear to the impulse of her inspirations, she enables us to enjoy all the riches of her admirable faculties.

Our last word will be one of counsel. Madame Persiani, you excel in effects of vocalization; you embellish with wonderful facility; you accomplish passages which cause equal pleasure and surprise, but you sometimes touch a dangerous shoal. We, with whom the interest of the art is the first consideration, will tell you the truth. It often happens that you allow yourself to be carried away by your love of ornament, with regard to the dramatic situation and the intentions of the composer; at other times you cover the melody with a luxuriance of embellishments which dazzle, undoubtedly, but which injure the effect of the musical period. You have no need of resorting to these means for winning admiration. You should command applause, and not solicit it.

ELEONORA

A FABLE.

BY EDGAR A. POE.

I AM come of a race noted for vigour of fancy and ardour of passion. Pyrros is my name. Men have called me mad; but the question is not yet settled whether madness be or be not the loftier intelligence—whether much that is glorious—whether all that is profound—do not spring from disease of thought, from moods of mind exalted at the expense of the general intellect. They who dream by day are cognizant to many things which escape the dreamers by night. In their gray visions they obtain glimpses of eternity, and thrill in awaking, to find that they have been upon the verge of the great secret. In snatches they learn something of the wisdom which is of good, and more of that mere knowledge which is of evil. They penetrate, however rudderless or compassless, into the vast ocean of the "light ineffable," and again, like the adventurers of the Nubian geographer, "*agressi sunt mare tenebrarum, quid in eo esset exploraturi.*"

We will say then that I am mad. I grant, at least, that there are two distinct conditions of my mental existence—the condition of a lucid reason, not to be disputed, and belonging to the memory of events forming the first epoch of my life; and a

condition of shadow and doubt, appertaining to the present, and to the recollection of what constitutes the second great era of my being. Therefore, what I shall tell of the earlier period, believe; and to what I may relate of the later time, give only such credit as may seem due; or doubt it altogether; or, if doubt it ye dare not, then play unto its riddle the sphynx.

She whom I loved in youth, and of whom I now pen calmly and distinctly these remembrances, was the sole daughter of the only sister of my mother long departed. Eleonora was the name of my cousin. We had always dwelled together, beneath a tropical sun, in the "Valley of Many-Coloured Grass." No unguided footstep ever came upon that vale; for it lay singularly far away up among a range of giant hills that hung beetling around about it, shutting out the sunlight from its sweetest recesses. No path was trodden in its vicinity; and to reach our happy home there was need of putting back with force the foliage of many thousands of forest trees, and of crushing to death the glories of many millions of fragrant flowers. Thus it was that we lived all alone, knowing nothing of the world without the valley—I, and my cousin, and her mother.

From the dim regions beyond the mountains at the upper end of our encircled domain there crept out a narrow and deep river, brighter than all save Eleonora's eyes; and, winding stealthily about in mazy courses, it passed away at length through a shadowy gorge among hills still dimmer than those from which it had issued. We called it the "River of Silence;" for there seemed to be a hushing influence in its flow. No murmur arose from its bed, and so gently it wandered along that the pearly pebbles upon which we loved to gaze, far down within its bosom, stirred not at all, but lay in a motionless content, each in its own old station, shining on gloriously for ever.

And the margin of the river, and of the many dazzling rivulets that glided through devious ways into its channel, and the spaces that extended from the brinks away down into the depths of the streams, until they reached the bed of pebbles at the bottom—these spots, not less than the whole surface of the valley, from the river to the mountains that girdled it in, were carpeted all by a soft green grass, thick, short, perfectly even, and vanilla-perfumed, but so besprinkled throughout with the yellow buttercup, the white daisy, the purple violet, and the ruby-red asphodel, that its exceeding beauty spoke to our hearts in loud tones of the love and of the glory of God.

And here and there in groves about this grass, like wildernesses of dreams, sprang up fantastic trees, whose tall slender stems stood not upright, but slanted gracefully toward the light that peered at noonday into the centre of the valley. Their bark was speckled with the vivid alternate splendours of ebony and silver, and was smoother than all save the cheeks of Eleonora—so that but for the brilliant green of the huge leaves that spread from their summit in long tremulous lines dallying with the zephyrs, one might have fancied them giant serpents of Syria, doing homage to their sovereign, the sun.

Hand in hand about this valley, for fifteen years, roamed I with Eleonora, before love entered within our hearts. It was one evening at the close of the third lustrum of her life, and of the fourth of my own, that we sat, locked in each other's embrace, beneath the serpent-like trees, and looked down within the waters of the River of Silence at our images therein. We spoke no words during the rest of that sweet day, and the words upon the morrow were tremulous and few.

We had drawn the god Eros from that wave; and now we felt that he had enkindled within us the fiery souls of our forefathers. The passions which had for centuries distinguished our race came thronging with the fancies for which they had been equally noted, and together breathed a delirious bliss over the Valley of the Many-Coloured Grass. A change fell upon all things. Strange brilliant flowers, star-shaped, burst out upon the trees, where no flowers had been known before. The tints of the green carpet deepened, and when, one by one, the white daisies shrank away, there sprang up in the place of them ten by ten of the ruby-red asphodel. And life arose in our paths; for the tall flamingo, hitherto unseen, with all gay, glowing birds, flaunted his scarlet plumage before us; and golden and silver fish haunted the river, out of the bosom of which issued, little by little, a murmur that swelled at length into a lulling melody more divine than that of the harp of Æolus, sweeter than all save the voice of Eleonora. And now, too, a vast and voluminous cloud, which we had long watched in the regions of Hesper, floated out thence all gorgeous in crimson and gold, and settling in peace above us, sank day by day lower and lower, until its edges rested upon the tops of the mountains, turning all their dimness into magnificence,

and shutting us up, as if for ever, within a magic prison-house of grandeur and of glory.

The loveliness of Eleonora was that of the seraphim—and here, as in all things referring to this epoch, my memory is vividly distinct. In stature she was tall, and slender even to fragility; the exceeding delicacy of her frame, as well as of the hues of her cheek, speaking painfully of the feeble tenure by which she held existence. The lilies of the valley were not more fair. With the nose, lips, and chin of the Greek Venus, she had the majestic forehead, the naturally-waving auburn hair, and the large luminous eyes of her kindred. Her beauty, nevertheless, was of that nature which leads the heart to wonder not less than to love. The grace of her motion was surely ethereal. Her fantastic step left no impress upon the asphodel—and I could not but dream as I gazed, enrapt, upon her her alternate moods of melancholy and of mirth, that two separate souls were enshrined within her. So radical were her changes of countenance, that at one instant I fancied her possessed by some spirit of smiles, at another by some demon of tears.

She was a maiden artless and innocent as the brief life she had led among the flowers. No guile disguised the fervour of love which animated her heart—and she examined with me its inmost recesses, as we walked together in the Valley of the Many-Coloured Grass, and discoursed of the mighty changes which had lately taken place. At length, having spoken, one day, in tears, of the last sad change which must befall humanity, she thenceforward dwelt only upon this one sorrowful theme, interweaving it into all our converse—as in the songs of the Bard of Shiraz the same images are found occurring again and again in every impressive variation of phrase.

She had seen that the finger of death was upon her bosom—that like the ephemera, she had been made perfect in loveliness only to die; but the terrors of the grave, to her, lay solely in a consideration which she revealed to me, one still evening at twilight, by the banks of the River of Silence. She grieved to think that, having entombed her in the Valley of the Many-Coloured Grass, I would quit for ever its happy recesses, transferring the love which was now so passionately her own to some maiden of the outer and every-day world.

And then and there I threw myself hurriedly at the feet of Eleonora, and offered up a vow to herself and to heaven that I would never bind myself in marriage to any daughter of earth—that I would in no manner prove recreant to her dear memory, or to the memory of the devout affection with which she had blessed me. And I called the mighty Ruler of the universe to witness the pious solemnity of my vow. And the curse which I invoked of him, and of her, a saint in Elysium, should I prove traitorous to that promise, involved a penalty the exceeding great horror of which will not permit me to make record of it here. And the bright eyes of Eleonora grew brighter at my words; and she sighed as if a deadly burden had been taken from her breast; and she trembled and very bitterly wept; but she made acceptance of the vow—for what was she but a child? and it made easy to her the bed of her death. And she said to me, not many days afterwards, tranquilly dying, that because of what I had done for the comfort of her spirit, she would watch over me in that spirit when departed, and, if so it were permitted her, return to me visibly in the watches of the night; but if this thing were indeed beyond the power of the souls in paradise, that she would at least give me frequent indications of her presence, sighing upon me in the evening winds, or filling the air which I breathed with perfume from the censers of the angels. And with these words upon her lips she yielded up her innocent life, putting end to the first epoch of my own.

Thus far I have faithfully said; but, as I pass the barrier in time's path formed by the death of my beloved, and proceed into the second era of my existence, I feel that a vague shadow gathers over my brain, and I mistrust the perfect sanity of the record. But let me on. Years dragged themselves along heavily, and still, with the aged mother of Eleonora, I dwelled within the valley of the Many-Coloured Grass. A second change had come upon all things. The star-shaped flowers shrank into the stems of the trees, and appeared no more. The tints of the green carpet faded, and one by one the ruby-red asphodels withered away, and there sprang up in place of them, ten by ten, dark eye-like violets that quivered uneasily. And life departed from our paths; for the tall flamingo flaunted no longer his scarlet plumage before us, but flew sadly from the vale into the hills, with all the gay, glowing birds that had arrived in his company. And the golden and silver fish swam down through the gorge at the lower end of our domain, and bedecked the sweet river never again. And the lulling melody that had been softer than the wind-harp of Æolus, and more divine than all save the voice of Eleonora—it died,

little by little, away, in murmurs growing lower and lower, until the stream returned at length utterly into the solemnity of its original silence. And then, lastly, the voluminous cloud uprose, and abandoning the tops of the mountains to the dimness of old, fell back into the regions of Hesper, and took away all its manifold golden and gorgeous glories from the valley of the Many-Coloured Grass.

Yet the promises of Eleonora were not forgotten; for I heard the sounds of the swinging of the censers of the angels; and streams of a holy perfume floated ever and ever about the valley; and at lone hours, when my heart beat heavily, the winds that bathed my brow came unto me laden with soft sighs; and indistinct murmurs filled often the night air; and once—oh, but once only—I was awakened from a slumber like unto the slumber of death, by the pressing of spiritual lips upon mine own.

But the void within my heart refused even thus to be filled. I longed—I madly pined for the love which had before filled it to overflowing. At length the valley *pained* me through its memories of Eleonora, and I left it for ever for the vanities and the turbulent triumphs of the world.

* * * * *

I found myself within a strange eastern city, where all things might serve to blot from recollection the sweet dreams I had dreamed so long in the valley of the Many-Coloured Grass. The pomps and pageantries of a stately court, and the mad clangour of arms, and the radiant loveliness of woman, bewildered and intoxicated my brain. But as yet my soul had proved true to her vows, and the indications of the presence of Eleonora were still given me in the silent hours of the night. Suddenly these manifestations ceased, and the world grew dark before my eyes, and I stood aghast at the burning thoughts which possessed, at the terrible temptations which beset me—for there came, from some far distant and unknown land, into the gay court of the king I served, a fair-haired and slender maiden, to whose beauty my whole recreant heart yielded at once—at whose footstool I bowed down, without a struggle, in the most ardent, in the most abject worship of love.

What, indeed, was the passion I had once felt for the young girl of the valley, in comparison with the madness, and the glow, and the fervour, and the spirit-stirring ecstacy of adoration with which I poured out my soul in tears at the feet of the lady Ermengarde? Oh, bright was the lady Ermengarde! I looked down into the blue depths of her meaning eyes, and I thought only of them, and of her. Oh, lovely was the lady Ermengarde! and in that knowledge I had room for none other. Oh, glorious was the wavy flow of her auburn tresses! and I clasped them in a transport of joy to my bosom. And I found rapture in the fantastic grace of her step—and there was a wild delirium in the love I bore her when I started to see upon her countenance the radical transition from tears to smiles that I had wondered at in the long-lost Eleonora. I forgot—I despised the horrors of the curse I had so blindly invoked, and I wedded the lady Ermengarde.

I wedded, nor dreaded the curse I had invoked, and its bitterness was not visited upon me. And in the silence of the night there came once again through my lattice the soft sighs which had forsaken me, and they modelled themselves into sweet voice, saying—"Sleep in peace; for the spirit of love reigneth and ruleth; and in taking to thy passionate heart her who is Ermengarde, thou art absolved, for reasons which shall be made known to thee in heaven, of thy vows unto Eleonora."

THE TOUGH YARN:

OR, THE CAUSE OF JACK ROBINSON'S LAMENESS.

Major Grant of Massachusetts was returning home from Moosehead Lake, where he had been to look after one of his newly-purchased townships, and to sell stumpage to the loggers for the ensuing winter, when he stopped for the night at a snug tavern in one of the back towns in Maine, and having been to the stable, and seen with his own eyes that his horse was well provided with hay and grain, he returned to the bar-room, laid aside his cloak, and took a seat by the box-stove, which was waging a hot war with the cold and raw atmosphere of November.

The major was a large, portly man, well to do in the world, and loved his comfort. Having called for a mug of hot flip, he loaded his long pipe, and prepared for a long and comfortable smoke. He was also a very social man, and there being but one

person in the room with him, he invited him to join him in a tumbler of flip. This gentleman was Doctor Snow, an active member of a temperance society, and therefore he politely begged to be excused; but having a good share of the volubility natural to his profession, he readily entered into conversation with the major, answered many of his inquiries about the townships in that section of the state, described minutely the process of lumbering, explained how it might be made profitable, aud showed why it was often attended with great loss. A half hour passed imperceptibly away, and the doctor rose, drew his wrapper close about him, and placed his cap on his head. The major looked around the room with an air of uneasiness.

"What, going so soon, doctor? No more company here to-night, think? Dull business, doctor, to set alone one of these long tedious evenings. Always want somebody to talk with; man wasn't made to be alone, you know."

"True," said the doctor, "and I should be happy to spend the evening with you, but I have to go three miles to see a patient yet to-night, and it's high time I was off. But luckily, major, you won't be left alone after all, for here comes Jack Robinson, driving his horse and waggon into the yard now; and I presume he'll not only spend the evening with you, but stop all night."

"Well, that's good news," said the major, "if he'll only talk. Will he talk, doctor?"

"Talk? yes! till all is blue. He's the greatest talker you ever met with. I'll tell you what 'tis, major, I'll bet the price of your reckoning here to-night, that you may ask him the most direct simple question you please, and you sha'n't get an answer from him under half an hour, and he shall keep talking a steady stream the whole time, too."

"Done," said the major; "'tis a bet. Let us understand it fairly now. You say I may ask him any simple plain question I please, and he shall be half an hour answering it, and talk all the time too; and you will bet my night's reckoning of it."

"That's the bet, exactly," said the doctor.

Here the parties shook hands upon it, just as the door opened, and Mr. Jack Robinson came limping into the room, supported by a crutch, and with something of a bustling, care-for-nothing air, hobbled along toward the fire. The doctor introduced Mr. Jack Robinson to Major Grant, and after the usual salutation and shaking of hands, Mr. Robinson took his seat upon the other side of the stove, opposite the major.

Mr. Jack Robinson was a small, brisk man, with a gray twinkling eye, and a very knowing expression of countenance. As he carefully settled himself into his chair, resting his lame limb against the edge of the stove-hearth, he threw his hat carelessly upon the floor, laid his crutch across his knee, and looked round with a satisfied air, that seemed to say, "Now, gentlemen, if you want to know the time of day, here's the boy what can tell ye."

"Allow me, Mr. Robinson, to help you to a tumbler of hot flip," said the major, raising the mug from the stove.

"With all my heart, and thank ye too," said Robinson, taking a sip from the tumbler. "I believe there's nothing better for a cold day than hot flip. I've known it to cure many a one who was thought to be in a consumption. There's something so—"

"And I have known it," said the doctor, shrugging his shoulders "to kill many a one that was thought to have an excellent constitution and sound health."

"There's something so warming," continued Mr. Robinson, following up his own thoughts so earnestly that he seemed not to have heard the remark of the doctor, "there's something so warm and so nourishing in hot flip, it seems to give new life to the blood, and puts the insides all in good trim. And as for cold weather, it will keep that out better than any double-milled kersey or fear-not great coat that I ever see. I could drive twenty miles in a cold day with a good mug of hot flip easier than I could ten miles without it. And this *is* a cold day, gentlemen, a real cold day, there's no mistake about it. This norwester cuts like a razor. But tain't nothing near so cold as 'twas a year ago, the twenty-second day of the month. I drove my little Canada gray in a sleigh that day twelve miles in forty-five minutes, and froze two of my toes on my lame leg as stiff as maggots. Them toes chill a great deal quicker than they do on t'other foot. In my well days I never froze the coldest day that ever blew. But that cold snap, the twenty-second day of last November, if my little bay had not gone like a bird, would have done the job for my poor lame foot. When I

got home I found two of my sheep dead, and they were under a good shed, too. And one of my neighbours, poor fellow, went into the woods after a load of wood, and we found him next day froze to death, leaning up against a beach-tree as stiff as a stake. But his oxen was alive and well. It's very wonderful how much longer a brute critter will stan' the cold than a man will. Them oxen didn't even shiver."

"Perhaps," said the doctor, standing with his back towards Mr. Robinson, "perhaps the oxen had taken a mug of hot flip before they went into the woods."

By this time Major Grant began to feel a little suspicious that he might lose his bet, and was setting all his wits to work to fix on a question so direct and limited in its nature, that it would not fail to draw from Mr. Robinson a pretty direct answer. He had thought at first of making some simple inquiry about the weather; but he now felt convinced that, with Mr. Robinson, the weather was a very copious subject. He had also several times thought of asking some question in relation to the beverage they were drinking; such as, whether Mr. Robinson preferred flip or hot sling. And at first he could hardly perceive, if the question were put direct, how it could fail to bring out a direct yes or no. But the discursive nature of Mr. Robinson's eloquence on flip had already induced him to turn his thoughts in another direction for a safe and suitable question. At last he thought he would make his inquiry in reference to Mr. Robinson's lameness, but the thought occurred to him that the cause might not be clearly known, or his lameness might have been produced by a complication of causes, that would allow too much latitude for a reply. He resolved therefore simply to ask him whether his lameness was in the leg or in the foot. That was a question which it appeared to him required a short answer. For if it were in his leg, Mr. Robinson would say it was in his leg; and if it were in his foot, he would at once reply, in his foot; and if it were in both, what could be more natural than that he should say, in both? and that would seem to be the end of the story.

Having at length fully made up his mind as to the point of attack, he prepared for the charge, and taking a careless look at his watch, he gave the doctor a sly wink. Doctor Snow, without turning or scarcely appearing to move, drew his watch from beneath his wrapper so far as to see the hour, and returned it again to his pocket.

"Mr. Robinson," said the major, "if I may presume to make the inquiry, is your lameness in the leg or in the foot?"

"Well, that reminds me," said Mr. Robinson, taking a sip from the tumbler, which he still held in his hand, "that reminds me of what my old father said to me once when I was a boy. Says he, 'Jack, you blockhead, don't you never tell where any thing is, unless you can first tell how it come there.' The reason of his saying it was this. Father and I was coming in the steamboat from New York to Providence; and they were all strangers aboard—we didn't know one of 'em from Adam. And on the way, one of the passengers missed his pocket-book, and begun to make a great outcry about it. He called the captain, and said there must be a search. The boat must be searched, and all the passengers and all on board must be searched. Well, the captain he agreed to it; and at it they went, and overhauled everything from one end of the boat to t'other; but couldn't find hide nor hair of it. And they searched all the passengers and all the hands, but they couldn't get no track on't. And the man that lost the pocket-book took on and made a great fuss. He said it wan't so much on account of the money, for there wasn't a great deal in it; but the papers in it were of great consequence to him, and he offered to give ten dollars to anybody that would find it. Pretty soon after that, I was fixin' up my father's birth a little, where he was going to sleep, and I found the pocket-book under the clothes at the head of the birth, where the thief had tucked it away while the search was going on. So I took it, tickled enough, and run to the man, and told him I had found his pocket-book. He catched it out of my hands, and says he, 'Where did you find it?' Says I, under the clothes in the head of my father's birth."

"'In your father's birth, did you?' says he, and he give me a look and spoke so sharp, I jumped as if I was going out of my skin.

"Says he, 'Show me the place.'

"So I run and showed him the place.

"'Call your father here,' says he. So I runned and called father.

"'Now Mister,' says he to father, 'I should like to know how my pocket-book come in your birth.'

"'I don't know nothin' about it,' says father.

"Then he turned to me, and says he 'Young man, how came this pocket-book in your father's birth?'

"Says I, 'I can't tell. I found it there, and that's all I know about it.'

"Then he called the captain and asked him if he knew us. The captain said he didn't. The man looked at us mighty sharp, first to father, and then to me, and eyed us from top to toe. We wasn't neither of us dressed very slick, and we could tell by his looks pretty well what he was thinking. At last he said he would leave it to the passengers whether, under all the circumstances, he should pay the boy the ten dollars or not. I looked at father and his face was as red as a blaze, and I see his dander begun to rise. He didn't wait for any of the passengers to give their opinion about it, but says he to the man, 'Dod-rot your money! if you have got any more than you want, you may throw it into the sea for what I care; but if you offer any of it to my boy, I'll send you where a streak of lightning wouldn't reach you in six months.'

"That seemed to settle the business; the man didn't say no more to father, and most of the passengers begun to look as if they didn't believe father was guilty. But a number of times after that, on the passage, I see the man that lost the pocket-book whisper to some of the passengers, and then turn and look at father. And then father would look gritty enough to bite a board-nail off. When we got ashore, as soon as we got a little out of sight of folks, father catched hold of my arm and give it a most awful jerk, and says he, 'Jack, you blockhead, don't you never tell where anything is again, unless you can first tell how it come there.'

"Now it would be about as difficult," continued Mr. Robinson after a slight pause, which he employed in taking a sip from his tumbler, "for me to tell to a sartinty how I come by this lameness, as it was to tell how the pocket-book come in father's birth. There was a hundred folks aboard, and we knew some of 'em must a put it in; but which one 'twas, it would have puzzled a Philadelphy lawyer to tell. Well, it's pretty much so with my lameness. This poor leg of mine has gone through some most awful sieges, and it's a wonder there's an inch of it left. But it's a pretty good leg yet; I can almost bear my weight upon it; and with the help of a crutch, you'd be surprised to see how fast I can get over the ground."

"Then your lameness is in the leg rather than in the foot?" said Major Grant, taking advantage of a short pause in Mr. Robinson's speech.

"Well, I was going on to tell you all the particulars," said Mr. Robinson. "You've no idea what terrible narrow chances I've gone through with this leg."

"Then the difficulty *is* in the leg, is it not?" said Major Grant.

"Well, after I tell you the particulars," said Mr. Robinson, "you can judge for yourself. The way it first got hurt was going in a swimming, when I was about twelve years old. I could swim like a duck, and used to be in Uncle John's mill-pond along with his Stephen half the time. Uncle John he always used to keep scolding at us and telling of us we should get sucked into the floome bime-by, and break our plaguy necks under the water-wheel. But we knew better. We'd tried it so much we could tell jest how near we could go to the gate and get away again without being drawed through. But one day Steeve, jest to plague me, threw my straw hat into the pond between me and the gate. I was swimming about two rods from the gate, and the hat was almost as near as we dared to go, and the stream was sucking it down pretty fast; so I sprung with all my might to catch the hat before it should go through and get smashed under the water-wheel. When I got within about half my length of it, I found I was as near the gate as we ever dared to go. But I hated to lose the hat, and I thought I might venture to go a little nearer, so I fetched a spring with all my might, and grabbed the hat and put it on my head, and turned back and pulled for life. At first I thought I gained a little, and I made my hands and feet fly as tight as I could spring. In about a minute I found I didn't gain a bit one way nor t'other: and then I sprung as if I would have tore my arms off; and it seemed as if I could feel the sweat start all over me right there in the water. I begun to feel all at once as if death had me by the heels, and I screamed for help. Stephen was on the shore watching me, but he couldn't get near enough to help me. When he see I couldn't gain any, and heard me scream, he was about as scared as I was, and turned and run towards the mill and got there jest time enough to see me going through the gate feet foremost. Uncle said, if he should live to be as old as Methuselah, he should never forget what a beseeching look my eyes had as I lifted up my hands towards him and then sunk guggling into the floome. He knew I should be smashed all to pieces under the great water-wheel; but he run round as fast as he could to the tail of the mill to be ready to pick up my mangled body when it got through, so I might be carried home and buried. Presently he see me drifting along in the white foam that come out from under the mill, and he got a pole with a hook to it and drawed me to the shore. He found I was not jammed

all to pieces as he expected, though he couldn't see any signs of life. But having considerable doctor skill, he went to work upon me, and rolled me over, and rubbed me, and worked upon me, till bime-by I began to groan and breathe. And at last I come to so I could speak. They carried me home and sent for a doctor to examine me. My left foot and leg was terribly bruised, and one of the bones broke, and that was all the hurt there was on me. I must have gone length-ways right in between two buckets of the water-wheel, and that saved my life. But this poor leg and foot got such a bruising I wasn't able to go a step on it for three months, and never got entirely over it to this day.

"Then your lameness is in the leg and foot both, is it not?" said Major Grant, hoping at this favourable point to get an answer to his question.

"Oh, it wasn't that bruising under the mill-wheel," said Mr. Jack Robinson, "that caused this lameness, though I've no doubt it caused a part of it and helps to make it worse; but it wasn't the principal cause. I've had tougher scrapes than that in my day, and I was going on to tell you what I s'pose hurt my leg more than anything else that ever happened to it. When I was about eighteen years old I was the greatest hunter there was within twenty miles round. I had a first-rate little fowling-piece; she would carry as true as a hair. I could hit a squirrel fifty yards twenty times running. And at the thanksgiving shooting matches I used to pop off the geese and turkeys so fast, it spoilt all their fun; and they got so at last they wouldn't let me fire till all the rest had fired round three times apiece. And when all of 'em had fired at a turkey three times and couldn't hit it, they would say, 'well, that turkey belongs to Jack Robinson.' So I would up and fire and pop it over. Well, I used to be almost everlastingly a gunning; and father would fret and scold, because whenever there was any work to do, Jack was always off in the woods. One day I started to go over Bear Mountain, about two miles from home, to see if I couldn't kill some raccoons; and I took my brother Ned, who was three years younger than myself, with me to help bring home the game. We took some bread and cheese and doughnuts in our pockets, for we calculated to be gone all day, and I shouldered my little fowling-piece, and took a plenty of powder and shot and small bullets, and off we started through the woods. When we got round the other side of Bear Mountain, where I had always had the best luck in hunting, it was about noon. On the way I had killed a couple of gray squirrels, a large fat raccoon, and a hedgehog. We sot down under a large beech-tree to eat our bread and cheese. As we sot eating, we looked up into the tree, and it was very full of beech-nuts. They were about ripe, but there had not been frost enough to make them drop much from the tree. So says I to Ned, let us take some sticks and climb this tree and beat off some nuts to carry home. So we got some sticks and up we went. We hadn't but jest got cleverly up into the body of the tree, before we heard something crackling among the bushes a few rods off. We looked and listened, and heard it again, louder and nearer. In a minute we see the bushes moving, not three rods off from the tree, and something black stirring about among them. Then out come an awful great black bear, the ugliest-looking feller that ever I laid my eyes on. He looked up towards the tree we was on, and turned up his nose as though he was snuffing something. I begun to feel pretty streaked; I knew bears was terrible climbers, and I'd a gin all the world if I'd only had my gun in my hand, well loaded. But there was no time to go down after it now, and I thought the only way was to keep as still as possible, and perhaps he might go off again about his business. So we didn't stir nor hardly breathe. Whether the old feller smelt us, or whether he was looking for beech-nuts, I don't know; but he rared right up on his hind legs and walked as straight to the tree as a man could walk. He walked round the tree twice, and turned his great black nose up, and looked more like Old Nick than anything that I ever see before. Then he stuck his sharp nails into the sides of the tree, and begun to hitch himself up. I felt as if we had got into a bad scrape, and wished we was out of it. Ned begun to cry. But says I to Ned, 'It's no use to take on about it; if he's coming up we must fight him off the best way we can.' We clim up higher into the tree, and the old bear come hitching along up after us. I made Ned go up above me, and as I had a pretty good club in my hand, I thought I might be able to keep the old feller down. He didn't seem to stop for the beech-nuts, but kept climbing right up towards us. When he got up pretty near, I poked my club at him, and he showed his teeth and growled. Says I, 'Ned, scrabble up a little higher.' We clim up two or three limbs higher, and the old bear followed close after. When he got up so he could almost touch my feet, I thought it was time to begin to fight. So I up with my club and tried to fetch him a pelt over the nose. And the very first blow he knocked the club right out of my

hand, with his great nigger paw, as easy as I could knock it out of the hand of a baby a year old. I begun to think then it was gone goose with us. Howsomever, I took Ned's club, and thought I'd try once more; but he knocked it out of my hand like a feather, and made another hitch and grabbed at my foot. We scrabbled up the tree, and he after us, till we got almost to the top of the tree. At last I had to stop a little for Ned, and the old bear clenched my feet. First he stuck his claws into 'em, and then he stuck his teeth into 'em, and begun to naw. I felt as if 'tware a gone chase, but I kicked and fit, and told Ned to get up higher; and he did get up a little higher, and I got up a little higher too, and the old bear made another hitch and come up higher, and begun to naw my heels again. And then the top of the tree begun to bend, for we had got up so high we was all on a single limb as 'tware; and it bent a little more, and cracked and broke, and down we went, bear and all, about thirty feet, to the ground. At first I didn't know whether I was dead or alive. I guess we all lay still as much as a minute before we could make out to breathe. When I come to my feeling a little, I found the bear had fell on my lame leg, and give it another most awful crushing. Ned wasn't hurt much. He fell on the top of the bear, and the bear fell partly on me. Ned sprung off and got out of the way of the bear; and in about a minute more the bear crawled up slowly on to his feet, and begun to walk off, without taking any notice of us. And I was glad enough to see that he went rather lame. When I come to try my legs I found one of 'em was terribly smashed, and I couldn't walk a step on it. So I told Ned to hand me my gun, and to go home as fast as he could go, and get the horse and father and come and carry me home.

"Ned went off upon the quick trot, as if he was after the doctor. But the blundering critter—Ned always was a great blunderer—lost his way and wandered about in the woods all night, and didn't get home till sunrise next morning. The way I spent the night wasn't very comfortable, I can tell ye. Just before dark it begun to rain, and I looked round to try to find some kind of a shelter. At last I see a great tree, lying on the ground a little ways off, that seemed to be holler. I crawled along to it, and found there was a holler in one end large enough for me to creep into. So in I went, and in order to get entirely out of the way of the spattering of the rain, and keep myself dry, I crept in as much as ten feet. I laid there and rested myself as well as I could, though my leg pained me too much to sleep. Some time in the night, all at once, I heerd a sort of rustling noise at the end of the log where I come in. My hair stood right in eend. It was dark as Egypt; I couldn't see the least thing, but I could hear the rustling noise again, and it sounded as if it was coming into the log. I held my breath, but I could hear something breathing heavily, and there seemed to be a sort of scratching against the sides of the log, and it kept working along in towards me. I clinched my fowling-piece and held on to it. 'Twas well loaded with a brace of balls and some shot besides. But whether to fire or what to do, I couldn't tell. I was sure there was some terrible critter in the log, and the rustling noise kept coming nearer and nearer to me. At last I heerd a low kind of a growl. I thought if I was only dead and decently buried somewhere I should be glad; for to be eat up alive there by bears, or wolves, or catamounts, I couldn't bear the idea of it. In a minute more something made a horrible grab at my feet, and begun to naw 'em. At first I crawled a little further into the tree. But the critter was hold of my feet again in a minute, and I found it was no use for me to go in any further. I didn't hardly dare to fire; for I thought if I didn't kill the critter, it would only be likely to make him fight the harder. And then again I thought if I should kill him, and he should be as large as I fancied him to be, I should never be able to shove him out of the log, nor to get out by him. While I was having these thoughts the old feller was nawing and tearing my feet so bad, I found he would soon kill me if I laid still. So I took my gun and pointed down by my feet, as near the centre of the holler log as I could, and let drive. The report almost stunned me. But when I come to my hearing again, I laid still and listened. Everything round me was still as death; I couldn't hear the least sound. I crawled back a few inches towards the mouth of the log, and was stopt by something against my feet. I pushed it. 'Twould give a little, but I couldn't move it. I got my hand down far enough to reach, and felt the fur and hair and ears of some terrible animal.

"That was an awful long night. And when the morning did come, the critter filled the holler up so much, there was but very little light come in where I was. I tried again to shove the animal towards the mouth of the log, but I found 'twas no use,—I couldn't move him. At last the light come in so much that I felt pretty sure it was a monstrous great bear that I had killed. But I begun to feel now as if I was

buried alive; for I was afraid our folks wouldn't find me, andI was sure I never could get out myself. But about two hours after sunrise, all at once I thought I heerd somebody holler 'Jack.' I listened and I heerd it again, and I knew 'twas father's voice. I answered as loud as I could holler. They kept hollering and I kept hollering. Sometimes they would go further off and sometimes come nearer. My voice sounded so queer they couldn't tell where it come from, nor what to make of it. At last, by going round considerable, they found my voice seemed to be somewhere round the holler tree, and bime-by father come along and put his head into the holler of the tree, and called out, 'Jack, are you here?' 'Yes I be,' says I, 'and I wish you would pull this bear out, so I can get out myself.' When they got us out I was about as much dead as alive; but they got me on to the horse, and led me home and nursed me up, and had a doctor to set my leg again; and it's a pretty good leg yet."

Here, while Mr. Robinson was taking another sip from his tumbler, Major Grant glanced at his watch, and looking up to Doctor Snow, said, with a grave, quiet air, "Doctor, I give it up; the bet is yours."

THE THEORY OF PROFITS.

I KNOW not whether the science of political economy is more fruitful of controversy because it is comparatively new, or because it treats of wealth, which in so many ways interests both our patriotism and our self-love, or, lastly, by reason of its inherent difficulty; but so it is, that no other branch of knowledge has, of late years, given rise to so much disputation as this. It abounds in controverted theories and unsettled problems; with its best established truths there mingle divers doubts and qualifications; and the honest inquirer into its principles, on consulting its most approved teachers, is sure to find that diversity which has so characterized other doctors as to have grown into a proverb. For the truth of these remarks, one has only to recollect the various theories of rent, wages, and profits—the conflicting opinions on the policy of poor laws, the numerous answers that have been given to Malthus's views on population—and lastly, the countless systems and speculations on paper credit and banks.

To whatever cause we may ascribe all this discordance, the effect has been unfortunate. While so much of the science has been debateable-ground for its adepts, the lookers-on, constituting the mass of the community, have come to the conclusion, that such frequent controversy proves the inherent uncertainty of the subject itself; and they turn away from the angry disputants under the conviction that the complicated concerns of national wealth are not capable of being reduced to the regular form of a science, or if they are, that the work has not yet been achieved. To this cause of the want of faith in the precepts of political economy, may be added the occasional variance between some prevalent theories and well-known facts, or the current events of trade. The result has been, that hundreds of intelligent minds, who have not made this branch of knowledge the subject of their particular study, regard it with somewhat of the same distrust as cautious men have always regarded the search after the philosopher's stone, or as those of our day, who are not imbued with sanguine credulous tempers, view the pretensions of phrenology and animal magnetism.

But however the votaries of the science may deplore the discredit into which it has fallen, as creating a serious obstacle to its advancement, let them not despair. If they believe as I do, that every important principle involved in the science is capable of satisfactory demonstration, and that every question now agitated will in time be definitively settled, let them persevere in their investigations, and, confident that truth will finally prevail, let them redouble their efforts to hasten a consummation so auspicious to the best interests of society. To effect this, it is not enough that they succeed in discovering truth, they must also be able to exhibit her to others in her just colours and fair proportions; in other words, they must reason logically as well as think rightly.

Political economy is essentially a science of analysis, and its principles never can be settled until its phenomena have been carefully analysed and traced up to their elements, which are to be found partly in the physical condition of each country, and partly in the moral nature of man. Much, indeed, has been done in this way, but much yet remains to be done; and, where a theory or problem is yet unsettled, the fact may always be traced to a faulty or defective analysis— either some important

element has been omitted, or some unessential concomitant has been supposed to be an element. These inaccuracies, however unimportant they may at first seem, may, when applied to details, branch out into numerous, and often serious, errors. Of this, the theory of profits, as derived from that of rent, and which has been so extensively adopted both in England and America, appears to me to afford a striking illustration.

Believing that theory to be altogether unsound, and that the profits of capital have never been subjected to a just or philosophical analysis by the modern school of political economy, I propose now to examine the subject; but, for that purpose, it will be first necessary to consider the theory of rent, with which, according to the doctrines of that school, the theory of profits is inseparably connected.

Rent is the profit which the owner of land receives for its temporary use, and it has its origin in the following circumstances: All mankind derive the means of their subsistence from the earth, and though its spontaneous products are few and scanty, they are capable of being greatly augmented by human labour employed in cultivation. When thus aided, they are able, in fertile land, to yield annually enough to support the labour that cultivated it, and a large surplus besides. This surplus the owner of the soil may convert into a profit or rent as soon as he can find purchasers for it; and these he is sure to find, by reason of the tendency of mankind to increase until they have reached the level of subsistence. Those who are without land, impelled by the strongest of all impulses, will give their labour, or the products of their labour, in exchange for food, and the demand thus created will, soon or late, absorb the surplus, however large. If the owner of land does not choose to cultivate it himself, he can generally obtain the same, or nearly the same, profit from others in the form of rent for its temporary use.

Rent, therefore, arises from two causes; first, the fertility of the soil, whether native or adventitious; and secondly, the physical and moral nature of man, which make him dependent on the earth for his sustenance, impel him to the multiplication of his species. To the first, the owner of the soil owes the fund from which rent is derived; to the second, the effective demand. Take away either—let the land produce no more than is sufficient to support the labour which cultivates it, or let the population have no tendency to increase while fertile land is abundant, and there would be no rent; but let the two circumstances concur, and rent is the necessary consequence.

Rent, after the land has once afforded it, is commonly progressive. It continues to rise with every successive increase of numbers. Those who are without land must exchange their labour or its products with the owners of the soil for the means of subsistence; and, as in this exchange, each party gives as little, and gets as much, as he can, the rate of exchange between labour and food will depend on the double competition between the producers on the one hand, and the purchasing consumers on the other; when land is plenty, and population thin, raw produce will commonly exchange for the amount of labour expended in producing it. Competition among the producers will prevent it from bringing much more, and unless it brought that much it would not be produced. Labour being then at its highest price, and raw produce at its lowest, rents, consequently, will also be very low. But as population increases, which it is sure to do when food is abundant, the consumption of raw produce will also increase, until the whole of the fertile land is taken into cultivation, when competition among the consumers will cause them to give more and more labour in exchange for food, so that the compensation which the labourer will receive, will gradually fall from the quantity of raw produce he could raise to that which he could consume; or, in other words, the price of raw produce would rise from the small amount of labour expended in producing it to the large amount it could support.

If the raw produce required for the labourer's support were fixed as to quality and quantity, rents could not increase after all the land which was fertile enough to afford that support had been taken into cultivation; but man is sustained by a variety of aliment, and according to the character of that aliment can the same soil support a greater or less number. Thus, the same portion of land which would enable one individual to consume animal food liberally, would support two if bread was the chief article of his subsistence, and four or five if it were potatoes. The tendency of mankind to multiply, so long as they can find subsistence, is constantly compelling a part of the labouring class to pass from the dearer to the cheaper kinds of aliment, so that the competition of increasing numbers not only causes the individual labourer to give more and more of his labour for food, but enables the same soil to support a

greater number of labourers, and thus still further augments the labour, or, in other words, the rent, which the owner can receive for the surplus that remains after defraying the expense of cultivation.

Rent, then, may be regarded as a qualified monopoly possessed by the owners of the soil, of which man's tendency to increase his species and his capacity to cheapen his consumption enables them to profit.

During the progressive rise in the price of raw produce, which is the effect of the growth of population, and the cause of the rise of rents, various expedients will be resorted to for the purpose of lessening or checking this increase of price, by adding to the supply of food. These will be, 1, by cultivating less fertile or less accessible soils; 2, by expending more labour and capital on those already in cultivation; 3, by importing food from foreign countries where it is cheaper; or, 4, lastly, by the introduction of more prolific vegetable species, and by more skilful modes of husbandry.

Of these expedients, only the two last can render raw produce cheaper by increasing the supply; but should population continue to increase, their effect on the price of food would be but temporary. The power of doubling its numbers, which every community possesses when it can find the means of subsistence, would soon overtake the additional supply, be it what it might. And while these improvements would have had the effect of increasing rents, they would not have permanently benefited the mere consumers. But the two first expedients cannot lower the price of raw produce, they merely retard its further advancement. They owe their existence to the previous rise of raw produce, and consequent reduction of the wages of labour, whereby it is found advantageous to cultivate lands which, without such change in the relative prices of raw produce and labour, would not have repaid the expense of cultivation. When the wages of labour have gradually declined from a bushel of grain a day; as it is in many parts of the United States, to a peck a day, as it is in England, soils will in the last case be resorted to, that in the first must remain untilled.*

According to the preceding views, raw produce, and, consequently, rents, rise during the progress of society for the same reason that corn rises after a short crop; the quantity at market, not being sufficient to satisfy the wants of all, is adjusted to the consumption of the community, partly by the advanced price which some are able and willing to give, and partly by the retrenchment of others. The only difference between the two cases is, that in one, the rise of price is brought about by a diminished supply, and in the other, by an increased demand. These two circumstances do, indeed, very differently affect producers. When the rise of price is caused by an increase of population, they gain in proportion to the rise of price; but when it is caused by an inadequate supply, they may, and commonly do, lose more from the diminution of quantity than they gain by the rise of price. But to the purchasing consumers, comprehending the labouring class, there is no difference; in both cases they must pay the same additional price, or encounter the same privation.

Let us now turn to the theory of rents, to which the late Mr. Ricardo has had the honour of giving his name, not because he was its author, but because he was the first to give it currency and celebrity by connecting it with the theory of wages and profits, and by digesting the whole into one system of great ingenuity and plausibility. From the time that he published his "Principles of Political Economy and Taxation," in 1817, to the present, his doctrines of rent have been adopted by most of the approved economists of Great Britain, and they are taught in nearly all the colleges of the United States.

This theory, admitting the gradual rise in the price of raw produce, and consequently of rents, with the progress of society, ascribes the origin of rent, and its progressive increase, to the increased demand caused by the increase of population; to the limited quantity of fertile soil; and, lastly, to the diversity of soil, as to fertility or situation, or to the diversity of returns made by equal portions of capital applied to the same soil. But it will be better to let the teachers of the doctrine speak for themselves.

Mr. Ricardo says, "If all land had the same properties, if it were boundless in quantity and uniform in quality, no charge could be made for its use, unless where it possessed peculiar advantages of situation. It is only, then, because land is of

* Without doubt the gradual resort to inferior soils is also somewhat quickened by that fall in the profits of capital which is usually seen in the progress of society. But their influence on rents and wages will be noticed, when we inquire into the laws which determine the rate of those profits. For the sake of presenting the great causes of the progressive rise of rents with greater simplicity, it is now omitted.

different qualities with respect to its productive powers, and because, in the progress of population, land of an inferior quality or less advantageously situated is called into cultivation, that rent is ever paid for the use of it. When, in the progress of society, land of the second degree of fertility is taken into cultivation, rent immediately commences on that of the first quality, and the amount of that rent will depend on the difference in the quality of these two portions of land.

"When land of the third quality is taken into cultivation, rent immediately commences on the second; and it is regulated, as before, by the difference in their productive power. At the same time, the rent of the first quality will rise, for that must always be above the rents of the second, by the difference between the produce which they yield with a given quantity of capital and labour. With every step in the progress of population, which shall oblige a country to have recourse to land of a worse quality, to enable it to raise its supply of food, rent, in all the more fertile land, will rise."

After illustrating the preceding views by supposing lands of different degrees of fertility, which he designates as No. 1, No. 2, and No. 3, &c., he adds:

"It often, and indeed, commonly happens, that before No. 2, 3, 4, or 5, or the inferior lands, are cultivated, capital can be employed more productively on those lands which are already in cultivation. It may perhaps be found that by doubling the original capital employed on No. 1, though the produce will not be doubled, will not be increased by 100 quarters, it may be increased by 85 quarters, and that this quantity exceeds what could be obtained by employing the same capital on land No. 3.

"In such case, capital will be preferably employed on the old land, and will equally create a rent; for rent is always the difference between the produce obtained by the employment of two equal quantities of capital and labour. If with a capital of £1000 a tenant obtain 100 quarters of wheat from his land, and by the employment of a second capital of £1000 he obtain a further return of 85, his landlord would have the power, at the expiration of his lease, of obliging him to pay 15 quarters, or an equivalent value, for additional rent; for there cannot be two rates of profit. If he is satisfied with a diminution of 15 quarters in the return for his second 1000*l.*, it is because no employment more profitable can be found for it. The common rate of profit would be in that proportion, and if the original tenant refused, some other person would be found willing to give all which exceeded that rate of profit to the owner of the land from which he derived it."

Mr. M'Culloch, in his "Principles of Political Economy," after giving a similar explanation of the origin of rent, adds: "It appears, therefore, that in the earliest stages of society, and where only the best lands are cultivated, *no rent is ever paid.* The landlords, as such, do not begin to share in the produce of the soil until it becomes necessary to cultivate lands of an inferior degree of fertility, or to apply capital to the superior lands with a diminishing return. Whenever this is the case, rent begins to be paid; and it continues to increase according as cultivation is extended over poorer soils, and diminishes according as these poorer soils are thrown out of cultivation.

In a later work*, the same author thus explains the same theory: "When, in the progress of cultivation, that indefinable stage is attained at which the return to continued applications of capital to the lands entirely under tillage begins to decrease, additional capital will not be laid out upon them, nor will inferior lands be broken up, without rise of prices. The agriculturists, it is plain, would prefer vesting their savings in other businesses to employing them in agriculture, unless prices were such as to indemnify them for the diminished returns obtained in the latter. But in advancing countries, the increase of population raises prices to the limit required to obtain the necessary supplies of food; and in consequence of such rise, fresh capital may be again applied either to the improvement of the best lands, or to the cultivation of those of a lower quality. As soon, however, as this new investment has been made, different capitals employed in cultivation will be yielding different products; and it consequently follows, that to whatever extent the produce of the inferior lands, or of the capitals first laid out on improvements, exceeds the produce of the inferior lands, or of the capitals last laid out, *to that extent* will the profits realized by the owners or occupiers of the former exceed the ordinary and average rate of profit at the time; that is, they will constitute a nett surplus or rent.

"Suppose, for example, that the productiveness of capital, on a particular piece of land of the highest degree of fertility, begins to decline after it has been made to

* Edition of the Wealth of Nations. Note on Rent.

produce twenty bushels of corn; let it be supposed that by adding another capital equal to the first, not twenty, but fifteen bushels are added to the crop; these fifteen bushels may be said to be the produce of the second capital, and the twenty bushels of the first. As soon as this additional supply is called for, by an increase of demand, corn must rise until the fifteen bushels fetch as high a price as the twenty did before; for these, at their former price, did not afford more than the usual profits of stock; the fifteen bushels, therefore, will not afford this much until they rise to that price. But as the capitals are equal, when fifteen bushels come to afford ordinary profits to the second capital, they will also afford them to the first. Hence, the remaining five bushels form a surplus above the ordinary profits of stock; and this being the case, competition will make the farmers agree to pay them as rent to the landlord."

It thus appears that Mr. Ricardo and his followers ascribe the origin and progress of rent, not merely to the fertility of the earth, or its capacity of supporting a greater number than is required to cultivate it, and to the demands of an increasing population beyond the supply, but also to the different qualities of soil, or the different returns made by equal portions of capital successively applied to the same soil, or different distances from market.

But these diversities constitute no element of rent. They do, indeed, mark its progress, but they have no more agency in creating it than the rise or fall of the mercury in the thermometer cause the atmospheric heat or cold they indicate. In ascribing the gradual rise of raw produce (the acknowledged proximate cause of the gradual rise of rents) to the additional labour and capital expended to meet the additional demands of an increasing population, they have fallen into the common error of mistaking a concomitant for a cause. This further recourse to new soils or further outlay of capital on soils already in cultivation, are so far from causing the rise in the price of raw produce, that they always tend to retard the progress, and occasionally they may, for a time, be sufficient to arrest it. A slight examination of each of these diversities will make this abundantly clear.

1. *As to diversity of soils.*—If this difference did not exist, and all land was of uniform fertility, provided that it was fertile enough to yield a surplus, after repaying the expense of cultivation, then as those who were without land must necessarily give their labour and skill in change for the means of subsistence, there would be the same cause for the rise in the price of raw produce, as exists when there is a gradation of soils, or when there has been a short crop, that is, an increased demand in proportion to the supply. And though at first, when population was thin, the class of purchasing consumers may give little more labour for raw produce than had been expended in its production, yet, under these circumstances, the population would soon reach to the level of easy subsistence, and under its efforts to a further increase, there would be a competition among the labouring class by which the land owners would be able to obtain more and more labour for the surplus produce of their lands; that is to say, higher and higher rents. This competition, we must recollect, would be twofold; it would be both in the quantity of labour given and in the quality of the food received. The tendency of the first would be, to compel the labourer to give more and more days' labour for his subsistence; and, of the other, to make him pass from a dearer to a cheaper kind of food. Under their united influence, the labourer, who could once have obtained in exchange for his labour as much raw produce as the same labour could raise, might be compelled to take the small pittance necessary to his consumption.

Thus, suppose the land of a country capable of affording the necessaries of life to four times the number of labourers required to cultivate it, or that the labour of one family exerted on the soil could, after supporting that family, furnish the means of liberal subsistence to another family, of moderate subsistence to two families, and of very cheap subsistence to four or five families. By the influence of man's multiplying propensity, and the double competition which has been mentioned, the productions of the soil would, soon or late, come to be distributed among a small number of liberal cousumers, a much larger number of moderate consumers, and a far larger number who would be sustained by the cheapest aliment. During this progressive increase of numbers, the class of landed proprietors would be continually receiving more and more of the skill and labour of the other classes in exchange for the surplus produce of their land; and the increasing profits of land imply a correspondent rise of rents.

Such has ever been the progress of society; and the gradual rise in the price of raw produce, being caused by the growing deficiency of supply in proportion to the demand for it, must equally take place, whether the soils are of uniform or diverse

fertility. This progress may indeed be hastened, or retarded, or otherwise modified, in different countries, according to their physical condition, their civil polity, and moral character, but everywhere the relative value of raw produce and labour will be mainly dependent on the stage of society; and thus we see, that a day's labour, which exchanges in Ohio or Indiana for four pecks of wheat, will exchange for no more than from two or three pecks in the more populous states on the Atlantic, for one peck or less in England, for half a peck (or its equivalent in potatoes) in Ireland, and from the fourth to the fifth of a peck in India or China.

2. *Different returns of capital applied to the same soil.*—Let us see how far this is a source of rent. If the preceding views have been correct, the inequality of these returns of capital is as unessential to the existence of rent as a gradation of soils; and if no larger amount of capital was ever laid out upon the soil, or if every successive portion yielded equal returns until the land had reached its maximum product, the price of raw produce, and, consequently, of rents, would continue to rise as at present. Neither of the cases supposed could have any effect, except so far as it altered the proportion between the supply of raw produce and the demand; and in one,—that of no further outlay of capital,—as an additional supply to meet the demands of an increasing population would be thereby arrested, the rise of price would be accelerated; and in the other case,—that of unequal returns from each successive outlay of capital,—as the supply would be thereby augmented, the rise of price would indeed be retarded, but could not be permanently prevented.

It is no doubt true, as stated by Ricardo, that, to furnish the required supply of raw produce, it is sometimes more advantageous to lay out fresh capitals on lands already in cultivation than to resort to inferior soils; and it is generally true, that each successive outlay yields a less proportionate return; but as rent necessarily rises with the price of raw produce, and as these outlays of fresh capital are always preceded by a rise in such price, and could not take place without it, it is clear that they are not the sources of rent. Like the resort to inferior soils, they are so far from causing the increase of rent, that they tend, by augmenting the supply of raw produce, to retard its further advancement.

3. *Different distances from market.*—We have seen that one of the expedients for obtaining the additional supply of food required by an increasing population, is, to have recourse to more distant and thinly peopled lands, and, generally speaking, as the population of a community increases, the greater is the distance from which a part of its supplies are drawn. But, as more distant lands are not resorted to until the price has risen on those nearer to market, the remarks made on the other diversities apply to this. They tend to check the advance of rents, but have no agency in creating them.

It is not meant to be denied, that on comparing different portions of land with one another, their profits or rents will vary according to their respective distances from market, precisely as according to their respective degrees of fertility; all that is contended for, is, that the differences of distance or fertility could have had no agency in first causing rent on any one portion, or in increasing it afterwards. That, we have seen, arises from causes that are independent of these points of difference, as well as from the unequal returns to equal outlays of capital; and, therefore, in an analysis of rent, none of these diversities can be considered elements. As in all the three modes of obtaining an additional supply of food, it is obtained at a greater expense of labour and capital, the supporters of the new theory maintain that it is in consequence of such increased expense of the food last raised, and which is necessary to meet the demands of an increased population, that the market price of corn is raised, and as the produce of all the lands is thus increased in value, rents must also rise. Mr. Senior, who has steered clear of many of the errors and inconsistencies of the new school, has adopted the same opinion; and while he has distinctly admitted that the difference in the fertility of soils, and the inequality of the returns made by successive applications of capital, are not necessary to the existence of rent, he thinks that these diversities, and that of distance, by increasing the cost of a further supply, do cause the gradual rise of rent by raising the price of raw produce.

But, while it is clear that these additional supplies must be raised at a greater expense of labour or capital, or both, it is equally clear that the market price of the rest of the raw produce has not risen on account of the increased cost of the portion last raised, but such last portion is raised at the increased cost because the rest had advanced in price. This rose in price for the same reason that it rises after a scanty harvest or in a besieged city; that is, because there was a smaller supply of food in proportion to the mouths ready to consume it. There is, indeed, this difference between the

two cases, that in the case of an inadequate supply from an increase of population, there is the means of adding to that supply in one of the three modes spoken of; but that only lessens the insufficiency, it cannot remove it. Such additional supplies of raw produce being the consequence of the rise of price, which itself was the consequence of the insufficiency, it would be a self-contradiction to suppose the continuance of such supplies without the continuance of a relative deficiency. The supply, then, thus raised, must fall short of the demand; and so far as the deficiency extends, it is the ordinary case of a rise of price from a limitation of supply.

The subject may appear yet plainer, if we consider what is really meant by the rise in the price of raw produce. It will scarcely be disputed, that by such rise we mean that any given quantity of it would purchase more labour than the same quantity would have purchased before the rise took place. All commodities fall under one class or the other, and there is nothing but labour with which we could compare raw produce whereby to test its rise or fall. But the rule must be reciprocal; and if raw produce, when compared with labour, has risen, labour, as compared with raw produce, has fallen; and it is because of this fall in the price of labour, that more can be expended on inferior soils with a smaller return. It is true that a decline in the rate of profits might induce a resort to inferior soils and to the other two expedients, no less than a decline in the rate of wages; but an increase of population affords an obvious reason for the last, and none for the first. Labour falls from the increased supply of labourers, precisely as raw produce rises from the diminished supply.

It follows, therefore, that, as a general rule, where the demands of increasing numbers, is not met by improvements of the soil, additional supplies cannot be obtained without a reduction of wages. Thus, by way of illustration, let us suppose that a given quantity of land must produce twenty bushels to defray the expense of cultivation; that all the lands of that degree of fertility are cultivated; and that those of the next degree would produce but fifteen bushels. If population still increase, then the further supply of food it requires cannot be obtained from the inferior land, unless the capitalist will take a smaller profit, or the labourer lower wages; and supposing the ordinary rate of profits to continue unchanged, or even to have fallen one fourth, the only condition upon which the labourer will or can cultivate the inferior soil is, that he will take three fourths of the wages he formerly received, or yet less; and he is able to accommodate himself to the reduction by a difference in the quality of his food rather than of its quantity. And as the wealthy classes consume with undiminished liberality, the proportionate deficiency falls wholly on the labouring classes.

But Mr. Senior assumes that the price of raw produce rises with the wants and the wealth of an increasing community, and the case he has ingeniously put, by way of illustration, seems to support his position. It is that of a great metropolis, such as London, which annually requires for its consumption one million five hundred quarters of corn, of which the different portions can be produced at different rates of expense, according to their fertility and distance from market; and one portion, perhaps fifty thousand quarters, at an expense sufficient to absorb its whole value, and of course incapable of yielding rent. This portion, that which is last raised, "will continue to be produced as long as the wants and the wealth of the purchasers render them willing and able to purchase a quantity of corn, the whole of which cannot be supplied unless this last and most expensive portion is produced. If those wants and wealth should increase, it might become necessary to raise an additional supply at a still further additional expense;" which, as he properly remarks, could not be done, unless the market price of corn should rise sufficiently high to defray such expense.

Now, it is admitted in this case, that the rise which must take place in the price of corn does not necessarily imply lower wages on the part of the purchasers, or a diminished rate of consumption. But it is because the condition of the inhabitants of a great metropolis is very different from the labouring class of a community. The former have other sources of support than their labour, and the compensation which their industry receives is not regulated by that to agricultural labour. They are supported partly by the expenditure of the public revenue, as well as by the voluntary taxes levied on the lovers of metropolitan gayety and magnificence, and by the high order of skill and talent which are there accumulated, and by revenues drawn not merely from distant parts of the kingdom, but from remote colonies and foreign countries. With these resources, not only those who immediately received them, but also the vast multitude to whom they give employment and support, are able to meet the rise of price occasioned by an increased demand, without lessening

the quantity of raw produce they consume, since their wages rise with the rise of raw produce; and we might as soon expect the compensation received by an artist, an ingenious mechanist, or a professional man, affected by the price of ordinary labour, as that the consumption of a metropolis will be affected by the gradual rise of raw produce. Nay, if the wealth and resources of the metropolis were to increase, the average consumption of its inhabitants might also rather increase than fall off; and there is, probably, more animal food now consumed by each individual in London, than was consumed two hundred years ago. The influence, then, of a great city, in raising rents, is local and peculiar, and furnishes no more arguments on the general question of their progressive rise, than the high prices in an army.

The rise of price in the raw produce consumed by a metropolis which must thus take place with its increase of numbers, therefore, causes a rise of rents in the way stated by Mr. Senior; but the rise of price from the different distances from whence the supplies were drawn, cannot be much in any species of raw produce, except of milk, hay, and other products, which, from their cheapness, or liability to change, cannot be transported from a distance. Notwithstanding the poorness of much of the land near London, it is probable that a circle of twenty miles from it and around it would produce all the corn required for its consumption, and the cost of transportation per quarter, (equal to four hundred and eighty pounds,) from the extreme verge of the circle, would not exceed two shillings, and consequently could not raise rents more than six shillings an acre, on lands of the average fertility of three quarters, which sum is not one sixth of the present rent of such land. Of course, the mere effect of distance could have contributed little to the progress of rent, more especially as the facilities of transport by canals and improved roads has greatly exceeded the growth even of London itself.

The case then put by Mr. Senior, plausible as it at first seems, does not really afford any better support to the new theory of rent than the illustrations offered by Messrs. Ricardo, Mill, or M'Culloch; and in the fallacies that lurked under all of them, he might have found a better reason why that theory had not been adopted by foreign political economists, (including Storch and Say,) than that it was not comprehended by them.

From the preceding views, it follows, that the rent or profit of lands depends upon the quantity of labour which their products will purchase, over and above what has been expended in its production. This quantity of labour depends on the value of such surplus and its amount. As its value depends upon the proportion between the supply and the demand, it will be increased by the fresh demands of an increasing population. It is true that the supply may be also increased by expending more labour with a smaller return; but as this supposes a decline of wages, or, what is the same thing, a rise of raw produce, it also supposes that the additional supply has not been equal to the additional demand. We come to the same conclusion by another process. As the wages of labour, estimated in raw produce, gradually decline with the increase of population, (supposing improvement stationary,) the cost of cultivation gradually becomes less, and consequently the surplus becomes greater. Rent, therefore, naturally increases with the growth of population. An increase in the quantity produced tends to lower the price of raw produce, and if the difference of price should exceed the difference in quantity, (which is not probable,) it may lower rents. But should that be the case, the population, by the ever active principle of increase, would soon so increase the demand, as to restore the price of raw produce to its former level.

It follows, too, that where rents increase without any improvement in the productive powers of the soil, it implies a greater cheapness of labour, or smaller wages, estimated in raw produce; and where wages, thus estimated, continue the same, while rents have risen, the rise has been altogether the effect of improvements. This seems to have been the case with England for the last century. In that period, her labouring class has received the same real wages,—that is, about a peck of wheat a day,—and the great rise of rents which has taken place within the same period has, therefore, been owing to the various means by which both the gross product of the land has been increased, and the expense of cultivation has been diminished, such as the turnip and the drill husbandry, and yet more by the drainage of bogs and marshes, and the enclosure of commons. By this means it is computed, that the gross product of the soil was nearly trebled during the last century, though the population, in the same period, had only doubled; and thus the rise of rents was not attended with a fall of wages. A further cause of the extraordinary rise of rents in England, is to be found in the additional value which has been given to such

products of the soil as enter into the manufactures, and which, by the skill of her workmen and the excellence of her labouring machinery she is easily able to levy, not only on her numerous colonies and dependencies, but also on all foreign nations accessible to her commerce.

The true principles of rent having been thus investigated, we shall proceed, in the next number, to show, first, that the doctrine of the Ricardo school, which would connect the theory of profits with that of rent, is erroneous; and secondly, what appears to us to be the true theory of profits.

SUNSET AND MOONSHINE.

BY J. R. LOWELL.

THE sunset hath a glory for the soul,
Uplifting it from all earth's things apart
And building it a palace of pure art
Where it doth sit alone in crown'd control,
And o'er all space its eyes unsealed roll;
But the dear moonshine looks in on the heart,
Giving each kindly blood-drop warmer start,
And knits me with humanity's great whole;
It doth not bear me, as the sunset doth,
Forth of the city, but, on dull brick walls,
Silverly smileth, as 'twere nothing loath
To sanctify all that whereon it falls,
And with it my full heart goes forth and broods
In love o'er all life's sleeping multitudes.

THE BEE-TREE.

BY THE AUTHOR OF "A NEW HOME."

AMONG the various settlers of the wide West, there is no class which exhibits more striking peculiarities than that which, in spite of hard work, honesty, and sobriety, still continues hopelessly poor. None find more difficulty in the solution of the enigma presented by this state of things, than the sufferers themselves; and it is with some bitterness of spirit that they come at last to the conclusion, that the difference between their own condition and that of their prosperous neighbours, is entirely owing to their own "bad luck," while the prosperous neighbours look musingly at the ragged children and squalid wife, and regret that the head of the house "ha'n't no faculty." Perhaps neither view is quite correct.

In the very last place one would have selected for a dwelling,—in the centre of a wide expanse of low, marshy land,—on a swelling knoll, which looks like an island, stands the forlorn dwelling of my good friend, Silas Ashburn, one of the most conspicuous victims of "the bad luck" alluded to. Silas was among the earliest settlers of our part of the country, and had half a county to choose from when he "located" in the swamp,—half a county of as beautiful dale and upland as can be found in the vicinity of the great lakes. But he says there is "the very first rate of pasturing" for his cows, (and well there may be on forty acres of wet grass!) and as for the agues, which have nearly made skeletons of himself and his family, his opinion is, that it would not have made a bit of difference if he had settled on the highest land in Michi*gan*, since "everybody knows if you've got to have the ague, why you've got to, and all the highland and dry land, and *Queen Ann** in the world wouldn't make no odds."

* Quinine.

Silas does not get rich, nor even comfortably well off, although he works, he says "like a tiger." This he thinks is because "rich folks ain't willing poor folks should live," and because he in particular, always has such bad luck. Why shouldn't he make money? Why should he not have a farm as well stocked, a house as well supplied, and a family as well clothed and cared for in all respects, as his old neighbour John Dean, who came with him from "York State?" Dean has never speculated, nor hunted, nor fished, nor found honey, nor sent his family to pick berries for sale. All these has Silas done, and more. His family have worked hard; they have worn their old clothes till they well nigh dropped off; many a day, nay month, has passed, seeing potatoes almost their sole sustenance; and all this time Dean's family had plenty of everything they wanted, and Dean just jogged on, as easy as could be; hardly ever stirring from home, except on 'lection days; wasting a great deal of time too, (so Silas thinks,) "helping the women folks." "But some people get all the luck."

These and similar reflections seem to be scarcely ever absent from the mind of Silas Ashburn, producing anything but favourable results upon his character and temper. He cannot be brought to believe that Dean has made more money by splitting rails in the winter than his more enterprising neighbour by hunting deer, skilful and successful as he is. He will not notice that Dean often buys his venison for half the money he has earned while Silas was hunting it. He has never observed that while his own sallow helpmate goes barefoot and bonnetless to the brush-heap to fill her ragged apron with miserable fuel, the cold wind careering through her scanty covering, Mrs. Dean sits by a good fire, amply provided by her careful husband, patching for the twentieth time his great overcoat; and that by the time his Betsey has kindled her poor blaze, and sits cowering over it, shaking with ague, Mrs. Dean, with well-swept hearth, is busied in preparing her husband's comfortable supper.

These things Silas does not and will not see, and he ever resents fiercely any hint, however kindly and cautiously given, that the steady exercise of his own ability for labour, and a *little* more thrift on the part of his wife, would soon set all things right. When he spends a whole night "'coon-hunting," and is obliged to sleep half the next day, and feels good for nothing the day after, it is impossible to convince him that the "varmint" had better been left to cumber on the ground, and the two or three dollars that the expedition cost him, been bestowed in the purchase of a blanket.

"A blanket!" he would exclaim angrily; "don't be puttin' sich uppish notions into my folks' heads! Let 'em make comfortable out o' their old gowns, and if that don't do, let 'em sleep in their day-clothes, as I do! Nobody needn't suffer with a great fire to sleep by."

The children of this house are just what one would expect from such training. Labouring beyond their strength at such times as it suits their father to work, they have nevertheless abundant opportunity for idleness; and as the mother scarcely attempts to control them, they usually lounge listlessly by the fireside, or bask in the sunshine, when Ashburn is absent; and as a natural consequence of this irregular mode of life, the whole family are frequently prostrate with agues, suffering every variety of wretchedness, while there is perhaps no other case of disease in the neighbourhood. Then comes the twofold evil of a long period of inactivity, and a proportionately long doctor's bill; and as Silas is strictly honest, and means to rob no man of his due, the scanty comforts of the convalescents are cut down to almost nothing, and their recovery sadly delayed, that the heavy expenses of illness may be provided for. This is some of poor Ashburn's "bad luck."

One of the greatest temptations to our friend Silas, and to most of his class, is a bee-hunt. Neither deer, nor 'coons, nor prairie-hens, nor even bears, prove half as powerful enemies to anything like regular business, as do these little thrifty vagrants of the forest. The slightest hint of a bee-tree will entice Silas Ashburn and his sons from the most profitable job of the season, even though the defection is sure to result in entire loss of the offered advantage; and if the hunt prove successful, the luscious spoil is generally too tempting to allow of any care for the future, so long as the "sweet'nin'" can be persuaded to last. "It costs nothing," will poor Mrs. Ashburn observe, "let 'em enjoy it. It isn't often we have such good luck." As to the cost, close computation might lead to a different conclusion; but the Ashburns are not calculators.

It was on one of the lovely mornings of our ever lovely autumn, so early that the sun had scarcely touched the tops of the still verdant forest, that Silas Ashburn and his eldest son sallied forth for a day's chopping on the newly-purchased land of a rich settler, who had been but a few months among us. The tall form of the father, lean and

gaunt as the very image of famine, derived little grace from the rags which streamed from the elbows of his almost sleeveless coat, or flapped round the tops of his heavy boots, as he strode across the long causeway which formed the communication from his house to the dry land. Poor Joe's costume showed, if possible, a still greater need of the aid of that useful implement the needle. His mother is one who thinks little of the ancient proverb which commends the stich in time; and the clothing under her care sometimes falls in pieces, seam by seam, for want of the occasional aid which is rendered more especially necessary by the slightness of the original sewing; so that the brisk breeze of the morning gave the poor boy no faint resemblance to a tall young aspen,

"With all its leaves fast fluttering, all at once."

The little conversation which passed between the father and son was such as necessarily makes up much of the talk of the poor,—turning on the difficulties and disappointments of life, and the expedients by which there may seem some slight hope of eluding these disagreeables.

"If we hadn't had sich bad luck this summer," said Mr. Ashburn, "losing that heifer, and the pony, and them three hogs,—all in that plaguy spring-hole, too,—I thought to have bought that timbered forty of Dean. It would have squared out my farm jist about right."

"The pony didn't die in the spring-hole, father," said Joe.

"No, he did not, but he got his death there, for all. He never stopped shiverin' from the time he fell in. You thought he had the agur, but I know'd well enough what ailed him; but I wasn't a goin' to let Dean know, because he'd ha' thought himself so blam'd cunning, after all he'd said to me about that spring-hole. If the agur could kill, Joe, we'd all ha' been dead long ago."

Joe sighed a sigh of assent. They walked on musingly.

"This is going to be a good job of Keene's," continued Mr. Ashburn, turning to a brighter theme, as they crossed the road and struck into the "timbered land," on their way to the scene of the day's operations. "He has bought three eighties, all lying close together, and he'll want as much as forty cleared right off; and I've a good notion to take the fencin' of it as well as the choppin.' He's got plenty of money, and they say he don't shave quite so close as some. But I tell you, Joe, if I do take the job, you must turn to like a catamount, for I ain't a-going to make a nigger o' myself, and let my children do nothing but eat."

"Well, father," responded Joe, whose pale face gave token of anything but high living, "I'll do what I can; but you know I never work two days at choppin' but what I have the agur like sixty,— and a feller can't work when he's got the agur."

"Not while the fit's on, to be sure," said the father; "but I have worked many an afternoon after my fit was over, when my head felt as big as a half-bushel, and my hands would ha' sizzed if I'd put 'em in water. Poor folks has to go to work—but, Joe! if there isn't bees, by golley! I wonder if anybody's been a baitin' for 'em! Stop! hush! watch which way they go!"

And with breathless interest—forgetful of all troubles, past, present, and future—they paused to observe the capricious wheelings and flittings of the little cluster, as they tried every flower on which the sun shone, or returned again and again, to such as suited best their discriminating taste. At length, after a weary while, one suddenly rose into the air with a loud whizz, and after balancing a moment on a level with the tree-tops, darted off like a well-sent arrow toward the east, followed instantly by the whole busy company, till not a loiterer remained.

"Well! if this isn't luck!" exclaimed Ashburn, exultingly; "they make right for Keene's land! We'll have 'em; go ahead, Joe, and keep your eye on 'em!"

Joe obeyed so well in both points, that he not only outran his father, but very soon turned a summerset over a gnarled root or *grub* which lay in his path. This *faux pas* nearly demolished one side of his face, and what remained of his jacket-sleeve, while his father, not quite so heedless, escaped falling, but tore his boot almost off with what he called "a contwisted stub of the toe."

But these were trifling inconveniences, and only taught them to use a little more caution in their eagerness. They followed on, unweariedly, crossed several fences and threaded much of Mr. Keene's tract of forest-land, scanning with practised eye every decayed tree, whether standing or prostrate, until at length, in the side of a gigantic but leafless oak, they espied, some forty feet from the ground, the "sweet home" of the immense swarm whose scouts had betrayed their hiding-place.

"The Indians have been here," said Ashburn; "you see they've felled this saplin' agin the bee-tree, so as they could climb up to the hole; but the red devils have been disturbed afore they had time to dig it out. If they'd had axes to have cut down the big tree, they wouldn't have left a smitchin o' honey, they're such tarnal thieves!"

Mr. Ashburn's ideas of morality were much shocked at the thought of the dishonesty of the Indians, who, as is well known, have no rights of any kind; but considering himself as first finder, the lawful proprietor of this much-coveted treasure, gained too without the trouble of a protracted search, or the usual amount of baiting, and burning of honeycombs, he lost no no time in taking possession after the established mode.

To cut his initials with his axe on the trunk of the bee-tree, and to make *blazes* on several of the trees he had passed, to serve as way-marks to the fortunate spot, detained him but few minutes; and, with many a cautious noting of the surrounding localities, and many a charge to Joe "not to say nothing to nobody," Silas turned his steps homeward, musing on the important fact that he had had good luck for once, and planning important business quite foreign to the day's chopping.

Now it so happened that Mr. Keene, who is a restless old gentleman, and, moreover, quite green in the dignity of a land-holder, thought proper to turn his horse's head, for this particular morning's ride, directly towards these same "three eighties," on which he had engaged Ashburn and his son to commence the important work of clearing. Mr. Keene is low of stature, rather globular in contour, and exceedingly parrot-nosed; wearing, moreover, a face red enough to lead one to suppose he had made his money as a dealer in claret; but, in truth, one of the kindest of men, in spite of a little quickness of temper. He is profoundly versed in the art and mystery of store-keeping, and as profoundly ignorant of all that must sooner or later be learned by every resident land-owner of the western country.

Thus much being premised, we shall hardly wonder that our good old friend felt exceedingly aggrieved at meeting Silas Ashburn and the "lang-legged chiel" Joe, (who has grown longer with every shake of ague,) on the way *from* his tract, instead of *to* it.

"What in the world's the matter now!" began Mr. Keene, rather testily. "Are you never going to begin that work?"

"I don't know but I shall," was the cool reply of Ashburn; "I can't begin it to-day, though."

"And why not, pray, when I've been so long waiting?"

"Because, I've got something else that must be done first. You don't think your work is all the work there is in the world, do you?"

Mr. Keene was almost too angry to reply, but he made an effort to say, "When am I to expect you, then?"

"Why, I guess we'll come on in a day or two, and then I'll bring both the boys."

So saying, and not dreaming of having been guilty of an incivility, Mr. Ashburn passed on, intent only on his bee-tree.

Mr. Keene could not help looking after the ragged pair for a moment, and he muttered angrily as he turned away, "Aye! pride and beggary go together in this confounded new country! You feel very independent, no doubt, but I'll try if I can't find somebody that wants money."

And Mr. Keene's pony, as if sympathizing with his master's vexation, started off at a sharp, passionate trot, which he has learned, no doubt, under the habitual influence of the spicy temper of his rider.

To find labourers who wanted money, or who would own that they wanted it, was at that time no easy task. Our poorer neighbours have been so little accustomed to value household comforts, that the opportunity to obtain such advantages presents but feeble incitement to that continuous industry which is usually expected of one who works in the employ of another. However, it happened in this case that Mr. Keene's star was in the ascendant, and the woods resounded, ere long, under the sturdy strokes of several choppers.

The Ashburns, in the mean time, set themselves busily at work to make due preparations for the expedition which they had planned for the following night. They felt, as does every one who finds a bee-tree in this region, that the prize was their own—that nobody else had the slightest claim to its rich stores; yet the gathering in of the spoils was to be performed, according to the invariable custom where the country is much settled, in the silence of night, and with every precaution of secrecy. This seems inconsistent, yet such is the fact.

The remainder of the "lucky" day and the whole of the succeeding one, passed in

scooping troughs for the reception of the honey,—tedious work at best, but unusually so in this instance, because several of the family were prostrate with the ague. Ashburn's anxiety lest some of his customary bad luck should intervene between discovery and possession, made him more impatient and harsh than usual; and the interior of that comfortless cabin would have presented to a chance visiter, who knew not of the golden hopes which cheered its inmates, an aspect of unmitigated wretchedness. Mrs. Ashburn sat almost in the fire, with a tattered hood on her head and the relics of a bed-quilt wrapped about her person; while the emaciated limbs of the baby on her lap,—two years old, yet unweaned,—seemed almost to reach the floor, so preternaturally were they lengthened by the stretches of a four months' ague. Two of the boys lay in a trundle-bed, which was drawn as near to the fire as possible; and every spare article of clothing that the house afforded was thrown over them, in the vain attempt to warm their shivering frames. "Stop your whimperin' can't ye!" said Ashburn, as he hewed away with hatchet and jack-knife; "you'll be hot enough before long." And when the fever came his words were more than verified.

Two nights had passed before the preparations were completed. Ashburn and such of his boys as could work had laboured indefatigably at the troughs, and Mrs. Ashburn had thrown away the milk, and the few other stores which cumbered her supply of household utensils, to free as many as possible for the grand occasion. This third day had been "well day" to most of the invalids, and after the moon had risen to light them through the dense wood, the family set off, in high spirits, on their long, dewy walk. They had passed the causeway, and were turning from the highway into the skirts of the forest, when they were accosted by a stranger, a young man in a hunter's dress, evidently a traveller, and one who knew nothing of the place or its inhabitants, as Mr. Ashburn ascertained, to his entire satisfaction, by the usual number of queries. The stranger, a handsome youth of one or two and twenty, had that frank, joyous air which takes so well with us Wolverines; and after he had fully satisfied our bee-hunter's curiosity, he seemed disposed to ask some questions in his turn. One of the first of these related to the moving cause of the procession and their voluminous display of *containers*.

"Why, we're goin' straight to a bee-tree that I lit upon two or three days ago, and if you've a mind to, you may go 'long, and welcome. It's a real peeler, I tell ye! There's a hundred and fifty weight of honey in it, if there's a pound."

The young traveller waited no second invitation. His light knapsack was but small incumbrance, and he took upon himself the weight of several troughs, that seemed too heavy for the weaker members of the expedition. They walked on at a rapid and steady pace for a good half hour, over paths which were none of the smoothest, and only here and there lighted by the moonbeams. The mother and children were but ill fitted for the exertion, but Aladdin, on his midnight way to the wondrous vault of treasure, would as soon have thought of complaining of fatigue.

Who then shall describe the astonishment, the almost breathless rage of Silas Ashburn,—the bitter disappointment of the rest,—when they found, instead of the bee-tree, a great gap in the dense forest, and the bright moon shining on the shattered fragments of the immense oak which had contained their prize! The poor children, fainting with toil now that the stimulus was gone, threw themselves on the ground, and Mrs. Ashburn, seating her wasted form on a huge limb, burst into tears.

"It's all one!" exclaimed Ashburn, when at length he could find words; "it's all alike! this is just my luck! It ain't none of my neighbours, though! They know better than to be so mean! It's the rich! Them that begrudges the poor man the breath of life!" And he cursed bitterly and with clenched teeth, whoever had robbed him of his right.

"Don't cry, Betsy," he continued; "let's go home. I'll find out who has done this, and I'll let 'em know there's law for the poor man as well as the rich. Come along, young 'uns, and stop your blubberin', and let them splinters alone!" The poor little things were trying to gather up some of the fragments to which the honey still adhered, but their father was too angry to be kind.

"Was the tree on your own land?" now enquired the young stranger, who had stood by in sympathizing silence during this scene.

"No! but that don't make any difference. The man that found it first, and marked it, had a right to it afore the President of the United States, and that I'll let 'em know, if it costs me my farm. It's on old Keene's land, and I shouldn't wonder if the old miser had done it himself,—but I'll let him know what's the law in Michi*gan!*"

"Mr. Keene a miser!" exclaimed the young stranger, rather hastily.

"Why, what do *you* know about him?"

"Oh! nothing!—that is, nothing very particular—but I have heard him well spoken of. What I was going to say was, that I fear you will not find the law able to do anything for you. If the tree was on another person's property——"

"Property! that's just so much as you know about it!" replied Ashburn, angrily. "I tell ye I know the law well enough, and I know the honey was mine—and old Keene shall know it too, if he's the man that stole it."

The stranger politely forbore further reply, and the whole party walked on in sad silence till they reached the village road, when the young stranger left them with a kindly "good night!"

It was soon after an early breakfast, on the morning which succeeded poor Ashburn's disappointment, that Mr. Keene, attended by his lovely orphan niece, Clarissa Bensley, was engaged in his little court-yard, tending with paternal care the brilliant array of autumnal flowers which graced its narrow limits. Beds, in size and shape nearly resembling patty-pans, were filled to overflowing with dahlias, china-asters and marigolds, while the walks which surrounded them, daily "swept with a woman's neatness," set off to the best advantage these resplendent children of Flora. A vine-hung porch, which opened upon the miniature Paradise, was lined with bird-cages of all sizes, and on a yard-square grass-plot stood the tin cage of a squirrel, almost too fat to be lively.

Mr. Keene was childless, and consoled himself as childless people are apt to do if they are wise, by taking into favour, in addition to his destitute niece, as many troublesome pets as he could procure. His wife, less philosophical, expended her superfluous energies upon a multiplication of household cares, which her ingenuity alone could have devised within a domain like a nutshell. Such rubbing and polishing—such arranging and re-arranging of useless nick-nacks, had never yet been known in these utilitarian regions. And, what seemed amusing enough, Mrs. Keene, whose time passed in laborious nothings, often reproved her lawful lord very sharply for wasting *his* precious hours upon birds and flowers, squirrels and guinea-pigs, to say nothing of the turkeys and the magnificent peacock, which screamed at least half of every night, so that his master was fain to lock him up in an outhouse, for fear the neighbours should kill him in revenge for the murder of their sleep. These forms of solace Mrs. Keene often condemned as "really ridic'lous," yet she cleaned the bird-cages with indefatigable punctuality, and seemed never happier than when polishing with anxious care the bars of the squirrel's tread-mill. But there was one never-dying subject of debate between this worthy couple,—the company and services of the fair Clarissa, who was equally the darling of both, and superlatively useful in every department which claimed the attention of either. How the maiden, light-footed as she was, ever contrived to satisfy both uncle and aunt, seemed really mysterious. It was, "Mr. Keene, don't keep Clary wasting her time there when I've *so much* to do!"—or, on the other hand, "My dear! do send Clary out to help *me* a little! I'm sure she's been stewing there long enough!" And Clary, though she could not perhaps be in two places at once, certainly accomplished as much as if she could.

On the morning of which we speak, the young lady, having risen very early, and brushed and polished to her aunt's content, was now busily engaged in performing the various behests of her uncle, a service much more to her taste. She was as completely at home among birds and flowers as a poet or a Peri; and not Ariel himself (of whom I dare say she had never heard) accomplished with more grace his gentle spiriting. After all was "perform'd to point,"—when no dahlia remained unsupported,—no cluster of many-hued asters without its neat hoop,—when no intrusive weed could be discerned, even through Mr. Keene's spectacles, Clarissa took the opportunity to ask if she might take the pony for a ride.

"To see those poor Ashburns, uncle."

"They're a lazy, impudent set, Clary."

"But they are all sick, uncle; almost every one of the family down with ague. Do let me go and carry them something. I hear they are completely destitute of comforts."

"And so they ought to be, my dear," said Mr. Keene, who could not forget what he considered Ashburn's impertinence.

But his habitual kindness prevailed, and he concluded his remonstrance (after giving voice to some few remarks which would not have gratified the Ashburns particularly) by saddling the pony himself, arranging Clarissa's riding-dress with all

the assiduity of a gallant cavalier, and giving into her hand, with her neat silver-mounted whip, a little basket, well crammed by his wife's kind care with delicacies for the invalids. No wonder that he looked after her with pride as she rode off! There are few prettier girls than the bright-eyed Clarissa.

When the pony reached the log-causeway,—just where the thick copse of witch-hazel skirts Mr. Ashburn's moist domain,—some unexpected occurrence is said to have startled, not the sober pony, but his very sensitive rider; and it has been asserted that the pony stirred not from the said hazel screen for a longer time than it would take to count a hundred, very deliberately. What faith is to be attached to this rumour, the historian ventures not to determine. It may be relied on as a fact, however, that a strong arm led the pony over the slippery corduroy, but no further; for Clarissa Bensley cantered alone up the green slope which leads to Mr. Ashburn's door.

"How are you this morning, Mrs. Ashburn?" asked the young visitant as she entered the wretched den, her little basket on her arm, her sweet face all flushed, and her eyes more than half-suffused with tears,—the effect of the keen morning wind, we suppose.

"Lau sakes alive!" was the reply, "I ain't no how. I'm clear tuckered out with these young 'uns. They've had the agur already this morning, and they're as cross as bear-cubs."

"Ma!" screamed one, as if in confirmation of the maternal remark, "I want some tea!"

"Tea! I han'n't got no tea, and you know that well enough!"

"Well, give me a piece o' sweetcake then, and a pickle."

"The sweetcake was gone long ago, and I ha'n't nothing to make more—so shut your head!" And as Clarissa whispered to the poor pallid child that she would bring him some if he would be a good boy and not tease his mother, Mrs. Ashburn produced from a barrel of similar delicacies, a yellow cucumber, something less than a foot long, "pickled" in whiskey and water—and this the child began devouring eagerly.

Miss Bensley now set out upon the table the varied contents of her basket. "This honey," she said, showing some as limpid as water, "was found a day or two ago in uncle's woods—wild honey—isn't it beautiful?"

Mrs. Ashburn fixed her eyes on it without speaking, but her husband, who just then came in, did not command himself so far. "Where did you say you got that honey?" he asked.

"In our woods," repeated Clarissa; "I never saw such quantities; and much of it as clear and beautiful as this."

"I thought as much!" said Ashburn angrily; "and now, Clary Bensley," he added, "you'll just take that cursed honey back to your uncle, and tell him to keep it, and eat it, and I hope it will choke him! and if I live, I'll make him rue the day he ever touched it."

Miss Bensley gazed on him, lost in astonishment. She could think of nothing but that he must have gone suddenly mad, and this idea made her instinctively hasten her steps toward the pony.

"Well! if you won't take it, I'll send it after ye!" cried Ashburn, who had lashed himself into a rage; and he hurled the little jar, with all the force of his powerful arm, far down the path by which Clarissa was about to depart, while his poor wife tried to restrain him with a piteous "Oh, father! don't! dont!"

Then, recollecting himself a little,—for he is far from being habitually brutal,—he made an awkward apology to the frightened girl.

"I ha'n't nothing agin *you*, Miss Bensley; you've always been kind to me and mine; but that old devil of an uncle of yours, that can't bear to let a poor man live, I'll larn him who he's got to deal with! Tell him to look out, for he'll have reason!"

He held the pony while Clarissa mounted, as if to atone for his rudeness to herself; but he ceased not to repeat his denunciations against Mr. Keene as long as she was within hearing. As she paced over the logs, Ashburn, his rage much cooled by this ebullition, stood looking after her.

"I swan!" he exclaimed; "if there ain't that very feller that went with us to the bee-tree, leading Clary Bensley's horse over the cross-way!"

Clarissa felt obliged to repeat to her uncle the rude threats which had so much terrified her; and it needed but this to confirm Mr. Keene's suspicious dislike of Ashburn, whom he had already learned to regard as one of the worst specimens

of western character that had yet crossed his path. He had often felt the vexations of his new position to be almost intolerable, and was disposed to imagine himself the predestined victim of all the ill-will, and all the impositions of the neighbourhood. It unfortunately happened, about this particular time, that he had been more than usually visited with disasters which are too common in a new country to be much regarded by those who know what they mean. His fences had been thrown down, his corn-field robbed, and even the lodging-place of the peacock forcibly attempted. But from the moment he discovered that Ashburn had a grudge against him, he thought neither of unruly oxen, mischievous boys, nor exasperated neighbours, but concluded that the one unlucky house in the swamp was the ever-welling fountain of all this bitterness. He had not yet been long enough among us to discern how much our "bark is waus than our bite."

And, more unfortunate still, from the date of this unlucky morning call, (I have long considered morning calls particularly unlucky,) the fair Clarissa seemed to have lost all her sprightliness. She shunned her usual haunts, or if she took a walk, or a short ride, she was sure to return sadder than she went. Her uncle noted the change immediately, but forbore to question her, though he pointed out the symptoms to his more obtuse lady, with a request that she would "find out what Clary wanted." In the performance of this delicate duty, Mrs. Keene fortunately limited herself to the subjects of health and new clothes,—so that Clarissa, though at first a little fluttered, answered very satisfactorily without stretching her conscience.

"Perhaps it's young company, my dear," continued the good woman; "to be sure there's not much of that as yet; but you never seemed to care for it when we lived at L——. You used to sit as contented over your work or your book, in the long evenings, with nobody but your uncle and me, and Charles Darwin,—why can't you now?"

"So I can, dear aunt," said Clarissa; and she spoke the truth so warmly that her aunt was quite satisfied.

It was on a very raw and gusty evening, not long after the occurrences we have noted, that Mr. Keene, with his handkerchief carefully wrapped round his chin, sallied forth after dark, on an expedition to the post-office. He was thinking how vexatious it was—how like everything else in this disorganized, or rather unorganized new country, that the weekly mail should not be obliged to arrive at regular hours, and those early enough to allow of one's getting one's letters before dark. As he proceeded he became aware of the approach of two persons, and though it was too dark to distinguish faces he heard distinctly the dreaded tones of Silas Ashburn.

"No! I found you were right enough there! I couldn't get at him that way; but I'll pay him for it yet!"

He lost the reply of the other party in this iniquitous scheme, in the rushing of the wild wind which hurried him on his course; but he had heard enough! He made out to reach the office, and receiving his paper, and hastening desperately homeward, had scarcely spirits enough even to read the price current, (though he did mechanically glance at that corner of the "Trumpet of Commerce,") before he retired to bed in meditative sadness; feeling quite unable to await the striking of nine on the kitchen clock, which, in all ordinary circumstances, "toll'd the hour for retiring."

It is really surprising the propensity which young people have for sitting up late! Here was Clarissa Bensley, who was so busy all day that one would have thought she might be glad to retire with the chickens,—here she was sitting in her aunt's great rocking-chair by the remains of the kitchen fire, at almost ten o'clock at night! And such a night too! The very roaring of the wind was enough to have affrighted a stouter heart than hers, yet she scarcely seemed even to hear it! And how lonely she must have been! Mr. and Mrs. Keene had been gone an hour, and in all the range of bird-cages that lined the room, not a feather was stirring, unless it might have been the green eyebrow of an old parrot, who was slily watching the fireside with one optic, while the other pretended to be fast asleep. And what was old Poll watching? We shall be obliged to tell tales.

There was another chair besides the great rocking-chair,—a high-backed chair of the olden time; and this second chair was drawn up quite near the first, and on the back of the tall antiquity leaned a young gentleman. This must account for Clary's not being terrified, and for the shrewd old parrot's staring so knowingly.

"I will wait no longer," said the stranger, in a low, but very decided tone; (and as he speaks we recognise the voice of the young hunter.) "You are too timid,

Clarissa, and you don't do your uncle justice. To be sure he was most unreasonably angry when we parted, and I am ashamed to think that I was angry too. To-morrow I will see him and tell him so; and I shall tell him too, little trembler, that I have you on my side; and we shall see if together we cannot persuade him to forget and forgive."

This, and much more that we shall not betray, was said by the tall young gentleman, who, now that his cap was off, showed brow and eyes, such as are apt to go a good way in convincing young ladies; while Miss Bensley seemed partly to acquiesce, and partly to cling to her previous fears of her uncle's resentment against his former protégé, which, first excited by some trifling offence, had been rendered serious by the pride of the young man and the pepperiness of the old one.

When the moment came which Clarissa insisted should be the very last of the stranger's stay, some difficulty occurred in unbolting the kitchen door, and Miss Bensley proceeded with her guest through an open passage-way to the front part of the house, when she undid the front door, where she dismissed him with a strict charge to tie up the gate just as he found it, lest some unlucky chance should realize Mr. Keene's fears of nocturnal invasion. And we must leave our perplexed heroine standing, in meditative mood, candle in hand, in the very centre of the little parlour, which served for entrance-hall and *salon*.

We have seen that Mr. Keene's nerves had received a terrible shock on this fatal evening, and it is certain that for a man of sober imagination, his dreams were terrific. He saw Ashburn, covered from crown to sole with a buzzing shroud of bees, trampling on his flower-beds, tearing up his honey-suckles root and branch, and letting his canaries and Java sparrows out of their cages; and, as his eyes recoiled from this horrible scene, they encountered the shambling form of Joe, who, besides aiding and abetting in these enormities, was making awful strides, axe in hand, toward the sanctuary of the pea-fowls.

He awoke with a cry of horror, and found his bed-room full of smoke. Starting up in agonized alarm, he awoke Mrs. Keene, and half-dressed, by the red light which glimmered around them, they rushed together to Clarissa's chamber. It was empty. To find the stairs was the next thought, but at the very top they met the dreaded bee-finder armed with a prodigious club!

"Oh mercy! don't murder us!" shrieked Mrs. Keene, falling on her knees; while her husband, whose capsicum was completely roused, began pummelling Ashburn as high as he could reach, bestowing on him at the same time, in no very choice terms, his candid opinion as to the propriety of setting people's houses on fire, by way of revenge.

"Why, you're both as crazy as loons!" was Mr. Ashburn's polite exclamation, as he held off Mr. Keene at arm's length. "I was coming up o' purpose to tell you that you needn't be frightened. It's only the ruff o' the shanty there,—the kitchen, as you call it."

"And what have you done with Clarissa?"—"Ay! where's my niece?" cried the distracted pair.

"Where is she? why, down stairs to be sure, takin' care o' the traps they throw'd out o' the shanty. I was out a 'coon-hunting, and see the light, but I was so far off that they got it pretty well down before I got here. That 'ere youngspark o' Clary's worked like a beaver, I tell ye!"

It must not be supposed that one half of Ashburn's hasty explanation "penetrated the interior" of his hearer's heads. They took in the idea of Clary's safety, but as for the rest, they concluded it only an effort to mystify them as to the real cause of the disaster.

"You need not attempt," solemnly began Mr. Keene, "you need not think to make me believe, that you are not the man that set my house on fire. I know your revengeful temper; I have heard of your threats, and you shall answer for all, sir! before you're a day older.

Ashburn seemed struck dumb, between his involuntary respect for Mr. Keene's age and character, and the contemptuous anger with which his accusation filled him. "Well! I swan!" said he after a pause; "but here comes Clary; *she's* got common sense; ask her how the fire happened."

"It's all over now, uncle," she exclaimed, almost breathless; "it has not done so *very* much damage."

"Damage!" said Mrs. Keene, dolefully; "we shall never get things clean again while the world stands!"

"And where are my birds?" inquired the old gentleman.

"All safe—quite safe; we moved them into the parlour."

"We! who, pray?"

"Oh! the neighbours came, you know, uncle; and— Mr. Ashburn—"

"Give the devil his due," interposed Ashburn; "you know very well that the whole concern would have gone if it hadn't been for that young feller."

"What young fellow? where?"

"Why here," said Silas, pulling forward our young stranger; "this here chap."

"Young man," began Mr. Keene,—but at the moment, up came somebody with a light, and while Clarissa retreated behind Mr. Ashburn, the stranger was recognised by her aunt and uncle as Charles Darwin.

"Charles! what on earth brought you here?"

"Ask Clary," said Ashburn, with grim jocoseness.

Mr. Keene turned mechanically to obey, but Clarissa had disappeared.

"Well! I guess I can tell you something about it, if nobody else won't,' said Ashburn; "I'm something of a Yankee, and it's my notion that there was some sparkin' a goin' on in your kitchen, and that somehow or other the young folks managed to set it a-fire."

The old folks looked more puzzled than ever. "*Do* speak Charles," said Mr. Keene; "what *does* it all mean? Did you set my house on fire?"

"I'm afraid I must have had some hand in it, sir," said Charles, whose self-possession seemed quite to have deserted him.

"You!" exclaimed Mr. Keene; "and I've been laying it to this man!"

"Yes! you know'd I owed you a spite on account o' that plaguy bee-tree," said Ashburn; "a guilty conscience needs no accuser. But you was much mistaken if you thought I was sich a bloody-minded villain as to burn your gimcrackery for that! If I could have paid you for it, fair and even, I'd ha' done it with all my heart and soul. But I don't set men's houses a-fire when I get mad at 'em."

"But you threatened vengence," said Mr. Keene.

"So I did, but that was when I expected to get it by law, though; and this here young man knows that, if he'd only speak."

Thus adjured, Charles did speak, and so much to the purpose that it did not take many minutes to convince Mr. Keene that Ashburn's evil-mindedness was bounded by the limits of the law, that precious privilege of the Wolverine. But there was still the mystery of Charles's apparition, and in order to its full unravelment, the blushing Clarissa had to be enticed from her hiding-place, and brought to confession. And then it was made clear that she, with all her innocent looks, was the moving cause of the mighty mischief. She it was who encouraged Charles to believe that her uncle's anger would not last for ever; and this had led Charles to venture into the neighbourhood; and it was while consulting together, (on this particular point, of course,) that they had managed to set the kitchen curtain on fire, and then—the reader knows the rest.

These things occupied some time in explaining,—but they were at length, by the aid of words and more eloquent blushes, made so clear, that Mr. Keene concluded, not only to new-roof the kitchen, but to add a very pretty wing to one side of the house. And at the present time, the steps of Charles Darwin, when he returns from a surveying tour, seek the little gate as naturally as if he had never lived anywhere else. And the sweet face of Clarissa is always there, ready to welcome him, though she still finds plenty of time to keep in order the complicated affairs of both uncle and aunt.

And how goes life with our friends the Ashburns? Mr. Keene has done his very best to atone for his injurious estimate of Wolverine honour, by giving constant employment to Ashburn and his sons, and owning himself always the obliged party, without which concession all he could do would avail nothing. And Mrs. Keene and Clarissa have been unwearied in their kind attentions to the family, supplying them with so many comforts that most of them have got rid of the ague, in spite of themselves. The house has assumed so cheerful an appearance that I could scarcely recognise it for the same squalid den it had often made my heart ache to look upon. As I was returning from my last visit there, I encountered Mr. Ashburn, and remarked to him how very comfortable they seemed.

"Yes," he replied; "I've had pretty good luck lately; but I'm a goin' to pull up stakes and move to Wisconsin. I think I can do better, further west."

WAR WITH AMERICA.

AN EXAMINATION OF THE INSTIGATIONS AND PROBABLE EFFECTS.

BY A KENTUCKIAN.

In a late debate in the French Chambers on the subject of the treaties lately concluded by the five Powers, M. Guizot remarked, that "the Americans object to that treaty, because, when, through any pretence, British officers visit an American ship, they claim any British seamen who may be on board and carry them off," and added, "this is the motive of the resistance opposed by the American Government, to the right of search; and I think they are right; and if the British pretended to seek for their sailors on board French ships, we would resist them as the Americans do."

The London *Times*, commenting upon the debate, says, "It has shewn us that the absurd claims which have been put forward by the interested motives, or the over-weaning conceit of the United States, will find abettors and allies in Europe, and it has brought with it the irresistible conviction that men will again be slaughtered, and states ruined, and the earth deluged with blood, because mankind call their passions by the high and sacred names of principles, mistaking their own presumption and pride for the rights of patriotism and justice."

If we are to form our opinions of the purposes of England by the official correspondence and the tone of her public press, it would seem that a war is inevitable, and that the slave trade treaties have been negotiated as a means of committing the public opinion of Europe against the United States. The correspondence between the American minister and her majesty's government, and an able review of it, treating of the right of search, by an American in Paris, have done much to arrest the current of public opinion, which, under the guidance of the British press, was setting strongly against the United States; but there are matters having a most important bearing upon the controversy between the two countries, which have not been treated of in the correspondence or by the review in question, and which in the nature of things have excited very little attention in Europe.

The fact that the English language is much diffused throughout the world, is one great element of British power and influence, and it is the misfortune of America as well as France and the other continental powers, that accounts from Europe reach America through the British press, and that Europe receives the greater part of its information of America through the same channel. It is characteristic and highly creditable to England, that whatever may be her local dissentions; whatever may be their divisions as to home questions, all parties agree in supporting England as against the rest of the world, and hence the late change of administration, it is feared, has not changed the purpose of England, so far as it affects a determination to accomplish the end in view, even at the risk of a war with the United States.

That purpose is not the abolition of slavery, nor yet of the slave trade, which are but means subordinate to it. It is to increase her manufactures and extend her commerce; and, as indispensable to this, to substitute the raw products of India for the like products of Cuba, Brazil, and the United States.

We have said, that it was the misfortune of Europe that they receive their accounts of the United States through the British press; we might have added, that it is a still greater misfortune, that in consequence of being published in a different language, most European statesmen do not read British papers. In England the operations of government are so much regulated by public opinion, that its measures are shadowed forth by her periodical publications, most of which are re-printed and extensively circulated in the United States. Hence the American reader, who notes carefully the progress of public sentiment, can anticipate the purposes of the British government.

The *Edinburgh Review*, speaking of the Eastern question, says, "the defect of French statesmen, is inexperience of affairs." May not that inexperience be attributed to this cause? We believe that it can be demonstrated, that the American side of this question, is not only the side of France, but also of the other powers of Europe; that England seeks her own aggrandisement, at the expense of all other nations, and that the plea of benevolence, is but a mask, however sincere the enthusiasts whom she has enlisted in her cause may be.

We wish to be rightly understood. If it were possible for England, consistently with the rights of her East India subjects, and with what is due to other independent powers, to extend her commerce and manufactures even beyond the utmost limits of her wishes, no one would have cause to complain; if she would do this by reducing the cost of production in India, *or in England*, it would be right; but when instead of reducing the cost of productions in her own dominions, she attempts to accomplish it, by increasing it in Cuba, Brazil, and the United States, and adds insult to injury by calumniating its institutions, and attempting to trample upon the rights of America, her calumnies will be refuted, her purposes exposed, and her aggressions resisted by force.

We cannot persuade ourselves that a majority of the British people will countenance war with the United States. Misguided as public sentiment is, in relation to slavery; deeply interested as they are in extending their commerce and manufactures; and misled as they may be by the false views they have taken of the effects to be produced by the abolition of slavery and the slave trade, upon the price of East India produce, as compared with Cuba, Brazil, and the United States, we do not believe that the majority desire to accomplish them by a war. We do believe that such is the present state of parties, and such the force of truth and reason, that all that is wanting to prevent a war is, to diffuse in England a knowledge of the truth.

The public press, however, is in so false a position, that it is difficult to reach the people. The effort to mislead their judgements, the system of misrepresentation, has been so long presevered in, and prejudice is so deeply seated, that, "hearing, they will not hear, and seeing they will not see."

Continental Europe having an adverse interest, will more readily receive the truth; and as England cannot persevere against their enlightened public opinion, it is important that the real questions in issue, and the American view in relation to them, should be fully presented.

The questions in issue are:—

1st. The Boundary-line, including as well the occupation of the Columbia River, as the dividing line between Maine and Nova Scotia.

2nd. The invasion of the territory of the United States for the purpose of destroying the *Caroline*.

3rd. The capture of American vessels on the coast of Africa.

4th. The right of search set up, under pretence of suppressing the slave trade.

5th. The case of the *Creole*.

Our purpose is not to discuss these questions in detail. It is to show that these are but the incidents; that the real question lies deeper. In doing this we must speak:—

1st. Of the United States, their form of government, and the relation to slavery and the slave trade.

2nd. Of the slave trade, and the exaggerations in relation to it.

3rd. Of the commercial necessities which control the policy of England, and her revival of the slave trade.

4th. Of India and her relations as a colony of England.

5th. Of the condition of the labouring poor of Ireland.

OF THE UNITED STATES, THEIR FORM OF GOVERNMENT, AND THEIR RELATION TO SLAVERY AND THE SLAVE TRADE.

In explaining the relation which the United States bear to the subject of slavery, we must look to the organization, the powers, and purposes of the Federal Government.

The United States were originally colonies, settled under the authority and subject to the crown of Great Britain. One of the grievances of which they complained before the Revolution, was, that the mother-country compelled them to receive African slaves, imported by authority of British law.

The immediate cause of the Revolution was, the attempt of the British parliament to tax the colonies. This led them to scrutinize the principle of taxation. They saw that no representation in parliament would protect them against oppression; that the right of taxation was in fact a right of conversion, and that to permit parliament to levy taxes, was to surrender their property to the discretion of that body. This principle was carried into the struggle of the Revolution. The colonies dispersed over so large an extent of territory, saw clearly that their congress, composed as it was of delegates representing different sectional interests, would sympathize with the interests which they represented, and that they, too, might abuse

the power of taxation. Hence the congress of the Revolution had no power to levy taxes. They were but an advisory council. Men and money were furnished by the states. Each state was a distinct and separate independent government. Each state had a distinct organization; its governor, its legislature, its judiciary, its civil and military officers. Upon declaring themselves independent of the mother-country, each state organized their respective governments for themselves. The people of slave-holding states were compelled to take into consideration the state of their society as it then existed.

The question was not whether they would institute slavery; it had already been instituted by the British government. The black man was already the property of the white, by the law of England.

Is it matter of surprise, that under such circumstances, the master believed that his slave was not qualified by habits, education, or intelligence to exercise political rights? that the black man was not the equal with the white, and that legislation could not make him so? that to emancipate the slave, without giving him equal political rights, would have created a degraded *caste*, which so far from contributing to their moral or physical improvement, would have led to their still further degradation? and that to have given them equal political rights, constituting them a part of the government itself, would have inoculated the government with a moral disease, which must have caused its premature decay? Is it not surprising, that they should have believed, that the public safety forbade to engraft the blacks upon the body-politic, and that they had no alternative but to recognise and continue the pre-existing system of slavery? Having resolved to do this, they passed laws to ameliorate the condition of the slave, and placed him under their protection. They identified the interest of the master and the slave, and compelled the master to provide him sufficient food and raiment. Instead of living on dry potatoes, as is the case with the Irish labourer, the American slave has an abundance of wholesome diet, and to spare. Instead of sleeping upon wet straw, with a single poverty blanket for a whole family, as in Ireland, the American slave has good bedding and an abundance to spare of bed-clothes. Instead of the suit in seven years, as in Ireland, he has his three new suits, one for winter and two for summer, and good shoes and stockings. Instead of killing them off by unmitigated toil, long before they become burthensome, through age or infirmity, as charged by the *Edinburgh Review*; and instead of permitting them to perish by exposure to hunger and cold, as in Ireland, the American slave is nursed in sickness, and comfortably provided in his old age.

Upon the organization of the federal government, the slave trade was abolished, and not a single African slave has been imported into the United States since 1808.

The slave population in 1810 was 1,191,364. In 1840 it was 2,487,113; the increase being more than one hundred per cent., although many slaves have been liberated. The white population in 1810 was 7,239,000. In 1840 it was 14,581,000, showing that the natural increase of the slaves has been more than the natural increase of the whites.* But the most striking proof that the institution of slavery as it exists in the United States has been so modified as to secure the personal comfort of the slave, is exhibited in the fact, that in a population of 2,634,348 (including the free blacks,) there are 1980 over one hundred years of age; whereas there are but 647 whites over one hundred years of age, in a population of 14,581,000. It so happens, that we have before us a pamphlet published in 1827 by Dr. Niles, (then a citizen of New York, now resident and well known in Paris) in which he gave a comparative statement of the mortality in the cities of Philadelphia, New York, and Baltimore, deduced from the official reports of the boards of health of the respective cities, from which it appears, that in the years 1823, 24, 25, 26, the deaths were as follows:—

	IN NEW YORK.	IN PHILADELPHIA.	IN BALTIMORE.
Whites	1 in 40·15	1 in 31·82	1 in 44·29
Free blacks	1 in 18·88	1 in 19·91	1 in 32·2
Slaves			1 in 77·88

The learned gentleman to whom we are indebted for this table, remarks: "The disproportion of deaths between the free blacks and the slaves of Baltimore is worthy of particular notice, and probably arises from *the care bestowed on the slaves* by their masters, their comparative temperance, and the more regular course of their lives, contrasted with the idleness, the intemperance, and improvidence of the free blacks."

* The increase of slaves in the United States during the last ten years, has been more than 22 per cent., while that of the population of Great Britain has been but 11½ per cent.

These are facts, not poetry. They are the sober truths, furnished by the official documents, in opposition to the sickly sentiment and impertinent theories of a misguided philanthropy.

Perhaps we could not better illustrate the actual condition of the labouring population of the United States, including the slaves, as contrasted with that of Great Britain, than by stating the fact, that while the labouring poor of the latter are almost denied the use of milk, it constitutes a part of the daily food of most American slaves, who have also a plentiful supply of animal food, and that many of them have coffee, sugar, and tea; for while the annual consumption of coffee in Great Britain and Ireland is but 25,000,000 of pounds, the annual consumption of coffee for the last six years in the United States (see *American Almanac*) has been 86,000,000 of pounds. The American population is but 17,000,000, that of Great Britain and Ireland is 25,000,000. At the same rate, the consumption of coffee in Great Britain and Ireland should have been 133,000,000 instead of 25,000,000 of pounds.

We have said that the colonies, in declaring themselves independent, refused to organize a central government with the power of taxation; that the congress of the Revolution was but an advisory council, and that the states were separate sovereignties. As such, on the 4th of July 1776, they declared themselves independent, which independence as separate sovereign states was recognised by England herself in the treaty of peace.

These separate sovereign states thus became a part of the society of nations, who recognised their right to establish their own form of government, and, in doing so, recognised the institution of slavery as by them established. After they had thus been admitted into the family of nations,—after their forms of government, including the institution of slavery, had been recognised and adopted, they determined to form a more perfect union, and for this purpose the states selected delegates, who met in convention and proposed for their adoption the present Federal Constitution. In that convention each state had the same voice, and the constitution thus prepared had no binding force until it was adopted by nine states, and then only as between the states so adopting it. It will thus be seen that the Federal Constitution is a compact between sovereign and independent states.

These states carried into the convention great diversity of opinion. Some of the delegates were in favour of a monarchy; some preferred a president and senate for life; many desired to create a strong central government; but the conflict between the colonies and the mother country had begotten a repugnance to monarchy; and an apprehension, that a strong central government would end in the despotism of an absolute majority, in which the interest of the weaker sections would be sacrificed by combinations of the stronger, induced the weaker states to insist upon reserving an equal voice in the senate, and to resist every attempt to give the federal government any further domestic control than was indispensable to union among themselves, and to a successful administration of their foreign relations. The federal constitution, therefore, while it constitutes them one distinct nation as to all the rest of the world, is but a compact between sovereign states, regulating their intercourse with each other; which compact was not intended to interfere with the constitution or form of government pre-existing in the several states; who, in adopting it, considered and treated each other as separate governments.

Slavery had been *established* by Great Britain, and *continued* by the states in which it had been thus established, because the people of those states, in declaring themselves independent of the mother country, did not believe that they could, consistently with their own safety, or the happiness of the blacks themselves, change the relation which the British government had forced upon them; and the other American states, in forming the federal constitution, had no more right to insist that the slave-holding states should abolish slavery, and to make that a condition of their becoming parties to the federal government, than France or England had, to require it as a condition to the treaty of peace, by which their independence was established. In fact, the question of slavery never has been submitted to the American people as such. The question before them was not, whether slavery should be abolished; but whether they should become parties to the federal constitution. In doing so, the several states became members of the federal government, reserving to themselves the exclusive control over their domestic institutions. And hence, as domestic slavery was a domestic institution, and under the exclusive jurisdiction of the respective states, the federal government being charged with the foreign relations of all the states, is alike bound to protect the interest and property of all; and hence, so long as any state shall recognise the property of the master in

his slave, the federal government is as much bound to protect that right of property, as it is to protect the right of property of the merchant in his ships. This brings us to the case of the *Creole*, where slaves, the property of an American citizen, on board an American ship, passing from one American port to another, prompted by assurances, that if they could reach a British port, they would be liberated, rose upon the crew, murdered part of them, and compelled the others to navigate the ship to Nassau (New Providence), where they were set at liberty by the British authorities. The case cannot be strengthened by argument. The federal government was constituted to protect the rights of property of the slave-holder in all questions arising between him and foreign governments. We know that very high authority have declared, that there is no law in England which will authorise the delivery of these slaves. We hold that slaves, by the law of nations, are admitted to be property; that while on board an American ship, they are slaves; and that a vessel carried by mutiny into a neutral port is not subject to the municipal regulations of that port; and that the seizure of these slaves was an illegal confiscation.

Can any one suppose, that the American government would permit any other government to confiscate an American ship carried into a neutral port under such circumstances? And if they would not permit the confiscation of the ship, how can they, without dishonour, permit the confiscation of the slaves?

They are as much bound to protect the property of the southern planter, as of the northern merchant. No one can believe that the pretension set up by England will be tolerated by the United States. The power of England and the consequences of a war are duly appreciated; but these impose upon the American government the necessity of resisting this encroachment on the rights of her citizens with greater firmness. She can permit no fear of consequences to deter her from extending that protection to the property of American citizens, which by the constitution they have a right to claim.

De Toqueville, in his able work on America, apprehends that the influence of an absolute majority may prejudice American institutions. The American government is not a government of a majority, and it was the purpose of those who framed it, to prevent its being so.

The powers of the federal government are vested in the legislative, executive, and judicial departments. The legislative consists of a senate and house of representatives. The representatives are chosen by the people of the states in proportion to their respective populations, (three-fifths of the slaves being represented); each state is represented by two senators, chosen by their respective legislators once in six years. It follows that Delaware, with its population of 78,000, has the same weight in the senate as New York with her 2,500,000; and that although four states may have a majority of the whole population, yet they, in fact, have no more influence in the senate, than four other states having less population than one of them. Thus, instead of being the government of an absolute majority, it is a government of concurring majorities. The smaller states cannot combine against the larger, because every law must pass the house of representatives as well as the senate, and a combination of the smaller states against the larger, would be defeated in the house where those states are represented in proportion to their population. So, any combination of the larger states against the interest of the smaller, originating in the house where the large states are the strongest, would be defeated in the senate, where each state is equally represented. It follows, that no bill can become a law without the consent of the house representing a majority of the people, and also the consent of senators representing a majority of states.

The tendency towards a popular ascendancy even under these checks, is still further restricted by the slave-holding states, where slaves are excluded from the polls, which is equivalent to a limitation upon the right of suffrage. It has been found that there is less desire for office, (the master finding more profitable employment in the immediate superintendance of his slaves). It seldom happens that a member of congress of a slave-holding state, who is a man of talents and devoted to the duties of his office, fails to be re-elected. The consequence is, that continuing in office much longer than the members from the non-slave-holding states, they have more experience and acquire a corresponding influence.

Again, it did not escape those who framed the federal constitution, that the sentiment of the age was setting against slavery. They foresaw that poets and philanthropists would decry it, and anticipated that the time might come when the federal government might undertake to abolish it. They, therefore, proposed an amendment, which asserts that all powers not delegated by the constitution to the

United States, nor inhibited by it to the states, were reserved to the states respectively or to the people. As this reservation is against the United States, and as the powers of the federal government are distributed to the executive, legislative, and judicial departments; and as the reservation is against all the departments, it is as much against the federal judiciary, as against the federal legislature. Hence, as congress have no power to abolish slavery, the states would disregard such a law, even though it might be declared constitutional by the federal court. We mention this fact to show, that as the slave-holding states are a permanent minority, the existence of slavery constitutes a powerful *minority* influence, deeply interested in holding the federal government in all its departments, strictly within its granted powers; resisting every attempt to enlarge them by implication.

Parties in the United States have divided upon the construction of the constitution. The federalists contending for a distinct substantive government, having full power to provide for the general welfare; the democrats resisting this construction upon the ground, that the federal constitution is a compact between independent and sovereign states, with no powers but those expressly granted. The slave-holding states being a permanent minority, their only protection against fanaticism is to hold the federal government to a strict construction of its powers; their interest, therefore, arrays these states as a body on the democratic side.

It was a remark of Mr. Jefferson, that the democracy of the north, are the natural allies of the south, and experience has proved that the contests for local power in the northern states, have verified the truth of his assertion.

Thus, in the working of this complex system the institution of slavery, counteracts the influence of universal suffrage, and prevents the ascendancy of that absolute majority of the evils of which M. De Toqueville was apprehensive; and therefore the American statesman places a much higher estimate upon it than the mere right of property; and the intelligent European will see that it constitutes a distinct element in American society, acting upon the machinery of government, which is not applicable to the states of Europe.

Hence, any opinions in relation to democracy in the United States, predicated upon universal suffrage in a European state, would be entirely fallacious.

Our purpose in the foregoing remarks has been to show that the American government are not responsible for the existence of slavery in the United States—that it was in fact established by Great Britain—that the American government, so far from having any authority to abolish it, are bound by the federal compact to resist any attempt on the part of any foreign power to interfere with the rights of the master as established. We have also endeavoured to show, that there is nothing in the condition of the American slave which warrants such interference. Why is it then that Great Britain does interfere? Why does she open her ports and advertise to American slaves, that they will find an asylum for mutiny and murder beneath her flag? She tells us, that it is her horror of the slave trade—that she is prompted by humanity. Before we proceed further to unmask her purposes, we will speak

OF THE SLAVE TRADE AND THE EXAGGERATIONS IN RELATION TO IT.

Perhaps in the history of the world there are but few stronger instances of self-delusion, than is exhibited in the credulity which gives currency to the exaggerated statements in relation to the slave trade. England believes that it is her interest to abolish the slave trade, and hence she believes every statement rendering the slave trade odious.

The *Edinburgh Review*, October 1840, in an article upon "The Foreign Slave Trade," says:—

"The slave population of Brazil in 1792 was 600,000, and the annual decrease by excess of deaths over births, is five per cent., which in ten years would have reduced the numbers a little more than 300,000, and in 1835 it is easy to show that they would have been reduced to about 68,000. Now, instead of that, the census of 1835 gave 2,100,000 as the number of slaves. These newly imported slaves die in a larger proportion than the creoles; consequently much more than five per cent. of these must have died beyond the births. But suppose only an excess of five per cent., there must be added 600,000 for the loss during the period of twenty years, over which this importation extends: namely, the period between the peace and the census. This would make a total importation of above 2,600,000, or 130,000 yearly. The importation into Cuba has been very large also, according to similar documents. The annual excess of deaths over births in that island is 8½ per cent., being ten upon

sugar, and five upon coffee plantations. In 1828, the census gave 300,000 for the whole slave population, which in 1830 should have fallen to 250,000, had there been no importation. Instead of that, it had increased to 479,000, leaving an excess of about 230,000, or an importation of 115,000 yearly. So that by these statements the importation of Brazil and Cuba would seem to be about 245,000, instead of 150,000, at which Sir T. B. is content to take it."

Here are the facts and the arguments upon which depends the belief that the slave trade has greatly increased.

How easy it is to believe that which we desire to believe! Are these proofs sufficient to satisfy an enlightened public? The premises are assumed; the conclusion must follow as a matter of course. Are the premises true? We do not believe that they are, and we give the reasons of our belief. The argument is, that whereas there were but 600,000 slaves in Brazil in 1792, and there were 2,100,000 in 1835, therefore there must have been 2,600,000 imported; because, (says the *Edinburgh Review*) five per cent. more die than are born! now, if it be not true, that five per cent. more do die than are born, the assertion is not proved. All that we have to do is to reverse the statement, and assume that five per cent. more are born than die, and we can prove that 1,100,000 have been exported from, instead of 2,600,000 imported into, Brazil.

Again, in 1790, there were 697,897 slaves in the United States. As we before said, not a single African slave has been imported into the United States for more than thirty years, and many of the natural increase have been emancipated, yet in 1840, there were 2,487,113. By the same parity of reasoning by which it is attempted to prove, that 2,600,000 have been imported into Brazil within the last 20 years, we could prove that more than 4,000,000 have been imported into the United States within the last 30 years, when we know that not a single African slave has been so imported. Now, as by comparing the increase of slaves in Brazil and in the United States, we find that it has been about the same in both, and as we know that there has not been a single slave imported into the United States, we must be excused if we do not believe the statements in relation to Brazil.

Again, we have before us a pamphlet to the right hon. Lord Stanley, in which it is said, that Sir Thomas Buxton calculated the expense of a negro slave to the planters of Havannah, including all risks and charges, at 420 dollars. The assertion is, that 115,000 slaves are imported annually into Cuba. At this rate, their cost woud be $48,300,000. The whole exports of Cuba are but 21,000,000 of dollars! This would leave an annual expenditure for slaves of $27,300,000 more than the whole exports! which sum for the period of 20 years, would give an expenditure of $546,000,000, for the single item of slaves, more than the whole export of the island!! It may be stated thus:

115,000 slaves per annum for 20 years, at $420 each, is	$966,000,000
The whole exports of Cuba for 20 years, at 21 millions per annum.	420,000,000
Balance against Cuba in 20 years	$546,000,000

Could anything be more conclusive to show that the statements in relation to the slave trade of Cuba are not to be relied upon? Is there an instance within the recollection of our readers, in which such grave assertions have been made upon such slight authority? and yet it is by statements resting on such authority that the benevolent people of England, and of the world, have been abused, until grave statesmen have earnestly discussed the propriety of engrafting a new principle upon the law of nations, to enable Great Britain to suppress the slave trade! And if the official correspondence of the British government and the exposition of the *Times* are to be relied upon, Great Britain is upon the eve of a war with the United States, to endeavour to compel them to yield the right of searching American ships, under the pretence that it is indispensable to its accomplishment!! We proceed now to speak

OF THE COMMERCIAL NECESSITIES WHICH CONTROL THE POLICY OF ENGLAND.

The queen in her late speech to parliament says:

"I have observed with deep regret the continued distress of the manufacturing districts of the country; the sufferings and privations which have resulted from it, have been borne with exemplary patience and fortitude."

At a meeting of merchants and manufacturers in Birmingham, one of the speakers

remarked of the sufferings of the people, they had heard enough to make their blood run cold, for they had struggled with poverty until they had become familiar with want. And then said that the pawnbrokers of the town, report that during the last few weeks, they had received very few articles in pledge,—the poor had disposed of most of their goods in this way; that the depositors were unable to redeem their pledges; that shopkeepers and manufacturers were compelled to pledge goods to pay rent and taxes. The same speaker read a report from persons who had been appointed to visit the poor, and the statements of misery and want were truly appalling. Another speaker said, that the people were pledging everything they were possessed of; many houses were found without a bed, and the family huddled together in a corner, with a few rags to cover them, endeavouring to promote warmth, and without a morsel of food to sustain life. He said that their home trade was in a most depressed state, and unless some immediate legislative change took place, he was convinced that universal ruin would swallow up the trade and prospects of the country. Another speaker, a member of parliament, said, that the best and steadiest artisans were compelled to leave the land of their birth, and to seek another country for that reward for their labour which was denied to them at home, while of those who remain, many were driven to actual insanity and self-destruction. Instances of this kind had come within his own knowledge, while it was a well known fact, that thousands were daily perishing of want from the operation of the corn-laws. With respect to the manufactures of this country, they would in a short time be most certainly annihilated if the corn-laws were not repealed. A gentleman of Sheffield said, that if they were not abolished, he would carry his capital and best workmen to Germany, where labour and capital could have fair play; many of the manufacturers of Lancashire were about to emigrate, and many in Birmingham were about to remove their money and skill to America. One gentleman read accounts from the different trades, showing the immense reduction in prices, notwithstanding which, it was admitted that they could not compete with Germany, Prussia, Belgium, or America, where the articles are made still cheaper. One manufacturer says, that in looking over his books at Christmas, he found that he had not done more than 60*l.* worth with one of his American customers, who in 1839 took upwards of 1000*l.*; another house which in 1839 took 600*l.*, took last year but 70*l.*, and that all the American houses with whom he does business have decreased in the same proportion, assigning for reason, that the Americans are now making the article for themselves.

The London *Globe* newspaper of Jan. 28, gives an extract from Captain Grey's recently published travels in Australia, in which it is said, that the settlers at their stations derive the largest part of their supplies from the American whalers, and that the American vessels in those parts, are to the British as ten to one. The *Globe* proceeds to show, that the South Sea whale fishery from England has fallen off from 4888 men in 1821 to 2358 in 1840, whereas the increase of American shipping and produce are from 193,103 barrels in 1830, to 365,069 in 1839. The *Globe* asks, how is it, that while British seamen in the northern fisheries have declined from 8000 to 1500 men, and in the South Sea fisheries from 5000 nearly to 2500, the Americans in the latter alone have advanced to 10,000 men? The *Globe* answers this question by saying, that where the outlay of the American is but 8000*l.*, the English ship will cost 12,000*l.*, and that the American fisherman supplies the British market with whale oil, because each British whaling ship which goes to the southward has to pay indirect taxes equal to 6*l.* on sperm, and 4*l.* on whale oil.

According to a report made to the British parliament, it appears that in consequence of the protection upon colonial sugar, the people of the United Kingdom pay annually $35,000,000, more than they would do, if they were permitted to purchase from Cuba or Brazil. According to the same document they are paying an increased price of $3,125,000 for coffee; $55,000,000 for corn; and $50,000,000 for meat. The *Edinburgh Review* says, "the great body of consumers, when they look into the subject and seek to know why sugar is so dear, coffee so dear, bread so dear, meat so dear, and every other article of food and nourishment so dear, while cotton goods, woollen goods, and numerous other commodities are so cheap, will discover, that this is wholly owing to the *protection* which has been given by our legislature to the *West Indies* and *British land owners*."

And again, "The natural, and what ought to have been the whole, object of duties on foreign productions has been perverted, in order to give protection *to private interests* at the expense of the revenue, and of the interest of the community at large."

The reviewer then gives a list of duties, and says, "This list shews with what zeal

those who are invested by the constitution with the power of making laws, have used that power to promote, by every practical means, the interest of owners of landed property. *The object of each of these duties is to keep up the rent of land* by preventing the prices of agricultural produce from being lowered by the importation of foreign produce."

These extracts shew, that there is a powerful party in England in favour of repealing the colonial monopoly. The reader will ask why it has not been done; the *reviewer* tells us that "these laws form a part of the system of the original colonial monopoly; the mother-country, in consequence of binding herself to give a preference to the productions of her colonies, secured by these laws the market of the colonies for her own, by excluding the importation of foreign, productions."

The policy of the British government has been to give a monopoly to her colonies of the supply of colonial products in the home market, because she thereby secures to herself a monopoly of the supply of home products (manufactures) in the colonies. If the colonies could supply her as cheaply as other countries, and to the extent of her home productions (manufactures) this would all be well.

The distress in England is such as to call for the sympathy from the throne. The people are starving. The complaint is not, that they cannot earn bread; but that the government will not permit an exchange of the products of their labour for bread. Is it asked why?—

Why they do not send their manufactures to India, and bring back cotton, coffee, sugar, and exchange these products of India for bread? England can compel India to take her manufactures, and all agree that India could raise an unlimited supply of these products. Why are the manufacturers of England idle? Why are they not employed in producing manufactures to be exchanged with India for her raw products? and why are not the hundred millions of people in East India employed in raising these raw products to be exchanged for British manufactures?

This is the great question which now occupies the minds of British statesmen, and which threatens to beget a war with America. We proceed to examine it.

We lay it down as a political axiom, that in communities possessing equal scientific power, the cheapest fed and least taxed will command the market. Capital and skill constitute an important element in production. Could the people of the United States, where land is cheap and the soil productive, exchange their agricultural products for the manufactures of England, it might be done to the mutual advantage of both. An American, for instance, could make more cloth by raising wheat, than he could by manufacturing, because his capital consists in rich lands; whereas the Englishmen can make more wheat by manufacturing cloths, because his capital consists in his skill, money, and machinery; but the policy of Great Britain is to protect her landed interest, and in doing so, she compels the Americans who could make cloth by raising wheat, to limit his production of wheat to his own wants, and compels the English manufacturer to transfer his skill, his capital and machinery, to the United States, or to other countries where the landed interest is not protected at his expense. To show the working of this system, we will add the extra price, which, as appears by the report made to the British parliament of which we have already spoken, on the four articles, sugar, coffee, corn, and meat, to the current annual expenditures of the government.

The current expenditure of Great Britain is . . .	$267,220,265
If to this be added, for extra price of sugar	35,000,000
" " coffee	3,125,000
" " corn	55,000,000*
" " meat	50,000,000
It gives us an annual charge of	$410,345,265

* Since the above was written, we have received a debate on the Corn-laws; it will be seen from the following extract, that Mr. Hastie asserts, that within the last four years the corn-laws "had taken out of the pockets of the inhabitants (of Great Britain) for food £100 millions sterling," or 500 millions of dollars. Sir Robert Peel seems to have assented to the accuracy of Mr. Hastie's statements, which were much in detail, and indicate a profound knowledge of the subject. The following is an extract:

"In the year 1837, the average price of wheat was 44*s.* 6*d.*, making a cost to this country of £60 millions. He had stated that the previous years were years of prosperity; but there came a rise in price from short crops, and in 1838 it had risen to 56*s.* 2*d.*, making a cost to this country for wheat for the year, of £75 millions, being a difference of £15 millions over the cost for the preceding year; and if the people had to pay that extra sum for food, they could not spend it in articles of clothing, &c. In 1839 the price rose to 63*s.* 8*d.*, making a cost of £85,950,000, or a difference over the year 1837 of £25 millions. In 1840, the price was 67*s.*, making a cost of £89 millions, or a difference of £29 mil-

This sum is paid by the people of Great Britain; from whom do they receive it? It does not come from her land,—because that does not feed her people. It is paid by those who consume her manufactures. It follows, that, so long as she could sell her manufactures to other nations, this charge was paid by them and not by her. We are told in the meeting at Birmingham, that her old customers have ceased to purchase, because they now manufacture for themselves, and at a cheaper rate. When other nations ceased to purchase her manufactures, she ceased to pay her taxes. Her only resource, then, is her colonies; in looking to them, she found one hundred millions of East India subjects, but they were so much impoverished by her previous extortions, that they could not purchase unless she would receive their agricultural products in exchange. This she could not do, because 800,000 West India Slaves had a monopoly of those products in the British market; and she could not repeal the laws granting that monopoly without an indemnity. This was given, on the motion of Lord Stanley, in the shape of 100 millions of dollars, under a pretence of abolishing slavery. In a pamphlet addressed to his lordship, published in Liverpool in 1842, the writer says: "The question regarding the future destination of these emancipated colonies, resolves itself into this—can they obtain a sufficiency of labour *to compete with Cuba or Brazil?* and, if so, from whence can they obtain it? Unless these queries can be answered in the affirmative, it is much to be feared that we have sacrificed both our colonies and our 20 millions ($100,000,000) to a chimera." How a chimera,—the *benevolent* purpose of abolishing slavery has been accomplished? The same writer tells us, that the emancipated negro has greatly improved his condition; but he tells us, at the same time, that this is done by exacting such wages that the planter is ruined, and that this must be counteracted by importing negroes, until the price of free-labour shall be reduced below the cost of slave-labour! But hear him; he says, "the cost of a negro slave at Havannah is $420; but, under a system of free emigration, the British colonies will obtain a free labourer from the African coast for less than one-fifth of this sum, say $30 paid to him by way of bounty, and $30 for the expense of his passage, in all $60;" and adds, "here is a striking proof that free-labour, when it can be obtained, is cheaper than slave-labour; and can any one doubt but that, with an equal supply of that labour, and an equally fertile soil, our own colonies would not ultimately compete successfully with those of Cuba and Brazil? the proposition is too clear to require demonstration."

Here the cost of a free labourer is put down at $30 in the shape of bounty and $30 for the expense of passage; there is nothing put down for food and raiment and wages. This $60 is put in competition with the $420, the price of a slave, showing that it is not the purpose of the advocates of this scheme to give more wages than the actual cost of subsisting the slave. The difference between the $60 and the $420 is $360, the interest on this sum and the life insurance of the slave, is all that could be put down to the account of wages; the purpose is, to save that, and what Mr. Gurney calls the "dead weight, the maintainance of the old, the infirm, the sick, the shammers of sickness, the mothers of young infants, and the children," who, as in Ireland, would be left to perish; for we are told by the *Edinburgh Review*, that "the effect of even limited immigration would not be merely the addition of a few hundred hands to the labouring population of the colonies, but the *coercion of that population to work for their subsistence.*" The same *Review*, in an article upon the foreign slave-trade, says, "it is painful to reflect that the opportunity offered by the peace of 1814, 15, for declaring the slave-trade to be piracy was lost; that the other powers of Europe are willing to unite in a treaty for that purpose, if France and America will but join England in doing it; and says, that but for the slave-trade, "*the produce of free-labour would, and that speedily, beat the produce of Cuba and Brazil out of the market,*" and adds:

"Suppose it is found impracticable to obtain the concurrence of France and America in declaring the slave-trade piracy, * * * * what course have we left but *to repeal the duty on East India sugar?*"

The London *Times* tells us, that "the British government has, with great exertions, managed to conclude treaties, by which the slave-trade is to be punished as piracy; that the right of searching American ships is indispensable to its execution, and that the British government is determined to enforce it. Following upon the heels of

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lions; and in 1841, the price was 67s. 1d., making a still higher cost. The total, then, of those last four years of regular depression and depreciation of value from the want of customers, as compared with the three previous years, had taken out of the pockets of the inhabitants of this country for food £100 millions."

this, even before these treaties are ratified, we have an order in council authorising the transportation of East India emigrants to the island of Mauritius, and we are told that extensive arrangements have been made to transport emigrants from Africa, to Jamaica, Trinidad, and Guiana. The 20th article of this order in council, which bears date January 14th, 1842, is in the following words: "No emigrant, arriving from India at Mauritius, shall, in Mauritius, be capable of entering into any contract for service except for the period, in the manner, and under the superintendence, which by a law in force there, is required in case of contracts for service by other labourers in agriculture or manufactures within the said island."

This order provides for the emigration of free-labour, and requires that such labourer shall be incapable of making a contract, except by a law made by the party giving him employment. Now hear what the *Edinburgh Review* says in relation to free-labour in Jamaica, and the means used by the law-makers in Jamaica, to reduce the price of free-labour below that of slave-labour. "It has been attempted" says the *Review* "to make the dwelling and provision-ground of the negroes, the instrument of compelling them to work for the land-holder on whose plantation they reside, or reducing their wages!" The language used has been, if you do not work for me, you must immediately quit your house and land, (to the latter of which its tenant has given its principle value); if you demand so much a week for wages, I demand so much a week for rent, or rather so much for each member of your family, without reference to the actual value of the tenement and its appurtenances, and the one demand and the other shall be simultaneously adjusted; the strong arm of the law has been liberally invoked to carry on the contest commenced on such grounds; legislation has not been spared to render it stronger. The planters being the makers, in some instances the administrators, of the laws, enactments of the most heterogeneous description have been brought to bear upon the unfortunate labourers; there are the contract act, the poundage act, the fishery act, the huxter act and pedlar act, the police act, and the vagrant acts."

When we come hereafter to speak of the suffering poor of Ireland, the reader will understand the process by which free-labour is reduced below the cost of slave-labour. But here again we recur to the *Edinburgh Review*. It says: "when slavery is tempered with ordinary humanity, what Mr Gurney calls the 'dead weight,' the maintenance of the old, the infirm, the sick, the shammers of sickness, the mothers of young infants and the numerous children, make the aggregate expense ruinous."

Such is the theory of British philanthropy; and, therefore, in order "to beat Cuba and Brazil out of the market," they substitute free-labour for slave-labour, and leave the old, the infirm, the sick, the widow, and orphan, to perish of hunger and nakedness! But this is not enough, the same review tells us "that the proposition for declaring the slave-trade piracy, assumes that the right of search and seizure should be exercised, and that the culprit should be prosecuted in the courts of *this* (Great Britain), and not of the culprit's, country."

Give her the power to capture every ship which may be found on the high seas between Africa and Brazil, or between Africa and Cuba; and who can doubt that she would so annoy the ships of other nations as to give her the carrying trade, exclusively, beyond the Cape of Good Hope? It follows, that if this can be done, she can then levy the $410,345,265, which she has now herself annually to pay, as well as large profits besides, upon those nations whom she will then compel to purchase from her the raw products which, in consequence of her monopoly, she will have received in exchange for her manufactures, and for which she will then compel them to pay her own prices. France and Prussia, Austria and Russia, and the other powers of Europe may form some estimate of the tax which she, having the power, will levy upon them by the tax which now, for want of that power, she levies upon her own people.

This brings us to speak of India and of the influence which the condition of India has on the present policy of Great Britain.

INDIA.

The purpose of our previous remarks has been to show, that although the prosperity of England depended upon her manufactures, her legislation, controlled by her landed interest, has so much increased the cost of production, by a system of prohibitory duties and monopolies, as to render it impossible for her manufacturers to compete with those of other manufacturing states. We now proceed to show, that

foreseeing this, and *especially* that she had everything to fear from a competition with the United States, she turned her attention to India, under a hope that she would there find a market equal to her wants. We propose to demonstrate, that to enable India to purchase her manufactures, she must repeal the monopolies previously granted to the West India planters, and that so far from being a work of benevolence, she abolished West India slavery under the expectation that she could obtain cotton, rice, sugar, and coffee, cheaper from India than they are produced in the United States, Cuba, and Brazil; and that, having (under her colonial system) the control of these raw products, obtained through her manufactures, she could compel all the world to purchase of her, and thus transfer to other nations the weight of that taxation which now so heavily oppresses her own people; and that, disappointed in this expectation, her difficulties with the United States constitute a part of the system of measures so perseveringly adhered to, but which are destined to undergo the most signal disappointment.

We have before us a pamphlet published in 1835 by a Manchester manufacturer, from which we make a few extracts; he says:

"We are upon the verge of a novel combination of commercial necessities that will altogether change the relation in which we have hitherto stood with our colonies; we call them necessities, because they will be forced upon us, not from conviction of the wisdom of such changes, but by the irresistible march of events. The new world is destined to become the arbiter of the commercial policy of the old."—And again, "It is to the industry, the economy, and peaceful policy of America, and not to the growth of Russia, that our statesmen and politicians of whatever creed, ought to direct their most anxious study; for it is by these, and not by the efforts of barbarian force, that the power and greatness of England are in danger of being superseded: yes, by the successful rivalry of America, shall we, in all probability, be placed second in the rank of nations.

"We allude to the danger in which we are placed by being overshadowed by the commercial and naval ascendancy of the United States. It has been through the peaceful victories of mercantile traffic, and not by the force of arms, that modern states have yielded to the supremacy of more successful nations: thus the power and civilization of maritime Italy succumbed to Spain and Portugal; these again were superseded by the more industrious traders of Holland, who in their turn sank into insignificance before the gigantic growth of the manufacturing industry of Great Britain; and the latter power now sees in America a competitor, in every respect calculated to contend with advantage for the sceptre of naval and commercial dominion. Whether we view the rapid advance of the United States during the last forty years, in respect to population or wealth, it is equally unparalleled in any age or country . . and making no allowance for the probable increase of emigration from Europe, will in seventy years from this time, that is during the lifetime of individuals now arrived at maturity, exceed 100 millions. These circumstances demonstrate the rapid tendency towards a superiority so far as numbers go, but we apprehend that in respect to the comparison of our commercial prospects with those of America, the position of Great Britain does not, according to facts which we have to state, wear a more flattering aspect. . . . This republican people presents the only example of past, as we believe it will prove of future, history, in which a nation has honourably discharged its public debt. . . . The results may be seen, not only in unparalleled advances in wealth and civilization at home, but in the fact we have just demonstrated, and which we doubt not will surprise most of our readers, that even the foreign commerce of this people, is as great or greater than our own."

These extracts show that as far back as 1835, British statesmen foresaw that the great rival of British commerce would be America, and we would call the special attention of the reader to the following extracts:

"Bearing in mind that the supply of the raw material of nearly one half of our exports, is derived from a country that threatens to eclipse us by its rival greatness, we cannot, whilst viewing the relative positions of England and the United States at this moment, refrain from recurring to the somewhat parallel cases of Scotland and Great Britain, before the latter became a manufacturing state; when the Dutchman purchased the wool of this country, and sold it to us again, in the form of cloth. Like as the latter nation became at a subsequent period, we are now overwhelmed with debt, contracted in wars or the acquisition of colonies; whilst America, free from all burthens, as we were at the former epoch, is prepared to take up, with far greater advantages, the fabrication of their own cotton than we did of our wool. The Americans possess a quicker mechanical genius than even ourselves: such again

was the case of our ancestors in comparison with the Dutch, as witness their patents and improvements (for which we are indebted to individuals of that country) in mechanics, such as spinning, engraving, &c. We gave additional speed to our ships by improving upon the naval architecture of the Dutch, and the similitude again applies to the superiority which, in comparison with British models, the Americans have, for all the purposes of activity and economy, imparted to their vessels."

We conclude our extracts from this interesting pamphlet:

"It is by these methods only, and not by advocating still further outrages of the laws of prudence, that this nation can be rescued from the all but irretrievable embarrassment, into which its own extravagance and folly have precipitated it.

"Again we say, England cannot survive its financial embarrassment, except by renouncing that policy of intervention which has been the fruitful source of nearly all our wars."

This able writer recommends a repeal of the corn-laws, the abolition of unnecessary taxes, the emancipation of the colonies, and free trade. Another class of British statesmen are for a repeal of the corn-laws and prohibitory duties. We now proceed to quote from one of these. The *Edinburgh Review* of January 1841, says:

"Till only the other day, not an Englishman owned an acre of land in India, and well was it for the people of that country, that those who, in the early days of our ascendancy, were infamous for plundered provinces, were prevented from appropriating the provinces to themselves. Still the effect of the restriction was to check, almost to preclude, the growth of an Anglo-Indian interest, possessed of any influence in Downing-street, or St. Stephens. It is notorious, on the other hand, how well West India property is represented in both houses. . . . We should therefore feel that we were undertaking a hopeless cause, were we not convinced that we shall be able to demonstrate that England cannot persevere in injustice to India, without inflicting deep injury upon herself."

This extract shews, that as late as January 1841, the East Indian interest was struggling with the West Indian; that until the other day, not an Englishman owned an acre of land in India. Why is it, that England has at this late day changed her policy in relation to India? Why is it, that she has repealed the discriminating duty which gave to the West Indian a supply of the British market and thus excluded the raw products of India? Why is it, that 100 millions of East India subjects have had no influence in the British parliament? Why is it, that the reviewer deems it *hopeless to plead the cause of India*, unless he can demonstrate that *England cannot persevere in injustice to India without inflicting deep injury on herself?* Let the reviewer give his own answer, he says:

"The relation of India to England, is very different from that in which we stand to any other of our transmarine possessions. Our colonies take our manufactures and pay us for them, and our manufacturers and ship-owners make their respective profits by these transactions. India also buys our manufactures to a large and increasing extent, and if we govern her well, and treat her fairly, her value as a customer will increase very quickly and greatly; *every facility given to the sale of her productions here, must add to the fund from which she pays for British manufactures.* But India is more than a customer. The peculiar circumstances in which she is placed, render her *tributary* to us to a very large amount. . . . In the whole, we are persuaded that the amount of public and private remittances from India, *for which this country makes no return, is very little, if at all over estimated at* 4,000,000*l. per annum*," (20 *millions of dollars.*)

The same writer proceeds:

"India, making such payments, is justified in demanding, that her means of rendering them should be as much facilitated as possible; that none of the articles in which she would, if unshackled, desire to make them, should be virtually excluded from our market, in order to give advantage to the produce of more favoured dependencies; and that England, benefitting so much by the connexion, should discharge its counterpart obligations by placing her, which is all that she seeks, on a footing of equality with other foreign territories."

We beg the reader to bear in mind, that it is here admitted, that Great Britain receives annually from India 20 millions of dollars, *for which she makes no return to India*, and that a change of the policy of the British government towards India is advocated upon the ground, that it is the interest of England to enable India to make this payment in the produce of India.

Those who have scarcely reached the years of maturity, can recollect when India made these payments in her manufactures. It was then the interest of England so

to receive it, because she could sell those manufactures to other nations; now, in consequence of her improvements in spinning and in weaving, she manufactures cheaper than India, and instead of receiving India goods in payment of this tribute, she requires India to purchase her manufactures. Thus in 1814 she received from India 1,266,608 pieces of cotton goods. In 1837 she exported to India 64,213,633 pieces of like goods. The consequence is that the report of the Governor General of India says:

"The sympathy of the court is deeply excited by the report of the board of trade, exhibiting the gloomy picture of the effects of a commercial revolution, productive of so much suffering to numerous classes in India, and hardly to be paralleled in the history of commerce."

The effect of this resolution has been, that one town, where two hundred thousand persons were employed in the manufacture of fine muslins, is reduced to about thirty thousand inhabitants, whole families having literally perished of want.

Four millions of pieces of cotton goods were received at Calcutta from the interior in 1812; but only two hundred and fifty thousand pieces were received in 1835 and 1836. How has this been accomplished? While England has burthened the manufacturers of India with a duty of twenty per cent., she has compelled India to receive her manufactures at a duty of three and a half per cent.; and yet these are the people whose benevolent regard for the rights of the poor African, prompted them to pay one hundred millions of dollars to abolish West India slavery, and impels them to wage war on the United States under a pretence of suppressing the slave trade!! We recur to the *Edinburgh Review*, which, after telling us that the great extent of British possessions in India, and the infinite modifications and combinations of soil and climate to be found within them, are such, that almost every production of every climate except the arctic, may be brought to all the perfection of which they are susceptible in other countries, breaks forth, and says:

"How grievously this noble field has been neglected or mismanaged; the great inferiority of the cotton of India to that of America, and of its silk to that of Italy, and even of China; the comparative petty quantity of sugar which it is able to export, and the high cost of production, and the wretched quality of its tobacco, will sufficiently demonstrate. The proximate cause is palpable to the most superficial observation;—INDIA IS MISERABLY POOR." We are then told, "*that there is not sufficient private capital, nor private credit, in India to produce one twentieth part of the great staples with which she is in one sense able to supply the world.*" Why is India so poor? Is it not because she has paid an annual tribute of twenty millions of dollars to England, and because England has compelled her to receive British manufactures, until her own are destroyed by the competition? There is one striking fact. After the abolition of West India slavery, the discriminating duty upon East India sugar was abolished; but it appeared upon examination before parliament, in which the actual charges between partner and partner were exhibited, that although the planter of Cuba and Brazil could undersell the East Indian nine to ten shillings in the hundred weight, yet the East Indian could not compete with the West Indian because there is a greater duty of six shillings a gallon on rum, twenty-one shillings on shrub, ten shillings on cordials made in the East Indies, than on those made in the West Indies; because, as sugar cannot be made without leaving as refuse the material of which rum is distilled, and as the operation is not expensive, the manufacture of rum constitutes a profitable item to the planters; yet, deeply as it appears that Great Britian is interested in increasing East India products, parliament refused to take off these duties, because it appeared in testimony that if admitted upon equal duties with West India spirits, it would certainly supersede all British-made spirits, especially the malt spirits and the raw grain spirits which are used in rectifying. Now, as a commentary to this, and appropriate to it, we make a quotation from an article in the same Review upon the foreign slave-trade. It says:

"Then suppose it is found impracticable to obtain the concurrence of France and America in declaring the slave-trade piracy; suppose it is admitted, as all really must admit, that while the traffic exists, no considerable portion of Africa can be civilized; that until civilization become greatly extended in Africa, *the South American planters cannot be undersold*, and until they can be undersold, the slave trade will continue while any portion of Africa remains barbarous. What cause have we left, but *to repeal the protecting duty upon East India sugar*, and thus at once to promote the improvement of Asia, *to secure the destruction of the slave-trade.*"

Here is a precious mixture! If France or the United States will not declare the slave-trade to be piracy, then the American planter cannot be undersold, unless the

duty on East India sugar be repealed; and the duty on this East India sugar cannot be repealed, because then East India spirits will supersede British-made spirits and malt spirits; and although America has not imported a single African slave for more than thirty years, and although she has declared the slave-trade to be piracy, and has kept her armed ships on the African coast for its suppression, (as she will not permit American vessels to be boarded and captured by British cruisers, and confiscated by a British court,) if we are to believe the London *Times*, Great Britain is about to declare war against her, under pretence of love for the poor Africans. How much truth there is in this pretence will presently be seen, when we come to speak of her love and sympathy for the poor Irishmen.

Before we proceed to do this, we would remind the reader, that the emancipation of the West India slaves, the enthusiasm about the slave-trade, repugnance to slave-labour, and the systematic warfare upon America and on American credit, all date back about the same period, to the year 1835, when it was discovered, that "by the successful rivalry of America (Great Britain) was about to be placed second in the rank of nations." Then it was discovered, that being shut out from other markets, England was compelled to change her East India policy. But hear the *Reviewer*. He says, "*The* POVERTY *of India must be cured, by the attraction of British capital to its fields of production. United as it happily is with England*, it NEVER *can become a* MANUFACTURING *country*, * * * * * being happily disabled by their relative position from levying contributions upon each other, by domestic industry-protecting tariffs, *the people of India may employ themselves* profitably for a period, to which it is impossible to fix a limit, *in raising raw produce to exchange for the manufactures of Great Britain.* BOTH THE CAPITAL AND THE INTELLIGENCE NECESSARY EVEN FOR THIS PURPOSE MUST COME FROM ENGLAND."

Here is a solution of the whole matter, British capital was flowing to the United States, not in the shape of gold and silver, for the large loans contracted in England, were taken in the manufactures of England, which were again exchanged for labour in the several works of internal improvement; the effect upon the prosperity of England was felt in every department of her industry. There were then no starving poor; the manufacturers were compelled to appoint agents and offer high wages to obtain labourers; but apprehensions were excited, America was too prosperous, her wealth and population were increasing too rapidly; it was foreseen, that she would overshadow England. Her boundless territory and fertile soil were contrasted with the narrow limits of Great Britain; a blow was aimed at her through her credit, and systematic efforts made to supersede her great staple, by substituting for it in the English market the cotton of India, and all this was done under the pretence of a horror for the slave-trade, and compassion for the poor negroes. We cannot believe that this was the motive, and we refer to the condition of the poor Irishman to prove that it was not.

OF THE CONDITION OF THE IRISH POOR.

The time once was, when if a city were to be sacked, a nation pillaged, or a people murdered, it was done in the holy name of religion. Great Britain has improved upon this. Does she wish to capture French and American ships to be confiscated in her courts, it is that she may abolish the slave-trade! Does she import Africans to the West Indies, that the labouring population may be so much increased as to compel them to work for their subsistence, leaving "the dead weight" to perish of hunger; or does she import her East India subjects to the Mauritius with the same view; it is, that she may abolish the slave-trade! Does she wish to increase the price of sugar, cotton, and coffee, in Cuba, the United States and Brazil, above the cost of importing it to the East Indies; it is, that she may abolish the slave-trade! Does she wish to reduce the price of free-labour in India lower than the price of slave-labour in Cuba and Brazil, that she may thereby "beat Cuba and Brazil out of the market;" it is, that she may abolish the slave-trade! Does she advertize her ports are open to, and that she will protect, American slaves, who are guilty of insurrection and murder; it is, that she may abolish the slave-trade! Does she propose to send black regiments for the purpose of exciting a servile war in America; it is, that she may abolish the slave-trade! Does she threaten to invade the United States, to burn Boston, New York, Charleston and other sea-port towns; it is that she may abolish the slave-trade! Does she threaten to turn loose her savage allies, and murder innocent women and children; it is that she may abolish the slave-trade.

Now, whilst we admit that the slave-trade should be abolished, we object to these

means of doing it. Is there no other means by which it may be accomplished? Yes, we are informed by the *Edinburgh Review*, that if France and America will not unite in declaring the slave-trade piracy, then Great Britain has no other course left, "but to repeal the protecting duties on East India sugar,"—"*to secure the destruction of the slave-trade.*"

And, why not repeal this duty? Let Mr. M'Queen, in reply to a committee of parliament give the answer.—He says:

"The effect would be exceedingly injurious indeed, from the superiority of the spirits that could be distilled from the pure juice of the cane in India, over West India rum or British-made spirits!!" Such is British philanthropy; such the horror of the slave-trade.

There are times, when the best of men, when even nations, labour under a species of monomania. The monomania of the present age, is a false philanthropy. Struggling under the weight of an enormous debt, and the ruinous effect of the system of monopoly and class legislation, the British public were easily driven in this direction, because they were first persuaded that the abolition of West India slavery would open a permanent market for their manufactures in the East Indies, and having once taken this direction, the delusion continues, because they are now persuaded, that all that is wanting to render the free-labour of India cheaper than the slave-labour of Cuba, Brazil, and the United States, is to abolish the slave-trade.

Knowing as they do, that slave-labour is most productive in the United States, that the slave-trade has long since been abolished, and that no African slaves have been imported into the United States, is it not strange, that they should believe, that the abolition of slavery would render free-labour cheaper than slave-labour? There is but one explanation to this, and for which we turn to the *Edinburgh Review*, which tells us, that free-labour is cheaper than slave-labour:

"When slavery is tempered with ordinary humanity, what Mr. Gurney calls 'the dead weight,' the maintenance of the old, the infirm, the sick, the shammers of sickness, the mothers of young infants, and the numerous children, make the aggregate expense of labour ruinous."

It is admitted by the writer whom we have quoted, that thirty dollars are paid to each African to induce him to emigrate, and one of the arguments used for this is, that it would put an end to the slave-trade!!! We do not stop to inquire what would be the effect upon the slave-trade in Africa, although it is obvious that British humanity would prompt them to purchase slaves from their African masters upon condition of emigration as free-labourers, and thus stimulate the domestic slave-trade of Africa more than it ever has been done. No one can doubt that the importations of Africans into the British colonies will be greater than it ever was, under the most active slave-trade as heretofore carried on.

Let us pause and examine, what is to be the ultimate fate of the African thus imported. The *Edinburgh Review* says:

"The effect of limited emigration would not be merely the addition of a few hundred hands to the labouring population of the colony; but *the coercion of that population to work for their subsistence.*"

This was not an unmeaning remark. It is in reply to the complaint of the West India planter, who says, that the free-negroes of the West Indies demand so much for labour, that he cannot compete with Cuba and Brazil. The reply is,—import free negroes from Africa until they are compelled to work for subsistence, and then your free-labour will be cheaper than slave-labour! That is, substitute the lash of hunger and nakedness for the lash of the task-master, and then you can beat Cuba and Brazil out of the market!! The *Reviewer* had before him the report of the poor-law commissioners on the condition of the poor of Ireland. This is an official document. The report of commissioners who examined the condition of free-labour in Ireland, is made up of testimony taken upon the spot, and casts a flood of light on this subject.

One witness says: "I am counted a good labourer, and while there is employment to be had for any fair proportion of labourers, I am seldom idle in the whole year: I am idle for three months on an average. In the beginning of this summer, I was idle for about three weeks; one day after another, I had no provisions: I sold every article in my house, rather than let my wife out; you may be sure we ate the price of them but sparingly, at last I sold the pot I had to boil my potatoes; I walked out of the door, my wife, myself, and six children. I went off where we were not known and begged."

Another witness says, that "this story is not strange, it is commonplace."

Another says, that "he, his wife, and children were compelled to sleep in the open air with nothing to cover them but one blanket; that he never had any employment since he came to the town where he was, though he often looked for it; there were so many looking for it, that employment went by votes, interest, and faction: what he meant by faction was, friends who would speak for him."

Another says, "my wife is out now begging, striving to gather a prog for myself and six children, and when she brings in that lock of potatoes to night, I cannot buy as much as a halfpenny herring to eat with them. I have not a stitch of clothes but what I wear now, shivering and famishing as you now see me, yet when I can get fivepence a day, I am glad to stand out in the cold wind and rain, every blast and dash of it driving to the heart of me; we live in a deserted house; we have to shift our bed from one side to the other as the wind changes, and if it was not in that state, sure I would not be left there, for sure I can pay no rent; our bed is a shake-down of straw, as we have but one blanket not four pounds in weight among us all, and even that, my wife has round her when she is begging; we had not one spark of fire in our cabin last night, and I was up at day-dawn this morning to purchase a load of turf out of the fivepence that I received out of my day's hire late yesterday evening; and there we were about the fire-place to day,—I, striving to spare the sods, and the children driving and pulling one another to see who could get nearest the coze."

Another witness says, that "he planted some few potatoes upon some coarse mountain land; that they generally last him six months in the year; that he then goes to England or Scotland in search of employment, leaving his family to beg or starve; that he undergoes great hardships in England: nothing but the want of something to do at home drives him there."

Another says, that, "he, his wife, and five children, have often lived three or four days on weeds alone, without a potatoe; I have not had a shoe or stocking these six or seven years; it is easy to count all the shoes I ever bought—two or three pair, I believe; I have not bought a new coat for four years, nor trowsers for five; I was three weeks in the house, I could not go out for want of clothes; my sister's son gave me these old breeches, I have no hat of my own good or bad." And yet the report says, that there was not in the parish a better workman than this man, who adds, "I have one pair of blankets, the whole family (seven in number) lie under them on one bed, lying heads and points. They are worn and spent now, and are the only pair I have had since I was married seventeen years ago."

Another witness says: "I hold land for which I pay thirty shillings a year, I am also a cooper; I may be employed for three months in the year; I can earn two shillings every day I am employed, and therefore better off than most people." In answer to question,—"Does your family use milk with their potatoes?" this witness says; "Milk, sir! I declare solemnly before my neighbours here, that know whether I speak the truth; for eight weeks that I have been lying in my bed, having blister after blister on me, I did not drink a quart of milk; but ate potatoes and salt herring; had no drink but water. A great many of us would pray to the Almighty to take us off; it would be better for us, than live on in our poverty and need."

Another witness says: "During the last summer, I had not enough, nor any thing like enough, of potatoes for my family; we lived principally on herbs gathered in the fields, and shell-fish from the shores; bad as I was last summer, I will be worse next; my potatoe crop has failed this year, the cause was that I had no money to buy proper seed and no means of earning it, and was obliged to use the refuse of what others planted, paying for it by labour."

Another says: "That he and his family (wife and three children) lie upon straw; that they have no bed-clothes, but throw over them at night, the clothes which they wear by day."

The commissioners say, that "They met him on the road with a load of wattles on his back; they were to make flails with. To obtain these wattles, for which he gave two shillings, he walked thirty miles, making sixty when he reached home; and he said if any one offered him money for them when I get home I will give them for three shillings." This witness proceeds: "I have been three days on the road, I left Cross-Molena without eating anything in the morning; I came half way without breaking my fast, and found that from weakness, I would not be able to reach home; it is a wild country, and do not know what would have come of me if I had not met a man that knew me formerly, who took me to his house for the night; when I entered the house I fainted from hunger, for I had not tasted food from the night before." He further said; "That he would be glad to work all the winter for any one who would give him food, leaving his family to beg for them-

selves; and that his two next door neighbours would do quite as much as he had done to earn a shilling."

Another witness, who was owing five shillings and sixpence rent, left his wife and children with a friend, walked forty miles and laboured five weeks, at the end of which time he returned with just the five shillings and sixpence. Reaching home, the day after, his potatoes had been sold at auction."

Another says: "Can any hardship be greater than to get up in the morning as I have done, hear your children crying for food and not have any to give them, to look at myself, a man able and willing to work, obliged to send the eldest of my children out to beg food to feed the young ones?"

Another witness says: "As to clothes I go half naked."

Another says: "I was a tenant of one acre of ground for 1*l.* 15*s.* a-year for twelve years; had a con-acre, for which he paid 8*l.* an acre; lived on these and got worse every year, till at last, it sent him to beg; had always continued to pay the rent, was turned out when he could not register out the land; was turned out at Christmas, and all his potatoes were gone by the end of March."

The Rev. Mr. Hughes mentions a case in which a family had been attacked by fever; he found the father and four out of five children sick and all together on one bed of moist, rotten straw, nothing else under it; the whole covering, a single fold of what is called a poverty blanket, which is all that they had had for eight years.

Another says: "I was thirteen weeks without employment, and often went to bed without any meal in the day at all; so much did it work upon my mind that I fell sick; I would willingly turn to any part of the land, that I would get employment, but this moment I do not know what or where to turn for employment, and often if a penny would get a dinner for my wife and children I could not get it. From the anxiety of mind, many is the night when I do not get a wink of sleep."

Another says: "that he has a contract with a farmer, and that at the end of the year the account stood thus:—

	£	*s.*	*d.*
Rent of cabin	1	10	0
Rent of ¼ acre of manured land	1	15	0
Ditto of ½ ditto unmanured ditto	0	10	0
Half a barrel of potatoes	0	10	0
Milk	0	7	0
195 days' wages at fourpence a day	3	5	0
Deduct	4	12	0
Balance due to farmer	1	7	0

He said, "I owed him 1*l.* 7*s.*; I am trying to work it off. I did not take any manured land this year; for that reason I will be obliged to take twice, three times as much potatoes on time next year. I do not know how I will be able to pay for them, *unless I get away from the master I have now, to one who will be more kind and give me indulgence.*" This explains the process by which free-labour is compelled to work for a subsistence.

Another witness says; "I got up most mornings not knowing where the food of the day was to come from, but hoping that my wife would bring in something from begging."

Another says: "Town labourers will not admit country labourers; if possible. When I appeared among the labourers in the street, they used to pelt me with cabbage stumps to drive me away and keep to themselves the little employment that is to be had. I have not got a new article of clothes since I got a coat two years ago. A farmer in England threw me this pair of old trowsers; I have no stockings, but I have shoes."

The reader is prepared to exclaim, enough! enough! enough! but we must be indulged for a moment while we see what is done with Mr. Gurney's dead weight; the aged, the sick, the infirm, the widow, and the orphan. Widows have more frequently one meal a-day than two; the one meal is often scanty and consists only of potatoes with a little salt. All widows, particularly those with young families, are in a state of most deplorable distress. If they buy yarn themselves they can make but a penny or a penny and a halfpenny a day; but when given it to spin, they get twopence-halfpenny a hank; they spin two hanks in a week.

Dr. Longheed says: "As for the widow with young children, she certainly has no

resource whatever, besides that of begging; he knows of no instance of a widow being provided for by the landlord under whom her husband lived. The landlord seldom loses any time in getting them off his ground, as fast as he can."

One witness, a widow with five children, says: "I sleep on the ground, which is almost constantly wet, and often have not so much straw to lie on as would fill a hat. On a wet night, I must go to a neighbour's house with my infant child born after my husband's death. I have but a single fold of a blanket to cover my whole family; I have had it for eight years; my children are almost naked."

This woman had been a widow for two years; her husband held two acres of ground, for which she continued to pay a rent of 1*l.* 7*s.* 6*d.*; and the report admits, that she affords illustration of a widow sinking into begging, and the struggle she makes to hold herself above it.

Another widow says: "That she and her children often lived on one meal of dry potatoes in a day."

Another, "That she and her family have often not tasted food more than once in twenty-four hours, and then not a full meal."

Another says: "I have not always enough potatoes, I often go to bed supperless and rise but to one meal the next day, and that a few potatoes, roasted in the ashes."

A bailiff on a landed proprietor's estate, says: "I have deprived a great number of widows, myself, of their holdings; I canted all they had in the world, except, I did not meddle with the blanket, that was not worth putting keepers on."

With respect to orphan children, they always find an asylum in the house of some one or other of the lower classes, and generally in the cabins of the poorest; "If," says the report, "some retreat of this kind be not open to them, they must starve on the road side, for there is no legal provision whatever for them."

We conclude these extracts in relation to widows by stating the fact, that horror-struck as the Irish people were at the very name of the cholera, when that disease appeared in the county of Cork, three widows feigned sickness, that they might get into the hospital; and when detected, refused to go out until they were turned out by force. The following are answers to the inquiry, "Are any persons known to have died of actual destitution in your parish within the last three years?"

By J. Moore, Esq. I. P. Bohermoor, Galway: "Not to my knowledge, but I have no doubt, many do die for want of the common necessaries of life."

By Rev. L. O'Donnell, St. Nicholas: "Many poor creatures have pined away for want of sufficient sustenance, and have died or pined away in fever, in consequence of want and destitution."

By the Rev. B. I. Roche: "A great many from exhaustion, consequent on distress!"

By the Rev. Peter Ward, Anghena: "In the year 1841, six persons died of actual want; since that period I take upon myself to say, that of every five persons who have died, three always die of inanition, brought on by bad food, bad clothing, and bad or no bedding."

From the parish of Castletown, Delvin, Westmeath: "From absolute destitution, from 25 to 30; from disease incurred by extreme want, from 60 to 70."

A Physician says: "A few sticks placed against a mud wall and covered with furze or clods have sometimes formed the only protection of a man in fever."

Another says: "Last December, a poor woman, who was ill of the fever, lay for three nights under a hedge for want of a house. The labourer cannot lay anything by for sickness, and the small farmers and cotters are even worse off."

Dr. Evans had frequently known a respectable family reduced to begging, and ruined by sickness.

Mr. Barry says: "The state of some of the sick is beyond anything wretched; I have met cases where, being unable to procure straw, they had a sort of hard knotted fern for bedding, and I have frequently found this, as well as grass, wet under them."

As Mr. Lyons says: "According to the census which I made two years ago, there were then in this parish 751 men, who had no shoes, and were unable to procure them; and of a population of 9,000, 3,136, male and female, had not within five years purchased any important article of clothing, as a coat, a gown, or so forth."

Here is a picture of human suffering, almost beyond credibility; the writer of this article was born in the state of Kentucky, a slave-holding state, and resided there for near thirty years. There were a few persons, who from age or disease were incapable of providing for themselves; these were maintained at the public expense,

but he never, during the whole period that he resided in that state, as he now recollects, saw a beggar. The slaves have animal food once, and many twice or three times per day; there is scarce an exception. What could have produced so much wretchedness in Ireland? Let the report answer this question.

One witness says: "The small farmers have no motive to industry; they are afraid to improve either the land or houses; the moment they do, the rent will be raised."

Another: "They all attribute their misfortunes to high rents and low prices for produce, and the consequent want of employment."

Another: "The misfortune of every one of them is owing to the high rents and heavy charges on the lands."

Another: "The small farmers, holding four or five acres, are by far the most numerous class, and are reduced by high rent and taxes. I know farms in which five or six persons, sets of tenants, were broke and turned off in five or six years; I could name them."

Another: "That when requested to mend the by-roads leading to their own cabins, the peasants refused, saying, 'The agent can then drive his gig up to the door, and raise the rent.'"

Another: "That his servant counted 120 beggars that called at his door in one day; vagrants are ejected tenants from the absentee estates. These ejected tenants come in and burrow in hovels in the town, and God only knows how they live."

One says: "Our misfortunes were caused by having a rent put upon our lands, which we could not bear, it being raised from 50*l.* to 124*l.*; all were sold and we were ruined."

Another: "They pay high rents for holdings, which if they had them for nothing would not support them."

Another: "When you ask them why they beg, they will answer,—'We were turned out into bogs and swamps, and when we had reclaimed our little spots, we were sent in further, till we were beggared at last, else we would now be comfortable.'"

The Rev. Andrew Phelim says: "Within the last four or six years 190 families have been ejected from the estates of the landed proprietors of East Idrone, amounting in the whole to 626; of whom 152 are widows and orphans. I recollect, in one instance, of ten or eleven families who were driven off one town-land; three or four persons perished in most melancholy destitution."

This tells the tale: this is what British philanthropy has done and is doing for Ireland; this is reducing free-labour below the cost of slave-labour; this is the British mode of relieving themselves from dead weight, from the expense of maintaining the old, the sick, the infirm, the mothers of infants, and the children,—by compelling those who are able, to work; and leaving those who cannot work—to starve. This is is their mode of "beating Cuba and Brazil out of the market." Does any one believe, that England has more sympathy for the East Indian or African than for the Irishman? And is not that a strange infatuation, which can persuade a great people, in the face of facts like these, that her movements upon the slave-trade are prompted by benevolence? Does not every one see, that it is an effort of those who govern England to transfer from the people of Great Britain to other nations, the weight of that taxation, which threatens to overthrow their system of monopoly?

Blackwood's Magazine in January 1842, says, Bishop Butler, on one occasion, remarked, "I was considering whether, as individuals go mad, whole nations may not also go mad," and adds:

"It will be seen that men may act *en masse* as much in contradiction to common sense, to common interest and experience, as if they were mistaking crowns of straw for crowns of jewels; and that millions of men may be as easily duped, chicaned and plundered, as the simplest dreamer of waking dreams, who takes counters for guineas, and canvass for cloth of gold."

Is it not manifest that upon this question of "*benevolence*," the British public are "*mad?*" Have not their millions been "duped and plundered?" Why is it, that the cries, the tears, the agony, the mute despair and the eloquent appeals of her own perishing poor are unheard or else unheeded by the government, which spends millions under pretence of a benevolent regard for the rights of Africa? Is it not the first duty of every government to provide for the interests and prosperity of its own people? Can any one believe that England, neglecting the poor of England, would send her sympathies to Africa on a voyage of discovery, if she did not believe

it was her interest to do so; if she did not believe her schemes of foreign benevolence are the best means of relieving her domestic suffering?

Let us pause for a moment and see how these schemes of benevolence connect themselves with the personal and selfish ends of England. We have seen that India pays to England an annual tribute of twenty millions of dollars, for which England makes no return to India; that is, England compels India to send over to England twenty millions of dollars annually, for which England sends nothing in return.

The *Edinburgh Review* tells us, that India has a right to *demand*, that the means of rendering this payment should be as much facilitated as possible; and that she cannot pay in cotton, because her cotton is inferior to that of America; nor in silk, because India silk is inferior to the silks of Italy and of China; nor can she pay in sugar, because India cannot compete with Cuba and Brazil. The same authority tells us, that if the slave-trade be abolished, then India can "beat Cuba and Brazil out of the market." Here then is the great secret. This explains how it is, that the abolition of the slave-trade has become the philosopher's stone, which is to renew the exhausted wealth of India and convert the labour of their own suffering poor into gold!! It is thus, that the delusions of hope mislead the judgment and enable those who have personal ends in view, to enlist the national sympathies; and hence, no theory in relation to the slave-trade, or of its consequences, is too preposterous for British credulity. Hence, England believes that Cuba and Brazil are annually importing slaves, which, if the estimates of those upon whose authority the charges rest are to be believed, costs Cuba upwards of twenty-seven millions per annum more than the whole amount of her exports! Is not this proof of national lunacy?

Again, India cannot compete with the United States in the culture of cotton. It is well known that no African slaves are imported into the United States, and yet, the American planter undersells the East Indian. Is it not a strange infatuation which in the face of this fact persuades England to believe, that the slave-trade enables Cuba and Brazil to undersell India? Why is it, that India cannot compete with the United States, Cuba, and Brazil? Let the *Reviewer* tell us; He says:—

"The proximate cause is palpable to the most superficial observation. *India is miserably poor!* . . . . . The poverty of India must be cured by the attraction of British capital to its fields of production. *United* as it happily is *with England, it can never become a manufacturing country.* . . . Being happily disabled by their relative position from levying contributions upon each other by domestic industry-protecting tariffs, the people of *India may employ themselves* profitably for a period, to which it is impossible to fix a limit, *in raising raw produce to exchange for the manufactures of Great Britain.*"

India is miserably poor! And why so poor? It is because India has paid an annual tribute of twenty millions to England, which in fifty years has transferred one thousand millions of dollars from India to England! Who does not know that the richest soils are exhausted by such constant and remorseless tillage? Is it not time that India should *rest?* Her gold and silver are exhausted and her manufactures destroyed, and now we are told that she must "raise raw products to be exchanged for British manufactures!" But why not revive the manufactures of India? It is said that British capital and British skill must go to India; why may it not be employed in manufactures? Why must the raw products of India be carried to England, to be carried back to India in the shape of manufactures, while British capital and British skill in India, and India labour, are idle, and India water powers run waste? We ask why it is, that India, so long as it is united to England, never can become a manufacturing country? Is it not because the same British land-owner, who legislates for the British manufacturer, and forbids him to exchange his labour for American bread, legislates also for India and forbids India to manufacture? And does he not forbid the British manufacturer to purchase American bread, because, when he eats British bread, he must pay a British price, and thus enable the tenant to pay this same land-owner a British rent? And is it not manifest, that this same land-owner, who legislates alike for England and for India, prevents India from manufacturing, because by compelling India to purchase British goods, he increases the number of British manufactures, and thereby increases the number of those who are compelled to eat British bread at British prices? Is not this so plain, that he who runs may read? And does not this tell the tale of British benevolence?

But India can no longer pay her tribute, nor raise raw products to exchange for British manufactures, unless the poverty of India be cured by transferring British capital and intelligence to India; and this cannot be done unless British capital and

British intelligence be better paid in India than in America. Hence, so much has been said and written and acted against America. Hence, the Royal Consort sanctioned by his presence, meetings to discourage the consumption of the products of slave labour! Hence, the British press teems with the grossest calumnies in relation to America, and especially in relation to the character of the American people and of the American government. A systematic war has been waged on American credit. Let us pause and see the effect of this on the prosperity of England.

It is admitted that the exports of any country through a series of years must pay for her imports, and that the excess, deducting therefrom the commercial profit, shews the indebtedness. If we compare the imports with the exports from the United States for eleven years ending with the year 1830, we shall find that the imports were $37,662,958 more than the exports. While the imports for the next ten years were $208,626,577 more than the exports during the same period. The whole imports during that period of twenty-one years were $1,862,138,844. If we deduct five per cent. on this sum as the commercial profit, it will leave a balance of $153,192,594 against the United States, as the whole amount of their commercial and public debt. More than one hundred millions of this sum have been transferred to the United States in British goods, (her iron and other products of her manufacturing labour,) in exchange for the bonds of the American states, by whom it was applied to the construction of rail-roads and canals. The effect of this was, that American labour, employed on American rail-roads and canals, was paid in the product of British labour employed in British manufactures. Thus, in fact, the British labourer employed at home, was employed in the construction of the American rail-roads and canals, and received payment in the bonds of the American states. But the Bank of England refused to discount the bills of commercial houses connected with the American trade.* The American states were discredited in London, large sums of American bonds were thrown back on the American market, a great depreciation followed, and the states being no longer able to purchase British goods, the British labourer is idle and starving!! The truth of this is most forcibly illustrated by the fact, that although the imports into the United States in 1839 were $41,063,716 more than the exports, the exports of the next year were greater than the imports by the sum of $26,766,059, making a comparative difference of $67,829,775 between the years 1839 and 1840.

And why are the American states discredited? Is it because they are unable to pay? No one believes this,—it is because those who are interested in attracting British capital to India have created an apprehension that these states will not pay. How else can we account for the fact that the bonds of New York bearing six per cent. interest, cannot be sold in London for more than eighty per cent., while the British consols, bearing but three per cent. interest, are sold at 89. It is well known that England never can pay her debt, and it is as well known that New York derives a current revenue from her public works, which will of itself, in ten years, more than extinguish her debt, principal and interest. Again, America is the only example of ancient or modern times, in which a nation has paid off its national debt. Why then is it that America has been discredited in England? Why is it that the British capitalist invests his money in Spanish funds never to be repaid, rather than employ it in producing manufactures to be exchanged for American bonds? If by lending twenty millions of dollars per annum to the American states, the British manufacturers gave full employment to their labourers, and produced twenty millions of dollars' worth more of manufactures, then the loans to the United States have enabled the British manufacturers to create that much capital. It has added so much to the resources of Great Britain for that year. This proposition is proved by the fact, that so long as the bonds of the American states bore a fair price in London, there was a full demand for British manufactures, and at fair prices, and that when the Bank of England discredited the commercial houses connected with the American trade, and thus for the time discredited the American states, the demand for British manufactures diminished, and British labour was idle. The refusal to continue the American credit was therefore a refusal to permit the British manufacturer to earn the amount which would have been required to meet the demand for the American market. It was equivalent to an order to suspend manufactures—and the consequence has been that the labourers in the manufacturing districts have been idle and starving.

* We are aware, that it will be said that this was because so large a sum was abstracted to pay for foreign corn; but why not let in American corn in exchange for manufactures?

What we have said of the operation of American credit on British manufactures is equally applicable to a free trade between America and England. Great Britain has a population of 18,664,761; that of the United States is 17,068,666. Great Britain has but 38,813,144 acres of land; there are in the United States 2,300,000,000 acres. The population of Great Britain is more than can be employed in agriculture. The United States have more land than they can cultivate. In Great Britain, bread is too dear; in the United States it is too cheap; on the other hand, for the want of land to cultivate, a large part of the population of England must be employed in manufactures; and the consequence is, that while manufactures are too cheap in England, they are too dear in the United States. The natural inquiry is, why is not the cheap bread of the United States exchanged for the cheap manufactures of England? The answer is given by Sir E. Knatchbull. The labouring classes of England must eat dear bread, because, thereby the aristocracy of England retain their position in society!!! It is in vain to argue that the American can earn more cloth by raising wheat than by manufacturing—the reply is, the English labourer must eat British bread at British prices. It follows, that the American, unable to purchase British goods with American wheat, produces less wheat and manufactures American goods; and thus England compels America to become the manufacturing rival of England.

England believes that America and Cuba and Brazil, cannot produce cotton and sugar but by slave-labour, and argues that if she can abolish slavery in the United States, Cuba, and Brazil, then all nations will depend upon her for a supply of these raw products; that then the cotton manufacturers of France and Austria and Prussia must pay for the dear bread consumed by the British labourer, because the price of it will have been first taxed on the manufactures given in exchange for the India cotton; and Russia must then pay for the dear bread consumed by the British labourer in producing the British manufactures exchanged for the India sugar; because when India cotton and India sugar can be sold cheaper than the cotton and sugar of the United States, Cuba, and Brazil, then France and Austria and Prussia must go to England for cotton, and Russia must also go there for sugar.

Let us not be misunderstood. What we have written, is dictated by no hostility to England. It is to expose to England and to Europe, the interests and purposes which govern the movement of England. England has laboured to render the slave-trade more odious, because her purpose is to abolish slavery; not that England has any sympathy for the slave; but because England believes that, but for slave-labour in the United States, in Cuba, and Brazil she could produce cotton, rice, coffee, and sugar cheaper in India than it can be produced in the United States, Cuba, or Brazil. Her war upon the slave-trade, is one of her movements against slavery,—not for the purpose of ameliorating the condition of the slave, nor yet of bettering the condition of mankind; but it is a movement to compel the whole world to pay her tribute. She hopes to mislead the sympathies of Europe, and believes that having abolished the slave-trade, she can easily accomplish the abolition of slavery in Cuba and Brazil, and that then the United States and Texas being the only slave-holding states, abolition must follow there; and then, as cotton cannot be advantageously cultivated in the United States, but by slave-labour, the monopoly which it is her purpose to accomplish through her East India colonies will be achieved.

Having concluded treaties, as she supposed, with four other great powers declaring the slave-trade piracy, she insists on searching American ships under the pretence that her own subjects engaged in the slave-trade may escape punishment by hoisting the American flag, and that her cruisers cannot capture British subjects engaged in the slave-trade, unless they be permitted to search American ships. This claim the American government resists on the ground that no treaty to which she is not a party can bind her; for, if these five powers can amend the law of nations as to the right of search, then five other powers may amend it as to other things. This refusal of America to permit British cruisers to search American ships, is used by England to create a belief, that America is engaged in the slave-trade. We again repeat, that America was the first of civilized powers to abolish it, and that she has continued her opposition to it. America opposes the right of search, because the American ship is American territory, and wherever it may sail, claims the protection of the American government. If the British cruiser captures every slaver who hoists an American flag, that flag is no protection, nor do the United States wish it to be—what the United States assert, and what they will maintain as against England and against all the world is, that the American *ship* shall protect the persons and property on board of it from all molestation.

POSTSCRIPT.—We had written thus far, when, on repeating the substance of what we had written to an intelligent American gentleman, he handed to us *Fraser's Magazine*, and turned to an article entitled "War with America a blessing to mankind." This article so fully corroborates what we have written, that we must be excused for making some extracts. This writer says:

"A commercial nation, like England, covering the sea with her merchantmen, and having colonies in every part of the habitable globe, can never dream of permitting herself to be at war with a maritime and privateering people like the Americans for several years in succession. She must bring matters to a point very quickly, or the unseen loss will become far more serious than the seen expense."

We are then told, that the manner in which the strength of England and the weakness of America are spoken of by some Englishmen, is absolutely alarming, for, says the same writer:

"The men who talk of making war upon a nation of 14,000,000 of freemen *unencumbered with debt* or taxation, well accustomed to the use of arms, and to be attacked on their own ground and by their own firesides; the men, we say, who think it an easy thing for us by sending out an expedition and burning a few seaport towns, to bring such a nation upon its knees, are just about the wildest, most irrational calculators of the chances of war, that ever helped a nation into inextricable difficulties."

We are then told that the United States are "England's *only rival on the seas.*" That "France is burning for an opportunity of wiping off the disgraces of the last war; and has given many most significant tokens of late, of her eagerness to seize the first favourable opportunity of striking a blow at her ancient enemy." That Russia "is fomenting mischief in the East; and that the very moment that saw England fully occupied in other directions, would see a Russian force on its way to northern India."

The writer adds: "on all these points then, and on others which might be added, we should look upon our entanglement with America, *as the too probable commencement of our national humiliation, dismemberment, and ruin.*"

But he proceeds to say, that America has three millions of slaves, and that these slaves are America's foemen; that this is the sin and the weakness of America, and adds:

"What possible doubt can exist as to the propriety, the expediency, nay the absolute duty of making a war subservient to the great and permanent object of freeing these three millions of cruelly oppressed human beings. *Policy* too, not less than *philanthropy*, prescribes such a course of warfare. By this mode, and this only, a war with America might be brought to a speedy and inevitably triumphant close. As we have already observed, a struggle between the people of England and their descendants in America must be a fearful, a protracted, and lamentable one. But if assailed in this quarter, a vital part is instantly and surely reached. *The union is dissolved and the war is at an end.*"

He then says, "that, in one morning a force of ten thousand men could be raised in Jamaica for the enfranchisement of their brethren in America. Such a force supported by two battalions of Englishmen and 20,000 muskets would establish themselves in Carolina, never to be removed. *In three weeks from their appearance, the entire South would be in one conflagration.* The chains of a million of men would be broken, and by what power could they ever again be rivetted. We say that this course is dictated alike by *self-preservation and by philanthropy.*"

Then, after commenting on Ireland, the writer says:

"In a contest with America, any other course than that we have here counselled might lead to an interminable struggle. This course, a quick, effectual, and utterly confounding blow on the south, would end the war in a few weeks. And therefore it is, that, as far as Ireland is concerned, it is the safest, wisest, and most prudent one.

"There is another topic which is very closely connected with the above. It is one which, whether peace is maintained with America or not, ought to be seriously dealt with by the British government. England is at this moment expending not much less than four hundred thousand a year in a fruitless struggle against the slave-trade. She most laudably makes it one of her chief objects to destroy this nefarious and atrocious system. But not only has she heretofore failed, but so much worse than failure has been the result, that the slave-trade thrives and increases in spite of all the ships and munitions and lives, that we are constantly expending in the contest.

"The fact, then, is now fully established, that the slave-trade can never be put down by anything less than the entire abolition of slavery. In that way it would

of course come to an end; *but in no other. Now, England could, if she chose, very speedily put an end to slavery.* The three great markets for slaves, to supply which the slave-trade is kept up, are the United States *, Brazil, and Cuba. The first of these we feel persuaded will be broken up, whenever a war breaks out; and even without a war the system would lead to some dreadful convulsion before long. But the last of the three, Cuba, is open to our approach even at this moment. Cuba belongs to the crown of Spain. But what is the crown of Spain? A shadow! *It is abundantly obvious that England could add Cuba to her colonies to-morrow* if she chose to do so. But could she do so with justice and with honour? *Most unquestionably she might!*"

We can scarcely believe our own senses. Fully satisfied as we were that the purpose of England is, to abolish slavery that she may thereby compel all the world to purchase cotton and sugar from her East India colonies, we did not expect to see it openly avowed. But here it is.

Never has there been a greater delusion. Yet it does not follow that England will not act on that delusion: It would seem *that she is resolved to enforce the right of search, and if so, war is inevitable.* The only pretence is the abolition of the slave-trade, a pretence so palpably inconsistent with the treatment of her own people in India, in Ireland, and in Great Britain itself, that no one can believe that for it, England would hazard her existence, the dismemberment of her empire, the emancipation of her colonies, and the annihilation of her commerce. But well has it been said *Quem Deus vult perdere prius dementat.* Aware that she could not, without a war, execute her plan of abolishing the slavery which her own avarice had established in the United States, she has sought to compromit France and Russia by making them parties to the treaty, which she had *determined* (for such is the language) to enforce. What but the delusions which misled her own judgment could have induced England to believe that France or Russia or Holland would unite with her in destroying the commerce of the United States—of that power, whose interests are in accord with the interests of the continental powers of Europe, and which alone can cope with England for the mastery of the ocean? Is the treatment of Ireland, or of India, or even of the labouring classes of Great Britain itself, such as to prompt the continental powers of Europe to unite with England in a war, having for its object the conflagration of the entire South, and the dissolution of the American union; when the consequence of her triumph over America would be, to give England undisputed mastery of the ocean, and to make all the world dependent on her for their supplies of sugar, coffee, and cotton?

"America," (exclaims *Fraser*) "in one respect, is the most sinful nation in the world; and in her sin, as divine and retributive justice ordinarily provides, she finds her weakness and her punishment. She holds nearly three millions of unoffending human creatures in the most cruel bondage." Retributive justice!!! And does England believe that slavery in the United States is a sin, and that she is to be the instrument chosen by a just and righteous providence to punish the American master by conflagration, rapine, and murder!!! Does she forget that the original sin lies at her door? that it is England and not America that is responsible for American slavery, and that upon her, and not upon America, must the awful retribution fall? One of her own eloquent sons has well said:

"If ever there was a country, that was marked out by the finger of God for the possession of a distinct nation, that country is ours, whose boundary is the ocean, and within whose ramparts are to be found in abundance, all the mineral and vegetable treasures requisite to make us a great commercial people. Discontented with these blessings, and disdaining the natural limits of our empire, *in the insolence of our might*, and without waiting for the assaults of envious enemies, *we have sallied forth in search of conquest or rapine, and carry bloodshed into every quarter of the globe.* This proves as it ever must, that we cannot violate the moral law with impunity. Great Britain is conscious that she is now suffering the slow and severe punishment inflicted at her own hands. *She is crushed beneath a debt*, so enormous that nothing but her own mighty strength could have raised the burden that is oppressing her."

And *Fraser* himself has said, that but for slavery in the United States, he would look upon a protracted warfare with America, as the too probable commencement of the *national humiliation and ruin of the British empire.* This would indeed be retributive justice; and it may be that He who has humbled the pride of

* This is a wilful and deliberate falsehood. Not a single African has been imported into the United States since 1808.

nations—to whose ears the cries of murdered victims, and the groans of perishing millions, do not ascend in vain—may, in his wise purpose, have decreed that America is to be the chosen instrument of punishing this original sin of England. What instrument so fitting as those upon whom British avarice has entailed this condition of society—what punishment so appropriate as that, they who "*in the insolence of their might, have sallied forth in search of conquest or rapine, and have carried bloodshed into every quarter of the globe,*" should be themselves humiliated and dismembered.

Let us pause for a moment and see what are to be the consequences to follow a war with the United States. If England goes to war, whatever may be the pretence, it will be well understood that the real purpose will be to destroy the commerce and manufactures of the Northern American States. Her plan of attack will be by her black regiments from the West Indies, and her savage allies in the West. This is what is meant by attacking front, flank, and rear. So far from dissolving the American Union, there never was a war in which any people were so united. Instead of mustering regiments of black negroes in the south, and of white abolitionists in the north, such would be the universal sense of unmitigated hatred, pervading the whole country, that one single traitorous whisper would not be permitted to taint the American atmosphere—to speak in the language of a letter addressed to the London *Chronicle*, but which that paper refused to publish,—"There will be but one sentiment from Maine to Louisiana. The devoted wife whose husband rides upon the stormy ocean wave, the affrighted mother who starts, and in every noise hears the yell of the ruthless savage, and the timid virgin who dreams of brutal outrage, will unite in one voice of execration.—They will call down heaven's vengeance; and America, united by the highest motives that can actuate a people, a love of country, a love of woman and her tender offspring, impelled by one common sentiment of hatred, will not stay her hand until the power of England shall be overthrown.—"England invade America!!! England abolish slavery in the United States!!! Preposterous!!! There are in the United States 3,795,666 free men between the ages of fifteen and sixty. It is not only their privelege but their duty to be armed; and each of these, if the case require their aid, would meet the invader. How could an invading army subsist? The provisions and munitions of war must come from the interior states. It would be impossible for the combined navies of the world to transport a force, capable of maintaining itself in America. The attempt to excite an insurrection was made during the wars of the Revolution, and of 1812, and then failed. It would again be abortive. The attempt to invade America failing, what would America do? If during the last war of three years she captured 2,424 vessels, carrying 8,866 guns,* what would she not do in a war which began on such a pretence? it could not be terminated but by the overthrow of one of the parties! If in the insolence of their

* List of British ships-of-war and British merchant-ships captured by the Americans in the short war of June 1812, to the battle of New Orleans, January 1815.

English Ships	Guns.	Captured by the following American Ships.	English Ships.	Guns.	Captured by the following American Ships.
Guerriere frigate	49	Constitution frigate	Townshend .	9	Tom privateer
Macedonian ditto	49	United States ditto	Emu . . .	10	Holker ditto
Java ditto	49	Constitution ditto	Landrail . .	4	Syren ditto
A new frigate .	40	Dest. at York (Canada)	Morgiana . .	18	Saratoga ditto
Frolic sloop . .	22	Wasp sloop	Lapwing . .	10	Fox ditto
Alert . . .	26	Essex of 32 guns	Confiance . .	39	Taken by Commodore M'Donough on Lake Champlain.
Boxer sloop . .	18	Enterprize sloop	Linet . . .	16	
Peacock ditto .	20	Hornet ditto	Chub . . .	11	
Epervier ditto .	20	Peacock ditto	Finch . . .	11	
Reindeer ditto .	20	Wasp ditto	Detroit . . .	19	Taken by Com. Perry on Lake Erie.
Avon ditto . .	19	Wasp ditto	Queen Charlotte	17	
Hermes . .	28	Destr. by fort at Mobile	Lady Provost .	13	
Cyane . . .	34	Constitution frigate,	Hunter . . .	10	
Levant . .	21	(both taken at once)	Little Belt . .	3	
Penguin sloop .	20	Hornet	Chippewa . .	1	
Dominica . .	16	Decatur privateer	Caledonia . .	6	
Highflyer . .	4	President frigate	Duke of Gloucester	14	Taken by Commodore Chauncy on Lake Ontario.
Laura . . .	12	Diligent privateer	Melville . .	14	
St. Lawrence . .	15	Chasseur ditto	Julia . . .	3	
Picton . .	10	Constitution frigate	Growler . .	8	
Balahaou . .	8	Perry privateer	Nancy . . .	3	Taken on Lake Huron.

might, *Fraser* apprehends that a protracted war with America will end in the national humiliation, dismemberment, and ruin, of England ; and if the only chance of preventing this is the chances of a civil war, it would be wise in England to instruct Lord Ashburton, or some one even better qualified to judge of such matters, to visit the southern states, examine into the condition of the slaves, and calculate the value of the co-operation to be derived from them in case of invasion.

But it may be well also to look to the comparative resources of the two countries. America has no debt—she has all the materials of war within herself.—She has men, provisions, arms, and all the munitions of war ; and all these she can command *at home*, by means of her power of taxation, and her credit.* *She will not be compelled to come to Europe for a dollar.* She has the material for navies, also, and these she can produce and equip with the facility of magic.—She has six hundred steamboats on a single river, and these can be converted into a fleet bearing men and provisions, that will drive the piratical fleets of England and the West Indies. But would she be content with this ? Would she not declare the emancipation of the British colonies ? Would not France, and Russia, and Holland, unite with America in breaking the chains which bind down the independence of Ireland and of India ? Instead of compelling all the world to come to purchase India cotton, and India sugar, will not all the world unite with America in declaring the servi-

The following are British packets, generally of about ten guns each.

British Ships.	Taken by	British Ships.	Taken by
Prince Adolphus .	Gov. M'Kean privateer	Princess Elizabeth	Harpy ditto
Princess Amelia .	Rossie ditto	Another ditto .	America ditto
Express . . .	Anaconda ditto	Lady Mary Pelham	Kemp ditto
Mary Ann . .	Governor Tompkins ditto	Windsor Castle . .	Roger ditto
Ann . . . }	Yorktown ditto	Swallow . . .	President frigate
Manchester . . }		Duke of Montrose .	Ditto
Little Catharine .	Herald ditto	Nocton . . .	Essex frigate

In all . . . . . 56 vessels . 866 guns.

Merchant-ships : *viz.*—354 ships
610 brigs
520 schooners } mounting . . . 8000 guns.
135 sloops
750 various classes
—— recaptured
2369 2369

2425 vessels . 8866 guns.

Besides the above destruction of British Property by the Americans, there were lost by wreck or otherwise, on the coast of the United States, during the said war, the following British ships-of-war.

Ships.	Guns	Ships.	Guns.	Ships.	Guns.	Ships.	Guns.
Leopard	50	Calibre	20	Herald	18	Rover	10
Woolwich	44	Halcyon	20	Daring	16	Subtle	10
Southampton	44	Fantome	20	Magnet	16		—674
Barbadoes	38	Goosehawk	20	Bold	16		
Lauristinus	24	Tweed	20	Rhodian	12	Add 20 per cent.	
Alatanta	20	Emulous	18	Alpheus	12	for carrying over	
Moselle	20	Avenger	18	Racer	10	their rate -	135
Persian	20	Plumper	18	Holly	10		—
Sylph	20	Falcon	18	Algerine	10		809

* We are aware that American credit is much depressed in Europe—that much has been said about the *empty treasury*. We are aware that the loan for twelve millions of dollars has not been taken up, and that this circumstance may induce some to discredit this assertion. This deficiency in the treasury was but temporary, and was remedied by the passage of an act, authorising the issue of treasury notes. It was but for congress to speak, and the public credit replenished the vaults of the treasury. And the late monetary crisis in the United States, which has reduced the circulation of bank notes in the state of New York, from twenty-four millions to eight millions, has removed the only obstacle to the use of the government credit. In case of a war, the treasury notes would become the currency of the country—the taxes would be increased, and the patriotism of the people and the demands of the treasury would give them a permanent value. If Great Britain has been enabled to create her debt of two thousand millions of dollars, the United States, having equal enterprise, and much greater internal resources, will be enabled, within themselves, to command all the means of war. But they will levy much of the expense on England herself. The ports of France and other neutral powers will be filled with privateers, and with British merchantmen captured by them. America will more than indemnify herself through the commerce of England.

tude of Ireland and India to be at an end? And would not this be accomplished? Is this the just retribution which an all-wise Providence has decreed as the punishment for the sins of England? and is the struggle of the British land-owner, to maintain his position in society, to end in this? What then is to become of British furor? Who then will pay British rents and British taxes?

We will not attempt to probe the subject further. If Great Britain would avoid the consequences, she must retrace her steps; if, indeed, the day of retribution has arrived, she will persevere.

The Editor of the Great Western Magazine having admitted the preceding article on the existing relations between Great Britain and the United States, wishes it understood that he does not enter into the spirit of some passages, although he thinks the article justifiable, as an off-set to some of the vituperative comments of English journals on this subject; and if there be any undue warmth apparently manifest, there can be no reasonable ground of complaint from those who have admired the severe tone of several writers in this country. We have no doubt that the two governments are determined, if possible, to retain their peaceful relations; and there could be nothing more to be regretted by all sensible, thinking men, than the destruction of that amity which has been preserved with profit to each side, for many years, and which, if continued, must conduce to the general welfare of mankind.

The Editor of the Great Western Magazine, also deems it incumbent upon him to remark, that there are opinions in the article which are considered by many as wholly local, or, at least confined to statesmen in the southern part of the United States. With these opinions he has nothing further to do, than having referred to them, to add, that there are but few Americans, probably, who would maintain that they are common to their countrymen. If it be said that they ought not to have been admitted, it is hoped that a satisfactory defence is made, when it is borne in mind that the Editor does not hold himself responsible for any opinion, unless a decided avowal be made to that effect. A magazine which professes to give the thoughts of American writers, without partiality, must necessarily introduce in the course of its progress, ideas that will clash with one another; and it would require no little labour to expose many of these, in a work which unquestionably will often be noticed as containing contending sentiments.

All that the Editor can promise to do is to avoid entirely giving undue importance to opinions not generally current in America, and to animadvert upon any fallacies which may be mischievous in their results. The liberty of the press the Editor of this Magazine will not only maintain *in re*, but in every other way—yet he will never mistake the licentiousness of the press for its liberty.

It may be well, therefore, to state to the writer of the above article, as well as to its readers, that, contrary to his assertion, the present government has not exhibited any less desire for a peaceful policy towards the United States than the last administration. The mission of Lord Ashburton is certainly as safe an index on this point as any that can be desired. We think that mission, so far as our limited judgment extends, will be instrumental in settling those aggravating international questions, which have been such fruitful topics of controversy both in England and America; and certainly the present administration would have never resorted to such a mode of negotiation, unless her Majesty's ministers had been desirous of bringing the whole subject to a peaceful close.

In conclusion, the Editor begs the distinguished author of the article to excuse the liberty which he has taken in adding his opinions on the subject. Having foreseen, however, the impression which a document so valuable in many respects would make upon the public at large, he could not conscientiously allow the pages of his magazine to go forth without a few words of explanation and comment, dictated by the most respectful consideration—and, he trusts, warranted by the peculiarity and novelty of his position. The interests of the United States and Great Britain being one, all sentiments calculated seriously to entangle the relations of the two governments, it is thought, are not only dangerous but extremely foolish. The truth, however, whatever may be the result, should be declared in this country, whenever a medium can be found whereby to convey it—for the English press is supplied with American news from the worst sources.

LAMENT OF THE DYING AMERICAN.

BY ISAAC CLARKE PRAY.

The sea spreads widely, O my native land,
  Between thy humblest minstrel and the home,
Where once it was his joy, alas! to stand,
  And watch thy shore wreathed with the sea's white foam.—
O that my frame were made within the sea—
A wave, to wash thy shore and sink in thee.

It cannot be—for, in a foreign land,
  Above my grave the grass is greenly springing,
And mournfully the yew-trees o'er it stand
  With dirge-like breezes through the branches singing,
And evergreens are there—will no one come,
And pluck their roots to plant them near my home?

The Eastern bards have sung with sweet delight
  Of their loved Huma, which, on tireless wing,
Ascends whene'er from earth a soul takes flight,
  Again ne'er touches earth or fails to sing.—
O from my dust may some such bird arise,
And bear my soul back to my country's skies.

Yet there are those may wonder that I feel
  A yearning thus to die upon thy breast,—
But ah, can I forget, though thoughts reveal
  A manhood passed, all withered and unblest,
That thou hast been a mother unto me,
America, thou cradle of the free!

What though thy scenes in latter days have thronged
  With circumstances painful to the heart,
In which my nature was severely wronged,
  Until I felt 'twas luxury to part,—
Yet mother mine, my country, never yet
Knew I the hour thy kindness to forget.

Thou wast the first to wake within my soul
  A love for nature, strong and deep, yet mild,
That swayed my passions by a kind control,
  Making the man the offspring of the child,*
Oh, if thy vales and mountains where I've trod,
I could forget,—I should not think of God.

Adieu, dear country. Never more may I
  Behold thee, save in fancy. As I gaze
Upon the glowing west, and vainly sigh
  While viewing there the sun's resplendent blaze,
I know thy surges whisper, as they swell,
The word the west wind wafts to me—Farewell!

HATE.

Hate is a little murmuring stream
  That smoothly glides at first,
But soon a torrent it will seem
  From deep, dark channels burst.
The weakest, ere it swelleth, may
  With ease the stream pass o'er—
The strongest, when it hath its sway,
  Can seldom ford to shore.

* "The child is father of the man."—WORDSWORTH.

THE EDITOR'S STUDY.

"Tot homines, tot sententiæ."

INTRODUCTION.

his periodical will present several new features to the readers of the monthly agazines published in Great Britain. It is commenced, chiefly, with a deter-ination to introduce the best thoughts and opinions, the highest and most delicate ncies, the most pleasing and lofty sentiments in poetry, which emanate from the inds of Americans. Its scope is not defined—its limits not circumscribed. Con-sequently, no subject of great importance, perhaps, will escape its notice. The nguage of all the distinguished writers of America, possibly, sooner or later, may e perused by the English reader. Hence, the variety of the topics which will be mbraced, the peculiar tone of thought, the character of the opinions, the force and igour of fancy, the nature of the poetry, the philosophy, the extent of the science, ne depth of the lore, the severity of research, the usefulness and power of the uths conveyed, cannot be anticipated. Since, however, upon reflection, the name an American should only be known as that of a brother to every English heart—the language of Britain and America are one—as both nations, though divided, in any respects are one—one in sentiment, thought and feeling—one in origin—one their interests—one in every tie which naturally can be imagined such as to bind o nations together, it is but fair to presume that the literature and science of nerica have as open a field here for the exercise of their improving influences, as ey would have had, had the colonies never been separated from the "Mother untry."

The Editor of this work, however devotedly attached to his own country, finds a me here not so unlike that once his in the "New World," as to feel that he is not on his native soil; for though local peculiarities and peculiarities of government ay have made at first some striking impressions, at the time resembling broad and ell defined differences, yet as he daily examines and reflects, allowing something for ne youthfulness of his native country, those distinctions vanish, and the similarities etween the two countries force themselves constantly upon his attention. To this ate of mind, too, must every thoughtful American come, after the first impressions ave faded—thus showing at least, that, in truth, bitterness of feeling, wherever it xists, is but the result of a want of thought—and unappeased animosity down-ight ignorance. To break down the prejudices, to disperse the ill-feeling, and to atter, so far as in his power, every incendiary sentiment, will be the indirect, not o say direct, aim of the Editor. Nay, more! He will show, by exhibiting the pinions of America's best and wisest men, that a spirit prevails in all well-balanced inds in favour of the largest liberality toward Great Britain. This may not be me by special pleading—but the truth will appear in manifold ways as this pub-ation is continued.

To those persons who have not as yet turned their attention to the position d progress of the United States, as well as to those who, from whatever cause, are erested in that country, this publication may be the medium of rendering mate-l service. Its capacity for offering an immense amount of reading-matter, will rmit the Editor to occupy a large number of pages every year with valuable formation, such as in no other shape would reach the press. This will be a feature which attention is particularly directed. In this portion of the labour of the

Editor, the merchant, the banker, the capitalist, the emigrant, will ever be remembered—and no study will be avoided, in order that correct information on all points interesting to such persons may be rendered.

To the casual reader, to the clergy, to the statesman, to the scholar, to the philosopher and poet, the pages of the work, also, may prove entertaining, as the several departments which each of the classes named would naturally delight in, will be attended to scrupulously.

Farther than this, the Editor desires not to promise. He has much to encourage him that his effort will be received with cordiality, and he pledges himself to supply, if possible, all reasonable demands which may not be opposed to his design. To those in this country who have promised to aid him, the Editor returns his grateful thanks, and their countenance and support of his undertaking, by permitting him to cope with contemporary periodicals in the onset, will avail much—where the novelty of a periodical wholly devoted to American literature might be met with distrust, and, perhaps with indifference, by the public.

WILL IT BE CHARACTERISTIC?

This question, questionless, will be asked many times by those whose attention may be drawn to our magazine. Some few, faint, whispered interrogations of the sort have already reached us in our study; and we doubt not that there will be repetitions thereof, and "louder and more deep." To ascertain what is meant by *characteristic* in this connection with "The Great Western," the fancy need not be led to a railroad track, to shattered cars, dislocated limbs, or mangled bodies! It is no part of our business to travel trippingly with railway speed; and we have not as yet anticipated any *terminus* to our course. Neither is it necessary for the imagination, that the question may be comprehended in its full import, to launch forth upon the ocean, and watch the progress of a steam-ship ploughing the waves against a head-wind. The name of our work never suggested the interrogatory upon which we comment—though the name, perhaps, may suggest an inquiry, too—the United States of America and the *Great West* being in many instances synonymous.

To what then, to answer one question by answering another, does it apply? It puzzled us at first; but in all sincerity we believe that there are some persons who imagine that anything Yankee must be exceedingly peculiar—characteristic! In the name of reason, however, to what height of investigation, to what profundity of observation, will not these persons come, who have actually seen a stage-Yankee, and imagine the personation to be a correct delineation of a whole nation sprung from the best blood of Old England! Nonsense! there is nothing so easily overthrown as the impression that in the United States there is any language generally spoken, passing for English, which is not so in reality. More than this,—even those words which only pass current in America, and which ring oddly in the ears of our brethren here, in nine cases out of ten, can be traced to the West of England, be found there now in use, or be proved to have been used in former times by those glorious old spirits who drank at the "well undefiled." This being the case, of course no reasonable persons can expect that this work will be characteristic, in its language,—in other words, an imitation of Sam Slick—although that is what is meant by the question.

Yet it may be characteristic, notwithstanding. It will indulge its readers with pictures of American life and manners—it will give the styles of expression peculiar

to some portions of the United States—it will be Yankee, but not limitedly. English magazines published in America, and there are several, are not devoted to the dialect of Yorkshire, or any selected locality. They give the current literature of this country, which includes papers on every subject, precisely as this work will—and thus the answer is plain—this magazine will be *characteristic.*

Literature.

Power of the Passions; and other Poems. By Mrs. Katherine A. Ware. London: William Pickering.

This little volume is introduced to the reader by an address so neat and so entertaining that we regret that it is not longer. Mrs. Ware has been known for several years in America as a vigorous and graceful writer; and these poems add to the reputation which she has there acquired.

The principal poem is written with a descriptive power seldom exhibited by a female mind. The birth of the passions, their progress and effects, are pourtrayed in a style exceedingly picturesque and forcible. The blank verse is of no common character, displaying as it does in the writer, an ear attuned to harmony, and an intimate knowledge of the style of the best masters.

With the minor poems we have been pleased also,—but, if it be not doing injustice, would say that Mrs. Ware excells in the humorous and satirical style, in which, however, she has given but limited indulgence to her muse.

The translations from the French are very pleasing,—"The Flower Garden," particularly, merits notice. Among the more serious pieces, "Marks of Time," "The Contrast," "The Midnight Wedding," and the "Parting," have induced us to form a high estimate of Mrs. Ware's poetical capacity; and though, from the conclusion of one of her compositions, we are led to imagine that some mysterious misfortune would befall us, if we consured, yet we trust, as we cannot reasonably find anything in the little volume before us which merits condemnation, that we shall not be classed among those who are so caustically satirized in the lines subjoined:—

> "Yea, hirelings, who have nothing else to do,
> But scribble nonsense which they call "Review;"
> These literary dragons, oft, indeed,
> Write *critiques* upon books they never read;
> Censure whate'er they cannot understand,
> And o'er the press assume supreme command.
> They mind one of the lion's keeper, who
> Doth triumph o'er him, when in public view;
> Though well he knows, the power that seems to yield
> To his control—if free, upon the field—
> Might, with one grasp, within a moment's space,
> Send his proud leader to—another place."

The American Almanac and Repository of Useful Knowledge for the Year 1842. London: Wiley and Putnam.

This work is well known both at home and abroad. It contains a mass of very valuable information; and no professional man should be without it. To the statesman and clergy it is of great value, and the series from the commencement, comprising important statistics of the United States for several years, forms a work to which one may refer with much profit. As a key to American statistics it is held, we are pleased to say, in such high estimation, that thousands of copies are exported by the publishers every year.

The several departments are prepared by persons whose reputation is a sufficient guarantee that no trouble has been spared to make their statements and estimates correct. The volume for the present year contains an abstract of the sixth census of the United States—some information relative to the state of education, literary seminaries and schools, besides astronomical calculations.

Science and Art

Her Majesty's Theatre.—At least the boldest feature of the Italian Opera, this season, is presented by the introduction of several artists new to a London audience. We have no words, as a warm admirer and a humble protector of art, to express how much the public are indebted to Mr. Lumley, in the first place, for his determination to give an opportunity to comparatively young artists to try their strength, and, in the next place, for adhering to it strenuously. He is extending the field of art. Had he gone on making merely engagements with those who have been seen and heard year after year, he would have failed not only in his duty as a director of public taste, (for every manager is one,) but in his duty to that art which it should be his object to elevate. Well may the drama decline—well may the opera become tedious, when the struggling novice sees but an ideal Ultima Thule to his aspirations—when he is forced to believe that he must outlive the great, ere he can arrive at greatness. Who, however rare his talent, or persevering in his application, under the present management at the theatres, can expect to shine before he is old? How much of youth is lost—how much of vigour—how much of genius—while a system is pursued which seems to assert, in the most decisive manner, that there can be but one great singer or one great actor in a particular line! The republic of talent, at least, we may desire—a monarchy in art will never answer. The arena should be open—the lists open—and, ah! who shall tell if there be not in the solitude of the crowd an aspiring soul able to compete with the far-famed—nay, to come forth triumphant? It is impossible that there should be no changes in the positions of the professors of art; and to allow those who have deserved well to monopolize the field is folly, not to say madness. We know that, with many, prejudice is more powerful than talent or genius. If we delight to gaze on the Pleiades, it is difficult to acknowledge the beauty of Orion—though each constellation shine with equal splendour. Yet no true admirer of nature or art can feel thus! We may adore while beholding the majestic grandeur of the Alps—but may we not worship, while meditating upon the quiet enchantments of Como? He is a poor traveller in this life who can see nothing to admire, save in one single scene of Nature's manifold works—he is a pitiful lover of art who has so little soul within him as to encircle it with prejudices, which only permit one of the worthy to enter and be embraced. Genius springs in not one fountain alone—it fertilizes the whole earth. There is not a spot where you may stand that you can say, "Here it does not exist."

What then more admirable than to throw the field open for the aspiring? Ere we hear the voice—ere we see the soul, who so rash as to dare say that no genius exists? Give then, we say, every latitude to those who promise well, and the reward is gathered not only to the aggregate of art itself, but by ourselves, who are humanized and benefitted by its influences.

The theatre opened on the twelfth of last month with *"Gemma di Vergi"* by Donnizetti. This opera is by no means a new one. It is one of the most popular compositions, and deservedly so, of its masterly composer. In Italy it is remarkably successful, and is often represented. Signora Schoberlechner, one of the first *sopranos* of the day, has been eminently successful in it at Milan, and has often personated *Gemma* for several years past. Signori Santi, Guasco, Panzini, and Madame Moltini, were the new additions to the company, supported by Signor Galli and Madame Bellini, known to us before.

The opera was generally well performed. The chorus was remarkably good, and an improvement on the style of last year was distinctly apparent. Madame Moltini (Gemma) is a great acquisition to the company, as well as Signor Guasco, who has an excellent voice, which he uses in the best style. We anticipate much gratification from the efforts of these artists. The Ida of the evening was not equal to the demands of the composer, and we think that an improvement in this particular would render the opera in all respects effective.

The ballet, "Giselle," was produced with much care, and was well supported by the united exertions of Carlotta Grisi, Fleury, and Perrot.

Drury Lane Theatre.—Under the management of Mr. Macready, whose aims in regard to the improvement of the drama are universally known, this establishment will receive the warmest patronage of the public—for it is impossible that the very attractive nature of the performances at this house should fail to excite

curiosity. For our own part, so far as any comment upon our own taste might be made from the act, we would prefer to be known as an auditor at this theatre, above all others; and we have never entered it without feeling that those around us were guided by a similar taste—a love for the finest exhibition of pictorial art, wedded to action and thought which merit a perpetual remembrance. If the drama truly live in London, it is here.

We have not seen a performance for several weeks, and must defer any farther notice till next month.

Covent Garden Theatre.—Madame Vestris has done well, but should have done better, in engaging the musical talent for the operas which have been produced since Miss Kemble's engagement commenced. There has been nothing wanting in the operas, except a fairer treatment to the composers, by the conductor and the vocalists. "Elena Uberti" has been murdered by consummate rashness. We do not know the adviser, but whoever induced Miss Kemble to cut out the music of the composer, and substitute the composition of another, was foolish in the extreme. He ought to be branded as a bad adviser, and an enemy to the prima-donna, unless the music so unmanfully made way with is beyond the reach of the lady. Mr. Benedict, too, merits no little censure for beating out of time frequently, as he does, forcing Miss Kemble upon a *sostenuto*, which the author never dreamed of, and which is only suited to the "ears of the groundlings." If this has been resorted to as a trick, it is reprehensible—and, without it is exploded, we may soon anticipate that the science of composers will be wholly disregarded. Mr. Benedict is a composer himself, and could Bellini and Mercadante witness his innovations upon their works, they would have no terms to express their indignation. The conductor owes it to his reputation to take the hint which we have given.

On the fifteenth of last month, Mozart's "Marriage of Figaro" was performed for the first appearance of Miss Kemble in comic opera. The success was not what might have been expected. Madame Vestris was the feature of the evening, although Miss Kemble and Miss Rainforth sang with much effect. Miss Rainforth sings with so much trueness that we trust she will be an example to others in the profession.

Haymarket Theatre.—This establishment was advertised to open soon after Easter. The last season was one of great length, extending to two hundred and eighty nights; and although we cannot speak in the highest terms of gratification of some of the new plays produced during the period, yet we may cordially congratulate their authors, generally, upon their success with the public—at the same time, believing that their productions will lead to a better class of comedies, of which the stage is now sadly in need. It is but a miserable compliment to an author to say that his success is attributable to the beautiful appointments of the stage, not to the terseness of his language or the excellence of his plot. At this theatre, the authors at least may congratulate themselves, though fairly treated by the manager, on not resting their reputation solely upon upholsterers and scene-painters.

We have good reasons for believing that Mr. Webster has an *excellent* farce in his possession; whether it will be produced early in the season or at a late period we are not informed—but of one thing we are certain, that he guards the MS. with the watchfulness of the dragon over the Hesperian fruit, for the author himself is not allowed even to touch it!

St. James's Theatre.—This elegant theatre was opened under the management of Mr. Mitchell, by a company of French comedians so well selected that the establishment has been attended by the most fashionable and crowded audiences—tributes to the meritorious and worthy manager which every one of his friends must rejoice in. Mr. Mitchell opened the theatre with Mons. Perlet, in "Le Bourgeois Gentilhomme," a comedy too well known to require any notice at our hands. In this play we could not help admiring the strength of the cast, and the excellent style in which the piece was performed; Mons. Cartigny, as the Mâitre de Philosophié, performed in excellent style on the first representation, but over-acted at a subsequent performance—his exertions bordering upon buffoonery. The cavatina introduced by Miss Alicia Nunn, in the first scene, though little calculated to exhibit her astonishing power of voice, and her capability of vocalization, was warmly received by the audience, while the facetious interruptions of Perlet, and the completion of the scene, were ludicrous in the extreme—exciting volleys of laughter from every part of the house.

Mons. Perlet's engagement terminated on the 18th of last month; an engagement which has been highly successful in every sense, and the termination of which is much to be regretted. He has performed several difficult characters, besides Mons Jourdain, which have added to his already well established fame.

Mons. Oudinot is a performer, also, of no ordinary kind, and the charming Mademoiselle Eliza Forgeot is, in addition to an excellent *directrice*, a lady of no inconsiderable pretensions. Her naïveté is truly delightful in the several performances which we have seen, and we trust that her engagement will only terminate with the season.

The "stars" now in the ascendant are no less attractive than has been the light of the vanished, and it is with sincere feeling that we commend the exertions of Mr. Mitchell to the favourable regard of every lover of literature and the drama.

Miss Alicia Nunn's Concert.—This young lady, whose tour with Pasta in this country first established her reputation as an eminent English singer, and whose success at the principal theatres in Italy in 1838 and 39 confirmed the good opinion of her admirers, after a lapse of about four years, has lately reappeared before the public, highly finished in her art. Her concert at the St. James's Theatre on the 10th of last month gave a fashionable, though not very large audience, an opportunity of refreshing their memories of her pure style and general excellence. The compass of her voice, we believe, embraces three octaves, and has puzzled many good judges, some asserting it to be a pure contralto—others a mezzo soprano—and others still a soprano. Without pretending to decide, from what we have heard, we are satisfied that the young lady has only to feel herself "at home," to be esteemed as much in England as she has been abroad.

The concert was badly managed in many respects, but the efforts of Signor G. Rubini, Miss Spence, Mr. Morley, Mr. Russell, and Mr. Richardson, with several other distinguished artists, afforded a rich treat to the company present.

Mr. Russell's Concerts.—The success of Mr. Russell in America has been of a very satisfactory kind to the vocalist. He has always been heard there with much pleasure. To say that his concerts here are equally well attended and admired will be gratifying to his many friends on the other side of the Atlantic. Mr. Russell has sung four times in public in London since his arrival, and has created no ordinary sensation. It was a critical business to attempt a concert here alone, where this system has been seldom adopted, but Mr. R. has succeeded in spite of all obstacles, and promises to reap a rich harvest from his exertions.

Mr. Huerta's Concert.—Mr. Huerta gave an excellent concert at the Hanover Square Rooms on the 11th of last month. He is the most finished master of the guitar that we have heard. Indeed, we think it impossible for any one to produce more powerful effects with this instrument. Our only regret was that his own performances were so few during the entertainment, although no part of it failed to gratify us.

Signor Piccaluga's Concert.—This concert took place at the Hanover Square Rooms on the 21st of last month. Signor Piccaluga is an astonishing performer on the violin, and we are certain that the more he becomes known, the more will his merits be appreciated. The Misses Piccaluga played upon the harp and violin with considerable taste and judgment. The vocal part of the entertainment was chiefly sustained by Miss Taylor, Mlle. E. Grisi, and Miss Nunn, who was encored in Russell's favourite ballad "The Old Oak Tree."

Lilley, Printer, 3, Queen's Head Passage, Paternoster Row.

THE

GREAT WESTERN MAGAZINE.

MAY, 1842.

THEORY OF PROFITS.—No. II.

Having seen that Mr. Ricardo and his followers have erred in their analysis of rent, and that, by mistaking a common accompaniment for one of its elements, they have needlessly embarrassed a subject which admits of an explanation as simple as it is just, let us now see how they have connected it with the theory of profits.

Their reasoning on this part of the subject is briefly this: The price of raw produce consists of that portion of the labour and capital expended on the soil which pays no rent. This portion, commonly that which is last expended, is therefore divided between the wages of labour and the profits of capital, and determines the rate of each. Now, as in the progress of society it is necessary to resort to soils of less and less fertility, and as the returns made to equal portions of capital applied to the same soil must also gradually diminish, it follows, that the fund which is thus divided between wages and profits, must, in like manner, experience a gradual decrease when estimated in the quantity of raw produce. But as the labourer must receive as much raw produce as is "sufficient to subsist, and perpetuate his race," when this, the natural price of his labour, is deducted from a constantly decreasing fund, the necessary consequence is, that his proportional part of that fund is continually increasing, and that the residue, which constitutes the profits of capital, is continually diminishing. In this way, the gradual fall of profits, as exhibited in the market rate of interest, which had taken place in England and some other parts of Europe, was accounted for, contrary to the explanation of Adam Smith, who referred it to the increasing competition of capitalists, in consequence of the growing accumulation of wealth.

There is more than one error involved in the preceding rationale of profit. In the first place, it assumes that the labourer must always receive the same amount of raw produce; but this supposition is contradicted by the past history of society. We know that it greatly varies in different countries; that it is in general more than twice as much in the United States as it is in England, twice as much in that country as in Ireland, and more than four times as much as in India. We know, too, that it has greatly varied in the same country; that the daily wages of ordinary labour in England, for example, which are now but about a peck of wheat a day, have once been as much as two pecks. We know that in the progress of society the real wages of the labourer, that is, the value of the raw produce received by him, has generally diminished with the increase of numbers, and that he is able to accommodate himself to the reduction by resorting to a cheaper food—as by the substitution of bread for meat, and of potatoes for bread. It is, indeed, by reason of these substitutions, that landlords are able to command more and more labour for the same amount of raw produce; and thus they constitute, as we have seen, a main source of rent.

Secondly: But if the wages and consumption of the labourer were an invariable quantity, it would not follow that profits would necessarily continue to fall. That inference assumes that capital has no other means of profitable employment than in

agriculture; in which case, the gradual decline of profits would be merely the affirmance of the simple arithmetical proposition, that if the same number be subtracted from a decreasing series of numbers, the residues will also decrease. Nay, farther, profits must gradually decline if the labourer bore only his proportion of loss arising from the diminution of the common fund, instead of receiving, as has been supposed, the same actual amount of wages.

But the assumption that is thus made is altogether unwarranted. Every branch of industry furnishes a field for the profitable employment of capital, and the profits afforded by any one branch cannot be permanently more or less than those afforded by the other branches. Each one, then, which would avail itself of the beneficial aid of capital, whether it be the farmer, the manufacturer, or the merchant, must pay the market price of such capital, that is, the current rate of profits.

That current rate, we shall find, does not depend on the rise or fall of wages or rent, as the Ricardo school have assumed, but is governed by its own separate laws; and though it tends, like wages, to fall with the progress of society, yet this tendency may be, and actually is, sometimes counteracted, so as to continue high when wages have reached the lowest point of depression, as is the case in India, China, and a few other countries.

To establish the preceding positions, it will be necessary to consider the nature and functions of capital.

The origin of capital is to be found in man's moral nature. If the wants of that nature impel him to efforts of industry, the same wants make him put by a part of his earnings for future use. He wishes to possess the means of subsequent as well as of present enjoyment, and to make provision for those whose happiness is dear to him as well as for his own. His foresight and his affections thus make him frugal as well as industrious, and all the products which he has stored away, no matter in what materials they consist, or from what sources derived, are called capital.

But how is capital a source of profit to its owner? The answer to this question may also be found by a reference to man's moral nature.

Those who have stored away useful commodities, or, in other words, have accumulated capital, cannot be expected to let others have the gratuitous use of it. It may never be returned, and the owner might reasonably require something to compensate him for this risk. But profit is something more than indemnity against loss, and we may find foundations for this profit both in the common motives of human action, and in the creative powers of capital itself.

1. We have seen that fertile land, after it has, in the progress of society, become relatively scarce, yields an annual rent to the proprietor for its temporary use. Now it would often happen in the diversified concerns of human life, that the proprietor would gladly exchange his land, which was thus a source of perpetual profit, for the gross sum it would yield in a limited number of years, and that other persons would be found who would as gladly pay the money and take the land. In other words, land, like commodities that yield no rent, has its market price, which is but a part of the indefinite amount it is expected to yield. Now whatever was the price of the land, the money paid for it being an equivalent for that which yielded a clear annual profit, would, by the act of purchase, become invested with the like faculty of yielding an annual profit.

In this capacity of money to purchase land, we see a just foundation for interest, over and above a compensation for the risk of loss; and the rate of that interest evidently depends upon the proportion between the price of the land and its clear annual rent. Thus, suppose the rent to be $100, and the price $1000, then, money, like land, yields an annual profit of 10 per cent. This is what is called selling land at ten years' purchase. So, if the price of the land was $2,000, then the annual profit or interest would be five per cent., and the land would have been sold at twenty years' purchase.

So long, then, as the desires and occasions of men induce them to prefer a large sum in hand to a small sum indefinitely repeated every year, or, rather, a smaller sum in hand to a larger sum for which he must wait, land will have its price, and those who are able to pay it have the ready means of obtaining for it an annual profit.

But supposing that by the laws or usages of a country land could not be transferred, or that it was the property of the sovereign, as is generally the case throughout Asia, capital would not, on that account, the less yield a clear profit to its owners for its temporary use.

In every community, after society has so advanced that capital has been accumu-

lated, it would be very unequally distributed and variously invested. Some would be rich, and some poor; some rich in one species of property or commodities, and some in another. Now it would often happen, that one individual would want the temporary use of some machine, or tool, or other convenience, which another possessed, as of a house, a boat, or waggon, and which convenience he had not the means of procuring, or which, though he had, would not be worth to him the cost of procuring. He then would be willing to pay for such temporary use. If the owner did not receive more than a fair proportion of the cost, he would not be induced to permit the temporary use; and if he did receive more, the excess would be profit or interest. Those, on the other hand, who did not possess these conveniences, would be willing to pay this excess, as the easiest, and perhaps the only, means of obtaining them.

It may, therefore, be inferred, that capital vested in perishable articles, and the products of human labour, would yield a net profit to its owner no less than when it was vested in land. In truth, the two cases differ more in appearance than reality as to the circumstances and motives which occasion them. In both cases, a smaller amount of present enjoyment is deemed equivalent to a larger amount that is postponed—the value of any commodity, like its magnitude, decreasing in men's eyes according to the distance. The only difference between the two cases is, that the owner of capital, in the purchase of land, has a security for the annual profit which he has not in the hire or loan of property, that may be lost or destroyed. But, in lieu of such security, he trusts to the ability and good faith of the hirer or borrower, and requires a greater rate of profit to indemnify him for the risk of loss. In both cases, too, the profits of capital naturally arise from the inequality of human condition, and the diversity of men's tempers and desires.

In these cases, however, the profits of capital may be merely the transfer of a part of the products of land and labour from one portion of the community to the other. They only suppose that some, from temper or necessity, think only of the present, whilst others are not unmindful of the future; and that the price which one class pays for its self-indulgence or its poverty, the other receives as the reward of its forbearance and self-denial. Capital, thus made to change hands by the force of these moral agents, and thus altering the distribution of national wealth, adds nothing to its amount. But capital has also a creative power, by which it adds to the wealth of the nation, as well as of its individual possessor; and this, the higher and worthier source of its profits, we will now consider.

II. In every industrious community, capital co-operates with its land and labour, and is one of its main instruments of production. It is thus creative of wealth in two ways; first, by the use of tools and labour-saving machines, and secondly, by the division of labour.

First: By the aid of the tools which his ingenuity has devised, man can perform many operations on the rude products of nature, which would otherwise be impracticable. Of this, the axe, the saw, the auger, nay, every cutting tool whatever, furnishes ready examples. But it is by those machines by which the cheap powers, wind, running water, or steam, are made to substitute human labour, that the productive faculty of capital is most strikingly manifested. Thus, if an individual, wishing to provide a large quantity of plank, were to vest a certain amount of capital in a saw mill, he might thereby obtain ten, or perhaps twenty, times as much plank in a year as the same capital would have procured if he had employed it in having the plank sawed by hand, as would have been necessary without the invention of the saw mill, and is still occasionally practised. Here, all the additional quantity of plank obtained, after deducting the proportional part of its cost, is the nett product of the capital, and its powers of production are precisely similar to those of a piece of fertile land which has yielded a ten-fold or twenty-fold increase. If, in the one case, a bushel of wheat is made (with the aid of human skill and industry) to produce twenty bushels, so, in the other, capital skilfully applied may be made to perform twenty times the labour by which that capital was produced. The saw mill is a type of all the labour-saving machines by which the power of man over the several products of the material world has been so greatly multiplied, and the amount of his wealth in industrious and intelligent communities has been so prodigiously increased.

Secondly: Capital also greatly increases production, by enabling its owner to employ many workmen in a single manufacture, and to assign to each a separate operation, whereby the aggregate result is greatly multiplied. This distribution of employments, which has, ever since the days of Adam Smith, been called *the division of labour*, increases production in three different ways, as Smith remarks: "First,

by the increase of dexterity in every particular workman; secondly, by the saving of the time which is commonly lost in passing from one species of work to another; and lastly, by the invention of a great number of machines, which facilitate and abridge labour, and enable one man to do the work of many."

It might seem to some, that as this distribution of the various parts of a complicated business might be effected by the voluntary co-operation of individuals, without the employment of more capital than the same number of persons would require in any other branch of industry, the great benefits of their combined efforts are not fairly attributable to capital. But as such enterprises are rarely undertaken, and still more rarely succeed, except when under the superintendence and control of a master mind, and as in such a case a large outlay of capital is required to pay numerous workmen, and to provide the raw materials for their manufacture, it seems strictly right to regard the advantages of a division of labour as among the functions of capital, so far as respects the distribution of employments in the same manufactories, but not as it respects the distribution of different branches of business over different countries, or different parts of the same country. The first, we have seen, is not likely to be carried on, except by great capitalists; but the benefits arising from carrying on one branch of business in Manchester, another in Birmingham, and another in Leeds, may be attained with no greater expenditure of capital, nay, probably with less, than if the manufacture of cotton goods, hardware, and woollen, were indiscriminately carried on in each place.

When capital has thus, by the progress of science and art, added the faculty of a powerful agent of production to that of furnishing the ready means of expense, a new set of moral agents then direct its distribution. It is now sought as eagerly for the purposes of gain, as it once was for the pleasure of spending it, and he who pays for the use of it may be yet more benefited than he who receives its profits. By its means, the enterprising and industrious may avail themselves of the past savings of the frugal and forbearing, and these again may share in the future gains of well-directed industry. Temporary transfers of capital are made for the purposes of production rather than of consumption, and the average profit it yields in this its later and predominant function, controls and regulates the rate of profit in every other.

From the preceding analyses of capital, we may see that the sources of its profits are to be found in man's moral nature, and that so far as it is derived from his preferring a smaller immediate gratification to a greater one at a distance, it is unconnected with the value of raw produce or of labour, and consequently, with the progress of rent. It would depend partly upon the proportion between the disposition to save and the disposition to spend, and partly upon the amount of capital that had been accumulated. With the same amount of capital, the larger the proportion of thrift over expense, the smaller the rate of profit, and *vice versâ*; and with the same proportion between the two, the larger the amount of capital accumulated, the smaller the profit; and the smaller the amount, the larger the profit.

So far, too, as capital is an instrument of productive rate of profit, it is equally independent of the price of raw produce and of labour. The profits of capital, from this source, depend partly upon the extent to which it is capable of abridging labour, and partly on the amount accumulated. We know that the various implements and machines which man has invented to aid him in rendering brute matter subservient to his purposes, and by which he has imparted to it a new value, possess this power in very different degrees; that some may moderately increase his power, whilst others enlarge it ten or twenty-fold. Now, it is clear, that the greater the saving of labour that capital can effect, the greater must be the profit it is capable of yielding. The machine, for instance, which can save the labour of one hundred men in a year, yields twice the profit of one which saves the labour of only fifty men, supposing their cost to be the same, and the capital vested in one is twice as productive as that vested in the other. As those modes of investing capital which effect the greatest profit will be first preferred, the successive savings made by thrift and frugality will naturally be employed in those ways which yield less and less profit; and the precise point at which these investments will stop, will, therefore, depend on the progress of science and mechanical invention, together with the amount of capital accumulated. Supposing the degree of advancement the same, the rate of profit will be inversely as the amount of capital accumulated; and supposing the amount the same, the rate of profit will be directly as the rate of advancement; or, in other words, the unoccupied field of abridging labour. Of two nations possessed

of the same amount of capital, the profit will be the greatest in the one which is most advanced in science and mechanical art.

If, then, we have correctly traced out the moral principles which determine the rate of the profits of the capital, whilst we in the main must agree with Adam Smith that profits diminish with the increase of capital, yet that theory must be taken with some qualification, since it assumes not only that the proportion between the frugal and luxurious continues unchanged, but that the field for labour-saving machines and contrivances is not susceptible of much variation, neither of which suppositions accords with the history of society. A nation may have a greater proportion of the thrifty class at one time, and of idle consumers at another ; and in any style of its advancement some happy discovery may greatly enlarge the field for the profitable employment of capital. The invention of Arkwright's machine, and, yet more, that of the steam engine in England, the application of that engine to navigation by Fulton, and more recently its application to railroads, have, at different periods, so increased the demand for capital, that its profits have been kept from falling, and in some cases have actually risen, notwithstanding the counteracting influence of a prodigious increase of capital. With these qualifications, the doctrine of Smith, that the profits of capital in every country are in the inverse proportion to its amount, which is only saying that capital obeys the general law of losing a part of its value from abundance, is substantially true ; consequently, that the rate of profit is as independent of the rate of wages, as the price of iron is of the price of wool ; and that after that rate has been determined by the circumstances which have been mentioned, no branch of industry can have the aid of capital without the payment of that rate.

But if the principal foundation of the profits of capital is its faculty of saving labour, as we have contended, some may ask how can those profits be independent of the price of labour ? The answer is, that in ascertaining the price of labour we compare labour with something else, as with raw produce ; but in ascertaining the rate of profits, we compare capital with itself. The rate being a proportionate part of the whole capital employed, is the same, whether that whole represent a greater or less value. Thus, if capital equivalent to the labour of one hundred men should, when vested in some labour-saving machine, save the labour of ten men after paying all expenses, the rate of profit, which would be ten per cent., would be the same whether the labour of the one hundred men were greater or less, for whatever is the value of the one hundred, the capital, so is the value of ten, the profit ; and the capitalist who receives ten per cent. in India, where labour is four cents a day, derives precisely the same profit from his capital as if he received ten per cent. in the United States, where labour is ten or twenty times as high.

It has also been gravely maintained, that an increase of capital, and a consequent increase of *competition* among capitalists, cannot lower the profits of capital. "All that competition can do," it is said "and all that it ever does, is to reduce the profits obtained in different businesses and employments to the same common level."* But the tendency of competition to lessen the general average of profits, is as certain and as natural as the tendency to equalize them among individuals, and the same process by which the one is effected also effects the other. If competition among the labourers of a country tend to bring wages to one common level, it is no less certain that the increased competition of double the number of labourers would tend to make that common level yet lower. They are both consequences of the same underbidding of rival competitors.

For the purpose of better illustrating the relation of profits to wages and rent, let us suppose a small community of thirty families, of whom one third were the proprietors of the soil, another third owners of the capital required for its cultivation, and another, common labourers ; that the best land had been taken into cultivation, and that its annual product was equally divided among each of the three classes, so as for each farm to rent for one hundred bushels of wheat, each labourer to receive one hundred bushels, and of course each farmer to receive the same for his outlay of capital.

Let us farther suppose that the population went on to increase, so as to make it necessary to resort to inferior soils, and that this process had continued until the population had doubled, by which time the produce of the same capital and labour which had previously produced three hundred, was now, on the inferior lands, reduced to one hundred and eighty bushels.

* M'Culloch's edition of the Wealth of Nations, p. 476.

If all the three classes had increased in the same proportion, it is not improbable that the lands last taken into cultivation would rent on the same terms as the best lands had done, that is, for one-third of the produce—the same circumstances of mutual competition which had brought about that result before, existing now. In this case, the farmers would be entitled to one hundred and twenty bushels, to pay the wages of the labourer, and the profits of his capital.

How would the one hundred and twenty bushels be distributed? According to the Ricardo school, the labourer should receive one hundred bushels, or near it, as before: or supposing one half of his wages to be appropriated to raw produce, to eighty bushels, leaving forty bushels to the farmer, or two fifths of what he formerly received as profit for the same amount of capital. But if capital and labour had increased in the same proportion, on the ordinary principles of supply and demand, the same division between them which had previously taken place would still continue, and each would receive sixty bushels, or three fifths of what it had formerly received.

But let us suppose that capital had not increased in the same proportion, and that there was an accession of only four fifths of the requisite horses, ploughs, and other implements of husbandry, for the cultivation of the additional soil. Then there would be a demand for less labour, whereby the competition among labourers would be increased, and their wages would consequently fall. But in the same degree that wages were reduced would the profits of the farmer be augmented.

But if on the other hand, by the prevalence of thrift, capital had increased faster than population, as it commonly does in a prosperous community, and there was more than double the former amount of the implements of husbandry and of commodities stored away to pay labourers, in that case the increased competition among farmers would raise the wages of labour, and in the same degree that the latter exceeded sixty bushels, the profits of capital would fall short of that quantity. Thus we see, that while the profits as well as wages tend to decline with the progress of population, yet in the same stage of that progress, profits will have declined more or less than wages, according as capital has been accumulated in a greater or less proportion, and that in the division which capital and labour make of the products of the soil allotted to them, the proportion that they respectively receive, depends upon their proportion to each other.

As wages and profits tend to equality throughout the same community, when the capitalists and labourers are obliged to put up with a smaller return from inferior soils, they will be able to obtain no higher a return from the cultivation of the more fertile soils, and the difference goes to increase rents. Thus, in the supposed reduction of wages and profits from two hundred bushels to one hundred and twenty, the rents on the best lands would be raised from one hundred, to one hundred and eighty bushels, or from one third to three fifths.

With all this variance in the relative distribution of rent, wages, and profits, we find that each in its rise or fall obeys the great law of supply and demand. Thus, as in the progress of population the supply of fertile land becomes less in proportion to the demand, its products rise in value; while for the opposite the price of labour falls, and the profits of capital, in like manner, rise or fall, as the supply falls short or exceeds the demand for it, that is, the occasions of using it to aid human labour.

In the preceding example, we have considered it as employed solely in agriculture, in which case the demand for it will depend mainly upon the amount of the labouring class. But it must not be forgotten that it is also demanded for the purposes of commerce and manufactures as well as of agriculture, and the portion allotted to the last may be diminished by the field of profitable employment afforded by the other two, as well as by any other cause; for the rate of profit depends upon the proportion between *the entire demand* in all employments, and the *whole supply;* and of course, the greater the demand, the greater the rate of profit, until the increased rate of profit checks the demand, and restores the equilibrium.

A considerable diminution of supply has the same effect in raising the rate of profits as an increased demand. Whatsoever, then, checks the accumulation of wealth yet more than the progress of population, enhances the profitableness of the remaining capital. It is in this way that interest continues so high in India and China, and indeed throughout all Asia, where, by reason of the land being regarded as the property of the sovereign, he is able to exact so large a proportion of the products of the soil as to leave a mere pittance to the cultivators, so that no wealth can be accumulated from that source. The unlimited power of taxation derived from the same arbitrary character of their governments, and the insecurity of property, also impede

the acquisition of wealth in other employments. Taxes, by lessening the amount of capital, have the same effect in raising the profits of the residue, that a scanty harvest has in raising the price of corn.

We see, on the other hand, the profits of capital fall with the increase of its amount. It has been owing to the steadily increasing opulence of Great Britain, in spite of a still increasing taxation, that interest has fallen from 10 per cent., in the time of Henry VIII., successively to 8, 7, 6, and 5 per cent., at which rate it has been fixed by law, for more than a century; though, in point of fact, for large sums the proprietors cannot get more than from 3 to 3½ per cent. It was the extraordinary opulence of Holland, too, which made the interest of money, and the ordinary profits, lower than in any country in the world—private individuals having formerly been able to borrow money there at 3 per cent., and the government at only 2 per cent. This low rate of interest, which was the natural consequence of the wealth she derived from her unequalled commerce, from her numerous manufactures, her extensive fisheries, and from her cultivating and fertilizing every portion of her territory like a garden, has been strangely attributed to her very heavy taxation.* In truth, both the taxation and the low rate of profits are the effects of extraordinary riches both in Holland and England, and if the additions to the national capital had not exceeded the whole amount of expenditure, public and private, interest would have risen instead of fallen. In like manner, the profits of capital may continue low notwithstanding a decline in the amount of capital, if there has also been a correspondent diminution of demand. In this way, the interest of money continues to be still somewhat lower in Holland than in any part of Europe, although she has lost many of the sources of her former opulence; but much of the capital she had acquired in the palmy days of her prosperity she still retains; and it being more than the narrower field of her commerce and manufactures can employ, has to seek investment in foreign countries, to avoid the expense and hazard of which a much lower interest is taken at home. Taxation does indeed lessen the revenues of all classes, including the capitalist; it may impair the amount of the national capital, and it always tends to check its growth; but, so far as it has that effect, it tends to raise the rate of profit rather than to lower it.

In the preceding inquiry, the profits of capital have been taken in a narrower sense than is usual, and have been considered as identical with the interest of money lent, exclusive of the risk of loss. The term profits is commonly used by political economists to comprehend not only the return made by the capital itself, but also that which rewards him who employs it for his judgment, foresight, and personal superintendence in the management of it. This last is, strictly speaking, only a particular species of industry and talent, and the compensation it receives is of the nature of wages, and is regulated by the laws which govern wages. It is, then, much more favourable to scientific precision to separate the two, and to consider nothing as the profits of capital, but that return which capital yields independent of the personal exertions of its proprietor. The rate of profit in this sense is nearly uniform in the same country at the same point of time, but the personal services with which they are commonly conjoined have all that diversity which ever attends the rewards of human labour, according to the agreeableness of the employment, the risk of success, the difficulty of acquiring the requisite skill, etc; and consequently, the rate of profit, in its ordinary sense, must have the same diversity. It may be five or even ten times as great in a business employing a small capital as in one employing a large one—at one rate, in a safe, or an easy, or a reputable business, and another in a precarious, or a difficult, or a discreditable employment. To confound things so essentially distinct cannot but produce embarrassment in our reasonings, and in our practical applications of them often lead us into positive error.

It deserves to be remarked, that as in this way much that is called profits is in reality wages, so a part of what commonly goes under the name of rent is properly profits. Of this character is the compensation which the landed proprietor receives for the use of all buildings erected on his land, all improvements made by ditching, draining, fencing, or by any other employment of capital. The annual return they yield is governed by the laws of capital, and rises or falls with the ordinary rate of profits, independent of the progress of rents.

We have thus seen that the theory of Ricardo and his followers involves two fallacies as to profits: one, that the labourer will continue to receive the same real wages after his labour has become less productive; and the other, that whenever an

* In M'Culloch's Principles of Political Economy.

increase of population makes it necessary to resort to inferior soils to furnish the requisite amount of food, the necessities of the augmented population extend to the proprietors of capital, and compel them to advance capital for the cultivation of such inferior soils. If these two points be conceded, the ingenious theory they have built on them is the logical consequence; but we have shown that they are contradicted by the whole history of civil society, and the most undeniable motives of human action; nor could minds of this stamp have adopted such errors, if they had been sufficiently impressed with the conviction that political economy is essentially a moral science, and if they had not prematurely attempted to reduce its laws to mathematical *formulæ* before they had sufficiently investigated the moral principles on which those laws are founded.

On this subject we may aptly quote the concluding remarks of professor Whewell, in his "Mathematical Exposition" of some of Mr. Ricardo's doctrines in political economy:

"Any attempt to make this subject at present a branch of mathematics, could only lead to a neglect or perversion of facts, and to a course of trifling speculations, barren distinctions, and useless logomachies. '*Collocatio ejus inter mathematica*,' as Bacon says of another science, '*hunc ipsum defectum et alios similes peperit; quia a phenomenis præmature discessum est.*' And these defects may be incurred, even though common verbal reasoning be substituted for mathematics, if the course adopted be that of assuming principles and definitions, and making these the origin of a system. The most profitable and philosophical speculations of political economy are, however, of a different kind: they are those which are employed not in reasoning from principles but to them; in extracting from a wide and patient survey of facts, the laws according to which circumstances and conditions determine the progress of wealth and the fortunes of men. Such laws will necessarily affix, and probably always be too limited and too dependent on moral and social elements, to become the basis of mathematical calculation; and I am perfectly ready to admit, that the discovery of such laws, and the investigation of their consequences, is an employment of far higher philosophical dignity and importance than any office to which the mathematician can aspire."*

Mr. Senior's name having been mentioned as one of the supporters of the new school of political economy, as to the theory of rent, it is but justice to that political economist to remark, that he has not embraced the doctrine of that school as to profits—on which subject his views do not conflict with those of Adam Smith, though he has aimed in this, as in other parts of his excellent treatise, to reduce his principles to the strict form of science, far beyond what Smith attempted or seemed to have thought practicable.

The principles which I have endeavoured to establish in the preceding investigation, will be now briefly recapitulated. They are,

1. That after the best land of a country is taken into cultivation, raw produce, from the increased demand for it to supply the wants of an increased population, gradually rises in price compared with human labour; in other words, that in the progress of society, more labour is given for the same quantity of raw produce.

2. That it is in consequence of such rise of raw produce, or fall of labour, that new and poorer soils are taken into cultivation; which cultivation, by increasing the quantity of raw produce, tends to lower its price. But as such farther cultivation is the effect of the increased price of raw produce, it can never bring down the price to its former level. The effect of increasing numbers, in raising the price, and of a resort to inferior soils in lowering, may be illustrated by the ascent of a body lighter than air, which, as it ascends, takes up a chain that connects it with the earth, and which is prevented, by the increasing weight of the chain, from ascending as high as it otherwise would, before it finds its equilibrium.

3. That as population and cultivation extend, the labourer must receive less raw produce, unless the capitalist receive less. But the portion received by the capitalist depends upon the number of his competitors, and the demand for capital.

4. That the labourer receiving less raw produce for his labour, must consume less either in the quantity or quality of his food, unless he retrenches in other things. He commonly retrenches both in food and other things.

5. That the reduction of wages from the increase of numbers may be counteracted by improvements in husbandry. But while the price of raw produce may thus be rendered stationary, the landlord gains by the increase of quantity.

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* Cambridge Philosophical Transactions, vol. iv., part i.

6. That profits are increased by whatever lessens the supply of capital, as taxation, dearth, or increased demand for it, as new avenues to trade, new modes of abridging labour, and the like. They are diminished by an increased supply of capital, as a long course of prosperity in commerce or manufactures; or by a diminished demand, as where former modes of employment are cut off, land, labour, and capital.

7. That though affected by different circumstances, all obey the great law of supply and demand, in the profits they severally yield. Thus, the profits of land, or rent, rise with the demand for raw produce. The profits of labour, or wages, fall with the increase of numbers. The profits of capital fall with the accumulation of capital.

The following table will illustrate the effect of an increase of population on rent, wages, and profits, according to the preceding principles. It supposes all the best lands to be taken into cultivation, improvements in husbandry stationary, capital to increase in the same ratio with numbers, and the raw produce to be equally divided into rent, wages, and profits, during the whole six periods of time supposed. The number of agricultural labourers are assumed to be one-tenth of the gross population.

POPULATION.	Number of labourers.	Annual produce in bushels of wheat.	Proportion of Produce in rent, wages and profits, each.	Wages of labour per day, in pints of wheat.	Whole amount of rents in days of labour.
1,000,000	100,000	10,000,000	3,333,333⅓	160=2 p'ks.	6,666,666⅔
1,200,000	120,000	11,000,000	3,666,666⅔	146	8,036 000
1,400,000	140,000	12,000,000	4,000,000	137	9,343,000
1,600,000	160,000	13,000,000	4,333,333⅓	130	10,666,666⅔
1,800,000	180,000	14,000,000	4,666,666⅔	124	11,962,000
2,000,000	200,000	15,000,000	5,000,000	120	13,333,333⅓

It thus appears, that while the population had doubled, rents had increased 50 per cent. estimated in raw produce, and 100 per cent. estimated in labour, and that wages had fallen from two pecks a day to one and a half peck.

But as improvements in husbandry are rarely stationary in any country where art and civilization have made much progress, let us now suppose that they have been sufficient to make the progress of the soil keep pace with the population. In that case the last line of the table would stand thus:—

Population	2,000,000
Number of labourers	200,000
Annual product	20,000,000
Proportion of produce in rent, &c.	6,666,666⅔
Daily wages of labour	160 pints.
Rents estimated in labour	13,333,333⅓

If, however, capital had not accumulated as fast as population, its proportional part of the raw produce would have an increase correspondent to the deficiency, by which the amount of raw produce received for rent would be less than before; but as wages would also be farther reduced, the landlords might be able to command as much labour as before. The distribution of the annual produce would then be altered in this way, supposing it to be 15,000,000 bushels, and the profits of capital to be two-fifths of the produce,

Profits	6,000,000 bushels.
Rents	4,500,000
Wages	4,500,000
Daily wages	108 pints.
Rents estimated in labour	13,333,333⅓

On the other hand, if capital should increase faster than population, as it commonly does in intelligent and well-regulated communities, it would proportionally increase both wages and rents.

STATE CREDIT.

FROM THE DEMOCRATIC REVIEW.

THE Mississippi bonds must be paid. To the last dollar, the last cent, the last mill, every pledge of the public faith, whether by the collective whole of our glorious union, or by any one of its constitutent parts, must be honourably redeemed—be the consequences, be the cost what they may. Be justice done, though the firmament fall.

It is true that the people of the state have been shamefully defrauded. But it is not less true that it is to a great extent their own fault. They have now to submit to the loss of about five millions of dollars as the natural retributive penalty of their own folly. And if they will but lay well to heart the lesson they have been taught, it is worth its price. They have bought their experience much cheaper than some of their neighbours. Illinois and Indiana, for example,—and Pennsylvania, par excellence!

We are not surprised at the feeling which has been excited in Mississippi in relation to this subject. We are not surprised that a powerful and respectable opinion has formed and declared itself against the payment of these bonds. It may perhaps be that of a majority of its citizens—though the recent election is by no means to be regarded as any decisive evidence to that effect. It is easy to suppose that, among those whose suffrages have elected Governor Tucker, a much larger number than that of his majority over his competitor may have had no serious idea that the bonds ought to be, or actually would be, repudiated. Yet even if it were the present will of a clear popular majority, we would ascribe it rather to a temporary though natural exasperation against the authors of this great fraud upon the state; blinding the eyes of the people to that more calm and just view of all the bearings of the question, which we should still feel certain that they would not fail to take after a brief season of "sober second thought."

Of one thing there is no doubt—that the charge so angrily brought against the people of Mississippi, of a wilful and deliberate spirit of bad faith, of public dishonesty and dishonour, in the threatened repudiation of the bonds in question, is a gross calumny. Made originally by those whose pecuniary interest prompts their clamour on this charge, it is re-echoed by a party press, which seeks to turn it to a political advantage. In our own opinion the argument of the anti-bond party is an unsound one; yet is it by no means a clear case or a simple question. There is a great deal to be urged, and with more than plausibility, on both sides; and we are well assured that the great body of those among the democratic party of Mississippi who support the repudiation, would be found the last to attempt or desire to evade the payment of a just debt or an honourable obligation. No one would pretend that in a private transaction, parallel in all its features to the case in question, the slightest obligation, technical or equitable, would attach on the part of the principal to pay the bonds so fraudulently issued by a dishonest agent, in violation of the express prohibition of the very authority under which the latter held all his legal existence. The principle of law in force in that state, moreover, is, that the transfer of choses in action, even to innocent third parties, can involve no prejudice to any rights or equities on the part of the obligor. If some one must suffer from the dishonesty of an unfaithful agency, it must be the party who trusts him without the proper and prudent scrutiny which he ought to have made into the nature and extent of his powers. If we apply to the state the analogy of a private transaction of the same character, the advocates of repudiation must stand unanswerably justified. And this view of the question—combined with a sympathy for the honest people that has been made the victim of the fraud of the case—has led several of the democratic papers of the north to sustain them in that position. But, like many similar applications of private analogies to public transactions, the argument is, we repeat, in our judgment an unsound one; and we should sadly belie the past character and course of the Democratic Review, if, entertaining this opinion we should allow ourselves to be checked by any partisan consideration, from its frank and free expression.

The anti-bond argument is this:—In the first place, the constitution of the state expressly requires that every law for the pledge of the public credit shall receive the distinct sanction of two successive legislatures. Now it is true that a certain law was passed at one session, and duly confirmed at the next, authorizing the loan of the credit of the state, to the amount of fifteen millions of dollars, to the great "Union Bank," which it was then determined to create. But a supplementary law was passed shortly after, involving a material change of the original law, and autho-

izing a direct subscription by the state to the stock of the bank ; and it was under his law, which had not passed through that ordeal of popular ratification prescribed by the constitution of the state, that the transaction in question took place. At the time of the passage of this supplementary act, a minority in the legislature (at the head of which stood the recently elected governor, Mr. Tucker) entered a formal protest against it, as unconstitutional and void. In the second place the provisions of this very act itself were palpably violated in the issue of the bonds, by a fraudulent collusion between the Union Bank, the commissioners appointed by it for the negotiation of the bonds, and the bank of the United States, by which, through the name of Mr. Nicholas Biddle, they were purchased. They were sold at a credit instead of for cash, and instead of being made payable, according to the terms of law, in "current money of the United States," were made payable in London, in sterling currency, at a rate of 4s. 6d. to the dollar, involving a heavy loss, and a departure, as is alleged, from that standard of "par value," which was prescribed by the law. The total amount of loss thus sustained by the state, through the bank, by the departure from this double requisition of cash and par, is computed by Governor M'Nutt, in his celebrated Letter to the Hopes of Amsterdam, at the enormous sum, in the five millions of bonds sold, 1,084,781 dollars. Now, it is contended that the express conditions on which the public faith was plighted, as represented in these bonds, having been thus violated, no obligation affecting the state was created by the transaction ;—that these violations of condition were not of an immaterial character, but substantially affecting the rights and the safety of the state, as the obligor on the bonds ; the ability of the bank to pay them, as well as to fulfil the objects of its creation, being prejudiced to the amount of the sacrifice thus illegally and improperly incurred by it in the operation ;—that the constitution of the state, and the law under which the bonds were issued, were public documents, of which all parties interested were bound to take notice, and to inform themselves, at their own peril if they should neglect so obvious a duty of prudence ;—that it is therefore to the Union Bank which issued, and the bank of the United States which purchased and resold, or pledged, the bonds in question, endorsed with its own guarantee, that the European holders of them must look for their redemption, and not to the people of the state of Mississippi ;—and finally, that inasmuch as no portion of the proceeds of the bonds ever came into the treasury of the state, or under the control of any of its officers, there is no equity in the case against it so as to counteract the undeniable technical illegality of the transaction on the part of the two banks, and to impose on the state an obligation of honour to redeem the bonds.

Such are the leading points of the anti-bond argument. It is not to be denied that they constitute at least a strong *prima facie* case in favour of the proposed repudiation ; and that they ought to silence the clamour we have heard against the people of Mississippi, as desiring to evade the redemption of the public faith of the State, fairly and legally plighted. That is precisely the hinge of the question, and to assume that the public faith is so plighted, is nothing more nor less than a complete *petitio principii*. And to infer from the present agitation of this controversy, that there either exists now, or is likely to arise, in any of the states of this union, anything like a formidable disposition to repudiate their public debts, is as absurd as it is calumnious. We are profoundly and perfectly convinced, that every dollar of the public stocks of every state in the union will be eventually paid, to the last jot and tittle of the redemption of their plighted honour. Fearful as may be the demoralization, with respect to the sanctity of contracts, which has been the worst of the fruits of our paper-money credit system, we have no fear that it has proceeded to such a length as this. And of one thing are we especially certain—that the democratic party, which is and must continue in the long run the dominant power in the country, will be the very last portion of the whole people, with whom the base infamy of such a proposition will be ever likely to meet a favourable reception. For we are the party which, throughout the struggles and discussions of the last ten or twelve years, about these questions, has placed itself in opposition to the excesses and abuses of credit—the party of moderation, of prudence —the *paying*, in contradistinction to the *borrowing*, party. In private affairs, it is always on the part of those the most bold and speculative in their calculations on credit and chance, that the most lax morality prevails in regard to the redemption of the obligations they are so adventurous in hazarding. And in public, it is from your "Credit System" parties that proceed your retroactive bankrupt laws, your bank suspensions, tolerated by opinion, and sanctioned by legislation, &c.—and from them, too, if ever from any, that can alone proceed such a public act of state bankruptcy, as is here in question, if ever the pressure of a public debt shall become too

heavy to be sustained by the industrial energies of the people. If that day is ever to arrive in any of our states, the public creditor, whether he may reside at the antipodes, or in our own midst, may rely upon the assurance which, in the name of the American democracy, we feel authorised to give him, namely,—that when he will find himself abandoned to his fate by those who now profess to be his peculiar friends, it will be the democracy which will surrender to him everything but honour; which will cast to the winds everything but conscience; and which will sell out the fee-simple of the last foot of earth covered by the last hearth-stone, if necessary, for the payment of the last cent of principal or interest on the public debt.

But to return to the Mississippi Bonds—we repeat that they must be paid. The analogy, derived from the legal relations of a corresponding private transaction, on which the repudiation argument rests, is in our opinion deceptive, though specious, in its application to the circumstances of the present case. In the first place, no great force can be claimed for the argument of the unconstitutionality of the law in question. That the attention of the legislature of 1838 was fully drawn to that point, is apparent from the fact of the protest against its passage by the minority, on that ground. Their act was an expression of their own judgment that it was constitutional; and representing, as they did by their majority, the people of the state, it is too much to expect that the foreign creditor, when in the act of lending his money, should undertake to revise and overrule their decision upon a point of that nature, made under their own high political and moral responsibilities, to the people and their own oath of office. Faithfully and honestly or not—yet actually it cannot be denied that they represented the people; and the doctrine would be absurd, that when in the interval between the passage of a law, of perhaps disputed constitutionality, and a judicial decision to that effect, equitable rights have arisen under its operation, involving the public faith to innocent private parties, a subsequent change of majority should justify the legislature in repudiating all such obligations, on the ground of the different view now taken by it of the constitutional question. A legislative body must stand as the sole authoritative judge of its own constitutional powers, until the action of the judiciary supervene, in some controversy of private rights. Aud though a law may of course be declared void for unconstitutionality, as affecting injuriously the rights of others; yet it would be monstrous to claim for the people of a state as represented and embodied in its regularly constituted legislature, the right themselves to take advantage of such a subsequently declared unconstitutionality, to repudiate, to their own benefit and the injury of innocent third parties, obligations assumed by them with all the solemn formality of an act of legislation, claiming to be for an object of public interest, and in the very act positively asserting its own constitutionality. They cannot thus take advantage of the dishonesty or ignorance, as the case may be, of their own elected representatives. If they will be guilty of the folly of sending such a set of men to their legislative halls, they must for the present submit to the consequences for which they have themselves chiefly to blame, and for the future profit well by the experience for which they have been thus made to pay. The unconstitutionality of the law, then, clearly will afford no justification to the anti-bond party for the course threatened by a large part of the press of Mississippi,—assuming that unconstitutionality to be beyond question, and putting out of view the important fact that Governor McNutt, the prime mover of repudiation, himself signed the law referred to, and himself partially carried it into execution.

Nor is the argument of illegality, derived from the mode of executing the law, much stronger than that of the unconstitutionality of the law itself. The state subscribes to the stock of the bank, and the five millions of bonds are delivered over to the officers of the latter, for the purpose of affording it the capital necessary to set it in operation; this being esteemed by the false and morbid popular opinion of the day, an object of high public concern and interest. Grant that, in the sale of them, the bank, through its agents, the commissioners, may have in some respects transgressed the provisions of the law; the state ought not to have entrusted them to such unfaithful agents. The circumstance of their being changed in form, from "current money of the United States" to sterling currency, is immaterial in its nature, unless the former expression is fraudulently meant to give the state the advantage, in the payment of its interest, of the depreciated condition of the paper "current money" of some portions of the United States. This is not to be supposed; and no other honourable interpretation can be put upon the expression than that of the true constitutional "current money of the United States," gold and silver. The translation of the one currency into the other may or may not have been at the just rate of the par of exchange. We all know that extremely vague and loose ideas have been of

late years very prevalent of the meaning of that little monosyllable. "*Par*" has had a very different meaning with the one of our political parties than with the other. With the Whigs, including a great majority of the commercial community, the current value of a suspended bank-note circulation has constituted the local standard of "*par*," while specie has been at a greater or less "premium;" while with the democratic party the currency of the constitution and of the world, the precious metals, have alone afforded the standard level from which the depreciation of the respective paper circulations of different sections have been measured downward. We cannot perceive in this feature of the transaction, taken even in its strongest shape, a just or honourable ground for the proposed repudiation. It ill becomes a sovereign state, and that state a republic and a democracy, to contest on petty technical grounds of such a character as this, the payment of debts, however unwisely contracted and trusted in the hands of unfaithful agents, on the faith of which an innocent foreign creditor has been induced to part with his property; to place it, if not in the coffers of the state treasury itself, at least in those of an institution in which the state was the largest stockholder, and which it created as a valuable object of public policy, for the presumed benefit and "relief" of its great commercial and agricultural interests. Nor does it appear by any means clear that after the delivery of the bonds to the bank, in payment of the subscription of the state to its stock, the state has any further right to scrutinize the terms of any arrangement that may be made by the bank to realize upon them the highest price admitted of by the condition of the market, provided that the state is credited with them at the full value of their face, at par and as cash, on its subscription to the stock. And this we understand to be the fact. That the directors of the Union Bank have wasted their capital in the false and dishonest system of banking and financiering which has prevailed in that state, is no fault of the foreign creditor, who lent his money on the credit, neither of the bank, nor of its companion in iniquity, the bank of the United States, but on that of the state of Mississippi. The state has doubtless sunk its money, as many a stockholder in many a bank, in that as in other parts of the country. This has not been caused by the fact of the loss sustained by the bank on the sale of the bonds, be the true figure of that loss more or less. The same would have been the case had the bonds in question commanded a premium, instead of having been sold at the rate of five and six per cent. depreciation. The same would doubtless have been the case had the entire fifteen millions, originally contemplated, been consigned to the same destination. Happily for the people of Mississippi, and thanks to the intelligent firmness of Governor McNutt, the state has lost only five millions, where it might have lost fifteen. It deserved richly the smaller loss—it would have deserved richly the greater—for the folly of which it was guilty in creating the bank, and thus endowing it with the means of evil from the public treasury. It would have made no practical difference in the result, whether the contribution of the state had been in the form of a loan of its bonds to the bank, as contemplated in the original act, or in that which was given to it by the supplementary act authorising a direct subscription to the stock. Substantially the transaction was the same. The former was fully authorised by the required constitutional ratification. The truth is, that the public opinion of the state in relation to banks and banking facilities was radically wrong. The people of Mississippi are now only paying the natural and usual penalty of human folly; and instead of complaining—instead of staining the fair scutcheon of the public faith and honour with the disgrace of this threatened repudiation—they ought rather to consider themselves fortunate in escaping with but one-third of the loss which they might have sustained, and which they so unwisely hazarded.

The bonds must be paid, then; and that they will be eventually paid, whatever may be the action of the legislature recently elected, we have no more doubt than we have that they ought to be.

One good result, however, at least, may be ascribed to the agitation of this question in Mississippi—and we are duly and sincerely grateful for it. We allude to the total destruction of the European market for our public stocks. Our only fear is, that this effect may prove but temporary, and that a revival of the confidence of the foreign capitalist may renew yet again this pernicious system of national borrowing, from which through the last ten years we have suffered so much. Our public credit is down now to so low a point that we can borrow no more—Heaven forefend that it should rise again!—except to the extent of doing justice to the creditors on our actual existing debt. Such a state of things we often hear spoken of as a national calamity; it is rather a national blessing. In fact, the doctrine of public credit may be regarded as one of the most pernicious inventions of modern times. Witness its

awful fruits in England!—as well as under other foreign governments to which it has alone furnished, by the unrighteous mortgage of the labour and property of unborn generations, the means of carrying on the wars, and sustaining the military establishments, with which they have desolated provinces and kingdoms. And within the past ten years in our own country, extravagantly as we have used it, what good have we derived from it? Useful or useless, good or bad, our internal improvements constructed within that period—is it the money which has been borrowed on the strength of state credit that has called them into being? Far, very far from it. We have gone into debt to European capital to an amount of nearly two hundred millions of dollars, on which, independently of the principal, which will soon begin from time to time to fall due, we must pay an annual tax on our whole industry and wealth of about twelve millions of dollars,—but does the simple reader suppose that it is *money* we have been borrowing, through all this period? If he does, we beg leave to undeceive him. It is no such thing, though we have been most ingeniously made to believe such to be the fact; and that the surplus wealth of European accumulation was thus seeking a mutually advantageous investment in our public works of improvement, at rates of interest attractive to the foreigner, while lower than the value of the use of capital among us. The truth is, that though we have contracted so enormous a debt, expressed in figures, and payable, principal and interest, in real money, we have actually received scarce a dollar of it from Europe. The process has been simply this. We have imported an excess of imports about equivalent to the amounts of public stocks we have sold to the European market. We have eaten, and drunk, and worn, and in various ways consumed them. Little if any trace of them now remains, except the debt which we have thus contracted to pay for them, and which must itself be paid by the sweat of our own and our children's brows. An inflation of our own paper currency at home, and an unhealthy expansion of private commercial credits, have represented the amount of money presumed to be brought into the country as the proceeds of the sale of these public stocks. And if any one wishes to trace out the ultimate sequel and result of the whole, and ascertain what has become of the nominal amounts of European wealth brought to our shores by this stock-jobbing financiering, he will find them so soon as the bankrupt laws goes into effect, like the fairy money which the next morning converts into dry leaves, standing in imposing array of figures and ciphers, among the worthless assets of many broken bank and ruined speculator.

To some of our readers the proof of the assertion here made will be necessary to enable them fully to realize its truth. It can easily be drawn from a comparative view of the exports and imports of the country, taken in connexion with the simultaneous issues of state stocks, within the period referred to. It was in the course of the year 1839, that the European money-market for American stocks may be said to have been destroyed. No considerable amounts have been sold since the summer of that year, putting out of view the mere hypothecations which may have been made of some amounts in the possession of the bank of the United States, and some few other institutions. The heavy issues of state stocks may be said to have commenced about 1830. The amounts created prior to that date had been comparatively small, though after that they went, up to and including 1838, rapidly *crescendo*. We use the tables compiled by an able hand, in the fall of 1839, from authentic official sources.

The amount of stock authorised to be created by eighteen States, in each period of five years, from 1820 to 1838, was as follows—viz:

From 1820 to 1825, ...	$12,790,728
" 1825 to 1830, ...	13,679,689
" 1830 to 1835, ...	40,002,769
" 1835 to 1838 (say 3½ years) . . .	108,223,808
	$174,696,994

And the following are the objects for which these debts were authorised by the respective legislatures to be created—viz:

For banking, ...	$52,640,000
" canals, ...	60,201,551
" railroads, ...	42,871,084
" turnpikes and McAdam roads, . .	6,618,958
" miscellaneous objects, ...	8,474,684
	$170,806,277

An examination of the imports and exports, as shown by the annual reports of the Secretary of the Treasury during the same time, furnishes the following results. For the sake of the comparison between them, it is divided into two periods, the first from 1820 to 1830, and the second from 1831 to 1838, both inclusive :

Year.	*Imports.*	*Exports.*	*Excess of Imports.*	*Excess of Exports.*
1820	$56,441,971	$51,683,640	$4,758,331	
1821	41,283,236	43,671,894		$2,388,658
1822	60,955,339	49,874,079	11,081,260	
1823	50,025,595	47,155,408	2,870,187	
1824	55,211,850	50,649,500	4,562,350	
1825	63,759,432	66,944,745		3,185,313
1826	60,434,865	53,055,710	7,379,155	
1827	56,080,932	58,921,691		2,840,759
1828	66,914,807	50,669,669	16,245,138	
1829	57,834,049	55,700,193	2,133,856	
1830	56,509,441	59,462,029		2,952,588
	$625,451,517	$587,788,558	$49,030,277	$11,367,318
			11,367,318	
			$37,662,959	

Year.	*Imports.*	*Exports.*	*Excess of Imports.*
1831	83,162,608	61,277,057	21,885,551
1832	76,989,793	63,137,470	13,852,323
1833	88,295,586	70,317,698	17,977,888
1834	103,208,521	81,024,162	22,184,359
1835	129,391,257	101,189,082	28,202,175
1836	168,233,675	106,916,680	61,316,995
1837	119,134,255	95,564,414	23,569,841
1838	101,364,609	96,033,821	5,330,788
	$869,780,304	$675,460,384	$194,319,920

From this table we see that the total excess of imports over exports (all kinds included) in the first period, eleven years, was $37,662,959, or an annual average of only *three million four hundred thousand dollars.*

In the second period, eight years, the same excess rises to the enormous sum of $194,319,920, or an annual average of more than *twenty-four millions of dollars.*

In order to ascertain the actual surplus importations of merchandise within these periods, it is necessary to deduct from these sums the respective surplus imports over the exports of the precious metals within the same periods. A view of the latter is presented by the following table, similarly divided as before by the year 1830 :

IMPORTS AND EXPORTS OF GOLD AND SILVER COIN.

Year.	*Total Imports.*	*Total Exports.*	*Excess of Imports.*	*Excess of Exports.*
1821	$8,064,890	$10,478,059		$2,413,169
1822	3,369,846	10,810,180		7,440,334
1823	5,097,896	6,372,987		1,275,091
1824	8,379,835	7,014,552	$1,365,283	
1825	6,150,765	8,797,055		2,646,290
1826	6,880,966	4,098,678	2,782,288	
1827	8,151,130	8,014,880	136,250	
1828	7,489,741	8,243,476		753,735
1829	7,403,612	4,924,020	2,479,592	
1830	8,155,964	2,178,773	5,977,191	
	$69,144,645	$70,932,660	$12,740,604	$14,528,619
				12,740,604
Excess of Exports, ...				$1,788,015

Year.	*Total Imp.*	*Total Exp.*	*Excess of Imp.*	*Excess of Exp.*
1831	$7,305,945	$9,014 931		$1.708,986
1832	5,907 504	5,656,340	$251,164	
1833	7.070 368	2,611.701	4.458,667	
1834	17,911,632	2 076,758	15.834,874	
1835	13.131,447	6 477,775	6.653,672	
1836	13,400 881	4,324 336	9,076,545	
1837	10 516 414	5,976,249	4,540.165	
1838	17,747,117	3 508,046	14,239.071	
	$92,991,308	$39,646,136	$55 054,158	$1,708,986
			1.708,986	
Excess of Imports, ...			$53,345,172	

From this table we see that there was an excess of *exports* over *imports* of gold and silver in the first of these periods of $1,788,015, or an annual average of about a hundred and seventy-nine thousand dollars.

In the second period there is an excess of *imports* over *exports* of gold and silver amounting to $53,345,172,—or an annual average of about six millions six hundred thousand dollars.

Comparing together these tables, and confining our view to the commerce of merchandise alone, it appears that in the first period the excess of the imports of merchandise over the exports of the same, was $39,450,974,—or an annual average of $3,586,452.

In the second period, the excess of the imports over the exports of merchandise is in like manner seen to be $140,974,748,—or an annual average of $17,621,843.

The amount of State stocks issued within the first period, we have seen to have been $26,470,417. In the second we have seen them to rise to $148,226,577.

The total excess of imports in the first period having been, as above stated, $37,662,959, about $20,000,000 may be assumed as the legitimate excess of imports, representing the commercial profit; the balance of that sum being a moderate allowance for the proceeds of so much of the State-stocks issued as were sold in the foreign market. When issued thus moderately, it is probably that a considerable proportion of them found purchasers at home. To double that amount would then be a large allowance for the corresponding commercial profit within the second period of eight years; the deduction of which from the total excess of imports, as above stated, would leave about $154,319,920. Deduct from this about six millions as probably taken up on this side of the Atlantic, and we show the unnatural and unhealthy excess of imports (with a proper allowance for the commercial profit) *corresponding exactly with the amount of the sales of the public stocks abroad.* Who, then, will pretend that the issue of the stocks has done anything more than simply to run up this enormous amount of debt, for this enormous amount of extravagant consumption, upwards of a hundred and fifty millions of dollars in excess above our exports, after full due allowance for the commercial profit?

This system is now, we trust, at an end. After the bitter experience which so many of our states have reaped of its fruits, we hope that there is none now in which the people will tolerate any further issues of public stock,—whatever may be the delusive pretences by which their advocates may seek to recommend them to sectional interests, or to the cupidity of the present generation, which is thus made so dishonestly and oppressively to saddle posterity with debt for the indulgence of its own present extravagance. We should rejoice to see a prohibition inserted in the constitution of every state of the union, against the legislative power of contracting a public debt for any purpose whatsoever. If we were willing to except the case of war and the public defence, it would be a reluctant and dissatisfied concession to existing popular delusions too strong to be immediately contended with. Taxation, direct taxation, by the voluntary action of the people themselves, is the only true and just and proper mode of raising whatever funds may be necessary for any of the legitimate duties of government. Taxation, direct taxation, we mean, for the whole amount wanted for the principal,—not for the mere provision of the annual interest, to be paid to the foreigner as a virtual tribute of financial slavery. Shall we read in history of the devotion with which the citizens of besieged towns, or invaded kingdoms, have poured their wealth into the public treasury, unstinted and unregretted, for the public defence—when even woman has not only exulted in offering

altar of patriotism the last jewel or ornament of gold which bound her hair, s even delighted to weave the flowing beauty of those locks themselves into trings for the public service—shall we read of such things, we repeat, and yet the readiness and the lavish abundance with which our people, when attacked olent and unjust foreign aggression, if we will only trust to them and appeal n, will furnish every necessary to carry the country safely and honourably gh any such crisis, however suddenly it may come? We repeat that we see no ity for public borrowing, even in such great public emergencies as this; and r ought ever to be undertaken by this country, unsustained by such a public ient as would make the people fully prepared to contribute, both by direct on and voluntary service, all the means necessary to enable the government to ain the national cause with honour and success. The ancients waged their without public loans; and Bonaparte bequeathed no debt to posterity, to pay his gigantic military operations. After deducting the large contributions he forced from allied and conquered nations, there remains an enormous it which, sustained as he was by the enthusiasm of the nation, he was easily extract directly from the industry and resources of France itself. In the case lic improvements, there is still less reason for having recourse to borrowing, to the money for their construction. If they are worth constructing, they are paying for. Satisfy the people, or the parties interested, on the former point, ere will be no great difficulty on the latter. It is always, in these cases, the t generation which expects to reap from them an advantage equivalent to their the development of resources, the opening of markets, and the enhancement value of property. Though posterity may, indeed, eventually inherit the yet a regard for the benefit of posterity is very far from being the impelling to their construction; nor is there any reason or right in transferring to pos- in the form of stock debt, not only the actual payment of their cost, but the risk of possible failure. If state governments will go on constructing works rnal improvement, instead of leaving them to the enterprise of private interest gacity, let them at least place this restraint upon their constant tendency to by the obligation of imposing a simultaneous direct tax on the people, to the t of their cost. There will be little danger then of any other works being aken, than those which may be pretty safely relied upon to defray their own id which will be indeed demanded by the public interest and will of the people. While, when cut off from their present habitual reliance upon the overnment and the state credit, the different particular sections which may the construction of local improvements, will have no difficulty in effecting bject, either by the private action of their principal citizens, or by combining espective public resources for the purpose, in some mode of voluntary self- n, for which it would be easy to make the requisite legal provision.

ISABEL'S BRIDAL.

BY MRS. EMMA C. EMBURY.

N I was a very little girl I was frequently taken by a maiden aunt to visit an y who lived in a tall narrow house in Pearl Street, long since swallowed up in rmous counting-house. Young as I was, the many weary hours I was obliged d in Miss Rachel Maybe's small back parlour have impressed every object upon mory, and doubtless the dark tints in which all things were necessarily painted ntributed to their preservation in my mind, since the remembrance of dull will long outlast that of gay ones, even as sombre colours will adhere to the , while bright ones fade beneath the touch of time. Miss Rachel was a maiden small but independent fortune. She inhabited the house in which her parents ed and died, and antiquity was stamped upon every article of furniture. I ost fancy that I see now the fantastic Turkey carpet, which eked out with a of green baize, covered the floor; the straight-backed mahogany chairs, with hite chintz covers, the thin-legged tables, the bright brass fire-irons, the square abinet, curiously inlaid with mother-of-pearl, the tall, perpendicular firescreen l in worsted, the device, an enormous cat with a mouse in her paw; and I am hall never forget the quaintly carved ivory hand, with its curved fingers and ender handle, which always hung at the side of that firescreen. I am afraid

the old lady's ghost would rise and reproach me if I were to tell the uses of that fairy hand, but many a time have I seen her take it from its place and carefully insert it between her well-starched kerchief and the back of her neck.

Miss Rachel was not one who *pined* in single blessedness. Her complexion still bore some traces of the roses and lilies which had once adorned it, and her rotund figure had gained in dignity what it had lost in youthful grace. Her attire was characterised by extreme neatness. Her dark silk dress always looked as glossy as if just from the hands of the mantuamaker, her book-muslin neckerchiefs, though starched as stiff as buckram, were as transparent as glass, and as for her caps—we see none such now-a-days. They were not manufactured of trashy bobbinet or worthless blonde lace; no—they were handsome round-eared caps with high crowns, made of rare India muslin and bordered with costly thread lace, plaited as if by rule and compass, and finished by a broad white satin riband which encircled her head, terminating in a bow directly in front. Even the tie of that riband was characteristic of the old lady's precise habits, for the loops of the bow were exactly alike, the ends of just the same length, and always pointed (as I then thought) due east and west.

A pleasant cheerful body was Miss Rachel Maybe. Seated in her high-backed rocking-chair, with the tall screen protecting her good-humoured face from the heat of a blazing wood fire; her knitting-needles in her hand and an embroidered satin bag hanging on the arm of her chair, out of which she continually drew the well-spun thread of her discourses, she was a perfect picture of contentment. Everybody liked her, and she was a very useful woman in her way. She was an old-fashioned Christian, whose genuine piety and unostentatious benevolence were visible in her daily life, but never emblazoned with newspaper paragraphs. To the poor who could work she gave employment, and thus kept alive the feeling of independence, which is the last treasure left the unfortunate. To the sick and infirm she rendered effectual aid, not by bestowing money only, which their very necessities would prevent them from using to advantage, but by appropriating her time as well as her means; by making comfortable garments and preparing wholesome food with her own hands; by visiting them in their wretched homes; by teaching them lessons of gratitude and contentment, which pensioners on the world's bounty can never learn from the almoners of *associated* charities.

I have said that in my childhood I spent many a weary hour in the old lady's company. Miss Rachel and my aunt would sit discussing the merits of the last sermon, talking over the frailties of the congregation to which they were attached, or debating points of theological differences, while poor little I was left to amuse myself as I best could. I used to set the mandarins on the chimney-piece nodding, and watch them until I almost dropped asleep from sympathy. Then I would try to count the birds of Paradise which dropped their long tails over the paper on the wall, until "thought was lost in calculation's maze." Sometimes I resorted to the books which lay on the table, but alas! "Baxter's Call," and "Taylor's Holy Living and Dying," had but little attractions to a merry child, who was content to enjoy existence, even as the birds and butterflies, without thinking at all about it. I remember, however, a few pleasant scenes which I enjoyed through Miss Rachel's kindness and mirthful spirit. Once she took us to an upper room, and, unlocking a huge trunk, amused my aunt very much by displaying innumerable suits of baby-linen,—the frocks of fine cambric, with long pointed stomachers, stitched full of whalebone,—the caps worked in lace-stitch but without borders,—which Miss Rachel's mother, out of a kind regard to the welfare of posterity, had made for her future grandchildren when her only daughter was but a romping girl. The old lady little thought, that the lapse of more than half a century would find her daughter fading in single blessedness, and the neatly-made garments untouched save by the hand of time. On another occasion Miss Rachel opened her India cabinet, to display some antique love-tokens, and I was wild with delight at being allowed to rummage among the paste shoe-buckles and the gold sleeve-buttons which had belonged to her father and brothers, the mourning rings and jet lockets which were all that remained of the loved of earlier days, the broken ornaments and antique jewellery which had formerly shone in many a brilliant scene of gaiety. Once too I found Fox's Book of Martyrs lying on the deep window-seat, and so long as it was allowed to remain there, I lacked not occupation. I revelled in its horrors even as I had done in the supernatural scenes of the Mysteries of Udolpho, and there was something in the atmosphere of that gloomy room, from which a neighbouring wall shut out the cheerful sunlight, and in the drowsy ticking of the old clock, peculiarly calculated to

produce the frame of mind best suited to enjoy the most harrowing of all terrible books. I am not sure that the "time, place, and circumstance" which I have just recorded did not give a sombre colouring to my young imagination which will last me through life; for although in my daily walk and conversation I am one of the most cheerful beings on earth, yet the "children of my brain" are very apt to assume a mourning garb ere I have finished their attire.

Notwithstanding the gloom and uneasiness which I so often encountered, I never declined an invitation to visit Miss Rachel. This readiness arose partly from the love of visiting so inherent in children, partly from the consciousness that I was a great favourite with the old lady, and partly from the certainty of getting good entertainment for the body if not for the mind. Miss Rachel's tea-table would shame the scanty board of many a fashionable dame in modern times. What transparent preserves! what rich plumcake! what delicate warm biscuits have I seen on that little round table. And then her cordials, quince, and peach, and lemon, and cinnamon, clear as amber, and all made by her own hands!—oh! there were some pleasant things to be enjoyed in Miss Rachel's gloomy room.

As I grew older my visits to the good old lady became far more agreeable to me. Her condiments continued equally inviting, and her conversation became far more interesting. Age had come upon her "frosty but kindly," and while she looked back upon her past life, even as the traveller pauses upon an eminence to review the road he has just trodden, she cherished a fellow-feeling with those who were just entering the rugged and dusty path. She had learned to judge of the present by the experience of the past, and while she had not forgotten the errors and follies which belong to the season of youth, she could bestow instruction and sympathy together. Many a lesson of life have I learnt from her lips, and if they profited me little the fault was not in the sower, but in the soil of the heart which allowed weeds to spring up and choke the good seed. One of her reminiscences now occurs to me, which, as it exhibits a most singular retribution of a fault usually considered venial in society, I will record. I will give it as nearly as I can in the old lady's words, but alas! the tone, and look, and manner, which gave expression to every word, are lost for ever.

Isabel Athelstan was a beauty and an heiress. The close intimacy which subsisted between our families first led to our friendship, and though she was several years my senior, we were almost inseparable. I have since thought,—perhaps I wronged her,—that Isabel made me her chosen companion less for my good qualities than for my defects. I certainly must have been an admirable foil to her, for nothing could be in greater contrast than my dumpy figure, my deep-red cheeks and my gray eyes, with her stately form, her pale rich cream-like tinted complexion, her perfect regularity of feature, and her raven black eyes and hair. Nor was the disparity in our dispositions less striking. Educated in retirement, I was merely a simple-hearted, affectionate girl, with the hoidenish spirit of childhood softened down into the buoyant mirth of uninterrupted cheerfulness, and actuated by impulse rather than reflection or calculation. But Isabel was as calm and cold as some exquisite piece of sculpture. Rarely excited either to pleasure or pain, her brow was always as placid as a summer lake, and the bland smile which sate on her beautiful lip was as unchanging as if carved in stone. I think I never saw her angry, but they who deemed this placid demeanour the effect of an amiable temper were amazingly mistaken. I have often heard her express her surprise that any one should "take the trouble" to get in a passion, and yet I have listened to the most biting sarcasms from her lips, while her countenance wore as gentle an expression as ever visited the face of a sleeping child. The characteristic of Isabel's temper was inertness; she hated the exertion of arousing herself either to evince satisfaction or displeasure, and but for the one master passion which ruled her heart, she would probably have gone through life as one of those amiable, gentle creatures, who are all sweetness in their outward demeanour, and who reserve their hidden bitterness for the privacy of domestic life.

Isabel's calm exterior afforded the best of all concealments for her real character. She seemed rather to await than to seek admiration, and it was scarcely possible to believe that the cold and passionless beauty was in heart a consummate coquette. Even as the dark tide flows on unceasingly, though the icy fetter of winter have stilled its surface, so beneath her calm indifference was hidden a restless and insatiable desire for admiration. But the adulation and homage which a young beauty can always command in society were not enough for Isabel. Her vanity was not to be satisfied by any ordinary sacrifice. She required her admirers to become

lovers, and an offer of marriage could alone be received as a sufficient evidence of her power. Descended from an ancient English family, (of which, by the way, she was excessively proud,) possessed of wealth and gifted with beauty, you may easily suppose she had no reason to complain of neglect, and she put in practice every art which female ingenuity could devise, to secure those whom her charms had attracted.

At the time I first entered society she had already rejected many suitors, and it was one of her favourite pastimes to gather a few of her young friends around her, while she carlessly tossed over for our inspection copies of verses, billet-doux, letters, and other testimonials to the power of her beauty.

If there be anything which ought to expose a woman to lasting contempt, it is such an unpardonable breach of confidence as that in which Isabel indulged. The trust reposed in her by a suitor for her hand, whether his offer be rejected or accepted, should be held most sacred. If accepted, it is enough that her nearest friends are made aware of it; if rejected, none—not even the sister of her childhood, should be informed of it. If counsel be required by the young heart, let it be sought from the mother who has watched over the expanding bud of her daughter's affections, even as she once kept her vigil beside the cradle of her infancy. But when a man unlocks the secret chambers of his breast, and lays open his dearest affections to the gaze of her whom he loves, no careless eye should be allowed to behold the treasure, even though she value it not. It has always seemed to me that one of the strongest proofs of a woman's heartlessness is afforded by a long list of rejected suitors. Women are quick in discerning their own power, and she who professes correct principles and kindly feelings, will endeavour to prevent an offer which she does not mean to accept, rather than wait to reject it as a homage to her vanity. Men are seldom disposed to make an actual proffer of their hand without some prospect of success, and any woman possessed of our sex's tact can delicately hold out encouragement to him whom she prefers, while she opposes the barrier of friendship to the advances of others. It is true that men are not always acute enough to take advantage of our consideration, but I know of no circumstance which can excuse a breach of confidence towards the unsuccessful lover.

Isabel's tact in "playing her victim" was unequalled. While she never departed from her quiet manner, she yet managed to adapt herself so well to the peculiar character of her admirers, that each believed her to be studying his tastes and moulding herself to his standard of perfection. Then she was a matchless manœuvrer in the arrangement of time and place for securing her prize. In the gay party and amid the excitements of mirth the snare was laid for the frivolous,—the moonlight-walk and the fascinations of sentiment were lures for the enthusiastic,—the quiet household circle, and the rational pleasures of home were traps for her more practical admirers. I have sometimes, in later days, tried to analyze the secret of her influence. It was not alone the spell of beauty, for I have seen others equal to her in personal attractions, who were yet completely overlooked in her presence,—it was not genius, for though intelligent, she was by no means gifted with superior intellect,—it was not the variety of her accomplishments, for in all the higher attainments of the mind she was very deficient, and her knowledge of mere feminine accomplishments was very superficial. What was it then which bowed down the aspiring intellect, subjugated the pride of self-love, and compelled the homage of the wise and the ignorant, the warm-hearted and the selfish, the ardent boy and the calculating bachelor? The talisman by which all this was effected was tact. Tact in studying character,—tact in adapting herself to its peculiarities,—tact in discerning and flattering the self-love which lurks in the hearts of all men. This was the spell she used,—a spell to be purchased only, as was the fabled elixir of life, by the sacrifice of all the good which belongs to our nature.

Isabel had reached her twenty-fourth year, without having formed any attachment likely to end soberly and rationally in marriage, when she became engaged in a flirtation which proved more serious in the end than she had designed. Somebody, I have forgotten who, introduced to our acquaintance a young man who bore the name of Ernest Leclerc, and was said to be the son of a rich West Indian. His delicate health, which had been seriously injured by grief for the recent loss of his mother, had induced his father, who doted on him with a love almost approaching to idolatry, to send him to our city, in the hope that change of scene, and the bracing air of a northern clime might restore him. This was all we knew of him, and as he brought letters from a well-known mercantile house in New Orleans, and appeared to have almost unlimited command of money, we had no reason to doubt the truth

of the statement. Ernest Leclerc was not more than twenty years of age; small, slender, and pale, with nothing to attract attention in his personal appearance, except a pair of dark luminous eyes, which seemed to gleam with almost supernatural brightness from beneath his overhanging brows. His character seemed as feeble as his physical nature. Possessed of a highly poetic temperament, and a morbid sensibility, which led him to pour forth his exaggerated feelings in verse, he was yet utterly deficient in the higher attributes of genius, which alone could give him rank among the gifted sons of song. But bred up in strict retirement beneath the eye of a fond mother, his studies directed by one of the most unworldly scholiasts that ever wore a priest's cowl, and his self-esteem exaggerated by the love of his father, he had learned to consider himself a poet of no mean order. Utterly ignorant of society, and totally unprepared for its rude collisions, the pride of intellect was strangely blended with the almost girlish timidity of the solitary student. He believed himself far superior to the most of those with whom he associated, and yet he was conscious that in the power of pleasing he was far excelled even by the greatest dolts. His sensibility to his own personal defects, and his belief in his own unappreciated superiority, gave a degree of awkwardness in his demeanour which often exposed him to the ridicule of his associates.

But unprepossessing as were his manners and appearance, he was not too insignificant for Isabel's rapacious desire of conquest. Her superior knowledge of the world gave her a decided advantage over the unpractised boy, and she did not fail to avail herself of it. We were in the habit at that time of passing a part of every summer in the country, and when we left town Ernest Leclerc was so far infatuated with his beautiful mistress as to follow us and take lodgings in our immediate neighbourhood. Here, in the seclusion of the country, with no rival claims upon her attention, Isabel had full leisure to rivet her chains upon her romantic admirer. His guilelessness of character rendered her task an easy one, and she found but little difficulty in adapting herself to his tastes and habits. She became an earnest admirer of poetry, a passionate lover of the pursuits of litertaure, deplored her wasted time and lamented her want of talent; and all this with an inimitable grace which could not fail to captivate the senses of the shy and sensitive boy. She applied to him for information on many subjects, perused his verses with enthusiastic applause, and took care that he should see her beautiful eyes suffused with tears by the exquisite pathos of his lament for his lost mother. Imagine the effect of such arts upon a proud, bashful, imaginative youth. Ernest soon became the devoted slave of Isabel, and she spared no opportunity of exacting his homage. She loved to express the most *outré* and extravagant desires only that she might observe the readiness with which his wealth was squandered at her slightest wish. Not content with this, she even laid the uncontrollable mind under tribute, and at one time positively forbade his appearing before her unless he brought her a new copy of verses each day. Ernest sought to obey her in this requisition also, and you may suppose how much bad poetry was perpetrated in accordance with this whim. Isabel used to take his delicately written verses with extreme graciousness, read them with apparent feeling, and place them in her bosom until the delighted boy departed, when she would withdraw them from their concealment, and make them the subject of many a merry jest, as she threw the paper into her desk, that *omnium gatherum* of love-tokens and letters.

When Isabel returned to the city she carried Ernest as if chained to her chariot wheels, and it seemed to afford her infinite gratification to expose him to the raillery of her less sensitive lovers. But Ernest seemed to live in a perfect trance of happiness. Isabel was his thought by day and his dream by night, and with the romance of youthful passion he chose to indulge his vague and beautiful visions of joy as long as possible without mingling with them the commonplace realities of life. The time at length came when Isabel wearied of her poetic lover, and then succeeded coldness, pique, jealousy, and the thousand stimulants which arouse the ungoverned heart to frenzy. Ernest had wooed her in the language of song, and he now demanded in plain prose an answer to his suit,—scarcely doubting that it would ensure his future happiness. What was his surprise therefore when he met with a prompt and decided refusal! Half maddened by such an unexpected downfall of his hopes, the passionate boy poured forth the most earnest entreaties, which were coldly and almost insultingly checked. A torrent of reproaches, such as could only issue from a bitterly outraged heart, now burst from his lips, and the response was a series of those keen and cutting sarcasms which sometimes have power to sever the very heart-strings. He went out from her presence in a state of mind almost approaching to insanity. It was not alone disappointed affection, but

shame, and sorrow, indignation against his unworthy mistress, and a bitter disgust of life took entire possession of him. Too weak-minded to struggle manfully against the pangs which assailed him, unsupported by that moral courage which can teach a brave man to endure life even in the midst of torture,—dreading the ridicule and mortification to which she had threatened to expose him by means of his passionate verses, and conscious how entirely he had put it in her power to make him a mark for the finger of scorn among the volatile foplings of the day, he madly threw away his life. The morning after he parted with Isabel Athelstan he was found dead in his room. An empty vial on his table, and the sickly odour imparted by the deadly drug, alone told the manner of his death. Nothing was found which could give a clue to the cause of this rash act. It was proved on the inquest that late in the evening he had called up a servant, and given him a letter to take to the post-office. The letter was for his father, and the servant when he entered the room observed him busied in burning letters and papers, but there was nothing in his manner which indicated insanity or distress. This was all the information that could be elicited, for not a scrap of paper was found which could throw any light upon the matter. Only those few who were admitted to the confidence of Isabel could surmise the truth, but of course it was never allowed to become a subject of public remark, and it was impossible to judge from her demeanour whether she really felt herself guilty.

Soon after this event the illness of my dear mother confined me to her chamber, and finally rendered a sea-voyage necessary, so that before her health was sufficiently restored to permit me to mingle in society again nearly a year had elapsed. To my surprise I found Isabel Athelstan again absorbed in the conquest of a new lover. Colonel Morton had been introduced to her by some casual acquaintance, and he was too attractive a prize to be easily dropped. He was one of those men sometimes met with in society, whom time seems to forget or else to spare for their pre-eminent beauty. Tall and finely proportioned, with a figure sufficiently inclining to *embonpoint* to denote that he had passed the earliest prime of manhood, but with a cheek as unfurrowed, a brow as smooth, and locks as raven black as ever boyhood wore, it was quite impossible to conjecture his real age.

Whether he was too well practised in female wiles to be gained by such lures as Isabel spread, or whether he was of too cold a temperament to be excited by woman's charms, I knew not, but I soon perceived that he was not likely to be easily ensnared. His indifference towards her even approached contempt, and the sarcastic remarks which occasionally dropped from his lips as he watched the frivolous beings who fluttered around her, were well calculated to arouse her pride. Resentment now became a powerful auxiliary to vanity, and Isabel determined that, cost what it would, Colonel Morton should yet be made to feel her power. But for once she had met with an equal match. Colonel Morton understood the arts of coquetry as well as herself, and it was amusing to an unconcerned spectator to watch the movements of the opposing parties.

The colonel, it was said, had been educated in Paris, and if so, he had doubtless early learned the lessons which he was now practising. He was certainly extremely well fitted to create a sensation in society. His conversation was that of a man who had seen much of life in all its varied shapes: adventures by sea and land were but as household themes to him; he drew caricatures with infinite humour; his voice was one of unrivalled richness and sweetness;—add to these advantages that of a noble person and a reserved, almost mysterious bearing, and you will easily understand the interest which he excited. There was a careless grace in his manner of touching a few simple chords on the guitar, as an accompaniment to his French and Spanish songs, which could not fail of attracting the notice of all who beheld him, and the indifference with which he seemed to display his accomplishments, as if led to exhibit them by accident, was a most consummate piece of acting.

Isabel's arts at length recoiled upon herself. The interest she had so often feigned, she at length really felt, and while attempting to entangle the affections of the impracticable Colonel Morton, involved herself in an inextricable maze. Softened, as it should seem, by the unaffected tenderness of Isabel, he, at last, seemed to throw aside the coldness in which he had enwrapt himself, and it soon became evident that the game of coquetry would probably end in a serious attachment between the two players. Haughty to a fault, and entirely regardless of censure, Isabel did not hesitate to evince her partiality for the stranger by every possible method, while his growing regard for her was apparently repressed, and he seemed constantly struggling to overcome it. This was the masterstroke of his policy, for his fine person and

ıttractive manners were scarcely more winning to Isabel's heart, than his myste-
ɔerious bearing, his unconquerable coldness, and his reluctant submission to the
ırresistible power of affection. In vain Isabel's friends pointed out to her the folly
›f thus yielding up her love to one who seemed careless of his acquisition,—a man
whom nobody knew,—a foreigner who had never offered any testimonials of his
rank and standing in his native country,—nay, whose very country was unknown.
The long-slumbering passions of Isabel's nature were now fully awakened, and they
ɛeemed to have gained redoubled strength from their long repose. She loved Colonel
Morton, and she was proud to exhibit her affection in every mode which her inge-
nuity could devise. In his presence her wonted calmness was exchanged for a rest-
ɛss and feverish excitement; she watched his every look, and listened to the accents
›f his voice as if her very existence depended on them. At length I learned that
Colonel Morton had offered himself to Isabel, and been accepted. No inquiry had
been made respecting his character, his rank, or his fortune. Heart-sick with hope
deferred, Isabel had joyfully listened to his suit, and ere he had half urged his claims
to her hand, had gladly yielded it. She made no inquiries, because she would not
heed anything except her passion. She feared lest some obstacle might start up be-
tween them, and she resolved to trust for the best, without asking questions whose
answer might mar her happiness for ever. Isabel was an orphan, and the widowed
aunt with whom she had always resided had no power to control her wayward
will.

Preparations were immediately commenced for celebrating the nuptials in a style
of unwonted magnificence. Invitations to a very large number of friends were
issued three weeks before the evening appointed for the wedding, and all that money
could procure of rich and rare was put in requisition for the occasion. I was selected
as one of the bridesmaids, and Isabel presented us with our dresses, which were of
white brocade, embroidered with silver roses. During the short time which elapsed
previous to the marriage, Isabel exhibited an almost childlike joy, which called forth
the censure of those who considered such exultation as unwomanly and indelicate,
But the conduct of Colonel Morton was perfectly inexplicable. His moody and
restless manner was ill suited to a bridegroom, and once or twice I caught his eye
fixed upon Isabel with an expression of such dark malignity as made me shudder.

One evening we were gathered around a cheeful fire, and Colonel Morton, at
Isabel's request, had taken his guitar, when, as he stooped over the instrument in
the act of tuning it, his vest fell partly open, and a slender black chain, which he
wore about his neck, became entangled in the screws. Not perceiving it, he raised
himself suddenly, and by this movement drew from its concealment a small minia-
ture, which was attached to the chain. He at first seemed discomposed, and was
about to replace the picture hastily, but upon hearing Isabel's exclamation of sur-
prise, he turned and held it towards her. With a trepidation strangely in contrast
with her former composure, Isabel eagerly grasped the picture. It was the face of a
delicate woman, with little beauty, but great sweetness of expression, and as I gazed
on it the features seemed not unfamiliar to me. With a merry jest I looked up to
demand the name of her whose image thus lay upon the bosom of a bridegroom, but
as I did so, I caught a glimpse of the same dark, revengful, expression in his coun-
tenance, as his eye fastened with serpent-like fascination upon his bride. Isabel's
lip quivered as she returned the picture, and faintly repeated my question.

"It is the image of one whom I have loved as I shall never love again," replied
Morton passionately, "of one who is now an angel in heaven—of my wife!"

"Your wife!" exclaimed Isabel.

"Yes, my fair Isabel," said he, while a sneer passed over his lip with the rapidity
of lightning, "had you asked me of my past life, you would have learned that when
you were but a babe in the cradle I was a husband and a father."

Isabel started, but strove to smile as she replied, "I am older than you suppose,
Walter; you could scarcely have been wedded so many years ago, or else time has
forgotten to trace his characters upon your brow."

Morton smiled gloomily as he said, "Shall I tell you of my past history, Isabel?
Methinks you should learn something of him to whom you have plighted your
faith, though prudence would have dictated that such knowledge should have
preceded your promise."

There was a half-concealed sarcasm in this remark, which cut Isabel to the soul,
but she only shuddered and was silent. Colonel Morton, fixing his eye upon her
ıgitated countenance, resumed:

"I know not what you read upon my brow, Isabel, but it is certainly *forty-five*

years since I first beheld the light of day. I was born in a wigwam—my father was a Canadian fur trader, my mother an Indian."

At these words both Isabel and myself gave an involuntary start, which could not escape his notice.

"Yes," he continued, "the blood of the red man, the first possessor of the soil, runs in my veins, and I am prouder of that title to native nobility, than if, like my gentle bride, I could trace my descent from one of the great Norman robbers. My father sent me to Paris for my education, but I soon wearied of books and sought to study men. A life of adventure such as rarely falls to the lot of an individual in modern times has been mine. I married when scarcely more than a mere boy, and my wife and son lived in luxury and splendour on a rich estate in one of the West India islands, while I——no matter; this is not the time to speak of my course of life. My wife and son are both gone to a better world; I am now a lone and solitary man, but there is a debt due me which you, my gentle bride, must pay." His eye glared fiercely upon her as he spoke, but when Isabel raised her tearful eyes to his face, he banished all trace of his emotion as by a single effort, and with the sweet looks and honied words of lover-like blandishments, sought to soothe her troubled feelings. "Now tell me, Isabel," said he, after a pause, "are you still willing to wed the stranger, with the taint of Indian blood in his veins, and, for aught you know, the stamp of Cain upon his brow?"

"Walter Morton," replied Isabel, solemnly, as she stooped her lips to his broad forehead, "if the brand of Cain were written upon that brow in characters of blood, I would not believe *your* crimes had stamped it there."

For a moment Morton seemed touched and softened. "Come, my Isabel," said he, "we are growing too serious; let us seek a gayer theme. Tell me of your early days; did you never meet with one whom you once loved even as you now love Walter Morton?"

"Never."

"If this little cabinet of yours could be unsealed, Isabel, would it not tell some tales of lovers' vows!" asked Morton, as he laid his hand on her writing-desk.

"Look for yourself, Walter," said Isabel smiling, as she touched a spring and opened the desk.

Glad that the conversation had taken a gayer turn, I placed the cabinet on the table, and insisted that Isabel should examine and burn her love-tokens in the presence of her lover. With a gay laugh she consented, and as we tossed over many a letter which contained the genuine outpourings of affection, Isabel sketched many an amusing picture of the writers. We had already given many to the flames, when Colonel Morton took up a bundle of papers, tied together and labelled "Poetry." They were the verses of the unfortunate Ernest Leclerc, and fearing lest the painful story should be revived, I hurriedly threw them into Isabel's lap, but not before Morton had seen the handwriting. As Isabel flung them into the blazing pile Morton darted forward and snatched them from the flames. Seriously alarmed and vexed, Isabel strove to obtain them, but he was as resolute in retaining possession, until, dreading to excite his curiosity by her apparent desire to conceal them, Isabel promised to read them aloud if he would return them. Morton accordingly placed the scorched papers upon the table, and Isabel, drawing one from the parcel, commenced reading. But anxious to disarm Colonel Morton of any suspicions to which her anxiety to secure the papers might have given rise, she paused and drew a most ludicrous picture of her poetical lover. She depicted his timidity, his awkwardness, his exaggerated sentiment, his morbid sensibility; and while reading the poem, which happened to be his lament for his mother, she mimicked his nervous gestures and peculiar tone of voice. Shocked at her cruel mockery of the dead, I had not thought of Colonel Morton, but when I looked towards him, the expression of his countenance was almost demoniacal. Putting his handkerchief to his lip, which was bleeding profusely, for he had almost bitten it through, he pleaded sudden illness and withdrew, but the papers disappeared with him.

On the night appointed for the wedding a large and brilliant party was assembled. The apartments were decorated in a style of unparalleled magnificence, and everything displayed the union of wealth and taste. The clergyman who was to officiate on the occasion was already in waiting,—the bride and bridesmaids were attired in their costly array,—the groomsmen had joined us in the ante-room, and nothing was wanting to complete the arrangements but the presence of the bridegroom. The hour appointed for the marriage was seven o'clock, but minute after minute passed, and still Colonel Morton did not appear. Eight o'clock came, and then the grooms-

men sprang into a carriage and set off in search of him, while the minds of all present were filled with the most painful apprehensions. Isabel was almost wild with terror. Illness or death she deemed would alone detain him, and she sate with clasped hands and dilated eyes listening to every footfall. At length a carriage was heard driving at full speed to the door, and the next moment Colonel Morton entered the apartment. Overcome by her agitation, Isabel sprang forward and threw herself into his arms. Disengaging himself from her he led her to a seat, and while we stood in speechless wonder, he walked to the door and locked it; then, returning to his trembling bride, he looked down upon her with an expression I shall never forget, as he exclaimed, "Isabel Athelstan, my revenge is complete!—You love me—even now you would forgive the shame I have put upon you, and wed your laggard lover. Yes, my debt is paid, and I leave to a life of lingering wretchedness her who doomed to the grave of a suicide my beloved son! Listen to me!" continued he, as with a wild cry Isabel started from her seat—"woman, listen to me! He whom your cruelty murdered was my son, the offspring of the only pure affection that ever filled my heart,—the child of my love,—worshipped even as was his mother in the midst of crime. From the pollutions of my own dark life I rescued *them*. *They* never knew whence came the wealth which afforded them luxuries for which princes might seek in vain; *they* knew not why the husband and father left so oft his home of peace and splendour. My wife perished beneath the blighting touch of disease, and I laid her in the grave sadly but uncomplaining; but when my son was stricken down in the midst of his young hopes, I swore to be revenged on his murderess. Isabel, I could have pitied you—had you shown one womanly feeling or pitying tenderness towards his memory, I could have pitied you;—but no! you *mocked* him whom you had slain! Now go—and tell yon brilliant assemblage that Isabel Athelstan, the proud, beautiful, the high-born Isabel Athelstan, plighted her faith to Antoine Leclerc, the buccanier!—and was *spurned* like a reptile from his path!"

As he uttered these fearful words he strode away, and ere our cries could summon assistance he had made good his retreat. The whole house was, of course, a scene of confusion. Isabel was in strong hysterics, and we were too much overcome by the shock we had received to use much discretion in our details of the catastrophe. Before the next morning the whole town rung with the tale, and while Isabel lay between life and death, the story of her unprincipled coquetry and its fearful retribution was in the mouth of every one.

Colonel Morton, or rather Captain Leclerc, was never again seen in New York, but his black flag was long the terror of West India traders, and many an ill-fated ship vanished in flame from the waters over which his blood-stained bark careered.

What became of Isabel? you ask. She never again appeared in society. Bowed down by shame and sorrow, outraged in her pride as well as her affections, she took refuge in a distant country town, and in strict retirement endeavoured to conceal her disgrace. But it was not until time had destroyed her matchless beauty, and raised up another generation, to whom the events of her youth were but as legends of olden days, that she could feel herself free from the brand which stamped her fair brow with shame, or forget the blight which had fallen upon her young heart.

Brooklyn, L. I.

THE VILLAGE BLACK-LEG.

A Fragment.

BY A. L. STIMSON.

After a ride of fifty miles through piney woods, the stage stopped to change horses at one of those inns of which there are so many in Georgia, and which, with the exception of a flaming sign-board, swinging high aloft, so far in front of the house as to render the connection somewhat dubious, bear as much resemblance to an English inn as to the man in the moon. It was a building nearly new, two stories high, comfortable enough perhaps for ordinary purposes, but with an unpainted clap-board front, the sameness of which was only broken by three or four blindless

and shutterless windows of very economical dimensions, rude and unornamented, and glazed with glass which, when looked through, was as apt to represent the person looked at with his head under his elbow as any way. At the corner, opening above a step composed of a single log, was a door severely plain in its appearance and in no-wise relieving the naked and cheerless aspect of the outside. Had there been a tree or two in front, or some plants in the windows, or present even a few hangers-on, so common to most taverns, Henry could have endured it; but with not a thing to relieve the eye except the garish sign-post, he could only hope to find something more cheerful in-doors.

The bar-room, which served also as travellers'-room, was rather small, and from its every side—floor, walls, and ceiling—clean, plain, red-pine stared him in the face. Even the bar, which rose with an unbroken front as high as a common man's chin and thence was continued (when temporarily closed, as was now the case) by slats, to the ceiling, was composed of the same material. Three or four of the plainest kind of high-backed, white-oak chairs were disposed stiffly about the apartment; a small toyish looking-glass was the only show of ornament, and a little fire was burning in a very large fire-place. As Henry entered this most unsociable and cheerless of all bar-rooms, he was greeted with a familiar nod from a dapper little man, whom at a glance he had noticed hastily adjusting a pair of frowsy yellow ear-locks under the greasy brim of a sugar-loaf shaped hat, once genteel perhaps, but now broken and discoloured. This gentleman, (who might be thirty or thereabouts,) so far from being superannuated like his venerable castor, communicated to it something of his own juvenile spirit, and it really had a jaunty air—something of the Beau Shatterly order, though, as it inclined over his right eye, and on the bridge of a nose which, in itself, without taking into account the vivacious co-operation of a twain of little, twinkling, speculative, grey eyes, was the very embodiment of pertness. It was not large, it was even squab, but it possessed character—more than its owner, it may be, for a blush mantled its slightly elevated terminus, occasioned, it is quite probable, by his too frequent potations of that kind of whiskey, better known in these parts as *rot-gut*. His chin turned upwards, too, but its inclination to soar was far less natural than that of the proboscis, it being artificially boosted by a high stock, the bristles of which displayed themselves in several places, in rivalry of the semi-circle of deep yellow whiskers above them. Neither collar nor shirt was apparent to the naked eye, and over the chunky breast (rather prone, like the periphery below, to corpulency) was buttoned what *had been* perhaps a fashionable black, broad-cloth, dress coat; and which still, despite its greasy collar, holey elbows, and distained whole, was not only buckish but (with the aid of three or four brass buttons of different patterns) even swellish in its ruin. Supplementary to this, was a pair of walnut-dyed cotton pantaloons, of much less aristocratic origin than the coat, but in much better repair; a fact which compensated in some measure for their extreme adhesiveness to the wearer's legs, threatening the vital circulation therein, and for being so brief that they barely reached an inch or two below the top of the boots,—which last, by the way, would have better answered for summer wear, being thoroughly ventilated on the sides.

"Light! light, sir!" said this worthy, in the idiom of the country, and with a confident air intended to pass for bluff hospitality, at the same time rubbing his hands together nervously, and indicating a seat to Henry. Our friend disliked this familiarity, coming as it did from one of whose worthless character a single glance had acquainted him, but he made no comment and sat down in silence. These twain were at present the only occupants of the room, Henry being the only passenger, and the landlord and the driver being engaged in the stable.

After walking the floor uneasily for a minute or two, fondling the yellow locks, scanning his own figure now and then in the glass as he passed it, or glancing furtively at that of our friend, he stopped suddenly before the latter and said, with the rapid utterance and suavity which seemed peculiar to him,—

"Stranger, take a little brandy and water?"

Now notwithstanding that this question, in nine cases out of ten in which it might be put at random, would be considered anything but annoying, Henry did feel annoyed. In the first place he did not like the liberty which the man had taken, and lastly it rudely dissolved some dreamy castles then in process of erection in his imagination. His rejoinder was accordingly a little stern.

"Are you the landlord of this inn, sir?" said he, leaving the rebuke to be inferred.

"No, stranger, no—I tried the civil, that's all!" replied the other in a manner in which there was a mixture of nonchalance and apology.

"Then I will *not* drink with you," was the quiet contemptuous rejoinder. In a moment after, the landlord entered, looking as much like a landlord as his house did like an inn, and with his domicile his cold, unassuming, unsociable demeanor tallied well. Like most tavern-keepers in this part of the country, so far from showing any of that obsequiousness so common to landlords out of the United States, he was the last man that would have been taken for the host by those unacquainted with him. It was enough for him, he thought, to sport a sign-post and denominate his house a hotel; for the rest, "his customers,"—as he once said to a stranger who had rallied him on his deficiencies,—"must look out for themselves; this was a free land and he did'nt *car* to make himself a drudge for nobody; and if they did'nt like it, he'd jist as lives they'd lump it. He'd hams enough in his smoke-house, (in this country every man cures his own bacon,) chickings enough in his yard, and corn enough in his crib, and he did'nt ux not no favours never!"

Such was the man who, at Henry's request, sluggishly opened his cage-like bar, and made him a peach-brandy-toddy. Our friend had despatched his drink, and fallen once more to musing, and the gentleman in the walnut-dyed pants, and habit more pursy than his pockets, nothing daunted by his late repulse, was whistling snatches of *Jim-along-Josey* in an under key, walking restlessly to and fro, his hands when not employed on his hair, exciting each other as if on tenter-hooks, for the lack of something to do, and his face expressive of the pleasing consciousness that he could do many very clever things if he only had the opportunity, for which he was itching with the liveliest desire, when rather abruptly he ceased in his perambulation, and walking up to our friend, whose manner did anything but court such philanthropic attentions, he exclaimed with the air of one who felt that he was doing a deed devilish good-natured, and could'nt help feeling a little patronising on that account:

"Stranger, der yer want ter make four hunderd dorlars? cause if yer do, jist yer put up a hunderd dorlars forfut, an stay here all night, that's all; an I can put yer in the way of makin *four hunderd dorlars.*"

Henry looked up to admire for a moment the fellow's impudence. That benevolent individual was posted close to him, directly in front; his aged castor located more jauntily than ever above the radiant earlocks, the upper part of his body inclining towards his auditor, its equilibrium gracefully maintained by his left leg, which was stuck out on an angle of forty-five degrees, as was also his left hand, on the palm of which were placed three of his dexter digits; the more forcibly to bring his hearer's fancy to the quadruple hundred of which he spoke. But his face—the eloquent persuasiveness of that, as, in response to the uninviting stare of Henry, the ambitious philanthropist repeated his proposition as if perfectly aware of its immensity, at the same time that he felt pleasingly and proudly assured he could fully substantiate his charitable position, was beyond description.

"Yes," said he, raising his right hand as he did so, and then replacing his fingers again very impressively upon the imaginary bank-notes in the hollow of his sinister paw, "if yer want ter make four hunderd dorlars, jist yer put up a hunderd dorlars forfut, and stay here all night, and I'll put yer in the way o' makin' four hunderd dorlars!" And he looked as if he thought that if the person whom he addressed could withstand *that* temptation, he was not the man he took him for, that's all. Nor was he, for seeing at once through the flimsy artifice of the Village Black-leg, (which was to detain him for the purpose of play,) Henry, laughing in his sleeve at the fellow's appearance and address, said to him in the same contemptuous tone which he had before used:

"Hang your confounded place! Stay here? You could'nt tempt me to stop here all night *for* four hundred dollars! It is more than the whole village is worth."

"Never you mind!—if yer want to be put in the way of makin' four hunderd dorlars, jist you put up *fif*——"

"Stage ready!" cried the driver, who after a delay of ten minutes in substituting fresh horses for the jaded ones, was now ready to start again; and leaving the pertinacious gambler to complete the proposition, solo, Henry sprang into the coach. Whip was mounting his box, and our friend was congratulating himself upon being released from the importunities of the little philanthropist, when the latter shouted, "Stop, driver! *I'll* take a chance in *that!*" Accordingly, much to the chagrin of Henry, who felt that, being the only other occupant of the stage, he was exclusively the material to which the operations of the bore would for the present be confined, the man was admitted, and with an expression of the most congratulatory opinion of both himself and fellow-passenger, took a seat opposite him.

Henry wrapped himself retiringly in his cloak, and assumed an aspect which he thought best calculated to check the slightest communication from the other, who, on his part, for the lack of something more substantial to wrap his own person in, hugged himself in his own good-natured self-conceit, apparently with the liveliest satisfaction. In this way they had proceeded a mile or two and not a single word had been uttered by either, when Henry's co-traveller abruptly broke the icy silence :—

"I *am, prehaps,*" said he, "the greatest man to play a game at *seven-up* in all Scriven !"

Now this announcement of his superiority to all in his country, at this very popular game of cards, elsewhere known as *Old Sledge*, or *all-fours*, (a game of which to be ignorant, was in his opinion to be uncivilized,) was, he thought, an implied challenge to play, altogether too "tauntingly-temptatious,"—to use a phrase of his own,—for the other to resist. To his surprise, his fellow-passenger evinced not the least indication, either for or against the claim which he had so tantalizingly advanced to so exalted a position above the "human" Scriven. By nature persevering, however, he repeated his bold assertion, but with no better effect than before. He whom he addressed said not a word, nor looked as if he intended to for sometime to come. His appearance usually stern, and now more so than ever, awed the adept at "seven-up," into a, to him, most unsatisfactory silence, and allowed our friend again to lose himself in thought. Though this was very pleasant to the dreamer, his companion took it as uneasily as a fish out of water. He fidgetted about, attempted several times to whistle his favourite "Jim-along-Josey," and as often let it die on his lips as soon as commenced, played with his ear-locks, brushed his hat affectionately with his coat-sleeve, fingered nervously something in his pocket, and at last after they had progressed another brace of miles without a word having been said, he broke silence again and brought back Henry's mind from its wool-gathering. The remark was not materially different from the one formerly made, but the man of Scriven did it with more deliberate emphasis than at first; at the same time bending, looking up to Henry's face, and raising his right hand a little and bringing it slowly and emphatically down upon the seat which intervened, while his voice, though bland, expressed, as indicated by his closed teeth, a deal of half-suppressed energy.

"Yes, I am, *prehaps,*" (and he dwelt upon this qualification rather sarcastically,) "the greatest man, to play a game at seven-up—in all Scriven !" and he looked wistful for immediate opportunity to make good his assertion.

"Look here, my friend," said Henry, "if you are riding here to get me to play with you, you will be disappointed !"

The other's jaw fell a little. "But *wont* you play *one* game ?" he cried coaxingly, "jist for enough to make it interestin' !" at the same time producing a pack of cards from the pocket in which he had been feeling so uneasily, and handling them in the playfully expert manner common to old players immediately preceding a game.

"Once for all,—I will *not* play with you !" was the response.

"Only for a *quarter !*" (quarter-dollar,) cried the other, persuasively.

"Hallo, driver !" shouted Henry.

"What's the fracture ?" asked that personage, as he pulled up.

"Put this man out !" was the brief and stern reply.

"Oh, I'll get *out,* if you wont *play !*" said the little man, with an air deprecating any violence, and "more in sorrow than in anger,"—"But *wont* you try a *small* game of seven-up ?—jist a small game !—'twont take long !—we can play it while he stops !—*only* for a quarter !" and the eccentric gambler dealt off the cards affectionately on to the seat in front of him,—eyeing them with a half-subdued enthusiasm which he wondered the other did not share. But our friend was inexorable, and the driver impatient, and consequently the village black-leg was bundled out rather unceremoniously, and left to retrace on foot his way three or four miles to the tavern, which he had left so unprofitably.

Laughing heartily at this incident, in a few moments after he had resumed his journey thus interrupted, our traveller had the curiosity to look after his quondam companion. His merriment was increased at discovering that individual seated by the roadside on a large flat rock, on which he was earnestly playing his cards, doubtless with some imaginary partner. At the commencement of a descent ten or twelve rods further on, the driver stopped to lock his wheels, and taking this occasion to look back again in the direction of the player, whose person was now hid from view by a bush, he saw an old negro driving from out a field of cotton near by, a team of

t, and singing cheerily some lines of a popular song of his race, of which the ving is a specimen:

"De Lord he make de bee, an' de bee he make de honey,—
De brackman make de cotton, and de white shabe de money—"

this point of his song he was interrupted, and induced to stop his team, by some or other from some one at the roadside, and in another moment Henry heard llowing question shouted in a voice which was most indubitably, the property little man of Scriven:

ook a-hem, buck, 'll you play a little game of seven-up?"

SKETCHES OF AMERICAN POETS.

BY ISAAC CLARKE PRAY.

BRAINARD.

AINARD'S poems have been very popular, not for any displays of remarkable s, but for their sort of "throw-off" easiness and unstudied grace and delicacy of nent. They seem to rise, like the fabled goddess who was born of the ocean-

They are gentle in their excitements—like the flowing of the under currents ne small lake, where the surface is a quiet mirror, only broken, at times, by the ming beak of some domesticated, golden-pinioned songster.

s poetry is not of a lofty order. It contains not the strong, wild breathings of l whose poetic ardour is like tameless fire. We love his little pieces. They ne companions whom we would keep by us on the bank of a small stream, in an noon of June, when all is quiet, except the low dull singing of the hidden insects the slight shiver of the tree-tops.

has no great claims to the regard of posterity; yet we would not be deprived s works, for they impart, better than the productions of any other American that soothing and holy influence to the ocean-like mind, which comes gratefully pleasantly at all seasons, and, especially at that time when we feel injured or tten by those ruling powers which grasp with blind ignorance of our nature, nyielding and uncomplaining spirits.

BRYANT.

s has been ranked by some as the first of our poets—but the number is small really think that he merits such rank. More poetical master-spirits are on the h and south of him. His flights are like those of the swallow, seldom resembling earless darings of the eagle. He gives much beauty to his productions—the ring of care; he has much correctness—the emanation of taste: he writes but articles, thereby displaying the weakness of his genius, and the fear of losing eputation.

ie poetry of his blank verse is more exalted than that of his rhyme, and he owns of the richest and most unique specimens of that kind of writing which can be l in modern poetry.

is well known that the little nautilus lives in the depths of the waters, and in weather mounts to the surface, throws up its gossamer sail, and is wafted along rfect safety; but, in prospect of a storm, furls its sail, and sinks to the bottom. is with Bryant. He comes slowly to his task—trusts not to his powers to bear ainst a sea of criticism, but makes safety even before danger, and is contented e in his little sonnets and occasional verses.

s claim is small on us, and to rank him too near the first poet is doing him too injustice. He can no more stand by the side of some of his contemporaries the nautilus can equal the majestic and storm-braving ship.

DANA.

s are disposed to be favourable to Dana, but yet we will not esteem him, as do, the most energetic of our poets. In sooth, we cannot tell who holds, or is likely to hold, such a situation. We can see no reason for giving Dana the , and we should, if it were demanded of us to decide, hand over our vote to that

His productions resemble more than anything we can think of, some of those dark, old paintings of the early masters. There is a blackness without a gloom scattered over them, and you will often discover a slight dash which is brilliant, or a rich colouring whose beauty forms a pleasing contrast to the surrounding darkness.

We esteem "The Buccaneer" one of the best modern poems that has been published. It is full of power and is remarkably concise. It works on our emotions with tremendous force, and excites in the mind some of our best feelings.

As to the prose of this writer, it may be said to be full of poetry, which is quiet and still, unbroken by harshness, and only at times awakens us by some sudden gorgeous or dazzling splendour.

Dana resembles Wordsworth in many respects. He exhibits much love for the nature of man, and would awake in the mind of others that respect for the soul which leads it on to discover the joys of its contemplation, and the ennobling principles which it excites when under proper observation.

FAIRFIELD.

He exhibited his great poetical mind in his early productions. There was a vast poetic daring in them; but now that age has mellowed, greatly, his taste, he writes better and with more power. He has improved wonderfully—and this is saying what can be said of but very few.

He ascends the "spirit's-ladder" even to the starry world, and fearlessly presses toward the portals of the temple of poetry. He is encinctured by more of the hallowed fire than any of his associates, excepting Percival, and his soul leads him on with such ardour that he has not time for perfection. His mind is wrapt up in the enthusiastic love of his art. He has a good portion of the spirit of ancient poetry, and with a little more simplicity, his writings would become still more popular than they are at present.

His genius is unquestionable. It is wild to extravagance oftentimes. Like a powerful spirit, he will carry us away to sights of frightful sublimity, or will lead us through scenes of quietness and joy; but too often to the former. The progress of his genius may be likened to the broad stream of Niagara, pouring over into the abyss which it is bewildering to behold—but where is sent up a bright and beautiful mist, converted into a bow of beauty and glory and magnificence.

HALLECK.

This writer has very little of what may be called Miltonic fire; and since we have but one notion with respect to genuine poetry, we class him among those poets who only aim to please. Compared with Milton, what is he? Compared with Byron, what? Place him with Burns, is he equal? How does he appear with Coleridge, or Cowper, or Wordsworth, or Wilson, or Moore, or Hogg? With our own Percival how does he compare? Is the construction of his mind as poetical as that of Dana's? In comparison with these he is insignificant, and yet only in comparison with these can his merits as a true poet be tested. If you place him with those who, for amusement, write poetry occasionally, he towers above them—he stands high; but whether he will be esteemed highly by posterity is a question easily answered.

He has, like others of the New York Phalanx, written a very little, and that little has been well finished and on local subjects, so that we are pleased with his writings. We would commend them as pearls of value, but we cannot compare them with the gems of greater worth.

There is nothing which can so well give an idea of his powers as the reading of his "Alnwick Castle." He is in it, throughout the whole. Indeed, it strikes us, now that his poetry resembles a castle, not as we may imagine it to have been in the days of romance and chivalry—but as the time-worn, moss-covered relic of departed glory glorious only in reality, as it is filled with the trophies and equipments of former times, and surrounded by beautiful objects, which are associated with many things which all love and admire.

HILLHOUSE.

Whatever this person has done in poetry, has been correctly and well executed. It is of the nicest and most chastened species. His works are pages of beauty and propriety, and of rich and exalted poetry. He has not thrown out upon the world, as so many feathers, fugitive pieces, which light on one newspaper to be puffed off by another—but his works are full, finished poems, like those productions of the great masters who wrote

"Whilome in Albion, happy isle!"

This author is scarcely seen in his works; and we only think of him, after we have come away from his writings. There is a reason for this. Of his three principal productions—and of these "Hadad" is the best—two are written in the dramatic form which precludes the author's appearance. He is not present to give us descriptions of personal feelings, but his creatures pass before us like the pictures of a dream, or as imaginings of our own fancy. As to the dramatic form of composition, we think it is the best mode for the poet to present truths, since he is lost for a time, while the characters he has created sustain the whole business, and free him from much with which he might be charged to his inconvenience, and, perhaps, with some detriment to his reputation.

Hillhouse is remarkable for his confined brevity—for his perfectness and delicacy. His productions resemble angels of beautiful forms, whose appearance stands out before us in just symmetry, their wings poised with majestic grace, and altogether free from impurities. So well proportioned are they that nothing can be imagined which placed by them would add to their glory or perfection.

This author's works, like those of others who are of great merit, are only in the memory of a few. But the praise of the few is far preferable to the acclamations of a thoughtless rabble; and to be held in esteem by them is an earnest of that glory which time places on the growing, budding, and imperishable crown of the true poet.

LONGFELLOW.

THIS poet has not written a great quantity; and that which he has written, although it defies criticism, does not in our estimation, render him what some have declared him to be—the best poet.

We hold it that a fair reputation among our acquaintances is not *glory* with posterity; and this is what we believe Longfellow possesses. We judge that if posterity call his name as a poet, it will be only to remark that in viewing American scenery his poetical eye is an exact and perfect mirror. As a descriptive poet, Longfellow stands in an elevated station—and we would be pleased, as well as others of his friends, if he could deliver over, for the press, more of his productions. We know of very few productions which, in the summer months or in the close room in winter, read and please so well as his—especially, when they are most descriptive.

Longfellow is a capital painter of all that is beautiful. We have not in our mind a single startling picture which he has created. Any writhings of agony—any passionate exclamations, except such as have been refined by the contemplative soul, —we have never beheld. His pictures are all soft-hued. He paints, to use his own words,—

> The sylvan pomp of woods—the golden sun—
> The flowers—the leaves—the river on its way—
> Blue skies—and silver clouds—
> * * * * * *
> Groves, through whose broken roof the sky looks in—
> Mountain—and shattered cliff—and sunny vale—
> The distant lake—fountains—and mighty trees—
> In many a lazy syllable——

There is very little running, apposite sentiment interwoven with his descriptions. He does not seem to see, when he is describing a scene, anything palpable, corresponding to it in the mind or in the moral world. What, it occurs to us, makes descriptive poetry of real moral utility is to have every scene with its shadow of sentiment or thought, not confused and thrown up in a mass, at the end, but defined and distinct, and attached to its proper object, so that the soul may catch it at once, and be hallowed by its power.

PEABODY.

THERE has been very little calm, devotional, poetry written in America. We wonder that there is not more of it, since we have so many divines, whose pens flow with remarkable ease and grace. Every one knows the delight which the mind takes in religious musings; and that it is equally pleased with poetry founded on the same spirit, cannot be questioned.

Peabody has admirably succeeded in this department. A silvery line of pure religion, fresh from the heart, vibrates throughout, and girds all his pieces. His poems are the repositories of holiness and goodness—having a pervading spirit which turns man to the contemplation of himself and his God.

Yet Peabody has no lofty genius. He is tame, except so far as his subject is concerned. There are no strong, brilliant flashings of inherent poetry, which display an imagination wholly and deeply poetical. They are quiet musings, freely and pleasantly written, but remarkable for nothing but the true fervour of religion.

There is a class of readers, however, to whom he is peculiarly acceptable—they are not those who make nice demands for genuine poetry, but such as love religion as it exists in the mind without the instructions of revelation.

There is nothing very original in his productions. An acquaintance with the best writers has purified his taste, and has given a poetical cast to his thoughts. Yet his productions are worthy of repeated perusal, and his reputation has been well acquired. May he live to write more, and to enjoy his reputation, unmolested by satire or cavilling.

PERCIVAL.

PERCIVAL is the most learned poet of America; indeed, it may be doubted whether there can be found in the world, a more learned man, whose poetical rank is as high. Of that vast number whose names have been, and are, before the public, no one will be held in higher estimation, perhaps, by posterity, than this writer; and to whomsoever shall fall the task of recording this man's character, there will rest on him a responsibility such as has hitherto fallen upon no American biographer.

Percival's productions are so numerous that to mention his peculiar characteristics as a poet is almost impossible. Power is visible, however, throughout all his works. His imagination is free, almost unbounded, and he seems to soar with enthusiasm amid the elements of poetry—not totally heedless whither he goes, but hazarding too much, sometimes, by boldness. His descriptive verse is generally rich and delightful—always American where it is not solely imaginative; and his perception of the beauties of nature is great—greater than that of any one of our poets who has gone before him, or who is a contemporary.

His sentimental poetry, though it be less evident in some pieces than in others, is simple and dignified, though sometimes morose and solitary in its principle.

We are unable to tell to what Percival's poetry can be likened. Perhaps the best thing which can shadow out its character, is a river, one of whose sources is a brook, over which willows hang silently, but which, as we move downward and onward, spreads out into a stream of brightness and beauty, till it at last empties itself into the ocean.

PIERPONT.

THIS writer we do not place among the chief poets of America because he is a very popular poet, but because he is a better poet of his order than any one who can be found in the country. We mean the couplet-writers, or those followers of Pope's school, whose writings are, generally, sensible prose pieces dressed up in rhyme.

Pierpont does not belong to this school entirely. He has some better qualities than most of its writers. He is concise in his poems, and has considerable strength, and merits, as he receives, the commendation of the public.

It is, however, owing to his occasional pieces that he is popular. He has written several of the best odes that have appeared in America. These will stand in comparison by the side of the compositions of the best ode writers of England.

He is American in spirit. His odes are so, also; and no person who can read his verses will deny to him praise for the correctness of his style, and for the spirit which breathes and burns through his writings.

"The Airs of Palestine" is the poem by which he first distinguished himself. This is a pretty production, and falls upon us like a strain of music when twilight is gathering her shades; we have read it often with great pleasure, and hope always to have it by us through the summer evenings, to cheer us at our open window.

PIKE.

WE may be excused some time or other for introducing a name which has been like the writings of this author, but little circulated. Pike has a poetical mind of lofty order—his writings are free out-pourings of a glorious imagination, and he does not labour upon his compositions. Of his fame he is wholly careless, and almost every production of his pen has been given to us in the way of friendship, and otherwise, might never have been placed before the public. "The Hymns to the

ods," which were published through our agency in *Blackwood's Magazine*, in the pring of 1839, are proofs of his genius, and will remind the reader of Shelley and eats. Our desk is filled with his gifts, and we present one as a specimen :

TO SPRING.

BY ALBERT PIKE.

O thou delicious Spring !
Nursed in the lap of thin and subtle showers,
Which fall from clouds that lift the snowy wing
From odorous beds of light-infolded flowers,
And from enmassed bowers,
That over grassy walks their greenness fling,
Come, gentle Spring !

Thou lover of young wind
That cometh from the invisible upper sea,
Beneath the sky which clouds in white foam bind ;
And settling in the trees deliciously,
Makes young leaves dance with glee,
Even in the teeth of that old sober hind,
Winter unkind !

Come to us—for thou art
Like the fine love of children, gentle Spring !
Touching the sacred feelings of the heart,
Or like a virgin's pleasant welcoming ;
And thou dost ever bring
A tide of gentle but resistless art,
Upon the heart.

Red autumn from the south,
Contends with thee—alas, what may he show !
What is his purple-stained and rosy mouth,
And browned cheeks, to thy soft feet of snow,
And timid pleasant glow—
Giving earth-piercing flowers their primal growth,
And greenest youth.

Grey summer conquers thee—
And yet he has no beauty such as thine ;
What is his ever-streaming fiery sea
To the pure glory that with thee doth shine !
Thou season most divine,
What may his dull and lifeless minstrelsy
Compare with thee !

Come, sit upon the hills,
And bid the waking streams leap down their side,
And green the vales with their slight-sounding rills ;
And when the stars upon the sky shall glide,
And crescent Dian ride,
I too will breathe of thy delicious thrills
On grassy hills.

Alas ! bright spring—not long
Shall I enjoy thy pleasant influence ;
For thou shalt die the summer heat among,
Sublimed to vapour in his fire intense ;
And gone for ever hence,
Exist no more—no more to earth belong,
Except in song.

So I who sing shall die—
Worn unto death perchance by care and sorrow,
And fainting thus with an unconscious sigh,
Bid unto this poor body a good morrow,
Which now sometime I borrow,
And breathe of joyance keener and more high,
Ceasing to sigh!

SPRAGUE.

We suppose that there are many who esteem this writer one of the best bards in the American band of verse-makers; and fearing that we shall not be understood in our remarks—as we are not likely to be where taste is not very discriminating—we will say that Sprague is a favourite of ours; or, in other words, that we admire his writings. But we do not like them as real, genuine, untramelled poetry. Poetry is a graduated thing; and we always judge it by a comparison of its effects, believing that

"There is writ
Gradation in its hidden characters."

As there are between the highest archangel and the lowest mind, different orders of intellect, so the world of poetry has her ministers for their various offices, each differing in capacity.

We do not think that Sprague is on the lowest round of the "spirit's ladder;" on the contrary, we believe that he is not far below mid-way, and at a height where he need not blush to stand.

In warm and vivid fancy, Sprague is wanting, yet his works are generally well polished, and beautiful specimens of art—the creations of a refined taste—not covered with varnish polish which is sometimes given to beautiful minerals, but made valuable by the more elaborated and permanent polish by attrition, which it requires great pains and labour to gain.

His poetry is for the city and for the parlour, not intended for the soul which is heedful of scenery or in contemplation of its own existence. It resembles a piece of delicate statuary, seeming to have life; but, on inspection, proving to be the work of a cultivated taste, and of great art.

Yet what we have just now said will not apply to all of his compositions. There are works, and many passages of striking poetry, of soothing philosophy, and of finely-wrought musical language by which the most ardent student of poetry will be profited, if taught to admire. We wish that all poetry were as well finished, and as scrupulously scanned as Sprague's; it would save a man of genius much severe criticism, and would render him far more agreeable to readers generally.

WHITTIER.

This author's writings, we believe, are much admired and praised by all lovers of poetry. With the emotions and passions of the mind, he seems to be engaged for the most part, and seeks not for wild conceits, "beautiful when detected." His versification is vigorous, excessively so, and his conceptions are animated, and graphic, and full of deep interest. He does not strive to obtain words of beauty and ornament merely, but transcribes his feelings or the pictures of his imagination in correct and fresh language.

His eye is open on nature and her forms; and the whole broad scene which he may be creating, rises before him peculiarly definite—not distant and dim, but near to his organ of vision—each portion bright and full, even to truth, as if drawn up by the power of a telescope.

There is a tendency in this accomplished writer to picture, after the manner of Crabbe, some of the darker feelings of the human heart. The sunlight of his genius does not always silver over, and shoot through the cloud, in his mental vision, lighting it up into pleasing brightness; but leaves some part of it dark and deeply shaded, so that the scene which is rising becomes loaded with a heaviness which casts a gloom on the soul. We trust that this tendency will be checked as far as it can consistently be done, or, at the least, that the poet will not hazard such picturings, for the sake of displaying a power which he unquestionably possesses.

It is to Whittier, in our opinion, that the American public ought to look for an elaborate poem on a great subject, which may redeem the poetical profligacy of our poets; and we trust that he will be induced to commence one, for we believe that

there is no one—and we except not the poets of high name among our countrymen—who would succeed so well.

WILLIS.

WILLIS has had much to encounter since he commenced his career—and, among other things, as much of malignity as one could be reasonably supposed able to endure. When he first came out as a writer, he received much homage—and though he has had his little dalliances, yet we think that it is not our business or that of the public to meddle with him on these matters, least of anything, to enter his toilet-room, and give him advice on the tie of his cravat.

Willis is evidently a careful writer. His pieces are faultless in versification; and they exhibit a close communion with the old masters, who appear to have mellowed his taste to an excessive degree of refinement. For nice and delicate descriptions—for giving the expressions of those feelings which are with difficulty described, and for giving the philosophy of those feelings, he is unrivalled.

His style is rather peculiar. He has, sometimes, too much of the glitter and show of verse, yet much that he has written is perfect in its kind, and is more chaste and correct than the poetry of most of those in whose scoool he is ranked. There is an intellectual character in his works which will render him a beloved poet; and however he may write, he will still be respected for what he has produced, and his genius will be extolled for what it has had the ability to accomplish.

The poetry of Willis is always pleasant reading; but there is so much of it, and it has so many characteristics, that it is hard to express its quality by any figure—it is a combination of lilies, pearls, diamonds, and fire.

NATIONALITY AND COSMOPOLITISM.

A TRANSLATION FROM THE DEUTSCHE VIERTELJAHRS SCRHRIFT.

To the remarks we propose to make, respecting the controversy which has recently arisen in the domain of philosophy and politics, a historical sketch may serve as an introduction. Our busy age has forgotten, it seems, many instructive reminiscences of earlier days; to revive them, therefore, must be appropriate to our circumstances.

In the last century there sprang up, among the so-called philosophers, a wonderful enthusiasm for humanity; but they meant by this term at first only *the people*. The wide difference, the antithesis between these two ideas, they did not perceive. They wished to restore the dignity of man by emancipating the classes which had been previously oppressed, the *tiers état, the people proper*, and by abolishing the privileges of the clergy and the aristocracy. They made domestic politics their point of departure; and there they remained at first. They desired the newly constituted governments (in France and North America) to ratify, first of all, the universal rights of man, and then the particular rights of the citizen. This enthusiasm for humanity, therefore, was available only for the people, and it exerted all its influence on domestic policy. Humanity was made prominent, in order that the future governments of the new states might always keep in mind the respect which they owed to men, or to the governed. To the rights of nations, to external affairs, to the political relations of one nation to another, no attention whatever was paid. Those nations which promulgated the universal rights of men (the Americans and the French) had enough to do, in the first instance, at home; they aimed, therefore, only at a reformation of their intestine policy. Least of all did it occur to them to understand by this philanthropic philosophy, *Cosmopolitism*, the melting together of all nations, the destruction of nationalities. The North Americans were so far from this, that in their free republic,—the constitution of which carried the rights of men to their utmost limit,—they retained the slavery of the coloured race. The leaders of the party in France, Montesquieu, Rousseau, Voltaire,—each of whom in a different manner roused the minds of men, and prepared the way for a mighty convulsion,—were fiery advocates of humanity; but before everything else they were Frenchmen, and their national patriotism is indisputable.

It was in Germany that this enthusiasm for universal humanity first received, under the name of *Cosmopolitism*, an entirely new signification; since it was here placed in opposition to patrotism, and the merging of individual nations in universal

humanity was advocated. A considerable party in Germany meditated not only the emancipation of the lower classes, the overthrow of the hierarchy, the monarchy, and the aristocracy, as in France; but they went much farther, and dreamed of melting all nations and races into one free, equal, unpartitioned humanity. Our passion for system carries all ideas to their utmost consequences; and the circumstances of the age were then so unfavourable to patriotism in Germany, that among those cosmopolites no trace of a national feeling was preserved; and it did not once occur to them to be ashamed of the denial of all the pride which they subsequently learned to recognize in such abundance among the French. In France the passion for freedom was intimately connected with national pride; in Germany, however, it began with a contempt of this feeling. In France, under the ægis of humanity, it fought for the interest and the glory of the nation; in Germany it took its position without its own nation, against which it even declared war in the name of a purely ideal, universal humanity.

This party was organized in the so-called association of the Illuminati, which originated in Bavaria,—where it was founded by Weishaupt, after the model of the society of the Jesuits,—and prevailed extensively in catholic southern Germany; but soon, through the agency of the celebrated Baron von Knigge, it spread among the protestants of northern Germany. By far the greater part of the atheistic and immoral works, which have been scattered over Germany since 1770, came from the manufactory of the Illuminati. The toleration of Frederic the Great and Joseph II. was of essential service to them. They seized upon literature with great eagerness, that they might publish, with more or less disguise, whatever they wished;—thus preparing the minds of men for their sentiments, and opening the way for a mighty renovation of the world. Their principal weapons were witty sneers at religion, a deceptive flexibility, the incitement of the passions, and the commendation of their so-called free morals. In addition to this they assiduously endeavoured to influence appointments in church and state, and also the instruction of schools and high-schools.

They succeeded effectually in their plans at the commencement of 1780, when the emperor Joseph had his controversy with the Pope. This secret society was exceedingly busy in making use of the disagreement between the church and the state. Its members pressed forward from all sides, and were received into pay as publicists against the papal chair. They published a hundred works, which, under the pretence of praising the hierarchy, were regarded as favouring the design of the association, which was the destruction of Christianity. They were dying through loyalty—these Illuminati—while they were taking the imperial majesty under their wing, in opposition to the assumptions of the high priesthood;—the same illuminati, who soon after burnt the imperial crown, the sceptre, the escutcheon, and the banner of the empire on a funeral pile, and danced with French *sans-culottes*, on the soil of Germany, around the tree of liberty. Their servility was a mask; and far from doing the emperor a service, they only betrayed his cause, and contributed not a little to the victory which was gained, not by him, but by the papal party.

While it is true that this German sect borrowed much from France, and flooded America, in particular, with translations of irreligious and immoral books of the school of Voltaire, they, on their part, exerted an influence upon France. Baron Holbach, a Palatine, established at Paris a large society of French philosophers and poets, which usually met at his house. To them he imparted the German consistency. This soon developed, in connection with the old French frivolty, that new systematic fanaticism, borrowed from Germany, which subsequently became a prominent characteristic of the French revolution. This society—the so-called Holbach club—made the dissemination of atheistic and obscene writings an extensive business; and the Illuminati of Germany, and Holbach, devoted considerable sums to their preparation. The celebrated *Système de la Nature*, which issued from this club, may serve as an index to show how far the German passion for system already swayed the levity of the French.

It was natural that these two parties in Germany and France, thus related to each other, should approximate still nearer, and finally coalesce. On the part of the German illuminati, the French were repelled by no national pride; on the contrary, the German philosophers surrendered themselves to their French brethren with disinterested cosmopolitism, and were ready to offer their fatherland on the altar of the pretended cause of humanity. Such a disposition would naturally induce the French to establish a good understanding with them, and to employ them as instruments in accomplishing their own ends.

The celebrated Count Mirabeau,—who subsequently played so important a part in the French revolution,—was in Berlin and Brunswick, some years before that event, as a secret agent or spy. At the latter place he was initiated into the system of the Illuminati by Mauvillon; and immediately his plan was formed. By means of the Illuminati, the revolutionary party of France might obtain considerable influence in Germany; while a suitable transfer of the constitution of the Illuminati to the freemasonry of France would communicate to that imperfectly organized association a firmness and strength, which had been hitherto wanting. Just at this epoch the Illuminati were discovered in Germany; and, being persecuted at home, they looked to France as their refuge, and threw themselves with alacrity into the arms of the French. From two different points were they assailed. The emperor Joseph II. no longer protected them; their mask was torn away. Their association in Bavaria had been detected, and a part of their secret papers had been seized and made public. All the members were obliged to flee from the kingdom. In addition to this, the voice of the moderate and conservative freemasons in Northern Germany was raised against them. Indignant that freemasonry should have been abused by the Illuminati, the great congress of German freemasons at Wilhelmsbad declared itself unequivocally against them; and the lodge at the Three Globes of Berlin expelled from their ranks every one who belonged to the Illuminati. Nicolai, the famous bookseller of Berlin, who had been a zealous member of the association, now publicly denied that he had been such. In these circumstances the new alliance of the Illuminati with the French was very opportune.

The third grand master of the Illuminati, Bode of Weimar, (Weishaupt and von Knigge had withdrawn,) and his Pylades, the Dutch Colonel von Busche, betook themselves to Paris as plenipotentiaries extraordinary, in order, as was said, to *illuminate* France. In one of the central lodges of French masonry, the system of the German Illuminati was developed;—the abrogation of Christianity, the abolition of kings and the aristocracy, the restoration of perfect freedom and equality in a universal republic, the establishment of a new religion which should recognize no other god than human reason, and no other worship than the worship of nature, in the fullest enjoyment of all her bounties. Such a system must necessarily inflame the passions of the revolutionary party in France,—which was concealed as yet in secret associations, without having made any overt demonstration,—and particularly flatter the lower classes, of whose aid they wished to avail themselves. In addition to this, the constitution of the society of the Illuminati was so compulsory upon its members, so circumspect in reference to the uninitiated and the newly received, that it must at once have made sure of the French who were drawn into the secret.

Illuminatism was immediately engrafted on French masonry, and imparted, in the form of higher degrees, to all who were supposed to be worthy of confidence. The grand master of French masonry at that time was the well known Duke of Orleans, Égalité, the father of the present king of the French. Having fallen out with the court, he surrendered himself to the revolutionary party, hoping by their assistance to obtain the crown, while in reality he was only the tool of the republicans. By him the plans of Mirabeau were carried into execution; and soon the "illuminated" French stepped forth, under the name of Jacobins, a formidable power.

It is self-evident that illuminatism could never have played so important a part, if other causes had not been preparing a great political revolution in France. Those who look for the reason of the revolution in the philosophy of the eighteenth century are mistaken. It was not philosophy but necessity that roused the people. The French revolution was not produced by Voltaire, Rousseau, Condorcet, Holbach, but by Lewis XV., the Marchioness de Pompadour, the Countess du Barry, by bad ministers, and those lamentable mistakes of the court and aristocracy which issued in the national bankruptcy. Philosophy found the fire already kindled, and merely poured on the oil. It eagerly availed itself of the favourable opportunity to secure a foothold amid the general anarchy, which it could not have gained under the old order of things. It intended to use the Revolution for its own ends; but it became, nevertheless, only an instrument to bring about that event.

Among the many Germans who went to Paris, and threw themselves into the whirlpool of the revolution,—to develop, with the help of the French jacobins, the idea of the illuminati, and to extend the universal republic over the whole earth,—no one was so active and consistent as the Prussian Baron Cloots; who was forthwith chosen into the National Convention, and became the strongest pillar of the party of the Illuminati. The Revolution had no sooner broken out than its national character was disclosed. The interest of France so effectually monopolised all sympathy, that

men had scarcely time to connect with it the idea of a general emancipation of humanity. Meanwhile the French permitted the German enthusiasts, who had been such faithful auxiliaries from the first, to have their own way; and policy required, as soon as all the kings rose against the new republic, that they should be threatened with a revolution of all nations, and that a good understanding should be maintained with the disaffected of all countries, especially with the German Illuminati.

In consequence of this friendly intercourse, the Illuminati remaining in Germany, who were connected with the revolutionary party, performed a most important service, when the French army first advanced upon the Rhine. A secret circular required the whole order in Germany to assist the French; and it is well known with what alacrity the Illuminati in Mentz obeyed the summons. In a few hours they delivered the place, the strongest bulwark of the empire, to the French. "These are good brethren" it was thought in Paris; and the national convention sent patents of honorary citizenship, in the name of the French republic, to all the German *notabilités* whom they wished to reward or to gain.

But this good understanding between our Illuminati and the French national convention was of short duration. The Germans were not willing to become the tools of a French national policy; they desired to liberate humanity in general, and the French must have no pre-eminence. Their philosophy aimed at cosmopolitism, a universal republic, in which no nation should have the ascendency, nor even be distinguished from the rest. After the betrayal of Mentz their great importance was acknowledged, and their influence at Paris became more commanding. Gobel had risen to be the first ecclesiastic of the capital, and consequently of the kingdom; and as such he had solemnly abjured the Christian religion, and substituted in its place that of the Illuminati. Cloots was president of the jacobin club at Paris, and consequently of all the clubs in France; and he wished to complete the introduction of the system of the Illuminati. He openly proposed to abolish national distinctions. There should be Frenchmen no longer; there should be only men.

Cloots desired nothing else than what the Illuminati had always wished, and what had been conceded at Paris before and at the commencement of the revolution,—the equality of all men, the abrogation of all distinctions between nations as well as classes. It was a legitimate consequence, therefore, as Cloots publicly proposed, to prohibit every Frenchman from styling himself *François* thenceforward, and on the contrary to give the name *universal* to every citizen of the new republic,—which was destined to spread in all directions and finally embrace the whole earth. He had renounced without reservation his German father-land and his German name. Philosophy had demanded this sacrifice at his hands; and the same philosophy now prevailed in France. Why then should he not require the French to renounce their narrow-hearted prejudices? He did require it, and the consequence was that an immediate and terrible reaction of the French national pride and national interest annihilated the influence of German Illuminatism; and brought all the Germans, who were compromitted by it, under the knife of the guillotine.

The poor philosopher who had sacrificed with such extreme disinterestedness every thing to an idea, who had disowned his country, his rank, his nativity, who had surrendered his wealth and renounced his habits of ease and luxury, who had fraternized with dirty, half-naked *proletaires*, must experience the ingratitude of having the very men, for whom he had done all this, not only take away his life, but traduce his memory! They beheaded him and his German friends as worthless foreigners, as spies of the German powers and of the English. They reproached them with having disgraced the Revolution by intentional excesses, thus injuring the cause of all good Frenchmen.

But an apology may be offered for the French, in relation to this physical and moral judicial murder of the philosophical martyrs which Germany sent to them. They were so fortunate as to be still living in a state of philosophical innocence. National pride and patriotism were so thoroughly mixed with their blood, that they could not reason themselves away from them, like the Germans. They could readily appreciate the noble spirit which sacrifices everything for one's own country; but this surrender of the Germans to a foreign nation they could not comprehend; and because they could not comprehend it, they ascribed it to dishonest motives. Who was right?

Events rushed by these questions of right, which were interesting only to a few philosophers. The energy of nature was greater than that of philosophy. Nature had made Frenchmen to be Frenchmen, and such they now proved themselves; they gave themselves no further concern about their German brethren, whose aid had

ceased to be indispensable. They shook off all the trumpery illuminatism, which the Germans had been urging on them for several years. Atheism was abjured, and their discarded God restored; cosmopolitism was also renounced, the claims of universal humanity were postponed, and the nation stood again in the foreground.

To the terror and amazement of all cosmopolites and enthusiasts for humanity, the Revolution,—which was expected to issue in the triumph of cosmopolitism,—eventuated in the ascendency of the opposite principle. Soon it ceased to be said: "All for liberty:" it was only: "All for the nation." The French relinquished the freedom which they had recently purchased at the price of so much blood, for the glory of the nation. Far from carrying emancipation and equality to all nations, and melting all into one universal republic, in the consciousness of their superiority as *the great nation*, and with the purest selfishness, they placed themselves in direct hostility to every other people.

So great a mortification philosophy could not endure. Cosmopolitism, reduced *ad absurdum*, disappeared in France and everywhere else. The aggressions of the French upon Europe produced a re-action of the same principle which actuated them. Against their nationality were arrayed the nationalities of all Europe, now roused from their previous slumber, alarmed and deeply aggrieved, soon emboldened however, and finally burning for revenge.

It was thus that the old illuminatism and cosmopolitism, at the beginning of the present century, vanished from the theatre of the world's history. The Illuminati, having lost their zeal, had generally become the humble servants of Napoleon's despotism, as being alike suited to the immorality which they had all along taught and practised, and to their anti-patriotic degeneracy. But a spirit of an entirely different sort took possession of the noble of all nations, and appropriated to itself also the susceptibilities of the young. In respect to the true interests of the nation, men were not enlightened everywhere, least of all in Germany, for they were strangers in their own fatherland. Artificially divided interests, and a foreign civilization had introduced this almost childlike ignorance of their own domestic concerns. But their want of knowledge was supplied by feeling and ambition.

During the era of Napoleon, the entire literature of Germany did not afford a single work, which exhibited a distinct and full perception of our interests, with a national policy accompanied by thorough knowledge. South-western Germany formed an alliance with France; Austria and Prussia pursued, till near the close of the dynasty of Napoleon, a separate policy,—which very rarely moreover appealed to the public. The most intelligent and skilful statesmen were destitute of patriotism; the best patriots were no statesmen. The censorship of Napoleon did the rest. Only a very few pamphlets sent forth a patriotic cry,—those, for example, which conducted to the honours of martyrdom. Little, however, as the German people were instructed by patriotic political writings in respect to their interests and their national honour, the latter was nevertheless vigorously assailed. They had an enemy, a foreign oppressor, on their soil. They were robbed, insulted, deeply injured in all their public and private interests. They heard this enemy, however, constantly boasting of his nationality. This must remind them at length of their own.

Literature also, at least indirectly, kindled the national feeling. In the department of poetry, the German mind had luckily emancipated itself at the close of the preceding century, from the influence of the barely intelligible, and studied French classic style. Great poets had arisen. Of their number, Schiller in particular had imparted new life to the German people and the German youth. These old poets adhered more or less closely to cosmopolitism; but they were still the pride of their nation, and developed the personal consciousness of the Germans in opposition to other nations. If we look at our great poets from this position, we shall often meet with contradictory appearances. Schiller writes to his friend Körner very much in the style of the Illuminati, and in the very words which the anti-patriotic young school of our day employs: "It is a miserable, pitiful idea to write for one nation. To a philosophical spirit, these restrictions are altogether insupportable; they cannot abide with a form of humanity so changeable, fortuitous and capricious, with a mere fragment,—and what more is the mightiest nation?" And yet it was this same Schiller, who, as is well known, "called every nation contemptible that gladly stakes not everything on its honour." And this Körner, to whom Schiller wrote, was the father of the celebrated Theodore Körner, who drew his inspiration pre-eminently from Schiller, and, seizing his lyre and his sword, died for his country distinguished alike as a poet and a hero. Striking as are these contradictions, they were not then perceived. From this example we see how hazardous it is for parties to appeal to

passages of the poets of that by-gone period. The dispute between cosmopolitism and patriotism was not clearly apprehended by these great men. The generation which immediately followed them,—the so-called romantic school,—understood it better. That which particularly characterised this new school, was not so much the romantic, the mediæval, the traditional, the chivalrous, the catholic, as the national, as the revival of all the great historical reminiscences of our people. At any rate, it was by means of the last that they obtained a strong hold upon their epoch. They gave utterance to the innermost feelings of the people. They furnished nutriment to the deeply wounded pride of the nation, by exciting recollections of the greatness, the power, and the glory of their fathers. They roused from despondency by pointing back to the old popular heroes, and to their struggles for liberty. They opposed the prevalence of French fashions, by a revival of the old modes and customs. They resisted the frivolity of the era of Napoleon, by commending the old German modesty and virtue. The learned sustained the patriotic exertions of the poets. They ransacked libraries, and rescued the old national poems from the dust. They inspired the studious youth with a love for such patriotic investigations; and quietly prepared the way for a reaction, before there was any hope that external political relations would favour it.

In proportion as the politics of Austria and Prussia became harmonious, and both perceived that their deliverance depended only on a general rising of the German nation, the efforts which the poets and scholars had already commenced were encouraged at Vienna and Berlin. The beneficial changes in the internal policy of the Prussian states accorded well with this tendency to nationality; these showed that the principle of nationality would be more fruitful of domestic improvement than the principle of cosmopolitism, which was not in a condition to effect similar seasonable reforms. The national patriotism, roused by adversity, found a response in all classes of the nation; whilst the old Illuminatism was only an affair of scholars and the educated, to which the German people had always been strangers.

The Austrian proclamation of 1809, the Tyrolese insurrection, and the attempts of Schill and the Duke of Brunswick, disclosed more unequivocally what had been effected in the German nation. Napoleon, although then victorious, did not by any means infer that the threatening movement was effectually arrested. He endeavoured, therefore, to make provision against a new explosion of the national indigation, which he dreaded far more than that of the Spaniards. To Austria he became allied by marriage, and Prussia he tried to outflank and annihilate by the Russian campaign. If he had become the master of Russia, the reaction in Germany would have been long delayed. He was defeated, however and Germany threw off the yoke.

This patriotic enthusiasm went hand in hand with religious enthusiasm. Indeed German patriotism, being deeply rooted in the soul, has always, when truly developed, something religious about it. But now there was a reaction likewise against French impiety, which was not so much a remnant of the revolutionary period, as the offspring of the all-demoralizing despotism of Napoleon. The deliverance of Europe from the tyranny of the world's conqueror was attended, moreover, by circumstances so extraordinary, that men ascribed it, with reason, not solely to the weapons of the nation, but also to the interposition of divine providence. Thus the principle of national Christianity became decidedly predominant,—the direct opposite of that atheistic cosmopolitism which the old Illuminati had advocated.

It would lead us too far to contrast the hopes which our patriots then cherished respecting the regeneration of Germany, with what has been actually achieved. The history of Germany, moreover, since the great campaign, is too well known to contemporaries to make it necessary for us to recall it to their remembrance, as we have done in relation to the earlier and comparatively forgotten period. Although some expectations have not been realized; although, for example, Strasburg, a French fortress on the soil and territory of Germany, in the midst of a German population, preserves an offensive position against this country; although the navigation of the Rhine is not free, and our manufactures are still tributary to the Dutch and English, and a German navigation act is not even remotely contemplated; although the states composing the interior of Germany are closed against each other, and the old-fashioned free-will has reappeared in Hesse and Brunswick; although Russia has gained a disproportionate influence in our affairs;—still these things can neither efface from history the fact of the great union of all Germany in 1813, nor annihilate the idea for which we then contended. Good feeling was generally prevalent, actuating alike the high and the low. A just weighing of circumstances, a thoughtful securing of the future, and a comprehensive intelligence,—these alone

were wanting. The *corpus Germaniæ* has always been a very complex organism. After so many concussions, therefore, the best reconstruction was not immediately to be expected. Patriotism should not be hasty and disorderly, but patient and temperate. Holding fast the idea of nationality, it should employ, with true German discretion, our long peace,—which, compared with earlier times, notwithstanding many inconveniences, has been exceedingly fortunate and propitious,—in filling up the loopholes of our sagacity. Since the feeling of the nation has exerted itself so energetically in times of necessity, the understanding of the nation should develop itself in times of repose. Although the fulfilment of many reasonable hopes has been postponed, even this delay was necessary to open the eyes of patriotism to many delusions, and to cast many foolish longings into oblivion. Enthusiasts have manifestly compromitted themselves by the haste with which they have sought to smooth and polish German multiformity, and, regardless alike of nature and of history, to carry out a system of unity in accordance with fancies which are sometimes exceedingly partial and contracted.

The Germans were so much the rather called upon to inform themselves, in this time of peace, respecting their national interests, and particularly, as the nations around us have been very careful to protect themselves, respecting the defence of these interests against foreign influences. The principle of nationality has taken root everywhere. Not only does it still live in Poland; it has even become active in Italy. It is rousing the Greeks—a nation which has been dead for centuries,—and it is also arresting attention in Hungary. But more than all do the French burn for the recovery of their national honour, and for the respect of the tri-coloured flag. This disposition of our neighbours has a bearing on our national interests; and indifference to these interests, still more contempt of them, on the part of reflecting men, cannot be otherwise than ill-timed and inappropriate.

But this indifference and this contempt have actually existed. In the very state which has more cultivation than any other, and from which the great upheaving of 1813 proceeded, a philosophy has arisen that repels patriotism, as it were magnetically, and is calling back to life that cosmopolitism which has been forgotten for a whole generation. Having insinuated itself imperceptibly, it was at once followed by all the opinions and tendencies of the epoch of the Illuminati,—a reaction that constantly spread wider and wider. Patriotism was supplanted by cosmopolitism; the Christian sentiment, by a decisive anti-christian tendency; good morals, by a new frivolity. Suddenly and unexpectedly everything which had been experienced at the end of the previous century, was acted over again; and the accordance of the tendencies of that period with those of the present day is indeed surprising. The left side of the Hegel school has introduced into German literature, and the heads of our young students, the whole of the old system of the Illuminati. It has proclaimed a new war upon Christianity, with more confidence and hope than ever. It has arrogantly predicted its future triumph; it has announced the close of the era of Christianity; and the pretended discoveries of Dr. Strauss, which, without containing anything new, are placed by the side of the discoveries of Copernicus and Guttenberg, have already drawn the government of one state (Zürich) into this delusion. This party, like the old Illuminati, have unequivocally denied the existence of a God out of and above us, advocating at the same time an absolute freedom of man, and his identity with the Godhead. The deified humanity of Hegel, the free community of the spirit, are nothing else than *le peuple-Dieu* of Baron Cloots. With this deification of humanity, and altogether in the same style, cosmopolitism is proclaimed again in direct and coarse antagonism to patriotism. Nationality is characterised as illiberality; patriotism, as a lower passion, a brutish impulse of the blood. A melting down of all national distinctions is anticipated; and national literature must be merged in a literature of the world.

And now too, as in the time of the old Illuminati, coupled with an irreligious literature which is designed expressly to eradicate Christianity, there is also an immoral literature, which endeavours to seduce by voluptuous representations, and proclaims the unrestrained indulgence of the passions. This was confessedly one of the mightiest levers of the party of Voltaire and Holbach in France, and of the Illuminati in Germany; and just as our country was flooded by the immoral writings of the French classic school, it is now overrun by those of the romantic school. The *rehabilitation* of the flesh, so much talked about within the last few years, is nothing new. The same thing was advocated by hundreds of works in the last century.

On the other hand, the young radicals who have made the disturbance at Frankfort,

and sent forth stupid pamphlets from Paris, Strasburg, and Switzerland, have fallen into all the illusions which prevailed among the Illuminati of Mentz. They have desired an unconditional annexation to France. German patriotism, they say, should be simply the instrument of stable principle. National jealousies are artificially nourished; and hence it is that the nations do not unite in a common and successful struggle for liberty. Among all the nations, the French alone are worthy to plant the banner of European freedom, and conquer under it. With them, therefore, we must unite; and with French cannon must we subdue our fatherland. These principles of young Europe, any one sees, are precisely the same as those which the old Cosmopolites held, and on which the alliance between the German Illuminati and the French Jacobins, already mentioned, was built.

The return of all these old things is but little suited, we repeat, to the real wants of our country in its present condition. It would be far better for our national interests, if German philosophy and politics were unincumbered with these old-fashioned notions. One can allow himself to be pleased with *rennaissance* and *rococo* at the coffee-house; but when introduced into philosophy and politics, they have something suspicious. At a period of the world's history, in which no nation is so loudly summoned to inform itself as to its interest in the great European conflict as the Germans, it appears preposterous in the highest degree, that, in the very heart of Germany, the principle of nationality should be either unknown to science, or openly assailed by it, and patriotic feeling scorned and derided.

The new Illuminati who have unconsciously, and yet with such startling consistency, struck into all the paths of their predecessors, are really exerting a powerful influence on the present time. Their doctrines have gained the ascendency in the chairs of philosophy, and for these doctrines all the educated youth of Germany are wooed. The new generation is to be trained exclusively in this creed. On the other hand, French sympathies are more and more cherished. If peace shall continue, it is conceivable, and even probable, that Germany will again *sweat off* this new Illuminatism without serious difficulty. But should events, having a direct bearing on the weal or wo of our country, hereafter occur, it certainly cannot be a matter of indifference, how men of education and scholarship, especially the younger generation, shall stand affected; and a disposition, so utterly averse to patriotism as was that of the epoch of the old Illuminati, might be as prejudicial as that was to our fatherland. And hence it may not be superfluous to remind our new Illuminati, that what they are now dreaming, has been all dreamed over once before; and that the idea to which they are now clinging with so much tenacity, has already issued in a miserable bankruptcy.

We have already remarked that the cosmopolitism, which the French held up to view during their great revolution, was only a mask behind which they concealed their national politics. The same is true at the present day. That young Europe,—which has established itself at Paris, and is courting proselytes in all the countries of Europe,—is only a tool of young France; and this young France is far from aiming at the emancipation of all nations, or of humanity; but she burns only with a desire to carry again her national power and glory to the elevation to which they were raised under Napoleon. The Germans, Italians, and Poles, who are caught in this net,—what are they but poor flies? What a delusion,—for Germans especially!—to permit themselves to be so deceived as to promote that foreign national policy, forgetting entirely their own!

The true history of Illuminatism, and its relation to the Jacobins of France,—with which we have preceded our remarks,—relieves us of the labour of pointing out the emptiness of all the hopes, which have been recently built on an alliance between the German *friends of light and freedom* and the French. If the French of the present day are pleased with the good-will of our German enthusiasts, if they encourage them by their *propaganda*, they do it, as did the earlier French, only for their own advantage, only to stretch out once more their hands over Europe, and, in some lucky contingency, to reconquer the left bank of the Rhine. But if any one should venture a request that they would not act with a sole reference to their national interests, but care also for the freedom of other nations, they would take it as much amiss as they formerly did. If we suppose the revolution of 1830 to have been as extensive as that of 1789, that Frankfort were played into the hands of the French in 1833, by German traitors, as was Mentz in 1792, the only reward—[if some German fugitive, like Dr. Wirth, should wish to place the interests of Germany on an equality with those of France (as he actually did at Hambach), or, like Cloots, should postpone the national politics of France to the objects of cosmopolitism]—

would be the guillotine. All who are now infected with the gallomania may see themselves mirrored in the history of 1793.

We hear it often said that the French of the present day are unlike their fathers; that they desire nothing but an intimate union with the Germans, for the sake of overmastering, by a joint effort, the colossus of the North. They would love us as brethren, and respect our rights. And there are some sentimental friends of light and freedom in Germany, who suffer themselves to be affected by this sort of flattery. The truth is, that France will endeavour to prevent the development of the germs which lie buried in Germany, at whatever price. She never can be for us; her greatness depends on our weakness and divisions. She still covets the left bank of the Rhine, without being able as yet to wrest it from us. This she can only effect when the favourable opportunity shall present itself, by a renewal of the policy of Erfurt, the French-Russian alliance of 1808. We have no need of prophecy,—we want nothing but history, a simple knowledge of the nations, their permanent interests and their natural dispositions,—to see what lies in the lap of the future, and what sooner or later must inevitably come forth. And in such a contingency, some dream of a philo-Germanic anti-Russian policy of France! Verily, their delusion is wonderful!

If the Germans have occasion to imitate, or to appropriate to themselves anything which belongs to the French, it is simply their patriotism. All Frenchmen, into whatever parties they may be divided in respect to their domestic policy, are perfectly united in respect to their foreign policy. They are agreed in maintaining their national independence, in seeing no French village in the hands of strangers, in having their nation respected abroad, in preserving and extending their national renown. These characteristics of our neighbours are worthy of imitation.

It is with honest pride that France looks back upon all that she has done during the last fifty years to preserve her external independence. Her patriots are decorated with imperishable laurels; almost all her princes, statesmen, generals, philosophers, and poets,—whatever else may be said against them,—almost all serve their country with their talents, and this they do with their virtues not only, but with their vices even; almost all are emulous to make their nation great and independent. On the long aberrations of her domestic policy, France looks back with sorrow. Her most intelligent patriots deeply lament the religious declension, and the open immorality which have introduced into all branches of the government, and into private life itself, a pernicious and abiding derangement. In this particular they envy the English and the German; among whom the virtues of peace have not yet disappeared.

If France is ever to become our pattern, what has she that is worthy of imitation? Assuredly it is her noble patriotism,—which embraces all parties, and is constantly harnessed against all the world,—and not her domestic demoralization. But our modern Illuminati would transfer, not the former, but the latter to Germany. So far from making us patriots, such as the French are, they have sworn a deadly hostility to patriotism; and they fight it with a persistency which amounts almost to insanity. But the domestic evils with which France is cursed, and which are bitterly lamented by all good Frenchmen,—her infidelity and immorality, her hatred of Christianity and her religion of egotism,—these they would inflict upon us! Is not the effort preposterous in the extreme?

The very things which they would take from us have hitherto been the greatest honour of the Germans,—that love of pure morality, and that deep-seated religiousness which characterize the entire German race. It was by means of these virtues that Europe, reduced to purtrescence under the domination of the Romans, was restored to a vigorous life. It has been by means of these virtues that the German people have lived through every storm hitherto; and, when they seemed upon the brink of destruction, have renewed their youth. On account of these virtues has it been that the Roman nations have always envied us; and of them the French of the present day speak with as much respect as did the ancient Gauls and Romans. And is it imagined that the schemes of universal humanity are to be advanced by destroying, in the name of cosmopolitism, those old national virtues, which were the germ of European civilization, and of whatever is truly noble in modern humanity? Our good constitution will bid defiance to this new temptation, as it has done to all which have preceded it. But why must we be subjected to the trial? It is a miserable preparation for a crop, and certainly no suitable training of the young for what is before them. Europe has not yet passed beyond the period of crises and convulsions. Germany therefore must hold herself ready. First of all, she should develop

her practical understanding; she should look keenly around on the present; she should learn to estimate aright her external relations, her dangers, her advantages, her capacities, and not surrender herself to vain and profitless phantasies. She should strengthen her sinews by patriotism, not relax them by unmeaning reveries.

There are two classes of honest and right-thinking men in Germany, who, from misapprehension alone, have fallen in with these philosophical teachers of error. Some believe that in this way a beneficial movement and a tendency to freedom will be preserved, and stagnation prevented. Others suppose that the spiritual life will be advanced in opposition to the coarseness and vulgarity of material interests. Both are deceived.

Freedom without national independence is a nonentity. Among large states the freedom of the small states needs a guaranty. The freedom of the cosmopolite can exist only in favourable circumstances; it is an exception, as in the case of the unsettled wanderer and of the philosophical hermit. That nation can only possess true political freedom, which, being sufficiently large, is united internally and independent externally. An effort for freedom, which looks away from nationality, which does not and will not recognise patriotism, is directly hostile to it, is altogether misdirected. However noble and disinterested in itself enthusiasm for a principle may be, it is unfortunate, when, without knowing what it does, combining with the enemies of the nation, it destroys the germ of patriotism,—the only thing which is prolific and hopeful. The man who supposes that he may sell his country for the sake of liberty, is like the gambler who shaves himself bare, and then sells his hair—to win a comb!

Men are accustomed to commend philosophy,—by which term we now understand that of Hegel exclusively,—because of the protection it affords to our spiritual interests, our higher scientific cultivation, against the barbarism which threatens to rush upon us in the train of material interests. In the meantime it is a striking fact, that the young poets, who complain of the tyranny of the spiritual principle in Christianity, and are endeavouring to deliver the flesh from its long captivity, are neither assailed nor disowned by the young Hegel school; but, on the contrary, are taken under its wing, and treated as good allies. But grant that this philosophy would conduct the spiritual principle of life to victory. The inquiry must arise: "Of what use is its admission into a soul which renounces all the conditions of nature and history?" The new philosophy has created for itself an absolute spirit, a mere logical abstraction; which, first of all, has either no connection with the mind, or makes war upon it, or throws it away as a lost form, in order to employ in its stead a very suitable artistic image; which further renounces Christianity,—whose development in the history of the world it treats as closed, superseded, dead; which, finally, will not only discard the natural bond which holds together the members of a nation, but destroys national distinction, and establishes a community of cosmopolites, a community of the pretended *free spirit*.

Can a philosophy, which deprives the Germans of their minds, which robs them of Christianity,—that richest of spiritual blessings, still more, that will not own them as a nation;—can such a philosophy be of any practical use to us? Indeed, as opposed to it,—assailing as it does our spiritual interests in such a way as to annihilate the most precious of our spiritual possessions,—as opposed to such a philosophy, the ordinary endeavours to promote material interests are to be rated immeasurably high, even though we admit that the effort is attended with some neglect of the spiritual. The man who advances the welfare, the physical and economical prosperity of the nation, really accomplishes more without philosophy, than philosophy herself. That philosophy is of little value, from which the nation can derive no wisdom, no counsel, no elucidation of its interests, no guiding idea for its practical business. It stands in the air, a dead scholasticism, sundered from the life of the people, foreign and hostile to all our general interests. If it exert any influence on the people, it is only to estrange them from themselves, to rob them of their inborn propensities and virtues, to poison the youth, and to subserve that foreign policy which is always ready to take advantage of our self-forgetfulness. The Grecian philosophy, the mother of all later philosophers, cannot be accused of any such hostility to national interests. She was merely the loftiest inspiration of nationality. She never ceased to instruct the nation respecting itself, and to encourage it to preserve and augment its beautiful inheritance. Why has our philosophy broken asunder the ligaments which should bind it to the nation?

An incomplete national philosophy,—somewhat in the sense that the Mosaic economy was an incomplete national theology,—no reasonable man in our day will

desire; but the most comprehensive philosophy must recognise, not only all nationalities, but also, before every other, our own. If philosophy obtains the clearest and profoundest insight into all earthly things, and ventures to arrogate to herself the highest legislation, still must she concede, and oblige others to concede, the importance and value of nationality. She must sanction the most natural, the purest, the noblest feeling that lives in the people, and the act by which it is expressed.

But to reject the idea of cosmopolitism, and the disposition in which it is rooted, unconditionally, would be wrong. It is not only a Christian sentiment,—for the Christian religion commands us to look upon all men as the children of God, and as our brethren,—it is also, in a certain sense, a national sentiment; and the Germans have always been ready to acknowledge the excellencies of other nations,—indeed they are remarkable for an inborn feeling of approbation, which has been too seldom found elsewhere. To endeavour to eradicate so beautiful and noble a trait of our character were barbarous, and, indeed, impossible. But it is no less improper to restore the phantom of universal humanity, and destroy nationality in defiance of nature and history. Experience has shown that when a nation has become sufficiently magnanimous to sacrifice itself to this phantom, it is only for the good of some other nation less magnanimous, and indeed altogether selfish, which seizes the occasion to promote its own advantage, but never that of abstract universal humanity, —a thing which never has existed, and never will exist. Hence the importance of assigning to the efforts of cosmopolitism their natural boundary, and of pointing out the road on which it can pursue a worthy end, and one that will be useful to humanity.

This end is the reciprocal respect of nations, their mutual co-operation in the advancement of material and intellectual culture, an intelligent confederacy of nations, but not a merging of them in universal humanity, with a destruction of all their peculiarities. Men are divided into nations according to their origin, their position, the climate which they inhabit, their language, and intellectual development; —for nature herself has stamped upon them a distinguishing impress. Each contributes something from its peculiarities to the modification of the whole, which no other could have furnished. They supply one another's deficiencies. And they are so firmly rooted in nature and history, that to make them uniform were altogether impossible. If it could ever occur, it would be only by the victory of one imperfect nationality over all the rest; as the old Roman and the Chinese have vainly attempted. But this would not be the victory of cosmopolitism; on the contrary, it would only be the victory of nationality,—of one over all besides.

Genuine cosmopolitism—for which the purest and noblest spirits have been enthusiastic—can be secured, neither by the destruction of all nationalities, nor by the dictation of a single power; but only by the harmonious agreement of different states, by their respecting each other, and abstaining from all interference with each other. It is only when every nation fulfils its appropriate destiny, and exhibits in its sphere one phasis of humanity,—at the same time offering no hindrance to other nations in their development, but affectionately helping them forward,—that it promotes the aim of the whole.

As nations have duties to discharge towards one another, so have they duties to perform towards themselves. On the latter we lay the greater stress, as they have been so often, particularly in later times, misapprehended.

If Germany is to pay interest to humanity, we must make sure, in the first place, of the capital. History shows us that the service which we have performed for humanity, has always been in proportion to our ability. What would have come down to us from the old world, had it not been regenerated by German blood, and German virtues? How happy has been the influence of Germany on Europe, whenever it has been sufficiently powerful! And even in other parts of the world, this blessing is repeated. All Roman colonies have been unsuccessful; those of France have regularly failed; those of Spain and Portugal still linger amid successive alternations of lethargy and anarchical convulsions. It is only where German blood predominates,—in North America, the East Indies, the Cape, New Holland,—that everything moves forward prosperously. We ourselves, in the old fatherland,—amid terrific and ruinous contests, under a foreign dynasty, politically and ecclesiastically rent asunder,—have still preserved our peculiar advantages, and nursed the germ of good, as no other nation, which has encountered such storms, has ever done. Germany, since the Reformation, has suffered more from partitions, from foreign invasions, from frequent and protracted wars, than Italy, France, and Spain, during the same period; and yet through the industry and morality of her citizens, she has

always recovered; and now she has attained to a degree of prosperity, which will be sought in vain in Roman countries. Let any one call to mind all that has swept over little Saxony. Long ago would it have become a desert, like Calabria, had not German persistency cast the fresh young seed into the bloody furrows of war. All that the hierarchy-despotism, the most destructive internal dissensions, the loss of large provinces, the domination of foreign princes and nations, the miseries of unceasing wars, restrictions upon commerce, the stagnation of all the juices of life, can do to ruin a people;—all these may be found among us. And yet we are not ruined; but from beneath, out of an industrious and moral domestic life, an ever fresh energy has emanated to replace the withered top, and at every possible point, like a young forest among the old stumps, has sprung up, luxuriant and healthful.

When a nation, after passing through the severest trials for three hundred years, maintains such a vigorous life, it would seem to be entitled to an important position in the circle of nations, and to have a conservative significancy in the history of humanity. What this people would have been, if it had lived through three centuries of prosperity, instead of adversity, can be imagined. There can be no doubt, however, that our misfortunes are owing, in a great measure, to our ignorance of ourselves, our misapprehension and neglect of our true interests,—in a word, to the fact, that, surrendering our nationality, we have combined with strangers to tear in pieces our own fatherland. If now the Germans, amid all the illusions of their party leaders, completely despoiled of all national understanding during a whole century, have still, by means of their native excellencies of character, succeeded in keeping the position which they now occupy,—even this should teach us at least the value, and the deep significancy of their nationality, and restore us to that self-consciousness, which we have been so long without, and from which if once developed, blessings must accrue to us, as numerous as the evils which its loss has inflicted for three centuries.

It is strange that the recognition of nationality should be so difficult for the Germans, inasmuch as they honour other states, chiefly on account of their national pride. If the French place their nationality above every other, it is regarded in Germany as something perfectly natural; nay, it is commended and admired. On every occasion, the French repeat that the left bank of the Rhine must be theirs, the Rhine is the natural boundary of France. This is received in Germany as something which is quite natural to the French. But if it should once be said among us, that Elsass belongs to Germany, that the Vosges are the natural boundary of Germany, this would be received with disapprobation, not only in France, but at home. The most extravagant pretensions of our neighbours, and all the vagaries of their national vanity, are commended by numberless German writers and journalists; all their phrases are applauded, and transferred to our literature. If a German, however, defends in the most temperate manner, a minimum of our rights, if he timidly lifts his voice against foreign aggression, everybody exclaims against this old-fashioned patriotism, this pitiful affectation, these contracted views which are behind the age. If the French look after their interests in Belgium, it is approved in Germany and published in a hundred journals, and men rub their hands for joy. But if any German direct his attention to our interests in Belgium, it is either not understood, or maliciously overlooked; for our journalism appears to have taken its cue from the French, and, regardless of all history and nature, it is assumed that old German Flanders has hitherto been French, and of necessity belongs, directly or indirectly, to France. Hence men have naturally discovered that the Dutch have been declaiming against the French; but they have forgotton what Belgians with German sympathies, and Germans with Belgian sympathies, have written against France from the stand-point of German nationality. We adduce these examples from our own times, because they are peculiarly striking.

Such a disposition in the German press leaves us but little hope of realizing the wish already expressed. Our national understanding appears to be willing to acquiesce in an adjournment to a distant day. But if we cannot charm it back, we may at least bewail its absence, and occasionally remember the urgency of our wants.

We will not dwell on the benefits which Germany might secure, were she to regain her complete national understanding; for we do not like to leap over actual occurrences, to console ourselves with dreams. We are satisfied with looking at the disadvantages which threaten us, in case we sink back, lower than ever, into the old mischievous policy of the last century, into the sentiments and opinions of the epoch of the Illuminati, which we have already described. Our press imagines that we are advancing; but in reality everything is going backwards to a period of self-forgetfulness, that is even now at our doors.

The future of Germany depends mainly on the bond which holds together our three great political systems,—the Austrian, the Prussian, and the Constitutional. Should this remain unbroken, Germany will be in a position to defy every future European storm, even though she should be obliged—as must inevitably occur, sooner or later —to take the field in the west and the east at the same time. But if this bond shall be loosened, the German body will be dissolved; and a part of it will again become the prey of our neighbours,—the same who have wrested so much from us already. But in what does this bond consist? In what else than nationality, and the common interest of the states which circumscribe this nationality? But if this common interest is left out of view,—if two, or if one of the three systems shall abandon the confederacy, to unite with strangers in a war upon the third or upon the other two, —the entire German body will receive a dangerous blow. This is mechanically necessary, and historically certain. So long as Germany held together she was impregnable, and victorious in every direction. But when she took arms against herself, she lost again in every direction. In the contest of the Guelphs and Ghibelines, she lost Arelat and Italy; in the contest of the Catholics and Protestants she lost Switzerland, Holland, Elsass, Savoy, Livonia, and Lorrain. When Austria and the Empire were abandoned by Prussia at the peace of Basle, she lost the entire left bank of the Rhine. When Prussia was not sustained by Austria and the Empire in 1801, when Austria again was not sustained by Prussia and the Empire in 1809, immense losses were incurred. But when the three constituents of Germany became harmonious in 1813, they were immediately victorious; and had this harmony continued a little longer, they would have recovered all that they had lost. And just as surely as every division among the three systems has proved detrimental to Germany hitherto, just so surely will this be the case hereafter; and hence it is important to keep this ligament which binds them together, constantly in view, and with it to occupy the mind; of which there is such a superabundance in Germany that paper itself, interminable as it is, can scarcely keep it busy. Indeed there is enough to think about. Other nations are intriguing incessantly to loosen this ligament. Old mistakes and old prejudices are still powerful among us. Personalities and casualties are not to be estimated. The disposition to combine with other countries to secure a specific end, at the expense of our own country, is so far from being eradicated in Germany, that even now, within a few years of the great war of freedom, it governs the press. The alliances, with which the princes of the Rhenish confederacy were but just now so harshly upbraided, are again proposed by demagogues; and France, though recently overthrown in a frenzied contest, already controls good-natured Germany by her language, her fashions, her literature, and the frivolous tendencies of the age of Voltaire and the Illuminati. If now we reflect upon all these things, a new disorganization of the German body certainly appears to be within the domain of possibilities; and attention may well be directed to this subject.

Twenty years ago patriotism trembled in view of the difficulty of thoroughly reconciling and adjusting the interests of the German dynasties; and strong expectations were built on the power of public opinion, the disposition of the people. But now that the sovereigns have continued so long estranged from each other, patriotism is in a condition to distrust public opinion. The press at least is decidedly unfavourable to it.

We do not wish to be unjust. The establishment of the Customs' Union is an event which has strongly enlisted public sympathy; and the patriotism, whose countenance does not brighten in view of it, must be very morose and sceptical. There has been too little intelligence, however, connected with this public sympathy. Hardly any one reflects how easily we could have obtained access to the sea, if Hardenberg had not lost East Friesland by his diplomacy. Still less do we reflect how astonishing it is that our coasts and the mouths of our rivers have been taken from us. We have none of that comprehensiveness of view, which is connected with a creative power of mind, and from which the efficient means of reaching a great end must issue. In respect to the means, it is doubtful whether future times will be able to imagine themselves back amid the illusions of the present age. Every mechanic takes hold of a lever at the remotest end. Belgium is the remotest end; but men will not see it. Belgium, Holland, the Hanse cities, Denmark, are so many concurrent keys which the Customs' Union, like a skilful organ player, might make use of; but men will not see it. In the twentieth century, the consumer will everywhere give law to production, to manufactures, to trade, to the rights of the sea; but this, in the nineteenth century, men will not comprehend.

Men do indeed busy themselves about these questions; but reflection does not

overtask itself. The most instructive precedents are scarcely heeded. Have we ever bestowed that degree of attention, which is worthy of the subject, and of our national honour, on the Russian memorandum which was sent to the German courts,—the Austrian and Prussian excepted,—in 1834? We have more important things to do! We must transplant ourselves back to the middle ages; and while we have scarcely a meagre half-dozen of sensible pamphlets relative to the maritime question, we can count up half a thousand controversial works, for or against the papacy. Do you call this going forward or backward? The Cologne affair is a bad symptom; the bare possibility of its occurrence shows how little harmony there is in the national power, the national will, and the national understanding.

But there is much more to be done; with all possible speed, Christianity must be eradicated. As if there were nothing more urgent for the Germans to do, and to reflect upon, we have returned to the old frenzy of the Illuminati of the last century, as to a pastime, an amusement. The presumption of learned vagabonds, the craving for distinction, at whatever price, in every protracted interval of peace, are readily appreciated. It only excites our wonder that the repetition of this folly should have found so loud an echo, should have called forth such a countless number of pens.

There are many practical inquiries, an answer to which were very desirable. For example, what is the relation of Germany to the oriental question? what can be done to advance German interests on the Danube; what by colonization; and what in young Hellas? what guarantees does Germany need against that power, which has become so colossal within the last century, and which is still advancing? how can the industrious bee of German commerce obtain the honey, which might be extracted in such profusion from the secluded blossoms of Hungary? how can the commercial systems of Northern and Southern Germany be conciliated, and amalgamated for their mutual advantage? what impulse would the trade of Southern Germany receive, what influence—commanding, at the same time secure—would the Germans obtain in Italy, if the free harbours of the Adriatic, and perhaps also of the Mediterranean, were accessible? what is the best policy for Germany in respect to Switzerland? what is the value of reciprocity and equality between our universities, and those of Zürich; as the latter must receive more influence than it imparts? what benefits are promised by the approximation of the confederacy and the Customs' Union? what should be done to quicken the German element in Belgium, to deliver the German majority from the yoke which the French minority has imposed upon them? how much more important is it to obtain possession of the North Sea farther to the west than to the east, inasmuch as all the eastern harbours, sooner or later, must become accessible? how shall Holland be made to understand that her existence depends upon the prosperity and might of Germany? how much power lies in the recollection that it was only by destroying each other that Belgium, Holland, the Hanse cities, and Denmark, transferred the dominion of the sea from the Germans to the English? how can the Hanse cities be drawn away from their narrow, pitiful, retrospective policy,—in which Holland participates,—to a liberal, prospective policy? how can we convince them that the Customs' Union carries with it, not an unimportant, but a great principle; that it cannot pause half way, at an inland manufacturing policy, but must effect that which the German maritime cities particularly need; that, consequently, it will take nothing away from coasts,—already much impoverished in comparison with earlier times,—but will impart to them just what they want? what is to be done to relieve the Prussian coasts, so ungratefully and severely oppressed with the Eastern embargo? how shall we not only rejoice with Streckfuss in the guarantees of Prussian affairs, but also gradually repair some of the mistakes which Hardenberg committed? how may national interests be immediately advanced, so as to banish discomfort from Germany? what shall be done to prevent those conflicts of right, which, as in Hanover, disquiet and embitter the people, without being of the least service to the throne or to the thrones? what shall be done to restrain the annual and extensive emigration of our countrymen, that all this energy may become tributary, not to foreign parts of the world, but to the advancement of German national interests?

We might extend this list of inquiries still farther; but we have said enough to show that the answer of such questions would be more practical and important, than the spread of the Hegelian philosophy, with which our recent literature is now principally taken up, and with which the revival of the old Gallomania is associated. Both conduct us far away from all patriotic inquiries.

In only one discussion, touching the interests of the fatherland, have our modern Illuminati—in imitation of their elder brethren—taken part. The Cologne dispute

presented the same opportunity which was offered to their predecessors by the controversy of Joseph II. with the Pope. Is it a hasty, unjust, invidious accusation, to express the suspicion that this party is now making use of the contest with the hierarchy, only as a mask, behind which they may assail, with the greater security, Christianity itself? Do the adherents of the creed of Strauss, and of the younger Hegelians, demean themselves differently, in reference to the controversy of Frederick William III. with Gregory XVI., from the Illuminati, at the time of the controversy of Joseph II. with Pius VI.? And will the state now gain more from the assistance of such advocates, than it did then? We fear that an anti-national and anti-Christian advocacy will not be very useful, either to Prussian interests in particular, or to German interests in general. The Bible is the weapon of the protestant, and patriotism the weapon of the citizen; but with the Bible and patriotism they will have nothing to do. In the bottom of their hearts they reject Luther and the Prussian ritual just as much as they do the Pope, because they reject Christ; they cannot rightfully defend the German nation against the ultramontane influence, because they are professed Cosmopolites, and claim for the chair of Hegel the same universal authority, which Catholic Christendom, for many centuries, has conceded to the chair of Peter. We regard the working of this philosophy in the Cologne controversy as disorderly, offensive, and delusory. It takes away the stand-point from which men should survey the question. They defend, not what should be defended, but something entirely different,—their own bad cause. They discredit protestantism, while they appear to take it under their protection. They understand by the principle of protestantism, not what Luther understood by it,—the word of God and a life of faith, and love and purity,—but their pretended *free inquiry;* and by this they mean the annihilation of Christianity. Hence their writings, professedly in defence of the Prussian state, all squint towards a different corner; and thus the public are deceived. Gorres was perfectly right in ridiculing opponents who numbered such false brethren in their ranks. Having the Bible, it is a formal mistake to flee to the philosophy of Hegel, for the defence of the principle of Protestantism. What must the citizen and the peasant think of this? Of what use is this atheistic rubbish?

In view of all this, the true course is not to pour oil on the flame, but rather to extinguish this destructive firebrand. There is no necessity for a renewal of the old dispute between the Protestants and the Catholics,—a dispute which formerly cost us such immense sacrifices, that they have not yet been repaired. But still more unprofitable is it to envenom this controversy with atheistic tendencies, and to convert it into a war against Christianity. It is the common interest of the Germans to preserve their ancient harmony in matters of religion, and not rather to allow themselves to be exasperated against each other. We must take our stand on the nation, in order to perceive the advantage, the urgent necessity, of concord. In respect to the Cologne affair, we can only wish that it may be ended as soon as possible, and that no more may be said about it. From the continuance of this dispute, nothing can be gained, but much may be lost.

We think we have now shown that Illuminatism, reappearing under a new name in all its ancient activity, cannot be helpful, but must be injurious to German interests; and it were well for us to abstain from educating our youth in this system. Or shall not the melancholy experiment, which we have already made, perform at least this one service,—that of keeping us from another of the same character? Have we so many students of history, and shall we draw no lessons from history? Enough. We think that we have held up a mirror to the fourth decade of the nineteenth century.

CALEFFI.

AN AUTHENTIC TALE OF A FERRARESE CARBONARO.

TRANSLATED FROM THE ITALIAN.

A STRANGER who should have found himself in Ferrara on the 22nd of December, 1818, would doubtless have smiled at those who praise so much the mild and beautiful climate of Italy. In truth, that large and somewhat depopulated city presented on that day an unusually melancholy aspect, calculated to oppress the mind with misanthropic sadness. The air was darkened by torrents of rain and driving sleet, increased in their effect by a strong north wind. The streets, squares, and market-

places were deserted. Silence reigned throughout, broken only occasionally by the hammer of the industrious mechanic, or by the suppliant tones of the wretched beggars, who were knocking at the doors of the wealthy, imploring food and fuel. About three o'clock in the afternoon, the inhabitants of the place were aroused by an unexpected occurrence, the cause of both fear and wonder. From the gates of the castle were suddenly seen issuing forth several companies of patrol, led by commissioners of the police, which immediately spread themselves in different directions. In Italy, the operations of the police are always regarded by the people with a certain degree of distrust, because they usually minister only to the suspicions or vengeance of the throne. Such was the object of the proceeding of which we are now speaking.

Cardinal D'Arezza, governor of Ferrara, had been informed that there existed in that city a central body of the society famous throughout Europe under the name of "the Carbonari;" a society which had been for years incessantly endeavouring to produce a moral and physical action, capable of overthrowing the odious political yoke under which Italy had long groaned. But a treacherous member of the society (whose name has never been discovered) had not been able to furnish the cardinal with any definite information in relation to the *number* and persons of the Ferrarese Carbonari; and could only designate a certain Caleffi, as possessing the list of the members, which he always kept in his house. The cardinal therefore ordered, that while one company of guards should take possession of Caleffi's person and house, others should hold themselves in readiness to arrest immediately all whose names should be found in the list above mentioned.

It was at the moment that the peaceable inhabitants who had been attracted to their windows were watching with painful anxiety the movements of the patrols, that Caleffi, wrapped up in his cloak, was proceeding with hasty strides towards his own house.

Caleffi, though only twenty-five years of age, had a wife and two little ones. He was short in stature, but robust. His quick flashing eye betokened his high-toned feeling, and the extraordinary energy of his character. Of humble origin, he had received but a limited elementary education. Rank and cultivation are not always the parents of merit; more frequently the reverse. The bosom of Caleffi throbbed in unison with the feelings of those noble-minded Italians who longed for the redemption of their country. This gallant spirit did not long escape the notice of the clear-sighted Carbonari, who usually frequented in numbers the Caffé Ferrari where he was a waiter. Hence he was admitted into the fraternity, and employed as a servant. The repeated proofs of his zeal for the welfare of the society, which from time to time he displayed, gained for him its entire confidence, and he was soon employed in collecting the monthly contributions of its members. Thus it was that he became possessed of the list of their names.

Caleffi had just reached his house, when the commissioner of police, who with his guards had been waiting in the neighbourhood his arrival, arrested him, and in the name of the law, commanded him to place himself between the soldiers, and to follow him.

The wife of Caleffi, like many others, had been attracted to the window by curiosity. She saw her husband in the hands of the police, and with the quickness characteristic of her sex, at once divined the cause of his arrest. She had frequently observed her husband look furtively behind a picture which was suspended in their bedroom, and while she refrained from prying searches, she supposed that behind the painting there doubtless was concealed some object of importance. It was in fact behind a loose stone, covered by the picture, that Caleffi kept the fatal list.

While the commissioner was loudly knocking at the door, this noble woman raised the picture. To remove the stone, seize the paper, and commit it to the flames, was the work of an instant. Then slowly descending, she opened the door, and with much politeness admitted the officer and the patrol.

"Ah! this is a good sign!" muttered the commissioner.

"This woman does not greet me with the sneer usually extended to my class. She suspects nothing. All the better! I shall doubtless succeed in finding the important paper in its secret depository."

"Come, madam, show me your rooms and your furniture. I wish to gratify a little curiosity," said the crafty wretch, with an ironic smile upon his countenance. Caleffi's wife, self-possessed and dignified, glanced significantly to her silent but erect husband, as if saying, "Fear not, all is safe!"

The prying guards then ransacked every article which could possibly conceal ıything, the lynx-eyed commissioner meanwhile carefully watching the progress of ıe proceeding. Nothing, however, was found. They then proceeded up-stairs, and ıore repeated the search. Still no result. The last place which they visited was ıe bed-room. No papers! The officer could scarcely restrain his impatience, and as on the point of giving vent to it, when his eye rested upon the picture; he mmediately directed that it should be taken down.

"Ah, what have we here? An oven, the mouth of which is concealed by loose ricks. What is there within it?" said the officer.

"I know nothing about it," said Caleffi.

"I know nothing about it," repeated his wife.

"But you must account for this unusual circumstance; an oven, and loose bricks oncealing it! You doubtless kept something concealed here."

"I know nothing about it," was again the answer of both the Caleffi.

"No! then I will tell you," added the enraged commissioner. "It was there you ad some papers secreted."

"We know nothing about it," still repeated they, calmly and cheerfully.

"Separate them at once!" cried the officer. "We shall see!"

The wife was led to a room on the ground floor, and the husband remained in the ed-room. The baffled commissioner passed and re-passed alternately from Caleffi) his wife, but without success. Neither politeness, nor threats, nor promises, or insinuations, were of any avail. The two Caleffi remained unshaken. They ut re-echoed each other's answer. "I know nothing about it! I know nothing bout it!"

Evening, however, drawing near, it became necessary to make an end of the matter, nd the father was dragged to prison, while out of consideration for the children, the nother was allowed to remain in the house, under the eye of several soldiers.

In the centre of Ferrara there is an extensive castle, with four towers. The ıdifice was built during the Middle Ages by one of the princes of the house of Este, or his own safety. In the upper part of the castle, all is comfort, luxury, and pomp. In its magnificent saloons are still to be seen the productions of the most celebrated masters, of Titian, of Dosso Dossi, and of Benvenuto of Garofalo. In the various rooms are found the most costly articles of furniture. The walls are decorated with gorgeous curtains, gilded cornices, and bas-relievos by master hands. Not a step is taken, but something brings to mind an historical reminiscence, and recalls the splendour of by-gone days. On one side the imagination, aided by the productions of the pencil, would almost persuade you that you could hear the muse of Ariosto and of Guarino ministering in song to gay circles of princes and courtiers. On the other, you may repose your limbs on the same couch upon which the beautiful Eleonora reclined, while listening to the sighs and receiving the homage of the immortal Tasso. Beyond, is the secret oratory where the amiable and accomplished Renata, of France, attended by her ladies, listened to the preaching of that morose and austere reformer, Calvin. In a more remote apartment, you may drop a tear over the doom of the unhappy Parasina, and there appreciate the poetic spirit of Byron, whose genius a few years since, in this very spot, conceived the beautiful poem in which are related the amours of that ill-fated princess and her indiscreet step-son. Should inclination lead you, however, to descend to the subterranean part of the castle, the aspect of things suddenly changes. What a chill of horror is there experienced! All is darkness; everything tells of suffering. On either hand are dungeons, cells, pit-falls, and chains, which without doubt once ministered to the cruel spirit of feudalism. Among these various dungeons, one however is especially calculated to attract attention, on account of the barbarity displayed in its construction. In truth, it appears the work of a fiend rather than of a human being. Had Dante seen it, he doubtless would have alluded to it in his immortal poem, as the Dode of the most wretched among all the victims of the anger of God.

Around and beneath the building there flows a stream brought by artificial means om an adjoining river. The dungeon to which we allude is at the foot of one of ıe towers: it is approached by means of a long, crooked, and obscure corridor. ıs only entrance is a small iron door, and its roof is of marble, upon which the ampness collects. The flooring consists of an iron grating, through which, reflected om the water, streams in pale and subdued rays the only light which enlivens this eary place. It is so low, that it is impossible to stand upright within it, and one obliged to lie down upon the grating, and in that painful position remain subject) the currents of air which are thrown upward by the flowing of the waters beneath.

But a few days suffice to render its inmate sick, and on this account its use was strictly prohibited by the government of Napoleon. No such human disposition however animated Ondedei, the head of the police, at the time of which we are speaking. To the disgrace of human nature, Caleffi, with the consent of the cardinal, was thrown into this den, fit receptacle for reptiles only.

It is impossible, of course, to say what passed in the mind of Caleffi, but doubtless in the very inhumanity of his treatment he found a fresh source of courage and of firmness. It is characteristic of great minds to become more elevated under suffering, and I have already said that Caleffi possessed one of extraordinary vigour. In this dungeon he remained two entire nights and days, without straw to lie on, and with only a limited allowance of bread and water. The rough manners of his gaoler, and the solitude which reigned around him, were calculated even more than these circumstances, to weigh upon his spirits. Whoever could have read his inmost soul would most likely have there found reflected the dear images of his wife and children; perchance have heard their names murmured amidst his sighs; have detected some half-smothered complaint, suppressed by an indignant effort, ere fully uttered; perchance have heard breathed forth fresh aspirations for his country's welfare; aspirations telling of his love for that country, of honour, and of duty. And such indeed was the fact.

Towards the middle of the third night, the gratings of his door were noisily opened, and he was called forth. Before him stood several soldiers, and behind them was Colonel Ondedei.

This individual was originally from the province of Romagna, and noble by birth. He had once openly espoused the interest of Bonaparte, and subsequently joined the liberal party. Finally, however, he humbled himself at the foot of the Papal throne, in order to obtain the hateful post he filled at the time of which we are writing. Need greater proof be given of this wretch's utter abasement as a man, and of his fitness as a tool of the police?

"Caleffi, Caleffi!" he exclaimed, "look at me, and listen to what I am about to say. You see the wretched condition to which you are reduced; wretched it is true, but slight in comparison with that to which you will shortly be brought. In a few days you are to appear before a specially constituted tribunal, which without question will convict you of high treason."

Caleffi neither heeded him nor looked toward him.

"Answer me, wretched enemy of your sovereign! Are you prepared to suffer ignominiously upon the scaffold?"

Caleffi returned no answer.

"Have you no wife nor children? Are they not dear to you? Knowest thou, that the first is in prison, and has confessed all she knows? She has revealed the names of many of the Carbonari which were upon your list. This confession is sufficient to condemn you to death."

"You lie!" cried Caleffi; "I believe you not!"

"How, wretch! 'I lie!' Dare you accuse the chief of the police with falsehood! You shall see, however! But what do I say? No! no! You shall not suffer upon the gibbet. You shall live, as also your wife. She of her own accord has sought the cardinal, and obtained his consent that I should come here. I now assure you, that if you will only accede to my request, and state the name of the Ferrarese Carbonari, your punishment shall be mitigated."

Caleffi remained silent.

"Moreover, I will procure a full pardon for you. I can do anything with the cardinal."

Caleffi answered not.

"Yes, Caleffi, I would save you in spite of yourself. I pity your family and your inexperience. I know that you are a victim of seduction. For this night I leave you to your own thoughts. Reflect well upon your situation. I will see you again, and trust I shall be able to bring you some good news; for doubtless you will see the propriety of complying with my request, and of seconding the efforts which your wife is making, in your behalf, with the cardinal. Will you make me no answer?"

"No!"

"Then good night, Caleffi."

"Keep your spirits," said Ondedei as he left him, though more [illegible] than he saw fit to appear. Caleffi returned into his cell with fresh apprehensions and misgivings, perhaps, but certainly with renewed determination.

"What!" exclaimed the cardinal, as seated in his well-gilded and tapestried chamber, he listened to Ondedei, as he related the result of his interview. "What! a mere youth! a father! a husband! an uncultivated plebeian, and in such a dungeon! After all the threats, all the promises, still to persist in his audacious obstinacy! What shall we do, my dear director? How shall we overcome him?"

Ondedei listened and pondered. From his occupation, he was accustomed to strive successfully against the defencelessness of unarmed virtue; to deceive the inexperience of youth; to awe the timidity of poverty; and even to overcome the astuteness of the vigorous intellect.

"Your highness need not despair; the breast of man is a labyrinth of passions, of interested feelings, of hopes and of fears. When the clue to this labyrinth is once discovered, it is easy to thread it. Trust to me. There are some characters that are strong in certain points and weak in others. They must be approached on their weakest side. It appears to me that Caleffi is a person who must be gently led rather than driven."

"Well! do whatever you think most likely to obtain from this youth the confession which we require. It is all important that I should discover this conspiracy of the Carbonari. Religion and the State are in danger. Everything must be done to save them. I give you full power to act."

When night had set in, Ondedei again visited Caleffi, who was either asleep, or feigned to be so. The gaoler, stooping down, entered the dungeon with a light. Leaning over the prisoner, and taking his hand, he gently shook him, calling him by name.

Caleffi rubbed his eyes, and stretching out his limbs, looked at his visiter, but did not speak.

"Caleffi, get up; come into the passage; I wish to speak with you."

Caleffi arose and stepped into the corridor, where he found Ondedei.

The guards who accompanied the commissioner immediately fell back.

"Caleffi," said the commissioner; "I have succeeded, though with much difficulty, in pacifying the cardinal. Immediately upon hearing my report, he was about to direct that you should appear to-morrow before the tribunal. But I induced him to suspend this order, by pledging myself that you would listen to my solicitations. Be therefore obedient, and show yourself repentant. It will cost you but a slight effort; only two words! Give me but the names of the Carbonari, and you will be free."

Caleffi uttered not a syllable.

"Perhaps your sufferings or your fears may be the cause of your silence?"

"No! no! I feel no pain, and chains have no terror for me."

"So much the better. Now listen. Give me either the list or the names that it contained; you know them, for they were the names of those who paid into your hands their monthly contributions. The government is daily acquiring fresh information in relation to the Carbonari. Take heed lest shortly we be able to dispense with any disclosures you may have to make; for should you delay you will gain nothing by them. Now is the time for you to speak. What do you say?"

Caleffi was silent.

"Think, my dear Caleffi, of your own interests, not of those of the Carbonari. They, when arrested, as will be the case shortly, will be submitted to the ordeal of a legal inquiry, will confess all; and your silence, however praiseworthy, will only be laughed at by them. They will of course only look to their own safety. You should do likewise."

Caleffi returned no answer.

"Answer me, at least; I repeat, you shall have a full pardon, and besides a pecuniary reward. What you say shall remain a secret. I pledge my honour to this. What more do you want?"

"I wish for nothing, for I have nothing to reveal."

"But you know well that the Counts Tommasi, Raspi, the Marquis of Conorrici, the Counsellor Ferrarini, were ——"

"I have never seen those persons, and I know not who they are. I am a poor plebeian, and have nothing to do with the nobility or the lawyers."

The persons mentioned by Ondedei were in reality some of the chief officers of the Carbonari; but they were suspected by the government only from their well-known liberal sentiments. Tommasi afterward became an informer, and Ferrarini was pardoned by Pius VII. Of the remaining two, one was tried and condemned by the Austrian government, and the other is at present an exile in France.

"So you will disclose nothing?"

"I have nothing to disclose."

"I go, miserable youth! What shall I say to your wife?"

"Say to her that I love her, that I recommend my children to her care, and that I have no reason to fear."

"Nay, so far from it, you have reason to rejoice, if you will only follow the cardinal's wishes and mine. I will in the meantime see that you have a straw-bed, a coverlid, good food, and that your chains be removed. To-morrow you shall walk in the corridor, and breathe the fresh air."

"I have need of nothing, and ask for nothing; nevertheless, I thank you for your good intentions."

"Good night, Caleffi."

The door closed, and the next day he was treated as had been promised by the director of the police, who was again foiled and misled.

"Iron-hearted man! Yet remember that even iron may be rendered pliable. However, I must have recourse to other measures. Can it be possible that my efforts will not be crowned with success? It cannot be! I certainly shall not fail. How important will not my services appear in the eyes of my sovereign! The discovery of a conspiracy! Honours, wealth, nothing will be beyond my reach! What brilliant prospects! But I see I must work with increasing diligence and perseverance: all the better. The more glorious will be my triumph. And then again, why talk of virtue and firmness? Mere words! Ah, Caleffi! I have had to deal with men infinitely your superiors in rank, in character, and in education. Men who from lions I have seen become lambs. Yes, yes! You also will become so docile that I shall be able to handle you with impunity. I have yet in reserve some powerful weapons with which to overcome you. To work then!"

Thus reasoned the depraved Ondedei, while at the same time he concealed his anger and malignity under the appearance of perfect good nature.

This same night he re-visited Caleffi; the soldiers remaining in the corridor, while with a light in his hand he crept into his prisoner's cell.

"Ah! how do you find yourself, my dear Caleffi?" he exclaimed. "I trust your last night was passed more agreeably than the preceding ones, for I see that the gaoler has provided you with those comforts and indulgencies which I promised: give me your hand."

Caleffi extended it not.

"What! still gloomy and silent? But why do you act thus? I have some pleasing intelligence for you. Your wife is at liberty, and is now at home with her children. She sends her love to you, and advises you to confide in me."

"She is free, say you? And is so, perhaps, as an especial favour! In case you do not deceive me even in this, let me tell you that you have done an act merely of justice. What has she ever done, pray, to justify her imprisonment?"

"Pshaw! pshaw!—these are useless reflections, my dear Caleffi: you know that in the eyes of our rulers the public safety is the one all-important object. Reason and justice, you must be aware, enter into the support of this vital interest."

"I know nothing about such things."

"True!—you are right. It is wrong even to meddle with politics; particularly for a poor man like you. But now that you have committed yourself, (as I confess I have since an early period,) it becomes requisite that we should mutually assist each other, and at least save ourselves and our cousins, the Carbonari. A time will come when we shall again be able to further the grand object of our society."

"I do not understand you."

"Give me your hand, Caleffi, and you will at once comprehend my meaning." So saying, he took hold of Caleffi's hand, and with the middle finger touched him three times upon the palm.

"What does this mean?" said Caleffi.

"Cousin," said Ondedei, "embrace me. 'Fern!' 'Nettle!'" whispered the commissioner.

"What means this mummery?" exclaimed the prisoner. "Faith, Hope, Charity!" cried the treacherous magistrate, with much earnestness.

Ondedei, who in 1815 had become an apostate from the society of the Carbonari, wished to make Caleffi believe that he was still zealous in support of, and faithful to, its principles. Hence he prostituted to his purpose the word "*Cousin*," which was the term of fraternity among the Carbonari, as he did also the two first above-mentioned

xpressions. These being called "*pass-words*," and the latter "sacred," and all of hich were conventional terms, used by the members to recognise and greet each ther.

"What do you mean?" said Caleffi. "You are amusing yourself, sir, at my xpense."

"By no means, my dear cousin; I wish you to understand that I have been a arbonaro for many years, and that at heart I am still one. I have accepted the office f director of the police with the sole object of furthering the views of the society in ny way that may offer; and to do which I would even lay down my life."

Caleffi was silent.

"It is true," resumed Ondedei, "that I have not been admitted into the society as e-organised last year, nor is it by any means requisite that I should be. The chiefs f our central body at Naples well know that I am entirely devoted to their interests. They advised me not to avow myself a member of the reformed society, in order to be the better able to discover and thwart the plans of the government against it. Have I not acted wisely, Caleffi?"

Caleffi returned no answer.

"Now," continued Ondedei, "in this sudden and unlooked-for commotion, I find myself ignorant of the names of the reformed Carbonari, and of course know not what step to take for their advantage. Give me therefore only their names, and you will see whether or not I shall be able to manage matters quietly, as well as to save hem."

Caleffi was silent.

"And at least, if you do not know the names of all, give me those of the leaders. is against them that the displeasure of the government is principally directed, and e must render it futile."

"Come! be quick! Time passes. From one instant to another we are in danger the cardinal's discovering them, and then it will no longer be in my power to ve them. The cardinal, who after all is a good natured man," continued the commissioner, "may perhaps, in consideration of your disclosures, be induced to proclaim general pardon, and that without in the slightest degree compromising you. You ould be instantly set free, and be held in high estimation by the cardinal and our *usins*. I am certain this would be the case; but most assuredly not, if the legal quiries which have already commenced be continued. A stop, however, would be ut to these, immediately upon your making the disclosures."

"But I tell you that I know nothing about the matter."

"See! I will at once arrange matters so that you shall receive a lucrative ppointment. You know that the police always has places at its disposal."

"Yes! Honourable employments truly!"

"Understand me. I mean some private situation."

"I want none. I have one already, and that suffices me."

"All very well; but I will better your condition. There, take these;" and pulling rom beneath his cloak two rouleaus of coin, he was about to place them in Caleffi's and, when the latter, raising himself up, exclaimed:

"What are these!"

"They are two rouleaus of gold, each containing double Napoleons. Give me the ames, and you may instantly return to your own house, and use them for the benefit f yourself and family. Everything will remain secret. To-morrow all will be rgotten. Our *cousins* will be safe, and with the money you will be able to enjoy ourself for more than a year."

Caleffi made a gesture expressive of anger, and of extreme contempt.

"And," continued Ondedei, "as to the fate of the Carbonari, if you will not trust ie, accompany me to the cardinal, and you shall receive from his own lips a promise iat everything shall be buried in oblivion."

"I do not wish to go anywhere, except to my wife and children."

"And so you shall: I myself will accompany you to them, and be a witness of the nbraces and congratulations with which a husband is greeted when re-united to his mily. Speak, Caleffi! and quickly, a few of the names."

"What names? I know none."

"The names of the leaders of the Carbonari."

"I know not who the Carbonari are."

"Then you will not speak?"

"I have nothing to say."

"So you are determined to ruin your cousins?"

"I have no cousins."

"You refuse, then, both freedom, money and employment?"

"I do not refuse my freedom."

"And should you be tried and condemned!"

"I have nothing to fear on that score, for I have committed no crime."

"Reflect well upon what you are doing, for now I leave you, and shall not return. The tribunal must henceforth act in the matter."

"I care not."

"Farewell, Caleffi! I go."

"Do as you think proper."

"Will you disclose nothing?"

Caleffi stretched himself out, and covered his head with the clothes.

"Caleffi, for your own sake, for the sake of your wife and children, for the welfare of our companions, the Carbonari, speak, I beseech you!"

Caleffi remained covered, and answered not.

Ondedei regarded his imperturbable prisoner with mingled admiration and rage. He paused, and added:

"I hope, at least, Caleffi, that you will not betray me to the government as a Carbonaro, for what I have disclosed to you in the fulness of my confidence."

"I am no spy,!" exclaimed Caleffi.

Ondedei trembled, and muttering between his teeth, abruptly left the dungeon.

While Ondedei had been striving to obtain a confession from the husband, an inferior officer of the police, with the like ill success, was using every possible artifice which craft and malignity could devise, to wring one from the resolute and unshaken wife. She was confined, as we have said, in her house, and guarded by several soldiers. Frequently during the day and night she was harassed by threats, promises, and falsehoods, with the view of forcing her to reveal what had been secreted in the mysterious oven, covered by the picture. The only answer, however, which could he obtained from her was, "I know nothing about it."

"She knows nothing about it," said the cardinal.

"Well, then, we must put a stop to the proceedings. It is possible, after all, that this woman may be entirely ignorant of her husband's secret. And if she were not, why should we, Mr. Commissioner, oblige a wife to disclose anything that might injure the partner of her bosom? It would be inhuman to do so. I will not stain my hands with so dark and foul a blot. Withdraw your soldiers from her house, and leave her in quiet with her children." The sixth day had then elapsed, and his orders were obeyed.

During the proceedings which we have described, the Cardinal D'Arezzo experienced those feelings of impatience and remorse, which the commission of injustice calls forth in those who are yet alive to the workings of conscience.

It is an immutable law of our nature, that the intensity of good and evil passions diminishes in proportion to their duration. Moreover, the cardinal was not a depraved man. Whoever should have read his character in the lineaments of his countenance, would have clearly traced indications of benevolence, though little of intellect.

His features were massive, yet his whole bearing was impressed with that certain degree of dignity which results from an artificial and effeminate education. His deportment conveyed the idea of good fellowship, while it in no way derogated from his pretensions to nobility, which were founded on his descent from an ancient Sicilian family.

Having also been regularly ordained a priest, which is not the case with every cardinal, he was imbued with those mild and benevolent feelings which the religion of Christ does not fail to produce, when it is professed in sincerity, and with zeal. Moreover, his long and eventful life had been marked by a serious misfortune, which had left its traces upon the heart. He had been among the number of those cardinals who had openly opposed the divorce of Napoleon from the unhappy and interesting Josephine; and who in consequence had stigmatised as illicit intercourse, the connexion which that ambitious man, in the zenith of his glory, had formed with Maria Louisa. His conduct, however, on behalf of these cardinals, cost him dearly. Arezzo lost all his ecclesiastical honours and emoluments, and was confined in a castle in Corsica, whence, but a few years before the time of this narrative, he was enabled to escape, owing to the continued and dexterous expedients of a faithful servant. Whoever has but tasted of the cup of misfortune, quickly sym-

pathizes with the sufferings of others, and soon feels it an imperative duty to aid them in their wretchedness. Thus it was with the cardinal, who having known from experience how human nature revolts at tyranny, felt disposed to act leniently toward his prisoner.

It was in this mood that the cardinal was found by Ondedei, who came breathless, and foaming with rage, to communicate to him the result of the third ineffectual attempt against the firmness of Caleffi.

"And what else would you have us do, colonel, in order to overcome this youth, and to obtain from him the names of our secret enemies?"

"What! why I would, without any pity, have recourse to chains, to imprisonment, to stripes, to starvation. I would confine him with some wretch, who, in the hope of obtaining his own pardon, would shrewdly worm the secret from him."

"But have we not, for the space of seven days already, and without success, used the greater part of these means?"

"Ah, your highness, the obstinacy which will not yield in the course of one week, may perchance be overcome in two or three—in a month—in a year; and beside, mild measures having failed, we must resort to harsh ones."

"But you told me that in your opinion Caleffi would yield only to kindness."

"True; I am ashamed to avow it: I was mistaken; but who is there that is not liable to be deceived, your highness?"

"I have learned that full well from your own operations, Colonel Ondedei; but the measures you propose are too repugnant to humanity, to law, and to the dictates of religion. No! I cannot consent to torment a man upon suspicion only, and for the sole object of discovering a crime; and all this without the direction of a legally constituted tribunal!"

"Ah, Cardinal, if the Carbonari could only have the upper hand, what would they not do to us? Heaven preserve us from such an event! You would see them infinitely more cruel and inexorable than I propose to be with Caleffi."

"Do not let us run into suppositions, Colonel Ondedei; let us keep to the facts. We do not know that Celeffi is guilty; we only suspect him of being so. The most regular way of proceeding would be to subject him to a legal examination.

"But, your highness, what foundation have we upon which to commence legal proceedings? We have only the secret denunciation against him by a Carbonaro, whose names we have pledged our words should not be disclosed. The tribunal, therefore, would not know at what point to begin its interrogatories, and the result would be, an acquittal of the prisoner. In such an event, you would incur the odium of having imprisoned an innocent man."

"If such be the case, I should be infinitely more obnoxious thereto, were I to persecute him farther, as you propose, without the sanction of judicial forms."

"But it would be simply an attempt."

"True; but a brutal one. Mankind are our brethren in the Lord. Our religion enjoins charity. Oh! Ondedei, how beautiful and comforting is that precept of Christ, in which we are commanded to do unto others as we would be done by!"

"Your excellency is too good; too pious."

"No one can be either too good or too pious," said the cardinal.

"Listen! I have in these critical and complicated cases a discretionary power, to proceed in such a manner as shall appear the most conducive to the ends of justice, and of true policy. I have listened to, and carried out with extreme severity, the dictates of expediency for the last week; and much pain has it cost me. I would now subserve with benignity the ends of justice. Before day-break, let Caleffi be set free. I say before day-break, in order to avoid the effects of popular inquiry; of harsh comments, and of reports. You know very well that in these unpropitious days, the great body of the people are inimical to our government."

"But too much so. Your excellency has ordered, and I have but to obey. Allow me, however, in the sincerity of my zeal, to make only one observation. God grant that your highness may not hereafter see cause to regret this precipitate act of mercy."

"No! no! I shall never have occasion to regret having performed an act of justice, which you, however, improperly term an act of mercy. Go, sir, and obey my orders;" and thus saying, he haughtily pointed to the door.

"Curse the hypocritical priest! To give this wretch Caleffi the means of defeating me so shamefully! Why are these priests meddling with government, instead of attending to their prayers and their masses! A fine figure I may make, truly! After all my vigilance, labour, movements, writings, to remain here like

a simpleton, worsted by this ignorant dog of a plebeian! What will Ferrara sa of me to-morrow? I shall be the scorn and derision of all, and my unpopularity wi be greater than ever. Cursed be the occupation of an officer of the police! Ah if things take this course, the papal government will not stand long. Directe by my lord this and my lord that, who know not an iota of law or administratio of the principles of policy, or the intricacies of the human heart. Alas! all m hopes are come to nought! Ah, Caleffi, Caleffi! if you had to deal with n alone, you would soon find out that I knew how to place the curb in your mout unbroken colt as you are! But the order must be obeyed; the order, too, of priest!"

Thus did Ondedei give vent to his bitter and disappointed feelings; and descendi slowly the flight of steps, he arrived at the dungeon of Caleffi, when, with mu affected warmth, he said:—

"I congratulate you, my dear Caleffi. I have succeeded. Be grateful! The ca dinal has yielded to my entreaties, and you are free! Go home at once, whi it is dark. It is better that you should speak to no one in relation to what ha passed in secret within the last few days. Farewell!"

Caleffi quietly and calmly took his cloak; "Farewell, sir," said he to Ondedei and then instantly went home, to pour forth in the bosom of his own family th hitherto pent-up feelings of his wrongs, and then to exult in his triumph. A triumph worthy of history, and one which was fully appreciated by his fellow citizen of Ferrara.

Whoever is capable of feeling, can easily picture to himself the scene which ensue upon the re-union of Caleffi with his wife and children. Their embraces, thei tears, their broken utterance, told plainly of their inward joy and powerfu emotions. "Oh, my children! you whom I hold dearer than my own being, wee not! Your father has not been injured. His love for his country and for his honou have made him rise superior to suffering. And thou, my beloved wife! fit companio in prosperity as in misfortune!—you have emulated me in the proofs you hav given of your courage and firmness. Blessed be the Creator, who has imparte these virtues to you! We are poor, and we shall still be so, but we shall at leas eat the bread of honest industry, and not live upon the fruits of baseness and perfid And you, my fellow citizens! You who are bound together by the bonds of high and worthy political object—you, noble-minded Carbonari! do not prai me; you have no cause to thank me, for I have but done my duty."

Yes, Caleffi! nobly did you your duty; and we will praise and rememb you, until the last hour of our existence. Your performance of your trust, sav many of us from persecution, from exile, from chains, from death! Had it not bee for your almost superhuman firmness, and generous disinterestedness, how mar families would have suffered! How many hopes would have been blasted! Ho great would have been the exultation of our enemies! Yes, Caleffi! Long live you name! Long live the recollection of your heroism! Let the proud and wealth aristocrat, who scarcely deigns to look upon a plebeian, learn from your exampl that moral greatness is independent of birth, and of the smiles of fortune!— that in the midst of poverty are to be found those rare virtues, the possession o which enables the lowest to exclaim, with pride, in the presence of royalty itself, "I, a plebeian, I too am a citizen; for within my bosom glows a spirit which has been firec from on high!"

It is in this country of civil and religious freedom, that I, an exiled sufferer in the holy cause of our common country, record your name and the circumstance of the memorable trial you underwent, and from which you derived as it were a new existence. If in Italy despotism confines within the bosom of your friends and of other noble-minded Italians those feelings of praise and of homage, of which i does not allow the utterance, here at least you will receive high eulogiums from a people who have known both how to obtain and how to preserve that liberty and independence which we sigh for, and now sigh in vain; but which a glorious here after will secure to us, when our young Italians shall be able to say, "We also hav the spirit of Caleffi within us!"

TIME'S CHANGES.

BY ISAAC CLARKE PRAY.

THERE is a tear of sweet relief—
A tear of rapture and of grief:
The feeling heart alone can know
What soft emotions bid it flow.
Then memory wakes, and loves to mourn
The days that never can return.—MRS. HEMANS

OH, Time, how many painful things
By thee I've learned in latter years!
Plumeless are now my spirit's wings—
My glad eyes changed to founts of tears.
I know the joys the world esteems,
Purchased at Childhood's princely cost,
They are the gifts of futile dreams—
A moment grasped, then wholly lost.

My home! Oh, how that little word
Revives emotions felt of yore!
I see old scenes that there occurred—
The same familiar face it wore.
But now, oh, God! there are unrolled
Changes I never shall forget,
Which some would curse—but I behold
A father and a sister yet.

Oh, Sister, does thy heart not ache
To see the wrecks of things once dear—
Does not remembrance often take
A glance at each departed year—
Recall the time ere mother died,
Our noble mother, kind and good,
Our brother, too, and ah, beside,
Our sister?—happy householdhood!

I know 'tis so; as flow my tears
While thinking of the joys now past,
Thou seem'st with me to view the years
That were too pleasant far, to last—
When friends in name seem'd friends indeed,
Not hypocrites to childhood's sight,
But equal all, in wealth or need,
To him who toiled for their delight.

We must not mourn that now are dead
Our brother and our sister dear;
Had they perceived how time hath sped—
The changes in his dread career,
Had they beheld what we have seen,
The ruin here around us thrown,
Their gentle spirits wrecked had been
Beneath the storm that we have known.

Take courage, then, a little while,
A few short years can only pass,
Ere death on us will surely smile—
The sands of life run through the glass.
Against the ills of life, bear up!
With firmness yet, oh, struggle on;
What though the draught that fills our cup
Be bitter—drink! 'Twill soon be gone.

TIME.

BY ISAAC CLARKE PRAY.

Oh, Time, how inexpressible art thou!
In vain it is that painters do unfold
Thy face and form that mortals may behold—
They never knew thee—never saw thy brow.
E'en as I strive to fix thy features now,
I feel thy progress cannot be controlled;
I cannot see thee fair, or young, or old—
Thou'rt come and gone! I know not where or how!
If thou art young, why dost not loiter here,
Where Youth and Beauty both too quickly die?
If thou art old, why then thus young appear,
Thou active one that canst so quickly fly?
Thou heedest not! Well—stay not thy career—
I know I follow to Eternity.

THE DRAMA AT TINNECUM.

OR MR. CHIPP IN THE "PROVINCES."

A vague report, at Tinnecum, had been going around for a couple of weeks, and gathering strength as it went, that a theatrical exhibition had been projected, and might probably take place at the inn. This, it appears, had some foundation, for the SELECTMEN were shortly called together to take cognizance of the matter; when the chairman of the meeting, swelling with importance, said he had received a communication, which he begged leave to lay before the board. Whereupon he thrust his hand into his side-pocket, and pulled out a letter, which he opened and read as follows:

To the Honourable the Selectmen of the town of Tinnecum, the humble petition of GEORGE CHIPP *respectfully showeth:*

That having fulfilled his engagements with the Metropolitan Theatres, he is at present prosecuting a tour which has for its end the promotion of the DRAMA in the provinces. His grand aim and object will be to resuscitate it where it has fallen into neglect; to uphold it where it is struggling; and in places where it has never existed, to give it that prominence as an institution of civilized society, which it has claimed in all ages; to vindicate it from the aspersions of its enemies, to establish it on a firm foundation as a school of morals, an adjunct of the pulpit, and a seminary for the rising generation. Mr. CHIPP is accompanied by his lady, whose celebrated versatility of genius will enable him to present for the approbation of his audiences some of the best creations of the tragic and comic school, with a cast of characters unequalled on any stage. In fostering the above objects, so dear to every lover of his country, Mr. CHIPP relies on the protection of your honourable body, and respectfully begs permission to give two successive representations of the legitimate drama during the evenings of the ensuing week, at which you are as a body invited to attend. And your petitioner will ever pray, etc.

"There," said the chairman of the meeting, lifting his spectacles above his brow, when he had done reading, and wiping away the drops of perspiration which had started upon his forehead, "this communication *come* to me by special express yesterday, and I have pondered it a good deal, and had no rest last night, I assure you, gentlemen."

"The public interest is always dear to you, Squire Sharkey," said the editor of the Tinnecum Gazette, speaking in bated breath to the most eminent man of the county.

"A handsome compliment, and well merited," added Mr. Weatherby.

"To be sure it is, to be sure it is," echoed all the board.

A modest confusion overspread the face of the chairman. He rose from his seat, approached the fire-place, ejected a quid of tobacco, which had hitherto filled up all his cheek, and having thus gained a little time, returned to the table, and reflected on all present a self-approving and congratulatory smile. "I am glad my fellow citizens thinks well of my conduct," said he; "it is that what sustains me in upheaving the burden of this great community. You have justly remarked that the interests of Tinnecum is dear to me. Be assured of my cordial acquiescence, gentle-

nen. Be assured that I wish to do what is right, and when that is the case, there is
o *difficul'*, there is no *difficul'*."

This prompt and generous expression of feeling on the part of the chairman re-
eived a most hearty response from all present; and the secretary of the board, who
ould hardly contain himself until the conclusion, rose up on his legs, his hair
tanding on end, and his countenance expressive of intense admiration, and beat the
able enthusiastically with his two fists, so that the pens danced about, and the ink-
tand was very nearly overturned. "I beg leave to move," said he, with a sparkling
eye, which showed how much his feelings were enlisted in what he said, "I beg
leave to move that them superhuman words be inscribed as a motto on the Tinnecum
arms—'*There is no difficul'; there is no difficul'!*'"

The chairman was completely overwhelmed. It is true that he thought he had
always deserved the approbation of his townsmen, but this outbreak of honest feeling
took him completely by storm. He wiped the corner of his eye with his knuckles,
and when the secretary, with a delicate propriety, had put and carried the question
without a dissenting voice, "Gentlemen," said he, "let us now proceed to the busi-
ness of the board."

The members obeyed the suggestion, and drew their chairs near to the table.
The chairman then wiped his spectacles, placed them on his nose, elevated his eye-
brows, wrinkled his forehead, opened the epistle of Mr. Chipp, and spreading it
out before him, pressed it down hard with his right hand. He then took off his
spectacles again, hemmed thrice, and looked round. A deep silence reigned in the
oom, unbroken by a single word. The hearts of the selectmen thumped audibly
gainst their ribs, and they remained in utter ignorance of the course to be pursued.
erhaps they knew well, and could have stated, what their own desires were, but
ey held back with deferential awe. The chairman at last broke silence. "Gen-
e-men," said he, in that hushed whisper in which he always spoke when business
importance was pending, "the case is plainly this. We have a communication
re from that eminent comedian, Mr. Chipp——"

Several members of the council breathed more freely. But a long pause inter-
ned.

"I say, we have got a communication from that eminent comedian, Mr. Chipp;
d we 'm now sot down to deliberate onto it. What we 'd better do, will all depend
you, gentlemen, and your enlightened *sentimens*, guided in a measure, as I hope,
such views of duty ——"

A revulsion took place in the feelings of the members.

"By such views of duty as I shall lay before you. No doubt you 've all hearn tell
Theaytres, gentlemen. No doubt you know pretty nigh what they be. If you
n't, perhaps it would be extremely proper for me to inform you. I 've examined
at subject pretty thoroughly before I come up here, and from what I can find out,
'm compelled to say—gentlemen, I am compelled to say, that I am afeared theaytres
like some folks that I could mention in this community, '*no better than they should*
.'" Great emotion was manifested in the board when Squire Sharkey said this,
d a sickly smile and approval of his wit. "And sooner," proceeded he, with
mphasis, "and sooner, gentlemen, than the great cause of morals should be put into
pardy at Tinnecum, I—I—I don' know what I would do!"

"A noble sentiment," ejaculated Mr. Weatherby, "and we 'll stand by you, Squire."

"Yes, we will!" exclaimed several in a breath.

"The *Press* wont be backward in the present instance," said the editor of the
nnecum Gazette, in a feeble, tremulous voice. "The press will be found a great
oral engine."

"What, sir?" thundered the chairman of the board.

"What, sir?" exclaimed the secretary.

"What, sir?" repeated all the rest.

"I said that the press was a—a—a great moral engine," replied the editor,
sitatingly. "I hope I did n't say no wrong, sir."

"Not a bit of it. Certainly not. I misunderstood your meaning. I ask your
rdon, sir."

"We ask your pardon, sir," echoed the board.

"It 's granted, with pleasure, gentlemen. The press, as I was saying, is a great
oral engine, and I mean that it shall lift up its voice in this quarter against the
rrupt stage."

"The stage?—what stage?" said a man at the editor's elbow. We *want* a stage
re. Do you mean to oppose a mail stage?"

"If that 's what your a-drivin' after," said another, "it 's a pity your printin' ingine warn't heaved into the creek."

"No, gentlemen, you misinterpret my meaning. I do n't mean to lend my columns to any such opposition. I am the firm and unflinching advocate of a mail stage.—When I spoke of the stage, I meant the *theaytre*."

"Oh—ah! That 's it, is it? Then *say* what you *mean*."

"There 's no doubt that the theaytre *is* the wickedest place in the world," said the secretary.

"Oh! certainly it is," replied Mr. Weatherby, with some degree of despondence in his tone.

"And since that is the case, gentlemen," said the president, with a severe dignity in his manner, "we had n't ought to patronize this thing. Certainly not, I say, *if* that is the case. The public morals is entrusted to us, and we 're bound to take care of them."

If Mr. Chipp, of the great Metropolitan Theatre, could have looked into the assembly who were deliberating upon his case at this moment, he would have thought that the prospects of the drama, as far as related to Tinnecum, were very poor indeed. For the selectmen of the town appeared all to have their necks set the same way, and with infinite self-denial had brought themselves to toe what they considered the direct line of duty. Thus the matter stood, when a little, dark, bilious man, who had hitherto sat perfectly quiet at the board, and had taken no part in the proceedings, suddenly roused himself in his chair. Alas! alas! for the cause of good morals; if that little, dark, bilious man had only thought fit to have held his tongue, never had the reputation of that wild wight, Will Shakspeare, penetrated to these parts, and thou, Mr. George Chipp, great and swelling tragedian as thou art, would never have trod the boards at Tinnecum! But Mr. Chubbs, for that was the name of the personage already mentioned, took it in his head to speak out.

"My christian friends," said he, "I 'm pleased to hear you talk as you do. You speak like christian men. We do n't want the dear Tinnecum youth to be corrupted by that devil's nursery. Our minister says he will have no such doings here, and that the theaytre is a notorious school of the devil."

This little speech, which had been innocently put in with the best intentions, wrought wonders. Never had Squire Sharkey assumed such an air of offended dignity. He immediately drew himself up, and casting a terrible glance at the person who had spoken: "Sir," said he, "no dictation here. We want no dictation here. We shall submit to none."

A sudden light seemed to break in upon the members of the board. They started eagerly from their seats, bent forward toward the discomfited moralist, and roared out in a furious voice: "No dictation, sir. We want no dictation. We shall submit to none."

The poor man was nearly overwhelmed by so many speakers. But he endeavoured to bear up and support his cause. It was, in his view of the case, a sacred cause, and one in which the rising generation were concerned. "Gentlemen," said he, "I stated that the theaytre was the school of the devil."

"Then, sir," replied the chairman, "you stated what you did n't know anything at all about. Have you ever been to the theaytre, sir?"

"I can 't exactly say that I have; but—but—but—"

"We want no *buts* here, sir; we want sound argument. If you 've never been there, what do you know about it?"

"Squire," said Mr. Chubb, with a cholicky expression of countenance, "I s'pose I need n't put my hand in the fire, to find out whether it will burn?"

"Insulting puppy! Do you mean to face me down here with your sophisms? Do you want me to demand the protection of this body? You talk about fire. Be keerful that you do n't burn your own fingers, sir!"

This keen and cutting retort, enhanced as it was by a withering and demoniacal scowl, was received with the most uproarious applause. The secretary seemed acutely alive to it. His whole face was wrinkled up with smiles, and the tears fairly squeezed out of his eyes. At last he had to hide his head, out of feeling for Mr. Chubbs. "Oh! oh! oh!" whispered he, audibly, in the ear of the gentleman who sat next to him; "did you ever *hear* anything so severe!"

The rest of the company, with less delicacy, fixed their gaze unremittedly on the obnoxious member, with an evident curiosity to see how he would look; and if I must state what was passing through their minds, they *did* think that he looked peculiarly *small*. Mr. Chubbs rose from his seat. "He 's a-going out!" said they

to themselves. "Now we'll have Mr. Chipp. It's high time that he went out. It's too hot for him here." What was the surprise of these men, however, when they saw the rash Chubbs actually gazing at the chairman with an unparalleled coolness, and only a little blacker in the visage than he was before! "Squïer," said he, in a tone half supplicatory, half interrogatory, "just let me ax you one question: Have *you* ever been to the theaytre?"

The chairman half rose from his seat, compressed his lips with great violence, so that his chin was covered with wrinkles an inch deep, and dropping his head on his left shoulder, without altering the position of his body, gazed sidelong for half a minute at Mr. Chubbs. Oh! that look! What a breathless expectation reigned in the town hall! "Have I ever been to the theaytre?" Here the speaker again compressed his lips and paused; and then immediately dropping on his seat, and slamming his fist on the table, he added in one breath, and with a voice of thunder: "Have I ever been to the theaytre? YES! I was took to the play once-t, when I was a youth, and justice compels me to say, gentlemen, that —— I was highly pleased with it!"

The effect of all this was electric—triumphant. The eyes of the members almost swelled out of their heads with admiration and delight. "Oh, Guy!" they all screamed; "only hark to the squire! The squire's been to the theaytre!"

"Yes, gentlemen, I *have* been there, although it was a smart spell ago; but I remember it as well as yesterday. It was when I was a boy. My uncle says to me, 'Bubby,' says he, 'you shall go to the play to-night.' And sure enough, when the night came, off we went to the theaytre. And when we got there, he sot me on his knees, and give me a hunk of gingerbread, and my pockets full of pea-nuts. Presently a wild Ingen come in, with a tommyhox in his hand. That frightened me, for I was but a child, and I hollered out. 'Bubby,' says he, 'it won't hurt you. There now, be a good boy.' First I wanted to go out, but bime-by I got used to it. And then I could have sot still all night.—This, however, was thirty years ago. And now, gentlemen, we have an application here from that distinguished comedian, Mr. Chipp; and with my strict notions with regard to justice, I do n't, when I come to think more on the matter, gentlemen, I do n't think it would be right to condemn him without a hearing. It is n't doing as we would be done by. It is not, you may rest assured."

"Squire, your *sentimens* are noble, scriptural, and correct," said a member of the board, "and I honour them. If you have no objection, I should like to have that letter read over again."

"Certainly," replied the chairman. "Mr. Secretary, please read that letter aloud for the benefit of the board."

This request having been complied with, the chairman exclaimed: "There, gentlemen, I call that a very handsome letter. It is honourable to the writer and respectful to this board. It was only from the best motives that I hesitated. You all know my desire, gentlemen, to preserve the morals of Tinnecum entirely pure."

The secretary grasped the hand of Squire Sharkey, and shook it warmly. "My dear sir," said he, "permit me, in the name of my associates, to say, that we have the fullest confidence that you will act for the best interests of this town and of this community."

Squire Sharkey was much affected. He however went on to say: "What I propose, gentlemen, is this. Let us hear Mr. Chipp act this once-t, and judge for ourselves, and if we do n't like him, we won't never let him come here ag'in. That is easy enough. There is no *difficul'*. Will any gentleman make such a motion?"

It was immediately made and seconded, and the question put: "Those who are in favour of this motion, say 'Ay.'" The walls of the building shook with a most hearty "Ay!"

"Those who are of the contrary opinion, will please to say 'No.'"

"No."

"Gentlemen, somebody said 'No!'"

Chubbs here rose up, unblushingly, and was about to speak, but a volley of groans and hisses was directed against that audacious man, which compelled him, after making several attempts to be heard, to sit down. The editor of the Tinnecum Gazette then took the floor, and having recovered confidence, thus spoke:

"Mr. Chairman and gentlemen of the Board:—Nothing was farther from my intentions when I came here this evening than to trespass on your patience; but, after what has just occurred, I feel myself compelled to speak boldly. We have here witnessed the spectacle of a single man creating tumult and discord in this body,

and receiving a slight reproof compared with what he deserves. But there is a point, gentlemen, beyond which he should not be permitted to go, and I am decidedly of the opinion that he has trespassed on your good nature and forbearance a little too far. I rise, therefore, for the purpose of proposing, that by casting a negative vote, as he has just done, he has attempted to disturb the unanimity of this body, and has, *ipso factotum*, by the act itself, ceased to be a member of this board. He has moreover been guilty of a foul conspiracy to injure the rising prospects of the drama in this town, and to destroy the character of Mr. Chipp. And I *do* hope that if this board does nothing else, they will at least appoint a committee to apologize to Mr. Chipp, and to present him with the freedom of the town, shut up in a box of snuff. Gentlemen, I know that I speak warmly on this subject. I *feel* so. I know that I risk my life in speaking as I now do. I see the venomous eyes of that man fixed upon me. But I could not, in justice to myself, in justice to you, gentlemen, refrain from being thus severe on that man's conduct, come what will. I however ask it as a particular favour, that *four* of the members of this honourable board will accompany me to my lodgings, one to walk on each side of me, and one before me, and one in my rear, to defend my life from his savage malignity. I have now done, sir, at least for the present. But I trust that I shall always have a word to say, when I can be of service to this board."

The editor sat down amidst much applause. "It was really a beautiful speech, was n't it?" whispered the secretary.

"Yes, it was; handsomely worded—sublime."

It is no wonder that in the excited state of the assembly, the proposition of the editor should have prevailed. Mr. Chubbs was expelled. After this, a member rose, and said he had only a single remark to make, and that was, that the emphatic words which the chairman had made use of at one stage of the proceedings, would be exactly the thing to inscribe on the colours of the INDEPENDENT TINNECUM VOLUNTEERS, and he hoped it would be done, so that if them brave troops should ever be called out to defend their country, and feel inclined to waver in battle, they would only have to cast their eyes upward, and derive fresh courage when they perused that victorious phrase, "*There is no difficul' there is no difficul'!*" This, of course, was approved of, and the board adjourned.

The editor was accompanied on his way home by four members who kindly volunteered to go with him, but being sharply attacked before he had advanced far, by a small dog, he was deserted by his body-guard, and fleeing for his life, at last arrived at his office in a state of great agitation and excitement. There he sat down, and when he had recovered breath, by the aid of his foreman, penned the following incendiary article:

HIGHLY IMPORTANT.—We stop the press to announce that we have been informed on the most undoubted authority that that distinguished histrion, Mr GEORGE CHIPP, recently from the great metropolitan theatres, together with his accomplished lady, will perform here in the course of a few days. Mr. Chipp's proposition to introduce the drama into this place was entertained in the Board of Selectmen, after a most stormy debate. And here we cannot help animadverting on the unchristian and ungentlemanly deportment of Mr. Chubbs, late a member of that Board. With a pertinacity which were astounding, he sat himself up in opposition to the wishes of his associates. In the course of a speech directed mainly against that gentleman, we spoke our mind pretty freely, in consequence of which he sent a ferocious mastiff to attack us by the way-side, by which our coat-tail was severely torn, our hat jostled from our head, and we received other injury. Such conduct needs no comment. We cannot help congratulating our townsmen on the great treat which will be soon afforded them. Never yet on the shores of Swan Creek has the sweet bard of Avon tuned his melodious liar. Who can doubt that the theatre is one of the best schools that we have, to inculcate sentiments, to improve the morals, to refine the feelings, and to soothe the heart? The efforts which Mr. GEORGE CHIPP has been making in this country, to place the drama on a strong foundation, redound highly to his honour. Success to him, say we! And to all those who will have an opportunity to see and hear for themselves, we say, *go*, and let us show to the world that there is taste, patriotism, and refinement in TINNECUM.

When the Tinnecum Gazette appeared on the following day, a postscript was annexed to the above article, to this effect:—

Mr. Chubbs has just been in the office, and having threatened us with a severe cow-hiding, we are reluctantly compelled to declare, that the foregoing article, so far as relates to him, is a fabrication, and utterly devoid of truth. We made it unadvisedly, and are heartily sorry for it. As to the rest of that article, however, we pledge our honour and veracity that it is correct, and may be entirely relied upon.—ED. TIN. GAZ.

When the news had thus been completely divulged that there would be a theatrical entertainment, the high-wrought expectation and curiosity of the Tinnecumites exceeded all bounds. They had got a vague and imperfect notion of theatrical things, derived from no very authentic sources, and likewise an idea that there was

something morally wrong about them, they knew not what. This sharpened the edge of their desire the more.

When at last the morning came, on which Mr. Chipp was expected to arrive, nearly the whole town were collected on the piazza of the hotel, to get a sight of that remarkable man. They waited long, but he came not. At last a cloud of dust was seen in the distance, and presently a close chaise, with a large trunk strapped behind it, drew up before the hotel. Mr. George Chipp looked out:—"By the shade of Shakspeare!" exclaimed he to his wife, "we shall play a splendid engagement here. The whole town of Tinnecum has turned out to do homage to the drama!" He handed his lady out of the chaise, and bowed with an easy grace to the assembled crowd. Squire Sharkey, in his bald crown, at the head of the SELECTMEN, received him on the steps, and in the name of that body thus spoke to Mr. and Mrs. Chipp:—

COMEDIANS OF THE EIGHTEENTH CENTURY! WE BID YOU WELCOME TO THE TOWN OF TINNECUM.

To which Mr. Chipp, hat in hand, replied:—

"YOUR EXCELLENCY AND GENTLEMEN OF THE COUNCIL:—Words would fail me to express the emotions of my heart at this kind and unexpected reception. I cannot persuade myself to believe that it is so much a tribute to myself as to the cause of which I am proud to be the humble champion. Accept, gentlemen, our profound considerations, and rest assured that we shall omit no endeavours to please you, and to promote the cause of dramatic literature in this town."

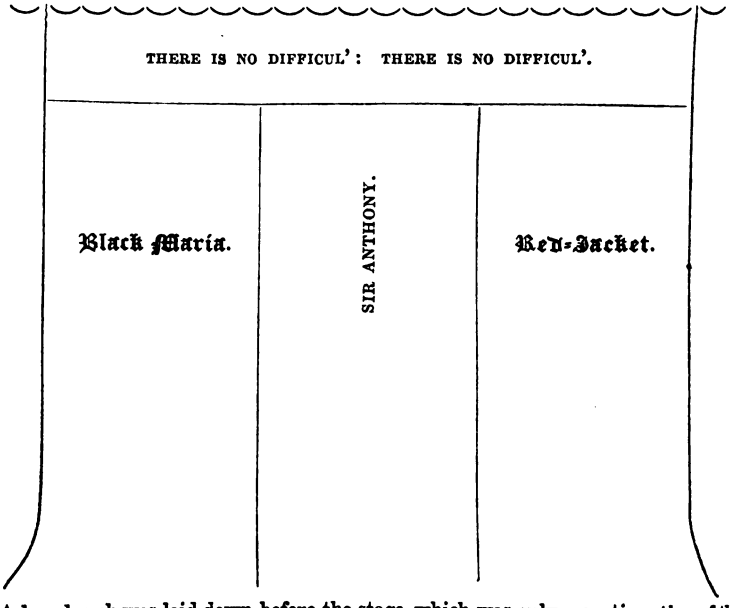
After this, Mr. Chipp took his lady by the fingers and handed her into the hotel, followed by the selectmen, where brandy-and-water were called for, and Squire Sharkey, of his own accord, sent out for some biscuit and a pound of cheese. While these things were going on within, a little incident occurred without, which had like to have proved serious. Mr. Chubbs, by the merest accident, happening to pass by, before the crowd had dispersed, some one pointed him out, when he was immediately set upon by an exasperated populace, and mounted upon a rail. Squire Sharkey was sent for in this emergency, and by his powerful influence succeeded in assuaging the mob, by waving his hand to them, on which they at once dispersed. Then turning to the discomfited Chubbs, whom he had so suddenly laid under obligations, thereby heaping as it were coals of fire on his head, he said, with a generosity and good humour peculiar to him: "Go home, sir, and let this teach you a lesson, the longest day you live." Chubbs burst out a crying, and went his ways, and Squire Sharkey, that great and good man, glorying in the respect and gratitude of his fellow-men, retired to the bosom of his family, and told his wife and daughters to get ready for the evening, as he had asked a free ticket for himself and house, to which Mr. Chipp had in the handsomest manner assented. Likewise also the Common Council had asked free tickets, and the printer and his foreman, and the particular friends of Mr. Chipp.

Well, the evening of performance came, and the few arrangements necessary for the play were made—where else should they be made?—in the long room of the village inn. A great crowd was assembled, and blocked up the street at an early hour; and as soon as the doors were opened, the rush was immense. Ladies, in spite of their new hats and finery, were squeezed most unmercifully; but it could not be helped, and it was borne philosophically. Many persons were lifted up bodily, and never touched their feet until they got in the room. Mr. Chipp afterward said, that "since the days of the great GEORGE FREDERIC COOK, he had seen nothing to compare with it in this country."

Even when the multitude had got in, they were swayed to and fro with violence. There was a great hum and clamour, and a clambering over benches to get the best places. These, when obtained, I am delighted to say, were yielded up without a sigh to the lovely women of Tinnecum. Nor would I, in stating this fact, arrogate to her inhabitants a virtue which does not belong to all our countrymen. It is the pride of our country to do homage to the fair. For she holds them in higher estimation than all her riches, and the brightest gems in her coronet.

When the audience had settled down, there was a hushed stillness, and the eyes of all were directed in one steady gaze at the curtain. This was composed of the decorated blankets of three blood-horses, who were put out "to grass" at Tinnecum. Unfortunataly the blankets were of different colours, and with the name of the racers emblazoned upon them in large capitals. Mr. Chipp hoped that his audience would not find fault with the curtain, because it did not happen to be *green*. In

order to eke it out, as it rather lacked in quantity, and to add to its variety, the upper part was composed of a long strip of white muslin—scolloped ingeniously at top, and stitched by some tasteful sempstress—on which, in allusion to the difficulties which the drama had surmounted in the council of the selectmen, and out of delicate compliment to Squire Sharkey, were inscribed in red letters those memorable words which he had spoken, and which had been so cordially welcomed by his fellow citizens: so that the curtain when down presented the following compartments and inscriptions, with an ornamental sweep each way, at the bottom, quite beautiful to see:



A long bench was laid down before the stage, which was only a continuation of the floor, and behind it six japanned lamps, with the wicks up high, reflected a dazzling lustre. In front of the curtain was stationed the TINNECUM ROSSINI BAND, consisting of one clarionet and one drum. The triangle was ill. It had been settled among the *dilettanti* that Mr. Dawkins, foreman in the Gazette printing-office, should give the cue to the audience, as he was quite *au fait* in theatricals, having lived a whole month in a borough town where the drama was upon the rise. This functionary therefore began his duties as soon as the audience were well seated, and rising up from his place in the orchestra, began to stare all around the room. He had a most unpleasant grin, and wore spectacles, and showed his teeth all the while. For fear that he should not attract the attention which he deserved, he drew a handkerchief from his pocket, not as white as if it had come from the fuller's, and displaying it on high like a flag of truce, at last buried his head in it, and sneezed two or three times prodigiously. After this, he twisted his nose almost off with it, and put it up. Being thus pleasantly refreshed, his next movement was to take out a kind of opera-glass, fastened to his vest by an intricate variety of brass chains, and screwing it into his eye, to gaze with an intense inquiry into certain quarters, after the most approved fashion. Some of the rustic belles thought this proceeding incomparably impudent on the part of Dawkins, and said they never "see such conduct." But Dawkins knew better than the ladies (I hope I may be excused for saying it) what was in accordance with the usages of public assemblies. He therefore continued to stare, and when he thought he had got the attention of those present, "Ladies and gentlemen," said he, with a broad grin, "before the curtain is riz, which it will do shortly, I 'll tell you how you had ought to conduct. When Mr. Chipp comes on to the stage, you must greet him with the most enthusiastic applause, and no mistake.

That you all know how to do. Ladies are requested to take their pocket-handkerchers and wave them this way; *(taking out his own and showing.)* Well, it 's likely there 'll be some songs or parts of the play that you 'll want to hear twice over, and when that is the case, you 're to cry out *bravvo* or *oncore*, jist which you like, for they 're both French, and mean the same thing. If there 's anything else to be done, you 'll jist watch me, and do like I do. That 's all I 've got to say. Sam and Bill, I guess you better strike up the overture."

This order was immediately obeyed, and the musicians played, I know not what, with *variations* from the accustomed manner of playing it. While this was doing, Mr. Dawkins drew from his hat a roll of bills of the evening's performances, and began to disperse them among the audience. When he had got through this work, the music ceased. The moment had come. The veil which shut out the drama's ideal world was about to be withdrawn. Profound silence reigned, and you might have heard a pin drop in any part of that room which contained all the age, wisdom, and beauty of Tinnecum. Happy Chipp! to stand before such an audience would be enough to inspire thee. It would create the soul of a Kean under the ribs of the veriest scene-shifter. A small bell rang. With one jerk up rose the curtain to the ceiling—and revealed the back part of the room, entirely empty, except a single corner, which was shut off by a small paper screen. Mr. Dawkins knew what lay behind that screen, for he was one of the favored few, and had been admitted into it. There, strewed on a table, lay some of the mysterious paraphernalia of the player's art—two wigs, moustaches, an imperial, a gay vest, a pair of flesh-coloured drawers, two richly spangled gowns with long trains, a sword, a rapier, a cocked hat, a jar of paint, and to omit other things, a decanter of brandy, and a lemon.

The performances of the evening, which were for the benefit of Mr. Chipp, were to commence with SOME SCENES out of Kotzebue's beautiful drama of THE STRANGER, and the characters were thus disposed:

THE STRANGER - - - - -	MR. CHIPP.
MRS. HALLER - - - - - - -	MRS. CHIPP.
FRANCIS - - - - - -	MRS. CHIPP.

And now, to commence the play, out steps Francis, as grave as a judge, in a frock-coat, with waist disproportionately small, and ringlets tucked away behind his ears, and stands in a studied attitude opposite his melancholy lord. But how interesting, how noble, how dejected, was the appearance of the Stranger! On him all eyes were riveted in an instant. There he stood, in the haunts of his moping solitude, a misanthrope, a bitter mourner for his lost, his still beloved wife. A short mantle, falling away from his bare neck, depends from his arm. His countenance is wan, his head is bent down in silent reflection, and Zimmerman's book is in his hand. For a moment he speaks not. At last he casts around him a solemn look, and in a ragged and sepulchral voice, "Francis" says he. That first word which he spoke went like an electric shock to the hearts of the whole audience. They half rose from their seats, they leaned forward, they opened their mouths wide in eagerness, but they obscured the view of those who sat in the back part of the room, who immediately raised a great cry, "Down there in front! Down! down! down!" A complete hubbub arose. Dawkins got on his feet, and glared round with his spectacles. "Silence!" shouted he, in a peremptory tone, at the same time striking his cane on the floor. He might as well have spoken to the wind. Those who had paid for their tickets, swore that they *would* see, and a very unpleasant scene was likely to ensue. But Squire Sharkey arose, and waved his hand with a very salutary effect. The tumultous sea of heads immediately sank down, and each one found his own level. During all this time the Stranger preserved the same aspect; and when all was quiet, he looked up again, and called "Francis."

Fra. Sir.
Stra. Leave me to myself!
Fra. *(Aside, surveying him.)* Thus it is from morn to night. For him nature has no beauty; life no charm. For three years I have never seen him smile. What will be his fate at last? Nothing diverts him. Oh, if he would but attach himself to any living thing!—were it an animal—for *something* man must love!

"Oh, what a tender, charming sentiment is that!" said the editor of the Tinnecum Gazette, leaning over and whispering in the ear of Squire Sharkey; "love any thing—even an animal!" Miss Sharkey, who heard the remark, and was *old enough* to comprehend its meaning, blushed deeply, and the pathetic passage in Lalla Rookh was suggested to her mind:

"Oh! ever thus from childhood's hour."

It spoke volumes in favour of the acting of Mr. Chipp, that he had already, having scarcely spoken a single word, excited the deepest commisseration in the hearts of his fair audience. It was evident that he was an injured husband. Poor man! he had not been seen to smile in three years. That was a long time. He looked as if he would never smile again:

Stra. I'll hear no more. Who is this Mrs. Haller? Why do I always follow her path? Go where I will, whenever I try to do good she has always been before me.
Fra. You should rejoice at that.
Stra. (*With bitter sarcasm.*) Rejoice!
Fra. Why not seek to be acquainted with her? The steward says she has been unwell, and confined to her room almost ever since we have been here. But one would not think it, to look at her; for a more beautiful creature I never saw.
Stra. (*Sneering, and speaking in a hollow voice*) So much the worse. Beauty is a mask.

Mr. Dawkins, who had thus far sat in the orchestra sucking the head of his cane, no sooner heard that true sentiment that beauty was a mask, which was rendered more effective by an intense acerbity of expression, than he thought it high time to bring down the house on the head of Mr. Chipp; and starting suddenly, he dashed his cane and his heels at the same moment on the floor, and putting his cane and his heels, his head and his shoulders, into violent agitation, succeeded in raising a prodigious burst of applause.

Stra. Beauty is a mask.
Fra. In her it seems a mirror of the soul. Her charities——
Stra. Talk not to me of her charities. All women wish to be conspicuous: in town by their wit, in the country by their heart.

"Ha! ha! ha!" exclaimed Dawkins; 'in the country by their heart!' *Bravyo!*"
"*Bravyo! Bravyo!*" echoed the audience.

Fra. 'T is immaterial in what way good is done.
Stra. (*Positively.*) No; 't is *not* immaterial!
Fra. To this poor old man at least.
Stra. He needs no assistance of mine.
Fra. His most urgent wants indeed Mrs. Haller has removed; but whether she has or could have given as much as would purchase liberty for the son, the prop of his age ——
Stra. Silence! I will not give him a doit! You interest yourself very warmly in his behalf. Perhaps you are to be a sharer in the gift.
Fra. Sir, sir, that did not come from your heart.
Stra. (*Recollecting himself.*) Forgive me!

The inimitable acting of Chipp in this place touched a cord in the heart of Squire Sharkey. "Noble generosity!" exclaimed he; "expansive benevolence!" Mr. Dawkins looked displeased. But the audience shared in the high-wrought enthusiasm of the squire, and with one voice responded, "Noble generosity! expansive benevolence."

Were I more of a critic in these matters, I should follow out the performance, noting the parts in which Mr. Chipp "out-did himself," "was great," and proved himself "a soul;" parts which, by the assistance of Mr. Dawkins, were keenly appreciated by the inhabitants of Tinnecum, and rewarded with their approbation and applause.

The scenes had been judiciously selected, and curtailed as they were of necessity, gave an idea of the plot of the piece. The audience find out that Mrs. Haller, passing her days in tears and solitude—admired of all who behold her—an angel of mercy to the poor—is no other than the STRANGER'S repentant WIFE; and they reserve all their emotions, all their sympathies, for that affecting scene of reconciliation, which Mrs. Inchbald, perhaps properly, denominates the catastrophe of the play. When Chipp comes upon the scene, or rather the STRANGER, to take leave, as he had resolved, of his wife for ever, he stares around with a wild, crazy look, and running his fingers into his long black hair, exclaims:

The last moment of my life draws near. I shall see her once again on whom my soul doats. Is this the language of an injured husband? What is this principle which we call honour? Is it a feeling of the heart? (*pressing his clasped hands against his heart,*) or a quibble of the brain? (*smiting his forehead.*) I must be resolute. Let me speak solemnly, yet mildly. Yes, her penitence is real. She shall not be obliged to live in mean dependence: she shall be mistress of herself, she shall ——

Chipp here clenched his hand, ground his teeth, and threw his whole frame into such a convulsive shudder, that the whole room trembled as with an earthquake, and his appearance was really horrible. Dawkins could not stand this, and unfortunately chose to bring down the house just as Mrs. Haller was coming in, full of excitement and agony. Mr. Chipp looked very cross, and proceeded in the part:

Ha! she comes! Awake, insulted Pride! Protect me, injured Honour!

Enter MRS. HALLER.

MRS. H. (*Advances slowly and in a tremor. Approaches the Stranger, who with averted countenance, and in extreme agitation, awaits her address.*

My Lord!

STRA. (*With tremulous utterance, and face still turned away.*) What would you with me, Adelaide?

MRS. H. (*Much agitated.*) No—for Heaven's sake! I was not prepared for this——Adelaide! No, o! For Heaven's sake! Harsh tones alone are suited to a culprit's ear. Oh! if you will ease my eart, if you will spare and pity me, use reproaches.

STRA. Reproaches! Here they are: here on my sallow cheek—here in my hollow eye—here in my aded form. These reproaches I could not spare you.

MRS. H. Were I a hardened sinner, this forbearance would be charity; but I am a suffering penitent, nd it overpowers me. Alas! then I must be the herald of my shame, for where shall I find peace, ntil I have eased my soul by confession?

STRA. No confession, madam. I release you from every humiliation. I perceive you feel that we nust part forever.

MRS. H. I know it. Nor come I here to supplicate your pardon. All I dare ask is, that you will ot curse my memory.

STRA. (*Moved.*) No, I do not curse you. I shall never curse you.

MRS. H. (*Agitated.*) From the conviction that I am unworthy of your name, I have during three ears abandoned it. But this is not enough; you must have redress which will enable you to choose nother—another wife. This paper will be necessary for the purpose; it contains a written acknow-edgment of my guilt. (*Offers it tremblingly.*)

STRA. (*Tearing it into a thousand pieces, and scattering them on the floor, at the same time bursting ut with heroic fury.*) Perish the record forever!—(*immense applause.* No, Adelaide, you only have ossessed my heart. and I am not ashamed to own it, you alone will reign there forever. Your reso-ute honour forbids you to profit by my weakness; and even if —— Now, by Heaven, this is beneath a nan! We cannot—we cannot——But never, never will another fill Adelaide's place here.

MRS. H. (*Trembling.*) Then nothing now remains but that one sad, harsh, just word—farewell! Forget a wretch who never will forget you; and when my penance shall have broken my heart, when we again meet in a better world——

STRA. There, Adelaide, you may be mine again. (*They embrace tenderly.*)

This final scene told with tremendous effect upon the audience at Tinnecum. In nany parts Chipp was really terrific, and showed that he had studied the tragic art ttentively. There was not a dry eye in the room. Mr. Dawkins was beguiled into ilence, and appeared to "feel deeply." Squire Sharkey was completely unmanned. he editor of the Tinnecum Gazette cried. The sobs of the women broke out at the nclusion into a universal wail, and the children and infants at the breast united eir energies.

On this scene of affliction the curtain fell, and the success of the legitimate drama as complete. To say that the spectators were delighted, would be too feebly to press the truth. All their better feelings were stirred up. "Oh," said they, pping their eyes, "that can't be beat! We wish the minister was here. He would rtainly approve of it." "And poor Susanna Jane," said a fair girl, "what a pity e has not seen it!—she would have been so affected; she may never see the like ain at Tinnecum." The person thus alluded to was Miss Chubbs, the only young dy of any respectability who had been absent. She had besought her father on the ening of performance in her most winning way, "Dear Papa! *do* let me go to r. Chipp's benefit." But that inexorable man refused. Many of the audience ere so thoroughly impressed with the *reality* of the scenes which they had wit-ssed, that they could not divest themselves of this feeling even when the play was ne; and they hoped that the STRANGER, now that he was so happily reconciled ith his wife, would never fall out with her again, and that they would live gether happily all their lives.

While these things were going on in the audience, Mr. and Mrs. Chipp tipped ch other the wink behind the scenes, and refreshed themselves each with a glass brandy-and-water, sweetened with a little sugar. In a moment after, Squire arkey and Mr. Dawkins came there, just as Mr. Chipp had one leg in a pair of ite trowsers.

"My dear sir," said the squire, "your style of acting does honour to the human art. You have made a great hit at Tinnecum."

"And you too, ma'am," added Mr. Dawkins, grinning with a patronizing air on the lady, "you have made the Tinnecum tears flow rapid, I assure you. u're a going to dance *a pazzool* now, aint you ma'am.

The lady made a retreating curtsey, inclining her head sidewise, and smiling, at same time intimating that she had not yet made her toilette, and the curtain uld soon rise.

"Certingly, certingly," said Squire Sharkey, taking the hint: "Dawkins, we'll out, and tell the music to keep on a spell." These worthies then went back into audience, where somebody had usurped the seat of Mr. Dawkins, and refusing to

give it up, a severe fight ensued, and before it could be quelled, the gentleman of the press had received a black eye, and a long scratch on the nose.

But the attention of every one was withdrawn from this, when Mrs. Chipp came bounding upon the stage, to the music of the Tinnecum band. In personal appearance this lady might *not* be called handsome. She was ill-formed about the neck and shoulders, and somewhat deficient in *tournoure;* but she smiled bewitchingly when she danced, and exhibited a style of art totally unknown to the Tinnecumites. Never before had they realized the poetry of motion; never had they seen anything so ethereal. It was indeed a marvel that Mrs. Chipp danced so well, as the Rossini band had got two tunes mixed up in a marvellous manner; but in spite of all that she went bounding and pirouetting away, until becoming fatigued, she glided behind the screen, from the eyes of the delighted spectators.

"By all the powers!" shouted Dawkins, "we'll have that over again. Huzza! *Bravyo! Oncore!*" A tumultuous cry arose: "*Bravyo! oncore! oncore!*" and amidst the stamping of heels, and the clapping of hands, and the waving of handkerchiefs, out came Mrs. Chipp again, all smiles and gladness, nodding to her friends with airy grace, balancing herself with bare and somewhat long arms, standing on the tips of her toes, and performing feats compared with which pigeon-wings were contemptible. If the audience had been delighted with Mrs. Haller, how much more with the intellectual character of the dance! Their brains now swam with indefinable emotions; they became enchanted for the moment, and were the victims of an hallucination hitherto unknown. Men's and women's hearts were in a flutter. Their breath came and went. Mr. Dawkins stood aghast in amazement. He thought he had discovered Mrs. Chipp's garters. To the ordinary marks of applause were now added the more tumultuous noises of the play-house; frantic screams of delight, cries of *bravyo! bravyo!* and modes of expression peculiar to Tinnecum: "Good!" "fust rate!" "go a-head!" "that can't be beat!" etc.

Mrs. Chipp was called out a third time. The mania was spreading. The very selectmen were catching the contagion. Squire Sharkey was observed to be visibly agitated. His mind was beginning to wander; he looked wild "out of his eyes," and starting from his seat, as he caught the shadow of the *danseuse* again coming from behind the screen, and grasping the shoulders of the drummer for support, "Dawkins!" gasped he, with difficulty; "Gentlemen of the board; Mr. Editor—ladies and gentlemen—I beg that you will all rise in a body, out of respect and veneration for—for—for——— this remarkable woman!"

Redoubled shrieks rent the air. The whole audience started from their seats, and waved their hats and handkerchiefs with wild enthusiasm. "Hoorah! Sharkey for ever! Chipp and Sharkey! Theaytre for ever! Bravyo! Oncore! oncore! oncore!" Mrs. Chipp again disappeared, and it was the will of the house that she should come out a *fourth* time; she however properly declined the honour. But the spectators had lost their senses, and kept up a continual noise and clamour for several minutes. It was well there were a few reasonable men among them. One of these now arose. "Come," said he; "my friends, you've got the worth of your money. Do you want the woman to dance herself all into a sweat? Do you want her to ketch her death a-cold?" "No, no, no!" shouted many in a breath, who began to feel "the fulness of satiety." "Very well," said Dawkins, holding his hat aloft, "then let's give three cheers for Mrs. Chipp; Huz-za—a! h'za—a! h'za—a! Three more! Huzza—a! h'za—a! h'za—a! h'za—a! huzza! Now three more! Huzza—a! h'za—a! h'za—a!"

The audience were almost wearied out and breathless with such intense excitement and use of the lungs, when very opportunely, in order to allay their feelings, and produce sensations of a calmer nature, Mr. Chipp stepped out, in a sky-blue coat, superlatively cut, in the highest style of the art, the collar rolled back over his shoulders, a little scroll of paper in his hand, and making a graceful bow, began to recite, with distinct enunciation and marked emphasis, an ode, of which the first stanza is as follows:

> When Freedem from her mountain height
> Unfurled her standard to the air,
> She tore the azure robe of Night,
> And set the stars of glory ther-r-re!

If the author of this composition could have listened to Mr. Chipp's recitation, his feelings would have been indescribable. He added new points, new readings, new emphasis. He improved the piece very much indeed, no doubt. "When

r-r-rolls the thunder-r-r-r d-r-um of a-heaven," was admirably given. Methinks that Collins' Ode, or Alexander's Feast would have sounded well from such a high tragedian as Mr. George Chipp. "Immortal Shakspeare!" exclaimed Dawhins, at the conclusion of the piece, "he will never die!" The editor looked up and repeated, "He will never die!"

After this, Mrs. Chipp sang the DASHING WHITE SERGEANT, and charmingly did she sing it. We never shall forget her manner of rendering some passages:

When my soldier was gone,
Do you think I'd take on,
Sit moping forlorn?
Oh, no, not I;
For his fame, my concern,
How my bosom would burn,
When I saw him return,
Crown'd with victory!
If an army of Amazons ere come in play,
As a dashing white sergeant I'd march away:
March away!—march away!

Bravo! bravo! it was worth the price of the ticket to see the lovely songstress march so bravely across the stage, and then to see her rush to a chair, match up a glittering sword, and go through the exercise with all the accuracy of a soldier: "Attention! eyes right!—slope swords!—prepare to geard!—geard!—cut one, two, three, four, five, and six!—Head protect!—shoulder-arm protect!—sword-arm protect!—geard!—cut one, two-and-one!—St. George rare cut! point to the front!—recover!—slope swords!

March away, march away!
March away, march away!
As a dashing white sergeant I'd march away!

After the song had been encored several times, the farce was received with shouts of laughter and applause, at the conclusion of which Mr. Chipp stepped out, and neatly expressed himself as follows:—

"LADIES AND GENTLEMEN:—It was intended that the entertainments of the evening should be now concluded; but with your permission we will add another farce. It is not mentioned in the bills of the day, but we give it *free*.

This announcement was followed by a vote of thanks, and three times three cheers for Chipp, after which THE WEATHERCOCK was played.

But I must hasten to let the curtain fall upon the stage at Tinnecum; and having done so, I have yet to mention the most interesting ceremonial of the evening. When it was found that the performances were indeed ended, a tremendous and deafening cry of "Chipp! Chipp! Chipp!" was raised throughout the whole room. For a long time he did not obey the call, and the noise waxed louder and louder. At last he came, leading forth Mrs. Chipp. Both showed evident signs of exhaustion, and appeared overcome by their feelings. Mr. Chipp returned thanks in a speech, the purport of which was briefly this:—

"I must apologize to this audience for detaining them so long. I had gone temporarily into the bar-room, at the time of your call: as soon as I heard it, I came here, in obedience to your commands. Ladies and gentlemen, the occurrences of this evening will leave an indelible impression on my heart. I came here a total stranger, personally unknown to you, with no end in view but the promotion of the drama, and with expectations altogether inadequate to the success which has crowned my efforts. Such kindness was unexpected; it therefore overpowers me. [*His voice falters. Mrs. Chipp leans upon his shoulder, and weeps.*] These feelings, ladies and gentlemen, are but natural; I trust they are the spontaneous combustion of warm hearts. Pardon the sensibility of Mrs. Chipp. To-morrow evening will be her benefit. I hope the bill which we shall offer will meet your approbation. In the meantime, farewell!"

The most uproarious applause and yells of "bravyo!" followed the delivery of this speech, in the midst of which Squire Sharkey whispered hurriedly to his neighbour: "Quick! give 'em to me, Dawkins! Where *is* them roses? Cuss you, I believe you 've sot onto 'em!" Sure enough the flowers were well mashed. However, the squire took them, and rising from his seat, called after the comedians, just as they were disappearing behind the screen. "I say, you!" said he, "jist hold on one minute." The squire then jumped over the foot-lights as sprightly as if he had been a boy, and holding forth the bouquet—which Dawkins had yielded up most

unwillingly, for he had intended to have performed the office himself—"Receive," said he, "the sweetest flowers ever culled in Tinnecum, and let them flourish on your breast for everlastingly, madam. I opposed you at first. I now say, let the drayma go a-head here. There is no difficul', there is no difficul'." It was a noble spectacle that, say the by-standers, the bald and polished head of the squire, the graceful reception of the gift by the lady, and the dignified deportment of Mr. Chipp. The assembly broke up, and the crowd, in grateful acknowledgment of the services of the chairman of the honourable board of selectmen, elevated him upon their shoulders, and he never touched the ground until he arrived at his own door. The next evening the Chipps performed again before a brilliant house. Flowers and bouquets were cast upon the stage, and everything was done to render the visit of these artists most flattering and agreeable. The annexed is from a discriminating *critique* in the Tinnecum Gazette:—

THE DRAMA AT TINNECUM.

THE events of the past week constitute an era in the dramatic history of this town. From the moment that it became known that the great Mr. GEORGE CHIPP would take a benefit here, expectation was on the stretch. On the evening of performance, the house, as we had predicted, was crowded in every part before the rising of the curtain. Indeed, so great was the competition for seats, that some unpleasant consequences had like to have ensued. Mr. Dawkins of this office was severely wounded in a rencontre arising from the defence of his seat. We cannot find out which party was to blame in this matter; we exceedingly regret that anything should have occurred to mar the pleasures of the evening, which were of the most intellectual kind. Shakspeare's beautiful tragedy of THE STRANGER was enacted in a first-rate style. Chipp was truly great, and so was Mrs. Chipp. They stood forth the true personifications of the characters that they represented. The closing scene beggars all description. Its effect on the audience was intense. Never we believe was anything like it witnessed within the walls of a theatre. The whole audience shed a superfluity of the bitterest tears. Never have we wept so much since the death of our father. But one feeling pervaded all hearts; that of the kindest sensations for the Stranger and his Wife. In the dance, Mrs. Chipp was the essence of queenly grace. Such circumambient motions! Such rectangular extensions of the le—limb! We could mention some bald heads that entirely forgot their gray hairs. *Nim Port.* Were we to institute a comparison between Mr. George Chipp and the elder Kean, we should say, according to what we have heard of the latter gentleman, that they both had their peculiar styles. One was more brilliant; the other perhaps a little more effective. One possessed more truthfulness; the other more moral suasion. One was more unique in his conception of character; the other more grand in carrying out of the plot. Kean carried away his audiences by storm; Chipp by a tremendous hurricane. Kean could only shudder; Chipp wrought himself into horrible convulsions. Kean's was the awful thunder; Chipp's was the lightning's mildew. Both, however, are deserving of the dramatic crown, to be worn in all ages, interwoven in one glorious halo, and resting reciprocally on the brow of both.

I have thus stated the main facts connected with the introduction of the drama into Tinnecum. At a time when its advocates are lamenting a decline in the Great Metropolis, it may be pleasing to turn to the provinces, and see a taste there springing up sufficient to appreciate genius, a disposition to bestow upon it a generous reward. While the aged trunk shows signs of decay in the place where it may have grown for centuries, perhaps the scions, transplanted to another soil, may spring up and flourish, and bear fruit abundantly. While the old tree may have been deformed by many a sickly branch, and paralytic limb, and monstrous excrescence, perhaps the new may rise up, green, vigorous, and of a perfect symmetry. And then, if duly cared for, neither suffered to grow up in rank neglect nor to be preyed on by noxious worms, nor tortured into fantastic shapes, nor killed by too much tenderness, it may contain within it the germ of a longer life, and flourish over the tombs of many generations.

THE OLD INN AT NAMPTWICH.

BY JOHN WATERS.

A BRIGHT spring morning, in old England—when the mighty sun has dispersed the earth's exhalations, and the last drops have fallen from the young leaves, and the birds sing with confidence that the rain is over, and the bee hums loudly, as if everything now belonged to himself, and the tree bourgeons, and the hawthorn-blossom receives for the first time into her expanding bosom the warm ray of life, and sheds her incense in return, and all the gardens and all the hedges are redolent with perfume:—a bright spring morning, in old England, when GOD sends it, hath a charm that warms the heart.

It is like a blush of joy upon the cheek of a brunette, russet mantling into pink. It hath neither the clear red and white, the distinctive colouring, of our own glorious

encilling; where Nature, like Rubens, lays her tints side by side, leaving them to ıcorporate as they may; nor the soft and melting shades, the mingling outlines, the isible sun-light, the golden atmosphere, and the ineffable blue of Italy; but it is a racious and unwonted boon, that makes a man look up and interchange a smile with leaven, and go upon his way rejoicing; or if he be a stranger, that causes him to bless imself and exclaim, "Can this be England? Yes, yes, this is our fathers' 'Merrie ngland,' and not half the truth was told us!"

It was upon a morning of this description, after four days of exhaustless showerings ince our arrival at Liverpool, that we found ourselves walking through the by-ways nd green lanes of the old town of Namptwich, some thirty miles distant from our lace of landing, and where we had arrived the night before. It was our first visit o Europe, and to our eyes every structure was old, and everything old was reverend. Ve entered the little decrepid old church upon tip-toe; admired the old coats of arms nd mortuary notices; looked with veneration upon the dusty old pews with their lusty old cushions, and on the stone-floors irregular through age and use; spoke to ach other in whispers and to the old sexton in an under-tone; paid him as much espect as if he had been a verger, and four times the ordinary fee when we took eave of him, with thanks for all that he had shown us; and blessed God, as we eturned with new delight into the open air, for the delicious verdure and the balmy reath of heaven.

We threaded the lanes once more, and found that every object had unfolded into beauty, into a richer beauty, while we had been occupied in the church; and as often as the tumultuous sensation of haste arose within us, we silenced it by recollecting that we were no longer in America, where the whole world of travellers must fly at the same moment to the same public conveyance; but in England, where the post-chaise waited the signal of our satisfied and luxurious leisure. It was not our plan to proceed farther than Warwick during the day, and we sauntered home leisurely to our own inn.

Gentle reader, I will imagine thee for the first time seated near the small fire that has been kindled to remove the dampness, and air the parlour, in that charm of the traveller's life, an English inn. No object about thee seems new, or of late acquisition. The furniture is anything rather than of modern date; it has been thoroughly used, and admirably kept; everything is in its place, and speaks its welcome; nice, tidy, prepared, quiet, cheery, comfortable.

The fragrant tea is of thine own mixture, two spoonsful of black to one of green; he sugar is a study of refinement; and the table is furnished with fresh cream: one ıore glance at the Times newspaper, and everything has been noiselessly arranged. cover is now lifted off, and in the deep well of a blue-edged plate, that contrasts eautifully with what it contains, is disclosed that dream of farinaceous enjoyment, le English muffin. How it fills and gratifies the eye as its snowy margin rests eming upon the border of the dish, and yields to the gradual suffusion of pink that owns its utmost surface! And in the same degree how does its consistency change, om a rich, pulpy, fruit-like elasticity, into the most delicate and inviting crispness resistance!

It is cut into quarters, as the world was said to be divided when we were school-ys; but the whole of this is thine own! ready buttered for thee moreover with grass-d butter through the plane of the horizon! Thou hast finished it! Thou hast ank thy nice tea, poured out for thee by the hands that are dearest to thee in the orld! Thou hast "lived and hast loved!"

The waiter to whose noiseless footstep we were indebted for the constant anti-pation of every want during our repast, was a hale and erect person, turned of xty, much inclined to be corpulent if it had suited his vocation, with white hair icely combed about a sleek and roseate face, white cravat, a scarlet plush waistcoat, ell but carefully worn, drab coat and breeches, buckles at the knees, worsted ockings, and well-polished shoes tied with strings of black riband. "Hope that ou found the saxton's house without difficulty, sir?" "Without the least, John; our direction was so exact that we could not miss it." "Hope that the eggs are piled to the lady's taste, sir?" "They could not be more so." John gave another ance at the table, placed a small bell upon it, and vanished.

To an American, accustomed from his earliest youth to a bustling and unrelaxed ertion both of body and mind, with hardly a thought of repose unconnected with a ate of existence beyond the grave—or even of leisure, without a sensation bordering on contempt—a quiet breakfast in a still country town, and in a foreign land, is a velty. We prolonged it for some time, but at last rang for John, and ordered post-ses and the bill. "There arn't no post-horses sir," said John. "No post-horses!"

"No, sir, all the post-horses and post-chaises have been engaged for some days to start to-day for the Chester races. The gentleman and lady came up in a return chaise that went down again this morning quite early." "How are we to get on then to Warwick and Oxford?" "The mail-coach will be up here by one o'clock, and the gentleman and lady can go on in that, sir." "But suppose it should be full?" "There arn't no danger of that, sir; the Chester races has given the travel a cant the other way, and there will be seats enough inside or out, sir," "This is very extraordinary, John; desire the landlord to step in; I will speak to him upon the subject." "There arn't no landlord, sir." "Then the landlady." "There arn't no landlady, sir," "No landlady!" "No, sir." "Who keeps the house?" "I and Betsy, sir." "Who is Betsy?" "She is as was the barmaid, sir." "What is your name?" "John, sir." "Well, John, how does all this happen?" "Measter, sir, that is Measter White as was, died ten years agone, and left everything to missus, and missus when she died, six years agone, called me and Betsy to the bed-side, and told us we must keep up the Red Lion as well as we could till the youngest child came of age, take the same wages as we had in her lifetime, and pay for the schooling and bringing-up of the children and put them all out and take care of the rest of the money till the youngest child came of age, and then let all be sold and divided. And I and Betsy has done so for six years, and has got eight years more to go afore the youngest child comes of age, and Measter John is of age next week, and he's a coming down here; but I and Betsy shall make him up his bill as if he had nothing to say about the property, as no more he has till the youngest child comes of age."

"You seem to be advancing in life as well as myself, John," said I; "how long have you been in the family?" "Twenty years with Measter as was, and ten years afore with a brother of his'n, and ten years since Measter's death. I've sarved the White forty years last Michaelmas-tide."

"Well, John, go now and make out my bill; and as we are strangers and hardly know what is proper to be done in the way of fees, put down for the servants at the foot of the bill whatever is proper for post-chaise people to pay who have been well taken care of during two days. It is the way they do in Liverpool. John returned soon after with the note of our expences. You have put nothing down for fees, John; how is this?"

"I spoke to Betsy, sir, and Betsy says its a new way them 're Liverpool people has got, and that we had better not get into a new way; that the gentleman can give what he likes, or he can let it alone, but its better not to have anything to do with a new way."

The mail-coach drove past at the time appointed, and proved the truth of John's prediction by being almost vacant. We parted good friends with the Red Lion, chose seats according to our wish, and have often since then adverted, with a pleasure not unmingled with respect, to the simple-minded but "*good and faithful servants*" who administer even yet as I trust to the credit and prosperity of the old inn at Namptwich.

SONG OF THE LIGHT.

BY ISAAC CLARKE PRAY.

I came from that God whose creating nod
Brought forth the heavens and earth,
And old Darkness fled from his chaos bed,
As I came with silent mirth;
And then there was lent to the firmament,
And to each created thing,
That white, brilliant glow, which will ever flow
From my waving, silver wing.

I first saw the feature of each living creature,
And beheld each form arise,
I first saw the moon, and the sun at noon,
Pass over upon the skies;
And all things were dark, till an expansive spark
Rolled off from my tireless pinion,
Displaying the world, as its lustre unfurled,
Till it shone a breathing dominion.

I fled from the cloud which on Sinai bowed,
When the Lord from heaven came,
And each Israelite stood mute at the sight,
When I gleamed within the flame—
Which rose in the smoke, when the thunder broke,
Like chariot sounds from afar,—
And with lightning flew through the sky's dark blue,
More swift than a falling star!

I went on before when on Jordan's shore
The sons of the prophets stood,
And the path I fanned, when Elijah's hand
Sundered the rolling flood.—
And I shone afar when Elijah's car
And horses of fire flew,
Which were darkly rolled in the whirlwind's fold,
Till light from my wings I threw.

When Belshazzar's lords, o'er his banquet boards,
Drank from Judah's cups divine,
I touched every face with a glowing grace,
And lighted the sparkling wine.
Then across the wall of that banquet hall,
While quivered Belshazzar's lip,
I flew with the light which dazzled his sight,
And wrote with my pinion's tip.

I went through the air, when the star was there,
Which shone when Jesus was born;
I stood o'er the place, while the Saviour's face
Beamed forth on that hallowed morn;
And I rose in view, and soft radiance threw
O'er that low but holy place,
When the shepherd band, at an angel's command,
Bowed over his infant face.

When wild, wanton Mirth came over the earth,
And the Son of God was slain,
While the startled sky as it rolled on high
Seemed dissevering with its pain;
And Darkness came out, and breathed round about,
With black and shame bearing mien,
I fled far away, encompassed by Day,
And left the hideous scene.

I flit o'er the bow, with a golden glow,
When the rain pours down with power,
And my wing shines under the storm-howling thunder,
And gleams in each cloud-built bower;
At the Morn's soft dawn, I dance o'er each lawn,
And the sky with purple clouded,
Diffusing rich gold as my wings unfold,
Which Darkness and Night have shrouded.

My pinions I sweep far down in the deep,
And silver the Ocean's floor,
Strewn o'er with men's bones and with precious stones—
Then upward to heaven I soar!
Then down on bright streams, with beautiful gleams,
And o'er the soft-flowing fountains,
I lift my bright wing, and gild everything—
Trees, hills, lakes, rivers, and mountains.

LETTERS.

MONS. JOURDAIN. O. O. Il n'y a rien de plus juste. A. E. I. O. I. O.
Cela est admirable. I. O. I. O. BOUR. GENTILHOMME.

They of old times personified everything. Imagination was the principal faculty of the mind. Then there came a monster, the anti-sphynx, who attempted to show the why and the wherefore of each wonder, and put all these charming errors to flight. So that the sun was no longer Phœbus Apollo, the long-haired archer, but so much red-hot gas; and the moon was no longer sweet Diana, gazing in all the charms of her pale chaste beauty on the sleeping Endymion, but dirt and stones, like our planet. And Neptune became salt-water; Vulcan, anthracite coal; Venus, a name; Jupiter, nothing. This monster they named SCIENCE.

In spite of him, there remain many who see more in the green grass, in the brook, in the mountain, than mere chemical elements. That all-moving principle of life, that mystery which the ancients loved to symbolize by the graceful forms of the nymphs of wood and flood, is fast rooted in their fancy. They still believe in naiads and dryads, Phœbus and Diana, Venus and Vulcan.

And why should we break with all these

"Schone Wesen aus dem Fabelland?"

Why banish this ideal life? In this let us still be pagans, and dream on. We can bow at the ancient shrines, although we may know to a mile the circumference of every planet, and be adepts in gases, stamens, and strata. Did I say ideal life? *It* is as real as science itself. As well might we describe bones, arteries, and muscles, and call these Man, neglecting the Power that moves all, as to be satisfied with mere astronomical calculations. We feel that this is not everything; that there *is* an intelligence, a life, unseen, like the intelligence, the life we feel within. It was this the ancients wished to realize and body forth, in each particular instance. Every wonder was to them a life—a God. Men are now so enamoured of the problems of science, and they call this fancy, and slight it. To them nature is dead. They dissect her, and look for her soul in the heavens. May we not worship both masters without sin? May not fancy be our Lares and Penates? She makes everything so life-like, so pleasant. The fire sparkles and smiles to us as we enter, and the easy-chair stretches out its arms. When she is near, the souls of the great departed step from the paper wrappings in which they lie embalmed, sit around us, and hold friendly converse. The driest abstractions, the most perverse and slippery formulas, the tritest lessons of morality, the most insipid details of common life, become attractive and fascinating under her hand. What were the "morals" of Æsop, without his fables? or the religion of Bunyan, without the pilgrim Christian? All *flanêurs* are said to stroll along, with eyes and mouth wide opened until an adverse wall checks their career, and forces them to take another direction. I pay the penalty of belonging to the family. Here have I imperceptibly wandered on, until a dissertation on poetry stares me in the face, and bids me, in Whittington tones,

"Turn again Flaneur!
Turn again Flaneur!"

But how to get down to my subject, without bathos lamentable? The fall will be tremendous! Pray heaven I may light on soft and easy heads!

This goddess Fancy, then, does not always confine her attentions to such lofty subjects. She has been known to descend from the heights of Parnassus and Olympus, and find excellent employment in a kitchen-garden. Hoffman, one of her wildest children, wrote a strange story about turnips and carrots, wherein he makes them carrot-men, ruled over by a mighty potentate, Daccus Carrota the first. To me the goddess never appeared but once, and that dimly, as I lay stretched on the rack of the Latin Grammar.

When a boy, like most of my degree, I was doomed to undergo this ordeal. I would rather at any time have walked barefooted among the hot ploughshares of our Saxon ancestors, for there one had some chance of an escape; but in the labyrinth of roots, declensions, and conjugations, who could advance without stumbling over some unlucky termination? And if the feet were not singed for it, as in the olden time, another equally useful point d'appui was sure to suffer. So often had I experienced

the pain of entering blindfold on this fearful journey, that on the eve of our trials I endeavoured to raise the bandage from my eyes as far as possible; but after many nocturnal struggles, I found to my horror that I could only remember those places which had tripped me up; and the terrible conviction forced itself upon my mind, that progress for me in this path there was none, until my executioner should have turned my pygian epidermis into a road-map, and have engraved all my stopping places indelibly upon it. Gradually, in the stillness of night, my bodiless tormentors assumed a shape and form. It seemed as if the fairy who presided over grammar had touched my eye with the ointment which the Daoneshi of Scott gave the farmer's wife, and bestowed upon me the power of seeing, wherever they might be, the beings who owned the names which so long had puzzled me. Word after word expanded into substance, and abstractions grew into realities, assimilating themselves in appearance and character to the actors in common every-day life. This fantasy became at length so strong, that I was no sooner alone, than I fancied myself surrounded by these subtle wordy beings, as young and as active as when they sprang from the brain of the first grammarian, and watched with the greatest interest their manners and deportment toward each other.

The Letters I shall never forget. They had a life and identity of their own. Some were open-hearted, gentlemanlike fellows—others sour and surly. Poor I and J were bachelor brothers, who lived very amicably together. We always tied them for looking so much alike, and often cursed them too, when we took one for the other. Some years ago, they say, it was impossible to distinguish them apart; but now, poor J is quite bent under, and crooked, while I remains pretty erect. This was very much the case with U and V; except that V was a little weazen-faced, thin-backed man. O was of course a stout Irish gentleman, noisy and vociferative; and X a great mathematician, seeking for the quadrature of the circle, or some mystery of the kind, but withal fond of a drop, for I have often seen his name on ale casks. G had something about him which we all disliked; and as to Z, no one could endure his crooked, zig-zag ways. Most of these literary men were old bachelors, and consequently possessed a double right to belong to the "*genus irritabile.*" Each one had his own peculiar whims and fidgets, which he cherished "as the apple of his eye." Very, very rarely were they seen together, arm in arm. Still no one could do without the other, and I was on good terms with them all, and longed to join the club; but their number was irrevocably fixed. They were determined, they said, to admit no more members. One night, however, I dreamed that I was the letter H. Imagine my joy at finding myself in the club. On a sudden a quarrel arose from some trifling cause. Mr. B I believe called Mr. X crook-shanks, which X retorted by an allusion to B's hump-back. We took sides, and a very acrimonious fight ensued. In the heat of the melée, Mr. L kicked poor H so violently in the back, that he broke it, and turned him into a K. I awoke with an exclamation of pain, and found my bed-fellow's knee actively engaged on my dorsal vertebræ. It seems that I had intruded on his side of the bed, and the young gentleman had taken that means to apprize me of my trespass.

To see life one must dive into the mysteries of the grammar. Mr. Substantive is a man of influence, with a host of poor dependent relations, the Adjectives and the Pronouns; great toadies both, always agreeing with him, and scarcely daring even to qualify his remarks. Of course he had to support his wife's cousins, the Adverbs, but they generally kept out of his sight. He married one of the Verbs, who was a pattern to all wives. She was always at home to wait upon him, and never contradicted. Let him assert what he pleased, she agreed with him, and expressed all his opinions. None of those bickerings which poison married life, were to be found in their *ménage*. The perfect concord which reigned there was refreshing and satisfactory in the highest degree. Mr. S had many brothers, who all chose spouses from the Verbs, so that the same harmony was everywhere. To be sure, irregular Substantives and irregular Verbs were to be found occasionally; but these deviations from rectitude, although they caused some annoyance at the time, exercised no corrupting influence. Even the old maids, or impersonal Verbs, who never could find a Substantive to take them, but were forever leading about lap-dogs that they called "*It,*" intermeddled rarely, were not at all bitter, nor over-much given to gossip. They were far more sociable and affable than that type of old bachelors, Mr. Ablative Absolute, a sturdy, independent fellow, who had an unpleasant, contradictory look about him, and expressed his opinions very decidedly, without paying the slightest attention to any one else. He could very well afford to do it, as he was perfectly independent. These constituted the aristocracy of the society: the Con-

junctions, Prepositions, and Interjections, despite their sounding names, were mere mob, and not worth knowing. The residences of my friends were separated from each other by neat fences of commas and colons; and here and there might be seen pounds, or parentheses, as they called them, in which stray ideas and words which belonged somewhere else, were enclosed. A charming little people were they, these inhabitants of Grammar-land, and I formed many lasting acquaintances among them. I loved the letters, one and all, particularly the *belles lettres*. The dear creatures! I worship them still.

School days, like purgatory, are only for a time. At length I emerged from the dark overhanging forest of birch, bearing many wounds to record the fierce conflicts I had sustained, though unluckily for military renown they were all *a tergo*. From that day to this, these phantoms have waxed fainter and fainter; but I have never been able to obliterate them entirely. Even now, nouns, verbs, and prepositions appear to me to have an existence more real than ever had Adams, Valpy, or Lindley Murray. It was but the other day I heard a gentleman reply to the interrogation of a friend: "That question, sir, will die single." Whether the friend understood him or not, I do not know, nor did I care. To one well versed in "*Grammarye*" the words were instinct with life. A tableau rose before me in a moment. A tall, thin Mr. Question, with a lively, inquisitive cast of countenance, was eagerly pressing his suit at the feet of a lady, who eyed him coldly and repulsively, and was evidently on the point of refusing his offer. I easily recognised her as Miss Answer.

It is high time for me to drop the curtain, or I shall be taken by the initiated for some superlatively tedious adjective or adverb of quantity.

THE EDITOR'S STUDY.

"*Tot homines—tot sententiæ.*"

MANY a week ago we wrote the annexed story, which we now take pleasure, at the suggestion of a friend, in incorporating into this department. As the bagatelle has become known in certain quarters, and particularly among our American friends, where the sin of its author has been laid at other men's doors, for the first time we acknowledge its paternity—unwilling that any other person should suffer for so heinous an offence.

THE OLD CLOCK;

OR, "HERE SHE GOES; THERE SHE GOES."

AT Richmond resides a family well known to those who are in the habit of going there occasionally for an airing. The inn under the care of this family, for it cannot be said to be wholly under the control of the landlord, is a perfect pattern of neatness and elegance, and its popularity has continued unabated for many years. Among the chattels of the house is an old family clock, prized more for its age than its actual value, although it has told the hours for years and years with commendable fidelity. The clock is now situated in one of the private rooms of the house, and many a time has it been the theme of remark, in consequence of its solemnly antique exterior.

A few days since, about dusk, a couple of mad wags drove up to the door of the hotel, seated in a light and beautiful vehicle, drawn by a superb bay horse. They sprang out—ordered the ostler to pay every attention to the animal, and to stable him for the night. Entering the hotel, they tossed off a pint of wine, bemouthed a cigar, and directed the landlord to provide the best game supper in his power. There was a winsome look in the countenance of the elder—a bright sparkling in his eyes, which occasionally he half closed in a style that gave him the air of a

"knowing one," and a slight curving of the corners of the mouth that showed his ability to enjoy, while his own demeanour made every acute observer sure of his ability to perpetrate, a joke. Now and then, when his lips parted, and he ran his fingers through his hair with a languid expression, it was evident he was eager to be at work in his vocation—that of a practical joker! The other was a dapper young man, although different in appearance, yet with features which indicated that his mind was well fitted to be a successful co-partner with his mate, and a dry pun or a gravely-delivered witticism was frequently worked off with an air of philosophy or unconcern that gave him at once the credit of being a first-rate wit. Supper on the table, these two individuals were not dull, as a couple generally will be at table, but made mirth and laughter and wit their companions; and as wine, in his parti-coloured, flowing robes, presided, there was a "set-out" fit for a prince and his associates. The young men ate and drank and were right merry, when the old family clock whirred and whizzed as the hammer on the bell struck one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve! The elder looked up to the old monitor before him, stuck his elbow on the table, and looked again steadily for a minute, and then laughed out heartily, awakening the waiter, who was just dosing by the window-sill.

"What in the name of Momus are you laughing at?" asked the dapper youth, as he cast his eyes now over the table, now over and around himself, to ascertain where the zest of the joke was concealed. The elder winked slyly, and yawning lazily, slowly raised the forefinger of his right hand, and applied his thumb gracefully to his nose. The dapper man understood the hint.

"Oho! I understand. No—you don't come over this child! Waiter, another bottle of champagne!"

The servant left the room, and our heroes, inclining themselves over the table, held a long conversation in a low tone, when the elder of the two raised his voice, and with an air of satisfaction exclaimed:

"Clocks always go it!"

Then both cautiously rose from their chairs, and advancing to the clock, turned the key of the door, and looked within, the elder in a half-inquiring, half-decided manner, saying—

"Won't it?"

The waiter was on the stairs, and they returned to their seats in a trice, as if nothing had happened—both scolding the waiter as he entered, for being so lazy on his errand.

Having heard the clock strike one, they were shown to their beds, where they talked in a subdued tone, and finally sunk to sleep. In the morning they were early up, and ordered their horse to be harnessed and brought to the door. Descending the stairs they asked for their bill, and with becoming promptitude paid the amount due to the keeper. The elder, perceiving the landlord through the window, placed his arms upon the bar, and in a serious tone inquired of the waiter if he would dispose of the old clock. The young man hesitated—he knew not what to answer. The old clock seemed to him such a miserable piece of furniture that he had an impression that it might as well be his as his employer's, yet he could not comprehend why such a person should want such a hideous article. While he was attempting to reply, the good-natured landlord entered, and the question was referred to him for an answer.

"I wish to purchase that old clock up stairs; will you sell it?" asked the elder, while the younger lighted a cigar, and cast his eyes over the columns of a newspaper which lay upon the table. The landlord, who had set no great value upon the clock, except as an heir-loom, began to suspect that it might possess the virtues of Martin Heywood's chair, and be filled with coin; and almost involuntarily, the three ascended to the room which contained it.

"The fact is," said the elder, "I once won twenty pounds with a clock like that!"

"Twenty pounds!" ejaculated the landlord.

"Yes! You see there was one like it in a room down in Essex, and a fellow bet me he could keep his forefinger swinging with the pendulum for an hour, only saying 'Here she goes, there she goes.' He couldn't do it. I walked the money out of him in no time."

"You did? You couldn't walk it out of me. I'll bet you ten pounds I can do it on the spot!"

"Done!" cried the "knowing one."

The clock struck eight, and with his back to the table and the door, the landlord popped into a chair—

"Here she goes, there she goes!" and his finger waved in curve, his eyes fully fixed on the pendulum. The fellows behind him interrupted—"Where's the money! Plank the money."

The landlord was not to lose in that way. His forefinger slowly and surely went with the pendulum, and his left disengaged his purse from his pocket, which he threw behind him upon the table. All was silent, the dapper man at length exclaimed—

"Shall I deposit the money in the hands of the waiter?"

"Here she goes, there she goes," was the only answer.

One of the wags left the room. The landlord heard him go down stairs; but he was not to be disturbed by that trick.

Presently the waiter entered, and touching him upon the shoulder, asked—

"Mr. B———, are you crazy? What are you doing?"

"Here she goes, there she goes!" he responded, his hand waving the forefinger as before.

The waiter rushed down stairs; he called one of the neighbours and asked him to go up. They ascended, and the neighbour, seizing him gently by the collar, in an imploring voice said—

"Mr. B———, do not sit here. Come, come down stairs; what can possess you to sit here?"

"Here she goes, there she goes!" was the sole reply, and the solemn face, and the slowly-moving finger, settled the matter. He *was mad.*

"He *is* mad," whispered the friend, in a low voice, "We must go for a doctor."

The landlord was not to be duped; he was not to be deceived, although the whole town came to interrupt him.

"You had better call up his wife," added the friend.

"Here she goes, there she goes!" repeated the landlord, and his hand still moved on.

In a minute his wife entered full of agony of soul. "My dear," she kindly said, "look on me. It is your wife who speaks!"

"Here she goes, there she goes!" and his hand continued to go, but his wife wouldn't go; she *would* stay, and he thought she was determined to conspire against him and make him lose the wager. She wept, and she continued—

"What cause have you for this? Why do you do so? Has your wife——"

"Here she goes, there she goes!" and his finger seemed to be tracing her airy progress, for anything she could ascertain to the contrary.

"My dear," she still continued, thinking that the thought of his child whom he fondly loved, would tend to restore him, "shall I call up your daughter?"

"Here she goes, there she goes!" the landlord again repeated, his eyes becoming more and more fixed and glazed, from the steadiness of the gaze. A slight smile, which had great effect upon the minds of those present, played upon his face, as he thought of the many unsuccessful resorts to win him from his purpose, and of his success in baffling them. The physician entered. He stood by the side of the busy man. He looked at him in silence, shook his head, and to the anxious inquiry of the wife, answered—

"No, madam! The fewer persons here the better. The maid had better stay away; do not let the maid—"

"Here she goes, there she goes!" yet again, again, in harmony with the waving finger, issued from the lips of the landlord.

"A consultation, I think, will be necessary," said the physician. "Will you run for Dr. A———?"

The kind neighbour buttoned up his coat and hurried from the room.

In a few minutes Dr. A———, with another medical gentleman, entered.

"This is a sorry sight," said he to the doctor with him.

"Indeed it is, sir," was the reply. "It is a sudden attack, one of the—"

"Here she goes, there she goes!" was the sole reply.

The physicians stepped into a corner and consulted together.

"Will you be good enough to run for a barber? We must have his head shaved and blistered," said Dr. A—.

"Ah, poor dear husband," said the lady; "I fear he never will know his miserable wife."

"Here she goes, there she goes!" said the landlord, with a little more emphasis,

and with a more nervous yet determined waving of the finger in concert with the pendulum; for the minute hand was near *the twelve*—that point which was to put ten pounds into his pocket, if the hand arrived at it without his suffering himself to be interrupted.

The wife, in a low, bewailing tone, continued her utterances—

"No! never; nor of his daughter."

"Here she goes, there she goes!" almost shouted the landlord, as the minute-hand advanced to the desired point.

The barber arrived; he was naturally a talkative man, and when the doctor made some casual remark, reflecting upon the quality of the instrument he was about to use, he replied—

"Ah ha! Monsieur, you say very bad to razor—tres beautiful—eh?—look—look—very fine, is n't she?"

"Here she goes, there she goes!" screamed the landlord, his hand waving on—on, his face gathering a smile and his whole frame in readiness to be convulsed with joy.

The barber was amazed. "Here she goes, there she goes!" he responded, in the best English he could use. "Vare? vare sall I begin? Vat his dat he say?"

"Shave his head at once!" interrupted the doctor, while the lady sank into a chair.

"Here she goes, there she go—!" for the last time cried the landlord, *as the clock struck the hour of nine*, and he sprang from his seat in an ecstacy of delight, screaming at the top of his voice, as he skipped about the room—

"I've won it!—I've won it!"

"What?" said the waiter.

"What?" echoed the doctors.

"What?" re-echoed the wife.

"Why, the wager—ten pounds!" But, casting his eyes around the room, and missing the young men who induced him to watch the clock, he asked—

"Where are those young men who supped here last night? eh? quick where are they?"

"They went away in their phaeton nearly an hour ago sir!" was the reply of the waiter.

The truth flashed like a thunderbolt through his mind. They had taken his pocket-book with twenty-one pounds therein, and decamped—a couple of swindling sharpers, with wit to back them!—The story is rife on all men's tongues in the neighbourhood where the affair occurred, and "the facts are not otherwise than here set down;" but we regret that the worthy landlord, in endeavouring to overtake the rascals, was thrown from his own vehicle, and so severely injured as to be confined to his room at the present moment, where he can watch the pendulum of his clock at his leisure.

It is said that other incidents connected with this affair have transpired, and that they are incorporated in a Farce which may be immediately expected at one of the theatres.—NOUS VERRONS.

Literature.

From a clever periodical, published in New York, called *Arcturus*, we select the subjoined notice of an American work, as it was published almost simultaneously with Mr. Campbell's Life of Tasso published here, and may therefore be interesting to most of our readers.

Conjectures and Researches Concerning the Love, Madness, and Imprisonment of Torquato Tasso: by Richard Henry Wilde. New-York: Alexander V. Blake—2 vols. 12 mo.

IN the eloquent words of our author's exordium—"There is scarcely any poet whose life excites a more profound and melancholy interest than that of Torquato Tasso. His short and brilliant career of glory captivates the imagination, while the heart is deeply affected by his subsequent misfortunes. Greater fame and greater misery have seldom been the lot of man, and a few brief years sufficed for each extreme, an

exile even from his boyhood, the proscription and confiscation suffered by his father deprived him of home and patrimony. Honour and love, and the favour of princes, and enthusiastic praise dazzled his youth. Envy, malice, and treachery—tedious imprisonment and imputed madness—insult, poverty, and persecution clouded his manhood. The evening of his days was saddened by a troubled spirit, want, sickness, bitter memories, and deluded hopes; and when at length a transient gleam of sunshine fell upon his prospects, death substituted the immortal for the laurel crown."

Such is an outline of the life of the poet which forms the subject of Mr. Wilde's investigation. In pursuing them he has adopted the track indicated, though not followed out to its full extent, by Guingene, Rossini, and the later biographers, and has sought for elucidation of the doubtful events of Tasso's life in the ample store of materials contained in his correspondence and minor poems, or Canzoniere. These last form a vast collection of lyrical pieces, and though obscured by the superior splendour of the Gierusalemme, they are (like the sonnets of Shakspeare) of the highest value in his personal and mental history. The greater portion are evidently the undisguised outpourings of soul wrung from him in the various phases of mental conflict; they display most vividly the alternate tortures and triumphs, the throes and gusts of passion, that rent the soul of Tasso till his apparent madness testified that treachery and malice had done its work. We will briefly indicate the results arrived at by our author after a diligent comparison of these and every other accessible source of information.

The LOVES of Tasso have always been regarded as mysteriously connected with the series of events that embittered his life. The person to whom the first fruits of his genius were dedicated, was Laura Peperara, a noble lady of Mantua, seen by Tasso during an interval of his youthful studies. The feeling with which she inspired him, seems rather to have been an exercise of the imagination in the idealization of a favourite object—than a deeply-seated sentiment of the heart—though sixty poems remain to attest his devotion, three others yet extant, on Laura's weding, prove that the fertility of his fancy was not impaired by that event. The introduction of our poet to the court of Alphonso, Duke of Ferrara, was the turning point of his life. In his twenty-second year, of noble family—his father a poet of no inconsiderable renown, and his own fame preceding him as the author of Rinaldo, (a poem that contains the germs of his immortal epic)—he was immediately admitted to a familiar intercourse with the duke and his sisters, with the younger of whom, Leonora, then in her twenty-ninth year, the fate of Tasso became inextricably connected. The portrait of the gentle Leonora has descended to us without shade, and spotless; we are indebted for it to the pen of her lover, without whom her history would have been confined to the two lines of the annalist that record her birth, origin, and death, but

> "Such are the proud manacles of verse
> That make men rise up from the drowsie hearse,"

we can trace love's chronology through all its changes of melancholy, anxiety, despair, and ever-renewing hope. That the man high in favour with her brother, and whose fame rang through Italy, should have caused emotion in the breast of Leonora, in spite of the difference of rank, that made a union between them impossible, is a supposition far from discreditable to her. That very difference may have rendered her more incautious in her approval of the perpetual incense offered at the shrine of her beauty,—while her constant refusal of all offers of marriage must have kept alive the expiring flame of the poet, struggling against hope or expectation of success. This was the spring-tide of Tasso's genius. Leonora's eyes rained influence on his pen. For her were breathed the pastoral, silver-toned warblings of the Aminta; and high, beneath her kindling glance, swelled the stream of song, that told of her ancestral glories and

> "The sacred armies and the godly knight,
> That the great sepulchre of Christ did free."

A more abiding passion never dwelt in the heart of man. It may be traced "*like some grave, mighty thought threading a dream,*" influencing every movement of his after-life. When its existence is assumed, many of the obscurer passages in the life of Tasso are capable of explanation. Without it, his whole career is an aimless and purposeless existence. Its details must be sought in the pages now open before us.

After a passing glance towards the other love passages imputed to Tasso, in which his unwavering loyalty to Leonora is cleared and asserted, we arrive at the vexed questions of his MADNESS and IMPRISONMENT. Here all is uncertainty, and it is impossible to plant a firm footstep amidst the doubts of biographers, and the discrepancies of contemporary documents. The reality of his madness has been advocated and denied with equal fervour. Passages from his writings, in confirmation of either hypothesis, are brought forward by their respective partisans.

Whatever colour of truth may have existed for the temporary confinement of Tasso, under the plea of insanity, its continuance for the same cause is shown to be utterly untenable, by an examination of the works he produced while in prison; and a deeper reason must be sought in the offended pride of his implacable patron. His detention was indeed a season of remarkable mental activity, during which he diligently revised and defended his poems, besides using the most strenuous exertions to procure his release. From hence is dated his celebrated canzone to the Princesses, (Leonora and her sister,) wherein he endeavours to move their compassion for his forlorn condition.

When at length the release of Tasso could no longer be denied to indignant Italy, he left his prison a feeble and a broken man. The loadstar of his life had died during his confinement. A few years, embittered by sickness, poverty, loss of memory, melancholy, and despair, were all that remained to him—to him whose spirit soared through darkness and tribulation, to the conception of the Christian epic—who, when the hour of faith in chivalry was past, and the time of mockers and scorners come, with a felicity beyond Homer, grappled with the heroic age of Christendom, and made its free imaginings and deeds of high emprize an inheritance and a possession for all the believers in that holy religion that bound up the hearts of their forefathers, as it were one man, through the endurance of a common peril, to the attainment of an inalienable and deathless renown.

Unpublished Work by Washington Irving.

In relation to painting, Congress has pursued a wise course. The panels of the rotunda are to be filled by American painters. But in literature, on the other hand, while our press teems with republications of the flimsiest English productions—books which look as if they had been written by contract at so much the thousand superficial feet—Washington Irving, it is understood, has had lying by him for some time a most valuable MS., whose publication is deferred because there is no adequate security for literary property; and Prescott's private fortune alone enabled him to put forth his admirable history in a becoming form. Yet no people vaunt more than we do of our distinguished men; few read more, newspapers included; and none assert higher claims to intelligence, or assume to be greater patrons of art and literature.—*From an Article by R. H. Wilde, in the Knickerbocker Magazine.*

A volume of Poetry entitled *Ahasuerus*, by a son of President TYLER, is in press, in New York city.

Wealth and Worth; or Which makes the Man? an American Family Tale, published in the series of Miss Sedgwick's minor writings; but not announced as by her, has been published by the Harpers, in 1 vol. 18mo.

Also, from the same press, *The History of Philosophy*, being the work adopted in the Colleges and High Schools of France; translated from the French with additions, by C. S. HENRY, D. D., of New York, in 2 vols. 18mo.

Messrs Wiley and Putnam announce the republication of Carey's translation of Dante.

Messrs. Appleton of New York announce the republication, in serial form, of LOVER's Handy Andy.

Science and Art.

Her Majesty's Theatre.—The opera is increasing in interest every week. Madame Persiani, Lablache, Mario, and Ronconi, have appeared since our last notice. The latter is new to a London audience, and well may he be welcomed, for he is destined to fill an important situation in the establishment,—and that he will fill it to the satisfaction of all lovers of music we are assured, for he is an artist of no common order, and many of the notes of his voice, particularly those in the upper range, are truly exquisite. In "Lucia di Lammermoor," and "Elisir d'Amore," he has been triumphant. Our anticipations of Guasco have been realized. In "Lucia" he displayed his histrionic and vocal abilities more forcibly than on previous occasions. The character in which he appeared makes greater demands on the energies of the performer than the part in which he made his debut, and well did he meet every requisition. We hail Guasco as an ornament to the profession.

Madame Persiani, Lablache, and Mario, acquit themselves with their wonted elegance and force. The lady was never superior in her performances to the first night of her reappearance. Lablache and Mario are too well known to require further notice. Of the latter, perhaps it may be proper to say that he sings with more care than he did last season.

"Giselle," the ballet, still commands admiration. Carlotta Grisi is an exquisite artist—and the play is managed with much skill throughout. The scenery and dresses are all that can be desired.

Drury Lane Theatre.—On the 20th of last month, a new play, entitled "Plighted Troth," was produced. It wholly failed to please the audience, and an announcement of its repetition was received with palpable demonstrations of disapprobation. No better proof is needed than this failure, of the folly of managers and actors in trusting to tricks and stage-situations. The auditors who visit the patent houses to see a new play are usually those who are not disposed to let their eyes run away with their ears. They sit down to hear and to judge as well as to see; and rare-shows will not compensate them for the loss of their money and time. This is as it should be; and we shall argue better things for the drama while this spirit continues. If authors will submit to the dictation of actors and managers, so far as to jeopardise their plots and emasculate their language for the purpose of merely pleasing the eye, they should fail. In a less intellectual era, character well depicted and thoughts well chosen, without any great scenic display, suited the tastes of the audiences; and there never was a time when the *didactic*, as the managers are pleased to call a play chiefly resting on its plot, characters, and language, could more easily be made successful by good acting, than at present. There is not, we believe, a single visitor at the minor theatres even, who does not *reflect* on the melo-dramatic nonsense which he may have witnessed without feelings akin to disgust—we care not how much his delight may have been, during the performance. In proof of this, the thousand dramas which spring into existence and perish for ever, after a short season, may be reasonably adverted to. That which is truly worthy of being exhibited upon the stage, may always be exhibited with profit—and that disposition which leads managers to revive the situations which have been buried and revived a thousand times, assuming each time new shapes, is only a weak and thoughtless one, which is sure to terminate in a destruction of the art—since through it no actor can rise to any great eminence. The situation and the scenery are the principals—the actors but the adjuncts.

Now it has been evident to us for a long time that the attempts to incorporate the melo-dramatic school upon what is called the legitimate, must fail. It cannot be otherwise. Audiences perceive the trick and become disgusted. They have paid their money to witness acting, and they see something so different placed before them to court their admiration, that they become filled with indignation.

How evident was it in "Plighted Troth," for instance, that the management rested upon the ball-scene for much of the success of the piece—and how lamentable was the failure!" Ball-room scenes can be seen every night—but a good piece of acting very seldom. Mr. Macready may be induced to carry on the system of display—but all such attempts will be ruinous. The only hope must be in the talents of the company exerted in the pourtrayal of character. Beneath this there can be no hope. The plays which will *tell* the most will be those which

can be most pleasantly listened to—and we trust that Mr. Macready will not forget the lessons of experience in this matter. It is all important both for the art which he should serve and his own emolument that he should not.

Let Mr. Macready depend more upon his company and less upon his scene-painters and decorators, and he will raise the reputation of his house beyond that of all others. "Where can we see the best actors?" is the first question asked by all lovers of the drama; and he who succeeds in directing the attention of the public to his establishment on this ground must be successful—while he who strives to eclipse the tinsel splendour of one play merely by the scenic effects of another, will but institute comparisons, the effect of which will, in a measure, scatter the attention of the public.

Covent Garden Theatre.—This establishment has closed; and though the season extended to the end of last month, we believe that it has been unprofitable notwithstanding. It was well known that the sole hope of the management lay in the success of Miss Adelaide Kemble; and now that that which was concealed through friendship need no longer be suppressed, it is but proper to say that there was a great fear entertained at Miss Kemble's *debut* that she would be unable to support the position in which she was placed. The Press was certainly unusually indulgent in behalf of Madame Vestris; and thus we may know why it is that the vocalist has been spared those minute critiques to which it is usually the fate of all artists to be subjected. It is due, however, to Miss Kemble to remark that all she has attempted has been creditably executed—although we must enter our protest against the means resorted to which have enabled her to sustain herself; namely, alterations of operas, and tricks which have set all the rules of music at defiance. We, who have been familiar with every opera in which she has appeared, have been sorely grieved to witness the horrible mutilation of favourite compositions—the destruction of the time—and the sacrifices of harmony. Under other circumstances, both here and elsewhere, we should have passed not in silence or unrebuked, the utter disregard of compositions worthy of admiration as we have heard them. Indeed, when one has seen almost every week, a composer of very high pretensions—the brilliant Mercadante—abused for producing an opera which was no more like his than "Timour the Tartar" is like "Macbeth," it has required no little patience to keep silent. In justice, therefore, to several composers, we beg to state that Miss Kemble's performances have been altogether confined to Mr. Benedict's *travesties* of popular compositions, thus arranged to suit the abilities of the vocalists.

The German Opera has commenced under the management of Mr. Bunn. The public have most decidedly approved of this elegant entertainment, and the reputation of the artists engaged for this season gives earnest of an ample return to the director. We heartily wish the enterprize that success which an arrangement of so extensive and excellent a character merits. The season opens with Von Weber's *Der Frieshutz*—an opera which is too well known for its consummate musical strength to need more than a reference at the present time.

Madame Heinefetter sustains the part of Agatha. She is a vocalist of the first class, and the reputation which she has acquired here, unquestionably will be crowned with her usual success.

Haymarket Theatre.—Mr. and Mrs. Charles Kean are now performing here with their customary ability. Mr. Kean has made rapid advances in the art. He plays with a more subdued earnestness than formerly, and in spite of captious critics, must be acknowledged a performer of the highest order. Mr. Kean does great injury to himself, however, in our humble opinion, by not rising above the cavils of the censorious by appearing in original characters, which would fully exhibit the depth and strength of his genius. If he would take a hint from his father's life in this particular, the result would be beneficial. It is the fault of actors that they seldom aim to give anything further than simple fac-similes of the styles of other performers. An aspirant for fame should aspire for a new character which may develop his genius. He should create a soul out of coarse materials, if he can obtain nothing better. This once successfully done, he may venture upon old subjects. He must avoid comparisons—they are dangerous. The public are slow to acknowledge talent, and there is ever a secret pleasure with many minds, in referring to the past performances which have been seen, as more exalted than those of the present. It is all fallacy. We are deceived. We *dream* of the by-gone—we *see* the present; and it requires no ordinary share of discrimination to judge impartially, from this very cause. Show any one the Apollo Belvidere, he will immediately talk to you of some other statue—more

beautiful! A year after show him the one which he pronounced the more beautiful, and he will talk to you of the Apollo Belvidere—that is the statue of statues! Thus are we the slaves of association. We cannot concentrate our minds on that before us, when it reminds us of something remote.

Mrs. Kean—that exquisite actress, whose tones remind us of other days, on the other side of the Atlantic, when we sat night after night in humble admiration of her genius, and knew not satiety—how can we write of her? It is in vain. The time was we could do so—but it is not now. When we remember her Julia, Rosalind, Mrs. Haller, Ion, Christine, &c., it is impossible to say more than it is a high gratification to behold her again. That she is not sufficiently appreciated here is very evident—for certainly a more pathetic, impassioned, soul-stirring actress is not upon the stage. In the "Lady of Lyons," what can be more truthful than her portraiture of the youthful Pauline—the proud and the passion-swayed—the world-checked yet impulsive creature of a masterly fancy!

We were present on the 24th of last month when Mr. and Mrs. Kean performed in "The Lady of Lyons," and we were truly delighted with the performance. Mr. Kean, in our opinion, has no superior in this character. Others may please as well by their personation of the part, but no one can depict the ardent lover with more truthfulness and effect. Several scenes have made an indelible impression upon our minds. The exquisite touches of nature which were exhibited, show that Mr. Kean understands the springs of the human heart. Mr. Kean performs the character throughout with more nature than any one whom we have seen in it—and has convinced us that he only needs to appear in original characters to be generally acknowledged a great actor. If thus far true to himself, he will reap richer laurels than he has even as yet gathered. Mrs. Kean exhibited the character of Pauline with all that delicacy and justness which has gained for her such a brilliant reputation in America. Nothing could be finer than the scene with Melnotte in the cottage. The sudden outburst of her feelings in the stifled sobs of a heart in which love is trampling down pride was truly beautiful, and touched a chord in every bosom. The spirit of the author was kept in view throughout, and the nicest intricacies of his imagination were brought forward with great judgment, skill, and effect.

Both performers, it is almost needless to add, were summoned after the play before the curtain, to receive the plaudits and acclamations of the audience.

An absurd farce called a "Lover by Proxy," followed—the best merit of which was its brevity and the rapidity with which the scenes were changed. What could be more ridiculous than the position of Mr. Webster when making love to Miss Bromley (Miss Charles)? The idea was good, but the author failed in the execution. This was the weakest point of the piece, and it should have been the strongest.

St. James's Theatre.—Since our last number, Mlle. Plessy has passed through a portion of her engagement with distinguished success. She is a truly elegant and lady-like actress, and plays in English as well as French with much spirit. Her performance in "Day after the Wedding" has been much admired, and very justly.

The other performers, of whom we have formerly written, with the exception of Perlet, are still retained; and the plays are generally performed with much vivacity and power. This is an evidence that Mr. Mitchell has been liberal to most of his artists, at least: when performers are not well treated, the public are able almost intuitively to discover it.

Mr. Falvy Williams.—We cannot refrain from calling the attention of all lovers of the dramatic art to the fact that this celebrated American performer is now in London. Perhaps there is no man upon the stage whose claims rank higher than those of Mr. Falvy Williams, in the line of comedy old men. Who that has seen his Sir Peter Teazle, Sir Andrew Aguecheek, or Polonius, can forget his admirable execution and delicate conception of these characters? Mr. Farren may rival him—but he cannot surpass him. Mr. Williams is a man of genius, who so fully identifies himself with the character which he personates, that there is nothing, even for an instant, but illusion—the illusion of reality.

The engagements of Mr. Williams in the first theatre in the United States, for four years, and his success both upon the English and French stage, justify this slight tribute to his talents; and we are certain that the manager under whose auspices he appears will be profited by having extended his hand to such an artist.

The Missourium.—The exhibition at the Egyptian Hall, Picadilly, which embraces this mammoth of skeletons, besides a large collection of fossil remains, must neces-

arily arrest the attention of every naturalist and geologist, as well as the public at large. We never saw a more stupendous skeleton; and there can be no doubt that the learned proprietor and discoverer of it, Mr. Koch, has disinterred the largest specimen in the animal kingdom.

"This gigantic skeleton measures 30 feet in length and 15 in height; the head measures, from the tip of the nose to the spine of the neck, 6 feet; from one zygomatic arch to the other, 4 feet; from the lower edge of the upper lip to the first edge of the front tooth, 8 inches; from the edge of the upper lip, measuring along the roof of the mouth to the socket of the eye, 3 feet; from thence to where the atless joins the head, 10½ inches. The whole number of teeth is eight—that is, four upper and four lower, not including the two tusks. The two upper fore teeth are four inches broad and 4½ inches in length, and are situated in the head in such a manner that they slant towards the roof of the mouth, insomuch that their outer edge is 1½ inch higher than their inside edge. The back teeth in the upper jaw are seven inches in length, and where they unite with the front teeth, they are like those 4 inches broad, and from thence run narrower back until they end almost in a point. The formation of the nose is very peculiar; it consists of a bony substance interwoven with cells, and presents a broad, flat appearance; it projects 13 inches over the lower jaw, and ends in two nostrils, which are somewhat raised on the face. This nose rests partly on the roof of the mouth and partly on the upper lip, which latter is somewhat arched on both sides, and forms a rise in the centre."

OPINIONS FROM AMERICA.

MR. BRAHAM.

When we first heard Mr. Braham in his opening sacred concert we were sadly disappointed. We thought then, as we do now, that he overlaid the majestic simplicity of sacred music with a profusion of useless and unmeaning flourishes, mere tricks of voice and execution, cadences, trills, and absurd repetitions. Wonderful power, the more atonishing at his advanced age (near seventy), and equally wonderful science, we could not help acknowledging, but his pathos appeared laboured and his enthusiasm mechanical. We did recognize a portion of the fine scorn Lamb spoke of in that magnificent piece, "Thou shalt dash them to pieces," wherein his contemptuous tones were jerked out with the same force that the fretted waves break and storm upon a rock in the raging sea. Afterwards at the theatre, on each occasion of our visits there, we were equally dissatisfied. The very indifferent acting was not relieved by any very extraordinary singing. It was the extravagance and (paradoxical, yet true) the constraint of the Italian opera. But a few evenings ago, at the Stuyvesant Institute, we at last discovered the secret of Braham's powers. It is not only the amazing extent or clearness, or melody of his voice, nor the rapid execution, nor the brilliant expression merely, but (as in all men of true genius) it lies in the harmonious sympathy between the spirit of the man and the talent of the singer. He sung admirably, the noble heroic songs from Scott and Burns, not only because he sung with power but also with love. He then and there sung out himself, to speak after the manner of the Germans. The honest, hearty, manly old strains, heroic or naval, or even moral, of England and Scotland are the true songs for Braham to sing. Before we heard Braham, we fancied to our eye a sort of poetical High Priest in Israel, a majestic figure of a man uttering tones of unearthly depth and beauty, and style austere, grand, and solemn. But the Old Hundred was the only specimen of the kind Mr. Braham gave himself to any advantage. To hear Braham in "Scots wha hae wi' Wallace bled," or "The Blue Bonnets are over the Border," in which his frequent animated calls sound like the acute reports of a rifle, or "the last words of Marmion," where he displays the greater variety, from great force to fine tenderness, slowness and vivacity, spirit and sentiment,—we say, to hear these is to hear the finest singing that is to be heard at the present day. The rich philosophy and fine poetry of "A Man's a Man for a' that," was delivered in a proud strain evincing the generous spirit of the singer. The hearty naval songs of Old England are great favourites with Braham. He sings them with all the joyaunce of a jolly Jack Tar, that creature of impulse and heart, and with a spirit of defiance at fortune and a manly cordiality of feeling that smack of the children of the sea.

Mere sentimental songs Mr. Braham sings badly. He has a taste and a faculty above them; he should "chaunt the old heroic ditty o'er," and leave Moore and Haynes Bayley to the lesser lights of the hour. He has force and elevation, but little of mere elegance or softness—he is the Jupiter Tomans and not the graceful Mercurius.

MR. BUTLER.

We have seen Mr. Butler in the two concluding acts of "The Avenger," and the first three of "Macbeth." The Avenger is a wild, furious melo-drama, with constant peals of passion, shrieks, outcries, dusky woods and passages of murder. It requires of an actor an almost supernatural strength and force to make himself conspicuous in such a performance: he must sweep through the piece like a storm, outroaring the elements, and defying the steps of all his fellows in the play. The genius of the performer must prop up the crumbling and tumbling structure of the author. Some glimpses of such a spirit we detected in Mr. Butler: a novelty and energy of conception that redeemed the glare and tumult of the composition. In the concluding act—the scene on which the curtain falls—we thought we discovered in the actor's murmuring "my child"—mi-m-mi-m — dying off into hopeless imbecility, evidences of an original study, and the power to tread on the very verge of grandeur, without "o'erstepping the modesty of nature."

The circumstance that Mr. Butler's Macbeth could not hold us beyond the third act, was to us proof that there is something wanting in his performances: the absence of continuous and sustained power as an actor. He furnished frequent points of great excellence—some quite bold and marked—but failed in, what might be called, the intervals of the part. His by-play is not always felicitous, nor do his features always succeed in expressing the emotion which the mind of the performer seems to have mastered. Inequality is the pervading character of his efforts. Flights of a noble pitch and failures of quite as profound downward tendencies. We suspect that his "Hamlet" is the most even and happy effort of the performer. It was not our good fortune to confirm this belief by attendance at its presentation, but it accords best with the style of his thoughts and the general cast of his personations.—*From the Arcturus.*

London: Printed by G. Lilley, 3 Queen's Head-passage, Paternoster-row.

THE

GREAT WESTERN MAGAZINE.

JUNE, 1842.

IMPLIED AND EXPRESSED WARRANTIES IN MARINE POLICIES.

THE duties which the law imposes upon the insured, and the rules of conduct which he is bound to pursue, for the purpose of enabling him to secure unimpaired the pecuniary benefits which a policy of insurance is intended to confer, are considerations of great importance to the merchant, and present subjects in which he is deeply interested.

If he is ignorant of the legal obligations which rest upon him, and is unacquainted with the responsibilities which devolve upon the assured, he is often liable to violate some technical or substantial rule, which constitutes an important feature in the conditions of a policy of insurance; and in this manner, to lose the right of ultimately securing that indemnity which he would otherwise derive from the instrument.

The implied conditions which are contained in every marine policy, and which are substantially as binding as those formally and expressly inserted, should be thoroughly understood by the mercantile portion of the community, and their construction and effects correctly appreciated.

To the merchant whose thousands are upon the ocean, exposed to the risks and uncertainties always attendant upon maritime adventure, these questions are of deep interest, involving as they often do his whole fortune. A slight mistake in describing the condition or situation of the property insured, an innocent concealment of some fact which the law requires the assured to disclose, or a trifling deviation from the rigid construction of the instrument, often vitiate and destroy the policy; blasting every prospect of remuneration for heavy losses which the insured has sustained, and which he is thus for ever prevented from recovering.

In considering some of the most important rules which the law prescribes to the insured, and which he is bound to follow, in order to create and perpetuate his rights under the policy, the implied and expressed conditions which it contains will be examined, and their extent and effect explained with as much brevity as an attempt at clearness will permit.

When a policy of insurance is effected upon a ship, the assured impliedly warrants it to be seaworthy, and in every respect fit for the voyage upon which it is intended to proceed. For the purpose of complying with this implied condition, many precautionary requisites are absolutely necessary, and various minute regulations must be observed. Everything necessary for the prosecution and completion of her voyage must be obtained; and whatever tends, either directly or remotely, to the safety of the ship, must be procured and furnished.

The vessel must be staunch and sound, without any apparent or latent defects; and a sufficient quantity of sails, tackle, anchors, and everything which is in the slightest degree necessary for the purpose of enabling her to make the contemplated voyage, is required, in order to complete her seaworthiness; and unless the ship is in a condition to carry a full cargo, this implied warranty is not complied with.

The owner of the ship is bound to procure a competent and trustworthy captain and crew, and this is highly important to be observed and complied with. It is a universal rule of law, that a principal is bound by the act, and accountable for the misconduct of his agent; and unless the assured mans the vessel in a proper manner,

and performs everything on his part which the principles of justice require, and which is calculated to ensure the safety of the vessel, the insurer will not be held liable under the policy; for, as the captain and crew are considered the agents of the owner, whatever is done by them is looked upon as his own act; and if he entrusts the ship to persons incompetent to manage her, she is unseaworthy. The crew must be shipped for the entire voyage for which the vessel is insured; and where they are hired to proceed to a port of destination, different from that described in the policy, and off from the course upon which the ship is bound, the insured in case of loss cannot recover upon the instrument. To constitute seaworthiness, it is necessary to take a pilot on board, at the usual times and places; and if one cannot be easily procured, the captain should not incur any risks in proceeding without one, as in case of a loss on this account, the insurers will be discharged. But if a pilot cannot be obtained, and the ship is in a state of danger and exposure, the captain would undoubtedly be justified in proceeding without one. If the vessel, at the time of effecting the policy, is in want of repairs, and the risk assumed by the underwriters, includes the time while it remains in port, the necessary reparation may be bestowed, and in case of loss, the insurers will be held liable to the same extent as they would in case the seaworthiness of the vessel had existed at the time the risk commenced. But this must be understood with some qualification; for if the ship be a mere wreck, the policy never attaches. Where a vessel is insured at, and from one port to another, and the repairs and amendments necessary to be made, for the purpose of rendering her seaworthy, and in a situation to brave the perils of the winds and waves cannot be effected at the port from which she is to sail, the vessel may proceed to the nearest place where such repairs can be performed without impairing the rights of the insured under the policy; and the law will sanction this apparent deviation from the strict letter of the instrument, for the purpose of preserving the just and equitable rights of the assured.

The warranty of seaworthiness relates and extends to the commencement of the risk, but while the vessel remains *at* a place, a state of repair and equipment may be sufficient, which would be wholly defective after the commencement of the voyage: for, as has been remarked, while a ship is in port she may stand in need of repairs, which may be bestowed, and the insurers will be liable, provided the policy covered the period during which the reparation was proceeding. If the policy is effected upon a ship in the middle of a long voyage, it cannot be presumed that she is so strictly seaworthy as at the time of sailing, and the warranty we are considering is sufficiently complied with, if the vessel is, under all these circumstances, reasonably staunch and sound, and has suffered no extraordinary injury. And in determining the question of seaworthiness, recourse must be had to the usage of the place where the policy is effected; for it varies in different places; and in ascertaining the extent and effect of this implied condition in the instrument, the intention of the parties must be sought after, who are presumed to have had in contemplation the universal usage which prevailed where the contract was made, at the time it was executed.

When a ship is insured, her seaworthiness is presumed; and every requisite necessary to constitute her in all respects competent to proceed with safety upon the intended voyage, is supposed to exist. The necessity, therefore, of proving her unseaworthy, rests upon the insurer; who must, as a general rule, show clearly and conclusively a breach of this implied condition of the instrument. There are some instances, however, in which a rule more favourable to the insurer prevails, and in which he would not be held to so much strictness, in proving her unfitness for the contemplated voyage; for, if a vessel is found in a bad condition, so short a period after sailing, that she could not have been injured since that time, and nothing has been encountered by which she could have been in any manner disabled, her unseaworthiness will be presumed to have existed at the time of effecting the policy. And in the case of a latent defect, materially enhancing the risk assumed under the instrument, and constituting unseaworthiness, the insurer will not be liable, if from the circumstances of the case, it is made to appear with reasonable certainty, that such defect existed at the time of executing the policy.

If an insurance is effected upon goods or freight, the ship in which the goods are transported, or by which the freight is to be made, is governed by the same rules, in respect to seaworthiness, as those we have already mentioned; and at every port of loading, the vessel must be in a condition, every way competent, to prosecute her voyage. Having examined the leading rules which govern in determining the unseaworthiness of the ship, and considered the extent and effect of this implied war-

ranty which is contained in a policy of marine insurance, the next important warranty resulting from implication, and which the insured by obtaining the policy, undertakes to perform, is, that the ship shall be documented and navigated, and the adventure conducted, in conformity with the laws of the country to which the vessel belongs, or of which the assured is a subject; and in accordance with the treaties subsisting between that and other countries, and the laws of nations. It is a rule of law, that an illegal trade cannot be insured; and although the adventure may be legal, if conducted in compliance with the rules of trade, yet if any of its provisions are violated, or the necessary papers to authorize its prosecution are not obtained, in either case, it will be rendered unlawful, and the insurance will be defeated. It is therefore a matter of deep importance to the assured, not only that the trade in which his vessel is engaged should be lawful, and the adventure upon which it proceeds, of such a nature as to place it beyond the suspicion of illegality, but that the manner of conducting such trade and adventure should conform in all respects, as well in substance as in form, to the rules and regulations which the law prescribes. The vessel insured must have documents and papers in compliance with the laws of her own country, and with the terms of treaties with foreign states; and if she is captured, or the risk of the insurer is enhanced, on account of the neglect of the insured in procuring them, the insurer will be discharged; for the principle is well established, that the insurer of a vessel cannot be made liable for any loss which may arise from the want of documents required by the laws and treaties of a country of which it bears the national character; or, which may result from the fault of the insured in not obtaining and securing the means of protection usually accompanying ships of the same national character.

If false papers are procured by the owners of a ship, and she is captured in consequence, and no representation is made of an intention to take such papers, the insurance will be void, on the ground that carrying fabricated documents is a violation of the law of nations, and is an illegal act, for which the insurer is not responsible. Although the owner of a vessel insured is bound to perform everything on his part for the purpose of preventing loss, and must furnish the ship with all the documents and papers required by law, yet unless the omission on the part of the insured to comply with these requisitions changes or enhances the risk, the insurer will still be liable, and the want of the documents and papers we have mentioned, at the commencement of the voyage, or the want of them at any other time, for any purpose, except in the event of capture, and when the production of them becomes necessary, is immaterial.

In the case of an insurance effected upon goods, the same rules in respect to the necessity of having the ship properly documented, do not apply, with so much strictness, as where the vessel itself is insured; for as the owner of the goods cannot know whether the necessary papers are furnished, it would be extremely inequitable and severe to refuse him all right to indemnity under the policy, on account of the default or negligence of the owner of the vessel.

Whenever goods are insured by a citizen of a neutral state, the assured impliedly warrants that they are not of belligerent character, and that they shall be preserved, and used in conformity with such implied warranty; but if they are shipped on board a vessel, containing the property of a belligerent, by reason of which a detention ensues, and loss is in this manner occasioned, the insurer will be liable, and cannot avail himself of any defence, upon the ground that a part of the shipment is illegal. Having endeavoured to point out and examine some of the most material implied warranties which result from a policy of marine insurance, and which the assured is bound to perform, an attempt will next be made to consider and illustrate the nature, construction, and effect of the express warranties and conditions which are contained in the instrument.

An express warranty is an agreement written, or printed, in the policy, by which the assured stipulates, that certain statements relating to, or concerning the risk, are, or shall be, true; or that particular acts in relation to the same subject, have been, or shall be, performed. It is not requisite that the fact or act warranted should be *material* to the risk insured against, for if it is an express condition of the policy, the necessity of its performance is imperative upon the assured; and in this respect it is distinguished from a representation which is not embodied in the instrument. It is a leading principle in the law of insurance, that if a warranty is expressed in the policy, it is a vital part of the contract that the subject matter shall be in every respect as it is represented.

The materiality or immateriality signifies nothing; and the only question to be de-

termined is, whether a strict and literal compliance with its terms has been observed. A warranty of this nature is often created by an express statement in the policy, that the assured *warrants* such a fact. But a formal expression of this kind is not absolutely necessary, as any direct, or even incidental, allegation of a fact, relating to the risk, is sufficient to constitute a warranty. If insurance is effected upon the American ship Eliza, or the British brig Harriet, or upon goods on board of a vessel so described, it is warranty that she is American, or British, in conformity with such description; and is equivalent to a formal provision inserted in the policy, that the assured warrants the vessel to be of a particular national character. And where an insurance is effected upon goods for account of a certain person, whose name is mentioned in the policy, it is tantamount to a representation that such person is the owner, and that the insurance is for his benefit; and is a warranty that the national character of the goods is to be determined by the country where the individual for whom the policy is procured resides. But for the purpose of ascertaining whether an incidental statement amounts to a warranty, it sometimes becomes necessary to examine, not only the words themselves, which constitute such statement, and the manner and connexion in which they are introduced into the instrument, but also the whole policy, in order to arrive at the meaning and intention of the parties; and although the materiality of the fact stated is not requisite to constitute a warranty, yet there can be no good reason for considering the allegation of a fact to be so, if it evidently cannot have any relation to, or bearing upon, the risk; and can neither change, or in any manner alter, the liability of the insurer. But a fact which is expressed in the policy will be presumed to have relation to the risk, unless the contrary unquestionably appears. The distinction which is here mentioned, can only apply, however, to facts incidentally mentioned in the policy; for, if the formal expression of a warranty is used, no question of this kind can be made, and every statement of a fact in the instrument must be in all respects true.

An express warranty or condition must be *strictly*, and it is even said *literally*, performed; and the intention of the parties, except as to the meaning of the words used, cannot be inquired into. The assured has voluntarily chosen to rest every claim which he derives by virtue of the policy, upon a condition contained in the instrument; and whether the fact or engagement which is the subject of warranty, be material to the risk or not, still he must bring himself strictly within that condition.

A non-compliance with a warranty, although it occasions no injury, and does not change or enhance the risk, discharges the underwriters; and where the existence of a defect is but temporary, and is speedily remedied by the assured, and no loss ensues, until subsequent to the time when every condition in the instrument is strictly performed, the rights of the assured under the policy are gone, and the insurer is discharged from all liability. Although it is necessary that a warranty should be strictly complied with, and its terms literally observed, yet this rigid construction ought to operate in favour of, as well as against, the insured, whenever he can bring himself within its provisions; and if in performing a condition inserted in the policy, he does more than it requires, and this lessens the risk insured against, he will be entitled to claim every indemnity which the instrument was intended to guarantee. If a law is enacted subsequent to the time of obtaining the policy, by which a compliance with the terms of any warranty it may contain is declared illegal, the performance of its conditions will be dispensed with, and the insurer will be liable for any losses which may be sustained; but if the performance of the contract is unlawful at the time it is entered into, the policy will be void, and the assured can derive no benefit from its provisions.

If an express warranty is not to be performed until after the vessel has sailed, as in the case of a ship which is to be supplied with an additional anchor at an intermediate port in the course of her voyage, and this condition is not complied with, there can be no reason for construing the policy with such strictness, as to deny the assured an indemnity under the instrument, for a loss sustained previous to the time when such warranty could be performed, and before a non-compliance could in any manner change or alter the risks insured against, or in any way affect the liability of the insurer; and the more just and liberal mode of construction would seem to require, that for a loss happening antecedent to the time when the warranty is to be performed, the underwriter should be held liable, and it has been judicially determined, that a loss occurring before a forfeiture of the implied warranty of seaworthiness, might be recovered, notwithstanding such forfeiture; which goes far in establishing the rule of construction which we have supposed the principles of justice to demand, in the case of an express warranty.

When a policy contains a warranty that the vessel sailed, or will sail, on or before a certain day, it becomes important to ascertain what constitutes a sailing, according to the meaning of the instrument; and also when such warranty must be strictly performed, and what circumstances will justify a departure from the letter of its provisions, without impairing the rights of the assured. In contemplation of law, a vessel has sailed, the moment she is unmoored, and has got under weigh, in complete preparation for her intended voyage, with the purpose of immediately proceeding to sea; and in order to satisfy this condition of the agreement, the vessel, at the time of sailing, must be, in the contemplation of the captain, at absolute and entire liberty to proceed to her port of delivery. Whenever the time of sailing is material, and it becomes necessary to determine the effect which ought to be given to this condition of the instrument, it is often important to ascertain the intentions of the captain; and whether he considered at the time of leaving the port of departure, that any serious obstacle existed, calculated to defeat the prosecution of the intended voyage; for if, at the time of sailing, he knows of an impediment to his proceeding, which he feels confident will be reasonably removed, but is subsequently disappointed and prevented by such impediments from proceeding on the voyage at the time warranted, still this is a sailing within the time, and a compliance with the warranty.

As to what shall not be considered *a sailing* within the meaning of this condition, in a case where a ship insured at and from Jamaica, warranted to sail after the twelfth of January, before which day the vessel being completely loaded, sailed from Port Maria, a hazardous station for ships in that island, for Port Antonio, the accustomed rendezvous for convoy, for which it was proposed there to wait, and was lost on this passage; it was held that the departure from Port Maria was not a sailing within the meaning of the warranty, and that the assured was entitled to recover under the policy.

This decision undoubtedly proceeded upon the principle, that as the vessel was insured at Jamaica, it was the duty of the insured, and a material part of his contract, to perform every act necessary to preserve the ship in safety previous to the day she was warranted to sail, and that the captain in leaving a dangerous port for one more safe, diminished, instead of enhancing the risk of the insurer.

Another express warranty which the assured sometimes enters into, is, that the ship or goods are neutral, or neutral property, being an engagement that it is owned by persons resident in a country at peace when the risk begins, and who have the commercial character and right of subjects of such country; and that it shall he accompanied with such documents, and so managed and conducted by the assured and his agents, as to be legally entitled, so far as depends on them, to all the protection, privileges, and security of property belonging to the subjects of such country. And if property is warranted American, or of any particular national character, it is an agreement that all the necessary papers shall be furnished, and everything done on the part of the assured, for the purpose of securing all the advantages and commercial privileges to which the property of citizens of such nation is entitled.

A statement that the property is neutral, whether incidentally or directly, whether as a part of the description, or in the form of warranting, will equally constitute a warranty, and the insertion of a fact necessarily implying the national character of the property will be construed in the same manner, and to the same effect. In order fully to comply with this condition of the policy, the property must not only be neutral, at the time of the commencement of the risk, but must continue to be so, as far as the voluntary act of the owner, or assured, may affect its national character; and where a part of the property insured is assigned to a belligerent, during the continuance of the risk, the policy will be avoided.

The warranty is, that the property is neutral at the time the insurance is effected, and shall remain so, without being in any manner changed or altered by the acts of the assured, or his agents; but if he becomes a belligerent, or the property assumes a belligerent character, by an act of his government, or of any other government, after the risk commences, it is not a breach of warranty, for this is one of the risks taken by the insurer.

A statement in the policy that the property is neutral, can be supported only by showing that its origin, and the manner in which it has been managed and conducted, are sufficiently characterized by neutrality, to be so considered by the courts of the country in which the contract is made.

And where a neutral house, engaged in mercantile business, possesses an interest in a foreign establishment, situated in a belligerent country, such interest assumes the national character of the country where it remains.

Under this warranty, the ship or goods must not only be owned by neutrals, and not be of a belligerent character in themselves, but they must also be accompanied by all the documents and papers necessary to show that they can legally claim the protection afforded to neutral property. For the purpose of ascertaining the kind of proof which is required to indicate the national character of the property insured, we must refer to the laws and treaties of the country to which the ship and the owner of the property belong, and to the laws of nations.

The flag is the most obvious badge by which the national character of the ship is indicated, and by the laws of nations is liable to be considered as evidence of the country to which she belongs. A vessel warranted neutral must, therefore, bear no other flag than that of a nation at peace when the risk commences; and one warranted of a particular national character, must hoist none except that of the country to which the warranty relates.

Every document which is necessary to show that the vessel sails under the protection of the government of the state to which the warranty refers, must also be furnished, and the usual papers to prove to what port and to whom the ship belongs, must, in general, be procured; and the assured must not neglect the performance of any act which the law requires to be done on his part, for the purpose of securing to the ship all the rights and privileges conferred by the municipal regulations and treaties of the state, whose national character it bears. The country to which the goods shipped belong, is determined as a general rule, by the papers relating to their origin and destination; and if goods warranted neutral are accompanied by simulated papers, giving them the appearance of being owned by belligerents, for the purpose of violating the municipal regulations of a belligerent state, although they are in reality the property of neutrals, yet the goods are liable to be considered by the other belligerents as of the assumed national character, or are in so great danger of capture from this cause, as to constitute the use of such papers a violation of the warranty of neutrality. But if the underwriters know, or ought to know, that by the usage of trade, two sets of papers are carried for the purpose of protecting the goods, they impliedly consent to the usage; and the set of papers which will protect the property when its national character is called in question, may be produced as circumstances require.

If the captain of the ship attempts to disguise belligerent goods as neutral, it will be a breach of the warranty as to other parts of the cargo; for as he is considered a general agent of the assured, the whole of the property on board is liable to condemnation by the law of nations, for an attempt on his part to deceive one of the belligerents by covering the property of an enemy. But if the same goods had been taken on board, accompanied by papers showing their true national character, the warranty would not have been violated in respect to any other part of the cargo. The law of nations, as to what is to be considered neutral property, and the documents and papers to be procured, and the conduct to be observed, in order to entitle it to respect and protection as such, are liable to be controlled by treaty, since nations may substitute express rules for those implied obligations which the general law imposes without any stipulation; and many material and important alterations and modifications of the law of nations, in these respects, have been made in different treaties.

For the purpose of complying with this express warranty, it is material not only that the property should be neutral in itself, and accompanied by documents and papers sufficiently authenticated, to prove such neutrality with unquestionable certainty, but that the assured, and his agents, who have the control of the property, should so conduct the voyage, and manage and employ the subject, as not to forfeit its neutral character. And if an act is committed of the assured in violation of the law of nations, or in contravention of treaties entered into by his country with foreign powers, by which the risk of the insured is enhanced, it will be considered a breach of the warrantry of neutrality, and the insured will consequently forfeit his right of recovery under the policy. As there is belligerent action and open warfare carried on upon the high seas, by some maritime nations, during a great portion of the time, it is of considerable importance to the adventurous merchant that he should understand the kind of conduct he is bound to pursue, for the purpose of preserving a strict neutrality towards the contending powers, and to secure the indemnity which insurance is intended to guarantee in case of a loss of property covered by the instrument. We shall accordingly point out some of the most material duties incumbent upon the assured, and which he ought to perform, when his property is placed within the reach and under the control of a belligerent naval force; and also the rules and regulations he is bound to observe in the

conduct and disposition of his property, when in the vicinity of a blockaded port.

The law of nations imposes upon neutral merchant vessels, the obligation of submitting to be searched by the public armed ships of a belligerent power, and it is the duty of the captains of merchantmen to permit the officers of such armed vessels to come on board, and examine the ship's papers, and those relating to the cargo; and he is bound to answer questions touching the neutral character of the property; and to produce for inspection the papers by which it is accompanied, for the purpose of giving the belligerent every opportunity of judging whether the ship and cargo are of a neutral character. It was formerly doubted, whether the neutral vessel, in case she was of sufficient strength, could not legally resist such search; but it is now well settled, that the right of boarding and searching the merchant ships of every country on the globe, is an incontestable privilege of the lawfully commissioned cruisers of a belligerent nation; and to resist this right, when exercised in a lawful manner, is a breach of the warranty of neutrality. When an armed ship claims the privilege of searching a merchant vessel, on the high seas, its character and commission must be made known, and the right which it claims clearly proved, or the neutral may lawfully resist; and if treaties exist, which point out the mode in which such search must be made, the belligerent will not be at liberty to depart from the rules thus prescribed, but is bound to act in accordance with their provisions, and if they are violated, the neutral is justified in resisting such infringement of his rights. Under the right of search, is included that of sending the vessel into port, for the purpose of enjoying better opportunities of examining the property, in order to determine its true national character. It is therefore a breach of the warranty for the captain and crew of a neutral vessel sent into port, under such circumstances, to attempt to retake it, and to withdraw the property from the possession of the belligerent; but if it is conveyed into port and detained, and the suspicions inducing such detention are unjustifiable, a full indemnity must be made to the injured vessel for all the damages she may have sustained, which will be enforced in admiralty, against the captors. Whenever a belligerent ship takes possession of a neutral vessel, suspecting her to be engaged in traffic inconsistent with her assumed character, a sufficient number of men must be placed on board to navigate her in safety, and the original crew are not in any case obliged to assist; and if the requisite number are not furnished, the vessel may be lawfully rescued by the captain and men, without a violation of the warranty. In noticing some of the leading rules which the law of nations prescribes for governing the commercial rights of neutrals, in trading to a port in a state of blockade, we shall not pretend to examine what constitutes a valid blockade; but supposing one legally in existence, shall point out the rule of conduct to be observed in order to prevent its violation. A declaration of a blockade is a high act of sovereignty, and is usually made and promulgated directly by the government to which the blockading squadron belongs. It is sometimes declared, however, by an officer of a belligerent power, and when so declared, will affect the subjects of neutral states only so far as the officer is properly authorized. Neutrals are not in any manner prejudiced, until notice of the blockade is given; and this may be done by a public notification from the belligerent to the neutral government, which is sufficient, and is then presumed to be known by its subjects; or it may be given directly to the captain or owners of a vessel; and it must in all cases appear that the neutral subject has personally had such notice, or that it was so publicly and generally known, that he must be presumed to have a knowledge of the blockade. Whenever the assured has actual or constructive notice of the existence of a blockade, declared in a legal manner, and maintained by a sufficient naval force, any attempt on his part to carry property to or from the blockaded port, is a breach of the warranty of its neutral character. Under these circumstances, no actual violation of the blockade need be committed; the intention to enter such port, accompanied by an actual sailing in contemplation of such entry, would, in case of capture by the blockading force, subject the property to condemnation; and any act and intention of this nature would discharge the insurer from all liability under the policy. If a ship is in port at the time a declaration of blockade is made, she may come out in ballast; and in case all her cargo is on board, before it commences, she may lawfully proceed upon her intended voyage; and where a vessel is in port, laden with goods which were imported previous to the declaration of blockade, she may, by the law of nations, bring such goods away without discharging them, and in doing so, will not infringe any right of the belligerent power. To constitute a breach of blockade, it is necessary not only that

there should be an intention to that effect, but that such intention should be accompanied with some act in pursuance of it, calculated to convey the impression that the design will be carried into execution; and as an attempt to commit such violation is punished by severe forfeiture and heavy pecuniary loss, courts of justice in determining what amounts to a breach of blockade, will entertain enlarged and liberal opinions, and be governed by the broad principles of universal justice.

Notwithstanding the general principle, that a vessel cannot enter a blockaded port without violating the warranty of her neutral character, there are still some exceptions to this rule; for if a ship is in imminent danger of being injured or destroyed by perils of the sea, or has received such severe damage as to make it absolutely necessary to go into some port where she can ride in safety, or where necessary and important repairs can be bestowed, she may, in either of these cases, lawfully enter a port in a state of blockade, if some adjacent one cannot be reached without great inconvenience and danger; and where a vessel procures a license from the government to which the blockading squadron belongs, authorizing her to visit such port, this liberty may be enjoyed, without, in the least degree, endangering her neutral character, or in any manner affecting the legal rights of the owner, under any policy he may have obtained upon such vessel, for his indemnity.

The various express warranties we have mentioned are those usually inserted in a policy of marine insurance; but many others may be made, to which we have not alluded. These, however, will be governed by the rules before laid down, in reference to the warranties already pointed out and considered; and in framing the instrument the assured must be extremely careful to understand and appreciate the extent and legal effect of every condition which the policy contains.

"MURDER WILL OUT."

A GENUINE GHOST STORY OF THE OLD SCHOOL.

BY THE AUTHOR OF "GUY RIVERS," "THE YEMASSEE," "DAMSEL OF DARIEN," ETC.

I.

The world has become monstrous matter-of-fact in latter days. We can no longer get a ghost story, either for love or money. The materialists have it all their own way; and even the little urchin, eight years old, instead of deferring with decent reverence to the opinions of his grandmamma, now stands up stoutly for his own. He believes in every "ology" but pneumatology. "Faust" and the "Old Woman of Berkeley" move his derision only, and he would laugh incredulously, if he dared, at the Witch of Endor. The whole armoury of modern reasoning is on his side; and, however he may admit at seasons that belief can scarcely be counted a matter of will, he yet puts his veto on all sorts of credulity. That cold-blooded demon called Science has taken the place of all the other demons. He has certainly cast out innumerable devils, however he may still spare the principal. Whether we are the better for his intervention is another question. There is reason to apprehend that in disturbing our human faith in shadows, we have lost some of those wholesome moral restraints which might have kept many of us virtuous, where laws could not.

The effect, however, is much the more seriously evil in all that concerns the romantic. Our story-tellers are so resolute to deal in the real, the actual only, that they venture on no subjects the details of which are not equally vulgar and susceptible of proof. With this end in view, indeed, they too commonly choose their subjects from convicted felons, in order that they may avail themselves of the evidence which led to their conviction; and, to prove more conclusively their devoted adherence to nature and the truth, they depict the former not only in her condition of nakedness, but long before she has found out the springs of running water. It is to be feared that some of the coarseness of modern taste arises from the too great lack of that veneration which belonged to, and elevated to dignity, even the errors of preceding ages. A love of the marvellous belongs, it appears to

me, to all those who love and cultivate either of the fine arts. I very much doubt whether the poet, the painter, the sculptor, or the romancer ever yet lived, who had not some strong bias—a leaning, at least,—to a belief in the wonders of the invisible world. Certainly, the higher orders of poets and painters, those who create and invent, must have a strong taint of the superstitious in their compositions. But this is digressive, and leads us from our purpose.

It is so long since we have been suffered to see or hear of a ghost, that a visitation at this time may have the effect of novelty, and I propose to narrate a story which I heard more than once in my boyhood, from the lips of an aged relative, who succeeded, at the time, in making me believe every word of it; perhaps, for the simple reason that she convinced me she believed every word of it herself. My grandmother was an old lady who had been a resident of the seat of most frequent war in Carolina during the Revolution. She had fortunately survived the numberless atrocities which she was yet compelled to witness; and, a keen observer, with a strong memory, she had in store a thousand legends of that stirring period, which served to beguile me from sleep many and many a long winter night. The story which I propose to tell was one of these; and when I say that she not only devoutly believed it herself, but that it was believed by sundry of her contemporaries, who were privy themselves to such of the circumstances as could be known to third parties, the gravity with which I repeat the legend will not be considered very astonishing.

The revolutionary war had but a little while been concluded. The British had left the country; but peace did not imply repose. The community was still in that state of ferment which was natural enough to passions, not yet at rest, which had been brought into exercise and action during the protracted seven years' struggle through which the nation had just passed. The state was overrun by idlers, adventurers, profligates, and criminals. Disbanded soldiers, half-starved and reckless, occupied the highways,—outlaws, emerging from their hiding-places, skulked about the settlements with an equal sentiment of hate and fear in their hearts,—patriots were clamouring for justice upon the tories, and sometimes anticipating its course by judgments of their own; while the tories, those against whom the proofs were too strong for denial or evasion, buckled on their armour for a renewal of the struggle. Such being the condition of the country, it may easily be supposed life and property lacked many of their necessary securities. Men generally travelled with weapons, which were displayed on the smallest provocation: and few who could provide themselves with an escort ventured to travel any distance without one.

There was about this time, said my grandmother, and while such was the condition of the country, a family of the name of Grayling, that lived somewhere upon the skirts of "Ninety-six" district. Old Grayling, the head of the family, was dead. He was killed in Buford's massacre. His wife was a fine lady, not so old, who had an only son named James, and a little girl, only five years old, named Lucy. James was but fourteen when his father was killed, and that event made a man of him. He went out with his rifle in company with Joel Sparkman, who was his mother's brother, and joined himself to Pickens's Brigade. Here he made as good a soldier as the best. He had no sort of fear. He was always the first to go forward; and his rifle was always good for his enemy's button at a long hundred yards. He was in several fights both with the British and tories; and just before the war was ended he had a famous brush with the Cherokees, when Pickens took their country from them. But though he had no fear, and never knew when to stop killing while the fight was going on, he was the most bashful of boys that I ever knew; and so kind-hearted that it was almost difficult to believe all we heard of his fierce doings when he was in battle. But they were nevertheless quite true for all his bashfulness.

Well, when the war was over, Joel Sparkman, who lived with his sister, Grayling, persuaded her that it would be better to move down into the low country. I don't know what reason he had for it, or what they proposed to do there. They had very little property; but Sparkman was a knowing man, who could turn his hand to a hundred things: and as he was a bachelor, and loved his sister and her children just as if they had been his own, it was natural that she should go with him wherever he wished. James, too, who was restless by nature, and whom the taste he had of the wars had made more so,—he was full of it; and so, one sunny morning in April, their wagon started for the city. The wagon was only a small one, with two horses, scarcely larger than those that are employed to carry chickens and fruit to the city

from the Wassamaws and thereabouts. It was driven by a negro fellow named Clytus, and carried Mrs. Grayling and Lucy. James and his uncle loved the saddle too well to shut themselves up in such a vehicle; and both of them were mounted on fine horses which they had won from the enemy. The saddle that James rode on, —and he was very proud of it,—was one that he had taken at the battle of Cowpens from one of Tarleton's own dragoons, after he had tumbled the owner. The roads at that season were excessively bad, for the rains of March had been frequent and heavy, the track was very much cut up, and the red clay gullies of the hills of "Ninety-six" were so washed that it required all shoulders, twenty times a day, to get the wagon-wheels out of the bog. This made them travel very slowly,—perhaps, not more than fifteen miles a day; and another cause for slow travelling was, the necessity of great caution, and a constant look-out for enemies both up and down the road. James and his uncle took it by turns to ride a-head, precisely as they did when scouting in war, but one of them always kept along with the wagon. They had gone on this way for two days, and saw nothing to trouble and alarm them. There were few persons on the high-road, and these seemed to the full as shy of them as they probably were of strangers. But just as they were about to camp, the evening of the second day, while they were splitting light-wood, and getting out the kettles and the frying-pan, a person rode up and joined them without much ceremony. He was a short thick-set man, somewhere between forty and fifty; had on very coarse and common garments, though he rode a fine black horse of remarkable strength and vigour. He was very civil of speech, though he had but little to say, and that little showed him to be a person without much education and no refinement. He begged permission to make one of the encampment, and his manner was very respectful and even humble; but there was something dark and sullen in his face—his eyes, which were of a light gray colour, were very restless, and his nose turned up sharply, and was very red. His forehead was excessively broad, and his eyebrows thick and shaggy—white hairs being freely mingled with the dark, both in them and upon his head. Mrs. Grayling did not like this man's looks, and whispered her dislike to her son; but James, who felt himself equal to any man, said, promptly—

"What of that, mother! we can't turn the stranger off and say 'no;' and if he means any mischief, there's two of us, you know."

The man had no weapons—none, at least, which were then visible; and deported himself in so humble a manner, that the prejudice which the party had formed against him when he first appeared,—if it was not dissipated while he remained,—at least failed to gain any increase. He was very quiet, did not mention an unnecessary word, and seldom permitted his eyes to rest upon those of any of the party, the females not excepted. This, perhaps, was the only circumstance, that in the mind of Mrs. Grayling, tended to confirm the hostile impression which his coming had originally occasioned. In a little while the temporary encampment was put in a state equally social and warlike. The wagon was wheeled a little way into the woods, and off the road; the horses fastened behind it in such a manner that any attempt to steal them would be difficult of success, even were the watch neglectful, which was yet to be maintained upon them. Extra guns, concealed in the straw at the bottom of the wagon, were kept well loaded. In the foreground, and between the wagon and the highway, a fire was soon blazing with a wild but cheerful gleam; and the worthy dame, Mrs. Grayling, assisted by the little girl, Lucy, lost no time in setting on the frying-pan, and cutting into slices the haunch of bacon, which they had provided at leaving home. James Grayling patrolled the woods, meanwhile, for a mile or two round the encampment, while his uncle, Joel Sparkman, foot to foot with the stranger, seemed—if the absence of all care constitutes the supreme of human felicity—to realize the most perfect conception of mortal happiness. But Joel was very far from being the careless person that he seemed. Like an old soldier, he simply hung out false colours, and concealed his real timidity by an extra show of confidence and courage. He did not relish the stranger from the first, any more than his sister; and having subjected him to a searching examination, such as was considered, in those days of peril and suspicion, by no means inconsistent with becoming courtesy, he came rapidly to the conclusion that he was no better than he should be.

"You are a Scotchman, stranger," said Joel, suddenly drawing up his feet, and bending forward to the other with an eye like that of a hawk stooping over a covey of partridges. It was a wonder that he had not made the discovery before. The broad dialect of the stranger was not to be subdued; but Joel made slow stages

and short progress in his mental journeyings. The answer was given with evident hesitation, but it was affirmative.

"Well, now, it's mighty strange that you should ha' fou't with us and not agin us," responded Joel Sparkman. "There was a precious few of the Scotch, and none that I knows on, saving yourself, perhaps,—that didn't go dead agin us, and for the tories, through thick and thin. That 'Cross Creek settlement' was a mighty ugly thorn in the sides of us whigs. It turned out a raal bad stock of varmints. I hope,—I reckon, stranger,—you aint from that part."

"No," said the other; "oh no! I'm from over the other quarter. I'm from the Duncan settlement above."

"I've hearn tell of that other settlement, but I never know'd as any of the men fou't with us. What gineral did you fight under? What Carolina gineral?"

"I was at Gum Swamp when General Gates was defeated;" was the still hesitating reply of the other.

"Well, I thank God, *I* warn't there, though I reckon things wouldn't ha' turned out quite so bad, if there had been a leetle sprinkling of Sumter's, or Pickens's, or Marion's men, among them two-legged critters that run that day. They did tell that some of the regiments went off without ever once emptying their rifles. Now, stranger, I hope you warn't among them fellows."

"I was not," said the other with something more of promptness.

"I don't blame a chap for dodging a bullet if he can, or being too quick for a bagnet, because, I'm thinking, a live man is always a better man than a dead one, or he can become so; but to run without taking a single crack at the inimy, is downright cowardice. There's no two ways about it, stranger."

This opinion, delivered with considerable emphasis, met with the ready assent of the Scotchman, but Joel Sparkman was not to be diverted, even by his own eloquence, from the object of his inquiry.

"But you ain't said," he continued, "who was your Carolina gineral. Gates was from Virginny, and he stayed a mighty short time when he come. You didn't run far at Camden, I reckon, and you joined the army ag'in, and come in with Greene? Was that the how?"

To this the stranger assented, though with evident disinclination.

"Then, mou'tbe, we sometimes went into the same scratch together? I was at Cowpens and Ninety-Six, and seen sarvice at other odds and eends, where there was more fighting than fun. I reckon you must have been at 'Ninety-Six,'—perhaps at Cowpens, too, if you went with Morgan?"

The unwillingness of the stranger to respond to these questions appeared to increase. He admitted, however, that he had been at "Ninety-Six," though, as Sparkman afterwards remembered, in this case, as in that of the defeat of Gates at Gum Swamp, he had not said on which side he had fought. Joel, as he discovered the reluctance of his guest to answer his questions, and perceived his growing doggedness, forbore to annoy him, but mentally resolved to keep a sharper look-out than ever upon his actions. His examination concluded with an inquiry, which in the plain-dealing regions of the south and south-west is not unfrequently put first.

"And what may be your name, stranger?"

"Macnab," was the ready response, "Sandy Macnab."

"Well, Mr. Macnab, I see that my sister's got supper ready for us; so we mou't as well fall to upon the hoecake and bacon." Sparkman rose while speaking, and led the way to the spot near the wagon where Mrs. Gayling had spread the feast. "We're pretty nigh on to the main road, here, but I reckon there's no great danger now. Besides, Jim Grayling keeps watch for us, and he's got two as good eyes in his head as any scout in the country, and a rifle that, after you once know how it shoots, 'twould do your heart good to hear its crack, if so be that twa'n't your heart that he drawed sight on. He's a perdigious fine shot, and as ready to shoot and fight as if he had a nateral calling that way."

"Shall we wait for him before we eat?" demanded Macnab, anxiously

"By no sort o' reason, stranger," answered Sparkman. "He'll watch for us while we're eating, and after that I'll change shoes with him. So fall to, and don't mind what's a coming."

Sparkman had just broken the hoecake, when a distant whistle was heard.

"Ha! That's the lad now!" he exclaimed, rising to his feet. "He's on trail. He's got a sight of an inimy's fire, I reckon. Twon't be onreasonable, friend Macnab, to get our we'pons in readiness;" and so speaking, Sparkman bid his sister get into the wagon, where the little Lucy had already placed herself, while he threw open the

pan of his rifle, and turned the priming over with his finger. Macnab, meanwhile, had taken from his holsters, which he had before been sitting upon, a pair of horseman's pistols, richly mounted with figures in silver. These were large and long, and had evidently seen service. Unlike his companion, his proceedings occasioned no comment. What he did seemed a matter of habit, of which he himself was scarcely conscious. Having looked at his priming, he laid the instruments beside him without a word, and resumed the bit of hoecake which he had just before received from Sparkman. Meanwhile, the signal whistle, supposed to come from James Grayling, was repeated. Silence ensued then for a brief space, which Sparkman employed in perambulating the grounds immediately contiguous. At length, just as he had returned to the fire, the sound of a horse's feet was heard, and a sharp quick halloo from Grayling informed his uncle that all was right. The youth made his appearance a moment after, accompanied by a stranger on horseback; a tall, fine-looking young man, with a keen flashing eye, and a voice whose lively clear tones, as he was heard approaching, sounded cheerily like those of a trumpet after victory. James Grayling kept along on foot beside the new-comer; and his hearty laugh, and free, glib, garrulous tones, betrayed to his uncle, long ere he drew nigh enough to declare the fact, that he had met unexpectedly with a friend, or, at least, an old acquaintance.

"Why, who have you got there, James?" was the demand of Sparkman, as he dropped the butt of his rifle upon the ground.

"Why, who do you think, uncle? Who but Major Spencer—our own major!"

"You don't say so!—what!—well! Li'nel Spencer, for sartin! Lord bless you, major, who'd ha' thought to see you in these parts; and jest mounted too, for all natur, as if the war was to be fou't over ag'in. Well, I'm raal glad to see you. I am, that's sartin!"

"And I'm very glad to see you, Sparkman," said the other, as he alighted from his steed, and yielded his hand to the cordial grasp of the other.

"Well, I knows that, major, without you saying it. But you've jest come in the right time. The bacon's frying, and here's the bread;—let's down upon our haunches, in right good airnest, camp fashion, and make the most of what God gives us in the way of blessings. I reckon you don't mean to ride any further to-night, major?"

"No," said the person addressed, "not if you'll let me lay my heels at your fire. But who's in your wagon? My old friend, Mrs. Grayling, I suppose?"

"That's a true word, major," said the lady herself, making her way out of the vehicle with good-humoured agility, and coming forward with extended hand.

"Really, Mrs. Grayling, I'm very glad to see you." And the stranger, with the blandness of a gentleman and the hearty warmth of an old neighbour, expressed his satisfaction at once more finding himself in the company of an old acquaintance. Their greetings once over, Major Spencer readily joined the group about the fire, while James Grayling—though with some reluctance—disappeared to resume his toils of the scout while the supper proceeded.

"And who have you here?" demanded Spencer, as his eye rested on the dark, hard features of the Scotchman. Sparkman told him all that he himself had learned of the name and character of the stranger, in a brief whisper, and in a moment after formally introduced the parties in this fashion—

"Mr. Macnab, Major Spencer. Mr. Macnab says he's true blue, major, and fou't at Camden, when General Gates run so hard to 'bring the d—d militia back.' He also fou't at Ninety-Six, and Cowpens—so I reckon we had as good as count him one of us."

Major Spencer scrutinized the Scotchman keenly—a scrutiny which the latter seemed very ill to relish. He put a few questions to him on the subject of the war, and some of the actions in which he allowed himself to have been concerned; but his evident reluctance to unfold himself—a reluctance so unnatural to the brave soldier who has gone through his toils honourably—had the natural effect of discouraging the young officer, whose sense of delicacy had not been materially impaired amid the rude jostlings of military life. But, though he forbore to propose any other questions to Macnab, his eyes continued to survey the features of his sullen countenance with curiosity and a strangely increasing interest. This he subsequently explained to Sparkman, when, at the close of supper, James Grayling came in, and the former assumed the duties of the scout.

"I have seen that Scotchman's face somewhere, Sparkman, and I'm convinced at some interesting moment; but where, when, or how, I cannot call to mind. The sight of it is even associated in my mind with something painful and unpleasant; where could I have seen him?"

"I don't somehow like his looks myself," said Sparkman, "and I mislists he's been rether more of a tory than a whig; but that's nothing to the purpose now; and he's at our fire, and we've broken hoecake together; so we cannot rake up the old ashes to make a dust with."

"No, surely not," was the reply of Spencer. "Even though we knew him to be a tory, that cause of former quarrel should occasion none now. But it should produce watchfulness and caution. I'm glad to see that you have not forgot your old business of scouting in the swamp."

"Kin I forget it, major?" demanded Sparkman, in tones which, though whispered, were full of emphasis, as he laid his ear to the earth to listen.

"James has finished supper, major—that's his whistle to tell me so; and I'll jest step back to make it cl'ar to him how we're to keep up the watch to-night."

"Count me in your arrangements, Sparkman, as I am one of you for the night," said the major.

"By no sort of means," was the reply. "The night must be shared between James and myself. Ef so be you wants to keep company with one or t'other of us, why that's another thing, and, of course, you can do as you please."

"We'll have no quarrel on the subject, Joel," said the officer, good-naturedly, as they returned to the camp together.

II.

The arrangements of the party were soon made. Spencer renewed his offer at the fire to take his part in the watch; and the Scotchman, Macnab, volunteered his services also; but the offer of the latter was another reason why that of the former should be declined. Sparkman was resolute to have everything his own way; and while James Grayling went out upon his lonely rounds, he busied himself in cutting bushes and making a sort of tent for the use of his late commander. Mrs. Grayling and Lucy slept in a wagon. The Scotchman stretched himself with little effort before the fire; while Joel Sparkman, wrapping himself up in his cloak, crouched under the wagon body, with his back resting partly against one of the wheels. From time to time he rose and thrust additional brands into the fire, looked up at the night, and round upon the little encampment, then sunk back to his perch and stole a few moments, at intervals, of uneasy sleep. The first two hours of the watch were over, and James Grayling was relieved. The youth, however, felt in no mood for sleep, and taking his seat by the fire, he drew from his pocket a little volume of Easy Reading Lessons, and by the fitful flame of the resinous light-wood, he prepared, in this rude manner, to make up for the precious time which his youth had lost of its legitimate employments, in the stirring events of the preceding seven years consumed in war. He was surprised at this employment by his late commander, who, himself sleepless, now emerged from the bushes and joined Grayling at the fire. The youth had been rather a favourite with Spencer. They had both been reared in the same neighbourhood, and the first military achievements of James had taken place under the eye, and had met the approbation of his officer. The difference of their ages was just such as to permit of the warm attachment of the youth without diminishing any of the reverence which should be felt by the inferior. Grayling was not more than seventeen, and Spencer was perhaps thirty-four—the very prime of manhood. They sat by the fire and talked of old times and told old stories with the hearty glee and good-nature of the young. Their mutual inquiries led to the revelation of their several objects in pursuing the present journey. Those of James Grayling were scarcely, indeed, to be considered his own. They were plans and purposes of his uncle, and it does not concern this narrative that we should know more of their nature than has already been revealed. But, whatever they were, they were as freely unfolded to his hearer as if they had been brothers, and Spencer was quite as frank in his revelations as his companion. He, too, was on his way to Charleston, from whence he was to take passage for England.

"I am rather in a hurry to reach town," he said, "as I learn that the Falmouth packet is preparing to sail for England in a few days, and I must go in her."

"For England, major!" exclaimed the youth with unaffected astonishment.

"Yes, James, for England. But why?—what astonishes you?"

"Why, lord!" exclaimed the simple youth, "if they only knew there, as I do, what a cutting and slashing you did use to make among their red coats, I reckon they'd hang you to the first hickory."

"Oh, no! scarcely," said the other, with a smile.

"But I reckon you'll change your name, major?" continued the youth.

"No," responded Spencer, "if I did that, I should lose the object of my voyage. You must know, James, that an old relative has left me a good deal of money in England, and I can only get it by proving that I am Lionel Spencer; so you see I must carry my own name, whatever may be the risk."

"Well, major, you know best; but I do think if they could only have a guess of what you did among their sodgers at Hobkirk's and Cowpens, and Eutaw, and a dozen other places, they'd find some means of hanging you up, peace or no peace. But I don't see what occasion you have to be going cl'ar away to England for money, when you've got a sight of your own already."

"Not so much as you think for," replied the major, giving an involuntary and uneasy glance at the Scotchman, who was seemingly sound asleep on the opposite side of the fire. "There is, you know, but little money in the country at any time, and I must get what I want for my expenses when I reach Charleston. I have just enough to carry me there."

"Well, now, major, that's mighty strange. I always thought that you was about the best off of any man in our parts; but if you're strained so close, I'm thinking, major,—if so be you wouldn't think me too presumptuous,—you'd better let me lend you a guinea or so that I've got to spare, and you can pay me back when you get the English money."

And the youth fumbled in his bosom for a little cotton wallet, which, with its limited contents, was displayed in another instant to the eyes of the officer.

"No, no, James," said the other, putting back the generous tribute; "I have quite enough to carry me to Charleston, and when there I can easily get a supply from the merchants. But I thank you, my good fellow, for your offer. You are a good fellow, James, and I will remember you."

It is needless to pursue their conversation farther. The night passed away without any alarms, and at dawn of the next day the whole party were engaged in making preparation for a start. Mrs. Grayling was soon busy in getting breakfast in readiness. Major Spencer consented to remain with them until it was over; but the Scotchman, after returning thanks very civilly for his accommodation of the night, at once resumed his journey. His course seemed, like their own, to lie below; but he neither declared his route nor betrayed the least desire to know that of Spencer. The latter had no disposition to renew those inquiries from which the stranger seemed to shrink the night before, and he accordingly suffered him to depart with a quiet farewell, and the utterance of a good-natured wish, in which all the parties joined, that he might have a pleasant journey. When he was fairly out of sight, Spencer said to Sparkman,

"Had I liked that fellow's looks, nay, had I not positively disliked them, I should have gone with him. As it is, I will remain and share your breakfast."

The repast being over, all parties set forward; but Spencer, after keeping along with them for a mile, took his leave also. The slow wagon-pace at which the family travelled, did not suit the high-spirited cavalier; and it was necessary, as he assured them, that he should reach the city in two nights more. They parted with many regrets, as truly felt as they were warmly expressed; and James Grayling never felt the tedium of wagon travelling to be so severe as throughout the whole of that day when he separated from his favourite captain. But he was too stout-hearted a lad to make any complaint; and his dissatisfaction only showed itself in his unwonted silence, and an over-anxiety, which his steed seemed to feel in common with himself, to go rapidly ahead. Thus the day passed, and the wayfarers at its close had made a progress of some twenty miles from sun to sun. The same precautions marked their encampment this night as the last, and they rose in better spirits with the next morning, the dawn of which was very bright and pleasant, and encouraging. A similar journey of twenty miles brought them to the place of bivouac as the sun went down; and they prepared as usual for their securities and supper. They found themselves on the edge of a very dense forest of pines and scrubby oaks, a portion of which was swallowed up in a deep bay—so called in the dialect of the country—a swamp-bottom, the growth of which consisted of mingled cypresses and bay-trees, with tupola, gum, and dense thickets of low stunted shrubbery, cane grass, and dwarf willows, which filled up every interval between the trees, and to the eye most effectually barred out every human intruder. This bay was chosen as the background for the camping party. Their waggon was wheeled into an area on a gently rising ground in front, under a pleasant shade of oaks and hickories, with a lonely pine rising loftily in occasional spots among them. Here the horses were taken out, and James Grayling prepared to kindle up a fire; but, looking for his axe, it was unac-

countably missing, and after a fruitless search of half an hour, the party came to the conclusion that it had been left on the spot where they had slept last night. This was a disaster, and while they meditated in what manner to repair it, a negro boy appeared in sight, passing along the road at their feet, and driving before him a small herd of cattle. From him they learned that they were only a mile or two from a farmstead, where an axe might be borrowed; and James, leaping on his horse, rode forwards in the hope to obtain one. He found no difficulty in his quest; and, having obtained it from the farmer, who was also a tavern-keeper, he casually asked if Major Spencer had not stayed with him the night before. He was somewhat surprised when told that he had not.

"There was one man stayed with me last night," said the farmer, "but he didn't call himself a major, and did'nt much look like one."

"He rode a fine sorrel horse,—tall, bright colour, with white fore foot, didn't he?" asked James.

"No, that he didn't! He rode a powerful black, coal black, and not a bit of white about him."

"That was the Scotchman! But I wonder the major didn't stop with you. He must have rode on.. Isn't there another house near you, below?"

"Not one. There's ne'er a house either above or below for a matter of fifteen miles. I'm the only man in all that distance that's living on this road; and I don't think your friend could have gone below, as I should have seen him pass. I've been all day out there in that field before your eyes, clearing up the brush."

III.

Somewhat wondering that the major should have turned aside from the track, though without attaching to it any importance at that particular moment, James Grayling took up the borrowed axe and hurried back to the encampment, where the toil of cutting an extra supply of light-wood to meet the exigencies of the ensuing night, sufficiently exercised his mind as well as his body, to prevent him from meditating upon the seeming strangeness of the circumstance. But when he sat down to his supper over the fire that he had kindled, his fancies crowded thickly upon him, and he felt a confused doubt and suspicion that something was to happen, he knew not what. His conjectures and apprehensions were without form, though not altogether void; and he felt a strange sickness and a sinking at the heart which was very unusual with him. He had, in short, that lowness of spirits, that cloudy apprehensiveness of soul which takes the form of presentiment, and makes us look out for danger even when the skies are without a cloud, and the breeze is laden, equally and only, with balm and music. His moodiness found no sympathy among his companions. Joel Sparkman was in the best of humours, and his mother was so cheery and happy, that when the thoughtful boy went off into the woods to watch, he could hear her at every moment breaking out into little catches of a country ditty, which the gloomy events of the late war had not yet obliterated from her memory.

"It's very strange!" soliloquized the youth, as he wandered along the edges of the dense bay or swamp-bottom, which we have passingly referred to,—"it's very strange what troubles me so! I feel almost frightened, and yet I know I'm not to be frightened easily, and I don't see anything in the woods to frighten me. It's strange the major didn't come along this road! Maybe he took another higher up that leads by a different settlement. I wish I had asked the man at the house if there's such another road. I reckon there must be, however, for where could the major have gone?"

The unphilosophical mind of James Grayling did not, in his farther meditations, carry him much beyond this starting point; and with its continual recurrence in soliloquy, he proceeded to traverse the margin of the bay, until he came to its junction with, and termination at, the high-road. The youth turned into this, and, involuntarily departing from it a moment after, soon found himself on the opposite side of the bay thicket. He wandered on and on, as he himself described it, without any power to restrain himself. He knew not how far he went; but, instead of maintaining his watch for two hours only, he was gone more than four; and, at length, a sense of weariness which overpowered him all of a sudden, caused him to seat himself at the foot of a tree, and snatch a few moments of rest. He denied that he slept in this time. He insisted to the last moment of his life that sleep never visited his eyelids that night,—that he was conscious of fatigue and exhaustion, but not drowsiness,—and that this fatigue was so numbing as to be painful, and effectually kept him from any sleep. While he sat thus beneath the tree, with a body weak and nerveless,

but a mind excited, he knew not how or why, to the most acute degree of expectation and attention, he heard his name called by the well-known voice of his friend, Major Spencer. The voice called him three times,—"James Grayling!—James!—James Grayling!" before he could muster strength enough to answer. It was not courage he wanted,—of that he was positive, for he felt sure, as he said, that something had gone wrong, and he was never more ready to fight in his life than at that moment, could he have commanded the physical capacity; but his throat seemed dry to suffocation,—his lips effectually sealed up as if with wax, and when he did answer, the sounds seemed as fine and soft as the whisper of some child just born.

"Oh! major, is it you?"

Such, he thinks, were the very words he made use of in reply; and the answer that he received was instantaneous, though the voice came from some little distance in the bay, and his own voice he did not hear. He only knows what he meant to say. The answer was to this effect.

"It is, James!—It is your own friend, Lionel Spencer, that speaks to you; do not be alarmed when you see me! I have been shockingly murdered!"

James asserts that he tried to tell him that he would not be frightened, but his own voice was still a whisper, which he himself could scarcely hear. A moment after he had spoken he heard something like a sudden breeze that rustled through the bay bushes at his feet, and his eyes were closed without his effort, and indeed in spite of himself. When he opened them, he saw Major Spencer standing at the edge of the bay, about twenty steps from him. Though he stood in the shade of the thicket, and there was no light in the heavens save that of the stars, he was yet enabled to distinguish perfectly, and with great ease, every lineament of his friend's face.

He looked very pale, and his garments were covered with blood; and James said, that he strove very much to rise from the place where he sat and approach him;—"for, in truth," said the lad, "so far from feeling any fear, I felt nothing but fury in my heart; but I could not move a limb. My feet were fastened to the ground; my hands to my sides; and I could only bend forward and gasp. I felt as if I should have died with vexation that I could not rise; but a power which I could not resist, made me motionless, and almost speechless. I could only say, 'Murdered!'—and that one word I believe I must have repeated a dozen times.

"'Yes, murdered!—murdered by the Scotchman who slept with us at your fire the night before last. James, I look to you to have the murderer brought to justice! James!—do you hear me, James?'

"These," said James, "I think were the very words, or near about the very words, that I heard; and I tried to ask the major to tell me how it was, and how I could do what he required; but I didn't hear myself speak, though it would appear that he did, for almost immediately after I had tried to speak what I wished to say, he answered me just as if I had said it. He told me that the Scotchman had waylaid, killed, and hidden him in that very bay; that his murderer had gone to Charleston; and that if I made haste to town, I would find him in the Falmouth packet, which was then lying in the harbour and ready to sail for England. He farther said that everything depended on my making haste,—that I must reach town by to-morrow night if I wanted to be in season, and go right on board the vessel and charge the criminal with the deed. 'Do not be afraid,' said he, when he had finished; 'be afraid of nothing, James, for God will help and strengthen you to the end.' When I had heard all I burst out into a flood of tears, and then I felt strong. I felt that I could talk, or fight, or do almost anything; and I jumped up to my feet, and was just about to run down to where the major stood; but with the first step which I made forward, he was gone. I stopped and looked all around me, but I could see nothing; and the bay was just as black as midnight. But I went down to it, and tried to press in where I thought the major had been standing; but I couldn't get far, the brush and bay bushes were so close and thick. I was now bold and strong enough, and I called out, loud enough to be heard half a mile. I didn't exactly know what I called for, or what I wanted to learn, or I have forgotten. But I heard nothing more. Then I remembered the camp, and began to fear that something might have happened to mother and uncle, for I now felt, what I had not thought of before, that I had gone too far round the bay to be of much assistance, or, indeed, to be in time for any, had they been suddenly attacked. Besides, I could not think how long I had been gone; but it now seemed very late. The stars were shining their brightest, and the thin white clouds of morning were beginning to rise and run towards the west. Well, I bethought me of my course,—for I was a little bewildered and doubtful where I was; but after a little thinking, I took the back

rack, and soon got a glimpse of the camp-fire, which was nearly burnt down; and y this I reckoned I was gone considerably longer than my two hours. When I got ack into the camp, I looked under the wagon, and found uncle in a sweet sleep, nd though my heart was full almost to bursting with what I had heard, and the ruel sight I had seen, yet I wouldn't waken him; and I beat about and mended the re, and watched, and waited, until near daylight, when mother called to me out of he wagon, and asked who it was. This wakened my uncle, and then I up and told ll that had happened, for if it had been to save my life, I couldn't have kept it in uch longer. But though mother said it was very strange, Uncle Sparkman con-idered that I had been only dreaming; but he couldn't persuade me of it; and vhen I told him I intended to be off at daylight, just as the major had told me to lo, and ride my best all the way to Charleston, he laughed, and said I was a fool. But I felt that I was no fool, and I was solemn certain that I hadn't been dreaming; nd though both mother and he tried their hardest to make me put off going, yet I made up my mind to it, and they had to give up. For wouldn't I have been a pretty sort of a friend to the major, if, after what he told me, I could have stayed behind, and gone on only at a wagon-pace to look after the murderer! I dont think if I had done so that I should ever have been able to look a white man in the face again. Soon as the peep of day, I was on horseback. Mother was mighty sad, and begged me not to go, but Uncle Sparkman was mighty sulky, and kept calling me fool upon fool, until I was almost angry enough to forget that we were of blood kin. But all his talking did not stop me, and I reckon I was five miles on my way before he had his team in traces for a start. I rode as briskly as I could to get on without hurting my nag. I had a smart ride of more than forty miles before me, and the road was very heavy. But it was a good two hours from sunset when I got into town, and the first question I asked of the people I met was, to show me where the ships were kept. When I got to the wharf they showed me the Falmouth packet, where she lay in the stream, ready to sail as soon as the wind should favour."

IV.

James Grayling, with the same eager impatience which he has been suffered to describe in his own language, had already hired a boat to go on board the British packet, when he remembered that he had neglected all those means, legal and otherwise, by which alone his purpose might be properly effected. He did not know much about legal process, but he had common sense enough, the moment that he began to reflect on the subject, to know that some such process was necessary. This conviction produced another difficulty; he knew not in which quarter to turn for counsel and assistance; but here the boatman who saw his bewilderment, and knew by his dialect and dress that he was a back countryman, came to his relief, and from him he got directions where to find the merchants with whom his uncle, Sparkman, had done business in former years. To them he went, and without circumlocution, told the whole story of his ghostly visitation. Even as a dream, which these gentlemen at once conjectured it to be, the story of James Grayling was equally clear and curious; and his intense warmth and the entire absorption which the subject had effected of his mind and soul, was such that they judged it not improper, at least to carry out the search of the vessel which he comtemplated. It would certainly, they thought, be a curious coincidence—believing James to be a veracious youth—if the Scotchman should be found on board. But another test of his narrative was proposed by one of the firm. It so happened that the business agents of Major Spencer, who was well known in Charleston, kept their office but a few rods distant from their own; and to them all parties at once proceeded. But here the story of James was encountered by a circumstance that made somewhat against it. These gentlemen produced a letter from Major Spencer, intimating the utter impossibility of his coming to town for the space of a month, and expressing his regret that he should be unable to avail himself of the opportunity of the foreign vessel, of whose arrival in Charleston, and proposed time of departure, they had themselves advised him. They read the letter aloud to James and their brother merchants, and with difficulty suppressed their smiles at the gravity with which the former related and insisted upon the particulars of his vision.

"He has changed his mind," returned the impetuous youth; "he was on his way down, I tell you,—a hundred miles on his way,—when he camped with us. I know him well, I tell you, and talked with him myself half the night."

"At least," remarked the gentlemen who had gone with James, "it can do no harm to look into the business. We can procure a warrant for searching the vessel

after this man, Macnab; and should he be found on board the packet, it will be a sufficient circumstance to justify the magistrates in detaining him, until we can ascertain where Major Spencer really is."

The measure was accordingly adopted, and it was nearly sunset before the warrant was procured, and the proper officer in readiness. The impatience of a spirit so eager and so devoted as James Grayling, under these delays, may be imagined; and when in the boat, and on his way to the packet where the criminal was to be sought, his blood became so excited that it was with much ado he could be kept in his seat. His quick, eager action continually disturbed the trim of the boat, and one of his mercantile friends, who had accompanied him, with that interest in the affair which curiosity alone inspired, was under constant apprehension lest he would plunge overboard in his impatient desire to shorten the space which lay between. The same impatience enabled the youth, though never on shipboard before, to grasp the rope which had been flung at their approach, and to mount her sides with catlike agility. Without waiting to declare himself or his purpose, he ran from one side of the deck to the other, greedily staring, to the surprise of officers, passengers, and seamen, in the faces of all of them, and surveying them with an almost offensive scrutiny. He turned away from the search with disappointment. There was no face like that of the suspected man among them. By this time his friend, the merchant, with the sheriff's officer, had entered the vessel, and were in conference with the captain. Grayling drew nigh in time to hear the latter affirm that there was no man of the name of Macnab, as stated in the warrant, among his passengers or crew.

"He is—he must be!" exclaimed the impetuous youth. "The major never lied in his life, and couldn't lie after he was dead. Macnab is here—he is a Scotchman—"

The captain interrupted him—

"We have, young gentleman, several Scotchmen on board, and one of them is named Macleod—"

"Let me see him—which is he?" demanded the youth.

By this time, the passengers and a goodly portion of the crew were collected about the little party. The captain turned his eyes upon the group, and asked,

"Where is Mr. Macleod?"

"He is gone below—he's sick!" replied one of the passengers.

"That's he! That must be the man!" exclaimed the youth. "I'll lay my life that's no other than Macnab. He's only taken a false name."

It was now remembered by one of the passengers, and remarked, that Macleod had expressed himself as unwell, but a few moments before, and had gone below even while the boat was rapidly approaching the vessel. At this statement the captain led the way into the cabin, closely followed by James Grayling and the rest.

"Mr. Macleod," he said with a voice somewhat elevated, as he approached the birth of that person, "you are wanted on deck for a few moments."

"I am really too unwell, captain," replied a feeble voice from behind the curtain of the birth.

"It will be necessary," was the reply of the captain. "There is a warrant from the authorities of the town, to look after a fugitive from justice."

Macleod had already begun a second speech declaring his feebleness, when the fearless youth, Grayling, bounded before the captain and tore away, with a single grasp of his hand, the curtain which concealed the suspected man from their sight.

"It is he!" was the instant exclamation of the youth, as he beheld him. "It is he—Macnab, the Scotchman—the man that murdered Major Spencer!"

Macnab,—for it was he,—was deadly pale. He trembled like an aspen. His eyes were dilated with more than mortal apprehension, and his lips were perfectly livid. Still, he found strength to speak, and to deny the accusation. He knew nothing of the youth before him;—nothing of Major Spencer—his name was Macleod, and he had never called himself by any other. He denied, but with great incoherence, everything which was urged against him.

"You must get up, Mr. Macleod," said the captain; "the circumstances are very much against you. You must go with the officer!"

"Will you give me up to my enemies?" demanded the culprit. "You are a countryman—a Briton. I have fought for the king, our master, against these rebels, and for this they seek my life. Do not deliver me into their bloody hands!"

"Liar!" exclaimed James Grayling—"Didn't you tell us at our own camp-fire that you were with us? that you were at Gates's defeat, and Ninety-Six?"

"But I didn't tell you," said the Scotchman, with a grin, "which side I was on!"

"Ha! remember that!" said the sheriff's officer. "He denied, just a moment
, that he knew this young man at all; now, he confesses that he did see and
ap with him."

The Scotchman was aghast at the strong point which, in his inadvertence, he had
de against himself; and his efforts to excuse himself, stammering and contradic-
y, served only to involve him more deeply in the meshes of his difficulty. Still
continued his urgent appeals to the captain of the vessel, and his fellow-passengers,
citizens of the same country, subjects to the same monarch, to protect him from
se who equally hated and would destroy them all. In order to move their
tional prejudices in his behalf, he boasted of the immense injury which he had
ne, as a tory, to the rebel cause; and still insisted that the murder was only a
etext of the youth before him, by which to gain possession of his person, and
reak upon him the revenge which his own fierce performances during the war
d naturally enough provoked. One or two of the passengers, indeed, joined with
m in entreating the captain to set the accusers adrift and make sail at once; but
e stout Englishman who was in command, rejected instantly the unworthy
unsel. Besides, he was better aware of the dangers which would follow any such
sh proceeding. Fort Moultrie, on Sullivan's Island, had been already refitted and
repared for an enemy; and he was lying, at that moment, under the formidable
ange of grinning teeth, which would have opened upon him at the first movement
rom the jaws of Castle Pinckney.

"No! gentlemen," said he, "you mistake your man. God forbid that I should
ive shelter to a murderer, though he were from my own parish."

"But I am no murderer," said the Scotchman.

"You look cursedly like one, however," was the reply of the captain. "Sheriff,
take your prisoner."

The base creature threw himself at the feet of the Englishman, and clung, with
piteous entreaties, to his knees. The latter shook him off, and turned away in
disgust.

"Steward," he cried, "bring up this man's luggage."

He was obeyed. The luggage was brought up from the cabin and delivered to the
sheriff's officer, by whom it was examined in the presence of all, and an inventory
made of its contents. It consisted of a small new trunk, which, it afterwards
appeared, he had bought in Charleston, soon after his arrival. This contained a few
changes of raiment, twenty-six guineas in money, a gold watch, not in repair, and
the two pistols which he had shown while at Joel Sparkman's camp fire; but with
this difference, that the stock of one was broken off short just above the grasp, and
the butt was entirely gone. It was not found among his chattels. A careful exami-
nation of the articles in his trunk did not result in anything calculated to strengthen
the charge of his criminality; but there was not a single person present who did not
feel as morally certain of his guilt as if the jury had already declared the fact. That
night he slept—if he slept at all—in the common jail of the city.

V.

His accuser, the warm-hearted and resolute James Grayling, did not sleep. The
xcitement, arising from mingling and contradictory emotions,—sorrow for his brave
oung commander's fate, and the natural exultation of a generous spirit at the con-
iousness of having performed, with signal success, an arduous and painful task,
mbined to drive all pleasant slumbers from his eyes; and with the dawn he was
gain up and stirring, with his mind still full of the awful business in which he had
en engaged. We do not care to pursue his course in the ordinary walks of the
ty, nor account for his employments during the few days which ensued, until, in
nsequence of a legal examination into the circumstances which anticipated the
gular work of the sessions, the extreme excitement of the young accuser had been
newed. Macnab or Macleod,—and it is possible that both names were fictitious,—
soon as he recovered from his first terrors, sought the aid of an attorney—one of
ose acute, small, chopping lawyers, to be found in almost every community, who
e willing to serve with equal zeal the sinner and the saint, provided that they can
y with equal liberality. The prisoner was brought before the court under *habeas
rpus*, and several grounds submitted by his counsel with the view to obtaining his
scharge. It became necessary to ascertain, among the first duties of the state,
hether Major Spencer, the alleged victim, was really dead. Until it could be
tablished that a man should be imprisoned, tried, and punished for a crime, it was
st necessary to show that a crime had been committed, and the attorney made

himself exceedingly merry with the ghost story of young Grayling. In those days, however, the ancient Superstition was not so feeble as she has subsequently become. The venerable judge was one of those good men who had a decent respect for the faith and opinions of his ancestors; and though he certainly would not have consented to the hanging of Macleod under the sort of testimony which had been adduced, he yet saw enough, in all the circumstances, to justify his present detention. In the meantime, efforts were to be made, to ascertain the whereabouts of Major Spencer; though were he even missing,—so the counsel for Macleod contended,—his death could be by no means assumed in consequence. To this the judge shook his head doubtfully. "'Fore God!" said he, "I would not have you to be too sure of that." He was an Irishman, and proceeded after the fashion of his country. The reader will therefore *bear* with his *bull*. "A man may properly be hung for murdering another, though the murdered man be not dead; ay, before God, even though he be actually unhurt and uninjured, while the murderer is swinging by the neck for the bloody deed!"

The judge,—who it must be understood was a real existence, and who had no small reputation in his day in the south,—proceeded to establish the correctness of his opinions by authorities and argument, with all of which, doubtlessly, the bar were exceedingly delighted; but, to provide them in this place would only be to interfere with our own progress. James Grayling, however, was not satisfied to wait the slow processes which were suggested for coming at the truth. Even the wisdom of the judge was lost upon him, possibly, for the simple reason that he did not comprehend it. But the ridicule of the culprit's lawyer stung him to the quick, and he muttered to himself, more than once, a determination "to lick the sauce out of that impudent chap's leather." But this was not his only resolve. There was one which he proceeded to put into instant execution, and that was to seek the body of his murdered friend in the spot where he fancied it might be found—namely, the dark and dismal bay where the spectre had made his appearance to his eyes.

The suggestion was approved—though he did not need this to prompt his resolution—by his mother and uncle, Sparkman. The latter determined to be his companion, and he was farther accompanied by the sheriff's officer who had arrested the suspected felon. Before daylight, on the morning after the examination before the judge had taken place, and when Macleod had been remanded to prison, James Grayling started on his journey. His fiery zeal received additional force at every added moment of delay, and his eager spurring brought him at an early hour after noon, to the neighbourhood of the spot through which his search was to be made. When his companions and himself drew nigh, they were all at a loss in which direction first to proceed. The bay was one of those massed forests, whose wall of thorns, vines, and close tenacious shrubs, seemed to defy invasion. To the eye of the townsman it was so forbidding that he pronounced it absolutely impenetrable. But James was not to be baffled. He led them round it, taking the very course which he had pursued the night when the revelation was made him; he showed them the very tree at whose foot he had sunk when the supernatural torpor—as he himself esteemed it—began to fall upon him; he then pointed out the spot, some twenty steps distant, at which the spectre made his appearance. To this spot they then proceeded in a body, and essayed an entrance, but were so discouraged by the difficulties at the outset that all, James not excepted, concluded that neither the murderer nor his victim could possibly have found entrance there.

But, lo! a marvel! Such it seemed at the first blush to all the party. While they stood confounded and indecisive, undertermined in which way to move, a sudden flight of wings was heard, even from the centre of the bay, at a little distance above the spot where they had striven for entrance. They looked up, and beheld about fifty buzzards—those notorious domestic vultures of the south—ascending from the interior of the bay, and perching along upon the branches of the loftier trees by which it was overhung. Even were the character of these birds less known, the particular business in which they had just then been engaged, was betrayed by huge gobbets of flesh which some of them had borne aloft in their flight, and still continued to rend with beak and bill, as they tottered upon the branches where they stood. A piercing scream issued from the lips of James Grayling as he beheld this sight, and strove to scare the offensive birds from their repast.

"The poor major! the poor major!" was the involuntary and agonized exclamation of the youth. "Did I ever think he would have come to this!"

The search, thus guided and encouraged, was pressed with renewed diligence and spirit; and, at length, an opening was found through which it was evident that a

body of considerable size had but recently gone. The branches were broken from the small shrub trees, and the undergrowth trodden into the earth. They followed this path, and as is the case commonly with waste tracts of this description, the density of the growth diminished sensibly at every step they took, till they reached a little pond, which, though circumscribed in area, and full of cypresses, yet proved to be singularly deep. Indeed, it was an alligator-hole, where in all probability, a numerous tribe of these reptiles had their dwelling. Here, on the edge of the pond, they discovered the object which had drawn the keen-sighted vultures to their feast, in the body of a horse, which James Grayling at once identified as that of Major Spencer. The carcass of the animal was already very much torn and lacerated. The eyes were plucked out and the animal completely disembowelled. Yet, on examination, it was not difficult to discover the manner of his death. This had been effected by fire-arms. Two bullets had passed through his skull, just above the eyes, either of which must have been fatal. The murderer had led the horse to the spot, and committed the cruel deed where his body was found. The search was now continued for that of the owner, but for some time it proved ineffectual. At length the keen eyes of James Grayling detected, amidst a heap of moss and green sedge that rested beside an overthrown tree, whose branches jutted into the pond, a whitish, but discoloured object, that did not seem native to the place. Bestriding the fallen tree, he was enabled to reach this object, which, with a burst of grief, he announced to the distant party was the hand and arm of his unfortunate friend, the wristband of the shirt being the conspicuous object which had first caught his eye. Grasping this, he drew the corse, which had been thrust beneath the branches of the tree, to the surface; and, with the assistance of his uncle, it was finally brought to the dry land. Here it underwent a careful examination. The head was very much disfigured; the skull was fractured in several places by repeated blows of some hard instrument, inflicted chiefly from behind. A closer inspection revealed a bullet-hole in the abdomen, the first wound, in all probability, which the unfortunate gentleman received, and by which he was, perhaps, tumbled from his horse. The blows on the head would seem to have been unnecessary, unless the murderer—whose proceedings seemed to have been singularly deliberate,—was resolved upon making "assurance doubly sure." But, as if the watchful Providence had meant that nothing should be left doubtful which might tend to the complete conviction of the criminal, the constable stumbled upon the butt of the broken pistol which had been found in Macleod's trunk. This he picked up on the edge of the pond in which the corse had been discovered, and while James Grayling and his uncle, Sparkman, were engaged in drawing it from the water. The place where the fragment was discovered at once denoted the pistol as the instrument by which the final blows were inflicted. "'Fore God," said the judge to the criminal, as these proofs were submitted on the trial, "you may be a very innocent man after all, as, by my faith, I do think there have been many murderers before you; but you ought, nevertheless, to be hung as an example to all other persons who suffer such strong proofs of guilt to follow their innocent misdoings. Gentlemen of the jury, if this person, Macleod or Macnab, didn't murder Major Spencer, either you or I did; and you must now decide which of us it is! I say, gentlemen of the jury, either you, or I, or the prisoner at the bar, murdered this man; and if you have any doubts which of us it was, it is but justice and mercy that you should give the prisoner the benefit of your doubts; and so find your verdict. But, before God, should you find him not guilty, Mr. Attorney there can scarcely do anything wiser than to put us all upon trial for the deed."

The jury, it may be scarcely necessary to add, perhaps under certain becoming fears of an alternative such as his honour had suggested, brought in a verdict of "Guilty," without leaving the panel; and Macnab, *alias* Macleod, was hung at White Point, Charleston, somewhere about the year 178—.

"And here," said my grandmother, devoutly, "you behold a proof of God's watchfulness to see that murder should not be hidden, and that the murderer should not escape. You see that he sent the spirit of the murdered man—since by no other mode could the truth have been revealed—to declare the crime, and to discover the criminal. But for that ghost, Macnab would have got off to Scotland, and probably have been living to this very day on the money that he took from the person of the poor major."

As the old lady finished the ghost story, which, by the way, she had been tempted to relate for the fiftieth time in order to combat my father's ridicule of such superstitions, the latter took up the thread of the narrative.

"Now, my son," said he, "as you have heard all that your grandmother has to say on this subject, I will proceed to show you what you have to believe, and what not. It is true that Macnab murdered Spencer in the manner related; that James Grayling made the discovery and prosecuted the pursuit; found the body and brought the felon to justice; that Macnab suffered death, and confessed the crime; alleging that he was moved to do so, as well because of the money that he suspected Spencer to have in his possession, as because of the hate which he felt for a man who had been particularly bold and active in cutting up a party of Scotch loyalists to which he belonged, on the borders of North Carolina. But the appearance of the spectre was nothing more than the work of a quick imagination, added to a shrewd and correct judgment. James Grayling saw no ghost, in fact, but such as was in his own mind; and though the instance was one of a most remarkable character, one of singular combination, and well depending circumstances, still, I think it is to be accounted for by natural and very simple laws."

The old lady was indignant.

"And how could he see the ghost just on the edge of the same bay where the murder had been committed, and where the body of the murdered man even then was lying?"

My father did not directly answer the demand, but proceeded thus:—

"James Grayling, as we know, mother, was a very ardent, impetuous, sagacious man. He had the sanguine, the race-horse temperament. He was generous, always prompt and ready, and one who never went backward. What he did he did quickly, boldly, and thoroughly! He never shrank from trouble of any kind; nay, he rejoiced in the constant encounter with difficulty and trial; and his was the temper which commands and enthrals mankind. He felt deeply and intensely whatever occupied his mind, and when he parted from his friend he brooded over little else than their past communion and the great distance by which they were to be separated. The dull travelling waggon-gait at which he himself was compelled to go, was a source of annoyance to him; and he became sullen, all the day, after the departure of his friend. When, on the evening of the next day, he came to the house where it was natural to expect that Major Spencer would have slept the night before, and he learned the fact that no one stopped there but the Scotchman, Macnab, we see that he was struck with the circumstance. He mutters it over to himself, "Strange, where the major could have gone!" His mind then naturally reverts to the character of the Scotchman; to the opinions and suspicions which had been already expressed of him by his uncle, and felt by himself. They had all previously come to the full conviction that Macnab was, and had always been a tory, in spite of his protestations. His mind next, and very naturally, reverted to the insecurity of the highways; the general dangers of travelling at that period; the frequency of crime, and the number of desperate men who where everywhere to be met with. The very employment in which he was then engaged, in scouting the woods for the protection of the camp, was calculated to bring such reflections to his mind. If these precautions were considered necessary for the safety of persons so poor, so wanting in those possessions which might prompt cupidity to crime, how much more necessary were precautions in the case of a wealthy gentleman like Major Spencer! He then remembered the conversation with the major at the camp-fire, when they fancied that the Scotchman was sleeping. How natural to think then, that he was all the while awake; and, if awake, he must have heard him speak of the wealth of his companion. True, the major, with more prudence than himself, denied that he had any money about him, more than would bear his expenses to the city; but such an assurance was natural enough to the lips of a traveller who knew the dangers of the country. That the man, Macnab, was not a person to be trusted, was the equal impression of Joel Sparkman and his nephew from the first. The probabilities were strong that he would rob and perhaps murder, if he might hope to do so with impunity; and as the youth made the circuit of the bay in the darkness and solemn stillness of the night, its gloomy depths and mournful shadows, naturally gave rise to such reflections as would be equally active in the mind of a youth, and of one somewhat familiar with the arts and usages of strife. He would see that the spot was just the one in which a practised partisan would delight to set an ambush for an unwary foe. There ran the public road, with a little sweep, around two-thirds of the extent of its dense and impenetrable thickets. The ambush could lie concealed, and at ten steps command the bosom of its victim. Here, then, you perceive that the mind of James Grayling stimulated by an active and sagacious judgment, had by gradual and reasonable stages come to these conclusions: that Major Spencer was an object to tempt a robber; that the country was full of

tem ; that Macnab was one of them ; that this was the very spot in which a deed of ood could be most easily committed, and most easily secured ; and one important ct, that gave strength and coherence to the whole, that Major Spencer had not ached a well-known point of destination, while Macnab had.

" With these thoughts, thus closely linked together, the youth forgets the limits of is watch and his circuit. This fact, alone, proves how active his imagination had ecome. It leads him forward, brooding more and more on the subject, until, in the ery exhaustion of his body, he sinks down beneath a tree. He sinks down and falls leep ; and with his sleep, what before was plausible conjecture, becomes fact, and he creative properties of his imagination give form and vitality to all his fancies. hese forms are bold, broad, and deeply coloured, in due proportion with the degree f force which they receive from probability. Here, he sees the image of his friend ; ut you will remark—and this should almost conclusively satisfy any mind that all hat he sees is the work of his imagination,—that, though Spencer tells him that he is nurdered, and by Macnab, he does not tell him how, in what manner, or with what veapons. Though he sees him pale and ghostlike, he does not see, nor can he say, vhere his wounds are ! He sees his pale features distinctly, and his garments are loody. Now, had he seen the spectre in the true appearances of death, as he was ubsequently found, he would not have been able to discern his features, which were attered, according to his own account, almost out of all shape of humanity, and overed with mud ; while his clothes would have streamed with mud and water, rather han with blood."

"Ah !" exclaimed the old lady, my grandmother, " it's hard to make you believe nything that you don't see ; you are like Saint Thomas in the Scriptures ; but how do ou propose to account for his knowing that the Scotchman was on board the Falmouth acket ? Answer to that !"

"That is not a more difficult matter than any of the rest. You forget that in he dialogue which took place between James and Major Spencer at the camp, the atter told him that he was about to take passage for Europe in the Falmouth acket, which then lay in Charleston harbour, and was about to sail. Macnab heard ll that."

"True enough, and likely enough," returned the old lady ; "but though you show hat it was Major Spencer's intention to go to Europe in the Falmouth packet, that vill not show that it was also the intention of the murderer."

"Yet what more probable, and how natural for James Grayling to imagine such thing ! In the first place he knew that Macnab was a Briton ; he felt convinced hat he was a tory ; and the inference was immediate that such a person would carcely have remained long in a country where such characters laboured under so nuch odium, disfranchisement, and constant danger from popular tumults. The fact hat Macnab was compelled to disguise his true sentiments, and affect those of the eople against whom he fought so vindictively, shows what was his sense of the danger which he incurred. Now, it is not unlikely that Macnab was quite as well aware hat the Falmouth packet was in Charleston, and about to sail, as Major Spencer. No doubt he was pursuing the same journey, with the same object, and had he not nurdered Spencer, they would, very likely, have been fellow-passengers together to Europe. But, whether he knew the fact before or not, he probably heard it stated by Spencer while he seemed to be sleeping ; and, even supposing that he did not then know, it was enough that he found this to be the fact on reaching the city. It was an after-thought to fly to Europe with his ill-gotten spoils ; and whatever may have appeared a politic course to the criminal, would be a probable conjecture in the mind of him by whom he was suspected. The whole story is one of strong probabilities which happened to be verified ; and, if proving anything, proves only, which we know, that James Grayling was a man of remarkably sagacious judgment, and quick, daring imagination. This quality of imagination, by the way, when possessed very strongly in connexion with shrewd common sense and well-balanced general faculties, makes that particular kind of intellect which, because of its promptness and powers of creation and combination, we call genius. It is genius only which can make ghosts, and James Grayling was a genius. He never, my son, saw any other ghosts than those of his own making !"

I heard my father with great patience to the end, though he seemed very tedious. He had taken a great deal of pains to destroy one of my greatest sources of pleasure. I need not add that I continued to believe in the ghost, and, with my grandmother, to reject the philosophy. It was more easy to believe the one than to comprehend the other.

LONGFELLOW'S BALLADS AND POEMS.*

THE genius of Longfellow, in his prose and poetry, resembles the invention displayed in the decoration of the old Gothic churches. The attention is arrested by innumerable points and pinnacles fretted with carving, niches filled with statues of grave and reverend beauty, angels peeping from latticed stalls, vine leaves and flowers surrounding lofty pillars, altars abounding with marble statuary, gold leaf and silver, sun-illumined windows, shedding on the wall and pavement the roseate memory of saints and apostles. There is a multitude of details, and each is choice and picturesque. With just such imagery and symbols are the poems of Longfellow filled. There is no fine apologue in ancient mythology, no legend of the middle age or quaint northern superstition, but there his muse "makes her pendent bed and procreant cradle." These are the objects in which his fancy delights, for fancy is the most active function of our poet's mind, not imagination. Fancy is employed in collecting glittering ornaments; imagination seizes some vast whole and produces a poem, through which the mind may turn and revolve and live, as in another complete world. In this highest order of poetry, Longfellow has produced nothing. He wants the fusing power of imagination to melt and weld all in one perfect whole. But he has in perfection the skill of working in mosaic, of collecting whatever is rare and beautiful, and setting it in a choice frame-work of art. He is the most accomplished workman of the poetic guild; he adorns and illustrates a few brief stanzas as Benvenuto Cellini wrought and enchased royal goblets. His verse, like the lark, rises to heaven in a single flight, and returns straightway to the ground again, till it wakes afresh from its lowly nest. He is not "the Theban eagle, sailing with supreme dominion through the azure deep of air." He does not illustrate that fine line of Wither which Charles Lamb loved to quote for its adaptation of sound to sesne, its struggling laboured dignity,

> If thy verse do bravely tower,
> *As she makes wing, she gets power.*

But short of this heroic flight, known only to the great masters of song, the poems of Longfellow are of exceeding beauty. They offer a succession of refined images, plaintive sentiments and warlike trumpet tones, encouraging noble resolution and dignity of character; nor is the excellence of the versification to be omitted as a matter of less consequence. He has a fine ear for harmony and practises with skill the most varied measures. We have compared the poems to the ornaments of the Gothic cathedral, the versification is the organ which fills every niche and remotest shrine with melody.

It is an agreeable task to write the praises of Longfellow; it is a more welcome one to the reader to hear Longfellow himself speak, so we proceed to give some extracts from his volume. The Ballads are four, and two of them relate to original American themes. The Skeleton in Armour, is an attempt to plant a legend on the sea-shore of Newport. Barren and unproductive as these modern times are of romance, this is a manufactured tradition that

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* Ballads and other poems, by Henry Wadsworth Longfellow, author of "Voices of the Night," "Hyperion," etc. Cambridge. John Owen, 1842. 18mo. pp. 132.

deserves to take root. The antiquarians of Denmark claim a certain round tower at Newport, as an early work of northern hands, in times before the twelfth century, and not long since a skeleton was dug up at Fall River clad in complete armour. These are the facts, now look at the poetry:—

Speak! speak! thou fearful guest
Who, with thy hollow breast
Still in rude armour drest,
Comest to daunt me!
Wrapt not in Eastern balms,
But with thy fleshless palms
Stretched, as if asking alms,
Why dost thou haunt me?

Then from those cavernous eyes
Pale flashes seemed to rise,
As when the Northern skies
Gleam in December;
And, like the water's flow
Under December's snow,
Came a dull voice of woe
From the heart's chamber.

This is a noble use made of the skeleton, to put such poetic life in him. He was a "Viking old!" and would in his boyhood tame the ger-falcon.

And, with my skates fast bound,
Skimmed the half-frozen sound,
That the poor whimpering hound
Trembled to walk on.

This is a fine winter picture of the hound shuddering on the edge of the ice, and its introduction in this fine poem shows the poet. The pirate life, came next, and wassail, and then the wooing:—

I wooed the blue-eyed maid,
Yielding, yet half afraid,
And in the forest's shade
Our vows were plighted.
Under its loosened vest
Fluttered her little breast,
Like birds within their nest
By the hawk frighted.

He told his tale of love, and the story of his life to old Hildebrand, the father, while the minstrels listened mute in the hall. He was but a Viking, and she a prince's daughter. He was discarded and carried her off. Then came the pursuit at sea, the encounter; and the ship, driven through the storm, came to this western shore. The wife in due time was buried under the tower, and a Viking with nothing on earth to employ himself with in a dull country, fell on his spear.

The Wreck of the Hesperus is a noble original ballad; one that deserves to be said and sung, "familiar as household words," all along the great Atlantic coast, where every moaning wind tells some tale of woe and shipwreck. This is a true ballad, not eked out by cheap sentimentality, but each stanza filled by a picture which speaks to the eye and the heart.

The breakers were right beneath her bows,
She drifted a dreary wreck,
And a whooping billow swept the crew
Like icicles from her deck.

She struck where the white and fleecy waves
Looked soft as carded wool,
But the cruel rocks, they gored her side
Like the horns of an angry bull.

The rattling shrouds, all sheathed in ice,
With the masts went by the board;
Like a vessel of glass, she strove and sank,
Ho! ho! the breakers roared!

At daybreak, on the bleak sea-beach,
A fisherman stood aghast,
To see the form of a maiden fair,
Lashed close to a drifting mast.

The salt-sea was frozen on her breast,
The salt tears in her eyes;
And he saw her hair, like the brown sea-weed,
On the billows fall and rise.

But we pass on to the longest poem of the collection, "The Children of the Lord's Supper," from the Swedish of Bishop Tegner. We were about calling this poem a Swedish pastoral, and the name would be more out of place than the idea, for just such simplicity, pure-heartedness, and nationality as the true idyll conveyed, as an expression of sentiment and feeling, growing out of actual life, does this poem set forth. Simple lovers and simple shepherds, plucking flowers, and sounding village notes on the pipe, were never more natural or innocent in their unpremeditated songs than the good bishop who here sets forth a living scene of the peasantry in the country church.

Longfellow has wisely devoted a few pages in his preface to a series of pictures of Swedish life, outline sketches, full of picturesque and fanciful moral suggestions, a skilful prelude, which tunes the mind to a due perception of the incidents of the poem. "Frequent," says he, "are the village churches, standing by the road-side, each in its own little garden of Gethsemane. In the parish register great events are doubtless recorded. Some old king was christened or buried in that church; and a little sexton, with a rusty key, shows you the baptismal font, or the coffin. In the churchyard are a few flowers, and much green grass; and daily, the shadow of the church spire, with its long tapering finger, counts the tombs, representing a dial-plate of human life, on which the hours and minutes are the graves of men. The stones are flat, and large, and low, and perhaps sunken, like the roofs of old houses. On some are armorial bearings; on others only the initials of the poor tenants, with a date, as on the roofs of Dutch cottages. They all sleep wth their heads to the westward. Each held a lighted taper in his hand when he died; and in his coffin were placed his little heart-treasures, and a piece of money for his last journey. Babes, that came lifeless into the world, were carried in the arms of grey-haired old men, to the only cradle they ever slept in; and in the shroud of the dead mother were laid the little garments of the child, that lived and died in her bosom. And over this scene the village pastor

ks from his window in the stillness of midnight, and says in his heart, low quietly they rest. all the departed!"

"Near the churchyard gate stands a poor-box, fastened to a post by iron ds, and secured by a padlock, with a sloping wooden roof to keep off the n. If it be Sunday, the peasants sit on the church steps and con their lm-books. Others are coming down the road with their beloved pastor, o talks to them of holy things from beneath his broad-brimmed hat. He aks of fields and harvests, and of the parable of the sower, that went forth ow. He leads them to the Good Shepherd, and to the pleasant pastures he spirit-land."

t is May, and the church gates are now open for the celebration of a holy , in which the young men and girls are to confirm the vows of their bap-. The church is clean swept, and adorned with flowers for the ceremony. us proceeds the poem in the happiest hexameters:—

here stood the church like a garden: the Feast of the Leafy Pavilions
aw we in living presentment. From noble arms on the church wall
rew forth a cluster of leaves, and the preacher's pulpit of oak-wood
udded once more anew, as aforetime the rod before Aaron.
Vreathed thereon was the Bible with leaves and the Dove, washed with silver,
nder its canopy fastened, a necklace had on of wild-flowers.
ut in front of the choir, round the alter-piece painted by Hoberg,
rept a garland gigantic; and bright-curling tresses of angels
eeped, like the sun from a cloud, out of the shadowy leaf-work.
ikewise the lustre of brass, new-polished, blinked from the ceiling,
nd for lights there were lilies of Pentecost set in the sockets."

The preacher came and questioned the throng from the chancel, and when y all answered yes! and assumed the vows, he again addressed them. He ked of purity, virtue, of youth.

"The sun-illumined, where Judgment
Stood like a father before you, and Pardon, clad like a mother,
Gave you her hand to kiss, and the loving heart was forgiven,
Life was a play, and your hands grasped after the roses of heaven!"

Of Innocence.

"Innocence, child beloved, is a guest from the souls of the blessed,
Beautiful, and in her hand a lily; on life's roaring billows
Swings she in safety, she heedeth them not, in the ship she is sleeping."

In such strains the preacher spake of Love, of Forgiveness, of Atonement, d at the end, such was the warmth and holiness of the hour, he anticipated e next Sunday, and then celebrated the Lord's Supper—

O! then seemed it to me, as if God, with the broad eye of mid-day,
Clearer looked in at the windows, and at all the trees in the churchyard
Bowed down their summits of green, and the grass on the graves 'gain to shiver.

The measure of this poem is not familiar enough to the ear to become, at ce, so popular as the merit of the verse and the subject both demand, but a tle acquaintance will soon overcome this difficulty. The simplicity of the em is remarkable: it relies upon no external aids; it sets forth, in choice mbers, a scene of which the parallel almost daily occurs in one of our own

churches. For this, the poem is something more to us than a translation: it speaks to us of the beautiful rites in our own land, with a touching, eloquent spirit of reverence. Here youth is as gentle, and maidens' sighs are beautiful as in the northern land of the Saga; the aged priest weekly sets forth the same doctrines of holiness and power; the churches gleam with happy faces: the architecture of the humblest meeting-house has its own language of sacredness and propriety. In Christianity all are brothers, and we feel that the good words of Bishop Tegner are spoken for us too.

The Miscellaneous Poems have, many of them, been contributed to periodicals, one of them lately, Blind Bartimeus, (a beautiful poem in the unity of the conception, and the rhythm filled to its height by the rising eloquence of the Greek,) appeared in Arcturus.* They are of different degrees of merit. The Rainy Day seems to us perfect.

"The day is cold, and dark, and dreary;
It rains, and the wind is never weary;
The vine still clings to the mouldering wall,
But at every gust the dead leaves fall,
And the day is dark and dreary.

My life is cold, and dark, and dreary;
It rains, and the wind is never weary;
My thoughts still cling to the mouldering past,
But the hopes of youth fall thick in the blast,
And the days are dark and dreary.

Be still sad heart! and cease repining;
Behind the clouds is the sun still shining;
Thy fate is the common fate of all,
Into each life some rain must fall,
Some days must be dark and dreary."

"Excelsior," the last poem of the volume, is one of those animated moral poems, full of courage and grandeur, in which Longfellow excels. It is a noble motto, and as we close the book, we would fain say to the author, too, "Excelsior!" Much may be expected from the rare union of genius and learning (a union rare in the brief record of American literature,) in Professor Longfellow. Of this he may be assured that he has a spirit, a mingling of the Classic and Romantic, to disdain mediocrity, and a vast fund of good sense to support him in whatever a fastidious taste may permit him to undertake.

THE MAN OF ADAMANT.

BY NATHANIEL HAWTHORNE.

In the old times of religious gloom and intolerance, lived Richard Digby, the gloomiest and most intolerant of a stern brotherhood. His plan of salvation was so narrow, that, like a plank in a tempestuous sea, it could avail no sinner but himself, who bestrode it triumphantly, and hurled anathemas against the wretches whom he saw struggling with the billows of eternal

* A popular Magazine, published at New York, from which this article is extracted.

death. In his view of the matter, it was a most abominable crime—as, indeed, it is a great folly, for men to trust to their own strength, or even to grapple to any other fragment of the wreck, save this narrow plank, which, moreover, he took special care to keep out of their reach. In other words, as his creed was like no man's else, and being well pleased that Providence had entrusted him, alone of mortals, with the treasure of a true faith, Richard Digby determined to seclude himself to the sole and constant enjoyment of his happy fortune.

"And verily," thought he, "I deem it a chief condition of Heaven's mercy to myself, that I hold no communion with those abominable myriads which it hath cast off to perish. Peradventure, were I to tarry longer in the tents of Kedar, the gracious boon would be revoked, and I also be swallowed up in the deluge of wrath, or consumed in the storm of fire and brimstone, or involved in whatever new kind of ruin is ordained for the horrible perversity of this generation."

So Richard Digby took an axe, to hew space enough for a tabernacle in the wilderness, and some few other necessaries, especially a sword and gun, to smite and slay any intruder upon his hallowed seclusion; and plunged into the dreariest depths of the forest. On its verge, however, he paused a moment, to shake off the dust of his feet against the village where he had dwelt, and to invoke a curse on the meeting-house, which he regarded as a temple of heathen idolatry. He felt a curiosity, also, to see whether the fire and brimstone would not rush down from Heaven at once, now that the one righteous man had provided for his own safety. But, as the sunshine continued to fall peacefully on the cottages and fields, and the husbandmen laboured, and children played, and as there were many tokens of present happiness, and nothing ominous of a speedy judgment, he turned away somewhat disappointed. The further he went, however, and the lonelier he felt himself, and the thicker the trees stood along his path, and the darker the shadow overhead, so much the more did Richard Digby exult. He talked to himself, as he strode onward; he read his Bible to himself, as he sat beneath the trees; and, as the gloom of the forest hid the blessed sky, I had almost added, that, at morning, noon, and eventide, he prayed to himself. So congenial was this mode of life to his disposition, that he often laughed to himself, but was displeased when an echo tossed him back the long, loud roar.

In this manner, he journeyed onward three days and two nights, and came, on the third evening, to the mouth of a cave, which, at first sight, reminded him of Elijah's cave at Horeb, though perhaps it more resembled Abraham's sepulchral cave, at Machpelah. It entered into the heart of a rocky hill. There was so dense a veil of tangled foliage about it, that none but a sworn lover of gloomy recesses would have discovered the low arch of its entrance, or have dared to step within its vaulted chamber, where the burning eyes of a panther might encounter him. If nature meant this remote and dismal cavern for the use of man, it could only be, to bury in its gloom the victims of a pestilence, and then to block up its mouth with stones, and avoid the spot for ever after. There was nothing bright nor cheerful near it, except a bubbling fountain, some twenty paces off, at which Richard Digby hardly threw away a glance. But he thrust his head into the cave, shivered, and congratulated himself.

"The finger of Providence hath pointed my way," cried he, aloud, while

the tomb-like den returned a strange echo, as if some one within were mocking him. "Here my soul will be at peace; for the wicked will not find me. Here I can read the Scriptures, and be no more provoked with lying interpretations. Here I can offer up acceptable prayers, because my voice will not be mingled with the sinful supplications of the multitude. Of a truth, the only way to Heaven leadeth through the narrow entrance of this cave—and I alone have found it!"

In regard to this cave, it was observable that the roof, so far as the imperfect light admitted it to be seen, was hung with substances resembling opaque icicles; for the damps of unknown centuries, dripping down continually, had become as hard as adamant: and wherever that moisture fell, it seemed to possess the power of converting what it bathed to stone. The fallen leaves and sprigs of foliage, which the wind had swept into the cave, and the little feathery shrubs, rooted near the threshold, were not wet with a natural dew, but had been embalmed by the wondrous process. And here I am put in mind, that Richard Digby, before he withdrew himself from the world, was supposed by skilful physicians to have contracted a disease for which no remedy was written in their medical books. It was a deposition of calculous particles within his heart, caused by an obstructed circulation of the blood, and unless a miracle should be wrought for him, there was danger that the malady might act on the entire substance of the organ, and change his fleshly heart to stone. Many, indeed, affirmed that the process was already near its consummation. Richard Digby, however, could never be convinced that any such direful work was going on within him; nor when he saw the sprigs of marble foliage, did his heart even throb the quicker, at the similitude suggested by these once tender herbs. It may be, that this same insensibility was a symptom of the disease.

Be that as it might, Richard Digby was well contented with his sepulchral cave. So dearly did he love this congenial spot, that, instead of going a few paces to the bubbling spring for water, he allayed his thirst with now and then a drop of moisture from the roof, which, had it fallen anywhere but on his tongue, would have been congealed into a pebble. For a man predisposed to stoniness of the heart, this surely was unwholesome liquor. But there he dwelt, for three days more, eating herbs and roots, drinking his own destruction, sleeping, as it were, in a tomb, and awaking to the solitude of death, yet esteeming this horrible mode of life as hardly inferior to celestial bliss. Perhaps superior; for, above the sky, there would be angels to disturb him. At the close of the third day, he sat in the portal of his mansion, reading the Bible aloud, because no other ear could profit by it, and reading it amiss, because the rays of the setting sun did not penetrate the dismal depth of shadow round about him, nor fall upon the sacred page. Suddenly, however, a faint gleam of light was thrown over the volume, and raising his eyes, Richard Digby saw that a young woman stood before the mouth of the cave, and that the sunbeams bathed her white garment, which thus seemed to possess a radiance of its own.

"Good evening, Richard," said the girl, "I have come from afar to find thee."

The slender grace and gentle loveliness of this young female were at once recognized by Richard Digby. Her name was Mary Goffe. She had been a convert to his preaching of the word in England, before he yielded himself

to that exclusive bigotry, which now enfolded him with such an iron grasp, that no other sentiment could reach his bosom. When he came a pilgrim to America, she had remained in her father's hall, but now, as it appeared, had crossed the ocean after him, impelled by the same faith that led other exiles hither, and perhaps by love almost as holy. What else but faith and love united could have sustained so delicate a creature, wandering thus far into the forest, with her golden hair dishevelled by the boughs, and her feet wounded by the thorns! Yet, weary and faint though she must have been, and affrighted at the dreariness of the cave, she looked on the lonely man with a mild and pitying expression, such as might beam from an angel's eyes, towards an afflicted mortal. But the recluse, frowning sternly upon her, and keeping his finger between the leaves of his half-closed Bible, motioned her away with his hand.

"Off!" cried he. "I am sanctified, and thou art sinful. Away!"

"Oh, Richard," said she, earnestly, "I have come this weary way, because I heard that a grievous distemper had seized upon thy heart; and a great physician hath given me the skill to cure it. There is no other remedy than this which I have brought thee. Turn me not away, therefore, nor refuse my medicine; for then must this dismal cave be thy sepulchre."

"Away!" replied Richard Digby, still with a dark frown. "My heart is in better condition than thine own. Leave me, earthly one; for the sun is almost set; and when no light reaches the door of the cave, then is my prayer time!"

Now, great as was her need, Mary Goffe did not plead with this stony-hearted man for shelter and protection, nor ask anything whatever for her own sake. All her zeal was for his welfare.

"Come back with me!" she exclaimed, clasping her hands—"Come back to thy fellow men: for they need thee, Richard, and thou hast tenfold need of them. Stay not in this evil den; for the air is chill, and the damps are fatal; nor will any, that perish within it, ever find the path to Heaven. Hasten hence, I entreat thee, for thine own soul's sake; for either the roof will fall upon thy head, or some other speedy destruction is at hand."

"Perverse woman!" answered Richard Digby, laughing aloud; for he was moved to bitter mirth by her foolish vehemence. "I tell thee that the path to Heaven leadeth straight through this narrow portal, where I sit. And, moreover, the destruction thou speakest of, is ordained, not of this blessed cave, but for all other habitations of mankind, throughout the earth. Get thee hence speedily, that thou may'st have thy share!"

So saying, he opened his Bible again, and fixed his eyes intently on the page, being resolved to withdraw his thoughts from this child of sin and wrath, and to waste no more of his holy breath upon her. The shadow had now grown so deep, where he was sitting, that he made continual mistakes in what he read, converting all that was gracious and merciful, to denunciations of vengeance and unutterable woe, on every created being but himself. Mary Goffe, meanwhile, was leaning against a tree, beside the sepulchral cave, very sad, yet with something heavenly and ethereal in her unselfish sorrow. The light from the setting sun still glorified her form, and was reflected a little way within the darksome den, discovering so terrible a gloom, that the maiden shuddered for its self-doomed inhabitant. Espying the bright fountain near at hand, she hastened thither, and scooped up a portion of its water, in a

cup of birchen bark. A few tears mingled with the draught, and perhaps gave it all its efficacy. She then returned to the mouth of the cave, and knelt down at Richard Digby's feet.

"Richard," she said, with passionate fervour, yet a gentleness in all her passion, "I pray thee, by thy hope of Heaven, and as thou wouldst not dwell in this tomb forever, drink of this hallowed water, be it but a single drop! Then, make room for me by thy side, and let us read together one page of that blessed volume—and, lastly, kneel down with me and pray! Do this; and thy stony heart shall become softer than a babe's, and all be well."

But Richard Digby, in utter abhorrence of the proposal, cast the Bible at his feet, and eyed her with such a fixed and evil frown, that he looked less like a living man than a marble statue, wrought by some dark imagined sculptor, to express the most repulsive mood that human features could assume. And, as his look grew even devilish, so, with an equal change, did Mary Goffe become more sad, more mild, more pitiful, more like a sorrowing angel. But, the more heavenly she was, the more hateful did she seem to Richard Digby, who at length raised his hand, and smote down the cup of hallowed water upon the threshold of the cave, thus rejecting the only medicine that could have cured his stony heart. A sweet perfume lingered in the air for a moment, and then was gone.

"Tempt me no more, accursed woman," exclaimed he, still with his marble frown, "lest I smite thee down also! What hast thou to do with my Bible? —what with my prayers?—what with my Heaven?"

No sooner had he spoken these dreadful words, than Richard Digby's heart ceased to beat; while—so the legend says—the form of Mary Goffe melted into the last sunbeams, and returned from the sepulchral cave to Heaven. For Mary Goffe had been buried in an English churchyard, months before; and either it was her ghost that haunted the wild forest, or else a dreamlike spirit typifying pure religion.

Above a century afterwards, when the trackless forest of Richard Digby's day had long been interspersed with settlements, the children of a neighbouring farmer were playing at the foot of a hill. The trees, on account of the rude and broken surface of this acclivity, had never been felled, and were crowded so densly together, as to hide all but a few rocky prominences, wherever their roots could grapple with the soil. A little boy and girl, to conceal themselves from their playmates, had crept into the deepest shade, where not only the darksome pines, but a thick veil of creeping plants suspended from an overhanging rock, combined to make a twilight at noon day, and almost a midnight at all other seasons. There the children hid themselves, and shouted, repeating the cry at intervals, till the whole party of pursuers were drawn thither, and pulling aside the matted foliage, let in a doubtful glimpse of daylight But scarcely was this accomplished, when the little group uttered a simultaneous shriek, and tumbling headlong down the hill, making the best of their way homeward, without a second glance into the gloomy recess. Their father, unable to comprehend what had so startled them, took his axe, and by felling one or two trees, and tearing away the creeping plants, laid the mystery open to the day. He had discovered the entrance of a cave, closely resembling the mouth of a sepulchre, within which sat the figure of a man, whose gesture and attitude warned them all to stand back, while his visage wore a most forbidding frown. This repulsive personage seemed to have been carved in the

ne gray stone that formed the walls and portal of the cave. On minuter ıpection, indeed, such blemishes were observed, as made it doubtful whether ² figure were really a statue, chiselled by human art, and somewhat worn and faced by the lapse of ages, or a freak of Nature, who might have chosen to itate, in stone, her usual handiwork of flesh. Perhaps it was the least reasonable idea, suggested by this strange spectacle, that the moisture of the re possessed a petrifying quality, which had thus awfully embalmed a human rpse.

There was something so frightful in the aspect of this Man of Adamant, that e farmer, the moment that he recovered from the fascination of his first gaze, gan to heap stones into the mouth of the cavern. His wife, who had fol-wed him to the hill, assisted her husband's efforts. The children also proached as near as they durst, with their little hands full of pebbles, and st them on the pile. Earth was then thrown into the crevices, and the whole bric overlaid with sods. Thus all traces of the discovery were obliterated, aving only a marvellous legend, which grew wilder from one generation to ıother, as the children told it to their grand-children, and they to their ›sterity, till few believed that there had ever been a cavern or a statue, where ey now saw but a grassy patch on the shadowy hill-side. Yet, grown ople avoid the spot, nor do children play there. Friendship, and love, and ›ty, all human and celestial sympathies, should keep aloof from that hidden re; for there still sits, and, unless an earthquake crumble down the roof on his head, shall sit forever, the shape of Richard Digby, in the attitude of ›elling the whole race of mortals—not from Heaven—but from the horrible eliness of his dark, cold sepulchre.

PHYSIOGNOMY.

OR A TRUE KEY TO THE "PARAGON OF ANIMALS."

THERE are perhaps few subjects in the whole circle of the sciences more versally and readily admitted, and yet at the same time apparently less ucible to principles of scientific demonstration, than that of Physiognomy. e phrenologists indeed, seem here to have the advantage; for whatever may said of the correctness of their delineations, and their adaptation to positive nciples, they certainly present to us more palpable and more tangible evidence the multiplicity and variety of their protuberent and characteristic bumps. annot but believe that there is much truth in each of these *sciences*, not-hstanding it has been contended that such a designation is by far too ;nified an appellation for them. Undoubtedly both, being in such juxta-ıition, may be supposed to possess a common affinity, although the validity the one in no degree involves that of the other. The advocates of phreno-y have been by far the more numerous; it has consequently received a larger .re of the popular consideration. For this reason, I have ventured to select t of physiognomy as the subject of a few remarks. I shall endeavour to ient some of the leading principles of the science, with an occasional illus-ion, simply "premising," by a few common-places touching the more pro-ent features of the countenance, by way of *prima faciæ* evidence.

ınd first, I shall begin with noses. Every one knows he has a nose, and he

knows that it is the leading feature, since all follow it. Noses, then, are of divers kinds. There is the Roman, the Grecian, the Aquiline, the Snub, the Bottle, the Turn-up, the Mulberry, the Snout, the Crooked, the Pimple, and the No-nose! In attempting an analytical description of these varieties of the organ, I confess myself not a little embarrassed for terms, by which to accurately delineate their respective characteristics. With the first-named, the *Roman*, we are all familiarly acquainted. The excess of its conformation, however, strikingly resembles the bill of the parrot; hence this nose is sometimes facetiously termed the "beak." For an illustrious specimen of this variety, we may refer to that world-renowned son of Mars, the Duke of Wellington, vulgarly known by the cognomen of "Nosey"—"Old Nosey!" There are doubtless many similar instances to be met with, but let this suffice. The classic honour bestowed on this species of the nasal organ, is from the well-known circumstance of its having been so generally in vogue with the people of that name. The same, as its title imports, is also the case with the second class, called *Grecian*. This may be said to possess by far the greatest pretensions of any to beauty of figure. It is more perpendicular from the forehead, and without any of the projection of the bridge, comes straight down, with rather an acute angular termination. The *Aquiline* somewhat approaches the latter, with the exception of a slight indentation from the frontal bone, with rather an inclination upward at the extremity. We come next to the "*Snub*." This has been sometimes vulgarly but expressely termed "the *Pug*." It has great expansiveness of the nostrils, is rather short and wide, and uncommonly fleshy withal. The *Bottle-nose* belongs almost exclusively to the victim of intemperance, of which it may be considered the sure concomitant. It is a kind of bulbous plant, or absorbent, concentrating in itself the fiery essences of the "potations deep" of the devotee of Bacchus. Its appearance is the physical embodiment of the rosy juice. The "*Turn-up*" is a caricature of the "Snub," possessing all its peculiarities in more startling relief, and is commonly supposed, although perhaps unjustly, to characterise the more vulgar of the species. We have an illustration of this variety in the case of the great "schoolmaster," Lord Brougham, who sports a nose of this description, which, in an eloquent harangue, possesses the most extraordinary nervous action. This however should be regarded rather as an anomaly than as an illustration of the class. There is also the "*Mulberry*." This is a most abominable specimen of the bottle-nose, in all its worst features. Nothing indeed can outvie its hideous characteristics. I have yet another to describe in my catagraph of the genus—the *Snout*. This is a nose concerning which there can be no mistake. It seems to project almost horizontally from the face, a little inclined to turn up, and appears to be made solely to accommodate a pair of elongated nostrils, of outrageous proportion; while from its very peculiarly projecting conformation, it seems to induce in the beholder an irresistible desire to have a pull at it, for which office indeed it is singularly adapted. Little need be said about the "*Pimple*." It is the smallest apology for a nose extant, being "small by degrees, and beautifully less;" hence it will be only proportionably just to the others, to say as little about this variety as possible; I may remark, however, that it is sometimes observable in the young boarding-school Miss. But I must not omit to notice "*Crooked-noses*," as well as the "*No-noses*." It is a curious fact, although common to the observation of all, that there is scarcely a straight nose to be met with. None may be said to be entirely without

irregularity. Almost all noses incline either to the right or left of the direct line, in a slight degree, caused most probably by the frequent and indispensable application of manual service to that worthy member. It is also equally curious, that no two faces are to be found precisely alike in expression.

The next feature I shall glance at will be the eyes, "those windows of the soul." I am not acquainted with a very extensive variety in this delicate and insinuating member. There appears, however, to be certain broad characteristic differences between the following varieties; viz. the *dark* eye, the *gray*, the *blue*, and the *gimblet*. The dark eye, although proper to no particular class of character, may yet be said to possess some peculiarities. It is not only a token of beauty, and capable of imparting to features of even defective outline a highly pleasing effect, but it is of itself always powerfully expressive. Of the gray, there are some minor varieties, such as the dark-gray, which is also expressive, and seems to be a medium between the black and blue. Then there is the light-gray, which seems to belong peculiarly to elderly maiden ladies, nurses, and regular devils. Why this peculiarity is so apparent, I confess myself unable to explain. Perhaps those more efficient in physiological science, may be able to offer some elucidation of a subject so confessedly shrouded in mystery.

The *cat's-eye* is another variety of the gray, caused apparently by a slight infusion of yellow. It is extremely disagreeable to look upon, and its possessor is supposed to share some affinity in character and disposition with the feline race. The *blue eye* is always beautiful; it is one of Nature's own sweet tints, and consequently ever delightful to contemplate. It betokens mildness and amiability of disposition, and is most generally monopolized, as indeed it should be, by the fair sex. The *gimblet*, otherwise called the *swivel-eye*, is a kind of anomaly in the world of eyes. It being an exception to all rule, no direct application can be made of it to any distinct individual class. The swivel, however, is of a very penetrating nature, since it at once insinuates itself into your affections. Sometimes it is seen to ornament the unmarried, of both sexes oftentimes; also the more courageous disciples of St. Benedict. Some prominent individuals have possessed this peculiarity. I remember several instances; among them, the late Rev. Edward Irving.

There are three or four varieties of the *Mouth*. It will not however be required that these should be very minutely particularized. A small mouth being justly considered the test of beauty, it would be ungallant to mar its fair proportions by attempting to *enlarge* upon it; while the large one, being already an outrage upon the true standard, any *extended* remarks upon it would be uncharitable.

The science of physiognomy, as already stated, although frequently condemned as being fallacious, and liable to mislead us in our estimate of character, is yet everywhere practically admitted among us. And although it may seem to be difficult to reduce it to positive principles, yet to reject it altogether, on this account, is indeed a very unphilosophical method of solving the problem. Nothing is more common than exclamations like the following, on first seeing an individual: "What an honest-looking face he has!" "How forbidding an expression this one has!" "How the rogue is depicted in the other!" etc. Have we not our likings and our aversions? Do we not involuntarily shrink from one person whose face does not comport with our ideas of honesty, and rush with open arms to another, whose countenance more nearly approaches

our imaginary standard? This proves that we are all physiognomists. Then there are the equally broad national characteristics, distinctions which have even become a proverb amongst us. We say, for instance, of the Englishman, from his habitually grave deportment, that he is never happy but when he is miserable: of the Irishman, also, from his strongly-marked and well-known belligerent qualities, that he is never quiet but when he is kicking up a row: of the Scotchman, from his enterprising activity, that he is never at home but when he is abroad. These are not antithetical jokes, but palpable and admitted facts. There are also similar traits observable among other nations. The French, for example, from their vivaciousness, are said to be never at rest but when they are dancing; while we say of the phlegmatic sons of Germany, from their seeming obtuseness and indolence, that they can never see anything but when they are enveloped in clouds of smoke. And there can be no doubt that other inhabitants of the civilized and uncivilized world exhibit in their *frontispieces* equally distinctive characteristic attributes. And were we to look at home, who could not detect at a glance, by his "'cute" features, the purveyor of wooden nutmegs?

Does not all this speak volumes for the truth of our science? Again, the professions and trades have also a decided influence in determining the character of the countenance, so that even where nature has originally impressed the features with a marked dissimilarity, they nevertheless acquire, from this cause, a peculiar resemblance in expression. This is owing, of course, to the particular pursuit calling into exercise a corresponding condition of the mind, and which, being habitual, exerts a direct and powerful influence over the features. The well-known and admirably drawn portrait by Boz, of "Squeers," the Yorkshire school-master, is a case in point. What a mysterious compound does he represent!—exhibiting the broad grin of jesuitical politeness, coupled with the ill-disguised, because too legible, lines which none can mistake as indicative of tyrannical severity. These opposite emotions, so constantly alternating in his face, cause his features finally to assume the permanent expression already described. We find likewise in the physician the two-fold expression of profound and inscrutable sagacity, united with that blandness and affability of deportment so essential to the disciple of Esculapius. Who can fail to discover in the lawyer the characteristics of a stern cold-heartedness and cunning which may be supposed to stop at nothing, where the interest of his client, and consequently his own, is concerned, provided only he is certain of *legal* indemnity? In him too we find the manifest expression of supercilious courtesy, and specious affability, even when he is deeply engaged in threading out the mazy sinuosities of his occult and never-to-be-by-common-people-understood profession. Again, in the clergyman: how can we fail to observe—in some instances I admit more than others—the curious compound of an ill-disguised love of worldly enjoyments, united with an appearance of great sanctimoniousness, and a portion of the asceticism of the cloister, as well as contempt of all sublunary good? Should it be objected here that these sketches are not *average* portraits, it must be remembered that those selected have been preferred for their points of illustration simply, without the design of disparaging any class, by an attempt at caricature.

But I should not omit, in enumerating the evidences of the validity of our theory, that we possess, in addition to this mass of incontestible demonstration, the records in its favour which are of divine origin; "The countenance of the

ise," saith Solomon, " showeth wisdom; but the eyes of the fool are in the ıds of the earth." And Ecclesiastes the Preacher: "A man may be known ŗ his look, and one that hath understanding, by his countenance, when thou eetest him." Indeed, is it not a common maxim with us, that "the face is ıe index of the mind?" Where we find so much apparent truth, it is scarcely st to insinuate all to be founded in error.

But let us now glance at the probable advantages to be derived from the udy and cultivation of this science. To acquaint himself with the principles hich have been educed by the profound investigation applied to this interesting nd important subject, is assuredly the duty, as it is the interest, of every iligent inquirer after truth. Man, composed as he is of a complex nature, is hysically and morally a very mysterious being; and if we regard either his :tions or his words, we shall find ourselves equally at a loss fully to ascertain ıe reality of his motives and intentions. But to enter into a detailed enume- ıtion of the several advantages which result from the right application of this :ience, would require more space than can be allotted to it in the present ssay: a single remark must suffice. Nothing is more important to man and) society than mutual intercourse. Any rational method, therefore, by which ve may readily, as well as accurately, judge between the virtuous and the 'icious, in forming our associations, must be of paramount value. Physiognomy hen comes to our aid; it directs us when to choose, when to reject; when to peak, as well as when to be silent; when to console and when to re-)rove. Thus a more accurate acquaintance is ascertainable of the prevailing nternal emotions and sentiments which determine the character, from the onformation of the external features of the countenance, than it is possible to ttain by any other means. Lavater, the great father of this science, says: We know that nothing passes in the soul, which does not produce some ıange in the body; and particularly, that no desire, no act of willing, is :erted by the mind, without some corresponding motion at the same time king place in the body. All changes of the mind originate in the soul's sence, and all changes in the body, in the body's essence. The body's sence consists in the conformation of its members; therefore the conformation the body, according to its form, and the form of its constituent members, ust correspond with the essence of the soul. In like manner must the ırieties of the mind be displayed in the varieties of the body. Hence the)dy must contain something in itself, and in its form, as well as in the form of s parts, by which an opinion may be deduced concerning the native qualities the mind. The question here does not indeed concern those qualities erived from education or observation; therefore, thus considered, physiognomy, the art of judging a man by the form of his features, is well-founded." The nes of the countenance constitute its expression, which expression is always ue, when the mind is in a state of repose, and free from constraint; therefore, is by them we are to discover, when in their native position, what are the ıtural bent and inclination of certain properties of the mind.

Thus it is the province of this science to usurp the place of those crude and ıcertain opinions, so commonly adopted, by which we imbibe at first sight ther the feeling of preference or aversion toward an individual, and to aid us, the ascertained principles of true philosophy, to arrive at correctness in our nclusions. This principle, however, has been applied by many of the advo- es of physiognomy to the entire human form. The most recent writer on

the subject, Dr. A. Walker, whose anthropological works have met with so wide and deserved a popularity both in England and in America, argues for this hypothesis, from the three great systems of which the animal economy is composed, viz. the locomotive, by means of the bones, ligaments, and muscles; the vital, or vascular, being the nutritive and secretive organs and absorbents, including also the blood-vessels; and the nervous, or mental, comprising the organs of sense, which possess the mysterious faculty of transmitting impressions from external objects. It is also ingeniously remarked of the location of these several systems, that there is a striking and curious analogy between them and the inferior orders of nature. We find the mechanical or locomotive organs, abstractedly considered, are placed in the lowest situation, the extremities; while the bones, being essentially mineral, correspond with the lowest order of creation, the mineral kingdom. Those, again, which consist chiefly of the vital system, also appear to correspond with the second order, in the vessels which constitute vegetable life, being placed in a higher situation in the human body; while the nervous or mental system (proper to all animal existences, for all organized bodies are believed to possess both brain and certain nervous fibres) is placed in the head, corresponding with the highest order of creation. The science of anthropology, or anatomical development, has however but a collateral bearing upon our subject; yet it may not be amiss to take a passing notice of it, for the sake of illustration. This theory, as I have already intimated, is that of adapting the rules of physiognomical science to the developments of the entire human system, which is seen by the relative proportions of the bones, muscles, etc. Thus, for an instance of pre-eminent physical strength, the author refers to the muscular developments, as depicted in the statues of Hercules and the Gladiator, as constituting the beauty, and expressive of the power, of the locomotive system. Again, as in the ancient Saxons, where the body is found to be disproportionably large, and the limbs slender and small, an excess of the vascular system is pourtrayed. While again, as in the busts of Homer, and most specimens of Grecian sculpture, where the head is large, and the countenance expressive and indicative of thought, the beauty and power of the mental system is consequently denoted.

But to return to "the head and front" of our subject. Phrenologists divide the cranium into two great divisions; the *cerebellum*, or hinder portion, comprising the organs of sense, common to all animals, and the *cerebrum*, consisting of the organs of the mind: as these organs therefore respectively exhibit greater or less development, we discover the indications of the preponderance of the mental or animal qualities; as in all superior animals, the organs of sense are found precisely opposite where the face terminates, that is, opposite the articulation of the lower jaw, extending to the spine, and projecting from the occiput, or back of the head. Again, when the cerebrum is longest anteriorly, observation and intellect excels, and the reverse is seen where the animal qualities predominate. Thus physiognomy is in part allied both to phrenology and physiology, as seen in the comparative view of the three great organs of sensation, mental operation, and volition. This last faculty is situated at the back of the head, or cerebellum, while those of sense, being placed in the face, present every facility for physiognomical examination. These faculties, or organs, are, it is well known, five in number; viz. touch, taste, smell, hearing, and sight. The intellectual parts of the countenance are at once self-evident; the forehead, the eye, and the ear. Where these are

found amply developed, the head will be generally found of a pyriform shape, indicative of a predominance of intellectuality. We find this peculiarity displayed, in a striking manner, in the head of Daniel Webster. The expansion of the other parts of the head being adapted to animal and vital purposes are less distinctly marked: wherever these, however, are found in excess, there will also be observable a general roundness of the countenance, indicating a preponderating influence of the animal system. But it must be borne in mind, that the face not only presents organs of sense, but also those of impression, its muscular parts being under the control of the will. Had this been otherwise, we should not have been able to ascertain so accurately the extent of mental action. This then appears to be the first and most important rule of physiognomy, that of examining the preponderance of these organs respectively. How commonly do we hear it observed, that a face is beautiful, though utterly destitute of intellectual expression; and the reverse is equally true. This partial deficiency in expression is more generally observable in the countenances of the softer sex, although there are some lamentable instances, in a stronger degree, of this peculiarity in the other. Indeed I might take occasion to enlarge upon the subject of the diversity of expression in faces to as great a length and much greater than the reader's patience would permit; beginning perhaps with that which most nearly accords with the correct standard of beauty, through an almost infinite variety, down to that curious nondescript familiarly called a "wry face," and which is, remarkably enough for our argument, often indicative of a corresponding disposition. I should like to ask, by the way, while it occurs to me, what portrait painter would disavow his belief in Physiognomy; for it seems to me, it is the life and soul of his profession; since *character*, otherwise called *expression*, is everything to the success of a picture.

But to resume. The *observing* faculties then appear to depend on the interior part of the brain, corresponding to the forehead, the comparing on the middle, and the determining faculties on the posterior part of the brain. From the peculiar organ of *touch*, we chiefly derive ideas; from sight, emotions; and from hearing and tasting, desire or aversion. No illustration is required in confirmation of these apparent truths. The two intellectual organs, the eye and ear, resemble each other in being both duplex, and also in being situated separately on each hemisphere of the cranium; while the nose and mouth, being adapted for more animal purposes, are situated near to each other, and in the centre of the face. So necessary, indeed, is this approximation of smell and taste to animal purposes, that wherever we find the greatest preponderance of these, we invariably discover the increase and nearer approach of these organs: on the other hand, so far as the eye and ear are organs of impression and not of expression, and as such connected with the brain by peculiar nerves, it is obvious that they are not animal, but purely intellectual. Thus much for general principles. I shall particularize very briefly these organs respectively.

And first, touching *touch*. This sense, as is well known, is diffused over all the human system, but is more intense both at the lips and fingers' ends. The lips therefore may be said to represent this organ, and the degree of their linear or full development to indicate accordingly the possession of the faculty. The nose and mouth in a subordinate sense possess intellectual sympathies and associations. It is a curious fact, that all the parts connected with the lower

jaw are acting parts. The under teeth act on the upper, the tongue on the palate, and most generally also the under lip on the upper. Accordingly, where we find the under lip obtruded, there is sure to be the active exercise of passion, either of desire or aversion; in the former case, it is said to be everted, and in the other inverted; while we invariably find the upper lip expands on receiving pleasurable impressions. Thus we may generally decide, that an equally yet moderately prominent development of both is characteristic of a well-balanced mind. Of the nose, that called Roman, possessing large capacity, and more directly constructed to admit odours to impress the olfactory nerve, is considered usually as a favourable development; and that which is flat, defective in this. Again: the short up-turned nose is evidently calculated to receive more rapid impressions, while that of a long overhanging shape receives them more slowly. Width of the nose is said to denote the greater permanency of its functions, and its height, their intensity. In the total absence of elevation and delicate outline of the nose, as usually observable in the commoner Irish, will be found absence of sentiment; while the contrary is equally true. Bulwer, the novelist, I remember, is an instance in point. Of the eye, that which is large, being capable of more powerful impression, especially of projecting from its orbit, betokens large capability, while that of lesser magnitude and more receding, denotes on the contrary a deficiency of power. An iris of a dark colour is said to possess more accuracy, and to be of a firmer character, while one that is blue, is the reverse. In the former, the rays of light are more concentrated and absorbed, while in the latter, these are rendered more indefinite and soft.

The eyelids, like the mouth and nose, are active or passive: those beneath rise or fall, with sensations of pleasure or pain, while the upper lids receive or exclude impressions at will. Those therefore which are widely expanded, exemplify intensity and keenness of inspection, but little sensibility, while the contrary indicate greater sensibility, but less keen perception. This is observable when a person is reflecting; the brow becomes depressed and contracted; so it is in cases of anger, because the object that excites it is the subject of severe and scrutinizing inspection. On the contrary, an eyebrow greatly elevated denotes absence of thought. Again: the degree of susceptibility of the auditory nerve is in proportion to its thinness and delicacy of form. Those that project and incline forward, are less calculated to collect sound. An ear that is long between its upper margin and lobe, will be best adapted to receive the niceties of elevation and depression of sound, as well as its intensity. One of great breadth will, on the contrary, be best suited to its diffusion and permanence. It is said also that there is a striking analogy between the conformation of the ear and the organ of the voice. The great length and narrowness of the space between the nose and chin always indicates acuteness and shrillness of voice. This is caused by the palate being elevated and the ellipsis of the jaws being consequently more narrow; while in proportion to the expansiveness of the forehead over and between the eyes, containing the maxillary cavities, and the cheek prominencies, containing the frontal sinuses, is the resonance, or echo, imparted to the voice. The elevation of these is supposed also to denote force and activity of character.

Lastly, of the chin and teeth: these, however, forming an important instrument in the voice, may evidently be taken as representatives of those parts with which they are associated. It is remarkable that the projection of the

ciput, on which depends the exercise of passion, corresponds with the teeth, id particularly the lips, so that the prominency of the posterior parts of the ain may generally be safely predicted by that part of the face. A similar incidence subsists between the cerebellum and the jaws; the breadth of the mer is said to correspond with the breadth of the face over the cheek-bones, ile its length answers to that of the lower jaw, measured from the tip of the in to the angle.

Such is a brief outline of the leading principles of this interesting science. shall conclude by a resume of the principal points, which may serve as hints the practical application of the subject. It will be remembered, then, that large head with a small triangular forehead denotes absence of intellect. A ently-arched and prominent forehead indicates, on the contrary, great genius. hakspeare's is a striking evidence of this. A forehead full of irregular protuerances is characteristic of an uneven and choleric temper. Deep perpenicular lines between the eyebrows generally bespeak strength of mind, but hen counterbalanced by others in an opposite direction, the reverse. Small yebrows generally betoken a phlegmatic temperament, and if strongly-arked and horizontal, vigour of character; but if very elevated, absence of tellect. Black eyes portend energy, while gray often mark a choleric dis-sition, and blue, mildness and vivacity. The Roman nose is especially aracteristic of valour and strength, like the beak of the eagle: the possessors this kind of nose seem in many instances to have exhibited in their charac-s the peculiar properties of this king of birds. Such was Cyrus, it is said: taxerxes, Mahomet, the Prince of Conde, Duke of Wellington, and General kson, all possessed the eagle or Roman nose.

Thus we see that the diversified and often conflicting passions and emotions the human mind are in a pre-eminent manner susceptible of spontaneous pression, or that indicated by the features of the countenance; and so intimate their correspondence and affinity, that speech, however honest, can hardly be d to be more faithful in its testimony. The practical uses of this science are o-fold; first, in aiding us in forming a just estimate of character; and condly, in the matter of education; for since it is its peculiar province to monstrate the possession of constitutional power, as well as its defects, it manifest that it may be rendered available, by directing us to a suitable care the cultivation of faculties not adequately developed. Let no one therefore fer himself to become exasperated with his ugly looks, but seek to acquire, mental cultivation, beauties more ornate, conspicuous, and imperishable. ho would not award the meed of praise to such an one, rather than to him o, how lavish soever may be the blandishments of his outer man, yet dis-vers all the vapidness of an empty pate, being destitute of those great moral tributes which confer the true dignity of man! There is indeed a double erit due to virtue, when it is thus seen, by almost superhuman power, to gain e mastery over the tyranny of vice.

To conclude: I cannot but think that this science might prove beneficial to ose who may be meditating a launch upon the untried sea of matrimony! hese devotees may herein, I doubt not, obtain the clue to many disguised and btle mysteries, which the infant god revengefully hides from his captives, st he himself should be betrayed; for on these occasions, it must be admitted, seem to possess a strange obliquity of vision; very acute, it may be, but very lique notwithstanding.

THE GRAY FOREST EAGLE.

BY ALFRED B. STREET.

With storm-daring pinion and sun-gazing eye,
The Gray Forest Eagle is king of the sky:
Oh! little he loves the green valley of flowers,
Where sunshine and song cheer the bright summer hours,
For he hears in those haunts only music, and sees
Only rippling of waters, and waving of trees;
There the red-robin warbles, the honey-bee hums,
The timid quail whistles, the shy partridge drums;
And if those proud pinions perchance sweep along,
There's a shrouding of plumage, a hushing of song:
The sunlight falls stilly on leaf and on moss,
And there's nought but his shadow black gliding across;
But the dark gloomy gorge, where down plunges the foam
Of the fierce rock-lash'd torrent, he claims as his home;
There he blends his keen shriek with the roar of the flood,
And the many-voiced sounds of the blast-smitten wood;
From the crag-grasping fir-top, where morn hangs its wreath,
He views the mad waters white writhing beneath;
On a limb of that moss-bearded hemlock far down,
With bright azure mantle and gay mottled crown,
The kingfisher watches, while o'er him his foe,
The fierce hawk, sails circling, each moment more low:
Now poised are those pinions and pointed that beak,
His dread swoop is ready, when hark! with a shriek,
His eye-balls red blazing, high bristling his crest,
His snake-like neck arch'd, talons drawn to his breast,
With the rush of the wind-gust, the glancing of light,
The Gray Forest Eagle shoots downward his flight:
One blow of those talons, one plunge of that neck,
The strong hawk hangs lifeless, a blood-dropping wreck;
And as dives the free kingfisher, dart-like on high
With his prey soars the Eagle, and melts in the sky.

A fitful red glaring, a low rumbling jar,
Proclaim the storm-demon yet raging afar;
The black cloud strides upward, the lightning more red,
And the roll of the thunder more deep and more dread;
A thick pall of darkness is cast o'er the air,
And on bounds the blast with a howl from its lair:
The lightning darts zig-zag and fork'd through the gloom,
And the bolt launches o'er with crash, rattle, and boom:
The Gray Forest Eagle, where, where has he sped!
Does he shrink to his eyrie, and shiver with dread?
Does the glare blind his eye? Has the terrible blast,
On the wing of the sky-king a fear-fetter cast?
No, no, the brave Eagle! he thinks not of fright,
The wrath of the tempest but rouses delight;
To the flash of the lightning his eye casts a gleam,
To the shriek of the wild blast, he echoes his scream,
And with front like a warrior that speeds to the fray,
And a clapping of pinions, he's up and away:
Away, oh! away soars the fearless and free!
What recks he the sky's strife, its monarch is he;
The lightning darts round him, undaunted his sight,
The blast sweeps against him, unwaver'd his flight;
High upward, still upward he wheels, till his form
Is lost in the black scowling gloom of the storm.

The tempest sweeps o'er with its terrible train,
And the splendour of sunshine is glowing again,
Again smiles the soft tender blue of the sky,
Waked bird-voices warble, fann'd leaf-voices sigh;
On the green grass dance shadows, streams sparkle and run,
The breeze bears the odour its flower-kiss has won,
And full on the form of the demon in flight
The rainbow's magnificence gladdens the sight!
The Gray Forest Eagle, oh! where is he now,
While the sky wears the smile of its God on its brow?
There's a dark floating spot by yon cloud's pearly wreath,
With the speed of the arrow 't is shooting beneath;
Down, nearer and nearer it draws to the gaze,
Now over the rainbow, now blent with its blaze,
To a shape it expands, still it plunges through air,
A proud crest, a fierce eye, a broad wing are there;
'T is the Eagle, the Gray Forest Eagle, once more
He sweeps to his eyrie, his journey is o'er.

Time whirls round his circle, his years roll away,
But the Gray Forest Eagle minds little his sway;
The child spurns its buds for Youth's thorn-hidden bloom,
Seeks Manhood's bright phantoms, finds Age and a tomb;
But the Eagle's eye dims not, his wing is unbow'd,
Still drinks he the sunshine, still scales he the cloud!
The green tiny pine-shrub points up from the moss,
The wren's foot would cover it, tripping across;
The beach-nut down dropping, would crush it beneath,
But 'tis warm'd with heaven's sunshine and fann'd by its breath:
The seasons fly past it, its head is on high,
Its thick branches challenge each mood of the sky;
On its rough bark the moss a green mantle creates,
And the deer from his antlers the velvet down grates:
Time withers its roots, it lifts sadly in air
A trunk dry and wasted, a top jagg'd and bare,
Till it rocks in the soft breeze, and crashes to earth,
Its brown fragments strewing the place of its birth.
The Eagle has seen it up-struggling to sight,
He has seen it defying the storm in its might,
Then prostrate, soil-blended, with plants sprouting o'er,
But the Gray Forest Eagle is still as of yore.
His flaming eye dims not, his wing is unbow'd,
Still drinks he the sunshine, still scales he the cloud!
He has seen from his eyrie the forest below
In bud and in leaf, robed with crimson and snow,
The thickets, deep wolf lairs, the high crag his throne;
And the shriek of the panther has answer'd his own.
He has seen the wild red man the lord of the shades,
And the smoke of his wigwams curl thick in the glades;
He has seen the proud forest melt breath-like away,
And the breast of the earth lying bare to the day;
He sees the green meadow-grass hiding the lair,
And his crag-throne spread naked to sun and to air;
And his shriek is now answer'd, while sweeping along,
By the low of the herd and the husbandman's song;
He has seen the wild red man off-swept by his foes,
And he sees dome and roof where those smokes once arose;
But his flaming eye dims not, his wing is unbow'd,
Still drinks he the sunshine, still scales he the cloud!

An emblem of Freedom, stern, haughty, and high,
Is the Gray Forest Eagle, that King of the sky!
It scorns the bright scenes, the gay places of earth—
By the mountain and torrent it springs into birth;

There rock'd by the wild wind, baptised in the foam,
It is guarded and cherish'd, and there is its home!
When its shadow steals black o'er the empires of kings,
Deep terror, deep heart-shaking terror, it brings;
When wicked Oppression is armed for the weak,
Then rustles its pinion, then echoes its shriek;
Its eye flames with vengeance, it sweeps on its way,
And its talons are bathed in the blood of its prey.

Oh that Eagle of Freedom! when cloud upon cloud
Swathed the sky of my own native land with a shroud,
When lightnings gleam'd fiercely, and thunderbolts rung,
How proud to the tempest those pinions were flung!
Though the wild blast of battle swept fierce through the air
With darkness and dread, still the eagle was there;
Unquailing, still speeding, his swift flight was on,
Till the rainbow of Peace crown'd the victory won.

Oh that Eagle of Freedom!—age dims not his eye,
He has seen Earth's mortality spring, bloom, and die;
He has seen the strong nation rise, flourish, and fall.
He mocks at Time's changes, he triumphs o'er all:
He has seen our own land with wild forests o'erspread,
He sees it with sunshine and joy on its head;
And his presence will bless this his own chosen clime,
Till the Archangel's fiat is set upon Time.

LIFE—A DEATH.

BY ISAAC CLARKE PRAY.

We tread a desert strange and vast,
In crowds to search for things divine,
Poor pilgrims toiling to the last,
Hoping to reach a sacred shrine.
In vain for purity on earth
We strive to pass the desert-sand—
For purity of Heavenly birth,
Remains in Heaven by God's command.
If to be pure, we congregate
To search for heavenly gifts,
We find them not, till changed in state
The hand of Death the Future lifts.
For Heaven alone should man desire,
Nor think by pageantry and plans
To gain the true and holy fire
Which in the soul alone is man's.
We tread a desert. Little grains
Of dust and lightest particles
The vast abundantly contains,
And swift the blast their power swells;
But death can only prove us pure,
And may the truth come home to man,
Of things divine no crowd is sure
Till blasts inhume the caravan.

THE BLACK SEAL.

BY ANN S. STEPHENS.

"And then I think of one, who in her youthful beauty, died,
The fair meek blossom, that grew up, and faded by my side;
In the cold, damp earth we laid her, when the spring put forth its leaf.
And we sighed, that one so beautiful, should have a lot so brief;
Yet, not unmeet it was, that one like that sweet friend of ours,
So gentle and so beautiful, should perish 'mid the flowers."

It came at last, the letter with the black seal. *She was dead!* How few ›rds are necessary to convey this melancholy truth, and yet, oh God! how ıny sweet associations, how many regretful remembrances are crowded into ›se three little words! How mournfully they awaken the heart to a know-lge of its own strong affections! We can never truly feel how dear the ing are, till their places are empty, and we call for them, to receive no ıwer. The dear silver cords, that connect families and friends, become ıiliar, from their very lightness, and we dream not how closely they are roven with our life, till we feel their links shivered and broken, amid the rtstrings they have held together.

t is terrible to feel, that a creature, whom you have loved and cherished your own life, is sinking daily to an early grave, from which there is no ıe. To watch the fire of death kindle in a beloved eye, and to see the damask of a young cheek glow and brighten into a blush for heaven—to ıess the chastened soul, gradually fling off its earthly attributes, and grow utiful beneath the finger of death;—but more dreadful is it to know that se things are, and yet to see them not—to feel the hopes wither, one by at your heart, as each written messenger comes with its freight of sorrowful ngs. Oh, how the heart aches with the intensity of its affections—how it ıggles against those bonds which hold it back from the loved and the ering, how anxiously it traces the cold, relentless footsteps of the destroyer, ›ped out on paper, by friends who tremble to awaken a distant echo to their ı sorrowful apprehensions.

They laid the letter before me, and besought me to bear up under the iction of a sister's death. To be calm, even though others had stood by death-bed, and ministered to her wants; though parents, brothers, sisters, nds, all were by, to witness her young spirit, as it grew lowly and trembled n life into eternity, all save one, and that one myself, who had loved her so ently. Her dying words of love—her last, sweet mournful request was tten in that letter, and yet they asked me to read them and be calm. If it tearless with unsteady limbs, and a heart trembling beneath the weight ts own desolation be calmness, they had their desire. But the overstocked rt mocks at philosophy—the power of intellect may conceal suffering; but rush of natural affection will make itself felt, or break the heart that would ine its free course. Hours went by, and then came a sweet gush of tears, with it, a sad mournful dream of the lost. The night was very still, and ›od of gentle moonbeams came with a silvery and subdued radiance through window. It was a strange fancy, but it seemed as if the smiles of the dead e woven in those soft rays, and that evermore, they would beam in bright-ı about my path. Who shall affirm that this was all a phantasy, or that

the dead may not sometimes linger about the living, to guard and to bless them? May they not, sometimes, hover about us in seasons of sorrow and trial, to breathe the music and purity of another world within the soul! Who is there, who has not, at times, felt as if holding communion with the dead! Who, that has seen a beloved object pass through the valley and shadow of death, but feels that he has a deeper and more holy interest in the world to which they have gone—that a part of his own being has gone into eternity, shrouded in the soul of another? How sweet the thought, that the gentle spirits of the departed are folding their wings and weaving the flowers of paradise above us as we sleep—that kindred love, which gives the heart so pure a foretaste of heaven, still lingers amid their ethereal essence, as perfume lingers about a broken rose, long after its incense has been scattered!

This may be a visionary fancy, but it is a harmless one, and sweet as it is harmless—no shadow of evil can arise therefrom, and it flings a beautiful charm of love to link us with the spirit loved. Even though it be a delusion, may it not sometimes prove a check upon the wrong impulses of the heart, when we believe that the beloved and the departed—those whom we have reverenced and cherished, are looking with clear spirit eyes into our innermost thoughts, and are witnessing all that passes there, even as if they were bending over a pool of bright waters! It may be a vain thought, but it is a pure and a tranquillizing one—so beautiful that the mind might almost be forgiven for lending faith to it, even without reason. I could not sleep, but as one in a sad dream, lay pondering upon the past, and then as so many pictures arose, the changes which my gentle sister had passed through, on her brief and quiet way to eternity. Enshrined, as it arose in the moonlight, lay an infant, a sweet rosy child, with eyes all sunshine, and lips that smiled to the sound of each household voice, like rose leaves stirred by the wind. The sound of a merry laugh, like the silvery flow of waters, in the violet season, filled the room, two little hands were clapped in concert with the merry shout, and the half-formed lisping accents of infancy mingled with it all.

The infant dissappeared, and a little girl, with the blossoms of ten summers unfolding on her cheeks, stood in its place. The same eyes beamed upon me, but their glance was soft and confiding—looking into the soul, with a love that was innocent. A quantity of bright, golden hair, hung in ringlets down her neck, and her sweet lips parted with a smile, at the praises given to her simple needle-work. She turned away, and with a little workbag in her hand, went toward the village school-house—she paused a moment within the shadow of an apple-tree, and gathered a cluster of wild-roses for the teacher. As she turned into the meadow path, a kiss was wafted from that little hand, and a smile, such as might dwell on the brow of a pure being like her alone, was sent back to the open window.

Again, the same meek girl appeared, with a downcast look, and eyes brimming with tears. Her small arms clung fondly to my neck, and her sweet troubled face was buried in my bosom; but she uttered no farewell, though she was parting from one who loved her with a love as fervent and protecting, as ever linked the heart of one human being to another. The dear word, "sister," was all she breathed, and that was broken with sorrow and tears. Other arms were about me, the tears of a whole household were joined with hers; but she stood out in the picture, with sorrowful distinctness, for the shadows of death had fallen on her alone.

In my dream, as in the reality, years swept by—such years as give a seal to life. Other ties were around my heart—I sat by the fire of a new hearth-stone, and gathered my own household gods around it. The cares and sorrows and trials of life crowded upon me, and with them came many stern lessons of wasted friendship, and affections lavished on dust, contrasted with those things which make the glory of human nature, disinterested love, attachments which time and circumstance have never shaken, and sympathy, such as might keep the heart green, even into the winter of old age. But, amid all the cares and joys of life, there was one dear spot—the smiles of one household, for which my heart panted, as the imprisoned bird for his nest-home in the flowering thickets. After years of anxiety and waiting, the music of home was in my ears; a picture of re-union arose, and took the place of those that had passed before. I stood upon my father's threshold, with a joy that thrilled through my whole being. They were all there, crowding around the newly-returned, with voices of eager welcome. While my heart was thrilling with a sense of its entire happiness, a fair girl flung herself upon my bosom, a modest, innocent creature, just in the prime of her sweet girlhood. I lifted her face from its rest, and gazed upon it in the dim twilight. The golden ringlets had deepened to a rich brown—but the pure forehead, and the trusting smile, bore a familiar look, and, half in doubt, I inquired who she was. She clung to me the more closely, and murmured, "your sister." It was a home-word, but, save in my dreams, it had been buried music to me for years. My heart expanded to it, as a flower opens its leaves to the south wind. *Her* voice was the first to greet my return, and it awoke all the fond, imperishable love, which clung around her cradle, and which now lingers sadly over her grave. A whole household was crowded together in this picture. We sat down together, at the same board, after years of separation—parents and children were in their familiar place, a re-united family. It should have been a joyful meeting; but every heart was chastened with a feeling, that we had met, an unbroken band, for the last time on earth. Amid all our rejoicing, there was mingled something of sadness—but little did we think, that the modest, happy girl, who moved among us like a sunbeam, would be the first precious link wrung from that family chain.

Softly, and with a pleasant change, did this picture glide into one of a sick-bed, around which the kind girl was moving, with a step that fell as noiselessly as the dew on summer flowers. In the artificial twilight, created by her own hand, she smoothed my pillow, and bent over me with loving, anxious eyes, and lips that smiled to conceal the inquietude of the loving heart beneath. How sweetly her face brightened day by day, when she saw that her ministering care was rewarded by the convalescence of its object. Oh, could the blessings of the living but reach the dead—could the grateful spirit send a voice beyond the grave, how many benedictions would be given, which now flow back in tears of regret on the heart. One other dear memory comes to my mind, and then, my poor sister! all connected with thee is enveloped in the gloom and shadow of disease, sorrow, and death. Even in another world, thou canst not have forgotten that night, when thou wast by my side, for the *last time*. The memory will live in this heart, till it lies cold and pulseless as thine. Didst thou feel on that night that we were never to rest in each other's arms again! I was not asleep—I could not sleep; so thou need'st not have hushed the sobs, or stifled the grief of that painful hour. True, I did not speak, or weep aloud, for the world has taught me a power of self-control, which

thou didst not live to know. But there was no sleep in the heart that beat, beneath thy young head—that throbbed back a blessing to each of thy kisses as if it knew how precious they would become, when the lips that gave them, so timidly, were cold and still. I was awake, long after thou hadst wept thyself to sleep on my bosom.

It was a sad parting which followed on the morrow. We tried to smile, and told each other that it was wrong to be sorrowful—that we should meet again. And so we shall, sister, when my spirit is purified, and made holy as thine. Then I will tell thee, how fondly thy last look has been cherished, among the most holy things of my heart—that look which was tearfully rendered back to mine, as I passed the old beach-tree, and turned to gaze once more on the home which we have both left, thou most *surely*, and I, *perhaps*, *for ever!*

Mournfully, and as one treading to the music of a dirge, my heart follows thine, as it went away to the place prepared for it in heaven. This letter tells me how beautiful and tranquil were thy last moments—how, like the incense of a lily, broken at the urn, the innocent life faded from thy forehead. It were wrong to mourn for thee, my sister; we should not grieve that a merciful God has seen fit to gather the blossom from our bosoms, before a stain was upon its leaves, even though it was rooted and entwined deep amid our heartstrings.

Thine is a comfortless resting-place, my sister, amid the damp, green sods of the valley. They may heap marble on thy cold bosom, and register thy name in the living rock—but I would not have it so. My footsteps may never approach thy grave, but, methinks, I should *feel* how sacred was the spot, even though none should point the way to it. No; chaste as thy life, beautiful as thy death, should be the record of thy brief existence. Even thy dust should mingle only with the most lovely things of earth. Let it cherish the pure white blossoms that flush the sod which now covers thee—let the wild rose drink its blush, and find a sweeter breath in thy mouldering bosom, and thy requiem be the night winds, sighing amid the forest trees. There is a solemn tenderness in the thought, that thy dear body may return to earth in the gentle flowers, that it may float in perfume upon the breeze, and kindle into new beauty, even where it is now laid. The earth was full of blossoms when thou wast buried, and in them should the record of a young life be written. Why should we send down a name, to those who will read it as an idle dream. Those who loved thee can never forget. *They* need no other monument than their own hearts.

I may not render an earthly tribute to thy memory, but, when we meet beyond the grave, thou wilt question, and perchance, I can tell of such things as a pure spirit should love to hear. Thou mayest learn, how often thoughts of thee have been exalted into reflections on the attributes of Him, who has taken thee away from us. How much of charity for the sins of others has been awakened in this heart, and how it has striven to become better for thy sake.

Farewell, my sister! These lips will seldom speak thy name, and those who deem happiness always to exist beneath smiles, may think thee forgotten. But, often in the silent night, this heart, which hoards its memories as a treasure too precious for aught but solitude, will be shaken with such thoughts as are wringing tears from it, even now.

THE GALE.

BY ISAAC CLARKE PRAY.

THE shore and sea spread far in light
  Beneath the Autumn sun;
The shore was e'en a blessed sight,
  The waves were all as one—
Not a thing was there which appeared not bright,
  'Twas a scene no soul could shun.

That morn a ship made sail for sea,
  And friends beheld it go
Out of the bay—how silently—
  How noiselessly and slow!
Not a heart but bent in its prayer the knee
  That a prosperous breeze would blow.

But soon the sun in haze was veiled,
  The earth and sky were dark,
And all the watchers' faces paled
  With fear's discoloured mark:
And the prayers were said for the souls that sailed
  In that noble, sea-bound bark.

The wind blew strong and very fast,
  Then came a rainy mist,
And the huge sea to mountains cast,
  With wrathful voices hissed;
And the landsmen stood in their fear aghast,
  When they saw the whirlwinds twist.

The gale swept on, a maddened thing,
  The night, advancing, grew
Darker and darker, 'neath the wing
  Of thunders as they flew,
And the sky was torn by the Lightning King,
  With his bolts of fiery blue.

All night—the life-long night, the cries
  Of mortals in distress
Seemed in the cloudy blasts to rise,
  With moans of helplessness,
And the horrid shrieks and the pain-fraught sighs
  Of the souls no voice could bless.

And when the daylight broke once more,
  The sun in glory came,
And shed upon the wreck-strewed shore
  Its precious, golden flame.
But the ship! The ocean its fragments bore,
  And on one was found its name!

THE FAT COCKNEY.

A Steamboat Adventure.

BY H. F. HARRINGTON.

I was bound for New-York from Boston; and it was of a Friday afternoon in the month of March, that I took the steamer at Providence. The day had been chilly and blustering, with the wind due east—chilly,—so as to pierce like needles to the very vitals—while the "mackrel" clouds that had been gathering over the sky, portended, with an almost absolute certainty, the near approach of one of those driving and blue-devil storms, in which no quarter of the world can proclaim itself New-England's counterpart. Even as I stepped on board—shivering, and buttoning my coat close about me, the big drops of rain and sleet dashed against my face and chequered the deck.

Being a man of curiosity, and unwilling to burrow, like the hundreds of other passengers who were on board, in the close cabin, I stationed myself to the leeward of one of the smoke-pipes on the upper deck, that I might derive some consolation from its genial warmth, and lifting my umbrella—although the wind threatened, every moment, to tear it from my grasp, or rend it piecemeal, for my temerity in braving its fury—I busied myself in noting the process of casting loose and getting under way. The big bell tolled—the voice of the mate echoed "All ashore!" the little bell of the engineer tinkled, and the wheels splashed in the water, while the huge bulk of the steamer yielded to their force, and moved majestically along the pier. Just then a carriage, which I had noticed and heard whirling and creaking along the road by the water-side, with the horses at full speed, was halted at the head of the pier—the door was hastily opened—and a tall, burly man, with a very protuberant abdomen, and little eyes, half hidden by his cheeks, bundled himself out, and ran down the pier fast as his feet could carry him, screaming as he came, in a soft voice, singularly inconsistent with his size,

"'Ere, you cap'n! 'Old hon! 'Old hon! 'Ere's a passenger vot's left! 'Old hon! 'Old hon! Oh, my, it's too late!"

If the officers of steamboats were accustomed to stop their engines for every laggard who would get on board, they would never leave the wharf. Our captain, in the present instance, ensconced in the wheel-house, into which, notwithstanding that the windows were all up, and the now fast-falling rain pattered merrily against them, the voice of the petitioner penetrated, only turned his face towards him, and unmoved by his imploring accents, gave no command to stop. But the few porters and coachmen on the wharf were more considerate—whether through a perception that here was rich game for a joke, or through real pity of the mischance of the anxious cockney, I cannot determine. Whispering a moment with each other, they sprung towadrs him, and without explanation, or so much as "By your leave," seized him by his arms and legs, overturned him to a horizontal position, hurried him to the corner of the pier, round which the boat was swaying, and after two or three preliminary swings, backward and forward, to obtain a sufficient impetus, while others threw in his luggage, let him go—to land wherever his good or evil fortune might dispose him. As good luck would have it, the tide was very low, and the deck on which I stood, nearly on a level with the pier.

The cockney struck fair and plump beside the wheel-house, very near me, and, in his horror and amazement, would have floundered into the water, from the inclining as well as wet and slippery deck, had I not sprung to him and afforded him assistance.

I got him shortly to his feet, though I lost my umbrella in the effort; for the wind that had been striving with me so long, took advantage of my humanity, and while I was engrossed by my good offices, struck it from my hand, and launched it in the water, an eighth of a mile distant, whirling it over and over in its triumph. In spite of this misfortune, I could scarcely restrain my laughter at his ridiculous appearance. The dirt upon the deck had, of course, adhered to, and the water saturated, every part of him that had come in contact with it, which included every prominent portion of his system; and his hat, which had come violently in collision with a beam, was dicrously curtailed of its fair proportions by the condensing jam.

"Vell, hif this 'ere hisn't," said he, dolefully, lifting either arm successively, and surveying himself before and behind—"'Ows'ever, I'm werry much hobleeged to ye, for 'elpin' me, mister. Oh, my 'ow it pours! I'm werry wet, and I'll 'urry below. Oh, my, vot a state I am hin!"

Some servants of the boat had by this time removed his luggage to place it under shelter, and I followed him into the cabin, wherein a bright Lehigh fire, in a tall Nott's stove, communicated a gratifying warmth to my half-torpid frame. My cockney friend speedily disappeared behind the berth-curtains with a travelling bag, and joined me after a short time, with his sorry appearance materially renovated.

"Hare you werry sure this 'ere cap'n's a careful man!" he asked as we seated ourselves by a table in conversation. "I 'as a mortal 'orror o' these 'ere steam wessels; acause the cap'ns hin this 'ere country is so werry wentersome."

I assured him that he had no cause to fear, and all went well until we reached Newport, where it had been concluded by the officers to lie-to, at least till after midnight, as the storm was too violent to excuse a venture round Point Judith. The thundering sound which accompanies the blowing off of the steam, made our cockney start to his feet and turn wofully pale, as he faintly gasped, "Oh, my, vot's to pay now! Isn't ve blowin' hup!" and justified his previous admission of the fear which he entertained. My explanations calmed his perturbation, and we re-commenced our conversation, which lasted until bed-time; in the course of which I learned that his name was John Todsley, of the Strand, London, Haberdasher, on a tour of pleasure in the United States.

Bidding him adieu for the night, I "turned in" to my berth, which was in the middle range, and directly abreast of the stove. After an examination of his number, and a search among the berths, my friend Todsley found his two-and-a-half-by-six receptacle to be directly beneath my own. With a remark, intended to be very facetious, upon the fates which brought us together, he divested himself of his coat only, donned a white night-cap, and clumsily laid himself down. He was not destined, however, to obtain repose so easily. A moment or two brought the steward and a brace of servants to his side.

"Hollo, my friend," cried the steward, "you must rouse out!"

"Vy vot's to pay," cried Todsley, thrusting the nightcap out of the berth, with his head in it.

"Come out, and I'll tell ye," replied the steward.

"Vell now, this 'ere's werry hunreasonable conduct, sir, to disturb a gem-

man harter 'e's laid down, hand give no hexplanation vot hit's for—werry, hindeed! I sha'nt do no such thing, sir!" and thereupon, Todsley pulled up his night-cap, and placed his head on the pillow in extreme indignation.

At this, a servant held up to his vision, a framed placard, to the effect that "Gentlemen are requested not to get into their berths with their boots on."

"Look at this, and I guess you'll know what you must get out for," cried the steward.

Again the night-cap was protruded. "I've read that 'ere, sir, an' it haint nothin' to do vith me, hany 'ow, acause I vears shoes!" and Todsley thrust out one leg, to the extremity of which, covered, indeed, by a shoe, he appealed in proof of its exemption from the requisition of the placard. A laugh from the neighbouring berths, which greeted his reply, somewhat vexed the steward, who seized the offending shoes, and pulled them off without consulting Mr. Todsley's views upon such summary conduct. Todsley offered no resistance, however, and contented himself, after the retirement of his tormentors, by muttering himself to sleep.

I was awakened, at what hour of the night I know not, by the preparations for departure. The disturbing sounds had evidently alarmed Todsley, for a faint "Oh, my!" frequently issued from his berth, and now and then the white night-cap bobbed up, as its owner took a survey of the premises. The ringing of the bell and splash of the wheels, in starting, discomposed him sufficiently to make him leap to the floor, but finding all still in the cabin, he "turned in" again. There was no sleeping more. The increased rolling of the boat heralded our approach to the point; and finally, the guards were plunged in the water with every fierce wave, while the timbers creaked ominously. Todsley was evidently growing desperate with fear. The night-cap bobbed out and bobbed in again every two minutes, and I heard him talking to himself all the time; although I could not distinguish what he said. At length, a desperate lurch threw several sleepers from their berths, on the opposite side, and terrified all. I started up, and as I was about to descend to the floor, a second careening proved too violent for the gravity of the tall stove, which slid along some feet towards us, all glowing hot as it was, and then was falling directly upon us! Todsley had got well out, with the exception of one leg; and with more self-possession than I should have given him credit for, he grasped the poker which lay by him, and thrusting it against the stove, using his leg for a brace, upheld it by main force. Then his terror found free vent.

"Illo, 'ere! 'Elp! 'elp! Vy doesn't ye come! Ve're burnin' hup! 'elp'elp!"

The rolling of the boat after the wave had passed, restored the stove to a perpendicular position; and Todsley dropping the poker, grasped his coat and shoes, and hastened to a securer situation, which example I was by no means negligent to imitate. Hurrying on my clothes, I ascended to the deck, where all who were not prostrate with sickness, had congregated. It appeared that the boat had broached round into the trough of the sea, and that our danger had been imminent. The aspect of the waters was terrible to look upon, and while I gazed in awe and admiration on the huge and white-crested waves, a shaking hand was laid upon my arm. I turned, and lo! there was Todsley, livid, and quaking with horror, the white night-cap, which he had forgotten to dislodge, still surmounting his globular cranium.

"Ve is lost now!" he cried, in a hardly audible voice, half interrogatory, half exclamatory. I could not offer him much consolation, for my own fears

were excited; and shortly after, I descended to the cabin. Todsley followed, and through the remainder of the night, adhered to my side with almost childish trust in my companionship. His misery was too intense to be any longer a source of amusement. He seemed, at times, to be devoting thoughts which he presumed to be last ones, to his distant friends; for I heard him, now and then, utter a name, with endearing epithets. Every frequent plunge of the guards, in the meantime, elicited an "Oh, my!" of agony, and sometimes a stifled sob.

Day dawned, and we were in smoother water, off Stonington, to which, the nearest harbour, our course had been directed for security. We lay therein until the afternoon, and then an attempt was made to resume our course. We braved the violence of wind and wave until far into the night, but the courage the officers became exhausted, as well as the stock of wood—forcing them to put about into New London, to reach which, required the consumption, as fire-wood, of every practicable article. We reached that port somewhat before daylight, on Sunday morning.

Sunrise brought a change of wind, and a cessation to the storm, and by nine o'clock, with a replenished stock of wood, we once more turned our prow New-York-ward. Todsley had all this time said very little. He showed the strongest symptoms of the continued possession of his faculties, when he discovered, on Saturday afternoon, some fifteen or twenty life-preservers strung upon a pole.

"Vots them 'ere?" he asked, forgetting his anxiety in a spasm of curiosity. I explained to him the intent of those articles, so interesting to the drowning man. A smile of satisfaction lighted up his countenance at the information; and somewhat composed in mind at the propinquity of this resource in case of danger, he went to his berth, to refresh his nature, exhausted by long watching and mental distress. The majority of the passengers, equally wearied, were sunk in the oblivion of sleep.

For myself, being acquainted with the captain, I went to the wheel-house, and while engaged in conversation with him, a clergyman, a passenger, came to the door, and suggested that as there might be those on board who would be pleased to attend divine services, if they knew that a clergyman was among them, desired that notice might be given to that effect. The captain readily complied, and gave orders to the steward, to arrange accordingly. I stood on the cabin stairs with him, as he merrily jingled his bell, and shouted "Divine services will now be attended in the saloon!" The effect of this announcement had not been anticipated. But this one idea seemed to possess all simultaneously, that we had sprung a leak, or burst the boiler, or that some mischance of equal devastation had occurred, and that these divine services were in the light of "extreme unction"—prayers that Heaven would have mercy on their souls, halting on the verge of eternity! The words had no sooner left the steward's mouth, than from every berth jumped a miserable wretch, and without a thought of his lack of attire, in his extremity of fear, rushed amid shrieks and yells, to the stairs. I instantly appreciated the terrible error, and escaped to the deck; but the poor steward, dumb and rivetted to the spot with amazement, was knocked over and trampled upon by the eager throng. Attaining the deck, some ran wildly to and fro; while others, possessing a degree of self-possession, dashed into the ladies' cabin, shouting aloud the name of wife, sister, or child. The alarm was thus communicated to the females, of whom there were a goodly number, and who, rendered equally careless in the abandonment of fear, poured out upon

the deck in night attire, their countenances blanched with affright. I was too much disconcerted for a time, by the general phrenzy, to explain matters; and when I recovered myself, and was about to speak to those around me, a sight struck upon my eyes, that made me laugh outright. There was Todsley, with every one of the fifteen or twenty life-preservers girded about him, and not a solitary one of them inflated, skulking in a corner for fear of being seen and robbed of his treasures. But his precaution was vain. The negro wench, who officiated as a chamber maid, and who was of enormous bulk, espied him, and darting upon him, commenced a direful struggle. Encumbered with the life-preservers, Todsley could not offer effectual resistance, and soon measured his length upon the deck, the negress falling plump upon him. There they lay, rolling over and over in the continued conflict, Todsley holding fast upon his possessions, and kicking and thumping, while the black pulled, scratched, and tore.

The smiling faces, and explanatory words of the crew and myself, who now mingled with the half-naked crowd, gradually brought them to their senses; and as they severally detected their semi-nudity, and the peculiar intermingling of the sexes, males and females retreated blushing to their cabins. I could not persuade Todsley to divest himself of his life-preservers under half an hour. It was all irresistibly ludicrous.

I know not what has become of Todsley. Perhaps he has safely regained his native land, and is now pursuing his vocation, exulting over his "'air-breadth scapes, and 'orrid wentures." Wherever he is, success to him, for the remembrance of him has been to me a never-ending fund of amusement.

FABLES.

BY ISAAC CLARKE PRAY.

THE POOL AND CASCADE.

"WHAT makes you shiver so?" said a bright little cascade that was leaping and dancing in the air, "your form is all wrinkled, and the wind moves you at its will. As for me, I am so strong that its efforts are powerless!"

"Perhaps," doubtingly replied the pool. "I know that I am liable to be affected by the other more powerful ministers of earth; I am confident that I cannot always be a mirror in which you can behold yourself. I know that I am changeable, but there are those who love to see my changes; and do you think that I must always be below you here to give you beauty? No! Our mother, earth, sends forth the wind upon me, to break the mirror in which you are reflected; and when it comes, it may be a punishment for your haughtiness. I do not feel injured—I do not complain. It is you, babbling cascade!"

The little cascade shrank toward the earth, as though abashed by the reproof; and again, having recovered its haughty demeanour, danced and splashed as though nothing had happened.

Though we suppose our rivals may be receiving an injury, and be inclined to boast of our own strength, and to taunt others with weakness, yet it may be often discovered that, in fact, we are the persons who have the most reason to complain.

THE SQUIRREL AND HIS MORNING VISITOR.

One glorious morning in spring, as I stood upon the summit of a high hill that commanded a view of the surrounding country, I heard at a little distance from me the chirp of a squirrel; and on examination discovered that this companion and brother of the grey gentlefolks of the woods, was in close conversation with an animal which, after observation somewhat minute, proved to be a hedge-hog.

"Wisp—wisp," squalled the squirrel, "thou clumsy hedge-hog, come not here to disturb me when I am disposing of my breakfast. Hie thee, old fellow, to yon turnip-field or cabbage-yard, and stir thy lazy self before the farmer is up to shoot thee. Begone! thy room is better than thy company."

"Ay, ay," growled the hedge-hog, "Thou shouldst not talk to thy betters, thus; safer would it be for thee to hold thy tongue. Instead of sitting so erect and wise on that tree, thou shouldst come down and place thyself in the shade—the sunshine may make thee a victim."

"Begone! I say," ejaculated the squirrel, "thinkest thou that I am to lose the warmth of this sunshine while thou keepest thyself there in thy hole—afraid to put thy head out through fear? No, silly hedge-hog, I shall keep in the sunshine as long as I please to do so; and thou, vagabond, mayest go down into thy hole." At this speech the hedge-hog drew in his head and left the squirrel to his breakfasting.

Presently I saw the farmer's son, stealing along the hedge, and up the hill; and soon the report of his gun, brought me where he stood. He was turning over the squirrel in his hands, whose blood poured out from the shot wounds over his silvery, grey skin, and white breast; and in his death struggle he closed his teeth together on the utterance "Fool," which he applied to himself.

I passed on, and said to myself, "how many there are that are ruined forever by proudly pressing, whenever an opportunity occurs, into the sunshine! Let me, at least, live in the shade."

THE HYSTORIE OF HAMBLET.

J. Payne Collier, the antiquarian, has recently undertaken the publication of the series of old tracts, out of which Shakespeare, who drew from the commonest, most familiar materials, obtained the plots of his plays. In itself, the collection is a very interesting one, for the tracts have often no little original merit of their own, being the productions of such clever wits, in their times, as Lodge, Lily, Greene, and others. As illustrations of the genius of Shakespeare, they are invaluable; they show with what facility he wrought, how his lofty mind disdained the low and vulgar, and transmuted the basest earthy particles into pure gold and gems. The best of these original works exhibit only the better genius of the dramatist; they are valuable, curious productions, to be shown as the stepping-stones of the giant's causeway, the landmarks on which the great intellectual hero crossed the vast ocean of thought.

As a rare picture of the popular reading of the age, and as a tribute to the genius of Shakespeare, showing what material he wrought upon, we will briefly follow the incidents of the old "Hystorie of Hamblet." It is a translation from a collection of tragical histories in French, by Belleforest, and for which there is an older authority, in the Danish historian, Saxo Grammaticus.

It is unquestionably the original to which Shakespeare resorted. Antiquarians have, indeed, spoken of a lost play, entitled Hamlet, earlier than Shakespeare's, but Charles Knight, in an acute disquisition on this subject, in his recent edition of the tragedies, shows that all the evidence in favour of another Hamlet, may refer to Shakespeare's play itself, allowing it to have been produced at an earlier period than has been supposed.

"You must understand," begins this old narrative, "that long time before the kingdome of Denmark received the faith of Jesus Christ, and embraced the doctrine of the Christians, that the common people in those dayes were barbarous and uncivil. Now, the greatest honour that men of noble birth could at that time win and obtain, was in exercising the art of piracie upon the seas, assayling their neighbours, and the countries bordering upon them; and how much the more, they used to robb, pill and spoyle other provinces, and ilands far adjacent, so much the more their honours and reputation increased and augmented." Of these honourable pirates, who gained so vast a reputation, Horvendile was foremost; he contested the palm with the king of Norway, and a sea-fight was mutually arranged, the victor to have the riches of the ship for his spoils, and give the vanquished noble burial. Horvendile came off conqueror, buried the king "with all honourable obsequies fit for a prince," bereaved the ship of its riches, slew the king's sister as supplementary evidence of his valour, overrun the whole coast and the islands, and just as a modern European hero does under similar circumstances, presented himself at the court of his sovereign in Denmark. The king gave him his daughter, Geruth, in marriage, and a province to govern. These were the parents of Hamlet, the Dane. But sovereignty has its perils, and Horvendile's brother, Fengon, Hamlet's bad uncle in the story, conspired and one day slew the prince at a banquet, having before connived with Hamlet's guilty mother. Here is the first point in the tale, at which Shakespeare has made a huge departure; he has not made the mother a conspirator in the murder, or the murderer's adulterous concubine. The ghoul-like appetite of the rabble might feed on such criminal circumstances, but the great dramatist knew better what was suited to the healthier atmosphere of poetry. He was not writing a Newgate Calendar, but a poem to speak to the soul of man—"a palace of pure art."

Hamlet, like another Brutus, to save his life, assumes the commonest guise of madness; he tears his clothes, wallows with a dirty face in the mire, but is withal suspected of perfect sanity. His uncle, like Satan tempting St. Anthony, thought if he was a sound man at all, he wolud show his humanity in the presence of women. So he let the courtiers put him in the way of temptation. "And, surely," says the history, "the poor prince at this assault had him in great danger, if a gentleman (that in Horvendile's time had been nourished with him) had not shown himself more affectioned to the bringing up he had received with Hamblet, than desirous to please the tirant, who, by all means sought to entangle the sonne in the same nets wherein the father had ended his days. This gentleman bore the courtyers company, more desiring to give the prince instructions what he should do, than to intrap him, making full account that the least shewe of perfect sense and wisdome that Hamblet should make, would be sufficient to cause him to lose his life; and therefore he gave Hamblet intelligence in what danger he was likely to fall, if by anye means hee seemed to obaye, or once like the wanton toys and vicious provocations of the gentlewoman sent thither by his uncle." Hamlet was insensible to the lady and adjudged insane. What an interval between this

common assignation scene and the Ophelia of Shakespeare. If there are any low minds who affect to consider the great dramatist low or immoral, we commend them to note this difference.

Then an old counsellor, the original of Polonius, is set behind the arras to over-hear Hamlet's conversation with his mother, and is immediately despatched Hamlet crying out, a rat, a rat! and thrusting his sword through the hangings. These four syllables, it is remarked, are all that Shakespeare has borrowed verbally in his play. To gratify the vulgar readers of the history, Hamlet is made to cut the body in pieces, have it boiled down and thrown to the hogges. How far removed was Shakespeare from a vulgar writer.

Hamlet was evidently too cunning now to be trusted long in Denmark, and his uncle, like modern politicians, when a functionary is too busy at home, despatched him on a foreign mission. He was sent to England with two companions, who carried letters engraved in wood, commending the king to hang him; but while his attendants slept, Hamlet substituted their names. Before he left Denmark, he had been observed sharpening pieces of wood, and when questioned, replied that he was preparing arrows to avenge his father's death; these he entrusted to his mother on his departure, to keep for him, and on that day year to celebrate his funeral as if he were dead, when he would return. In England Hamlet showed no mean skill in divination, and was promised the King's daughter in marriage. He returned to Denmark on the promised day and enacted a very prosaic version of the return of Ulysses and the slaughter of the suitors. He turned butler and himself helped a large assembly to goblets of wine till they all lay on the floor, when he let down the arras from the walls upon them, pinned the corners with the arrows he had formerly prepared, and set fire to the building, and then Hamlet slew the king in his bedchamber. Hamlet then made an oration to the Danes, and they made him king. The oration is really eloquent. "To what end," said he, "should Hother have punished Balder, if, instead of recompense, the Danes and Swethlanders had banished him to receive and accept the succours of him that desired nought but his ruine and his overthrowe? Who was ever sorrowfull to behold the murtherer of innocents brought to his end, or what man weepeth to see a just massacre done upon a tyrant, usurper, villaine, and bloody personage? * * Bee joyfull, then, (my good friends), make ready the nosegay for this usurping king, burn his abhominable body, boyle his lascivious members, and cast the ashes of him that hath been hurtfull to all the world into the ayre; drive from you the sparkes of pitie, to the end that neither silver, nor chrystall cup, nor sacred tombe may be the restful habitation of the reliques and bones of so detestable a man."

The scene of this wonderful tale was well placed by the story-teller, in England, before the introduction of Christianity, a period of barbarity, in which the subsequent national honour was not at all concerned—for the King of England is represented as little better than a royal executioner, who does murders by the job. Thus having heretofore despatched the attendants of Hamlet, when that newly crowned monarch returns to him from Denmark, fresh from the slaughter of his old friend Fengon, (whom he had sworn to avenge if any accident of this kind befel him) he sets about to put Hamlet himself out of the way. Thus were kings beset in the old time, and thus the ploughmen and maidens of the Elizabethan time read history in the chimney corner. There were various political quirks and juggles in those days, as in our own. It was

deemed contrary to the sound laws and rights of hospitality to slay Hamlet in the kingdom, but it was perfectly consonant with honourable king-craft to send him to Scotland, where ruled the queen of Scots, a haughty maid, who despised men, and let no suitor return alive. Hamlet was sent to entreat a marriage between the inexorable virgin and the King of England. What will not prowess and war and manly beauty effect in the female heart? The maid fell in love with Hamlet, made him a most dignified speech, full of wonder that he should be affianced to the basely descended daughter of the king of England, and commended to him the proud antiquity of the noble house of Scotland. Hamlet carried her (it was a small matter in an old story for a queen to desert her kingdom) with him to England as his wife; and now the king was bent on his destruction more than ever, but the true love of his affianced, warned Hamlet of every danger, and he returned to Denmark with two wives.

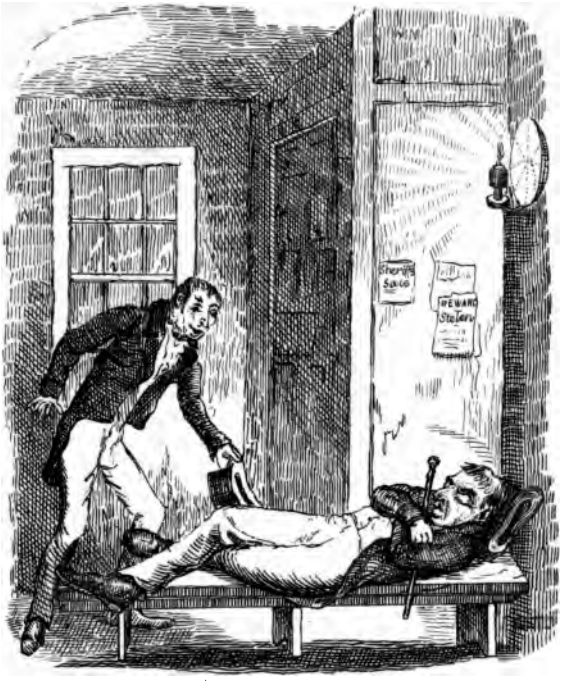
The noble history of Hamlet has now degenerated to a vulgar tale. His Scots wife having been so very unmaidenly and ruthless as a virgin, makes a very bad wife, plots and conspires against her husband, who was slain in battle with Wiglerus, and as might have been expected, the bold and forward queen of Scotland married the conqueror.

The moral of the tale is literal. Hamlet is set up for his "modestie, courtesie, and continencie, who while other made good cheare, continued sober; and where all men sought as much as they could to gather together riches and treasure, hee, simply accounting riches nothing comparable to honour, sought to gather a multitude of vertues, that might make him equall to those that by them were esteemed as gods."

For Shakespeare's interest in this tale, it is the least in the world. When he read this production and sat down to write Hamlet, it was like stepping from a dunghill into a palace. The supernatural interest of the ghost, "the story from the land of spirits," the love of Ophelia, the nice discrimination of overtasked reason and sensibility treading on the verge of madness in Hamlet, the philosophy of courtiers, clowns, and sextons, the deep morality which invests the life of every understanding reader of the play, disclosing the mystery of existence, and telling secrets that lie hid in the innermost being, the charm of Hamlet the Dane, to students of every age, were all Shakespeare's own.

REPUTATION.

He who is extremely careful of his reputation is in a fair way to lose what little he has. Like a kitten that is killed by too much fondling, reputation wastes away and perishes when it is nursed too assiduously. Every man who is worthy of any reputation, is capable of forming a tolerably correct opinion of his own merits. It is none but the superficial and unprincipled whose estimation of themselves is graduated wholly on the scale of the popular judgment. No truly great man was ever made so by building his character upon the shifting sands of contemporary fame. The mind that is destined to be great, seeks first its own approval, and cannot be satisfied with the applause of others until it is sensible that it has deserved it. Fame must begin at home, and he has done much toward establishing his reputation, who has learned to act from principle less than from interest. I would, however, be understood



"Twas nothing more, by these old shoes,
Than the constable a snoring."

Lith^d by Lévy re, Newman St.

a distinction between the man who really possesses the approbation of mind, and he who is bolstered up with self-conceit. The man who espects himself, and takes no pains to inquire wherefore he does so, is despicable a being as he who is inflated by the breath of others. t upon the old adage, that "unless a man respects himself nobody will ıim," and consequently they assume airs of importance, and a tone of .ty which take mightily with the multitude, and with strangers, but ːcome only a dead weight about the neck of the impostor, to sink him an he really deserves, when his pretensions are weighed in the balance criticism, and their emptiness is fairly exposed.

is not a more pitiable being on earth than a proud man whom no one

In denying him the homage which he claims, the world is prone to ıe other extreme, and withhold from him the praise which justly belongs

e other hand, the vain man becomes so much accustomed to being carried rings of others, that he loses the use of his limbs, and forgets how to ct. So long as he is kept above ground he does well enough, but as he is set down he finds it impossible to recover himself; he falls to the ıd his chaffy reputation is burst asunder and leaves him as hastily as a ːathers, cast out to be distributed on a sharp north-east wind.

THE RIME OF THE ANCIENT PEDLER.

CANTO I.

It is an ancient pedler-man,
That pedleth pottes of tinne;
And he stoppeth Deacon Edmund Stokes,
As the meeting did beginne.
"Now wherefore dost thou stoppe me here?
Thou man of muckle sinne!

"The meeting-house is open wide,
And the minister is there.
So lette me goe, I must make haste,
Or I shall lose the prayer."

He holds him by the button faste,
"Do n't give me the slippe!" quoth he.
Whereat the Deacon hitte him a cuffe,
And said, "You rogue, get out with your stuffe—
Is this the time for a spree?"

Quoth the pedler, "Deacon that is n't faire,
Don't aggravate your choler,
You talk so gravelie about a prayer,
But you're thinking of a dollar."

And the pedler bolde still kept faste holde,
And close to the fence did hie him,
And bothe were sitting on a raile,
While hee beganne to telle his tale,
And the Deacon's heart for fear did quaile,
Lest somebodie should spie him.

"The coaste was clear'd, and off I steer'd,
Merrilie I did trotte
O'er Roxburry Neck and Dedham roade,
Light paire of heeles I wotte.

The sunne rose out of Boston Baye
Fulle halfe an houre too soone;
For I stole awaye before 't was daye,
At the setting of the moone."—
And here the Deacon scratched his heade,
He heard the loud psalm tune.

The parson in the pulpitte stands,
Grave as an owle is hee;
Nodding their heades in silence sitte
The ghostlie companie.
And some admire his reverend wigge,
And some his divinitie.

Olde Deacon Ned, he scratch'd his heade,
With many a gape and stare,
While thus went on with his long yarne,
That pedler of tinne-ware.

"At lengthe did crosse an old black horse,
Out of the fielde he came,
His taile was cropp'd, and his nose was blue,
Just like the one I swopp'd with you,
And Dobbin was his name.

He trotted straight up to my side,
And rounde and rounde I eyed him;
I felt a bitte of an antic fitte,
And soe I jump'd astride him."

"Dogges take thee; ancient pedler-man!
My wittes are at a losse.
Why squint'st thou soe!" "Why Deacon, you knowe
I STOLE THE OLDE BLACK HORSE!"

CANTO II.

And I grew daft that jollie time,
And presently I grew dafter.
A jollie time! a jollie time!
I'd nearlie split with laughter,
When looking backwards I behelde
A something coming after.

At firste it seem'd a little dogge,
And then it seem'd a cowe,
And it grewe and grewe, till it look'd just like
A constable, I swowe!

Ah me! I growl'd within my gummes
As that magic shape drew neare,
"Is that old Catchpole now that comes,
To twitche me by the eare?
Is it hee that bawles with leathern lungs
Like a Milk-streete auctioneere?"

And hee cried, " He ! ho ! wherever you goe,
Close at your heeles I'll followe !"
Gramercy ! then I off did scoure,
Swearing in less than halfe an houre
To distance him alle hollowe.—

Like one that scrambles down the streete,
His heeles in quick time clapping,
And faster and faster pulls aheade
The winde his coate taile flapping ;
Because he heares a greate madde dogge
Behind him snarling and snapping.

Flie Dobbin, flie ! more highe ! more highe
And over the mountains fetch me,
For not so slowe doth the constable goe,
But yette he's a chance to catch me.

The western skie was all aflame,
The daye was well nighe done.
The constable almost gave it uppe,
And thought himselfe outrunne,
When Dobbin stumbled suddenlie,
And I felle with a terrible stunne !

All in a swounde I laye on the grounde,
Yet Dobbin aheade did goe,
And galloping by did the constable flie
Like the whizz of my crossbowe !

How long in that same swounde I laye,
I really can't declare,
For I 'm not us'd to fainting fittes,
But I heard as soone as I came to my wittes,
Two voices in the aire.

"Egad !" quoth one, " 't will be rare funne,
Suche a rogue to come acrosse !
Into what slye hole can the rascall have stole,
That stole the olde blacke horse ?"

The other hadde a squeaking voice,
Yet he swore woundilie too,
Quoth hee, " The knave hath mischiefe done,
And mischiefe more will doe."

CANTO III.

Deacon.

But telle me, telle me, beginne againe,
For my braines in wonder are stewing ;
Sticke to the truthe, and telle me plaine,
What was the constable doing ?

Pedler.

Stille as a mouse I lurking laye,
But juste as I thought him past,
His great white eye all roguishlie
Righte in my face he caste.

And he cried, " Oho ! my ladde, just soe
Shoulde a knave get serv'd for his sinnes !
See ! neighbor, see ! how prettilie
He's batter'd his pate and shinnes !"

A scolding wife and a squalling bratte
Are things to make men flie;
A rattlesnake or a stoute wilde-catte
I 'd rather not come nighe.
But a scarecrow worse than this or that,
Is the squinte of a catchpole's eye!

It rais'd my haire, it singed my cheeke,
Like a dogge-daye sunne in spring,
And I reallie felt some awkward feares
Of dangling in a string.

And quicke as a maggot I started uppe,
And over the fence I flew,
Swiftlie, swiftlie, hard at my heeles
Did both of these menne pursue.

I dodg'd them here, I dodg'd them there,
I dodg'd them all arounde,
And snarl'd and scowl'd and grumbled and growl'd
Like a madde bulle in a pounde.

I slipp'd like a snake, through brier and brake,
And ledde them a galloping heate;
And over the wheate, and over the rye,
And round the stumpes, but 't was all my eye,
I knew I should soon be beate.

Alone, alone! all all alone
I ran with armes akimbo,
But two to one is a terrible oddes,
And when I had ledde them a hundred roddes
I founde myselfe in limbo!

CANTO IV.

I felte him, horrid constable!
I felte his skinny hande;
Slap on my shoulder-blade it felle,
And broughte me to a stande.

I felte him with his great white eye,
And his horny clinchers browne,
The strappling loone was sixe feete highe,
Or I could have knock'd him downe.

He had a monstrous copper nose,
All fiery at the tippe;
Upon my word it seeme'd as bigge
As the figure-heade of a shippe.
'T was hook'd, as ofte greate noses are,
Like the new moone, but redder farre,
And he puff'd a huge long-nine cigarre
Within his nether lippe.

The constable soe beautiful
Cried "Stande a little stiller!"
And a thousand thousand funnie jokes,—
It 's my opinion, Deacon Stokes,
They were stolen from Joseph Miller.

I look'd upon his greate redde nose,
And grinn'd like a Cheshire catte.
And we kept joking, cutte and thruste,
But I rather thinke he gotte the worste,
For I gave him titte for tatte.

Quoth he, "Your fate would cause to yearne
My bowels—if I hadde' em,
For I shall grippe you faste untille
You reache that house near Bunker's Hille,
Where you shall pound MacAdam."

Quoth I, in spite of certaine feares,
"Old Catchpole, that 's a whopper!
I 'm readie, by Jove! to bette my eares
Againste a Bungtowne copper."

The hills were brighte in the sweete moone-lighte;
How I long'd to scamper o'er them!
But my two friendes at fingers' ends,
Did marche me close before them,
To the taverne-house where Daniel Dobbs
Sells breade and cheese and does odde jobbs,
As a justice of the Quorum.

Is that his signe-poste all out of jointe,
That creaking swings in the aire?
Is this his doore all gnaw'd by the rattes?
Are these his windowes fulle of olde hattes?
Is that his ladye fair?

Her cheeks were redde, her chinne was blue,
Her lockes were yellowe as gold,
Her neck was thicke and her nose askewe;
I 'd have kiss'd the wenche, but that would n't do
Because she was saucie and bolde.

The taverne-man alongside came,
Quoth he, "Take my advice,
And the job shall be done for the sonne of a gunne,
Ere you wette your whistle twice."

I shudder'd and look'd sideways uppe,
Says I, "Give me a good stiffe cuppe
Of stingoe now to sippe.
Small beere is thin, and 'tis chilly to-nighte,
Cold water makes my face looke white,
And gives me a pain in the hippe."
Then just as the doore was standing ajarre,
I peep'd and saw the man at the barre
Mixing a mugge of flippe.

Quoth the taverne-man, "This rogue is nowe
Five dollars on my score.
I chalk'd it uppe three months agoe
Behinde the kitchen doore."
"'Tis a monstrous lie, you knave," said I,
"I never was here before."

And the bolte of that doore, it sounded sore
Like a 'tarnal dungeon bitter.
Oh howe I wish'd to be walking abroade!
But the constable he kept watch and warde,
And I satte in a terrible twitter.

That taverne-man went uppe the staires,
And to his cocke-lofte hied,
Slylie as he went oute the doore,
The catchpole wink'd and cry'd,
"This pedler rogue shall pay the bille
And a swigge of punche beside."

Then on the benche his giant limmes
  Sixe feete and more he spreade.
But where his heade's huge shadowe laye,
That fierce nose did burne alwaye,
  A stille and awful redde.

I squinted slie with my left eye
  And twigg'd his queere attire.
'T was bottle greene and brimstone blue,
A shivering horror shotte me throughe,
  As I satte by the fire.

And I thought to sing some merrie glee
To set my frighted noddle free
  From thoughts of going to jaile,
So I tried "Opossum uppe a gumme tree,
  And pulle him down by the taile."

A charming songe, but it all wente wronge
  And sette me to pshawing and pishing.
And next I tried "The Tongs and the Bones,"
But the verrie Old Harry was in the tones,
For you never heard such dismal moanes
  In all your going a fishing.

O! sleepe! it is a charming thinge!
  For I sunk dreaming downe.
And a magick sound was in my eares,
'T was not the musick of the spheres,
  But the noise of Boston towne.

Sometimes a peale of merrie notes
  The Olde Southe bell did ring.
Sometimes I hearde the truckmen sweare,
And Broad-Streete Paddies fille the aire
  With their sweete jargoning.

It ceas'd, yet still my eares kept on
  A noise that's most appalling—
A noise as of tomme cattes in fighte,
  With mickle furie squalling;
Keeping folkes wide awake at nighte
  With their sweet caterwauling.

And then burste out a thundering shout;
  I thought the earth was quaking.
Such a clatter sounds in Funnell-Halle
When rat-trap Adams tries to bawle,
And the cits for funne immensely squalle,
  Their sides with laughter shaking.

And then againe, it seem'd a straine
  Of sweet "hey diddle diddle,
Prut tirra-lirra creako crack,"
A jiggling tune which Cuffie blacke
  Doth scrape upon a fiddle.

Ten thousand steame-boates then let flie,
  And I hearde hotte water pouring,
And then long time in grand sublime
  'T was all Mount Etna roaring.
In frighte I started from my snooze,
'Twas nothing more, by these old shoes,
  Than the constable a snoring!

The clocke struck one;—now cutte and runne!
Good lucke to you for a lodger!
I made three steppes and a halfe to goe;
The constable woke and bawl'd "Hollo!"
But I cried, "Avast! olde codger!"
Then I crook'd my elbowe as hee rose,
And aim'd my fiste at his bottle-nose,
And hitte him a lusty podger!

That bottle-nose burst forthe a sneeze,
And a hundred pimples sheene,
To and fro flashed sparkles oute,
And to and fro that Bardolphe snoute
Made the echoes roare, I weene.

Then like a pawing horse lette goe,
I made a sudden bounde,
And I went righte smashe, through the window sashe,
But instead of lighting on grounde,
Plumpe down I felle in a dismal welle,
'Twas ten to one I had drown'd.

The roofe broke through, and the bucket too,
'T was darke as darke could bee,
And soe, heeles firste, with a crashe I burste
Into that silent sea.

In the water deepe I stuck awhile,
Faste anchor'd, I 've a notion.
And my head peep'd oute like Noddle's Isle
Above the Atlantick Ocean.
Ah mee! I blubber'd many a sobbe,
And uppe and downe my chinne didde bobbe
With a short, uneasie motion.

Watea, water, everywhere,
Uppe to my eares did come;
Water, water, everywhere,
But not a droppe of rumme!

The taverne man came to the well
And drew me uppe to the brimme,
His wife and he pulled at the rope,
But she said nought to him
Till she spied me drench'd so piteouslie,
Then she cried, O ludd! good lacke! I see
The devill knowes how to swimm!

Then slylie he touch'd the side of his nose
With one side of his thumbe,
And thrice hee wink'd in a knowing waye,
And then said gravelie, "Come!
You 'll paye mee twentie dollars downe,
And forever I' ll be mumme."

Then over the hilles and farre awaye,
I made no stint of stalking.—
Then shaking his head did the deacon saye,
"You saved your bacon by running awaye,
The judge and constable balking."
I didde not run, quoth the pedler then,
But I guesse I show'd them a specimen
Of devilish talle walking.

Quoth the deacon, "It was an awfulle sighte
Of cashe to lose, I trowe:"—
The pedler began to laugh outrighte:
Saide hee, "I guesse 't was an awfulle bite,
They wore counterfeit billes you knowe!—"
"Oho," quoth the deacon, "you served him righte,
I 'd have cheated the dogge just soe!"

THE AFRICAN SLAVE TRADE AND THE UNITED STATES.

To the Editor of the Scotsman.

SIR,—So great has been the ignorance manifested in the recent discussion of this subject by the British press, and so general the disposition to cast obloquy upon the people and government of the United States unjustly, that I am unwillingly constrained to ask the publication of the subjoined letter from my estimable friend General Mercer, whose testimony, as one of the earliest and most disinterested labourers in behalf of Africa, is above suspicion; and I may add, that to the close of his long life, I ever found President Monroe deeply interested in the suppression of that vile traffic (the Slave Trade), and regretting the failure of the negociation alluded to. That the people of the United States are almost universally opposed to it, is equally true; for in more than one hundred discourses delivered in the Senate and court-houses, and in the churches of all denominations, and in nearly all the states from Maine to Mississippi, and from the Atlantic to the waters of the far west, urging upon my fellow citizens the adoption of measures for its suppression, I have never encountered the slightest opposition, except from the northern antagonists of Liberia and her friends. As far as the south is concerned, it will be recollected that the slave trade is as inimical to their interests as it is to those of the British West Indies. Ten years ago, I made suggestions to several members of the British Government, which, if then adopted, would have gone very far towards putting down that nefarious trade; and if the papers presented to Parliament last session are to be relied on, would appear to be far more extensively carried on by British than by American citizens. And yet the "Friend of Africa" has the modest assurance to charge the American Government with "frequent evasions" of the subject! The letter of General Mercer, though evidently written in great haste, affords the gratifying fact, that the blame of rejecting former overtures for its suppression, did *not* attach to America. Circumstances, however, have of late occurred, which clearly prove that she cannot renew these overtures, or share the duty of watching over her flag, without imminent hazard of provoking a war of unexampled bitterness between the two countries. Almost every arrival from Africa brings tidings of some new act of aggression upon our legitimate commerce, committed under plea of searching for slaves; and, even since writing the preceding paragraph, the packet of the 19th brings me a Philadelphia paper, stating, that "her Britannic Majesty's brig Dolphin boarded the William, which arrived yesterday, while she was at Gallinas; and whilst her officers were below, the seamen of the Dolphin broke open the hatches of the William, and overhauled her cargo, using insulting language to all on board. The Dolphin has boarded three or four other American vessels, and treated their officers in a very

insolent manner." The American flag has doubtless been occasionally used surreptitiously by slavers; but inasmuch as the present patriotic administration at Washington is wisely increasing the United States navy, there is every reason to believe that she will effectually vindicate, ere long, the honour of her flag on the African coast, without delegating this important and delicate duty to foreigners. That she has good and sufficient reasons for thus refusing to open a door to almost certain hostilities, I am glad to observe conceded by two leading London journalists; and would fain hope that a more just and dispassionate view of the subject may be taken by those presses which have pretty plainly intimated that a refusal to submit to the indignity, which they—strangely enough—are pleased to call the "*right* of search," will entail war on the United States; for, anxious as I am, in common with the great mass of my fellow-citizens, for the preservation of the kindest relations between the sister-countries, I cannot but believe, if war is the alternative presented in case of their refusal to consent to the repetition of these indignities—and remembering, as they still painfully do, that, under the same plea, thousands of families were plunged into misery by members of their households being dragged from under the protection of their country's flag, and hundreds of their ships seized while prosecuting their peaceful voyages, and confiscated—that upon such an issue, *the whole nation would be united to a man.*

Accept, I pray you, on my leaving your noble city—to which I shall ever feel strongly attached—my most cordial thanks for the kind and liberal tone exhibited by the *Scotsman* on this and every other topic connected with the United States and her institutions; and believe me, with great personal respect and esteem, yours truly,

ELLIOT CRESSON.

64, N. Frederick Street,
Jan. 13, 1842.

New-York, Dec. 7, 1840.

MY DEAR SIR,—I have seen for some years past, an increasing propensity in the public writers of England to underrate the efforts of the United States of America for the abolition of the African slave-trade, and to overrate those of their own country.

Very recently indeed, an author whose work has been elaborately reviewed, demonstrates, as has been frequently done by the friends of African colonization in America of late years, that the only efficient mode of putting an end to that detestable traffic is by declaring it to be piracy, under the general law of civilized nations. While he does this, he is manifestly ignorant that such has been for many years the current sentiment of the American Colonization Society, whom he does not deign to notice; and that their influence, more than seventeen years ago, was successfully exerted to cause this traffic to be so denounced by the United States; and, through their agency abroad, by the Governments of Great Britain and of the Republic of Columbia.

Having myself personally introduced the provision of law by which this trade was first declared to be piratical, and the resolution of the House of Representatives, which caused the application, not to England and Columbia merely, but to the whole commercial world, for their concurrence in this measure of retributive justice to Africa; I may be allowed to proceed one step farther, and to say, that to Great Britain is imputable, notwithstanding the correspondent

act of her Parliament, the failure of this measure to realise any solid benefit to Africa.

A most remarkable evidence of this is furnished, not merely by her failure to exercise her influence over the Christian world, in order to extend this principle to the codes of other commercial and maritime powers, but, by her pettish obstinacy in rejecting the treaty negociated, in pursuance of the act of Congress, between the United States and herself, for the exchange of a qualified right of search. The Senate of the United States refused to ratify a provision for the exchange of this right in the West India seas, through which the entire maritime commerce of the western States must of necessity pass, because of the obstruction which the practice of this right would there occasion to the lawful commerce of America; leaving the exchange, as modified by the terms of the negociation, to operate in full force on the coast of Africa, where, for the prevention of the slave-trade, it was likely, for various reasons, to prove most efficient. Among them is the notorious fact that it is more easy to detect and seize the agents and ships engaged in this traffic on the coast where it commences than on the high seas, or ports of distribution or sale.

The coast of Africa furnishes, for a great part of its extent, few commodious harbours—none, indeed, but at the mouths of its largest rivers. Art has, as yet, done nothing for their improvement. The cargo cannot long await the arrival of the vessel, because the maintenance of the captive negro is expensive. Hence, each vessel has to wait till its cargo is collected in the vicinity of the coast, and while thus delayed is long exposed to discovery and seizure. At the place of sale, on the other hand, numerous facilities are afforded for landing and selling, if not already sold, a cargo which needs no aid in transporting itself from the coast on which it is landed to the interior, where the right of search cannot follow it.

So well convinced was I of the truth of this reasoning that, with the permission of Mr. Monroe, the President of the United States, or rather with his approbation, for the former I did not need, and with the knowledge of Mr. Addington the British minister, then representing his country at Washington, I addressed to Mr. Canning, who had left the papers of the embassy in his charge, a long narrative of various circumstances having an important bearing on the policy of ratifying the modified treaty, and an elaborate argument in support of the benefit it would afford to Africa and to the cause of abolition. I read my letter to Mr. Addington, and also to the President, my warm personal friend; and that it was received and considered by the British Cabinet, I was subsequently apprised by Mr. Stratford Canning's reply. Baffled, however, in my efforts in this way to put an end to this trade by making it a *conventional* piracy by the assent of Christendom, I consulted the Judges of the Supreme Court—Marshall, Washington, and Story—as to the practicability of attaining the end I had in view, of making the slave-trade piracy by the separate action of each Christian nation.

The foundation of the law of nations being in the common assent of mankind to the truth of its maxims, and the offence of man-stealing having been the most ancient of piracies, as the Greeks could testify, I supposed that if each state, by a simple declaratory act, denounced this trade as piratical, its being so could no longer be questioned by any of its tribunals. For what better evidence of common consent so to regard this trade could be more imposing than a solemn enactment by its sovereign authority? So, I rejoiced to find,

the three judges thought whom I have named; and I consequently renewed my efforts, under General Jackson's administration, and obtained the passage of a resolution, on the part of the House of Representatives, requesting the President to renew our proposition to the various maritime powers to whom we had accredited ministers. Here my efforts terminated, and, I am sorry to say, those also of our Government.

The spirit of abolition in America broke forth like a pestilence among the people of the United States, and put to flight all efforts to treat dispassionately the topic of slavery anywhere and in every form.

I have given you thus hastily, my worthy friend, the information I had better imparted in our last conversation. I have not time to transcribe this letter, having much to do, in order to prepare for the departure of the Great Western, which will sail to-morrow at an early hour. I pray Heaven to speed your efforts in the service of mankind, and to restore you, in health and the enjoyment of all other blessings, to our beloved country.—Your friend,

C. FENTON MERCER.

Elliot Cresson, Esq.

[Although it be not precisely within the plan which we have marked out, to insert articles which have appeared in the newspapers, yet in the present instance we yield to a solicitation, as the subjects are generally interesting, and our readers may be gratified by a perusal of these letters.—ED. G. W.]

OF METHOD.

"ORDER is Heaven's first law," and should certainly be one of the guiding rules of earth. Out of chaos rose this beautiful creation, so from confusion should spring harmony and the regular procession of events. The absence of method authorizes the presidency of misrule, but yet the strictness of method may become the very essence of formality. This is the most palpable objection to it. Stronger recommendations to its practice overweigh this venial defect, which can never occur where there is any real foundation of solid ability. Directness is the first element of a great mind, and this co-exists naturally with method. It is the straightest road to any given point, a kind of short cut to knowledge and action. Method infers design, but design implies invention, and thus we arrive at the truth, that this faculty of plan and system, commonly viewed as a mere business quality, is in reality the first attribute not only of humanity, but even of the Divine Mind. Truly, then, sang the poet. But though well assured of the celestial origin of this faculty, still we intend to regard it as a useful habit of mind and character rather than as a lofty talent, and to consider its applicability to daily life and matters of course.

Method has often been called the soul of business, and certainly, of a tumultuous body of affairs it is, in general, the moving spring. Economy of time and talent, no less than frugality in expenditures, is the secret of making a fortune. Following an exact map of operations, guiding oneself by fixed rules, and allowing no crevices or interstices of time to remain unfilled, it is incredible how much can be accomplished in a given time. Skilful business men will confirm this, and the industrious scholar and author can afford better

proof still. There is a method of doing everything, and this method carefully settled into particular rules, becomes an art and takes rank accordingly. Apart, however, from the various uses which method may subserve in a business point of view, it is highly valuable in practical morality. Method conduces to moderation. When we resolve to work by system, we must take time to the execution of any plan, and that delay begets a consequent temperance and precaution.

Moderation is, after all, the cardinal rule of action. There are, to be sure, instances where it must be forsaken, but these are few. By moderation, we do not mean indifference or cold and supine selfishness, but that wise proportioning of means to an end, that judicious balance of the faculties (so much rarer than the excessive brilliancy of any one of them), that wise selection of aids and appliances, that nice discretion, that refined discrimination, that calm sagacity, that inestimable instinct of the true, the proper, the excellent, in conduct and character, which is only to be found in the noblest order of intellects—in Socrates, in Solomon, in Shakspeare, in Bacon, in Locke, in Goethe, in Franklin, in Washington. The possession and exercise of this quality ensures rectitude of conduct and propriety of sentiment. It is the surest attribute of the world's greatest benefactors, who, in their own day, are often regarded as negligent of the interests of their country and of the age, because they make no boasts of patriotism or mouthing rants of philanthropy. Their heads are cool though their hearts are warm, and with good reason, for the interests most nearly conducing to the welfare of humanity lay too deep for ordinary observation, require a wider cycle to revolve in, are late in the determination of the issues of events.

To take but a single instance of common occurrence, bores in conversation, prosers, or riders on hobby horses. With how much greater ease and comfort might not the social machine be conducted if moderation, that "understrapping virtue of discretion" only prevailed in private conferences as well as in public discussions. The disgraceful occurrences that have, from time to time, occurred both in the English Parliament and our houses of Congress would never have taken place, had a prudential regard governed those political bodies. And in private assemblies, how odious the extravagance of individuals. In almost every circle, at least one may be found, who rides certain topics to death, tediously recounting "wise saws" from hour to hour, and annoying the company by long lectures on subjects of which they are either quite ignorant, or else to which they are indifferent and perhaps averse. A very worthy man, in other respects, has a smattering of several sciences, on which he regularly discourses like a professor in his chair, to every society into which he enters, and all the members of it indiscriminately. He has all the trouble and pains of an instructor, not only without the profit and without any distinction, but with the positive dislike of those thrown in his way, and almost always the opposition of those he would convert. Indeed, we may notice the very attempts of some men to make proselytes is the greatest obstacle they have to encounter. And the worst of the matter is, a sincere inquirer after truth and defender of knowledge, is accused of temporizing and neglect, if he do not go hand in hand with his zealous companion in all particulars, and to the extremest verge, sometimes, of absurdity and nonsense. Even when one is inclined to side with these ardent apostles, he is apt to be speedily put out of conceit with even a favourite theory or project, by his ill-timed heat and want of tact. A man may

surely believe in phrenology, be an advocate for temperance (would the preachers of it were such in other respects), or take a strong interest in politics, without seeking to make followers of all he meets, whether they will or not. Beyond a certain point, and except in the case of privileged persons, it is to be reckoned an impertinence for any one to obtrude his peculiar notions, or insist with vehemence on any favourite theme. This is especially true, in particular companies and under peculiar circumstances. These "wholesale men" as the fine old Platonist, HENRY MORE, used to style such characters, are rightly denounced as the most useless of citizens and the most unprofitable of scholars. Their vanity tempts them to acquire (in order to boast of) universal knowledge, and like most universal scholars, their real stock of information is worth very little. They make general pretensions, borne out by no tangible performances: "never ending, still beginning," they advance in years without having made any real progress in experience, and in the midst of all their gyrations seldom leave the spot whence they first set out. Fools! not to know that one man must have the courage to be ignorant of many things to attain true wisdom; that we must forego many accomplishments if we would be masters of one art or science; that we must be content to be nothing in the eyes of many, if we would be something in the eyes of a few.

Rashness is the quality of a fool, but excessive moderation is also the trait of a weak character. The moderation we spoke of was a wise moderation: that virtue so beautifully described by Hall, as the "silken string running through the pearl chain of all virtues:" a virtue equally admirable, in a philosophical, religious, and prudential point of view. It inclines the student and thinker to eclecticism, unloosing particular prejudices, and clearing the mind from partisan bigotry. It frees the soul from sudden fears and disappointments, as it aims only at the practicable and feasible. It is the greatest enemy to the silly pride of opinion; the keenest foe to personal vanity; the test of self-knowledge; the guide to future advancement. In religion, it teaches to avoid controversy and rest settled in the open convictions of piety and reason. The philosophy of moderation induces reflection, by obliging us to correct present errors from past experience, and thence also to forecast the events of futurity. The middle men of all ages have been the wisest and the most persecuted, running into no extremes, but seeking the philosophical mean. Moderation is worthiest when it is a hard-bought acquisition. He deserves the highest praise in whom moderation is obtained (to take one example) by the conquest over the body of sin, rather than he whose naturally cold and facile temper acts merely as a negative check. He whose noble resolution and just prudence hath gained possession of this priceless gem is the victor to be crowned, and not he who inherited it in an ample treasury of good qualities. What is earned is dearer than what is given. The one could hardly fail of acting well, the other had every temptation to lead him away. Thus far of the virtue, moderation; we must not forget the accompanying vice (every virtue has its vice), formality. Method is continually displaying itself in formulas, ceremonies, and grave "respects." Its firmness may become rigidity; its systematic procedure, mere mechanical dryness. Of the utility of forms, no wise man doubts; of the preponderance of form over matter, all men of reflection must deny the justice. Forms are the mere external shells of substance; they must be vivified by spirit and intelligence, else they die. Bacon sketches the character of the formalist with great vivacity; "Some men's behaviour is like a verse wherein

every syllable is measured; how can a man comprehend great matters, that breaketh his mind too much to small observations?"* And in another essay, "It is a ridiculous thing, and fit for a satire to persons of judgment, to see what shifts these formalists have, and what prospectives to make superficies to seem body that hath depth and bulk."† Hypocrisy is the worst consequence of a formal behaviour, and the true formalist is a man who lives only in appearances. But face and tone and gait do not make up a man, any more than his clothes. They are only indexes to his character, and instruments of expression, Language is the vehicle of thought, but voluntary feeling and unconscious action afford the best revelation of the man.

There are persons guided purely by impulses; there are others governed wholly by rules. The first are apt to be vacillating and uncertain: the second incline to become rigid and unbending. You cannot count on a man's impulses being good, neither can you be sure that his principles are sound and just. In practical matters it is safest to go by rule and forms; in conversation, we may rely more on sentiment and feeling. To be fairly tested, both should be thoroughly educated, (vain desire), the man of feeling, as well as the man of principle; the heart is, as well as the head, an educatable part of human nature. Its impulses may be corrected, raised, refined, as well as the moral and intellectual laws of our being. The extremes of both characters, like all extremes, are bad. A mere formalist is a machine; a mere sentimentalist, a weathercock. We have Cato and Tristram Fickle, slow, cautious, and pompous on the most trifling occasions; or rapid, careless, and unstable in the most serious emergencies. Amelia is a woman of good intentions and formal habits of mind, whose whole life is planned on certain principles of action, and her belief governed by bigoted rules and venerated examples not venerable. Her regularity of design unconsciously betrays her into deceit; for a pretence to invariable impartiality, as it is unnatural, must sometimes serve as a cover for insincere preferences, including falsehoods, to keep up appearances; as those, also, who boast of never being in the wrong, lie sometimes, but oftener cheat themselves. No one on principle can force affection; a step-mother who says she loves her step-children as well as those born of her own flesh, in pains of body and anguish of soul, will be believed only by fools. Yet this is a very common piece of hypocrisy. Our friend Tangent is just the reverse. He was never known to be punctual, by any one accident, always five minutes too late for the steamboat, car, or stage. His system seems to be that of chance: his assertion a perhaps. Some fickle planet ruled his nativity, for constancy is unknown to the matter of fact operations of his life. H. is a strange union of exactness and incongruity: a man who, in the midst of professions of scientific precision will deviate most widely from temperance in opinion; a student smitten with a passion for facts, yet always running wild with some scientific tomfoolery. And he is an instance of a large class of dry, logical men, who, when they leave the limited confines of a science, become the flightiest and least certain of theorists. A fourth character is a man of business, clear, exact, circumspect, who superadds the ardour of youth to the prudence of age. This is the proper character for action.

Though methodical habits may be acquired by perseverance and resolution, or though indolence may beget remissness, and neglect become the parent of want of system, still there appears to be in some minds a fixed determination,

* Of Ceremonies and Respects. † Of Seeming Wise.



Hopper Paul, and his Choir.

Lith.ed by Lewis, Newman, St.

: way or the other. Locke could never have been a familiar essayist, nor ntaigne a formal metaphysician. The epigram and couplet of Pope are as racteristic of the man as the freer verse and Pindaric strains of Cowley. e English and French theatres are as wide apart as any two literary mples we could furnish, and yet, intensely national, and preserving the most hful vraisemblance. The disputes of the romantic and classic schools arise of the same question, and can be resolved on no other principle. So, in characters of our friends and acquaintance, we may see one a complete ; in dress and manners, and another slovenly and careless. One man is ays in time, his friend always behind time. These men are either the ters or slaves of circumstance,—self-dependent, or depending on others. A e precaution or foresight might ward off many a mischance. Judicial hod will leave time for immethodical recreations, but a total want of system t subject us to numerous inconveniences.

OUR SINGING SCHOOL.

INSCRIBED TO MR. HULLAH, BY A YANKEE.

My second cousin by the mother's side, Benjamin Blackletter, A.M., who was n and lived all his lifetime in the ancient town of Pigwacket, has compiled h scrupulous accuracy the annals of that venerable town, in three volumes o, which he proposes to publish as soon as he can find a Boston bookseller o will undertake the job. I hope this will be accomplished before long, for wacket is a very interesting spot, though not very widely known. It is onishing what important events are going on every day, in odd corners of s country, which the world knows nothing about. When I read over these ty folios, which bear the title, "The General History of the Town of GWACKET, *from its first settlement until the present day, comprising an thentic relation of all its civil, military, ecclesiastical, financial, and statis- al concerns, compiled from original records, etc.,*" and see the great deeds at have been done in that respectable town, and the great men that have ured therein, and reflect the fame thereof, so far from extending to the four ners of the earth, has hardly penetrated as far as Boston, I heave a sigh for rtal glory.

Knowing that my readers must be impatient for the appearance of the three os of the History of Pigwacket, and as they cannot be put to press for e months, I avail myself of this chance to feed their curiosity by an extract, the cook at Camancho's wedding gave Sancho a couple of pullets to stay his mach till dinner time.—Take then the portion contained in Chapter XXXVIII. which begins as follows:

t becomes my lot, at this period of the narrative, to chronicle an event that ned quite an epoch in the history of the town, or rather of that part which stituted our parish. This occurrence may not be deemed by the world te so momentous as the Declaration of Independence, or the French Revo- ion, but the reader may believe me, it was a great affair in our community. is was no less than a mighty feud in church matters about psalm singing. e whole parish went by the ears about it, and the affair gave the community

such a rouse, that many people feared we should never fairly recover from the shock. The particulars were these.

From time immemorial we had continued to sing psalms at meeting, as became good christians and lovers of harmony. But my readers, accustomed to the improvements of modern days, have need to be informed that up to this period, our congregation had practised this accomplishment according to that old method of psalmody, known by the designation of "read-a-line-and-sing-a-line." This primitive practice, which had first come into use when hymn-books were scarce, was still persisted in, though the necessity for its continuance no longer existed. Our church music, therefore, exhibited the quaint and patriarchal alternation of recitation and melody, if melody it might be called, while some towns in the neighbourhood had adopted the new fashion, and surprised us by the superiority of their performances over the rude and homely chaunts of old.

But it was not long ere the wish to improve our style of singing began to show itself among us. At the first announcement of such a design, the piety of many of the old members took the alarm, and the new method was denounced as heathenish and profane. The chief person who figured in the troubles, which arose upon this matter, was Deacon Dogskin, a man of scrupulous orthodoxy, highly dogmatical on theological points, and a leader of powerful influence in the church. This dignitary, whose office it had been to give out the several lines of the psalm as they were sung, was one of the sturdiest opponents of the new-fangled psalmody, and set his face against the innovation with all the zeal and devotion of a primitive christian. Unfortunately for him, Deacon Grizzle, his colleague, took the opposite side of the question, exemplifying the vulgar saying, "Two of a trade can never agree." The discordancy, to tell the whole truth, between these two worthies lay, in more interests than one, and it is to be doubted whether they would have come to a rupture in church affairs, had not their mutual animosities been quickened by certain temporal janglings, for it so happened that the two deacons kept each a grocery store, and neither of them ever let a chance slip of getting away the other's custom. Sorry am I to record the frailties of two such reputable personages, who looked upon themselves as burning and shining lights in our community, but I am afraid the fact cannot be concealed, that the petty bickerings which arose between them on these little matters of filthy lucre were suffered to intrude within the walls of the sanctuary and stir up the flame of discord in the great psalm-singing feud; whereby, as our neighbour Hopper Paul sagely remarked, the world may learn wisdom, and lay it down as a maxim, that church affairs can never thrive when the deacons are grocers.

Deacon Grizzle, therefore, partly from conscience and partly from spite, placed himself at the head of the innovators, and took every occasion to annoy his associates with all sorts of ingenious reasons why the singing should be performed without any intermixture of recitation. The younger part of the congregation were chiefly ranged under his banner, but the old people mustered strong on the opposite side. To hear the disputes that were carried on upon this point, and the pertinacity with which each one maintained his opinion, an uninformed spectator would have imagined the interests of the whole christian world were at stake. In truth, a great many of the good old souls really looked upon the act of altering the mode of singing as a departure from the faith given unto the saints. It was a very nice and difficult thing to

me to a decision where all parties were so hotly interested, but an incident nich fell out not long afterward, contributed to hasten the revolution.

Deacon Dogskin, as I have already remarked, was the individual on whom :volved, by prescriptive right, the duty of giving out the psalm. The Dea- on was in all things a stickler for ancient usages; not only was he against iving up a hair's breadth of the old custom, but his attachment to the antique rms went so far as to embrace all the circumstances of immaterial moment onnected with them. His predilection for the old tone of voice was not to e overcome by any entreaty, and we continued to hear the same nasal, snuf- ing drawl, which, nobody knows how, he had contracted in the early part of is deaconship, although on common occasions he could speak well enough. lut the tone was a part of his vocation; long use had consecrated it, and the eacon would have his way. His psalm-book, too, by constant use, had become o such a degree thumbed and blurred, and torn and worn, that it was a puzzle ow, with his old eyes, he could make anything of one half the pages. How- ver, a new psalm-book was a thing he would never hear spoken of, for, lthough the thing could not be styled an innovation, inasmuch as it contained recisely the same collocation of words and syllables, yet it was the removal of n old familiar object from his sight, and his faith seemed to be bound up in le greasy covers and dingy leaves of the volume. So the deacon stuck to his ld psalm-book, and by the help of his memory where the letter-press failed him, e made a shift to keep up with the singers, who, to tell the truth, were not markable for the briskness of their notes, and dealt more in semibreves than demi-semi-quavers.

But, on a certain day, it happened that the Deacon, in the performance of s office, stumbled upon a line which chanced to be more than usually thumbed id defied all his attempts to puzzle it out. In vain he wiped his spectacles, ought the book close to his nose, then held it as far off as possible; then ought his nose to the book, then took it away again, then held it up to the ght, turned it this way and that, winked and snuffled and hemmed and coughed -the page was too deeply grimed by the application of his own thumb, to be ciphered by any ocular power. The congregation were at a dead stand. hey waited and waited, but the deacon could not give out the line; every one ared, and the greatest impatience began to be manifested. At last Elder rby, who commonly took the lead in singing, called out,

"What's the matter, Deacon?"

"I can't read it," replied the Deacon in a dolorous and despairing tone.

"Then spell it," exclaimed a voice from the gallery. All eyes were turned at way, and it was foumd to proceed from Tim Crackbrain, a fellow known r his odd and whimsical habits, and respecting whom nobody could ever tisfy himself whether he was knave, fool, or madman. The deacon was tounded, the congregation gaped and stared, but there was no more singing at day. The profane behaviour of Tim caused great scandal, and he was verely taken in hand by a regular kirk session.

This, however, was not the whole, for it was plainly to be perceived that the l system had received a severe blow in this occurrence, as no one could deny at such an awkward affair could never have happened in the improved method psalmody. The affair was siezed by the advocates of improvement and rned against their opponents. Deacon Dogskin and his old psalm-book got to decidedly bad odour; the result could no longer be doubtful; a parish

meeting was held, and a resolution passed to abolish the old system and establish a singing school. In such a manner departed this life, that venerable relic of ecclesiastical antiquity, read-a-line-and-sing-a-line, and we despatched our old acquaintance to the tomb of oblivion, unwept, unhonoured, but not unsung.

This event, like all great revolutions, did not fail to give sad umbrage to many in the church; and as to Deacon Dogskin, who had fought as the great champion of the primitive system, he took it in such dudgeon that he fell into a fit of the sullens, which resulted in a determimation to leave a community where his opinion and authority had been so flagrantly set at nought. Within two years therefore, he sold off his farm, settled all his concerns both temporal and spiritual in the town, and removed to a village about fifteen miles distant. His ostensible motive for the removal was his declining age, which he declared to be unequal to the cultivation of so large a farm as he possessed in our neighbourhood; but the true reason was guessed at by every one, as the Deacon could never speak of the singing school without evident marks of chagrin.

Be this as it may, we proceeded to organize the school forthwith, for it was determined to do things in style. First of all it was necessary to find a singing master who was competent to instruct us theoretically in the principles of the art, and put us to the full discipline of our powers. No one, of course, thought of going out of the town for this, and our directors shortly pitched upon a personage known to everybody by the name of Hopper Paul. This man knew more tunes than any other person within twenty miles, and for aught we knew, more than any other man in the world. He could sing Old Hundred, and Little Marlborough, and Saint Andrews, and Bray and Mear and Tanzar and Quercy, and at least half a dozen others whose names I have forgotten, so that he was looked upon as a musical prodigy.

I shall never forget Hopper Paul, for both the sounds and sights he exhibited were such as could hardly be called earthly. He was about six feet and a half high, exceedingly lank and long, with a countenance which would at first sight suggest to you the idea that he had suffered a *face-quake*; for the different parts of his visage appeared to have been shaken out of their places and never to have settled properly together. His mouth was capable of such a degree of dilation and collapse and twisting, that it looked like half-a-dozen pair of lips sewed into one. The voice to which this comely pair of jaws gave utterance might have been compared to the lowing of a cow, or the deepest bass of an overgrown bull-frog, but hardly to any sound made by human organs.

Hopper Paul, possessing all these accomplishments, was therefore chosen head-singer and teacher of the school which was immediately set on foot. This was a great affair in the eyes of all the young persons of both sexes, the thing being the first of that sort which had ever been heard of in our parts; for though the natives of the town were a psalm-singing race, like all genuine New Englanders, yet they had hitherto learned to sing much in the same way as they had learned to talk, not by theory, but in the plainest way of practice, each individual joining in with the strains that were chanted at meeting according to the best of his judgment. In this method, as the reader may suppose, they made but a blundering sort of melody; yet as the tunes were few, and each note drawled out to an unconscionable length, all were more or less familiar with their parts, or if they got into the wrong key, had time to change it ere the line was ended. But things were now to be set on a different footing: great deeds were now to be done, and each one was anxious to make a

gure in the grand choir. All the young people in the parish were assembled, nd we began operations.

How we got through our first essays, I need not say, except that we made wkward work enough of it. There were a great many voices that seemed ade for nothing but to spoil all our melody; but what could we do? All were etermined to learn to sing, and Hopper Paul was of opinion that the bad oices would grow mellow by practice, though how he could think so whenever e heard his own, passes my comprehension. However, we could all raise and all the notes, and that was something. We met two evenings in each week luring the winter, and by the beginning of spring we had got so well drilled in the gamut that we began to practise regular tunes. Now we breathed forth such melodies as I think have seldom been heard elsewhere; but as we had no standard of excellence to shew the true character of our performances, we could never be aware that our music was not equal to the harmony of the spheres. It was thought a peculiar excellence to sing through the nose, and take a good reasonable time to swell out every note. Many of us were apt to get into too high a key, but that was never regarded provided we made noise enough. In short, after a great deal more practice, we were pronounced to be thoroughly skilled in the science, for our lungs had been put to such a course of discipline that every one of us could roar with a most stentorian grace; and as to our commander in chief, no man on earth ever deserved better than he, the name of Boanerges, or son of thunder.

It was decided, therefore, that on Fast-day next, we should take the field; so we were all warned to prepare ourselves to enter the singing seats at the meeting on that eventful day. Should I live a thousand years, I shall never forget it; this was to be the first public exhibition of our prowess, and we were exhorted to do our best. The exhortation was unnecessary, for we were as ambitious as the most zealous of our friends could desire, and we were especially careful in rehearsing the tunes before hand. The day arrived, and we marched in a body to take possession. No stalwart knights at a tournament ever spurred their chargers into the lists with more pompous and important feelings than we entered the singing seats. The audience were of course, all expectation, and when the hymn was given out, we heard it with beating hearts.

It was amusing, however, in the midst of all our trepidation, to witness the countenance of Deacon Dogskin, who was obliged to sit facing us during the whole service. His looks were as sour and cynical as if he could have driven us out of the house, and he never vouchsafed to cast a glance at us from beginning to the end of the performance. There was another person who had been a great stickler for the ancient usage. This was Elder Darby, who had been head singer under the Deacon's administration, and looked upon himself as dividing the honours of that system with the Deacon himself. He accordingly fought hard against the innovation, and was frequently heard to declare that the whole platform of christian doctrine would be undermined if more than one line were suffered to be sung at a time. In fact, this personage, being what is emphatically called a "weak brother" but full of zeal and obstinacy, gave us a great deal more trouble than the Deacon, who was not deficient in common shrewdness, notwithstanding his oddities. This was a bitter day, therefore, to Elder Darby, who felt very awkward at finding his occupation gone, and his enemies triumphant all in the same moment.

But we were now called upon to sing, and every eye except those of the

Deacon and a few others, was turned upward: the hymn was given out, Hopper Paul brandished his pitch-pipe and set the tune, and we began with stout hearts and strong lungs. Such sounds had never been heard within those walls before. The windows rattled, and the ceiling shook with the echo, in such a manner that some people thought the great chandelier would have a down-come. Think of the united voices of all the sturdy and able-bodied lads and lasses of the parish pouring forth the most uproarious symphony of linked sweetness long drawn out, that their lungs could furnish, and you will have some faint idea of our melodious intonation. At length we came to a verse in the hymn where the words chimed in with the melody in such a striking and effective manner that the result was overpowering. The verse ran thus:—

So pilgrims on the scorching sand,
Beneath a burning sky,
Long for a cooling stream at hand,
And they must drink or die.

When we stcuck one after another into the third line, and trolled forth the re-iterations,

Long for a cooling—
Long for a cooling—
Long for a cooling—coo—oo—ooling

we verily thought, one and all, that we were soaring up—up—upwards on the combined euphony of the tune and syllables, into the seventh heaven of harmony. The congregation were rapt into ecstacies, and thought they had never heard music till then. It was a most brilliant triumph for us; every voice, as we thought, though of course the mal-contents must be excepted, struck in with us, and swelled the loud peal till the walls rung again. But I must not omit to mention the strange conduct of Elder Darby, who in the midst of this burst of enthusiastic approbation, never relaxed the stern and sour severity of his looks, but took occasion of the first momentary pause in the melody, to utter a very audible and disdainful expression of "chaff! chaff! chaff! chaff! chaff!

Deacon Grizzle was by no means slow in perceiving these manifestations of the Elder's mortified feelings, and did not fail to join him on his way home from meeting, for the express purpose of annoying him further by commendations of the performances. All he could get in reply was a further exclamation of "chaff! chaff! chaff! chaff!" In fact the Elder's obstinacy was incurable; he was seized during the following week with a strange deafness in one of his ears, and as it happened very strangely too, to be that ear which was turned towards the singing seats when he sat in his pew, he declared it would be impossible to hear sufficiently well on that side of his head to accompany the singers: as to altering his position that was not to be thought of; he had occupied the same spot for forty years, and could no more be expected to change his seat than to change his creed. The consequence was, that on the day we began singing, he Elder left off. From that time forth, he never heard the subject of church psalmody alluded to without a chop-fallen look, a rueful shake of the head, a sad lamentation over the decline of sound christian doctrine, and a peevish and indignant exclamation of "chaff! chaff! chaff! chaff!"

THE PROCEEDINGS OF THE SOCIETY FOR THE DIFFUSION OF USELESS KNOWLEDGE.

THE Annual Meeting of the Society for the Diffusion of Useless Knowledge and the General Confusion of the Human Understanding, was held on Monday last; the President, the Rev. Dr. Bubble, took the chair precisely at seven o'clock, assisted by the Hon. Mr. Fudgefield, and Timothy Tinshins, Esq., Vice-Presidents. The President delivered an introductory discourse on the usefulness of useless knowledge, and the advantages of confusion in the understanding, which elicited the greatest applause from a thronged and delighted audience. The following is an abridged copy.

Gentlemen of the Useless Knowledge Association:

I have the honour of congratulating you on this anniversary meeting. We are engaged, gentlemen, in a stupendous effort. The object of our endeavours is to place the foundations of the intellectual universe on the highest state of moral elevation. There is a great truth, gentlemen, in the exaggeration, that the intense application of the human intellect in infinitesimal quantities to the analytical pursuit of psychological investigation, leads to the surest mathematical discrimination of moral idiosyncracies. The human mind, gentlemen, I consider as composed of two qualities—rationation and immaterial recipiency. Facts are imbibed by the inductive process of mental recipiency, and, being rationally rationated, lead to reason. This we denominate the March of Intellect: and intellect hath three branches, namely, logic, metaphysics, and dogmatics, which being synthetically combined, constitute man a reasoning animal. As the Stagyrite remarks, concerning the method of philosophical induction, "*Omnis ratio de ratione rationans, rationare facit rationaliter rationando omnes homines rationantes,*" an axiom which, I apprehend, no one will deny. In the unenlightened mind, all attempts at reasoning are in the highest degree unreasonable, just as in the dark all cats are grey. Gentlemen, we live in an enlightened age; Peter Parley and the printing press have effected a moral and hypercritical revolution; all men can read the Pandects, the Novum Organum, and Poor Polly Jenkins. Instead of the spelling-book and the primer, our children have Cudworth's Intellectual System and Adelung's Mithridates. Modern intellect may be compared to a magnificent toadstool, which shoots out its head on all sides, the moment it gets an inch above ground. Sometimes it has been compared to an overgrown pumpkin-vine, sprouting right and left and grasping at more than it can hold; but this is a misrepresentation; the mind will hold any quantity of knowledge since the invention of lyceums and enclycopædias; and there is no difficulty at the present day, in getting a quart into a pint pot. Gentlemen, I say to you, go on. Let useless knowledge flourish. The world is growing wise. Man is tall in intellectual stature, his heels are on the earth, but his head is in the clouds.

The following report of the standing committee was then read.

REPORT.

The Standing Committee of the Society for the Diffusion of Useless Knowledge and the General Confusion of the Human Understanding, beg leave to report, that the affairs of the Society were never in a more prosperous and desirable condition. They have great pleasure in congratulating the Society

upon the encouraging prospects which the present state of the country holds out to them. Useless knowledge was never more highly prized or more eagerly sought after; and mortal understandings were never in a more admirable confusion than at present. Your Committee beg leave to call the attention of the Society to sundry circumstances which, in their opinion, have had the most powerful effect in bringing about these desirable results.

Your Committee feel bound to distinguish with the most pointed and laudatory regard, the efforts of the newspaper editors of this country, who, in the course of the past year, have laboured with the most disinterested zeal in forwarding the objects of the Society: they have constantly shown themselves friends of useless knowledge and confounders of the brains and understanding of mankind. Your Committee would particularly call to your approving notice, the unwearied industry of these gentlemen in discovering mares' nests, fighting windmills, basting dead cats, bottling moonshine, catching Tartars, peeping through millstones, swallowing earthquakes, gobbling down piracies, and bridling their asses at the tail. Your Committee recommend that each newspaper editor be presented with an elegant leather medal, bearing the inscription, "*Ex fumo dare lucem*," in allusion to their wonderful sagacity in sometimes distinguishing smoke from fire.

Your Committee would further point out to the notice of the Society the various quack doctors of this country, and in particular the Vegetable Diet Sawdust Live-forever Starvation tribe; useless knowledge is under infinite obligations to these individuals, though their reward and encouragement would seem rather to belong to that enlightened association, the Society for the Extinction of the Human Species. Nevertheless, considering the immense amount of useless knowledge they have propagated, and its effects in producing confusion not only in the understandings, but in the bodies of men, your Committee do not feel at liberty to pass them by without some adequate notice. They therefore recommend that each of these persons be presented with a medal of the purest and hardest bronze, bearing the inscription "*Stultorum infinitus est numerus*," in allusion to the very wide field which exists for their praiseworthy and philanthropic labours.

Your Committee would further recommend to your favourable notice, those worthy and enlightened individuals the March of Intellect Cold Water Tee-totallers, who have manfully lent their strong assistance towards promoting the objects of this society. Your committee cannot praise too highly the labours of these gentlemen in propagating useless knowledge. The world is indebted to them for the discovery of the method of drinking out of empty glasses, getting high on cold water, decanting a bottle of hay, sucking April fog through goose-quills, and the demonstration by chemical analysis, that sixteen thousand cubic miles of moonshine contain alcohol enough to fuddle three moschetoes. But the most amazing discovery due to the ingenuity of these gentlemen, relates to whiskey punch, which they have ascertained to be not whiskey punch, but a compound of prussic acid, opodeldoc, nux vomica, prelinpinpin, coloquintida, pepperaria, suderumhatcheta, and a conglomeration of heterogeneous concoctions too numerous to mention. The most brilliant discoveries may still be expected of the Tee-totallers, as they are now engaged in an inquiry into the metaphysical character of pint pots. Your Committee recommend that each individual of the March of Intellect Tee-total Association be presented with a tin dipper of the shallowest possible form, with the strictest

injunctions never to put his nose into it; the said tin dipper to bear an inscription to the effect that if he cannot drink out of it, he can suck round the edges.

Your Committee further recommend to the favourable regard of the Society that distinguished individual Dr. Humm, the ingenious reviver of animal magnetism, whose labours in the cause of the Society deserve the highest commendation. Dr. Humm has not only been instrumental in extending knowledge useless, and more than useless, but he has also thrown the understandings of many human beings into confusion worse confounded. His success in this particular has been most brilliant, and many individuals under his influence are so far gone in their intellectuals, that they do not show the least glimmer of common sense. Your Committee beg leave to lay before the Society a brief relation of the brilliant and astonishing experiment in animal magnetism performed by Dr. Humm, upon the person of a full-grown, intelligent, and respectable cat of this city, in the presence of a large number of citizens of the first talent and respectability.

"All things being prepared, the cat was brought into the room and placed in an arm-chair. The cat was a grey tabby, with a black and yellow tail, and sea-green eyes, of a mild and ingenuous expression of countenance, and appeared to be about four years old. Doctor Humm assured us there was no sort of private understanding between him and the cat, as had been suspected by some sceptical persons. Indeed, the cat appeared perfectly innocent, and everybody was quite convinced of her honesty. She stared round at the company with wondering eyes, as if not comprehending the cause of the assemblage, but could not escape from the chair, because she was held down by her paws and tail by five of the gentlemen present. Dr. Humm then began the magnetic operation by placing the fore and middle fingers of his left hand over her eyes, so as to keep them shut close, and drawing the fore finger of his right hand in a direct line from the cat's nose across her bosom down to the extremity of her left paw. The magnetic effect was immediately apparent. Her tail began to wag, so much so that the Rev. Mr. Fogbrain, who was holding on by that limb, immediately let it go in order to witness the result of this strange phenomenon. In thirteen seconds there was a sensible vibration of the cat's tail, which waved from side to side, describing twenty-seven degrees of the segment of a circle. A general murmur ran throughout the assembly. It wags, it wags!" exclaimed every one—there was no longer any room for doubt; the most sceptical among the spectators was thoroughly convinced that the tail was wagging, and even that arch unbeliever, Simon Sly, was heard to declare he did not doubt of the waggery.

"Dr. Humm now changed his operation, and commencing as before at the cat's nose, he passed his two fingers up the skull bone between the ears, down the occiput, round under the neck to the tip of the shoulder blade, and thence in a straight line down to the left paw. After thirty-one magnetical touches in this manner, the wagging of the tail increased to such a degree as to describe almost a semicircle, and Dr. Humm declared the animal was sound asleep. As the cat gave no evidence to the contrary except by the wagging, there was no doubt of the fact, for the doctor assured us that magnetised cats always wagged their tails when sleeping. The cat was therefore declared to be in a fit state for experiments, and Doctor Humm began by willing the cat's tail to tie itself up in a bow knot: the tail immediately twisted itself round, and

described the figure of a bow-knot in the air. This was witnessed with astonishment by every one in the room. Mr. Noddy, seeing the wonderful effect of the experiment, signified a wish to bear a part in the operation, to which Dr. Humm very politely consented. Mr. Noddy therefore proceeded to magnetise the cat from the tip of the lower jaw, under the chin, across the trachea and thorax, down to the heel of the right paw: the cat immediately gave a loud *mew*, which in a sleeping cat must have been a sure sign that something ailed her. Mr. Noddy then willed her nose to be in a rat-hole, which took immediate effect by the cat's snapping sharply at his fore finger. This astonished the company a second time, and Dr. Humm made a third experiment by willing the cat to be thrown souse into Frog Pond. The Rev. Mr. Fogbrain immediately let go her fore paws, and strange to say, they began pad, padding, as if attempting to swim. The murmurs of admiration that ran round the company at this wonderful sight are not to be described. "She swims! she swims!" exclaimed every one; the proof was complete; most of the spectators could hear the splashing of the water in the pond, and some even imagined they could see the boys chucking stones at her. After this had been displayed to the full satisfaction of the company, Dr. Humm willed her to come safe ashore; notwithstanding, her paws continued to paddle, but this was easily accounted for, as the doctor assured us she would stand perfectly still as soon as she got her land-legs on.

"Various other experiments followed, which we have not space to describe in detail. Dr. Scantiwit willed the cat to be in a mustard pot, whereupon she immediately gave a loud sneeze, and made an immensely wry face. Mr. Milksop willed her to be lapping cream, on which she gave a hearty purr and licked her chops three times. Mr. Dryasdust willed her to scratch his wig, and at the same moment felt a sharp tingling under his skull-bone, by which he was convinced he had something there, &c. &c."

Your Committee having laid before the Society these wonderful experiments, recommend that Dr. Humm, and each of the individuals who assisted as above, be presented with the Freedom of the Corporation of Fool's Paradise.

Your Committee would recommend to the respectful notice of the Society the various public Lecturers of this portion of the country, and in particular, those who treat of German metaphysics, Coleridgeism, optimism, and similar ultramundane exaltations of the human intellect. Your Committee suggest that a prize be proposed the ensuing year for the best dissertation on the following subject:—"The influence of transcendental Metaphysics on the growth of Cabbages." They recommend that each transcendentalist be presented with a broomstick of not-walnut for the purpose of flying through the air.

Your Committe would trespass too far upon the time of the Society, were they to enumerate at length all the matters which deserve their attention. They are obliged reluctantly, therefore, to pass with a bare mention, the great number of old women, quid-nuncs, schemers, dreamers, steamers, system-mongers, method-mongers, improvers-of-society, &c., who are now exercising so vast an influence in this country. They recommend that a medal be struck, emblematical of the whole of this enlightened community; the said medal to bear on one side the figure of a toad just ready to jump, with the legend, "*Sedet, eternumque sedebit,*" in allusion to the march of intellect; and on the reverse, the figure of a corn-stalk monument, with the words "*Ære perennius,*" in allusion to the lasting fame of all march-of-intellect people.

THE MISSION OF IRIS.

VERSIFIED FROM THE GERMAN OF LESSING.

Pluto to Mercury thus said,—
"My Furies now are growing old;
I need some new ones in their stead,—
They're worn out, if the truth be told.

"Go, then, and from the realms of earth
Three several damsels qualified
Select; and should there be a dearth
Of fitting maids, seek far and wide!"

Soon after, Juno Iris prayed
To seek amongst the mortal throng,
Three virgins pure, with manners staid,
All chaste as ice—in virtue strong.

"Thou knowest well what I require,—
'Tis Venus' boastings to restrain,—
Pretending, spite my sovereign ire,
O'er all the female sex to reign."

In every realm, from shore to shore,
Poor Iris sought, and sought in vain;—
Her failing mission to deplore,
To Juno she returned again.

"O chastity! O virtue's throne!"
Cried Heaven's Queen—"Can it be true
You come alone?—not one disown
The cyprian's influence to subdue?"

"Goddess, alas! I might have brought
Three maids of manners most austere,
Most strict, most modest—who had sought
To banish Venus from their sphere—

"Who never on a man had smiled
And not one single thought of love
Admitted,—or one hour beguiled
In tales that oft to passion move.

"But then, alas, I came too late!"
"Too late," cried Juno, "pray explain!"
"Alas, it was decreed by Fate
That Mercury my prize should gain.

"Pluto required them." "Pluto? Say,
How could these virtuous mortals aid
Pluto's dark projects?" "Goddess, they
Already have been *Furies* made."

MARIPOSA.

May, 1842.

EMIGRATION TO AMERICA.

At a time when thousands are seeking homes in America, it will be gratifying to many to ascertain to what part of the Union they may safely trust their capital and labour; and we are pleased, therefore, to present below, copied from the *Harrisburgh Reporter*, a brief statement of the resources of Pennsylvania, where many an emigrant has reared his family, from small means, to wealth and a station such as is but seldom attainable in Great Britain..

"The State of Pennsylvania is inhabited by 1,724,033 of free people, industrious and enterprising. In 1790, the number was only 434,373.

"We have more than 28,000,000 acres of land, and under better cultivation than any in this union, and constantly improving. It is worth at least 700,000,000 dollars. We have more than 300,000 houses, worth 300,000,000 dollars; and barns, work-shops, stores, furnaces, forges, factories, and mills, worth 200,000,000 dollars more. Nor has our public debt been contracted for nothing. Our rail-roads and canals extend, not only to our coal and iron mines, but are designed to connect the waters of the great Lakes and the great Ohio and Mississippi vallies, with the waters of the Delaware and the Chesapeake. They intersect the State in every direction, from west to east and from north to south. Including State and Company works, we have more than one thousand miles of canals and seven hundred miles of rail-roads, completed and in operation, and costing more than 100,000,000 dollars. Some portions of these works are not yet profitable, in consequence of the unfinished links, and yet the tolls will this year, on the State works of about seven hundred miles, exceed a million of dollars.

"The value of the anthracite coal mines upon the Schuylkill, the Lehigh, the Swatara, the Wisconisco, the Shamokin, the Susquehanna, and the Lackawanna, which are but just beginning to pour down their mineral wealth to the markets upon the ocean, is incalculable. In 1820 the trade commenced, and 365 tons were sent to market, from the Lehigh. In 1825 the trade commenced upon the Schuylkill. The Schuylkill canal was then finished. There are now about 55 miles of rail-roads branching from the canals to the several mines, and 45 miles of rail-roads under ground. About eighteen hundred cars are employed in conveying the coal from the mines to the canal, and between eight and nine hundred boats are used in conveying the coal to Philadelphia. The arrival of vessels annually in the Schuylkill for the conveyance of Schuylkill coal to other States, will number about 3,100. One hundred and seventy sloops, schooners, and barges, arrived in two days last week. The Schuylkill mines will this year produce more than 500,000 tons, and the other anthracite mining districts about the same quantity, making 1,000,000 tons, of which about 800,000 will be exported to other States.

"The coal trade is but yet in its infancy, and increasing rapidly. The use of anthracite coal in steamboats is taking the place of wood in the Eastern waters, and will be used in the steamers of the ocean, as the safest and cheapest fuel. It is also coming into use in driving machinery and making iron. The mines upon the Swatara are capable of producing as much as the Schuylkill, and so are those of the Lehigh, the Wisconisco, the Shamokin, and the Susquehanna: and the Schuylkill is capable of producing four times the amount that is now mined. Improvements will soon be completed to all these mining

districts. What then will be the annual worth of the anthracite coal of Pennsylvania that will be carried upon her public works!

"But we have not only anthracite, but according to our State geologist, more bituminous coal than all Europe. Our State canals intersect this bituminous coal-field in all directions. All Europe contains about 2,000 square miles of bituminous coal-land. Pennsylvania has 10,000 square miles, or 6,400,000 acres. It is estimated by our State geologist, that the great western bituminous coal-field of Pennsylvania contains THREE HUNDRED THOUSAND MILLIONS OF TONS! Ten thousand times more than England, Scotland, Wales, and Ireland!

"This vast mineral wealth, without the public improvements, would have been dead capital for ever. According to the returns of the County Commissioners to the Secretary of the Commonwealth, there was mined in 1838, in Pennsylvania, west of the Allegheny mountain, more than 2,000,000 tons of bituminous coal! Not one ton of this reached the Atlantic market. About nine-tenths of it was consumed in domestic purposes at home, in furnaces and rolling mills, and in driving machinery. One-tenth, or 200,000 tons, were shipped down the Ohio and Mississippi. What this trade will be when the great valley is filled with population, wealth, and refinement—when western Pennsylvania becomes the manufacturing dependence of the western states—can hardly be conjectured.

"Nor is this great bituminous coal-field entirely separated from the Atlantic. We have abundance of bituminous coal, the nearest in the United States, of any quantity, to Tide Water. The Virginia and Maryland mines on the Potomac, are from 180 to 200 miles from sloop navigation at Georgetown. The completion last year of the Tide Water canal from Havre de Grace, in Maryland, to the Pennsylvania canal at Columbia, has this year, for the first time, opened a navigation for the bituminous coal of the Juniata, and the west branch of the Susquehanna, to the Chesapeake. It is estimated that the trade will this year reach 100,000 tons. The amount is unlimited which can be sent from these places on our canals to market. A rail-road has been constructed forty miles long, from the northern end of our coal basin to Corning, on the Chemung canal of New York, leading into Seneca Lake.—There are now six locomotives and between 300 and 400 cars on this road, conveying coal from our Blosburg mines into the State of New York.

"The quantity of iron produced in Pennsylvania, is equal to about one-third of the product of the whole Union. Her iron is superior in quality to any other. According to the remarks of the Hon. James Irwin in a late speech in congress, we had in 1839, 210 charcoal furnaces producing 98,350 tons of pig metal, and 70,000 tons of this was converted into bar-iron by forges and rolling mills. More than 15,000 workmen, together making 90,000 people with their families, consumed annually 7,000,000 dollars' worth of agricultural produce and merchandise. The number has increased greatly since, by the establishment of anthracite furnaces.

"The amount of bar and pig iron is now worth about 7,000,000 dollars. According to the returns to the Secretary of the Commonwealth, there was manufactured in 1838, 50,558 tons of castings in thirty-six counties, valued at 5,805,599 dollars. Add estimated value of cast-iron in sixteen counties, at least 1,194,000 dollars, and the amount of bar, pig, and cast iron in Pennsylvania is worth 14,000,000 dollars. A considerable amount of Jersey

iron is made into castings and rolled into bars in Philadelphia, and a quantity of the pigs of the Western Virginia, Ohio, and Kentucky, are made into castings and rolled into bars at Pittsburg.

"To conclude, who does not feel proud of this picture of Pennsylvania! She has all the resources of a great nation within herself,—for happiness in peace, for power in war. She is capable of maintaining 30,000,000 of people within her borders, of feeding and clothing them herself, and making the surrounding states her tributaries. Her water power upon the Susquehanna and her hundred branches, upon the Delaware and Schuylkill and their tributaries, and upon the streams that make the Allegheny and Monongahela, is capable of performing the labour of 400,000,000 men. What her steam power can do in her anthracite coal-fields, and upon her 10,000 square miles of bituminous coal-lands, it is impossible to calculate."

TWO SONNETS.

BY ISAAC CLARKE PRAY.

DEMOCRACY.

Democracy! a word to cheat the mass,
Beneath its banners thousands congregate,
Deceiving and deceived, and then they pass,
While mingling man to man and mate to mate,
To league and strengthen in a foolish hate,
To blast the purity and worth they see,
The fair palladium of true liberty,
The actions of the true, the good, and great.
Why will not men such loathsome cheats abate,
And view things as they are? Democracy
Is but the soul of goodness, constantly
The firm Protector of a Nation's fate;
Yet artful men will steal its winning name,
Which Anarchy receives to hide its shame.

LIBERTY.

The name of tyrant, is a spell to raise
Within the soul a lightning, which will dart
Swift upward to the patriot's eye, and blaze
A fire upon the altar of the heart!
And then the crowd will bow—be worshippers,
Make vows to strive and live for liberty,
And while along their maddened pulses stirs,
Thy joy, oh Freedom! they will all be free;
But when the altar-fire is quench'd, they sink,
They lose of liberty the very hope,
And, falling down, they slide unto the brink
Of dooming sloth, and never heed the slope
On which they hasten to the slimy sea,
Where perishes at once the breath of liberty.

STEAM NAVIGATION FROM NEW YORK.

MUCH has been said of the number of accidents to steam-boats in the United States, and the consequent destruction of life; but it has been ascertained beyond a doubt that, in proportion to the number of passengers and distance passed, the number of lives lost by accidents on rail-roads and steam-boats is much less than before steam was brought into use.

Mr. William C. Redfield, of New York, has furnished for publication the following statements relative to steam-boat accidents:

The number of miles navigated by steam-vessels connected with the port of New York, in five years ending 31st December 1824, was about 2,827,750, with an aggregate of 4,796,000 passengers; of whom 38, or one in 126,211 lost their lives. Twelve accidents occurred.

During the five years ending at the close of 1833, the estimated number of miles run was 4,216,200, with an aggregate of 9,419,700 passengers. Number of accidents, 5. Lives lost, 62; or one in 151,931.

During the five years ending 31st December 1838, the estimated number of miles run was 5,467,450; the aggregate number of passengers, 15,886,300. Number of accidents, 2. Lives lost, 8; or one in 1,985,787.

The average number of miles to each explosion the first of the above periods was 235,646: in the second, 843,240; in the third, 2,733,725.

The estimated average pressure of steam used during the first period, was 7 inches; second period, 14 inches; third period, 18 inches.

It appears from the average results of this table, says Mr. Redfield, that during even the first period of five years after the navigation was thrown open to public competition, the ratio of steam accidents was only equal to one for more than 20,000 trips or passages; and that the average loss of life was only equal to one for more than 126,000 passengers exposed. Thus, at the first outset of this noble enterprise, a degree of safety was attained for the passengers, such as may well challenge comparison with any artificial means of transit or locomotion that have ever been resorted to by the human race.

THE FUNERAL OF A MOTH.

A CHILD'S VISION.

BY MRS. SEBA SMITH.

A LITTLE child had been amusing itself at the feet of its mother, kicking and rolling about, and playing all sorts of antics, when it espied a moth disengage itself from the fibres of the carpet, and poise its small wing with a short, wavering flight. The child stopped its noisy song, rolled over upon all fours, and commenced a scramble for the poor insect, slapping its clumsy hand upon the carpet in the hope of striking it down. It did so at last—the moth fell upon its side, quivered slightly, and was still.

The child would have taken it in his hand, but suddenly there was a sound as of innumerable tiny bells tolling, and very low, sad music. He laid his cheek upon his arm, the bright curls falling all about the carpet, and his little

feet stretched out, and crossed one over the other; the disarranged tunic revealing, liberally, his round white limbs, indolently exposed. Thus the child lay, listening to the music, that seemed to say—

"Alas, for death is amongst us."

It could not tell what was meant, but it saw that the beautiful moth stirred not, and it felt something very sad must have happened. At length a large black beetle was seen to move slowly along, and look at the little insect, and then, while the eyes of the child were fixed intently to see what would become of it, the beetle seemed a little small old woman, much wrinkled, and dressed in black. She moved about quite briskly, and the child could scarce forbear a smile to see such an alert, diminutive thing. His mother's little gold thimble had fallen from her basket, and now stood upon the carpet beside the dead moth, and the child observed that the little woman in black was not as tall as the thimble. She took a robe, made of the fibres of a rose-leaf, from her pocket, and shrouded the moth, singing all the time,

"Alas, for the gladsome wing
Shall never more be spread—
When cheerful voices ring,
They may not wake the dead.

Then a grasshopper came in with a slow, sepulchral tread, bearing upon his thigh the severed pericarp of the balsam (impatians), lined with gossamer, and having tassels hanging from the pall. He had no sooner approached the dead moth, than he appeared a grave and venerable undertaker, bearing the coffin, into which he and the little old woman put the poor insect, and covered it with the pall of gossamer, singing all the time in a sweet sad voice.

Then an immense procession of moths, (they were of that kind called death's head, undoubtedly a class designed to officiate exclusively at funerals,) followed the undertaker as he bore out the body—but as they moved on, they were all little men and women, dressed in drab, each with a sad, pale face, and now and then one of the younger with a handkerchief pressed to the eyes; while all sang in chorus the following words—

"Rest thee, rest thee, blighted one,
Sunshine may not come to thee;
When our joyous wings are spread,
Thine in death shall folded be.
Rest thee; sad and early call'd,
From our pleasant haunts away,
Where we meet in sunset revels
At the close of summer day."

The child heard the hum of their voices when he had ceased to distinguish the words. Then he arose, and laying his head upon his mother's lap, wept bitterly, telling her what he had heard and seen, and asking what death meant. She talked long upon the sad but pleasant subject, telling of that land where death is not, till the heart of the little child grew joyous within him, and he called that land his home. Had the child been less young, or less innocent, the visions of the moth's funeral had not been vouchsafed. But he never, from that time, wantonly destroyed the humblest creature made by the wisdom, the goodness, and love of our heavenly Father. He saw there was room enough in the great world, and in the pleasant sunshine for him and them; and he remembered that a better land had been promised to man only; there-

fore he would not abridge the few days of happiness granted to the little insect. The child daily grew gentle and loving, for the exercise of kindness, even in one simple instance, had fixed the principle in his young heart, till it expanded so that it embraced all the creatures made by our great and good Parent. It was thus that he learned, not only to love worthily the good and loving, but even those in whom the image of God, stamped upon the human soul, had become marred and effaced by sin. He loved and prayed even for these, and the blessedness of such prayers returned upon his own head. Thus did the child learn a lesson of wisdom, and of goodness, from the Funeral of the Moth.

AMERICAN COMMERCIAL RELATIONS WITH FOREIGN COUNTRIES IN 1840.

A REPORT was published from the Department of State of the United States, in obedience to a resolution adopted by the senate at the previous session of congress, showing the nature and extent of the privileges and restrictions of the commercial intercourse of the United States with foreign nations. In 1815, congress enacted a law repealing all discriminating duties upon foreign vessels and cargoes, to take effect in favour of any foreign nations, "whenever the president shall be satisfied that the discriminating or countervailing duties of such foreign nation, so far as they operate to the disadvantage of the United States, have been abolished." Twelve nations, viz.: Austria, Brazil, Central America, Denmark, Ecuador, Greece, the Hanseatic cities, Prussia, Russia, Sardinia, Sweden, and Venezuela, met the proposition in a spirit of liberality. In the ports of all these countries, American vessels, with their cargoes, whether the produce of the United States or not, are admitted on the same terms as the vessels of those countries respectively. If outward-bound, they are entitled to the same drawback or bounties on goods exported, as domestic vessels are.

With Great Britain, France, the Netherlands, Mexico, and Texas, our commercial relations are of a more restricted character. These nations severally confine the principle of equality to the *direct trade*. That is to say, Great Britain admits the vessels of the United States into her ports on payment of the same tonnage duties and charges as British vessels, with these conditions: First, that the vessel be built and owned in the United States, and navigated by a master and crew three fourths of which are citizens of the United States; and second, that the goods composing the cargo be the produce of the United States, which in practice limits the import trade to the direct intercourse between one country and the other. The trade of the United States with the British colonial possessions is regulated by treaty stipulations or by diplomatic arrangement. In all cases, however, some restrictions are observed, giving an advantage, in general trade, to British bottoms. The importation from the United States of all goods but those of their own produce is for the most part prohibited.

France admits the vessels of the United States into her ports on payment of a discriminating duty of five francs, or ninety-four cents, per ton over and above that paid by French vessels. In the importation of articles, the produce of the United States, no difference is made between French and American

vessels; but in reference to other articles, the discriminating duty prevails in favour of French bottoms.

In the Java trade, under the government of the Netherlands, the production of the United States, and of other countries, are admitted at a duty of seven and four-fifths per cent. ad valorem, if imported in Dutch vessels, and fifteen and three-fifths per cent, ad valorem, if imported in vessels belonging to the United States.

Chili and the Ottoman Dominions admit American vessels and productions on the footing of the most favoured nations—reserving the privilege of giving a preference to their own.

THE EDITOR'S STUDY.

"Tot homines—tot sententiæ."

THE INTERNATIONAL COPYRIGHT QUESTION.

Since the visit of Mr. Dickens to the United States, this question, which has been agitated for several years with much ability on both sides, has been resumed again with much spirit, and there is now in America quite a wordy contest on the subject. Some publishers there are who are in favour of the proposed law, many there are who oppose it. We have before us two circulars issued to the publishing trade by rival houses in New York City. One evidently favours the international copyright law *in toto*, the othe ris as certainly convinced of the folly of such a statute.

The Arcturus Magazine, published at New York, declares its intention of pursuing the subject to the end, that the glorious day of equal rights may come for American and English authors.

Our own opinion is that the contemplated statute will never be sanctioned. If evil exist at present (and there is no question of it), toward either American or English authors, so it would, also, under the new system of things; and to use a vulgar adage, "jumping out of the frying pan into the fire" can be of little service, except to those who die, unless they are permitted to have the luxury of a change.

Science and Art.

Her Majesty's Theatre. The performances during the month have been remarkably well attended, and that prejudice and dislike of new faces which are so common as to keep youthful talent almost wholly buried, have subsided into something like reason. Indeed, we feel assured that the arrangements of Mr. Lumley are now near laudation—though at first, by the short-sighted, he was almost utterly condemned. Mr. Lumley has done more for the Opera and for music in the short space during which he has had dominion there, than the late Mr. Laporte did in two or three years. The step taken was a novel one—a perfect breach upon custom, actually astonishing to some weak nerves; but

the triumph will be great. The Opera will not be a mere fashionable lounge, one scene of repetition—but a grand arena for the trial of skill. There is no one actually who does not feel this, who does not know it, if he reflect for one moment. He may, at times, sigh for the tones to which his ear has been wedded, but Mr. Lumley having created a divorce, the new loves will arise as powerfully as they were wont to do in every breast.

For our own part we are disposed to draw forth genius where it exists; there is nothing more pleasingly exciting; but to sit down night after night to the same exhibition—an exhibition which by its repetition has become a mere piece of mechanism—is no relish to us. It is absurd. We should, if such were our taste, as easily be pleased with a hand-organ as the performance of a skilful musician; no, no! the true end and aim of taste should be to increase the effects of art—its high influences. A great name is something, but when no new divinations come from the oracle, it is time to lose faith in it. Such is the case with several artists of high name now lost to us, who have slept upon their laurels, regardless seemingly of every desire either to advance the state of music or to maintain their own reputation. It has been said, rather hastily, that three or four distinguished vocalists, who have been long favourites with the public, are *unable* to learn a new opera—and one is almost inclined to believe it, if the results of their appearance for a season or two be examined. Certainly the public have a right to expect some new compositions; and when vocalists imagine that the study of such is too much for them, the public ought to be rejoiced to make a change whereby they are palpably the gainers.

Nearly all the new vocalists came here with reputations not generally known; and to have accomplished what they have, and to have taken the position which they so creditably maintain, is not only evidence of their talent and accomplishments, but also a token that Mr. Lumley's judgment in selecting them is such as may be implicitly confided in.

We venture to say that if Mr. Lumley persist in his attempt to introduce new performers he will be eminently succesful in every way, although we will allow that the experiment could at no theatre be so hazardous as at this establishment. At other houses where the English drama is performed, a system of the kind strenuously urged, would leave the manager, at the term of his career, anything but a bankrupt—even though he added not a yard of canvass to his scenery, or paid a penny for new dresses and tawdry upholstery, for the sake of attraction.

Madame Frezzolini Poggi and Signor Poggi are accomplished vocalists. Though there are some parts of the lady's voice which may not please some ears, yet the exquisite style of her singing, and the thorough knowledge of the science of music which she displays, win upon the sensibilities of all, and her triumphs are of a lofty character. Nothing can be more inspiring than the vocalization of Signor Poggi. We believe a more effective vocalist never appeared upon the boards; his skill is wonderful, and his voice possessed of qualities that would melt the heart of an eagle.

Madlle. Moltini is also a charming singer, with a sweet, harmonious, flexible voice, which she usually manages with consummate judgment.

Madame Persiani runs on from conquering to conquer. Although we are not pleased with a voice which assimilates to an instrument, yet we cannot but admire the skill with which Madame Persiani executes her several tasks. She is always welcome, for she is always pleasing.

Drury Lane Theatre. The season at this establishment terminated on the 23d of last month. With the success of the manager in a pecuniary way we are not acquainted; but we may express the opinion of every reasonable lover of the drama with regard to the general results of Mr. Macready's efforts in the cause which it is well known he has so deeply at heart—the elevation of the art.

To contend with rival houses in the style of producing plays has unquestionably been the aim of the management, and so far the enterprize has been crowned with success. Individually we are not particularly partial to a lavish expenditure upon scenery and dresses. We would have these appropriate and excellent, but would not have them so crowded upon the eye as to draw the attention from the higher aims of the histrionic art, the portraiture of character, and the rightful exhibition of the scene.

Mr. Macready's company in many respects is highly creditable to his judgment. It embraces a vast deal of talent of no ordinary kind—but there are to be found, in several departments, artists of superior genius to those engaged who would add to the attractions of the house. In this point of view it becomes a question of interest, whether or not by a more extensive expenditure in making additions to the force of the company, the interests of the manager would be increased. It might appear invidious to point out definitively where the improvements could be made, but we may throw out the suggestion and await the result.

With regard to the resuscitation of plays of high merit which have long been known to the public, we may also remark that though there can be no objection to such trials, yet it may be doubted whether too much dependence upon these may not prove tiresome to a large portion of the play-going public. The spirit of the age is for something new, and though there are many wedded to the old dramatists, it is certain the minds of very few are prepared to judge impartially of the acting of plays which have been produced within the last fifty or sixty years. There are memories and the records of memories still existing which are so rank with prejudice that it is in vain that any artist of the present day can benefit himself by attempting characters which have been performed well in by-gone time—not that they were personated in a better style perhaps than they can be now, but that the mass believe they were.

From these simple observations it may be seen that we think that Mr. Macready's success would be much greater than it has been, and more beneficial to the art, if he placed his confidence in a company of the highest order, and new plays, the principal merit of which should be their language, representation of character, and plot.

Covent Garden Theatre. The German company of vocalists continue with their wonted excellence, to produce the best operas, which are brought forward with great rapidity. The leading vocalists sustain the high reputation which they have gained by their natural and acquired powers in the art.

Haymarket Theatre.—Mr. and Mrs. Kean during the last month have appeared in several popular characters, to the delight of brilliant audiences. We have only had an opportunity of being present at the performance of Hamlet. The play was generally well cast, and was equally well performed, The appointments and dresses were in keeping, and the business of the stage was satisfactorily managed.

Mr. Kean's Hamlet is a fine study throughout. It is unlike many that we have seen—many that we have praised—yet is worthy of very warm encomia, and had we space, we should be pleased to give an analysis of it. This however, we cannot do at present. Let it suffice, that the performance as a whole was such as can be justified by the text, that the readings were good and the action extremely elegant and exciting. We saw Mr. Kean two years ago in this character, when he laboured under some physical disadvantages, and when we compare his late performance with the remembrance of the earlier personation, we are astonished at the improvement. The nature of Mr. Kean is ardent, and one of his greatest struggles, we think, has been to subdue tendencies towards an extravagant style. The victory has been his; and now that he masters himself there can be no question of his ability to maintain the high rank to which his genius and industry have led him.

Mrs. Kean's Ophelia was a beautiful exhibition—a poetical transcript altogether. It seemed the embodyment of Mrs. Jamieson's portrait of the heart-broken girl. Nothing could be more natural and exquisite than the last scene; the folds of her robe forming a receptacle for the flowers was a pleasing conceit, worthy of the great poet himself.

Mr. Stuart enacted the Ghost with a degree of judgment that we have seldom known equalled. Nothing could be more satisfactory, nothing more poetical and true. Much of the success of this play with the heart depends upon this personation, and when we say that Mr. Stuart imparted it, we give him the highest praise.

Mr. Strickland's personation of Polonius was pitiful. He should have listened to the advice which Hamlet gives to the player; for he addressed himself almost wholly to the groundlings, and was more a buffoon than a privy-counsellor.

A new play, which it is said is to be called the "Rose of Arragon," by James Sheridan Knowles, is about to be produced at this theatre. The title is an old one—a drama of the same name having been acted sixteen years ago.

St. James's Theatre. Madlle. Dejazet's engagement has been highly successful. She has appeared in her principal characters, and has commanded the applause and admiration of large and highly fashionable audiences. The company generally have acquitted themselves in a manner highly creditable to their talent.

Queen's Theatre. We lately visited this thriving little minor, and were agreeably amused with a little comedietta written by Mrs. Hallet, entitled "Woman's Whims." The lady possesses an uncommon knowledge of the effects of the stage, and her characters are sketched with a force and piquancy which show that she has read human nature to some purpose. We should be pleased to witness her talents exercised upon a comedy.

Eccaleobions. The process of hatching birds by artificial means has attracted much attention in London for a period of two or three years, and is now very extensively known, so much so that no extended notice of it is required at our hands. We have, therefore, only to say that the exhibition at the Egyptian Hall, Piccadilly, is interesting to those who have not seen the process, as well

as those who desire to increase their stock of birds by it. The proprietor now constructs machines for sale, and we learn that they are sold quite readily, both to those who are seeking amusement and profit.

American Theatrical Intelligence. Mr. and Mrs. Seguin have been performing in "Norma" at the Park Theatre, in New York. Mrs. Sutton is at Mobile, where Mr. Brown, the comedian, had terminated an engagement. Mr. Chapman, the low comedian, is there also. Fanny Ellser has not been very successful at Havanna, as well as Mr. Buckstone and Mrs. Fitzwilliams, who are now in the northern states, "homeward bound." Mr. Forrest is playing at Boston. Mrs. Lewis is at Baltimore. Mr. Burton has produced "Bubbles of the day" successfully, at the Chesnut-street Theatre, Philadelphia. Mr. Butler and Mr. Lambert were in Washington at the last accounts. Mr. Latham and Miss Melton are in New York, unengaged. Mr. Chippendale and Mr. W. H. Williams are at the Park Theatre. Mr. Mitchell's Theatre in New York is still successful; Mr. Horncastle is there.

Literature.

Hazard's Register. This valuable American statistical work, which has obtained a high character at home, is very disinterestedly held for sale by the Messrs. Ralston, in Token-house Yard, and we recommend it to all who would gain a valuable book at a small price.

Addresses and Messages of the Presidents of the United States, from Washington to Tyler. New edition, 8vo. Wiley and Putnam.

This work will be read with great interest by all those who take an interest in the United States, as the several messages and addresses contain as it were an epitome of the political and financial history of the confederacy since its commencement.

American Antiquities and Researches, with the origin and History of the Red Man. By W. A. Bradford, 8vo. Wiley and Putnam.

At this time, when the history of the American aborigines is attracting attention in many parts of the civilized world, this work commends itself to the public. The antiquities of America possess an interest perfectly *unique*, and to those who are seeking information, this work will prove exceedingly productive of entertainment.

Biography and Poetical Remains of Margaret Miller Davidson. By Washington Irving.

The literary world has read much of the poetical temperament and mind of Lucretia Maria Davidson, who died at an early age, after producing some extraordinary specimens of metrical composition. In the last Quarterly Review will be seen a review of the work above named, which is a record of the sister's life and efforts in the same way. The history of these two heavenly children might well be blended in one volume, and would prove a peculiar treasure to the literary world. The work before us abounds with pieces of an order exceedingly high for so young a writer, and the narrative by Mr. Irving is replete with interest. The volume is affecting to every sensitive and sympathizing mind.

AMERICAN LITERARY INTELLIGENCE.

In press, and will be issued during the season, the following.—A Dictionary of Greek and Roman Antiquities, from the best Authorities, and embodying all the recent discoveries of the most eminent German Philologists and Jurists. Illustrated by a large number of engravings. First American edition corrected and enlarged. By Charles Anthon, LL.D. 8vo.

The Pleasures and Advantages of Science. By Lord Brougham, Professor Sedgwick, Dr. Verplank, and Alonzo Potter, D.D. 18mo.

Account of the Expedition of Captains Lewis and Clark across the Rocky Mountains, and to the Mouth of Columbia River. Prepared from the original edition, with an Introduction and Notes, containing Notices of recent Travellers, and a View of the present Condition of Oregon Territory. By Archibald M'Vicar. 2 vols. 18mo.

Woman in America; being an Examination into the Moral and Intellectual Condition of American Female Society. By Mrs. A. J. Graves. 18mo.

American Adventure by Land and Sea. Being Remarkable Instances of Enterprise and Fortitude among Americans; Indian Captures, Shipwrecks, Adventures at Home and Abroad. By Epes Sargent. 2 vols. 18mo.

Illustrations of Mechanics; by Professor Moseley. Edited by James Renwick, LL.D. 18mo. With engravings.

The Principles of Eloquence; by the Abbé Maury, edited by the Rev. Dr. Potter. 18mo.

Professions and Trades; by Edward Hazen. 2 vols. 18mo. Illustrated by 81 Engravings.

Quain's Complete Series of Anatomical Plates of the Viscera, Muscles, Blood Vessels, Nerves, and Bones, comprising upwards of 200 4to. Plates, with Descriptions and References to each Plate, and a Treatise on Anatomy—the whole to be completed in 1 vol. royal 4to., with Notes and Additions, by J. Pancoast, M.D., one of the Surgeons of the Philadelphia Hospital.

Travels in Turkey, Greece, and the Holy Land: by E. J. Morris. 2 vols. plates.

Miscellanies by Leigh Hunt. 1 vol.

Professor Wilson's Noctes Ambrosiana.

Mr. Griswold's Poets and Poetry of America. 1 vol. 8vo., plates.

The same firm are preparing a beautiful edition of Cowper, in 2 vols. 12mo., a perfect fac-simile of the recent London illustrated edition, with 75 exquisite wood-cuts.

A Manual of Medical Jurisprudence; by Dr. R. E. Griffith. 1 vol. 8vo.

A New Work on Chemistry, for the use of students of Medicine; by Professor Bache, one of the authors of the United States Dispensatory, with numerous cuts.

Professor Chapman's New Work on the Fevers of the United States. 1 vol. 8vo.

Principles of Human Physiology, with their chief applications to Pathology, Therapeutics, Hygiene, and Forensic Medicine, with illustrations on wood; by Dr. William B. Carpenter. 1 vol. 8vo.

The Student's Medical Library, embracing a series of Text Books, or Elementary Works, on the various branches of Medical Science—each branch to be complete in a single volume, and in a form and price calculated for extended circulation.

A new edition of Encyclopædia Americana. 13 vols.

The History of the Reformation of the Church of England; by Bishop Burnet, with valuable explanatory notes and a copious index, by Dr. Edward Nares, Professor of History in the University of Oxford. Illustrated with twenty-three finely engraved portraits. In four handsome 8vo vols.

An Exposition of the thirty-nine Articles of the Church of England; by Bishop Burnet, with an appendix, containing the Augsburg Confession. Creed of Pope Pius. Revised with copious notes and references, by the Rev. James R. Paige, A.M. One vol. 8vo.

WILEY & PUTNAM have recently published a fine edition in one volume, entitled "*Chapters on Churchyards;*" by Mrs. Southey, (formerly Caroline Bowles,) a work written some years ago, and one of great delicacy and beauty—some of the sketches evincing a pathos and power almost unsurpassed by any other writer.

The same firm have in press, the subsequent writings of this agreeable authoress, "*Solitary Hours,*" and "*Ellen Fitz Arthur,*" &c.

Also, Mr. Burrow's work, "*Zincali,*" or the Gipsies of Spain, &c.

Dictionary of Science, Literature, and Art ; comprising the History, Description, and Scientific Principles of every branch of Human Knowledge : with the Derivation and Definition of all the Terms in general use. Illustrated by engravings on wood. General editor, W. T. Brande, F.R.S.L. &c. ; assisted by Joseph Cauvin, Esq., and other eminent contributors.

William Tell, the Hero of Switzerland ; from the French of M. Florian.

The Young Naturalist's Rambles Through Many Lands.

Dawnings of Genius ; by Anne Pratt, author of "Flowers and their Associations," &c. Embellished with Engravings.

The Philosophy of Health ; by Southwood Smith, M D. 2 vols. 12mo.

J. & H. G. LANGLEY have in course of preparation, an important work, to be entitled, "*Washington Illustrated, or the Life of General Washington, Private, Military, and Political ;*" *compiled from original and authentic documents, including much interesting and exclusive information not hitherto presented to the world.* This truly national work is to be constructed upon an entirely new and original plan, and will be profusely adorned throughout by several hundred rich illustrations executed in the finest style of art, from Drawings by Mr. Chapman and other distinguished artists. In addition to this, the esteemed author of "*The Sketch Book*" has consented to undertake the literary department of the work,—it is therefore believed that no other book of modern times is likely to awaken so intense an interest among the whole American people, or that one could be better adapted as a national tribute to the memory of him whom the nation "delight to honour." The approaching embassy of Mr. Irving to the Spanish Court, will not interfere with his progress in the biographical department of the work, most of the skeleton of which has been, we hear, already constructed, while a considerable number of the illustrations, including some highly finished battle-scenes and domestic portraits, have been some time since completed. The work is to be issued in monthly parts, in imperial octavo, printed on the finest paper and from a new and elegant type cast expressly for the work.

The Philosophy of Mystery ; by W. C. Dendy. 1 vol. 12mo.

The Democratic Principle of the American Union, and its applicability to other nations ; br Major G. T. Poussin. Translated from the French. 1 vol. 8vo.

The Sanative Influence of Climate, with an account of the best places of resort for Invalids in England, the South of Europe, &c. ; by Sir James Clarke, Bt. M D., with notes and an appendix, adapting the work to America, by an American physician. 1 vol. 12mo.

A Practical Compendium of the Materia Medica, with numerous formulæ, adapted for the treatment of the diseases of infancy and childhood ; on the basis of Alexander Ure, M.D., M.R.C.S., London By Charles A. Lee, M.D , A.M., late Professor of Materia Medica in the University of New York.

The Climate of the United States and its Endemic Influences ; by Dr. Samuel Forry, 1 vol. 8vo , plates. This volume exhibits a connected view of the leading phenomena of the American climate, both physical and medical, thus supplying a void both in our general and medical literature. It is embellished with two copperplate engravings, illustrative of the laws of temperature throughout the United States.

Observations on Apparent Death from suffocation, by Hanging, or Drowning, Choke Damp, produced by inhaling carbonic acid, or some other irrespirable exhalation ; with directions for using the resuscitating apparatus, invented by the author, and general instructions for the recovery of persons from suspended animation. By Edward Welchman, of Cold Spring, Putnam County, New York, Member of the Royal College of Surgeons, London. This is a sensible and well written essay on the different forms of asphyxia, and admirably adapted for popular use. It is accompanied by a lithographic plate.

A Commentary on the Book of Revelation, with notes, &c., by Professor Stuart, is said to be in preparation for the press : also,

A Commentary on the Book of Psalms, by Professor Stowe, of Cincinnati.

Bancroft, and Sparks, are each, it is said, occupied in preparing independent "Histories of the American Revolution."

London : Printed by G. Lilley, 3, Queen's Head Passage, Paternoster Row.

THE

ɛEAT WESTERN MAGAZINE.

JULY, 1842.

MORAL AND POLITICAL FREEDOM.

ʌT is civil freedom, and for what is it valuable? How far do we enjoy it? ır are our institutions fitted to preserve it? These are questions which apt to leave without reply in our common acclamations for liberty.

has created society for the benefit of the individual man. He looks ıpon the world not as a congregation of nations, or states, or cities, or s, but as an aggregation of individuals. The good order and happiness nass, or of the majority, is not his ultimate object—it is the culture and ess of the individual man. It is not the world, but man ; not society, ı soul, which directly interests him. Society was constructed for man, t man for society. His discipline, growth, and excellence, were to be ed only by means of society, which the wisdom and benevolence of God re frames. Now, to imperfect beings, perfect and peaceful freedom is ompatible with perfect isolation and solitude. Perfect freedom is com- ıwlessness—a state in which each man consults only his own inclinations pulses. If his feelings were all right, if his judgment were infallible, ht live in society without any other law than the law of his own mind ıscience; but being an imperfect and erring creature, a passionate and being, and placed here as such, and for the very purpose of disciplining sions and eradicating his sefishness, living in the midst of those equally d with himself to gratify their inclinations, it soon discovers itself to son, that the comfort and happiness of all require that society should be ıome regulation, and this regulation, whatever form it may take, is nent. Government, defined properly, is the laws by which *society* is ed to the best good of *individual* men. I observed in the first place, l remember, that society is nothing in itself; has no interest of its own— n fact merely a name; that the individual is everything in the sight of Much more, then, is government, growing out of society, unimportant f, having no independent rights, no divine authority, but entirely value- d unauthoritative, except as far as it sustains society in its proposed ɛes upon the welfare of individual man. The best government is that renders society most favourable to the development of individual man. what is the true development of individual man? Man's whole dignity in self-control---self-government. He is designed to be ultimately a himself. He has rebellious passions and appetites; he has a wandering

and wavering will. He is a kingdom made up of discordant elements, of contrasting and contending factions. He is sent into the world as a tribe of savages might be set in the midst of a forest, to work out by experience, by conflict, by sorrow, by discord, their civilization and final establishment as a free nation. Indeed, the history of the world is only the history of the individual written in larger type. Man is born a savage, and passes through barbarism and semi-civilization, to his destined condition. Like the world, though in an inverted order, he has his iron and his brazen and his golden age.

His development and destiny is the reduction of his various faculties and propensities to their internal law; in other words, it is to self-government; and precisely in proportion as he governs himself, is he absolved from other government. He is a freeman just to the degree in which he enslaves himself to his own conscience; for the only law which man is under obligation to obey, is the law of right. That law is enforced by God, in penalties, as far as it is not voluntarily submitted to. Man's excellence resides in a complete obedience to that law. He is a free agent—he therefore obeys it voluntarily or not at all. As far as he infringes it he suffers. But suffering by no means compels, though it may incline, and induce him to submit. The only freedom of which he is capable, is the *voluntary* accordance of his will with God's will. Then obedience is no longer slavery. He is perfectly free; for the definition of freedom is the undisputed exercise of the inclinations; and when the heart loves the right, the will practises the very law of its being, and is as free as though it made the law itself, having no disposition to change it.

You observe, then, that freedom, free agency, is the very essence of man's life and soul. As far as he is *compelled*, he loses his worth. The whole purpose of his creation is self-government, in other words, freedom; for this is the only freedom, as we have demonstrated, of which man is capable. All laws, then, except the laws of God, written in the constitution of our nature, are in themselves offensive and opposed to man's native liberty. Government is a necessary evil. If society could exist without government, it were much better, and as far as it can exist without it, it should. That government is best, therefore, which allows the most freedom—that is, which allows man to act most as he pleases. The only apology for any government, as we have said, is this, that in the imperfect and undeveloped state in which we here exist, some restraints upon individual liberty are necessary to secure the largest freedom to the greatest number; for all men have equal rights to freedom, and the weak must combine against the strong and institute laws in order to preserve their own liberties. Still, all along, you observe, that government is an evil because it substitutes force for voluntary obedience, might for right, and takes man out of the control of himself to place him under a foreign compulsion or restraint. We beg to be understood here: we are not arguing against governments or laws, but we represent them as a necessary evil. In one sense, nothing is evil which the condition of man renders necessary, that condition being as much ordered by Providence as his existence itself. But whatever grows out of the weakness, sin, or imperfection of man, whatever is to be done away with in his progress in wisdom and goodness, is in itself to be called evil, being the attendant upon it, just as the physician is the growth or representative of disease, and has his calling and existence done away by the prevalence of health. Now, government in itself being a necessary evil, on account of its interference with the freedom of man, upon which freedom his

growth and excellence depend, it ought to be allowed only to the smallest possible extent. To determine what this extent is, has been and continues to be the great problem. This had been much easier of solution if the object of society had universally been allowed to be the culture and happiness of the individual; but, on the contrary, false and mischievous notions have prevailed in politics, which have quite overlooked man and the soul; and governments have been constituted with reference to the preservation of the rights of particular classes, or for the security of governors, or for the promotion of objects subsidiary to the good of the individual. There has always been an interested party, whose lust of power has resulted in governments of altogether unnecessary rigor. Absolute governments are the worst of all governments, because they make *no* acknowledgment of the right of individuals. Tyrannies deserve reprobation, not so much because they infringe the actual liberty of individuals, although this is bad enough, as because they strike at the very root of human dignity, and are directly and flatly at war with the object of life. It is for this reason that slavery is so much to be condemned and lamented—and all the more for the difficulties which perplex its removal—not that the immediate happiness of the slave is so greatly impaired, as that the great right of his life, the great peculiarity of humanity, the noblest privilege of his being, the inalienable claim of manhood, is denied him. Take away free-agency and moral responsibility, and you reduce a man to a chattel, a thing—you steal his soul away. This is the great objection to tyranny, that it shows no respect for man, no regard to conscience—that it destroys self-government—that it thus interferes with God's primary law in the creation and condition of humanity. And governments are inimical to the best interests of man, just as they infringe upon or disregard this principle. They approach perfection precisely as they allow to each man the largest possible self-control, or voluntary conduct, consistent with the similar rights of the other members of society. A society of thorough Christians would need no government. Each would be a law to himself; and love, which is the fulfilling of the law, would secure justice to all. Christianity contemplates the final destruction of governments, except as far as certain regulations, which will give no power to rulers, and will execute themselves, may come under this name.

The excellence of a government is to be determined by the effect it has upon the culture and happiness of individual men. The largest freedom is essential to this, and our own government is to be prized above all others on this very ground. It seems to us that the oversight of this plain principle is at the bottom of that distrust which certainly possesses very many lovers of law and order relative to our institutions.

We are not able to say, neither are we much concerned to know, how the practical action of our government compares with that of others upon the order, and peace, and submissiveness of society. It seems to me to be quite a secondary question, how far it may facilitate commerce, or agriculture, or nourish the arts, or give dignity and importance to the country as one among the nations of the earth. These interests take care of themselves, and are by no means the highest interests of man. We advocate the views of no party, nay know not distinctly what the views of any party are; but government is not to be measured by such standards. We strongly suspect, indeed, that free-trade will at some day be found most conducive to the interests of society, although the practices of other nations may require us, in self-defence, to

adopt for the present other principles. But this is by the way. What we would say here is this: that the merits of our government are not to be measured with certainty by the difficulties which may perplex its operation. For instance, because the freedom is sometimes abused with licence—because the power of the people is sometimes injudiciously exercised—because the liberty of the press is sometimes perverted—because varieties of opinion in religion, politics, and other like subjects, divide and agitate the community—it by no means follows that liberty is to be restrained, or that other forms of government which prevent these evils are therefore better. They may be, nay, they certainly will be, attended with worse evils. Order, peace, submission, are merely negative. They are far from being the best things. Confusion with freedom is better than order with slavery. The peace of an absolute government is the peace of the grave. Its order is the harmony of machinery. Allow men to be men in the exercise of their individual wills, minds, and consciences, and they must needs dispute, contend, differ. Make them slaves, chattels, and they will be as docile and united as a herd of sheep, or the spindles of a factory. Those who abuse or distrust our institutions commonly take narrow views of the objects of society, and low views of man. The ease, dignity, and elegance of the upper classes of England is certainly superior to our own. The subserviency, obedience, and handiness of their domestics, infinitely surpasses anything of the kind we enjoy. The fine arts certainly flourish under a wealthy and leisurely nobility—they certainly struggle under republican influences. What then? Is society designed for the benefit of a single class, or to promote the elegant accomplishments of life? Not so. The activity, and enterprise, and freedom of our whole people, is not to be depressed and restrained, that the few who are unwilling to help themselves, may enjoy more ease or elegance in their domestic establishments. If government be designed for the benefit of society as society, without reference to the individual, other forms may possibly be shown to be more desirable than our own; but on no other ground; and even on this it would not be difficult to show that in the end, what is most favourable to individual growth must finally redound to the perfection of society, so that America may hope yet, to produce, in good time, a race of artists and scholars that will surpass any the world has seen. And this is not an ebullition of national vanity, but is based upon great principles.

Be it remembered, that our government is the only one on the face of the earth that in its very outset starts with an acknowledgment of the great foundation of all true governments, namely, the welfare of individual men—their equality, their right to freedom. It should occasion us no pride, but only excite our deep gratitude that ours was the first country where the noble experiment of a government based upon the great law of humanity was tried. It was by no accident and no human foresight that this trial was made. The progress of human events compelled it. The experience of many centuries had been working out the ideas which are at the bottom of it. And no sooner was a place found on the earth favourable to their foothold, than by a necessary providence, they planted themselves there. It would seem as if God had kept this continent from the discovery of the world for ages, that it might not suffer by the experiments of government then trying elsewhere; that no traditional prejudices, or hereditary predilections, or time-hallowed political errors, might interfere with the establishment of a government based upon truth and righteousness. Nowhere else could freedom then have found a safe asylum,

much less a wide and generous home, when, even now, no nation of the old world is prepared to give her a public welcome, received as she is by stealth by many faithful spirits in all lands.

The greatest blessing of all others in our political institutions, is that they are based upon true principles, by which I mean, principles in accordance with the nature and adapted to the progress of individual man. They are free institutions, because man is by right a freeman, and the more free, the nobler and better. When we examine our government, we are not to look at the evils that attend its operation, as though they belonged necessarily to it. The TENDENCY of the institutions is to be regarded—their principle. An error in principle is vital—an error in practice is venial. A government based upon false principles must act wrong, and worse and worse continually. A government based on right principles may occasionally err, but it must err less and less, and its very errors touch near a vital part. Thus the acknowledgment of human equality is a fundamental truth. No government can possibly answer the true ends of government without it. But its publication is attended with misconception, vulgar pride, assumption, and the idle exercise of authority on the part of the people. But after all, what are these exhibitions of bad taste, compared with the stupid inferiority and cringing and broken-spirited disposition of the men in countries where this principle is denied.

The freedom of the press, too, is attended with considerable evils—with abuse of public men, with political rancour, with constant excitement; but what is this, compared with the excellent benefits resulting from the free expression of opinion, the widest exercise and publication of thought, the dissemination of truth on political subjects, the security which this general espionage over government gives us for its faithful discharge! Where this freedom is not allowed, government may be less frequently disturbed, public men less abused, and public measures less questioned; but an ignorant and slavish submission to public authority will take the place of a free and enlightened obedience. Be it observed, too, that while in other governments the necessary progress of man in knowledge and power tends to overthrow their order, and introduce constantly more and more difficulty into their councils, so that nothing but more rigour, or else constant concessions to the demand for liberty, will preserve peace. In our own, increased knowledge is just what we ask to perpetuate our institutions. Every day must remove the practical difficulties in their operation. Thus, with our increased intelligence, which this very freedom of the press facilitates, its own action will be regulated, its tone elevated, and its licentiousness fall under the ban of public opinion, which is the only restraint compatible with freedom. Thus, too, the vaunted power of the sovereign people—a true principle, however abused—will be exercised with more and more prudence, as the public mind becomes, through the activity and free inquiry which this very principle cherishes, more and more enlightened.

It is very frequent for Americans to claim a more general diffusion of knowledge among them than among any people. This seems to me not to be true. In the common sense of education, the Scotch, the Germans, the Prussians, are far better educated. But what is true, and far more important, because it is to be traced to a principle—education must finally be more general and better here than anywhere else; and even without the benefit of as good schools here as abroad, which, however, we need nothing but time and experience to supply, even without school education, it cannot be denied, that

there is infinitely more activity of mind, more common sense, more practical ability, among us, than among any people. The public mind is stimulated in these United States to the most extraordinary and unexampled degree. The education received from circumstances, from enterprize, from interest in public affairs, from newspapers, from public responsibility, from the unshackled use of the faculties, in fine, from the general intercourse of man with man as an equal—the education which is received here from freedom, the good sense inculcated by our institutions, which lay broad and true ideas at the very bottom of every citizen's mind in his early infancy, and open his soul to truth, come from what quarter it may—this is the education, after all, which is most valuable, and which is here universal, taught in the great public school of national feeling and habit. The artificial or school education of these states is very imperfect, but every day is improving it, and the necessity and demand for it proceeds from the right quarter—from the people themselves. The value of knowledge is here known; those who ask for instruction are always ready pupils. The mind of this people is vastly before their schools. There is thought enough in America to make a great national literature; but as yet we have no true book-makers—no retired students to collect and express it. There is genius enough here to produce great works of art—but it is properly diverted into works of great public utility. Our national roads, our railways, our viaducts, our ships, our institutions are our fine arts—our government is one great architectural structure. Men who, born elsewhere, would have been poets, artists, or scholars, are here workers—politicians, statesmen, public orators. The thought of America expresses itself in action. There is too much to be done, for much to be well said. It is no subject of regret that we have not a national literature or fine arts. Nothing but a diseased action in the public health could possibly have produced them at this time. And if the public mind receive instruction from other sources, the great ends of literature and arts are answered; neither having any value except for what they effect in developing and elevating the mind of the people. The effect of our institutions and condition is to exercise the faculties of our people to an immense extent, and this is all that we should ask. To set people thinking, is the greatest possible service you can render them. To bring mind into activity is education; books being a mere accident, and no essential part of education, and doing for none anything more than the incompletest portion of their development.

But we must draw these remarks to a rapid and forced termination.

The substance of the view we have taken, may be thus briefly comprehended. We need to have an intelligent idea of the real worth of our institutions and of freedom. Freedom is desirable in all things; because freedom of will, of conduct, of thought, of conscience, is the necessary condition of human progress and the great principle of human dignity. A free government is invaluable, because it leaves man as much as possible in his natural state—leaves him as much as possible to himself—to his self-government, self-controul, and self-culture. Our institutions are principally valuable because they let us alone—more to be prized for what they do not do, than for what they do. Our country flourishes and man improves, because, for the first time, humanity has a fair chance to act itself out. Man walks here without shackles, in no prescribed path, with no sentinels to stop his progress in any direction, or at any pace he may choose to go. Thus, faith in humanity is at the bottom of our

freedom; and it has been proved that the more free you make man, the nobler and the better he is. The more you cast him upon his own resources—leave him to his conscience—neither support nor cumber his trade, his religion, his literature—but leave them all to struggle for life, the better they thrive. The great distinction and privilege of an American is this, that he is permitted to be a man—a self-sustained, self-regulating, a free man—the only man—not a subject, a slave, a machine—not in this caste, or that—belonging neither to the second or third estate—neither noble nor gentle, of lords or commons—but a man—with a human head and a human heart—a God above and a conscience within—amid his fellows and equals—to work out his own happiness here and salvation hereafter, as he best can. This is freedom and humanity. God's government and man's government reconciled. Democracy is thus theocracy; and conscience, the vicegerent of God, is placed at the head of our national institutions.

We should end lamely, did we not point directly again to what we have constantly insinuated; that as the restraints of civil government are loosened, the bands of private government are to be tightened—that civil freedom is only safe to those who are in subjection to their own consciences. That nation is freest, after all, which is most in bondage to God. That man is the true freeman, whose will is reconciled to the right—who is not only absolved from the fear of the law, but from the fear of the future and its judgments. A few noble spirits have been free under the greatest outward tyranny, because their minds could not be fettered; and men may be slaves in America—slaves to public opinion, slaves to vice, slaves to fear, to the devil. Those who sin are the servants of sin. A law against murder is no restriction upon a man who has no inclination to kill. But all laws, however light, are slavery to those who are lawless and vicious, and the requisition of God and conscience are the worst slavery of all to those who do not become freemen in Christ Jesus, by learning to love the law, and so render their duty, their inclination, their necessity, their preference. The love of the right and of God is thus the secret of all freedom. It alike frees the slave of the most absolute tyranny, and binds to the rule of safety, the citizen of the laxest freedom. The disciple of Jesus is free everywhere—in Turkey or America, on earth and in heaven.

New York. H. W. B.

JOSH BEANPOLES COURTSHIP.

As pigeons bill, so wedlock would be nibbling.
As You Like It.

"MOTHER!" exclaimed Josh Beanpole, "Mother, I say, I feel all over in a twitteration like. Huh! huh! Who'd have thought it?"

"What ails ye, Josh?" asked the old woman, stopping her spinning wheel at this exclamation. "What bug has bit you now?"

"Can't tell," said Josh, in a drooping, dolorous tone, and hanging his head as if he had been caught stealing a sheep.

"Can't tell," said Mrs. Beanpole, turning quite round, and giving Josh a wondering stare. "Can't tell! what does the critter mean?"

"Who 'd ha' thought it?" repeated Josh, fumbling in his pockets, twisting round his head and rolling up his eyes in a fashion most immensely sheepish. —"Hannah Downer's courted!" Here Josh shuffled himself awkwardly into the settle in the chimney corner, and sunk upon one side, fixing his eyes with a most ludicro-dismal squint upon the lower extremity of a pot-hook that hung at the end of the crane.

"Courted!" exclaimed Mrs. Beanpole, not exactly comprehending the state of her son's intellects. "Well—what's all that when it's fried?"

"Arter so many pails of water as I've pumped for her," said Josh in a dismal whine,—"for to go for to let herself to be courted by another feller!"

"Here's a to-do!" ejaculated the old woman.

"It's tarnation all over!" said Josh, beginning a bolder tone as he found his mother coming to an understanding of the matter. "It makes me crawl all over to think on't. Didn't I wait on her three times to singing school! Hadn't I e'en a most made up my mind to break the ice, and tell her I should n't wonder if I had a sneakin' notion arter somebody's Hannah! I should ha' been reg'lar courting in less than a month,—and Peet Spinbutton has cut me out—as slick as a whistle!"

"Peet Spinbutton!" said the old woman—"Well, I want to know!"

"Darn his eyes!" exclaimed Josh.

"Peet Spinbutton!" repeated Mrs. Beanpole; "what, the ensign of the Dogtown Blues!—that great hummokin' feller!"

"Darn him to darnation!" exclaimed Josh, catching hold of the toast-iron as if he meant to lay about him—"to cut in afore me in that 'ere sort o' way!"

Mrs. Beanpole caught Josh by the arm, exclaiming, "Josh! Joshy! Joshy! what are you about? Peet Spinbutton? I don't believe it."

"What!" said Josh, "did n't I hear with my own ears last night that ever was, Zeb Shute tell me all about it?"

"Zeb Shute?—well, what did Zeb Shute say?"

"Why, says he to me—Josh, says he, what do you think, says he—I don't know, no n't I, says I. Tell you what, says he—that 'ere Hannah Downer—What of Hannah Downer? says I—for I begun to crawl all over. Tell ye what, says he—she's a whole team. Ah, says I, she's a whole team and a horse to let. Tell ye what, says he, guess somebody has a sneakin' notion that way. Should n't wonder, says I, feeling all over in a flustration, thinkin' he meant me. Tell ye what, says he,—guess Peet Spinbutton and she's pretty thick together. How you talk, says I. Fact, says he. Well, I never, says I. Tell ye what, says he—No, that's all he said."

"Pooh!" said the old woman, "it's all wind Joshy, it's nothing but Zeb Shute's nonsense."

"Do you think so?" exclaimed Josh, with a stare of uncommon animation, and his mouth wide open.

"No doubt on't Joshy, my boy," replied she, "for Peggy Downer was here yesterday forenoon, to borrow a cup of starch, and she never mentioned the leastest word about it under the light of the livin' sun."

"If I was only sure of that!" said Josh, laying down the toast-iron and sticking his knuckles into his right eye.

"Joshy, my boy," said the old woman, "I don't believe Hannah Downer ever gin Peet Spinbutton the leastest encouragement in the universal world."

"Think so?" asked Josh, setting his elbows on his knees, his chin in his fists, and fixing his eyes vacantly downward in an angle of forty-five degrees, as if in intense admiration of the back-log.

"I 'll tell you what, Joshy," said Mrs. Beanpole, in a motherly tone, "do you just put on your go-to-meetin' suit, and go to see Hannah this blessed night."

"Eh!" exclaimed Josh, starting from his elbows at the astounding boldness of the suggestion, and gazing straight up the chimney. "Do you think she 'd let me?"

"Nothin' like tryin', Joshy;—must be a first time. Besides, the old folks are going to lecture, Hannah 'll be all alone—hey! Josh, my boy! Nothin' like tryin'."

"Eh! eh" said Josh, screwing himself all up in a heap and staring most desperately at the lower button of his own waistcoat—for the thoughts of actually going a courting came over him in a most alarming fashion; "would ye though, mother? Hannah's a nice gal, but somehow or other I feel plaguy queer about it,"

"Oh, that 's quite naiteral, Joshy; when you once get a goin' it be nothin' at all."

"Higgle, giggle, giggle," said Josh, making a silly, sputtering kind of laugh—"that's the very thing I'm afraid of, that 'ere gettin' a goin'—Hannah Downer is apt to be tarnation smart sometimes; and I've hearn tell, that courtin' is the hardest thing in the world to begin, though it goes on so slick arterwards."

"Nonsense, Josh, you silly dough-head; it's only saying two words, and it all goes as straight as a turnpike."

"By the hokey!" said Josh, rolling up his eyes and giving a punch with his fist in the air, "I 've an all-fired mind to try it though!"

Josh and his mother held a much longer colloquy upon the matter, the result of which was such an augmentation of his courage for the undertaking, that the courtship was absolutely decided upon; and just after dark, Josh gave his face a sound scrubbing with soap-suds, drew forth his Sunday pantaloons, which were of the brightest cow-colour, and after a good deal of labour, succeeded in getting into them, his legs being somewhat of the longest, and the pantaloons as tight as a glove, so that on seeing him fairly incased, it was somewhat of a puzzle to guess how he could ever get out of them. A flaming red waistcoat, and a gray coat with broad pewter buttons, set off his figure to the greatest advantage, to say nothing of a pair of bran new cow-hide shoes. Then rubbing his long hair with a tallow candle, and sprinkling a handful of Indian meal by way of powder, he twisted it behind with a leather string into a formidable queue, which he drew so tight that it was with the greatest difficulty he could shut his eyes; but this gave him but little concern, as he was determined to be wide awake through the whole affair. Being all equipt, he mounted Old Blueberry, and set off at an easy trot, which very soon fell into a walk, for the nearer Josh approached the dwelling of his Dulcinea, the more the thought of his great undertaking overpowered him.

Josh rode four times round the house before he found courage to alight; at length he made a desperate effort and pulled up under the lee side of the barn, where he dismounted, tied his horse, and approached the house with fear and trembling. At two rods distance he stopped short. There was a dead silence,

and he stood in awful irresolution. All at once a terrible voice, close at hand, caused him to start with great trepidation:---it was nothing but a couple of turkeys who had set up a gobbling from their roost on the top of the barn. Josh looked up, and beheld by the light of the moon, the old turkey cosily perched by the side of his mate: the sight was overpowering. "Ah! happy, happy turkey!" he mentally exclaimed, and turned about to proceed up the yard, but the next moment felt a violent cut across the broadest part of his nose. He started back again, but discovered it to be only a clothes-line which he had run against. "The course of true love never did run smooth." He went fearfully on, thinking of the connubial felicities of the turkey tribe, and the perils of clothes-lines, till he found himself at the door, where he stood fifteen minutes undetermined what to do; and if he had not bethought himself of the precaution of peeping in at the window, it is doubtful whether he would have mustered the courage to enter. But peep he did, and spied Hannah all alone at her knitting-work. This sight emboldened him, and he bolted in without knocking.

What precise sort of compliments Josh made use of in introducing himself, never could be discovered, for Josh laboured under such a confusion of the brain at the time, that he lost all recollection of what passed till he found himself seated in a flag-bottomed chair with a most uncomfortably deep hollow in it. He looked up, and actually saw Hannah sitting in the chimney corner knitting a pepper-and-salt stocking.

"Quite industrious to-night," said Josh.

"Do n't know that," replied Hannah.

"Sure on't," returned Josh. "Guess now you've knit from four to six pair at the lowest calculation."

"Should n't wonder," replied Hannah.

"Tarnation!" said Josh, pretending to be struck with admiration at the exploit, though he knew it was nothing to boast of.

"How 's your mother, Josh?" asked Hannah.

"Pretty considerable smart, Hannah; how 's *your* mother?"

"So, so," replied Hannah, and here the conversation came to a stand.

Josh fumbled in his pockets, and stuck his legs out till they nearly reached across the room, in hopes to think of something more to say; but in vain. He then scratched his head, but there appeared to be nothing in it. "Is 't possible," thought he, "that I'm actually here a courting?" He could hardly believe it, and began to feel very awkward.

"I swow!" he exclaimed, opening his eyes as wide as he could.

"What 's the matter?" asked Hannah, a little startled.

"Cotch a 'tarnal great musquash this forenoon."

"Ah!" said Hannah, "how big was it?"

"Big as all out-doors!"

"Lawful heart!" exclaimed Hannah.

Josh now felt a little more at his ease, finding the musquash helped him on so bravely. He hitched his chair about seven feet, at a single jerk, nearer to Hannah, and exclaimed, "Tell ye what, Hannah, I 'm all creation for catching musquashes."

"Well I want to know!" replied Hannah.

Josh twisted his eyes into a squint, and gave her a look of melting tenderness. Hannah perceived it, and did not know whether to laugh or be scared;

o, to compromise the matter, she pretended to be taken with a fit of coughing.

Josh felt his heart begin to beat, and was fully convinced he was courting or omething very like it; but what to do next was the question. "Shall I kiss ier," thought he. "No, no, it 's a *leetle* too early for that; but I'll tell her I ove her." At this thought his heart went bump! bump! bump! harder than ver. "Hannah," he exclaimed in a squeaking voice, and stopped short.

"Hey! Josh," said Hannah.

"Hannah, I —— I ——" he rolled up the whites of his eyes in a most applicating leer, but the word stuck in his throat. Hannah looked directly in is face; he was in a dreadful puzzle what to say, for he was obliged to say omething. His eye fell by accident on a gridiron hanging in the chimney orner, "What a terrible crack your gridiron's got in it!" exclaimed he.

"Poh," said Hannah.

Here the conversation came again to a dead stop, for Josh had so exhausted imself in this effort to break the ice, that he was not master of his faculties or several minutes; and when he fairly came to his senses, he found himself counting the tickings of an old wooden clock that stood in the corner. He counted and counted till he numbered three hundred and ninety-seven ticks, when he luckily heard a cow lowing out of doors.

"Ugh!" said he, "whose cow 's that?"

"Drummer Tucker's," replied Hannah.

"Drummer Tucker's! Well I want to know!"

This reply suggested an idea. "Hannah," asked he, "did you ever see a romedary?"

"No,---did you Josh?

"No," returned Josh, "I never see nothin' in my life but a green monkey; nd then I was a'most skeered to death!"

"Lawful heart! Mercy's sake!" exclaimed Hannah, and here the conversation came to a pause again.

The longer they sat, the more awkwardly Josh found himself situated; he at bolt upright in his chair, with his knees close together and his head stooping orward in such a manner that his long queue stuck out horizontally behind, and is eyes horizontally before, like those of a lobster. For several minutes he sat ontemplating the handle of the warming-pan that hung by the side of the ire-place; and then gradually elevating his line of vision, came in sight of a uge crook-necked squash lying on the mantel-piece. Then he looked at Hannah, and then at the dish-cloth in the mouth of the oven, and from the dish-loth made a transition back to the warming-pan. "Courting," thought Josh, 'is awful hard work." The perspiration stood on his forehead, and his eel-skin queue pulled so tight that he began to fear the top of his head was coming off; but not a word could he say. And just at that moment a green stick of wood upon the fire began to sing in a dismal tone, "*Que, que, que, que, que.*" Nothing frets the nerves more when a body is a little fidgetty, than the singing and sputtering of a stick of wood. Josh felt worse than ever, but the stick kept on, *que, que, que, quiddle de dee, que, que, quiddledy, quiddledy, que, que, que,*—Josh caught up the tongs and gave the fire a tremendous poke. This exertion somewhat relieved him.

"Hannah" said he, hitching his chair a yard nearer.

"Well, Josh."

Now, thought Josh, I *will* tell her I love her.—"Hannah," said he again,

"I"——He stared so wildly and made such a horrible grimace that Hannah bounced from her chair. "Hannah, I say," repeated he—but here again his courage failed him.

"What say, Josh?"

"I—— I—— it's a grand time for turnips. Ugh? ugh! ugh!"

"Poh!" returned Hannah. "Let alone of my apron-string, you Josh."

Josh sat in silence and despair for some time longer, growing more and more nervous every moment. Presently the stick of wood burst out squeaking again in the most doleful style imaginable, *Quiddledy, quiddledy quee—ee—ee—iddledy, que, que quiddledy quidbledy que que que—ee—ee—ee—ee—ee—* Josh could not bear it any louger, for he verily believed his skull-bone was splitting. "I swaggers," he exclaimed "this is too bad!"

"What 's the matter, Josh?" asked Hannah in considerable alarm.

"Suthin' ails me," said Josh.

"Dear me!" exclaimed Hannah, sha' n't I get you a mug of cider?"

"Do," replied Josh, "for I don't feel as I used to did."

Hannah ran down cellar and returned with a quart mug of cider. Josh put it to his lips and took a heavy pull. It was what the farmers call *hard* cider, and Josh verily feared his eyes would start out of his head while he was drinking it, but after several desperate gulps he succeeded in draining the mug. Then pulling a blue-and-white check handkerchief from his pocket, he rubbed his face very hard, and looked straight into the fire.

But in a few minutes he found his spirits wonderfully rising; he lifted up his eyes, hitched his chair nearer, sent Hannah a sly look, and actually gave a loud giggle. Hannah giggled in reply, for giggling, like gaping, is contagious. In two minutes more, his courage rose higher; he threw one of his long legs across the other, gave a grin, slapped his hand upon his knee, and exclaimed as bold as a lion,

"Hannah,—if a young feller was for to go to offer for to kiss you, what d' ye think ye should do?" Having uttered these words, he stopped short, his mouth wide open in gaping astonishment at his own temerity.

If Hannah did not blush, it was probably owing to her being at that moment engaged in blowing the fire at a desperate rate with an enormous pair of broken-winded bellows, which occupation had set her all in a blowze. She understood the hint, and replied,

"Guess ye 'd better not try, Josh."

Whether this was intended as a warning, or an invitation, never could be satisfactorily known. Josh did not stop to inquire, but he thought it too good a chance to be lost: "I 'll kiss her! by Golly!" he exclaimed to himself. He made a bounce from his chair and seized the nozzle of the bellows, which Hannah was sticking at that moment under a huge iron pot over the fire. Now, in this pot were apples a stewing, and so it happened that Hannah, in the confusion occasioned by the visit of Josh, had made a mistake and put in sour apples instead of sweet ones: sour apples, when cooking, everybody knows, are apt to explode like bomb shells. Hannah had been puffing at the bellows with might and main, and raised the heat to a mischievous degree;—there was no safety-valve in the pot-lid, and just as Josh was upon the point of snatching a kiss, whop! the whole contents of the pot went off in their faces!

At the same moment the door flew open, and the whole Downer family came in from meeting. Such a sight as they beheld! There stood Josh,

eplastered with apple-sauce from head to foot, and frightened worse than if ıe had seen a green monkey. Hannah made her escape, and left Josh to :xplain the catastrophe. He rolled up his eyes in utter dismay. "What *is* he matter?" exclaimed Peggy Downer. "Ugh! ugh! ugh!" replied Josh, ınd that was all he could say. "Goodness' sake! Josh Beanpole! is that ou!" asked mother Downer, for Josh was so beplastered, beluted, and transub-tantiated by the apple-sauce that she did not at first discover who it was.—'I d'n know—no n't I," said Josh.—"What a spot o' work!" exclaimed Peggy. Josh looked down at his pantaloons—"Oh! forever!" he exclaimed, 'this beats the gineral trainin'!"

How matters were explained, and how Josh got safe home, I cannot stop to explain. As to the final result of the courtship, the reader may as well be informed that Josh had too much genuine Yankee resolution to be beaten away from his prize by a broadside of baked apples. In fact, it was but a few months afterwards, that Deacon Powderpost, the town clerk, was digging all alone in the middle of his ten-acre potato field, and spied Josh Beanpole looming up over the top of the hill. Josh looked all around the horizon, and finding no other living soul to be seen, came scrambling over the potato hills, and got right behind the Deacon, where in about a quarter of an hour he mustered courage sufficient to ask him to step aside, as he had a communication for his private ear. To make a long story short, Josh and Hannah were published the next Sunday.

THE ECLIPSE OF THE MOON.

TRANSLATED FROM THE ORIGINAL GERMAN OF JEAN PAUL VON RICHTER.

On the lily plains of the moon dwelt the mother of the human race, with all ıer innumerable daughters in calm unceasing affection. The azure sky ⁄hich floats only distantly over the earth reposes there, and reclines on the ɒowy meadows of flower blossoms. No chilling cloud spreads a temporary ⁄ilight through the clear æther. No angry feeling corrodes the gentle ɔuls.

As the rainbows of a waterfall intermix, so does Love and Repose intertwine ll into one embrace; and when in the tranquil night the earth hangs splendent ɑd extended beneath the stars, the souls which have suffered and rejoiced upon , gaze with sweet yearning recollection upon the abandoned spot, where be-ıved ones dwell yet, and where their own forsaken bodies repose; and if then ıe ponderous lulling earth dazzlingly approaches the closing eye, the former ırings of earth pass before them again in brilliant dreams; and when their eyes ɑclose, they are filled with the morning dews of joyful tears.

But when the shadow index of eternity points to a new century, a burning ain flashes through the bosom of the mother of the human race, for the ɜloved daughters who have not yet been upon earth, leave the moon, and enter ıto their bodies so soon as the earth with its cold dense shadow, touches and ⁄erpowers them.

The mother of the human race weeping beholds their departure; for not all, ıt only the spotless, return to her in the pure moon. And as one century ter another takes some of her children from the bereaved mother, she trembles

in the day that she perceives our rapacious globe like a broad dense cloud approach the sun.

The index of eternity approached the 18th century, and the earth, filled with darkness, advanced towards the sun. The mother was pressing fervently and mournfully those of her daughters who had not worn the trappings of mortality to her bosom, and imploring them with tears, thus:---

> " Oh, do not fall my beloved ones, remain
> Pure as angels and return here again."

Now the giant shadow touched the century, and the opaque earth covered the whole sun. (The opaque earth completely veiled the sun.) A thunder-clap struck the hour. In the murky heavens hung a flaming comet sword, the Milky Way shook, and a voice cried out from it, " Appear, tempter of mankind."

Every century the eternal sends an evil genius to tempt it.

Remote as an indissoluble nebula in the heavens, is the all-embracing everlasting scheme of the Deity from mortal eyes.* As the tempter was summoned, the mother of the human race with all her children trembled, and the gentle souls all wept, even the glorified ones who had already been on earth.

Now, together with the earth, a huge gigantic serpent reared itself and reached up to the moon, and cried, " I will corrupt you." It was the evil genius of the 18th century.

The lily bells of the moon collapsed, bowed their heads, and withered away. The comet sword swayed to and fro as the headman's sword waving by itself, as a sign that it will soon be put in execution.

The serpent insinuated itself into the peaceful Eden, with glittering eyes, with blood-red crest, with lips worn through with constant venomous biting and licking, and with a threatening tongue.

The tail moved convulsively; and as it were maliciously and greedily, in a grove upon the earth. An earthquake on our globe whirled the curling rings upwards, and the speckled poisonous liquid was scattered like a livid thunder cloud.

Alas, it was the black spirit who had formerly tempted the wretched mother of mankind. She could look upon him, but the serpent commenced thus:

" Know'st thou not the serpent, Eve? I will tempt thy daughters, thy pure butterflies I will collect on the Morass. Behold, sisters, with what (things) I will allure you all;" and here the viper eyes reflected masculine forms; the coloured coils of his body, matrimonial rings; and the yellow scales represented pieces of gold money. " And for these I take you from the moon, and also from virtue. In the silken bonds of glittering stuffs, and in the wide meshes of the cunning loom will I ensnare you. With my fire-crown I will attract you, and you shall desire to wear it. I will insinuate my flattery into your heart at first, and after I will instil my words into the tones of the masculine voice, and I will confirm and continue the effects; and in your tongues I will infuse my own, and make them keen and venomous; and then when all is gloomy around you, and at the near approach of death, then will I insert my fangs of fruitless remorse, sharply direct and burning into your hearts.

* A nebula is a solar system at such a vast distance in the firmament, that no telescope can distinguish any single star in it.

"Take an eternal leave of them Eve, for what I say to them here they will forget, happily for me, before they shall be born."

The unborn souls hid themselves trembling in each other, before the approaching cold poisonous vapour tree; and the souls which, pure as the exhalations of fragrant blossoms, had re-ascended from the earth, embraced each other in timid joy, and in the gentle trepidation of surmounted perils.

The most beloved daughter Maria, and the mother of the human race, held each other closely to their hearts; they knelt in this embrace and raised their supplicating eyes upwards, and the tears that flowed from them implored the All Merciful thus;

"Oh! do thou protect them!"

And behold, as the monster darted forth its long subtle cloven tongue, which, shaped as the lobster's claw, swept over the surface of the moon and snapped the lilies asunder; and whilst it was making a black spot on the moon, crying, "I will corrupt you," behold the first rays of the sun shot forth from behind the earth, and its golden light gleamed on the brow of a noble beautiful youth who had been unperceived amidst the trembling souls; a lily covered his heart, a wreath of rosebuds flourished on his brow, and azure as the celestial sky was his garment.

He looked down upon the mourning souls with glowing, beaming love, and in silent tears, as the sun upon the rainbow, and then said:

"I will protect you."

It was the genius of religion. The undulating great serpent became petrified before him, and stood congealed upon the earth against the moon, as a powder magazine, filled with incipient black death.*

And the sun cast a bright gleam on the youth's countenance, and he raised his large eyes to the stars and said to the Eternal;

"Father, I go with my sisters into mortal existence, and I will protect all who will receive me. Enshrine this ætherial flame in a beautiful temple. It shall not deform or destroy it. Adorn this beautiful soul with the foliage of earth's loveliest charms; it shall protect her fruits only, not overshadow them; give it a beautiful eye, I will animate and master it; place a tender heart in its bosom, it shall not crumble into dust before it has throbbed for virtue and for thee; and unspotted and undecayed will I transform the flowers into fruit and bring them out of the earth again.

"For upon the mountains and up to the sun, and amongst the stars will I fly, and remind them of thee and of the world above the earth. Into the pure light of the moon will I change the lily of my breast, and into the evening glow of the spring evening will I change the rosebuds of my wreath, and thus remind them of their brother.

"In the tones of melodious music will I call them and speak to them of thy heaven, and open its portals before their harmonizing hearts. With the arms of their parents will I draw them to me, in the voice of poetry will I infuse mine; and with the traits of their much-beloved ones will I embellish my own features. Yea, even with the storm of suffering will I pass over them, and cast the lucid even into their eyes, and direct their gaze upwards to the heights, and towards the kindred from whence they spring.

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* Black death has here a double signification, for there is a fatal disease called in Germany "black death."

"Oh, you beloved ones who reject not your brother, if a sweet, longing sensation expands your hearts after a noble deed, and after a hard victory,—if in the glow of sunset, your eyes in unspeakable bliss dissolve in tears, and your whole being becomes exalted, and you are impelled upwards and in tranquil love and languishing tears, your arms towards the heavens,—then am I within your hearts and give you these tokens that I encircle you, and that you are my sisters. And then, after a brief dream, I will break away the casket from the diamond, and it will fall as the light dew amongst the lilies of the moon.

"Oh, tender mother of the human race, gaze not so mournfully on thy beloved children, thou will lose but few."

The sun blazed forth unveiled before the moon, and the unborn souls went forth to the earth, and the genius of the earth accompanied them; and as they flew towards earth, melodious harmony rang through the azure, as if snow should fly in a winter night, leaving sounds behind them in the air instead of on the leaves.

The giant serpent fell in the expansive arch of a redhot flying bomb, and finally curled into the kindling pitch wreaths for conflagration; and as the curving water-spout breaks over a ship, so it fell over the earth, winding into a thousand loops and knots, strangling and ensnaring through every nation in the world. And the sword of judgment was agitated again, but the reverberating sounds traversing the æther continued yet longer.

As I had concluded, Pauline dried her mild eyes, which were involuntarily lifted upwards towards the moon and its broad specks. I left her, and the wish that I here utter for all the loving sisters of the good genius were my last words to her;

"May it ever be well with thee, and may the little spring night of life flow away peacefully and innocently for thee. May the celestial unseen shed some constellations over thee in that brief night. May night flowers flow from beneath thy feet, and may sacred night thoughts dwell within thee, and no more clouds above thee than is essential for a beautiful evening, and no more rain than is required for a rainbow in the moonlight." MARIPOSA.

LIFE INSURANCE.

The cases in which beneficial results may arise from life insurance are numerous, and cannot fail to impress upon the mind a conviction of its great value in effecting objects for accomplishing which it may be used. If an individual has a wife and family dependent upon him for support, a small portion of the yearly income which he derives from the employment in which he is engaged, will secure to them at his death a sufficient sum to preserve them in the enjoyment of those comforts to which they have always been accustomed. Where married persons have a jointure, annuity, or pension, depending upon either of their lives, by insuring the life of the one entitled to such annuity, pension, or jointure, the other may secure a competency after death shall have taken away the one upon whom the life interest depended. If an individual is desirous of borrowing money, he may ensure his life, and thus give the lender a security for the sum obtained.

A merchant commences in business with the fairest prospects of ultimate success, and is looked upon by those with whom he deals as worthy of liberal

credit, but life is uncertain, and they are fearful that death may overtake him before he realizes sufficient to satisfy their demands; an insurance effected upon his life, will add materially to the credit he enjoys, and secure to his creditors the payment of their claims. If a creditor is in danger of losing his debt, in case the person who owes it to him should suddenly die, he may ensure his debtor's life, and guard against the consequences of an event to which mankind are always liable.

A person possessed of an annual income only, may, upon marriage, secure by settlement, for the benefit of his widow and family, such a sum as it may suit his circumstances to insure. The cases we have mentioned are a few of the many instances in which life insurance is of incalculable advantage. In this country, however, the most frequent use for which it is applied, and the most valuable object it attains, is that of enabling a parent to provide for his family, when his income principally depends upon his own life or exertions; as in the case of professional men, merchants, mechanics, and persons living upon incomes. And how many helpless and destitute families would have been saved from suffering and want, if the husbands and fathers, who perished in the late dreadful conflagration of the steamer Lexington, had in this manner guarded against the fearful consequences which resulted from embarking their lives on board this ill-fated vessel. The experience of men is daily convincing them of the necessity which exists for obtaining this security for the benefit of their families; and when we examine the principles upon which it is based, and scrutinize their bearing upon the moral and social condition of mankind, we are unable to perceive any reasons which ought to prejudice the mind against it, or to observe the least tendency which it possesses towards the introduction of fraud or evil practices.

In a disordered state of society, where the administration of the law is too feeble and ineffective for the punishment of acts of violence, and where the midnight assassin and noonday murderer can walk securely abroad, clothed in the protection which is afforded by the strong arm of force, life insurance, unless confined within very narrow limits, may be dangerous; but in a community like our own, where stern justice is sure to overtake those by whom it is outraged, where the laws are respected and observed, and where the passions and feelings of mankind are governed and controlled by considerations of morality and the public good, it is eminently calculated to ensure the most important benefits, and to confer many valuable blessings. The prejudices which exist against it, on the ground that it trifles with the decrees of Providence by setting a price upon the solemn event of death, are without the least foundation in reason or good sense, and hardly deserve to be seriously considered. They arise from a want of due reflection, and proceed from ignorance of the true principles by which it is governed. What infringement of the rules of morality or religion is committed by an individual who pays a small yearly sum, that his family may enjoy a humble competence at his death? Is there any presumption towards his Maker, in thus endeavouring to make an event, which must inevitably produce mourning and unhappiness in the hearts of his wife and children, fall upon them as lightly as possible? can there be any impiety in looking forward to his final dissolution, and preparing for its consequences? or will it be pretended, that his duties towards those with whom he is connected by the most endearing ties of life extend only to their support and protection until his death, and that poverty and wretchedness should then

be the portion of the widow and the orphan? Where is the moral distinction between insuring a ship for a voyage, with a hundred souls on board, and insuring the life of an individual? In either case, the loss may depend upon numerous circumstances, and all of them equally uncertain and contingent. If the lightnings of heaven, the billows of the sea, or the rocks which sleep beneath the ocean's wave, destroy the vessel, death may annihilate every person on board, and the event thus insured against is productive of the most dreadful consequences; while insurance upon the life of an individual contemplates a result which involves the safety of but a single person. After examining the foundation upon which this species of insurance rests, we cannot discover any material difference which exists to distinguish it from insurance upon property; for in either case, a loss usually depends upon chances which men cannot foresee, and over which they have no control; and although a wide distinction may prevail in respect to the purposes and objects for which they are obtained, yet they are based upon the same principles, and are governed by the same rules For the purpose of presenting the subject of life insurance in all its various bearings, as well with reference to the case of an individual who obtains the policy upon his own life, as to the person effecting it upon his debtor, we shall endeavour to illustrate and explain the principles of law by which it is controlled, and to point out some of the leading rules which govern the construction and effect of this species of contract. To the person desirous of insuring his own life, or that of an individual in which he is interested, the nature of the preliminary measures which he must take is important to be understood, and the facts and circumstances which he is bound to disclose, as the foundation upon which the policy is based, for the purpose of giving validity and effect to its provisions, should be faithfully and unreservedly communicated.

The usual mode of proceeding is, for the party to procure, at the office of the company, a printed form of proposal, containing a number of questions relating to the profession, situation in life, and health of the person, all of which must be satisfactorily answered, or the proposition for effecting the insurance will not be entertained. Queries to nearly the same general import are also propounded to the medical attendant and intimate friend of the person whose life is the subject of insurance, which must be replied to in a manner calculated to convince the company of the safety of the risk they are about to assume.

A declaration or statement must then be signed by the party, embodying the answers to the questions contained in the proposal, with an agreement that so far as such declaration relates to the age of the person to be insured, and the state of his health, it shall form the basis of the contract between the party and the company; and the policy is then made out and executed. As this declaration constitutes the foundation upon which the agreement rests, too much caution cannot be exercised in ascertaining the real state of the facts which it contains. It is the duty of the assured to disclose every material fact which may in any manner affect the assumed risk; and although specific questions, which are alike applicable to all classes of men, are proposed by the offices, yet if any circumstances exist, calculated to shorten the life of the person insured, or which operate to the serious detriment of his health, they must be disclosed in all cases where a general question is put by the insurers at the time of effecting the policy. In construing the effect of the various

conditions which form the subject of this agreement, the broad principles of justice prevail, and its provisions are not controlled by strict technicalities, or formal unmeaning rules. So long as it appears that the party effecting the insurance has not been guilty of fraud, and that he has made no concealment or misrepresentation, it will be expounded with that liberality in his favour which equity demands.

The offices will never take advantage of trifling objections, for the purpose of discharging their liability; and a resort to legal measures seldom becomes necessary.

It is important that the health of the party, at the time his life is insured, should correspond with the statement in the declaration; for although he may be of plethoric habit, or consumptive, or of a naturally delicate constitution from causes not ascertained, and which could not have been known and communicated, and are consequently risks which the insurers must assume, yet if any particular disorder exists, tending to shorten life, it must be divulged, and if kept a secret, it will vitiate the policy.

For the purpose of showing the important necessity which in all cases exist for disclosing the true state of health which the insured enjoys, and the materiality of a concealment of any particular physical disability under which he may labour, we shall mention the circumstances connected with an insurance which was effected in 1824, by the Atlas Insurance Company in England, upon the life of the Duke of Saxe Gotha, in Germany. When the policy was effected, it appeared from the declarations and answers of the duke's physicians, and the statements of other persons, that he had lived a dissolute life in former days, by which he had lost the use of his speech; but his physicians did not mention the state of his mental faculties, the use of which he had also lost. In 1825 the duke died, and a large tumour, pressing upon his brain, was then discovered, which had existed for many years, and to which might be attributed the loss of his speech and mental faculties. Under these circumstances, the company refused to pay the sum for which the life of the duke was insured, and an action was brought against it upon the policy. Upon the trial of the cause, all the medical testimony went to establish that the symptoms during the duke's life were not such as to excite the suspicion that such a tumour existed, or that he was afflicted with any particular disorder tending to shorten life; but a foreign physician said, had he been consulted, he should have thought it his duty to state that he attributed the loss of speech to a paralysis of the organs; and an English surgeon said, he should have considered it right, in answer to the general question, "whether he knew any other circumstances that ought to be communicated to the directors of the company," to mention the state of the duke's mental faculties. In deciding this case, the court held that the concealment of these facts by his physicians, was of sufficient importance to vitiate the policy, and to discharge the company from all liability upon the instrument, on the ground that the suppression of a material fact is, in contemplation of law a fraud. A misrepresentation or concealment, which is material, will have the same effect, whether the policy is effected for the benefit of the insured or his creditor.

In the latter case, the party whose life is insured is considered the agent of his creditor, and all his statements, and those of his physician, with reference to his health, and other circumstances necessary to be divulged, are governed and controlled by the rules of law which have already been mentioned.

After the policy is executed, every stipulation and warranty which it contains must be strictly observed. Any material departure from its terms will in contemplation of law, be sufficient to discharge the company from responsibility; although it will seldom avail itself of any excuse for this purpose, unless strong circumstances of fraud exist, or a wilful violation of its condition is made to appear. Where insurance upon life is effected for the ordinary premium, certain limits and boundaries are prescribed in the policy, within which the person insured is bound to remain, and he cannot depart beyond them without vitiating it. This, in some cases, may be deemed unreasonable, as a slight deviation from its terms may often occur without in the slightest degree enhancing the risk of the company; but in order to prevent the multiplicity of questions which would arise in the settlement of losses if this enhancement were left open to inquiry and investigation, instead of being fixed and determined by arbitrary rules, the various insurance offices have leemed it imperatively necessary to mark out and define, by general provisions, he extent of country within which the assured must confine himself. It ould be foreign to our present purpose, to enumerate all the various and ninute warranties and stipulations which a policy of the nature we are considering embodies; or to notice and point out the high legal adjudications by which their construction and effect have been established.

The general principles of law by which ordinary agreements are governed, apply with equal force here; and as our main object is to mention only those peculiarities which distinguish a policy of life assurance from other written instruments, we shall not depart from it by entering into a discussion of that which is wholly disconnected with its accomplishment. There is one branch of this subject, however, which yet remains to be considered in a legal point of view, with reference to an important feature it presents, and which has a material bearing upon the rights of the insured. We allude to the case of a creditor who insures the life of his debtor as security for the ultimate payment of his demand. In this case it is necessary that the party insuring should have a plain legitimate interest in the person whose name is inserted in the policy. Statutory provisions to this effect have long existed in England, it having been found of the utmost importance to check the notorious gambling and tendency to crime which it otherwise was calculated to produce; and in America the same rule universally prevails; and such interests must not only exist at the time the policy is obtained, but must actually continue until the period when the sum for which the life is insured shall be claimed. What would be deemed a sufficient interest, or what must be its nature, in order to constitute a foundation upon which to base the policy, it would be difficult in some instances to define, although in the case of a debt, the company would, under any circumstances, be liable to its amount.

Upon the general principle of allowing an individual to insure the life of another whose death may deprive him of a pecuniary right, there does not seem any good reason for denying this privilege to a person who is dependent upon the life of another for support; as in the case of aged and infirm parents who rely upon the exertions of their children for the comforts and enjoyments of life; and under these circumstances policies have been effected, although their legal efficacy has never been determined by judicial decisions.

Although, as a general rule, the death of the person whose life is the subject of insurance determines the right of all the parties, yet if the creditor

is subsequently paid the amonnt of his claim he cannot recover; for the insurance is regarded in the light of an indemnity against the loss of his debt, and if it is paid, the contingency upon which the loss depends no longer exists This principle was laid down and established in England, in an action brought upon a policy effected upon the life of the Hon. Wm. Pitt. The insurance was obtained by his coachmakers, for five hundred pounds, he being indebted to them in more than twice that amount. After his death, and before the commencement of the suit, his executors paid out of the amount granted by parliament for the discharge of his debts, the full sum which they were entitled to receive; and under these circumstances, the court held, that they could not recover upon the policy, on the ground that the damages occasioned by the death of Mr. Pitt were prevented by payment of the debt before the action was commenced. As we have before observed the company insuring will seldom avail itself of a defence of this nature, and in the case we have mentioned, the office did not take advantage of the verdict which was rendered in their favour, but paid the money to the insured before they left the court.

Our examination of some of the more important principles of law upon which this species of insurance is based, and by which it is governed, is perhaps sufficient to point out the material legal rights which the insured enjoys, and the rules of action he is bound to pursue in order to preserve them unimpaired. A more minute detail in this respect would involve numerous technicalities, most of which are of minor consequence even to those most interested.

The brief legal outline which is here given, will no doubt be uninteresting to many, and seem unnecessary to be noticed; but for the purpose of rendering contracts of this nature, for which so many entertain a prejudice, familiar to the mind, and to illustrate the principles which constitute their foundation, we have thought its introduction useful in connexion with the more miscellaneous and varied materials of which the whole is composed.

The numerous life insurance companies which have sprung into existence within the last few years, are more conclusively evident of the many benefits which they are capable of conferring upon mankind, than anything else which can be advanced.

We do not pretend to deny that they are founded upon self-interest, and governed in their operations by hopes of gain; but the theory of this species of insurance, from its very nature, is calculated to effect the most benevolent objects. The calculation of chances by which the amount of premium is determined, is governed by the probabilities of human life, deduced from long aud varied experience and observation, which, together with the spirit of competition prevailing among the different offices, precludes the possibility of unfairness or imposition. Many evils may exist in their management, calculated to prejudice the rights of individuals whose interests are entrusted to their care; but when they are placed under the direction and control of men possessing a high integrity of character, combined with respectable talents and enlarged business capacity, no doubts or fears need be entertained of the honourable adjustment of every equitable claim.

Many of these companies in England, present an array of names in their list of directors, who are known as well for the high rank which they occupy among the nobility of that kingdom, as for the benevolence which induces them to lend their powerful influence in support of whatever is calculated to produce results of a beneficial character; while others endeavour to create and

support a reputation far beyond what they deserve, by parading a number of lords and honorables in their directorship, who are ignorant of the very existence of such institutions, except, perhaps, by a glance at a newspaper advertisement. It must be borne in mind, however, that many of them are mere associations of individuals with outcharters, loosely constituted, with irresponsible officers, a nominal capital, and who assume a borrowed guise in order to insure a greater prospect of success in their schemes of managing, trickery, and fraudulent conspiracy. The larger portion, however, are conducted in a highly honorable manner, possess enormous capitals, and afford the most perfect guarantee against every species of unfairness. Their long standing presents the strongest evidence of the great advantages which they have conferred upon the public, and at the same time furnishes a powerful presumption in favour of supposing that their dealings with individuals have been characterised by the strictest integrity. There are now about seventy offices of this kind in London, some of which have been established more than one hundred years. The lives which they insure number more than four hundred thousand, and are rapidly on the increase, and have been for a great number of years.

It is true that more persons exist upon a life income in Great Britain than in the United States, and consequently, the number of families dependent upon its duration is greater, which partially illustrates the cause why life insurance has been so generally introduced and extensively used in the former country, while it has, until recently, been almost unknown in the latter. But this is by no means the only cause, nor can it, with any justice, be assigned as a principal one; for with the credit system, almost infinite in its extent, and with every variety of complicated business transactions, which are calculated to swell the relationship of debtor and creditor, no country on earth presents so vast a field for its beneficial employment, in securing the ultimate payment of those obligations which depend upon the lives of men for their discharge, as the United States.

In a country combining all the elements calculated to demand the extended use of insurance of this nature, how does it happen that it is so seldom employed, while every other species of securities are eagerly sought after, and unhesitatingly grasped? It certainly cannot be for want of safe and honorably conducted institutions, in all respects calculated to afford the assured every protection which his interests require, for in no country are they established upon a firmer basis, with more salutary checks to guard against an abuse of their chartered privileges, than in America.

This importance we have endeavoured to show, and in doing so we have attempted to keep in view the many evils which inevitably result from carrying this kind of insurance too far; for, notwithstanding the theory which one or two modern writers have advanced, advising its almost unlimited extension, we are of opinion that no person should be permitted to effect it upon the life of another in which he has no interest, and for whom he entertains no affectionate regard calculated to prevent him from endeavouring to hasten that contingency upon which depends his pecuniary reward.

New York. E. W. S.

BOB LEE.

A TALE.

In a remote region of the Hoosac Mountains is a little place called Turkeytown. It is a straggling assemblage of dingy, old-fashioned houses surrounded by the woods, and the inhabitants are as old-fashioned as their dwellings. They raise corn and pumpkins, believe in witches, and know nothing of railroads or the march of intellect. There has never been more than one pair of boots in the town; these are called "the town boots," and are provided at the public expense, to be worn to Boston every year by the representative. I had the satisfaction last week of actually seeing these venerable coriaceous integuments in official duty upon the long shanks of Colonel Crabapple of the General Court, and was struck with becoming awe at their veteran looks. They seemed to be somewhat the worse for wear, but the colonel informed me the town had lately voted to have them heel-tapped, and the vote would probably be carried into effect before the next session.

The present story, however, is not about boots, but about Bob Lee, who was an odd sort of a fellow, that lived upon the skirts of Turkeytown, and got his living by hook and by crook. He had neither chick nor child, but kept a bachelor's hall in a rickety old house, without any companion, except an old black hen, whom he kept to amuse him because she had a most unearthly mode of cackling that nobody could understand. Bob used to spend his time in shooting wild ducks, trapping foxes and musquashes, catching pigeons, and other vagabond and aboriginal occupations, by means of which he contrived to keep his pot boiling, and a ragged jacket upon his back. Nothing could induce him to work hard and lay up something for a rainy day. Bob left the rainy days to take care of themselves, and thought of nothing but sunshine. In short, the incorrigible vagabond was as lazy, careless, ragged and happy as any man you ever saw of a summer's day,

And it fell out upon a summer's day, that Bob found himself without a cent in his pocket or a morsel of victuals in the house. His whole disposable wealth consisted of a single fox-skin nailed against his back door, drying in the sun. Something must be had for dinner, and Bob took down the fox-skin and set off for Deacon Grabbitt's store to sell it. As luck would have it, before he had gone a quarter of a mile, he met old Tim Twist, the Connecticut pedler, a crony and boon companion of many years' standing. Tim, who was glad to see his old gossip, invited him into Major Shute's tavern to take a glass of New-England. Bob, who had never signed the temperance pledge, accepted the invitation nothing loth. They sat down over half a pint and discusesd the news. No drink tastes better than that which a man gets for nothing. It was a hot day, and both were very thirsty. Tim was very liberal for a Connecticut man. What will you have? In the upshot they found they had made an immense potation of it: and Bob took leave of his old friend, clearly satisfied that he had not taken so heavy a pull for many a day.

He had hardly got out of sight of the tavern before he found the road too crooked to travel; he sat down under an apple-tree to take a little cool reflection, but the more he reflected, the more he could not understand it: his eyes began to wag in his head, and he was just on the point of falling asleep, when a bob o'link alighted on a branch over his head and began to sing "Bob

o'link! bob o'link! bob o'link!" Bob Lee's brains were by this time in such a fog, that his eyes and ears were all askew, and he did not doubt somebody was calling on him.

"Hollo, neighbour!" says Bob Lee.

"Bob o'link! bob o'link! what ye got? what ye got? what ye got!" chattered the bird—as Bob thought.

"Got a fox-skin," answered he. "D' ye want to buy?"

"Bob o'link! bob o'link! what 'll ye take? what 'll ye take?" returned the little feathered chatterer.

"Half a dollar," replied Bob, "and it's worth every cent of the money."

"Bob o'link! bob o'link! bob o'link! two and threepence! two and threepence!" two and threepence! was the reply from the apple-tree.

"Won't take it," said Bob; "it's a real silver grey: half a dollar is little enough for it. Can't sell it for two and threepence."

"Bob o'link! bob o'link! you'd better, you'd better, you'd better; two and threepence, two and threepence, two and threepence; now or never, now or never, now or never."

"Can't ye say any more? Well, take it then. I won't stand for ninepence. Hand us over the money," said Bob, twisting his head round and round, endeavouring to get a sight of the person with whom he was bargaining.

"Bob o'link! bob o'link! bob o'link! let's have it! let's have it, let's have it; quick or ye'll lose it! quick or ye'll lose it!"

Bob turned his head toward the quarter from which the sound proceeded, and imagining he saw somebody in the tree, threw up the fox-skin, exclaiming, "There it is, and cheap enough too, at two and threepence." Mr. Bob o'link started and flew away, singing "Bob o'link, bob o'link! catch a weazel, catch a weazel, catch a weazel!" for Bob Lee made clear English of everything the bird said, and never doubted all the while that he was driving a regular bargain with a country trader. At the same time, spying a toadstool growing at the foot of the tree, he imagined it to be a half-dollar, and made a grasp at it. The toadstool was demolished under his hand, but Bob happening to clutch a pebble-stone at the same moment, thrust it into his pocket, fully persuaded he had secured his coin. "Can't make change,—remember it next time!" said he, and so turning about, he made the best of his way homewards.

When he awoke the next morning, he felt in his pocket for the half-dollar, but his astonishment cannot be described at finding it metamorphosed into a stone. He rubbed his eyes, but the more he rubbed them, the more like a stone it looked:—decidedly a stone! He thought of witchcraft, but presently recollecting that he had taken a drop too much, just before the bargain under the apple-tree, he became of opinion that he had been cheated, and that the crafty rogue who had bought his fox-skin, had taken advantage of his circumstances to palm off a stone upon him for silver. Bob started upon his legs at the very thought. "A rascal!" he exclaimed, "I'll catch him if he's above ground!" No sooner said than done. Out he sallied in a tremendous chafe, determined to pursue the rogue to the further end of the state. He questioned every person he met, whether he had not seen a crafty-looking caitiff sharking about the town and buying fox-skins, but nobody seemed to know any such creature. He ran up and down the road, called at Major

Shute's tavern, at Deacon Grabbitts store, at Colonel Crabapple's grocery, at Tim Thumper's shoemaker's shop, at Cobb's bank and at Slouch's corner, but not a soul had seen the man with the fox-skin. Bob was half out of his wits at being thus baulked in his chase, never imagining he was all the while in pursuit of an innocent little bob o'link.

In great vexation at this disappointment, he was slowly plodding his way homeward, when he came in sight of the spot where he had made this unfortunate traffic with the roguish unknown. "Oh, apple-tree!" he exclaimed, "if thou be'st an honest apple-tree, tell me what has become of my fox-skin." He looked up as he uttered these words, and to his astonishment, there was his fox-skin, dangling in the air at the end of a branch! He knew not what to make of so strange an adventure, but he was nevertheless overjoyed to recover his property, and climbing the tree, threw it to the ground. The tree was old and hollow; in descending, he thrust his foot into an opening in the trunk, some distance above the ground, and felt something loose inside. He drew it out and found it was a heavy lump, which he imagined at first to be a stone wrapped round with a cloth. It proved, however, on examination, to be a bag of dollars.

He could hardly believe his eyes, but after turning them over and over, ringing them upon a stone and cutting the edge of some of them with a knife, at length satisfied himself that they were true silver pieces. The next inquiry was, how they came there, and to whom they belonged. Here he was totally in the dark. The owner of the land surely could not be the proprietor of the money, for he had no need of a strong box in such a sly place. The money had lain in the tree some years, as was evident from the condition of the bag, which was nearly decayed. Was it stolen? No—because nobody in these parts had lost such a sum. Was it the fruit of a highway robbery? No robbery had been committed in this quarter, time out of mind. There were no imaginable means of accounting for the deposit of money in such a place. The owner or depositor had never returned to claim it, and was now probably dead or gone away, never to return.

Such were the thoughts that Bob revolved in his mind as he gloated over his newly gotten treasure. At first he thought of making the discovery public, but reflecting on the many annoyances which this would bring upon him in the inquisitive curiosity of his neighbours, and more especially considering that the cash must in consequence lie a long time useless, ere he could be legally allowed to apply it as his own property, he resolved to say nothing about it, but to consider the money his own immediately. It was therefore conveyed the same evening to his house, and snugly lodged in his chest.

From that day forward it began to be remarked among the neighbours, that Bob Lee was mighty flush of money, and though he had no visible means of subsistence, spent a great deal more than he was wont. More especially it excited their wonder that his pockets always contained hard dollars, while other people had little besides paper. There is nothing equal to the prying curiosity of the inhabitants of a country village, and the buzzing and stir which an insignificant matter will arouse among a set of inquisitive gossips. Everybody began to talk about the affair, but nobody knew how to account for it. All sorts of guesses and conjectures were put upon the rack, but nothing was able to explain the mystery. All sorts of hints, inquiries, and entreaties were put in requisition. Bob was proof against all their inquisitiveness and seemed resolved to let them die in the agonies of unsatisfied curiosity.

Bob stood it out for a long while, but human endurance has its limits, and after being worried with guesses and questions till he despaired of ever being left in quiet possession of his own secret, he began to cast about for a method of allaying the public curiosity in some measure, or at least of turning it aside from himself. An old gossip, named Goody Brown, had laid seige to him about the affair from the first moment. One afternoon she dropped in as usual, and after some preliminary tattle, recommenced the attack by inquiring with a significant look and shake of the head, whether money was as scarce as ever with him. Bob had been for some time thinking of a trick to play the old lady, and thought this a good moment to begin his mystification: so putting on a look of great seriousness, knitting his brows, and puckering up his mouth as if big with a mighty secret about to be communicated, he replied—

"Really Mrs. Brown—I have been thinking, whether—now you are a prudent woman, I am certain."

"A prudent woman indeed! who ever thought of calling me imprudent? Everybody calls me a prudent woman to be sure. You need not doubt it, though I say so."

"You are a prudent woman, no doubt, and I have been thinking, I say, whether I might trust you with a secret!"

"A secret! a secret! a secret! Oh Mr. Bob, then there is a secret," said the old lady, aroused into great animation by the prospect of getting at the bottom of the mystery at last.

"Yes, Mrs. Brown, to confess the truth, there is a secret."

"Oh! I knew it! I knew it! I knew there was a secret. I always said there was a secret. I was always sure there was a secret. I told everybody I knew there must be a secret."

"But Mrs. Brown, this must be kept a secret; so perhaps I had better keep it to myself. If you cannot keep a secret—why then"——

"Good lack! Mr. Lee, I am sure you are not afraid. Never fear me: I can keep a secret: Everybody knows how well I can keep a secret."

"Everybody knows to be sure, how well you can keep a secret; that is just what I am thinking about."

"Sure Mr. Bob, you don't mean to keep me out of the secret now you have begun. Come, come, what is it! You know I can keep a secret; you know I can."

"But this, recollect, Mrs Brown, is a very particular secret; and if I tell it to you—hey Mrs. Brown, it must be in confidence you know."

"Oh, in confidence! to be sure in confidence; certainly in confidence; I keep everything in confidence."

"But now, I recollect, Mrs. Brown, that story about Zachary Numps—they say you blabb'd."

"Oh law! now Mr Lee, no such thing! I only said one day in company with two or three people—altogether in confidence—that somefolks might, if they chose, say so and so about somefolks. It was all in confidence, but some how or other it got out."

"If you are sure you can keep the secret then, I think I may trust you with it; but you must promise."

"Oh! promise! certainly I will promise, Mr. Bob; nobody will promise more than I will—that is, I certainly will promise to keep the secret."

"Then let me tell you," said he in a low, solemn voice, hitching his chair

at the same time nearer to the old woman, who sat with open mouth and staring eyes, eager to devour the wished-for secret—"These dollars of mine—you know, Mrs. Brown"—here he stopped, keeping her in the most provoking suspense imaginable.

"Yes, yes, the dollars, the dollars."

"These dollars of mine, you know, Mrs. Brown—why they are dollars—hey?"

"Yes, the dollars, the dollars, go on, go on, where do they come from? Mr. Bob, where do you get them? Where do you get them?"

"Why I get them somewhere—you know, but where do you think?"

"Yes, yes, you get them somewhere; I always thought you got them somewhere; I always told everybody I knew you must get them somewhere."

"Very well, Mrs. Brown."

"Very well! Mr. Lee; but where do you get them? That is the question,—you have not told me."

"Where do I get them," said Bob slowly and solemnly, and rubbing his hands together, screwing up his mouth, rolling his eyes and shaking his head, while the old lady was on the tenter hooks of suspense and expectation—"Where do I get them—Now what do you think, Mrs. Brown, of my old black hen?"

"Your old black hen! What do you mean?"

"There 's the thing now! then you never guessed, hey? Is it possible you never heard the story of the goose with the golden egg?"

"To be sure," replied Goody, opening her eyes wider than ever; "to be sure I have, to be sure, Mr. Bob—to be sure—but your hen, you know—is not a goose."

"That is very true, Mrs. Brown, but here is another question. If a goose can lay a golden egg, why can 't a hen lay a silver one?"

Sure enough, Mr. Lee, sure enough, sure enough," said the old woman, beginning to get some light on the subject.

"Sure enough, as you say. Now this black hen of mine,—every day I go to the nest and find a silver dollar there!"

"You amaze me, Bob," said she in the greatest astonishment. "Who would have thought it? Indeed! indeed! indeed! and is it true?"

"Why Mrs. Brown, if I do not get them there, where do I get them?"

"Sure enough—well, my stars! I almost knew it—I always thought there was something strange in the looks of that black hen."

"Ah, you are a cunning woman—but be sure you keep it a secret."

"To be sure, never fear me. A dollar a day! Who would have thought it! Bless me! what a lucky man. Do, Mr. Lee, let me see the nest; it must be very curious; I am dying to see it."

"Certainly, with all my heart; but let us see if there is nobody coming. Ah, step this way; I keep her in a snug place, you see, because if she should run away, what should I do for cash?" So saying, he led the way, and the old woman trotted after him. He carried her in at one door and out at another, up this passage and down that, over, under, and through, zig-zag and round about, through all the rigmarole turnings and twistings upon his premises, in order to give the whole affair an appearance of greater mystery. At last, coming to a little nook in the corner of his barn, he told her that was the place. She gazed at it with staring eyes and uplifted hands, exclaiming,

"Was there ever anything like it!" Bob, to carry on the trick, concealed a dollar in his sleeve, and thrusting his hand into the nest, drew it forth and exhibited it to the old woman, who was now fully convinced, because she had actually seen the dollar in the nest, and who could doubt after such proof!

It is needless to add that within two days, the story was trumpeted all over the town, and Bob was beset with greater crowds than ever; so far from diminishing the curiosity of his neighbours by the stratagem, he found he had augmented it tenfold. It is not be supposed that every one believed the story, but there were enough who did, and the remainder fell to wondering, guessing and questioning with more pertinacity than ever. Bob's house was besieged from morning till night, and the unfortunate man, under these redoubled annoyances, found he had got out of the frying pan into the fire. He now denied the old story, and declared that he had been only sporting with the credulity of the old Goody; but unluckily they would not believe him; people do not like to have their belief in the marvellous disturbed; they could not believe his tale of finding the money in an oak tree, but that the dollars were got from a hen's nest, was something worth believing. Bob, at a loss what to do in this emergency, applied to many people for advice, and at last was struck with the following counsel from Deacon Grabbitt.

"If I were in your place," said the Deacon, "I think I would make the hen turn me a penny:—for why? If folks believe she gives you a dollar a day they will be willing to give a good price for her, and if they buy her and find themselves mistaken, that is their look-out. Now I would put her up at auction and sell her for the most she will bring: it will be a fair bargain, provided you warrant nothing!"

This advice seemed excellent, and Bob was not long in making up his mind to follow it. He accordingly gave public notice, that he should expose his hen at auction in front of the Meeting-house on Saturday afternoon next, at four of the clock. This announcement made a great stir, and when the time arrived, he found a prodigious crowd assembled. Bob mounted the top of a hogshead with his hen in one hand and a stick of wood in the other, and began the following harangue—

"Ding-dong, ding-dong, ding-dong! Ahoy, ahoy, ahoy! Know all men by these presents. Whereas, nevertheless, notwithstanding. Gentlemen, please to come to order and attend to the sale. Here we are in the name of the commonwealth, and here is the fowl all the world is talking about, now to be sold to the highest bidder. Whoever buys her will get a black pullet for his pay, but as to silver dollars, that is neither here nor there; I warrant no such thing, but it may be, and it may not be; nobody knows all the pickings and scratchings of the hen creation. I 'll warrant the creature to be sound of wind and limb, but whether her eggs are round or flat, I shan't be flat enough to swear quite so roundly: that is the buyer's affair, not mine. Gentlemen, I moreover warrant her to be a black hen, and that no washing can make her white except whitewashing. But whether black or white, nobody can say black is the white of her eye, for she is as honest a soul as ever picked up a crumb, and if she deals in dollars, you may depend upon it they are not counterfeit. Whoever buys her will get his money's worth if he does not give too much; and he may reckon on any reasonable number of chickens, provided he does not reckon them before they are hatched. Gentlemen, I won't be certain as to her age, but I will assure you this, that if she is too young, it is a fault will grow

less and less every day. Here she goes. What 'll ye give me? What 'll ye give me? Come bid away, gentlemen, and make your fortunes. Some folks say I have made my fortune by her, and good luck betide them while they speak the truth, say I. People say this and that, but I say nothing. So, who buys my hen?—Going—going, going!"

The old hen set up a loud cackling, and fluttered her wings prodigiously, at the conclusion of this speech, much to the astonishment of the crowd of spectators, who gaped, stared, and scratched their heads, imagining that the creature understood every word of what was uttered, and never suspecting that Bob had given her a smart pull by the tail to make her squall out. They shook their heads and observed that the creature looked as if she saw something: Bob called out for bidders, but his customers with true Yankee caution bid slowly, and made very low offers: at 'last, however, she was knocked off to a credulous bumpkin, named Giles Elderberry, for six dollars, to be paid in corn and potatoes at a fair price the next fall. Bob delivered him the hen, and took Giles's note of hand for the pay.

Giles took his purchase home in great glee, hugging himself with the prospect of having a heap of silver ere many days. He bestowed her snugly in his hencoop, and was hardly able to shut his eyes that night, by thinking of the fortune that awaited him. Next morning he ran to the nest, but was disappointed in not finding the dollar. He waited all day and saw the night approach, but nothing rewarded his patience. He began to scratch his head, but presently bethought himself that it was Sunday, and the hen being orthodox would not lay till the next day. So he went to bed again with undiminished hopes. But Monday came and there was no dollar to be seen; he cudgelled his brain and suspected there might be witches in the case; thereupon he nailed a horse-shoe on the door of the hencoop and waited another day, but nothing came of it. He now sat down upon a log of wood, and fell to pondering upon the matter with all his might; finally another thought struck him and he imagined a nest-egg might be wanting. Straightway he procured a dollar and lodged it in the nest, but it did not bring him even six per cent. interest, for the next day there was a dollar and no more. He tried various other expedients but they all failed in the same manner. The neighbours inquired about his success, but he informed them the hen put it off terribly. He consulted Bob Lee about it, and got only a bantering answer and a hint about the note of hand. Giles was not to be bantered out of his belief, but laid the case before sundry of his acquaintance who were notorious for their credulity in all marvellous affairs. Most of them gave it as their opinion that the hen was bewitched, and Giles was already inclined to the same belief: his only solicitude now was to discover some means of disenchantment.

At length a waggish fellow of the town, who had got a scent of the affair, meeting Giles one day, informed him that he knew of a scheme that would do the job for him. Giles begged earnestly to know it, and promised as a recompense to give him the first dollar the hen should lay, in case the plan succeeded; "for you know," said he, "it 's a fair bargain, no cure, no pay."—"You'll find that next fall," replied the fellow. He then communicated the scheme by which Giles was instructed to go to the top of Blueberry Hill the next morning at six o'clock, mark out a circle on the ground, set up a tall pole in the centre with the hen at the top; he was then to walk three times round it,

heels foremost, say the A B C backwards, sing a stave of Old Hundred, cry cock-a-doodle-doo, and sneeze three times—all which he was assured would break the spell.

Giles took all this for gospel, and the next morning he was on the spot ready prepared at the hour. He set his fowl up in the air and went to work with the incantation; all was going on prosperously and according to rule; he had got through the psalm tune, crowed as exactly like an old rooster as one could wish, and was just taking a thumping pinch of Scotch yellow to enable him to sneeze with more effect, when casting his eyes aloft he descried a monstrous hen-hawk, upon the wing in the act of making a stoop at his enchanted fowl. Giles blurted out a tremendous sternutation, but the hawk was not to be sneezed out of his prey, for before he could rub away the tears which this explosion shook into his eyes, souse came the hawk upon the hen, and both were out of sight among the woods!

Giles scratched his head and stared with wonder, but they never came back to give any account of themselves; he is certain although, that had he got through the incantation half-a-minute sooner, the hen would have been as safe as a thief in a mill. I have heard people say that he has still some expectations of their return, but I believe he has given up speculating in poultry. However the memory of the story remains in those parts, and when a person does anything that shows uncommon wisdom, such as discovering that the Dutch have taken Holland, or that asses have ears, he is said to be akin to the witches, like Bob Lee's hen.

AMERICAN MERCANTILE BIOGRAPHY—JAMES LLOYD.

The Honorable James Lloyd, an eminent merchant for twenty-five years in the latter part of the last century and the beginning of the present, and a distinguished politician for twenty years, was the son of James Lloyd, M. D., a highly respectable physician of Boston. Dr. Lloyd was of the old school in his manners and costume, and in his deportment displayed something more of formality than one now witnesses, except in a very few in advanced life, who still linger amongst us. There was more of dignity as well as of decorum in his behaviour, and more respect manifested towards others, than at present prevails in society. He was also one of the most skilful physicians of his time, and might be ranked with Bulfinch, Rand, Danforth, Tufts, Warren, and Brooks.

The son was educated in the University at Cambridge, near Boston, and received his first degree in 1787, with the reputation of a good classical and belles lettres scholar. He devoted a due portion of his time in the University, to the study of mathematics and geography; and attended more to history, probably, than most of the students of that period. I am not able to say what attention he paid to logic, farther than the regular studies in the University required; and yet it may be justly concluded he studied logic, as well as rhetoric, for his writings and public speeches were argumentative, lucid, and discovered very discriminating powers of mind. His conduct, while at the University, was highly honourable in a young man, and he early manifested a correct moral

sense in all his intercourse with his fellow students. He was a model in this respect. I was three years at the University with Mr. Lloyd, though not of the same class. He was gentlemanly in his manners, even at the age of eighteen, and though pleasant and very companionable, there was nothing in his conduct which might be justly denominated boyish, or offensive to strict decorum. Indeed, he was a gentleman when he entered the University, at the age of fourteen, and he was free from the common eccentricties of youth.

On inquiry of a classmate of Mr. Lloyd, he wrote me as follows: "He entered college when quite young. My impression is, that he was a classical and belles lettres scholar, was studious, and made good proficiency in the various branches of education then constituting the academic course. He maintained a respectable rank in the class, was a young man of courteous manners, pleasant and amiable, and I believe his conduct was always honourable."

Soon after he left the University, he entered the store of Thomas Russell, esq., one of the first merchants in Boston, as to character, property, and commercial enterprise. Mr. Russell was then engaged more extensively in commerce than any one of that enterprising city, and his counting room was an excellent school for one intending to engage in mercantile pursuits. It afforded rare opportunities for becoming an intelligent merchant; and young Lloyd had a laudable degree of ambition to be distinguished, or thoroughly acquainted, in the profession which he had chosen. It is understood, that he read much during the time he was in Mr. Russell's store, though he attended diligently to the detail, or the practical part of the business. He continued about two years with that eminent merchant; and must have acquired extensive and correct information as to mercantile law, and the customs of merchants in other countries. In all professions, it is important to unite theory with practice; one may not justly expect to be eminent or successful without it. There are certain principles which regulate mercantile and commercial pursuits, and by which they are regulated; but these are of a general nature, and good judgment and experience are still necessary to success in such enterprises.

Every successful manufacturer, every fortunate adventurer, every rich trader, is not justly entitled to the appellation of an intelligent merchant. A trader in one of the seaports in Massachusetts, but very ignorant, sent warming pans to the West Indies, a few years ago, and, strange to relate, he made a good voyage. They were bought at a great advance on their cost, to dip up [molasses! He shipped them by the advice of some one who meant to hoax the simple owner. But the article produced a larger profit than would have arisen from fish, or any other commodity sent from the place, at that time. On leaving the store of Mr. Russell, Mr. Lloyd went to the north of Europe, and visited various places in that quarter of the world; and thus acquired much personal knowledge respecting the trade and commerce of the old continent. When he returned to Boston, he engaged in business as a merchant; and was alike intelligent and devoted in the profession.

On several occasions, he was interested in foreign voyages with the Messrs. Perkins, the most eminent and enterprising merchants of that city in 1793, and for many following years. He was not one of that company, but joined them at different times, when large capital was necessary to be employed.

If Mr. Lloyd was distinguished for correct and extensive views on commercial subjects, he was no less so for probity and punctuality in his dealings.

All who transacted business with him, all who knew his character, had perfect confidence in his promises, and relied on a prompt fulfilment of them. And surely this is a most important trait of character in a merchant: but the mere speculator or adventurer is seldom able to meet his engagements with punctuality, even if he intended it when he promised; and a truly honest man will be cautious in making promises which he is not sure of being able to perform.

Such was the character of Mr. Lloyd for information and uprightness, that he was selected for a representative in the legislature of Massachusetts, at the age of thirty-five; and this was not common thirty or forty years ago, when Boston had only eight members, and those men of talents, good judgment, and great weight of character. Mr. Lloyd was several years in the house, and afterwards in the senate of Massachusetts. He had great influence in the legislature, arising as well from his industry and impartiality, as from his talents and information. He was firm and decided in his opinions, and at the same time entirely free from mere party views and feelings. His speeches on important occasions—for though able in debate he was not a great talker—were argumentative, pertinent, and commanded the admiration of his political opponents. The statute of Massachusetts, relating to days of grace on bills of exchange and promissory notes, was introduced and supported by him. In 1808, on the resignation of Mr. Adams, then a senator in congress from the state, Mr. Lloyd was appointed to that important and elevated station. He remained in the United States senate several years, and after having resigned his seat in that august body, on account of the feeble state of his health, he was again, at a little later period, elected a federal senator for Massachusetts. And during the whole period of his service in congress, he was faithful to the interests and rights of the state, an able defender of the honour and independence of the nation, and eminently useful, by his intelligence and industry, in legislating both on subjects of commerce and of finance. Indeed, no member of the national legislature had more influence than Mr. Lloyd, or used it with more discretion and judgment. His knowledge and experience as a merchant qualified him to judge correctly as to the effect of any commercial regulations proposed to be adopted by the federal government, and to point out the operation of treaties on commerce and navigation with the maritime countries of Europe! His opinions were of great importance in fixing the duties on foreign imports and tonnage, with reference to the prosperity of our own trade and navigation, and to the advancement of domestic manufactures. He was a friend to the latter, but did not fully approve of the tariff of duties as fixed in 1828. It was his apprehension that the duties were excessive, and would operate unfavourably on the navigation of the country. Of the encouragement given by congress to manufactures, in 1816, he fully approved, and acquiesced in, rather than advocated, the tariff of 1824. Next to agriculture, as the foundation necessary for general prosperity in a country like the United States, he deemed commerce highly useful, if not absolutely necessary; and he was sensible of the attachment of a great portion of the citizens in the Atlantic states to commercial pursuits. Far from opposing, he rejoiced to perceive that manufactures were increasing; he only desired that no unequal protection should be given, lest foreign trade and commerce should consequently decline.

Mr. Lloyd advocated with much ability and zeal the resolution before the senate, in 1822, for the distribution of the public lands among the several

states, for the purposes of education. He was decidedly of opinion that the old or original states should receive an equal share in the funds accruing from the sales of lands in the new states, after the public debt should be paid. They were ceded by different states for the benefit of the whole union, and after the general debt should be extinguished, it was but just that the proceeds of their sale should be divided among the several states, for their respective appropriation, whether for internal improvements, for education, or other purposes.

At an early period of the federal government, in 1798, though a young man, Mr. Lloyd was a warm advocate for the navy; and while a member of the national legislature, he was explicit and active, on all proper occasions, for its support and increase; and he considered the responsibility and efficiency of a navy to be identified with a prosperous state of navigation. Frequently, he was one of the committee of the senate on the increase of the navy, and for the general naval concerns of the United States. As a debater, also, there were very few superior to Mr. Lloyd in the senate. He was master of the subject which he undertook to defend and support, and his speeches were clear, argumentative, pertinent, and usually powerful and eloquent.

Mr. Lloyd was candid in his opinions, and courteous and conciliatory in his deportment towards political opponents. General Smith, of Maryland, and others, often bore public testimony to his impartiality and magnanimity as a politician, and they always listened to his statements and speeches with great attention. Yet Mr. Lloyd was far from being a temporizer in politics. He openly avowed his opinions, and firmly adhered to them, having formed them after due inquiry and consideration. And with all his courtesy, he had a very high sense of honour, and would not receive insult from any one, unrebuked or unnoticed. On one occasion, when a member of the senate was disposed to make trial of Mr. Lloyd's courage, or to deter him from the full expression of his sentiments on an exciting political question, he replied with proper resentment, but with equal firmness, and satisfied his opponent that he was not to be frightened from his purpose by violence or abuse; and with all honourable men his conduct was approved and applauded.

Mr. Lloyd was a member of the senate of the United States when war was declared in 1812; but he did not approve of that measure. Indeed, it was adopted by a small majority of the senate. Mr. Lloyd was of opinion, that the disputes between the United States and England could be better adjusted by negotiation than by an appeal to arms.

A part of the war Mr. Lloyd was a member of the executive council of Massachusetts, Governor Strong being then in the chair; and he approved of all the leading measures of that distinguished magistrate. Of the Hartford convention he had some doubts, as to its policy or expediency, but none at all of its abstract right, or consistency with a deep reverence for the constitution, and an equally high conviction of the duty of preserving the union. He supposed that it might afford occasion with some to pretend that the eastern states were in favour of a separation, and of their attachment to Great Britain—precisely the objections and charges made against that convention. It was his opinion that there was no such design, either in the members of that convention, or in their constituents. The result he considered moderate and wise, showing a supreme regard for the welfare and prosperity of the whole people of the United States, and manifesting the most ardent desire to preserve the union. Several of the members of that convention were intimate personal and

political friends, in whose wisdom and patriotism he had the most perfect confidence.

When President Madison intimated, in a public message, that he feared some citizens were plotting against the union, in 1812, a resolution was passed in the senate of the United States, at the instance of Mr. Lloyd, requesting the evidence of such a plot, and the names of the personswho were concerned in it. Mr. Madison replied that he had no proof, and that no particular persons had been named as having such a design.

Mr. Lloyd was again appointed senator in congress for Massachusetts some years after the war, and continued until the state of his health obliged him to retire from public life. His former high reputation for intelligence, judgment, and patriotism, was not at all abated. His attention to public business was unremitting, and his wise counsels were not given without effect. In 1822—3 he devoted himself to explain and urge the claim of Massachusetts on the federal government for remuneration on account of the expenses of the militia war of 1812—15: and it is understood that he made a strong impression on the mind of President Monroe in favour of the equity of a reimbursement.

In his domestic relations, and in the circle of his friends, Mr. Lloyd, was fitted to receive and to communicate happiness. The lady of his choice united intelligence with gentleness and delicacy of manners in a remarkable degree. She justly appreciated his worth, she could best approve his discriminating taste, nor be unaware of his high and honourable character in the estimation of his fellow-citizens. On account of feeble health for several years of his life, Mr. Lloyd mixed less frequently than most others of his property and standing in large companies. But he administered the "rights of hospitality" to his visitors with much apparent cordiality, and with great felicity of manner. Some young persons of the present time might charge him with a degree of formality in his deportment; he was indeed precise, and always consulted decorum and propriety, or perhaps it might be more justly said, that they were habitual to his character from his early years. But his demeanour was not, therefore, unpleasant to his friends, who, with his peculiarly urbane and gentlemanly manners, never felt unduly restrained at his table or in his company.

The character and political opinions of the patriots of the Revolution, had the respect and admiration of Mr. Lloyd. His father had been friendly to the parent government in 1775, but not one of those who left their native country to put himself under the protection of the king. His submission to the British government was like that of many other aged men in that trying period, who, though friends to civil liberty, feared a more oppressive exercise of power over them if they were unsuccessful in their resistance, and of that there was some reason to fear. The aged, therefore, were generally disposed to submit; but the younger class, fortunately, had more resolution and more enthusiasm, and nobly resolved to resist or to perish. Mr. Lloyd early imbibed the principles and sentiments of the whigs of 1775, and in theory and in sincerity, was a true republican. But he was too wise to be a leveller, too great a friend to true liberty to be a radical, and had too much self-respect to flatter the ignorant for the sake of popularity. Mr. Lloyd passed several of the last years of his life in Philadelphia, where he had many valued friends, and died in New York, in April, 1831, where he went to reside for a short time. Though he retired from the concerns of public life, his death was extensively and deeply lamented, and his memory is still cherished in many hearts with sentiments of high regard.

CHORUSES FROM THE GREEK TRAGEDIES.

BY H. W. HERBERT.

I.

CHORUS OF GREEK VIRGINS BEFORE THE SACRIFICE OF IPHIGENIA.

Euripides, Iphigenia in Aulis—v. 1036.

STROPHE.

Whose were those bridal measures,
That through the Lybian flute so sweetly stole,
Blent with the soft lute's call to choral pleasures,
And the wild reed-pipe's liquid note,
Melting the soul!
When upon Pelion's top they gave to float
Their glittering love-locks on the breezy air,
The tuneful Muses fair,
Striking the ground with golden-sandalled feet,
While banqueted the gods in order meet,
All as they hymned, in songs divinely sweet
"Bright Thetis—Great Oacides,"
Till the old Centaurs' mount sent back the clang,
And that ancestral grove of loftiest trees,
As Peleus' hymenean rang!
While ever and anon that Dardan boy,
Jove's stolen joy,
Brimmed with the mantling nectar up
The womb of every golden cup,
The Phrygian Ganymede!
And on the silver-white sea-margins dancing,
In mazy circles deftly now advancing,
Retreating now with gleamy speed,
Forth swelled the fifty daughters of the sea
Their sister Nereid's marriage symphony.

ANTISTROPHE.

Forth with their pine-boughs glancing,
And leafy coronals on every brow,
From their deep glades and tangled thickets prancing,
Rushed the wild Centaurs' frantic route,
The steep hills down;
To feast with gods the jovial board about,
And revel deeply in the joy divine
Of bright ecstatic wine!
"A mighty, mighty light, O Nereid dear,"
Thessalian virgins cried, "thou soon shalt rear;"
And Chiron wise, and heaven's immortal seer,
"A mighty, mighty light!" did name,
"Who, landing there with many a spear and shield,
Through Priam's high realm should spread relentless flame—
First warrior on the battle-field,
All armed in panoply of burning gold,
By Vulcan old,
Wrought at the sweet sea-nymph's request,
Thetis, who so supremely blest
The god-like hero bore."

Then did the gods forsake the Olympian bowers,
For choral dances on the ocean shore,
And culled high song's prophetic flowers,
To hail the noble Nereid's wedded state,
And Peleus' bridal day to celebrate.

EPODE.

But o'er thy bright locks, and thy snowy brow,
With votive wreaths the Greeks shall crown thee now,
Iphigenia fair!
And lead thee forth, a victim pure and young,
Like some white heifer, spotless, wild, and free,
Nursed the dim woods and shaggy cliffs among.
Yet never, never did the rustic glee
Of the rough shepherd's lair,
Nor Pan's wild wood-notes, waken thee
On the lone shore;
Though they shall drag thee by the flower-crowned hair,
And stain thy neck of snow with purple gore,
The sacred hearths before,—
Who erst did grace thy queenly mother's side,
Meet, in the fragrance of thy glowing charms,
To fill some hero-husband's royal arms,
A happy bride!
Ah, whither, whither now has fled
The might of holiness, the empire dread
Of maiden modesty,
When impious daring stalks with dauntless tread,
And lowly virtue shrinks unheeded by,
And laws are trampled down by lawless scorn?
How long, great gods! how long have ye forborne?

II.

CHORUS OF GREEK VIRGINS IN THE TEMPLE OF THE TAURIC DIANA.

Euripides, Iphigenia in Tauris—v. 1089.

STROPHE I.

Thou bird, who pourest aye thy mournful dirge,
Along the rock-bound verge
Of the deep sea,
Thy mournful dirge, which all compassionate,
Wailing thy mate!
Be it mine, sad Halcyon, to compete with thee,
A melancholy bird of no wild wing
To soar the while I sing!
Pining, alas! for the Greek forum free!
Pining for Dian, whom faint mothers call
From the green top of Cynthus tall!
For the soft tresses of the waving palm!
For the dark Daphne's verdant screen,
And holiest umbrage of the olive's sheen,
Dear to Latona!—for the glassy calm
Of those swan-haunted lakes,
Which not a ripple breaks,
Save when a white wing stirs it, where they float,
The Muses' sacred birds of saddest note!

ANTISTROPHE I.

Witness, ye tears, which from your deep founts gushed,
And down my pale cheeks rushed
In copious flow;
When reft from thee by the barbaric spear,
My country dear,
I clomb the foreign galley, sad and slow,
And through the slave-mart reached this cursed spot.
Wo, for the captive's lot!
While smoking yet they lay in ashes low,
My native towers!—Alas! alas! the time,
That bound me thus a slave in maiden prime—
Slave to the virgin-huntress of the wold,
Her gory altars tending—slave of thine,
High child of Agamemnon's royal line!
Ay me! the noblest heart may well grow cold,
At fortune's bitter spite,
When, unaccustomed quite,
It falls from bliss sublime to ruin base!
Such change no heart may brook, and not despair.

STROPHE II.

But thee, fair Argive, to thy native shores
A flying bark shall waft of fifty oars,
The spirit-stirring reed
Of the wild wood-god, with its shrilly note,
Timing the rower's speed!
Thee, with sweet songs, that all around shall float,
Tuned to the seven-stringed lyre,
The minstrel master of prophetic fire,
Shall the swift oars dash up the foamy sea—
Nor the sails belly to the snoring blast,
While every sheet is strained—nor free and fast
The galley brave
Walk in glad triumph the tumultuous wave!

ANTISTROPHE II.

Oh! could I stand a slave no more, at home,
Where streams the sun on shrine and hippodrome!
Oh! could I cease to pray
That breezy pinions o'er my back would spread,
And bear me hence away
To those old halls, and that accustomed bed!
Oh! could I stand again
In festive dance amid the choral train,
A happy maid, my mother dear beside,
Tending some happy bride!
Even as I stood of old, my ringlets flinging,
In rich abundant clusters loosely swinging,
When, decked with gauzy veils that rose and fell
To the voluptuous music's thrilling swell,
I filled my place
In the blithe contests for the crown of grace!

III.

CHORUS OF THE GREEK VIRGINS.

Euripides, Iphigenia in Aulis—v. 751.

STROPHE.

The host shall sail—the mighty Grecian host!
To Trojan Simois, that silver stream;
Its ships shall crowd Apollo's chosen coast;
Its spears round Ilion gleam!
Where wild Cassandra—as we hear them say—
Shakes loose the clusters of her golden hair,
A priestess young and fair,
All decked with wreaths of green immortal bay;
When, by the prophet god possess'd,
That solemn phrensy fills her labouring breast.

ANTISTROPHE.

Then! as that host with brazen bucklers glancing,
Shall fill their rivers with the oary sound
Of hostile squadrons to the shore advancing,
Then, their strong ramparts round,
And on their citadel, shall brave the fight
Troy's chosen chiefs!—while all in burnished arms,
To rescue Helen's charms—
Sister to those twin powers who star the night—
All Greece shall sweep in proud career!
All Greece!—and bear thee back, won by the spear

EPODE.

Then, then shall they defile thy mighty wall
With battle's crimson hue—
And beat thy towers and rock-built ramparts down,
Old Phrygian town!
Then shall they sack thy broad streets through and through,
While many a sacred head to earth shall fall,
And wild shall wail through many a marble hall
Priam's lone spouse and all his daughters rare!
Loud! loud shall ring the echoes of despair
In homes o'erthrown, all for thy guilty sake,
That didst thy nuptial vows so foully break,
Helen, Jove's child divine!
Oh! never fall so hard a fate on me,
Nor on my children's children, as shall be
To the rich maidens of the Lydian line,
Or Phrygian brides, who, as their webs they twine,
Sadly in mournful songs must soon inquire—
"Ah! who shall drag me by the tresses bright,
While sinks my home in the red death-fire's light,
The captive victim of a chief's desire?
All, all through thee, thou fair predestined child
Of that high dame and the white sea-bird wild;
If that be true, as mystic legends tell,
Which to the lovely Leda once befell—
When, Jove's immortal glory cast aside,
A swan's broad wings he wore and neck of pride.
Unless the tablets of Pierian song
A tide of errors strange have rolled along,
Teaching the sons of men no truth, but impious wrong."

JOURNALISM.

Mr. Carlyle, in his rhapsodical but striking way, has given this passage: "Great is Journalism. Is not every able editor a ruler of the world, being a persuader of it: though self-elected, yet sanctioned by the sale of his numbers? Whom indeed the world has the readiest method of deposing, should need be; that of merely doing nothing to him; which ends in starvation." Again, says the same original writer: "There is no church, sayest thou? The voice of prophecy has gone dumb! This is even what I dispute; but, in any case, hast thou not still preaching enough? A preaching friar settles himself in every village: and builds a pulpit, which he calls a newspaper. Therefrom he preaches what most momentous doctrine is in him, for man's salvation; and dost not thou listen and believe?"

We cite these passages, because they recognise an important fact, the fact that Journalism is a distinct and lofty profession, exercising an influence over society like that of the king over his subjects, or the preacher over his hearers. As much as has been said of the power of the press, it is a power that has never yet been measured. Let us, then, detain the reader with a remark or two upon the functions of editorship, and the place it holds among the moral agencies of the world.

No man requires a larger ranger of intellect, more varied acquirements, or greater strength of character, than the conductor of a public journal. Of course, we allude to one who acts with a full sense of the dignity and worth of his calling, and in the conscientious desire to discharge its duties. Neither statesman, lawyer, nor divine, moves in a more extended sphere, or has more occasion for the use of the noblest faculties both of mind and heart. He stands in immediate contact with the public mind. He furnishes the intellectual aliment of the people. He gives a tone to public sentiment; is a leader of public opinion; and the guardian and guide of public morals. Thousands of men, each morning and evening, listen to his voice, are moved by his persuasions, are corrected by his rebukes, or corrupted by his licence. The characters of men are in some degree placed in his hands. He may elevate the bad, or traduce the good. He can stimulate the worst passions of inflamed times, or give an impulse to wise and beneficent movements. This influence differs from that of others who operate upon the public mind, in that, while theirs is confined to particular and distant occasions, his acts incessantly. The orator agitates only while he is speaking; the preacher is hemmed in by the walls of his church and the limits of a Sabbath-day; the statesman seldom steps out of his bureau; the man of science is fixed among his retorts and crucibles; and the teacher has an existence only in his school-room. But the editor is perpetually at work. As the mails carry his speculations from one city to another, and from one state to another, his action spreads like the waves of a pool, in concentric circles, and before the last ripple has subsided, the waters at the centre are again disturbed. Even while he sleeps, his thoughts are awake, they are diffusing good or evil, they are entering other minds, to mould them to a better or wore condition.

"They rest not,—stay not,—on, still on they wing
Their flight"—

and whether benign or pestiferous, are producing their inevitable impressions. "Give me," is a frequent saying, "the making of the songs of a people, and I

will make their characters;" can it not be said, with equal propriety, Give me the making of the newspapers of a nation, and I will make its minds. The newspaper is everywhere, in the counting-house and in the parlour, in the bar-room and in the bed-room, on board of the steamboat and in the student's chamber. All subjects are discussed in it; all classes of men read it; and all men, to an extent, are affected by what it contains. Napoleon, with a sagacity which characterized nearly all the actions of his life, understood this power, when, as First Consul of France, he wished to add to the title of Chief Captain of the age, that of its leading journalist. Like Richelieu, he felt that "in the hands of men, entirely great, the purse is mightier than the sword." "To discharge fully the duties of a public journalist," says one* who was so near an illustration of his own remarks that our only regret is, that he did not live long enough to complete it, "to discharge fully the duties of a public journalist, would be to elevate the vocation to the loftiest summit of human dignity and usefulness. A public journalist, animated with a due sense of the obligations of his responsible trust, and gifted with the faculties, intellectual and physical, for their adequate performance, would well deserve to be a public leader in a more extended signification of the phrase than that in which it is understood. He should have a mind filled with a great variety of human learning, and a ready command of all its stores. He should have a head cool, clear, and sagacious; a heart warm and benevolent; a nice sense of justice; honesty that no temptation could corrupt; intrepidity that no danger could intimidate; and independence superior to every consideration of mere interest, enmity, or friendship. He should possess the power of diligent application, and be capable of enduring great fatigue. He should have a temperament so happily mingled, that while he easily kindled at public error or injustice, his indignation should never transgress the bounds of judgment, but, in its strongest expression, show that smoothness and amenity which the language of choler always lacks. He should, in short, be such a man as a contemporary writer described that sturdy democrat, old Andrew Fletcher of Saltoun—'a gentleman, steady in his principles; of nice honour; abundance of learning; brave as the sword he wears, and bold as a lion; a sure friend and irreconcileable enemy; who would lose his life readily to serve his country, and would not do a base thing to save it.' This is the beau ideal of a conductor of a public newspaper."

But it is an ideal that, like most of the ideals of men of ardent temperament, it will take a long time to realize. Whoever will cast his eye over the newspaper-press, not of this country but of Christendom, will find that not in a solitary instance has there a man arisen, who has arrived at the high character that pertains to the profession. The same remark, it is true, may be made of every other profession; but it is particularly true in regard to editorship. There have been divines to whom Cowper's beautiful description of St. Paul might well be applied; there have been Fletchers, Halls, Brainards, and Channings; there have been Mansfields, Romillys, and Marshalls, in law; Garricks, Siddons, Kembles, and Talmas, as actors; there have been Boerhaves, Jenners, Goods, and Bells, in physic; there have been Boyles, Newtons, and Bacons, in science; and Cæsars, Bonapartes, and Washingtons, in war; in short, in all departments of intellectual exertion there have been crowds of notable men; but nowhere on the lists of great or distinguished persons do we find the name

* William Leggett.

of one whose celebrity has been acquired in the walk of the Journalist. Carrel has produced an impression in France, Fonblanque in England, and Leggett in the United States, but it has been an impression as fleeting as that of leaves driven by the wind. How are we to account for this extraordinary fact? Why is it that a vehicle so intimately connected with human happiness as the press, so powerful over social issues and human destinies, has so seldom been desired by men of the loftiest endowments? This is a great inquiry, and we shall reply to it briefly.

First; it is not that the sphere of the Journalist is too contracted for a noble ambition; for it is a sphere as wide as the universe of intelligence, and as permanent as language. As a means of swaying the minds of men, which is the essence of power, as an instrument for elevating society, which is the object of goodness, as a vehicle for the expression and enforcement of thought, it is without an equal among all the constituted agencies of human utterance. No voice reaches so far as the voice of the press, no book arrests a wider attention, or penetrates a deeper retirement than the newspaper.

Secondly, it is not because the subjects with which newspaper writing is mostly occupied, are temporary and incidental. That species of composition is not confined to chronicling events as they arise, to recording the incidents of the day, or to fighting the battles of transient parties. Higher objects often engage it. The instructing of society in the nature of government, the inculcating of great principles, the application of judicious criticism, the development and controlling of social tendencies, the direction of public opinion, the exposition of public characters, the prosecution of grand moral reforms, and the correction of prevailing iniquities and frauds, are among its principal functions. The editor is stationed, as a sentinel upon the watch-towers of society, to warn it of the approach of dangers; to summon it to battle, and to cheer it on to success.

Thirdly, it is not because the organization of the press is such as to cripple its activity and arrest its influence. No better organization could be required for it than is established in America. It is founded on a basis of perfect freedom. That liberty of action, which it is the aim of the democratic doctrine to introduce into all kinds of business, it has enjoyed from the beginning. Government has never dared to impose a restraint upon it: it has been open to every variety of ability: it has been exposed to the stimulus of competition: it has received favour by all political parties. Whoever may have conceived that he possessed talent enough to undertake a public journal, has been at liberty to do so, and he has had the opportunity of displaying all the enthusiasm and talent that he could bring to the task. No censorship nor restraint, save those of public opinion, have tended to impede the full and free development of the energies of Journalism.

We must look elsewhere for the causes of the singular fact to which we refer. We must look to journalists themselves, and especially to the community in which they live. It is because so low a standard has been established in regard to the efforts of editors, that so few men of the strongest intellect and character have desired it,—that they have sought distinction, in other avocations, less influential, but supposed to be more honourable. It is because society has not required more, that more has not been done. Its treatment of journalists has been singularly unhappy. They are what it has made them; they fall short of the lofty dignity of their station, because society has fallen

short in its demands. Johnson, in his prologue, says "that those who live to please, must please to live." This has unfortunately been the case with the press. It has been regarded as a mere agent for pleasing society, and therefore it has aspired to no higher function. It has failed to perceive its real nature; it has failed in asserting its claims; it has failed in discharging its duties as an instructor; it has failed in becoming the moral power of tremendous force of which it is capable. But its conductors are not so much to blame for this, as its patrons, as they are called, the public. True, it has been courted by some, and feared by others—courted by the ambitious and feared by the timid: yet, while courted and feared, it has been neglected and despised. Very little discrimination has marked the public judgment of its character. So long as it could be made to administer to prevailing prejudices, so long as it could be turned to the purposes of party, so long as it lent itself to the cause of demagogues, so long and no longer has it met with favour. Discerning, genuine, and hearty approbation for independence, integrity, and talent, it has seldom received. A sort of double and inconsistent conduct has been expected of editors. While they have been solicited to furnish aid to all kinds of partial schemes, they have been blamed for a want of fidelity to principle; while the whole strength of immense parties is brought to bear upon them to secure their aid or crush their opposition, they have been derided for suppleness of purpose and pliancy of doctrine; while every man who has an object to accomplish, besets them with seductions and promises of reward, they have been scorned for venality and time-serving. A high, unvarying moral test has never been applied to them. When a man of lofty faith and stern virtue has arisen among them, when he has manifested a disposition to discuss questions in the light of great principles, when he has refused to listen to the whispers or move at the beck of cliques and factions, when he has regarded politics as the most important aspects of morals, and sought to acquit himself of the duties of his calling, with a nice regard to truth and conscience, how has he been received by the community? As a worthy, noble, fearless man? As a patriot who deserved well of his country? As a Christian filled with a strong sense of the responsibilities of human existence? Far otherwise. Hostility and contempt often have been his sole rewards. His professed friends have dropped away from him; his enemies have redoubled and sharpened their abuse; a strong public opinion is aroused against him; and the end of it is, that he is compelled, from the want of support, to relinquish his pursuit, and seek in some other less congenial employment, the means of subsistence and profit. Can we forget the career of the lamented Legett? There was a man, who, during one of the most excited and interesting periods of our political experience, pursued a line of determined and intrepid honesty. A course of corrupt legislation, openly defended by one party, and connived at by a large portion of the other, had fastened upon the people a system of finance and banking, which was fast destroying their liberties and morals. The firm old soldier-statesman, who was then president, more sagacious than many of his supporters, more honest than any of his opponents, had given the first blow in a work of revolution. After a long and desperate contest, he succeeded. Yet it was only a partial success. Mr. Leggett, who had stood side by side with him in this most trying position of the fight, saw, even in the moment of victory, that the triumph was not completely achieved. The enemy, who had been overcome by the energies of the general government, was acting in his strength under the protection of nearly all the

individual States. That enemy, he conceived, was to be attacked in his strong-holds there; instant to his convictions of duty, he began a vigorous assault; neither timidity on one hand, nor persecution on the other, could induce him to soften his ponderous blows; day after day, he aroused the public mind with discussions full of strong thought and eloquent invective. "I cannot," said he, "for the sake of a livelihood, trim my sails to suit the varying breeze of popular prejudice." "With old Andrew Marvell," he continued, "I prefer to scrape a blade-bone of cold mutton in defence of truth, to faring sumptuously at the cost of principle." And what was the result? Desertion and poverty for the time—to be followed, when he should be cold in his grave, with monumental honours and heartfelt eulogy.

The fault, we repeat, is with the community. Not relishing a good king, they cannot complain if Providence sends them the log or the stork. What they pray for, that they receive. If their praise and money are showered upon those who pander to a depraved taste, they must expect depraved and worthless writers. But if they recognise the claims of a better order of men, such an order will immediately arise. There cannot be a demand, in this branch of political economy, without a supply. Let us then consider what should be the nature of that demand.

1. The community should require that their editors be intellectual men. By this is meant, that they should possess both power of thought and facility of expression. The first is needed because it is incumbent upon them to grapple with great questions; the second, because they are to make those questions plain to minds of every cast. No persons are more frequently called upon than they to give an opinion on important topics. It is, indeed, impossible to fix limits to the range of subjects which they are compelled to investigate and discuss. All that interests men as members of a social and political body,—the measures of parties, the relations of nations, the merits of laws, the pretensions of science, the schemes of projectors, the movements of reformers, the characters of statesmen—are, in their turn, themes of newspaper controversy and remark. Politics, international and municipal law, political economy, moral and social science, and the art of reading individual character, must be understood by the editor,—and not only understood, but explained. He must have that clear insight into general principles, and that familiarity with details, which will enable him to speak of whatever he undertakes with clearness, originality, and decision. It is not enough that he have a skimming acquaintance with his subject,—that he be able to talk glibly of it, or that he can declaim with an infinity of sounding phrases and empty periods. Topics are often sprung upon him with the suddenness of a surprise—topics in which the happiness of immense numbers of people are involved. Many look to him for information and guidance. His faculties, fully prepared and rightly disciplined, must be at his command. He must stand ready, with argument, with illustration, with eloquence, to convince the doubting, to awaken the dull, to move the timid and inert, and to instruct and interest the more enlightened. Now, to do this effectually he must have been a patient thinker, a profound scholar, and a practised writer. He must have accomplished his mind by the observation of mankind, by the reading of books, and by habits of quick and felicitous expression. He must, above all, be penetrated by that deep Christian philosophy which estimates all questions in their bearing upon the most exalted and permanent interests of human nature.

2. The community should require of their editors, that they be firm and independent men. Force of will is no less necessary to them than greatness of thought. Few men have more temptations to fall into an expedient and vacillating course. Regarded by many, and often regarding themselves, as the mere hacks of party, or mere instruments of gratification to prevailing passions, they are not expected to exhibit a lofty or fervent zeal in the prosecution of a great cause. Like advocates paid by a client to carry a particular point, they are supposed to have fulfilled their obligations when they have made the worse appear the better side. In many instances, if they have succeeded in embarrassing the adversary, if they have covered an opponent with the filth of abuse, if they have given a plausible aspect to a falsehood, if they have been faithful to the interests of their employers, they are clapped upon the head as serviceable fellows, and rewarded with a double allowance of governmental or mercantile patronage. The notion that the press has a worthier destiny, seems hardly to cross their minds. That it should become a fountain of truth and moral influence; that an editor should take his stand upon some high and good principle, which he should assert boldly in the face of all opposition; that he should strive to carry out with the earnestness of a missionary, with the self-denial of a martyr, despising as well the bribes of those who would seduce him, as the threats of those who would terrify him, acknowledging no allegiance to any power but justice; impressed with the awful sanctity of his vocation, and willing to face danger and death in the discharge of his duties,—is an intrepidity which, we fear, to most of the managers of public journals, has seemed more like the wild dream of an enthusiast, than the practical object of a sober thinking man. Yet it is an end that has been and may be attained. It is an end for which a solemn responsibility is laid upon them to strive. No less than this should society require them to be; nothing less than this can render them worthy of the trust which is committed to their administration. Emancipating themselves from the *aurea catena* which binds them, they must act with the valour of freemen; breaking away from the jesses which confine them basely and slavishly to earth, they must learn to soar in the pure, clear region of free and energetic thought.

3. Journalists, again, must be required to imbue themselves with a just and christian spirit. Nothing is more lamentable in their history, than the unkind feelings and low aims which characterise their intercourse and efforts. We do not speak only of those flagrant violations of propriety common to the most degraded portions of the press. We speak of the puerility, the violence, and the want of justice, which even the most respectable journals occasionally exhibit; we speak of their proneness to distort and to exaggerate, their recklessness of fair-dealing, their want of candor, and their base subservience to particular classes. Indeed, so frequent have been their offences, that their dishonesty has almost passed into a proverb. "I only," said Jefferson, "believe the advertisements of a newspaper;" to which another distinguished man has added, "and he ought not to have believed them." In this, no doubt they magnified the deficiences of the press, yet there was much ground for their remarks. "He lies like a newspaper," would not be a far-fetched comparison. The instances of their departure from truthful fidelity are not so rare as to render it slanderous to accuse them of positive falsehood. We are aware that it is urged in extenuation, that much of their short-coming is to be ascribed to the circumstances of haste and confusion under which daily editors

write; we know it is alleged that in other pursuits, those of the law and merchandry for instance, the average honesty of those who follow them is not greater than that of journalists: but with every wish to deal justly, we must say that a large amount of moral aberration remains against them, which admits of no palliation or excuse. What! shall we be told, because a man writes in haste, that he must therefore write falsely?—that because lawyers and merchants fall below the standard of virtue, therefore editors should be allowed to do the same—editors, whose influence is so much more extensive, whose duties are so much more important? It is a shallow defence. Better that they relinquish their profession for ever than sacrifice to it their integrity. Better that they drop the pen and take up the axe or hammer, than that they should wield the former only to sap and extinguish public morals! No! a more exalted morality should be required at their hands. When a man assumes a public station, to direct the opinions and form the characters of his contemporaries, when he voluntarily places himself in the attitude of a leader of the public mind, he should be compelled by the force of public sentiment, to cherish habits of the strictest accuracy and honour. We demand of the preacher of the pulpit, that he should not degrade his office by inconsistencies of conduct; can we demand less of the preacher of the press? Should a Channing, or a Hawkes, or a Dewey, or a Hughes, act in a manner derogatory to their sacred calling, would society forgive them? If a magistrate on the bench pollute the ermine of justice, do we admit any apology for his venality or corruption? Should a Taney, or a Story, or a Baldwin, or the meanest functionary of the county court, accept bribes from the parties to a suit, or be intimidated by popular clamour, swayed in his decisions by personal feeling, how could he avert degradation and disgrace? Could any circumstance of his position be pleaded in palliation of his crime? Why, then, should we excuse similar defections in those who occupy similar places, and whose truth, consistency, and justice, are even more necessary than theirs to the good order, virtue, and happiness of society? It is time that editors themselves, and those who are accustomed to be affected by their counsels and judgments, should recognise the momentous responsibilities that hang upon their power. It is time that they perceive the elevation and might of their position. It is time that the former be prepared to throw aside the littleness and the baseness which they have too often indulged, and that the latter require a manlier and worthier performance than they have too often failed to exact. We cannot conceive of a more desirable life, than that of a pure, high-minded, Christian editor, nor of a more virtuous, prosperous, and noble community, than one whose public agents shall reflect the unbend ing integrity, the spotless honours, and the wise benignityof their principals

Let us add a sentence or two in conclusion of this matter. We have spoken freely of the present condition of the press: we have spoken with equal freedom of what it might become. It is with no spirit of uncharitableness that we have pointed to its failings, and it is with a spirit of benevolence and hope that we have indicated its duty. We are sorry that some of our strictures are deserved, but we are glad to know that instances exist in which they are unjust. It gives us pleasure to acknowledge that within the last few years its character has greatly improved. Were it not invidious, we could show prints, which to the best of their ability have striven to realize the ideal which we have depicted. We could refer to a Bryant—whom as a man and a poet we revere—surrendering the applause that the world would willingly render to his great

poetic talent and individual character, to become an example of the true, accomplished, unyielding editor;—to a Brownson, who prefers the name of a candid, fearless writer, to the soft indulgences of clerical supremacy;—and to some others, still young and obscure, to whom the emoluments and honours of professional and political distinction have no blandishments, in comparison with those of becoming, as journalists, upright advocates of all that is good. But our object is not personal. We have wished to rescue Journalism from its infidelity to itself, and from the indifference and contempt of the public. We have wished to assert its claims, to vindicate its dignity, to exhort it to its duty.

We rejoice to notice that young men of education and talent, who have been accustomed to crowd the professions of law, medicine, and theology, are many of them directing their energies to the business of editorship and popular instruction. One of the best signs of the times is the growing demand for newspapers, cheap books, and literary and scientific lectures. It is a sign that the love of knowledge is spreading through all classes; that the treasures of philosophy and poetry are no longer to be shut up in rare caskets, to be the possession of the few; that the general mind, too long satisfied with low and sensual delights, is seeking for higher aliment. The mass of men are availing themselves of the means of improvement which a condition of freedom furnishes and call for an increased number of instructors and guides. Many who are competent to the task are answering the call. Already they constitute a considerable body. They are marching forward to scatter the seeds of good or evil. It is important that their movement take a right direction. Momentous consequences hang upon their action. If they are true to the cause of liberty, refinement, and progress, they can accomplish a world of good. If they are animated by the right spirit, they can give a tremendous impulse to the onward march of society. But if they fail, if they disregard their high responsibilities, deep and damning will be their guilt.

THE TOMB-BLOSSOMS.

BY WALTER WHITMAN.

A PLEASANT, fair-sized country village,—a village embosomed in trees, with old churches, *one* tavern, kept by a respectable widow, long, single-storied farm-houses, their roofs mossy, and their chimneys smoke black,—a village with much grass, and shrubbery, and no mortar, nor bricks, nor pavements, nor gas—no *newness:* that is the place for him who wishes life in its flavour and its bloom. Until of late, my residence has been in such a place.

Man of cities! what is there in all your boasted pleasure—your fashions, parties, balls, and theatres, compared to the simplest of the delights we country folk enjoy? Our pure air, making the blood swell and leap with bouyant health; our labour and our exercise; our freedom from the sickly vices that taint the town; our not being racked with notes due, or the fluctuations of prices, or the breaking of banks; our manners of sociality, expanding the heart, and reacting with a wholesome effect upon the body;—can anything which citizens possess balance these?

One Saturday, after paying a few days' visit at New York, I returned to my quarters in the country inn. The day was hot, and my journey a disagreeable

one. I had been forced to stir myself beyond comfort, and despatch my affairs quickly, for fear of being left by the ears. As it was, I arrived panting and covered with sweat, just as they were about to start. Then for many miles I had to bear the annoyance of the steam-engine smoke; and it seemed to me that the vehicle kept swaying to and fro on the track, with a more than usual motion, on purpose to distress my jaded limbs. Out of humour with myself and everything around me, when I came to my travel's end, I refused to partake of the comfortable supper which my landlady had prepared for me; and rejoining to the good woman's look of wonder at such an unwonted event, and her kind inquiries about my health, with a sullen silence, I took my lamp, and went my way to my room. Tired and head-throbbing, in less than half a score of minutes after I threw myself on my bed, I was steeped in the soundest slumber.

When I awoke, every vein and nerve felt fresh and free. Soreness and irritation had been swept away, as it were, with the curtains of the night; and the accustomed tone had returned again. I arose and threw open my window. Delicious! It was a calm, bright Sabbath morning in May The dew-drops glittering on the grass; the fragrance of the apple blossoms which covered the trees floated up to me; and the notes of a hundred birds discoursed music to my ear. By the rays just shooting up in the eastern verge, I knew that the sun would be risen in a moment. I hastily dressed myself, performed my ablutions, and sallied forth to take a morning walk.

Sweet, yet sleepy scene! No one seemed stirring. The placid influence of the day was even now spread around, quieting everything, and hallowing everything. I sauntered slowly onward, with my hands folded behind me. I passed round the edge of a hill, on the rising elevation and top of which was the burial-ground. On my left, through an opening in the trees, I could see at some distance the ripples of our beautiful bay; on my right, was the large and ancient field for the dead. I stopped my back against the fence, with my face turned toward the white marble stones a few rods before me. All I saw was far from new to me; and yet I pondered upon it. The entrance to that place of tombs was a kind of arch—a rough-hewn but no doubt hardy piece of architecture, that had stood winter and summer over the gate there, for many, many years. O, fearful arch! if there were for thee a voice to utter what has passed beneath and near thee; if the secrets of the earthy dwelling that to thee are known could by thee be disclosed—whose ear might listen to the appalling story, and its possessor not go mad with terror!

Thus thought I; and strangely enough, such imagining marred not in the least the sunny brightness which spread alike over my mind and over the landscape. Involuntarily as I mused, my look was cast to the top of the hill. I saw a figure moving. Could some one beside myself be out so early, and among the tombs?—What creature odd enough in fancy to find pleasure there, and at such a time? Continuing my gaze, I saw that the figure was a woman. She seemed to move with a slow and feeble step, passing and repassing constantly between two and the same graves, which were within half a rod of each other. She would bend down and appear to busy herself a few moments with the one; then she would rise, and go to the second, and bend there, and employ herself as at the first. Then to the former one, and then to the second again. Occasionally the figure would pause a moment, and stand back a little, and look stedfastly down upon the graves, as if to see whether her work were done well. Thrice I saw her walk with a tottering gait, and stand midway

between the two, and look alternately at each. Then she would go to one and arrange something, and come back to the midway place, and gaze first on the right and then on the left, as before. The figure evidently had some trouble in suiting things to her mind. Where I stood, I could hear no noise of her footfalls; nor could I see accurately enough to tell what she was doing. Had a superstitious man beheld the spectacle, he would possibly have thought that some spirit of the dead, allowed the night before to burst its cerements, and wander forth in the darkness, had been belated in returning, and was now perplexed to find its coffin-house again.

Curious to know what was the woman's employment, I undid the simple fastenings of the gate, and walked over the rank wet grass toward her. As I came near, I recognised her for an old, a very old inmate of the poor-house, named Delaree. Stopping a moment, while I was yet several yards from her, and before she saw me, I tried to call to recollection certain particulars of her history which I had heard a great while past. She was a native of one of the West India islands, and, before I who gazed at her was born, had with her husband come hither to settle and gain a livelihood. They were poor; most miserably poor. Country people, I have noticed, seldom like foreigners. So this man and his wife, in all probability, met much to discourage them. They kept up their spirits, however, until at last their fortunes became desperate. Famine and want laid iron fingers upon them. They had no acquaintance; and to beg they were ashamed. Both were taken ill; then the charity that had been so slack came to their destitute abode, but came too late. Delaree died, the victim of poverty, The woman recovered, after a while; but for many months was quite an invalid, and was sent to the alms-house, where she had ever since remained.

This was the story of the aged creature before me; aged with the weight of seventy winters. I walked up to her. By her feet stood a large rude basket, in which I beheld leaves and buds. The two graves which I had seen her passing between so often were covered with flowers—the earliest but sweetest flowers of the season. They were fresh, and wet, and very fragrant—those delicate soul-offerings. And this, then, was her employment. Strange! Flowers, frail and passing, grasped by the hand of age, and scattered upon a tomb! White hairs, and pale blossoms, and stone tablets of Death!

"Good morning, mistress," said I, quietly.

The withered female turned her eyes to mine, and acknowledged my greeting in the same spirit wherewith it was given.

"May I ask whose graves they are that you remember so kindly?"

She looked up again; probably catching, from my manner, that I spoke in no spirit of rude inquisitiveness; and answered,

"My husband's."

A manifestation of a fanciful taste, thought I, this tomb-ornamenting, which she probably brought with her from abroad. Of course, but one of the graves could be her husband's; and one, likely, was that of a child, who had died and been laid away by its father.

"Whose else?" I asked.

"My husband's," replied the aged widow.

Poor creature! her faculties were becoming dim. No doubt her sorrows and her length of life had worn both mind and body nearly to the parting.

"Yes, I know," continued I, mildly; "but there are two graves. One is your husband's and the othor is——"

I paused for her to fill the blank.

She looked at me a minute, as if in wonder at my perverseness; and then answered as before,

"My husband's. None but my Gilbert's."

"And is Gilbert buried in both?" said I.

She appeared as if going to answer, but stopped again, and did not. Though my curiosity was now somewhat excited, I forbore to question her further, feeling that it might be to her a painful subject. I was wrong, however. She had been rather agitated at my intrusion, and her powers flickered for a moment. They were soon steady again; and, perhaps gratified with my interest in her affairs, she gave me in a few brief sentences the solution of the mystery. When her husband's death occurred, she was herself confined to a sick bed, which she did not leave for a long while after he was buried. Still longer days passed before she had permission, or even strength, to go into the open air. When she did, her first efforts were essayed to reach Gilbert's grave. What a pang sunk to her heart when she found it could not be pointed out to her! With the careless indifference which is shown to the corpses of outcasts, poor Delaree had been thrown into a hastily dug hole, without any one noting it, or remembering which it was. Subsequently, several other paupers were buried in the same spot; and the sexton could only show two graves to the disconsolate woman, and tell her that her husband's was positively one of the twain. During the latter stages of her recovery, she had looked forward to the consolation of coming to his tomb as to a shrine, and wiping her tears there; and it was bitter that such could not be. The miserable widow even attempted to obtain the consent of the proper functionaries that the graves might be opened, and her anxieties put at rest! When told that this could not be done, she determined in her soul that at least the remnant of her hopes and intentions should not be given up. Every Sunday morning, in the mild seasons, she went forth early, and gathered fresh flowers, and dressed both the graves. So she knew that the right one was cared for, even if another shared that care. And lest she should possibly bestow the most of this testimony of love on him whom she knew not, but whose spirit might be looking down invisible in the air, and smiling upon her, she was ever careful to have each tomb adorned in an exactly similar manner. In a strange land, and among a strange race, she said, it was like communion with her own people to visit that burial-mound.

"If I could only know which to bend over when my heart feels heavy,' thus finished the sorrowing being as she rose to depart, "then it would be a happiness. But perhaps I am blind to my dearest mercies. God in his great wisdom may have sent that I should not know which grave was his, lest grief over it should become too common a luxury for me, and melt me away."

I offered to accompany her, and support her feeble steps; but she preferred that it should not be so. With languid feet she moved on. I watched her pass through the gate and under the arch; I saw her turn, and in a little while she was hidden from my view. Then I carefully parted the flowers upon one of the graves, and sat down there, and leaned my face in my open hands and thought.

What a wondrous thing is woman's love! Oh Thou whose most mighty attribute is the Incarnation of Love, I bless Thee that Thou didst make this fair disposition in the human heart, and didst root it there so deeply that it is

stronger than all else, and can never be torn out! Here is this aged wayfarer, a woman of trials and griefs, decrepit, sore, and steeped in poverty; the most forlorn of her kind; and yet, through all the storm of misfortune, and the dark cloud of years settling upon her, the Memory of her Love hovers like a beautiful spirit amid the gloom; and never deserts her, but abides with her while life abides. Yes; *this* creature loved: this wrinkled, skinny, grayhaired crone had her heart to swell with passion, and her pulses to throb, and her eyes to sparkle. Now, nothing remains but a Lovely Remembrance, coming as of old, and stepping in its accustomed path, not to perform its former object, or former duty—but from long habit. *Nothing* but that!—Ah! is not that a great deal?

And the buried man—he was happy to have passed away as he did. The woman—she was the one to be pitied. Without doubt she wished many times that she were laid beside him. And not only she, thought I, as I cast my eyes on the solemn memorials around me; but at the same time there were thousands else on earth, who panted for the Long Repose, as a tired child for the night. The grave—the grave—what foolish man calls it a dreadful place? It is a kind friend, whose arms shall compass us round about, and while we lay our heads upon his bosom, no care, temptation, nor corroding passion shall have power to disturb us. Then the weary spirit shall no more be weary; the aching head and aching heart will be strangers to pain; and the soul that has fretted and sorrowed away its little life on earth will sorrow not any more. When the mind has been roaming abroad in the crowd, and returns sick and tired of hollow hearts, and of human deceit—let us think of the grave and of death, and they will seem like soft and pleasant music. Such thoughts then soothe and calm our pulses; they open a peaceful prospect before us. I do not dread the grave. There is many a time when I could lay down, and pass my immortal part through the valley of the shadow, as composedly as I quaff water after a tiresome walk. For what is there of terror in taking our rest? What is there here below to draw us with such fondness! Life is the running of a race—a most weary race, sometimes. Shall we fear the goal, merely because it is shrouded in a cloud?

I rose, and carefully replaced the parted flowers, and bent my steps homeward.

If there be any sufficiently interested in the fate of the aged woman, that they wish to know further about her, for those I will add, that ere long her affection was transferred to a Region where it might receive the reward of its constancy and purity. Her last desire—and it was complied with—was that she should be placed midway between the two graves.

THE NATURE AND CHARACTER OF THE FEDERAL GOVERNMENT OF AMERICA.

It came within the range of Judge Story's duties, as Dane Professor of Law in Harvard University, to expound and illustrate the Constitution of the United States. His lectures upon that subject have been abridged by himself, and

* Commentaries on the Constitution of the United States, with a preliminary review of the constitutional history of the colonies and states before the adoption of the Constitution. By Joseph Story, LL. D., Dane Professor of Law in Harvard University.

published in a separate volume, under the above title. Although the work is given to the public as an abridgment, it is nevertheless, as it professes to be, "a full analysis and exposition of the constitution of government of the United States;" and presents, in the opinion of the author himself, the "leading doctrines" of the original, "so far as they are necessary to a just understanding of the actual provisions of the Constitution." The author professes to have compiled it "for the use of colleges and high schools;" but as it contains all the important historical facts, and all the leading reasons upon which his own opinions have been based, and as it has been prepared with elaborate care in other respects, we may reasonably suppose, without impeaching his modesty, that he expected it to be received as a complete work. It is indeed quite as full as any such work needs to be, for any purpose, except, perhaps, the very first lessons to the student of constitutional law. The politician and the jurist may consult it, with a certainty of finding all the prominent topics of the subject fully discussed.

A work presenting a proper analysis and correct views of the Constitution of the United States has long been a desideratum with the public. It is true that the last fifteen years have not been unfruitful in commentaries upon that instrument; *such* commentaries, however, as have, for the most part, met a deserved fate, in immediate and total oblivion. Most of them have served only to throw ridicule upon the subject which they profess to illustrate. A few have appeared, however, of a much higher order, and bearing the stamp of talent, learning, and research. Among these, the work before us and the Commentaries of Chief Justice Kent hold the first rank. Both these works are, as it is natural they should be, strongly tinctured with the political opinions of their respective authors; and as there is a perfect concurrence between them in this respect, their joint authority can scarcely fail to exert a strong influence upon public opinion. It is much to be regretted that some one, among the many who differ from them in their views of the Constitution, and who possess all the requisite qualifications for the task, should not have thought it necessary to vindicate his own peculiar tenets, in a work equally elaborate, and presenting just claims to public attention. The authority of great names is of such imposing weight, that mere reason and argument can rarely counterpoise it in the public mind; and its preponderance is not easily overcome, except by adding like authority to the weight of reason and argument, in the opposing scale. I hope it is not yet too late for this suggestion to have its effect upon those to whom it is addressed.

The first commentary upon the Constitution, the Federalist, is decidedly the best which has yet appeared. The writers of that book were actors in all the interesting scenes of the period, and two of them were members of the convention which formed the Constitution. Added to this, their extensive information, their commanding talents, and their experience in great public affairs qualified them, in a peculiar degree, for the task which they undertook. Nevertheless, their great object was to *recommend* the Constitution to the people, at a time when it was very uncertain whether they would adopt it or not: and hence their work, although it contains a very full and philosophical analysis of the subject, comes to us as a mere argument in support of a favourite measure, and, for that reason, does not always command our entire confidence. Besides, the Constitution was then untried, and its true character, which is to be learned only from its practical operation, could only be conjectured. Much has been

developed, in the actual practice of the government, which no politician of that day could either have foreseen or imagined. New questions have arisen, not then anticipated, and difficulties and embarrassments, wholly unforeseen, have sprung from new events in the relation of the states to one another, and to the general government. Hence the Federalist cannot be relied on, as full and safe authority in all cases. It is, indeed, matter of just surprise, and affording the strongest proof of the profound wisdom and far-seeing sagacity of the authors of that work, that their views of the Constitution have been so often justified in the course of its practical operation. Still, however, it must be admitted that the Federalist is defective in some important particulars, and deficient in many more. The Constitution is much better understood at this day than it was at the time of its adoption. This is not true of the great principles of civil and political liberty, which lie at the foundation of that instrument: but it is emphatically true of some of its provisions, which were considered at the time as comparatively unimportant, or so plain as not to be misunderstood, but which have been shown, by subsequent events, to be pregnant with the greatest difficulties, and to exert the most important influence upon the whole character of the government. Contemporary expositions of the Constitution, therefore, although they should be received as authority in *some* cases, and may enlighten our judgments in most others, cannot be regarded as safe guides, by the expounder of that instrument at this day. The subject demands our attention now as strongly as it did before the Federalist was written.

It is not surprising, therefore, that the work now under consideration should have been hailed with pleasure, and received with every favourable disposition. Judge Story fills a high station in the judiciary of the United States, and has acquired a character, for talents and learning, which ensures respect to whatever he may publish under his own name. His duty, as a judge of the supreme court, has demanded of him frequent investigations of the nicest questions of constitutional law: and his long service in that capacity has probably brought under his review every provision of that instrument, in regard to which any difference of opinion has prevailed. Assisted as he has been by the arguments of the ablest counsel, and by the joint deliberations of the other judges of the court, it would be indeed wonderful if he should hazard his well-earned reputation as a jurist, upon any hasty or unweighed opinion, upon subjects so grave and important. He has also been an attentive observer of political events, and although by no means obtrusive in politics, has yet a political character, scarcely less distinguished than his character as a jurist. To all these claims to public attention and respect, may be added a reputation for laborious research, and for calm and temperate thinking. A work on the Constitution of the United States, emanating from such a source, cannot fail to exert a strong influence upon public opinion, and it is, therefore, peculiarly important that its real character should be understood. Whatever may be the caste of its political opinions, it can scarcely fail to contain many valuable truths, and much information which will be found useful to all classes of readers. And, so far as its political opinions are concerned, it is of the highest importance to guard the public mind against the influence which its errors, if errors there be, may borrow from the mere authority of the distinguished name under which they are advanced.

The plan of the work before us is very judicious. In order to a correct understanding of the Constitution, it is absolutely necessary to underderstand the situation of the states before it was adopted. The author, acting upon this

idea, distributes his work into three great divisions. "The first will embrace a sketch of the charters, constitutional history, and ante-revolutionary jurisprudence of the colonies. The second will embrace the constitutional history of the states; during the revolution and the rise, progress, decline, and fall of the confederation. The third will embrace the history of the rise and adoption oe the Constitution, and a full exposition of all its provisions, with the reasons on which they were respectively founded, the objections by which they were respectively assailed, and such illustrations drawn from contemporaneous documents, and the subsequent operations of the government, as may best enable the reader to estimate for himself, the true value of each." This plan is at once comprehensive and analytic. It embraces every topic necessary to a full understanding of the subject, while, at the same time, it presents them in the natural order of investigation. It displays a perfect acquaintance with the true nature of the subject, and promises every result which the reader can desire. The first part relates to a subject of the greatest interest to every American, and well worthy the study of philosophical inquirers, all over the world. There is not, within the whole range of history, an event more important, with reference to its effects upon the whole world at large, than the settlement of the American colonies. It did not fall within the plan of our author to inquire very extensively, or very minutely, into the mere history of the events which distinguished that extraordinary enterpise. So far as the first settlers may be regarded as actuated by avarice, by ambition, or by any other of the usual motives of the adveuturer, their deeds belong to the province of the historian alone. We however, must contemplate them in another and a higher character. A deep and so'emn feeling of religion, and an attachment to and an understanding of, the principles of civil liberty, far in advance of the age in which they lived, suggested to most of them the idea of seeking a new home, and founding new institutions, in the western world. To this spirit we are indebted for all that is free and liberal in our present political systems. It would be a work of very great interest, and altogether worthy of the political historian, to trace the great principles of our institutions back to their sources. Their origin would probably be discovered at a period much more remote than is generally supposed. We should derive from such a review much light in the interpretation of those parts of our systems, as to which we have no precise rules in the language of our constitutions of government. It is to be regretted that Judge Story did not take this view of the subject. Although not strictly required by the plan of his work, it was, nevertheless, altogether consistent with it, and would have added much to its interest with the general reader. His sources of historical information were ample, and his habits and the character of his mind fitted him well for such an investigation, and for presenting the result in an analytic and philosophical form. He has chosen, however, to confine himself within much narrower limits. Yet, even within those limits, he has brought together a variety of historical facts of great interest, and has presented them in a condensed form, well calculated to make a lasting impression upon the memory. The brief sketch which he has given of the settlement of the several colonies, and of the charters from which they derived their rights and powers as separate governments, contains much to enable us to understand fully the relation which they bore to one another and to the mother country. This is the true starting point in the investigation of those vexed questions of constitutional law which have so long divided

political parties in the United States. It would seem almost impossible that any two opinions could exist upon the subject; and yet the historical facts, upon which alone all parties must rely, although well authenticated and comparatively recent, have not been understood by all men alike. Our author was well aware of the importance of settling this question at the threshold of his work. Many of the powers which have been claimed for the federal government, by the political party to which he belongs, depend upon a denial of that separate existence, and separate sovereignty and independence, which the opposing party has uniformly claimed for the states. It is therefore, highly important to the correct settlement of this controversy, that we should ascertain the precise political condition of the several colonies prior to the revolution. This will enable us to determine how far our author has done justice to his subject, in the execution of the first part of his plan; and by tracing the colonies from their first establishment as such, through the various stages of their progress up to the adoption of the Federal Constitution, we shall be greatly aided in forming a correct opinion as to the true character of that instrument.

It appears to be a favourite object with the author to impress upon the mind of the reader at the very commencement of his work, the idea that the people of the several colonies were, as to some objects, which he has not explained, and to some extent, which he has not defined, "one people." This is not only plainly inferable from the general scope of the book, but is expressly asserted in the following passage: "But although the colonies were independent of each other in respect to their domestic concerns, they were not wholly alien to each other. On the contrary, they were fellow subjects, and for many purposes one people. Every colonist had a right to inhabit, if he pleased, in any other colony, and as a British subject he was capaple of inheriting lands by descent in every other colony. The commercial intercourse of the colonies too was regulated by the general laws of the British empire, and could not be restrained or obstructed by colonial legislation. The remarks of Mr. Chief Justice Jay are equally just and striking: 'All the people of this country were then subjects of the king of Great Britain, and owed allegiance to him, and all the civil authority then existing or exercised here flowed from the head of the British empire. They were in a strict sense *fellow subjects;* and in a variety of respects *one people.* When the revolution commenced, the patriots did not assert that only the same affinity and social connexion subsisted between the people of the colonies, which subsisted between the people of Gaul, Britain, and Spain, while Roman provinces, to wit, only that affinity and social connexion which results from the mere circumstance of being governed by the same prince.'"

In this passage the author takes his ground distinctly and boldly. The first idea suggested by the perusal of it is, that he discerned very clearly the necessity of establishing his position, but did not discern quite so clearly by what process of reasoning he was to accomplish it. If the passage stood alone, it would be fair to suppose that he did not design to extend the idea of a unity among the people of the colonies beyond the several particulars which he has enumerated. Justice to him requires that we should suppose this; for, if it had been otherwise, he would scarcely have failed to support his opinion by pointing out some one of the "many purposes," for which the colonies were, in his view of them, "one people." The same may be said of Mr. Chief Justice Jay. He also has specified several particulars in which he

supposed this unity to exist, and arrives at the conclusion, that the people of the several colonies were, "in a variety of respects, one people." In what respect they were "one," except those which he has enumerated, he does not say, and of course it is fair to presume that he meant to rest the justness of his conclusion upon them alone. The historical facts stated by both of these gentlemen are truly stated; but it is surprising that it did not occur to such cool reasoners, that every one of them is *the result of the relation between the colonies and the mother country, and not the result of the relation between the colonies themselves.* Every British subject, whether born in England proper or in a colony, has a right to reside anywhere within the British realm; and this *by the force of British laws.* Such is the right of every Englishman, wherever he may be found. As to the right of the colonist to inherit lands by descent in any other colony than his own, our author himself informs us that it belonged to him "as a British subject." That right, indeed, is a consequence of his allegiance. By the policy of the British constitution and laws, it is not permitted that the soil of her territory should belong to any from whom she cannot demand all the duties of allegiance. This allegiance is the same in all the colonies as it is in England proper; and, wherever it exists, the correspondent right to own and inherit the soil attaches. The right to regulate commercial intercourse among her colonies belongs, of course, to the parent country, unless she relinquishes it by some act of her own; and no such act is shown in the present case. On the contrary, although that right was resisted for a time by some of the American colonies, it was finally yielded, as our author himself informs us, by all those of New England, and I am not informed that it was denied by any other. Indeed the supremacy of parliament, in most matters of legislation which concerned the colonies, was generally—nay, *universally*—admitted, up to the very eve of the revolution. It is true, the right to *tax* the colonies was denied, but this was upon a wholly different principle. It was the right of every British subject to be exempt from taxation, except by his own consent; and as the colonies were not, and from their local situation could not be represented in parliament, the right of that body to tax them was denied, upon a fundamental principle of English liberty. But the right of the mother country to regulate commerce among her colonies is of a different character, and it never was denied to England by her American colonies, so long as a hope of reconciliation remained to them. In like manner, the facts relied on by Mr. Jay, that "all the people of this country were then subjects of the king of Great Britain, and owed allegiance to him," and that "all the civil authority then existing or exercised here flowed from the head of the British empire," are but the usual incidents of colonial dependence, and are by no means peculiar to the case he was considering. They do, indeed, prove a unity between all the colonies and the *mother country*, and show that these, taken altogether, are, in the strictest sense of the terms, "one people;" but I am at a loss to perceive how they prove, that two or more parts or subdivisions of the same empire necessarily constitute "one people." If this be true of the colonies, it is equally true of any two or more geographical sections of England proper; for every one of the reasons assigned applies as strictly to this case as to that of the colonies. Any two countries may be "one people," or "a nation de facto," if they can be made so by the facts that their people are "subjects of the king of Great Britain, and owe allegiance to him," and that "all the civil authority exercised therein flows from the head of the British empire."

It is to be regretted that the author has not given us his own views of the sources from which these several rights and powers were derived. If they authorize his conclusion, that there was any sort of unity among the people of the several colonies, distinct from their common connexion with the mother country, as parts of the same empire, it must be because they flowed from something in the relation betwixt the colonies themselves, and not from their common relation to the parent country. Nor is it enough that these rights and powers should, *in point of fact*, flow from the relation of the colonies to one another; they must be the *necessary result of their political condition.* Even admitting, then, that they would, under any state of circumstances, warrant the conclusion which the author has drawn from them, it does not follow that the conclusion is correctly drawn in the present instance. For aught that he has said to the contrary, the right of every colonist to inhabit and inherit lands in every colony, whether his own or not, may have been derived from positive compact and agreement among the colonies themselves; and this presupposes that they were distinct and separate, and not "one people." And so far as the rights of the mother country are concerned, they existed in the same form, and to the same extent over every other colony of the empire. Did this make the people of *all* the colonies "one people?" If so, the people of Jamaica, the British East India possessions and the Canadas are, for the very same reasons, "one people" at this day. If a common allegiance to a common sovereign, and a common subordination to his jurisdiction, are sufficient to make the people of different countries "one people," it is not perceived (with all deference to Mr. Chief Justice Jay) why the people of Gaul Britain, and Spain might not have been "one people," while Roman provinces, notwithstanding the "patriots" did not say so. The *general* relation between the colonies and the parent country is as well settled and understood as any other, and it is precisely the same in all cases, except where special consent and agreement may vary it. Whoever, therefore, would prove that any peculiar *unity* existed between the American colonies, is bound to show something in their charters, or some peculiarity in their condition, to exempt them from the general rule. Judge Story was too well acquainted with the state of the facts to make any such attempt in the present case. The congress of the nine colonies, which assembled in New York, in October, 1765, declare that the colonists, "owe the same allegiance to the crown of Great Britain, that is owing from his subjects born within the realm, and all due subordination to that august body, the parliament of Great Britain." "That the colonists are entitled to all the inherent rights and liberties of his (the king's) natural born subjects within the kingdom of Great Britain." We have here an all-sufficient foundation of the right of the crown to regulate commerce among the colonies, and of the right of the colonists to inhabit and to inherit land in each and all of the colonies. They were nothing more than the ordinary rights and liabilities of every British subject; and, indeed, the most that the colonies ever contended for was an equality, and in these respects, with the subjects born in England. The facts, therefore, upon which our author's reasoning is founded, spring from a different source from that from which he is compelled to derive them, in order to support his conclusion.

So far as the author's argument is concerned, the subject might be permitted to rest here. Indeed one would be tempted to think, from the apparent carelessness and indifference with which this argument is urged, that he himself

d not attach to it any particular importance. It is not his habit to dismiss ave matters with such slight examination, nor does it consist with the aracter of his mind t› be satisfied with reasoning which bears even a doubtl re'ation to his subject. Neither can it be supposed that he would be willing › rely on the simple *ipse dixit* of Chief Justice Jay, unsupported by argument nsustained by any references to historical facts, and wholly indefinite in extent nd bearing. Why, then, was this passage written? As mere history, apart om its bearing on the Constitution of the United States, it is of no value in his work and is wholly out of place. All doubts upon this point will be removed n the progress of this examination. The great effort of the author, throughut his entire work, is to establish the doctrine, that the Constitution of the Jnited States is a government of "the people of the United States," as contraistinguished from the people of the several states; or, in other words, that it a consolidated and not a federative system. His construction of every conested federal power depends mainly upon this distinction; and hence the ecessity of establishing a *one-ness* among the people of the several colonies, ior to the revolution. It may well excite our surprise, that a proposition so ecessary to the principal design of the work, should be stated with so little ecision, and dismissed with so little effort to sustain it by argument. One so ell informed as Judge Story, of the state of political opinions in America, ould scarcely have supposed that it would be received as an admitted truth, quiring no examination. It enters too deeply into grave questions of constitional law, to be so summarily disposed of. We should not be content, erefore, with simply proving that the author has assigned no sufficient reason r the opinion he has advanced. The subject demands of us the still farther roof that his opinion is, in fact, erroneous, and that it cannot be sustained by y *other* reasons

In order to constitute "one people," in a political sense, of the inhabitants f different countries, something more is necessary than that they should owe common allegiance to a common sovereign. Neither is it sufficient that, in ome particulars, they are bound alike by laws which that sovereign may rescribe; nor does the question depend on geographical relations. The nhabitants of different islands may be one people, and those of contiguous ountries may be, as we know they in fact are, different nations. By the term people," as here used, we do not mean merely a number of persons. We ean by it a political corporation, the members of which owe a common llegiance to a common sovereignty, and do not owe any allegiance which is ot common; who are bound by no laws except such as that sovereignty may rescribe; who owe to one another reciprocal obligations; who possess mmon political interests; who are liable to common political duties; and ho can exert no sovereign power except in the name of the whole. Anything ort of this, would be an imperfect definition of that political corporation ich we call "a people."

Tested by this definition, the people of the American colonies were, in no nceivable sense, "one people." They owed, indeed, allegiance to the British g, as the head of each colonial government, and as forming a part thereof; t this allegiance was exclusive, in each colony, to its own government, and sequently, to the king as the head thereof, and was not thecommon allegance of the people of all the colonies to a common head.* These colonial

* The Resolutions of Viginia, in 1796, show that she considered herself merely as appendage of the British crown; that *her* legislature was alone authorized to tax her

governments were clothed with the sovereign power of making laws, and of enforcing obedience to them, from their own people. The people of one colony owed no allegiance to the government of any other colony, and were not bound by its laws. The colonies had no common legislature, no common treasury, no common military power, no common judicature. The people of one colony were not liable to pay taxes to any other colony, nor to bear arms in its defence; they had no right to vote in its elections, no influence nor control in its municipal government, no interest in its municipal institutions. There was no prescribed form by which the colonies could act together for any purpose whatever; they were not known as "one people" in any one function of government. Although they were all, alike, dependencies of the British crown, yet, even in the action of the parent country in regard to them, they were recognised as separate and distinct. They were established at different times, and each under an authority from the crown, which applied to itself alone. They were not even alike in their organization. Some were provincial, some proprietary, and some charter governments. Each derived its form of government from the particular instrument establishing it, or from assumptions of power acquiesced in by the crown, without any connection with or relation to any other. They stood upon the same footing, in every respect with other British colonies, with nothing to distinguish their relation either to the parent country or to one another. The charter of any one of them might have been destroyed, without in any manner affecting the rest. In point of fact, the charters of nearly all of them were altered from time to time, and the whole character of their governments changed. These changes were made in each colony for itself alone, sometimes by its own action, sometimes by the power and authority of the crown; but never by the joint agency of any other colony, and never with reference to the wishes or demands of any other colony. Thus they were separate and distinct in their creation; separate and distinct in the form of their governments; separate and distinct in the changes and modifications of their governments, which were made from time to time; separate and distinct in political functions, in political rights, and in political duties.

The provincial government of Virginia was the first established. The people of Virginia owed allegiance to the British king, as the head of their own local government. The authority of that government was confined within certain geographical limits, known as Virginia, and all who lived within those limits were "one people." When the colony of Plymouth was subsequently settled, were the people of that colony "one" with the people of Virginia? When, long afterwards, the proprietary government of Pennsylvania was established, were the followers of William Penn "one" with the people of Plymouth and Virginia? If so, to which government was their allegiance due? Virginia had a government of her own, Pennsylvania a government of her own, and Massachusetts a government of her own. The people of Pennsylvania could not be equally bound by the laws of all three governments, because those laws might happen to conflict; they could not owe the duties of citizenship to all of them alike, because they *might* stand in hostile relations to one another. Either, then, the government of Virginia, which originally extended over the whole territory, continued to be supreme therein, (subject only to its dependence on the British

and that she had a right to call on *her* king, who was also king of England to protect her against the usurpations of the British Parliament.

crown,) or else its supremacy was yielded to the new government. Every one knows that this last was the case; that within the territory of the new government the authority of that government alone prevailed. How then could the people of this new government of Pennsylvania be said to be "one" with the people of Virginia, when they were not citizens of Virginia, owed her no allegiance and no duty, and when their allegiance to another government might place them in the relation of enemies of Virginia?

In farther illustration of this point, let us suppose that some one of the colonies had refused to unite in the declaration of independence; what relation would it then have held to the others? Not having disclaimed its allegiance to the British crown, it would still have continued to be a British colony, subject to the authority of the parent country, in all respects as before. Could the other colonies have rightfully compelled it to unite with them in their revolutionary purposes on the ground that it was part and parcel of the "one people," known as the people of the colonies? No such right was ever claimed or dreamed of, and it will scarcely be contended for now, in the face of the known history of the time. Such recusant colony would have stood precisely as did the Canadas, and every other part of the British empire. The colonies, which had declared war, would have considered its people as enemies, but would not have had a right to treat them as traitors, or as disobedient citizens resisting their authority. To what purpose, then were the people of the colonies "one people," if, in a case so important to the common welfare, there was no right in all the people together, to coerce the members of their own community to the performance of a common duty?

It is thus apparent that the people of the colonies were not "one people," as to any purpose involving allegiance on the one hand, or protection on the other, What then, again I ask, are the "many purposes," to which the author alludes? It is certainly incumbent on him who asserts this identity against the inferences most naturally deducible from the historical facts, to show at what time, by what process, and for what purposes it was effected. He claims too much consideration for his personal authority, when he requires his readers to reject the plain information of history, in favour of his bare assertion. The charters of the colonies prove no identity between them, but the reverse; and it has already been shown that this identity is not the necessary result of their common relation to the mother country. By what other means they came to be "one," in any intelligible and political sense, it remains for the author to explain.

If these views of the subject be not convincing, the author himself has furnished proof, in all needful abundance, of the incorrectness of his own conclusion. He tells us that, "though the colonies had a common origin, and owed a common allegiance, and the inhabitants of each were British subjects, they *had no direct political connexion with each other.* Each was independent of all the others; each, in a limited sense, was sovereign within its own territory. There was neither alliance nor confederacy between them. The assembly of one province could not make laws for another, nor confer privileges which were to be enjoyed or exercised in another, farther than they could be in any independent foreign state. As colonies they were also excluded from all connexion with foreign states. They were known only as dependencies, and they follow the fate of the parent country, both in peace and war, without having assigned to them, in the intercourse or diplomacy of nations, any

distinct or independent existence. *They did not possess the power of forming any league or treaty among themselves, which would acquire an obligatory force without the assent of the parent state.* And though their mutual wants and necessities often induced them to associate for common purposes of defence, these confederacies were of a casual and temporary nature, and were allowed as an indulgence, rather than as a right. They made several efforts to procure the establishment of some general superintending government over them all; but their own differences of opinion, as well as the jealousy of the crown made these efforts abortive."

The English language affords no terms stronger than those which are here used to convey the idea of separateness, distinctness and independence, among the colonies. No commentary could make the description plainer, or more fully complete. The *unity* contended for by the author, nowhere appears, but is distinctly disaffirmed in every sentence. The colonies were not only distinct in their creation, and in the powers and faculties of their governments, but there was not even "an alliance or confederacy between them." They had no "general superintending government over them all," and tried in vain to establish one. Each was "independent of all the others," having its own legislature, and without power to confer either right or privilege beyond its own territory;" "each, in a limited sense, was sovereign in his own territory:" and to sum up all in a single sentence, "they had no direct political connexion with each other!" The condition of the colonies was, indeed anomalous, if our author's view of it be correct. They presented the singular spectacle of "one people," or political corporation, the members of which had no direct political connexion with each other, and who had not the power to form such connexion, even, "by league or treaty among themselves."

This brief review will, it is believed, be sufficient to convince the reader that our author has greatly mistaken the real condition and relation of the colonies, in supposing that they formed "one people," in any sense or for any purpose whatever. He is entitled to credit, however, for the candour with which he has stated the historical facts. Apart from all other sources of information, his book affords to every reader abundant materials for the formation of his own opinion, and for enabling him to decide satisfactorily whether the author's inferences from the facts, which he himself has stated, be warranted by them, or not.

In the execution of the second division of his plan, very little was required of the author, either as a historian or as a commentator. Accordingly, he has alluded but slightly to the condition of the colonies during the existence of the revolutionary government, and has sketched with great rapidity, yet sufficiently in detail, the rise, decline, and fall of the Confederation. Even here, however, he has fallen into some errors, and has ventured to express decisive and important opinions, without due warrant. The desire to make "the people of the United States" one consolidated nation is so strong and predominant, that it breaks forth, often, uncalled for, in every part of this work. He tells us that the first congress of the revolution was "a general or national government;" that it "was organized under the auspices and with the consent of *the people*, acting directly in their primary, sovereign capacity, and without the intervention of the functionaries to whom the ordinary powers of government were delegated in the colonies," He acknowledges that the powers of this congress were but ill-defined; that many of them were exercised by mere usurpation, and were acquiesced in by the people, only from the confidence reposed

in the wisdom and patriotism of its members, and because there was no proper opportunity, during the pressure of the war, to raise nice questions of the powers of government. And yet infers, from the exercise of powers thus ill-defined, and, in great part, usurped, that "from the moment of the declaration of independence, if not for most purposes at an antecedent period, the united colonies must be considered as being a nation *de facto*, &c."

A very slight attention to the history of the times will place this subject in its true light. The colonies complained of oppresions from the mother country, and were anxious to devise some means by which their grievances might be redressed. These grievances were common to all of them; for England made no discrimination between them, in the general course of her colonial policy. Their rights, as British subjects, had never been well defined; and some of the most important of those rights, as asserted by themselves, had been denied by the British crown. As early as 1765 a majority of the colonies had met together in congress, or convention, in New York, for the purpose of deliberating on these grave matters of common concern; and they then made a formal declaration of what they considered their rights, as colonists and British subjects. This measure, however, led to no redress of their grievances. On the contrary, the subsequent measures of the British government gave new and just causes of complaint; so that, in 1774, it was deemed necessary that the colonies should again meet together, in order to consult upon their general condition, and provide for the safety of their common rights. Hence the congress which met at Carpenter's Hall, in Philadelphia, on the 5th of September, 1774. It consisted of delegates from New Hampshire, Massachusetts Bay, Rhode Island, and Providence Plantations, Connecticut, *from the city and county of New York, and other counties in the province of New York*, New Jersey, Pennsylvania, *Newcastle, Kent and Sussex in Delaware*, Maryland, Virginia and South Carolina. North Carolina was not represented until the 14th September, and Georgia not at all. It is also apparent, that New York was not represented *as a colony*, but only through certain portions of her people;* in like manner, Lyman Hall was admitted to his seat, in the succeeding congress, as a delegate from the parish of St. Johns, in Georgia, although he declined to vote on any question requiring a majority

* The historical fact here stated, is perfectly authenticated, and has never been disputed; nevertheless, the following extracts from the Journals of Congress, may not be out of place.

"Wednesday, September 14, 1774. Henry Wisner, a delegate from *the county of Orange*, in the colony of New York, appeared at congress, and produced a certificate of his election by *the said county*, which being read and approved, he took his seat in congress as a deputy from the colony of New York."

"Monday, September 26, 1774. John Hening, Esq., a deputy from *Orange county*, in the colony of New York, appeared this morning, and took his seat as a deputy from that colony."

"Saturday, October 1, 1774. Simon Boerum, Esq., appeared in congress as a deputy from King's county, in the colony of New York, and produced the credentials of his election, which being read and approved, he took his seat as a delegate from that colony."

It is evident from these extracts, that although the delegates from certain portions of the people of New York were admitted to seats in congress as delegates *from the colony*, yet, in point of fact, they were not *elected* as such, neither were they ever recognized as such, by New York herself. The truth is, as will presently appear, the majority of her people were not ripe for the measures pursued by congress, and would not have agreed to appoint delegates for the whole colony.

of *the colonies* to carry it, because he was not the representative of a colony. This congress passed a variety of important resolutions, between September, 1774, and the 22d October, in the same year; during all which time Georgia was not represented at all; for even the parish of St. Johns did not appoint a representative till May, 1775. In point of fact, the congress was a *deliberative and advisory* body, and nothing more; and, for this reason, it was not deemed important, or, at least, not *indispensable*, that all the colonies should be represented, since the resolutions of congress had no obligatory force whatever. It was appointed for the sole purpose of taking into consideration the general condition of the colonies, and of devising and recommending proper measures, for the security of their rights and interests. For these objects no precise powers and instructions were necessary, and *beyond* them none were given. Neither does it appear that any precise time was assigned for the duration of congress. The duty with which it was charged was extremely simple; and it was taken for granted that it would dissolve itself as soon as that duty should be performed.*

* A reference to the credentials of the congress of 1774 will show, beyond all doubt, the true character of that assembly. The following are extracts from them.

New Hampshire. "To *devise, consult, and adopt* such measures as may have the most likely tendency to extricate the colonies from their present difficulties; to secure and perpetuate their rights, liberties, and privileges, and to restore that peace, harmony, and mutual confidence, which once happily subsisted between the parent country and her colonies."

Massachusetts. "To *consult* on the present state of the colonies, and the miseries to which they are, and must be reduced, by the operation of certain acts of parliament respecting America; and to deliberate and determine upon wise and proper measures *to be by them recommended to all the colonies*, for the recovery and establishment of their just rights and liberties, civil and religious, and the restoration of union and harmony between Great Britain and the colonies, most ardently desired by all good men."

Rhode Island. "To consult on proper measures to obtain a repeal of the several acts of the British parliament for levying taxes on his majesty's subjects in America without their consent, and upon proper measures to establish the rights and liberties of the colonies upon a just and solid foundation, *agreeably to instructions given by the general assembly.*"

Connecticut. "To *consult and advise* on proper measures for advancing the best good of the colonies, and such conferences to report, from time to time, to the colonial house of representatives."

New York. Only a few of her counties were represented, some by deputies authorized to "represent," and some by deputies authorized to "attend congress."

New Jersey. "To represent the colony in the general congress."

Pennsylvania. "To form and adopt a plan for the purposes of obtaining redress of American grievances, ascertaining American rights upon the most solid and constitutional principles, and for establishing that union and harmony between Great Britain and the colonies which is indispensibly necessary to the welfare and happiness of both."

Delaware. "To consult and advise with the deputies from the other colonies, to determine upon all such prudent and lawful measures as may be judged most expedient for the colonies immediately and unitedly to adopt, in order to obtain relief for an oppressed people (*a*), and the redress of our general grievances."

Maryland. "To attend a general congress, to effect one general plan of conduct, operating on the commercial connexion of the colonies with the mother country, for the relief of Boston and the preservation of American liberty."

Virginia. "To consider of the most proper and effectual manner of so operating on the commercial connexions of the colonies with the mother-country, as to procure redress for the much-injured province of Massachusetts Bay, to secure British

(*a*) Massachusetts, the particular wrongs of which are just before recited at large.

It is perfectly apparent that the mere *appointment* of this congress did not make the people of all the colonies "one people," nor a nation *de facto*." All the colonies did not unite in the appointment, neither as colonies nor by any portion of their people acting in their primary assemblies, as has already been shown. The colonies were not independent, and had not even resolved to declare themselves so at any future time. On the contrary, they were extremely desirous to preserve and continue their connexion with the parent country, and congress was charged with the duty of devising such measures as would enable them to do so, without involving a surrender of their rights as British subjects. It is equally clear that the powers with which congress was clothed, did not flow from, nor *constitute* "one people," or "nation *de facto*," and that that body was not a "general or national government," nor a government of any kind

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America from the ravage and ruin of arbitrary taxes, and speedily to procure the return of that harmony and union, so beneficial to the whole empire, and so ardently desired by all British America."

North Carolina. "To take such measures as they may deem prudent to effect the purpose of describing with certainty the rights of Americans, repairing the breach made in those rights, and for guarding them for the future from any such violations done under the sanction of public authority." For these purposes the delegates are "invested with such powers as may make any acts done by them *obligatory in honour*, on every inhabitant hereof, who is not an alien to his country's good, and an apostate to the liberties of America."

South Carolina. "To consider the acts lately passed, and bills depending in parliament with regard to the port of Boston and colony of Massachusetts Bay; which acts and bills, in the precedent and consequences, affect the whole continent of America. Also the grievances under which America, labours, by reason of the several acts of parliament that impose taxes or duties for raising a revenue, and lay unnecessary restraints and burdens on trade; and of the statutes, parliamentary acts, and royal instructions, which make an invidious distinction between his majesty's subjects in Great Britain and America, with full power and authority to concert, agree to, and prosecute such legal measures, as in the opinion of the said deputies, so to be assembled, shall be most likely to obtain a repeal of the said acts, and a redress of those grievances."

[The above extracts are made from the credentials of the deputies of the several colonies, as spread upon the journal of congress, according to a copy of that journal bound (as appears by a gilt label on the back thereof) for the use of the president of congress—now in possession of B. Tucker, esq.]

It is perfectly clear from these extracts, 1. That the colonies did not consider themselves as "one people," and that they were therefore bound to consider the quarrel of Boston as their own; but that they made common cause with Massachusetts, only because the principles asserted in regard to her, equally affected the other colonies; 2. That each colony appointed its own delegates, giving them precisely such power and authority as suited its own views; 3. That no colony gave any power or authority except for advisement only; 4. That so far from designing to establish "a general or national government," and to form themselves into "a nation *de facto*," their great purpose was to bring about a reconciliation and harmony with the mother country. This is still farther apparent from the tone of the public address of congress. 5. That this congress was not "organized under the auspices and with the consent of the people, acting directly in their primary sovereign capacity, and without the intervention of the functionaries to whom the ordinary powers of government were delegated in the colonies, but, on the contrary, that it was organized by the colonies *as such*, and generally through their ordinary legislatures; and *always* with careful regard to their separate and independent rights and powers.

If the congress of 1774 was "a general or national government," neither New York nor Georgia was a party to it; for neither of them was represented in that congress. It is also worthy of remark that the congress of 1774 had no agents of its own in foreign countries, but employed those of the several colonies. See the resolution for delivering the address to the king, passed October 25, 1774, and the letter to the agents, approved on the following day.

whatever. The existence of such government was absolutely inconsistent with the allegiance which the colonies still acknowledged to the British crown. Our author himself informs us, in a passage already quoted, that they had no power to form such government, nor to enter into "any league or treaty among themselves." Indeed, congress did not claim any legislative power whatever, nor could it have done so, consistently with the political relations which the colonies still acknowledged and desired to preserve. Its acts were in the form of *resolutions*, and not in the form of *laws*; it *recommended* to its constitutents whatever it believed to be for their advantage, but it *commanded* nothing. Each colony, and the people thereof, were at perfect liberty to act upon such recommendation or not, as they might think proper.*

On the 22nd October, 1774, this congress dissolved itself, having recommended to the several colonies to appoint delegates to another congress, to be held in Philadelphia in the following May. Accordingly delegates were chosen, as they had been chosen to the preceding congress, each colony and the people thereof acting for themselves, and by themselves; and the delegates thus chosen were clothed with substantially the same powers, for precisely the same objects, as in the former congress. Indeed, it could not have been otherwise; for the relations of the colonies were still unchanged, and any measure establishing "a general or national government," or uniting the colonies so as to constitute them "a nation *de facto*," would have been an act of open rebellion, and would have severed at once all the ties which bound them to the mother country, and which they were still anxious to preserve. New York was

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* The journals of congress afford the most abundant and conclusive proofs of this. In order to show the general character of their proceedings, it is enough for me to refer to the following:

On the 11th October, 1774, it was "Resolved unanimously, That a memorial be prepared to the people of British America, stating to them the necessity of a firm, united, and invariable observation of the measures *recommended* by the congress, as they tender the invaluable rights and liberties derived to them from the laws and constitution of their country." The memorial was accordingly prepared, in conformity with the resolution.

Congress having previously had under consideration the plan of an association for establishing non-importation, &c., finally adopted it, Oct. 20, 1774. After reciting their grievances, they say, "And, therefore, we do, for ourselves and the inhabitants of the several colonies whom we represent, firmly agree and associate, *under the sacred ties of virtue, honour, and love of our country*, as follows." They then proceed to recommend a certain course of proceeding, such as non-importation, and non-consumption of certain British productions. They recommend the appointment of a committee in every county, city, and town, to watch their fellow citizens, in order to ascertain whether or not "any person within the limits of their appointment has violated this association;" and if they should find any such, it is their duty to report them, "to the end, that all such foes to the rights of British America may be publicly known, and *universally contemned as the enemies of American liberty; and, thenceforth, we respectively will break off all dealings with him or her*." They also resolve that they will "have no trade, commerce, dealings, or intercourse whatsoever, with any colony or province in North America, which shall not accede to, or which shall hereafter violate, this association, but will hold them as unworthy of the rights of freemen, and as inimical to the liberties of their country."

This looks very little like the legislation of the "general or national government" of "a nation *de facto*." The most important measures of general concern are rested upon no stronger foundation than "the sacred ties of virtue, honour, and the love of our country," and have no higher sanction than public contempt and exclusion from the ordinary intercourse of society!

represented in this congress precisely as she had been in the former one, that is, by delegates chosen by a part of her people; for the royal party was so strong in that colony, that it would have been impossible to obtain from the legislature an expression of approbation of any measure of resistance to British authority. The accession of Georgia to the general association was not made known till the 20th of July, and her delegates did not take their seats till the 13th of September. In the mean time congress had proceeded in the discharge of its duties, and some of its most important acts, and among the rest the appointment of a commander-in-chief of their armies, were performed while those two colonies were unrepresented. Its acts, like those of the former congress, were in the form of resolution and recommendation; for as it still held out the hope of reconciliation with the parent country, it did not venture to assume the function of authoritative legislation. It continued to hold this attitude and to act in this mode till the 4th of July, 1776, when it declared that the colonies there represented (including New York, which had acceded after the Battle of Lexington), were, and of right ought to be, free and independent states*.

* That the powers granted to the delegates to the second congress were substantially the same with those granted to the delegates to the first, will appear from the following extracts from their credentials.

New Hampshire. "To consent and agree to all measures, which said congress shall deem necessary to obtain redress of American grievances." Delegates appointed by a *convention*.

Massachusetts. "To concert, agree upon, direct, and order" (in concert with the delegates of the other colonies) "such further measures as to them shall appear to be best calculated for the recovery and establishment of American rights and liberties, and for restoring harmony between Great Britain and the colonies." Delegates appointed by provincial congress.

Connecticut. "To join, consult, and advise with the other colonies in British America, on proper measures for advancing the best good of the colonies." Delegates appointed by the colonial house of representatives.

The *colony* of New York was not represented in this congress, but delegates were appointed by a convention of deputies from the city and county of New York, the city and county of Albany, and the counties of Dutchess, Ulster, Orange, West Chester, King's, and Suffolk. They gave their delegates power to "concert and determine upon such measures as shall be judged most effectual for the preservation and re-establishment of American rights and privileges, and for the restoration of harmony between Great Britain and the colonies." Queen's county approved of the proceeding.

Pennsylvania. Simply to "attend the general congress." Delegates appointed by provincial assembly.

New Jersey. "To attend the continental congress and to report their proceedings to the next session of general assembly." Delegates appointed by the colonial assembly.

Delaware. "To concert and agree upon such farther measures as shall appear to them best calculated for the accommodation of the unhappy differences between Great Britain and the colonies on a constitutional foundation, which the house most ardently wish for, and that they report their proceedings to the next session of general assembly." Delegates appointed by the assembly.

Maryland. "To consent and agree to all measures which said congress shall deem necessary and effectual to obtain a redress of American grievances; and this province bind themselves to execute, to the utmost of their power, all resolutions which the said congress may adopt." Delegates appointed by convention, and subsequently approved by the general assembly.

Virginia. "To represent this colony in general congress, to be held, &c." Delegates appointed by convention.

South Carolina. "To concert, agree to, and effectually prosecute such measures, as in the opinion of the said deputies, and the deputies to be assembled, shall be most likely to obtain a redress of American grievances." Delegates appointed by provincial congress.

It is to be remarked, that no new powers were conferred on congress after the declaration of independence. Strictly speaking, they had no authority to make that declaration. They were not appointed for any such purpose, but precisely the reverse; and although some of them were expressly authorized to agree to it, yet others were not. Indeed, we are informed by Mr. Jefferson, that the declaration was opposed by some of the firmest patriots of the body, and among the rest, by R. R. Livingston, Dickenson, Wilson, and E. Rutledge, on the ground that it was premature; that the people of New York, New Jersey, Maryland, and Delaware were not *yet ripe for it*, but would soon unite with the rest, if not indiscreetly urged. In venturing upon so bold a step, congress acted precisely as they did in all of other cases, in the name of the states, whose representatives they were, and with a full reliance that those states would confirm whatever they might do for the general good. They were, strictly, agents or ministers of independent states, acting each under the authority and instructions of his own state, and having no power whatever, except what those instructions conferred. The states themselves were not bound by the resolves of congress, except so far as they respectively authorized their own delegates to bind them. There was no original grant of powers to that body, except for deliberation and advisement; there was no constitution, no law, no agreement, to which they could refer, in order to ascertain the extent of their powers. The members did not all act under the same instructions, nor with the same extent of authority. The different satates gave different instructions, each according to its own views of right and policy, and without reference to any general scheme to which they were all bound to confirm. Congress had in fact *no power of government at all*, nor had it that character of *permanency* which is implied in the ideas of government. It could not pass an obligatory law, nor devise an obligatory sanction, by virtue of any inherent power in itself. It was, as already remarked, precisely the same body *after* the declaration of independence as *before*. As it was not then a government, and could not establish any new and valid relations between the colonies, so long as they acknowledged themselves dependencies of the British crown, they certainly could not do so after

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In the copy of the Journals of Congress now before me I do not find the credentials of the delegates from Rhode Island. They did not attend at the first meeting of congress, although they did at a subsequent period. Georgia was not represented in this congress until September, 1775. On the 13th May, 1775, Lyman Hall appeared as a delegate from St. John's, and he was admitted to his seat, "subject to such regulations as the congress shall determine, relative to his voting." He was never regarded as the representative of Georgia, nor was that colony then considered as a party to the proceedings of congress. This is evident from the fact that, in the address to the inhabitants of Great Britain, they use the style, "The *twelve* United Colonies, by their delegates in congress, to the inhabitants of Great Britain," adopted on the 8th July, 1775. On the 20th of that month, congress were notified that a convention of Georgia had appointed delegates to attend them, but none of them took their seats till the 13th September following. They were authorised "to do, transact, join, and concur with the several delegates from the other colonies and provinces upon this continent, on all such matters and things as shall appear eligible and fit, at this alarming time, for the preservation and defence of our rights and liberties, and for the restoration of harmony, upon constitutional principles, between Great Britain and America."

Some of the colonies appointed their delegates only for limited times, at the expiration of which they were replaced by others, but without any material change in their powers. The delegates were, in all things, subject to the orders of their respective colonies.

the declaration of independence, without some new grant of power. The dependent colonies had then become independent states; their political condition and relations were necessarily changed by that circumstance; the deliberative and advisory body, through whom they had consulted together as colonies, was *functus officio;* the authority which appointed them had ceased to exist, or was superseded by a higher authority. Everything which they did, after this period and before the articles of confederation, was without any other right or authority than what was derived from the mere consent and acquiescence of the several states. In the ordinary business of that government *de facto*, which the occasion had called into existence, they did whatever the public interest seemed to require, upon the secure reliance that their acts would be approved and confirmed. In other cases, however, they called for specific grants of power; and in such cases, each representative applied to his own state alone and not to any other state or people. Indeed, as they were called into existence by the *colonies* in 1775, and as they continued in existence, without any new election or new grant of power, it is difficult to perceive how they could form "a general or national government, organized by *the people*." They were *elected* by subjects of the king of England; subjects who had no right, as they themselves admitted, to establish any government whatever; and when those subjects became citizens of independent states, they gave no instructions to establish any such government. The government *exercised* was, as already remarked, merely a government *de facto*, and no farther *de jure* than the subsequent approval of its acts by the several states made it so.

This brief review will enable us to determine how far the author is supported in the inferences he has drawn, in the passages last quoted. We have reason to regret that in these, as in many others, he has not been sufficiently specific, either in stating his proposition or in citing his proof. To what people does he allude, when he tells us that the "first general or national government" was organized "by the people?" The first and every recommendation to send deputies to a general congress was addressed to the colonies *as such;* in the choice of those deputies each colony acted for itself, without mingling in any way with the people or government of any other colony; and when the deputies met in congress, they voted on all questions of public and general concern by colonies, each colony having one vote, whatever was its population or number of deputies. If then, this government was organized by "the people" at all, it was clearly the people of the *several* colonies, and not the *joint* people of *all* the colonies. And where is the author's warrant for the assertion, that they acted "directly in their primary sovereign capacity, and without the intervention of the functionaries to whom the ordinary powers of government were delegated in the colonies?" He is in most respects a close follower of Marshall, and he could scarcely have failed to see the following passage, which is found in a note in the 168th page of the second volume of the Life of Washington. Speaking of the congress of 1774, Marshall says: "The members of this congress were *generally* elected by the authority of the colonial legislatures, but in *some* instances a different system had been pursued. In New Jersey and Maryland the elections were made by committees chosen in the several counties for that particular purpose; and in New York, where the royal party was very strong, and where it is probable that no legislative act, authorizing an election of members to represent that colony in congress, could have been obtained, the people themselves assembled in those places, where the spirit of opposition to the

claims of parliament prevailed, and elected deputies, who were very readily received into congress." Here the *general rule* is stated to be, that the deputies were elected by the "colonial legislatures," and the instances in which the people acted "directly in their primary, sovereign capacity, without the intervention of the ordinary functionaries of government, are given as *exceptions*. And even in those cases, in which delegates were appointed by conventions of the people, it was deemed necessary in many instances, as we have already seen, that the appointment should be approved and confirmed by the ordinary legislature. As to New York, neither her people nor her government had so far lost their attachment to the mother country as to concur in any measure of opposition until after the battle of Lexington, in April, 1775; and the only representatives which New York had in the congress of 1774 were those of a comparatively small portion of her people. It is well known—and, indeed, the author himself so informs us—that the members of the congress of 1775 were elected substantially as were those of the preceding congress; so that there were very few of the colonies, in which the people performed that act in their "primary, sovereign capacity," without the intervention of their constituted authorities. It is of little consequence, however, to the present inquiry, whether the deputies were chosen by the colonial legislatures, as was done in most of the colonies, or by conventions, as was done in Georgia and some others, or by committees appointed for the purpose, as was done in one or two instances, or by the people in primary assemblies, as was done in *part* of New York. All these modes were resorted to, according as the one or the other appeared most convenient or proper in each particular case. But, whichever mode was adopted, the members were chosen by each colony in and for itself, and were the representatives of *that* colony alone, and not of any other colony, or any nation *de facto* or *de jure*. The assertion, therefore, that "the congress thus assembled exercised *de facto* and *de jure* a sovereign authority, not as the delegated agents of the governments *de facto* of the colonies, but in virtue of original powers derived from the people," is, to say the least of it, *very* bold, in one who had undoubtedly explored all the sources of information upon the subject. Until the adoption of the articles of confederation, congress had no "original powers," except only for deliberation and advisement, and claimed no "sovereign authority" whatever. It was an occasional, and not a permanent body, or one renewable from time to time. Although they did, in many instances, "exercise *de facto*" a power of legislation to a certain extent, yet they never held that power "*de jure*," by any grant from the colonies or the people; and their acts became valid only by subsequent confirmation of them, and not because they had any delegated authority to perform them. The whole history of the period proves this, and not a single instance can be cited to the contrary. The course of the revolutionary government throughout attests the fact, that, however the people may have occasionally acted, in pressing emergencies, without the intervention of the authorities of their respective colonial governments, they never lost sight of the fact that they were citizens of separate colonies, and never, even impliedly, surrendered that character, or acknowledged a different allegiance. In all the acts of congress, reference was had to the colonies, and never to the people. That body had no power to act directly upon the people, and could not execute its own resolves as to most purposes, except by the aid and intervention of the colonial authorities. Its measures were adopted by the votes of the colonies *as such*,

and not by the rule of mere numerical majority, which prevails in every legislative assembly of an entire nation. This fact alone is decisive to prove, that the members were not the representatives of the people of *all* the colonies, for the judgment of each colony was pronounced by its *own* members only, and no others had any right to mingle in their deliberations. What, then, was this "sovereign authority?" What was the nature, what the extent, of its "original powers?" From what "people" were those powers derived? I look in vain for answers to these questions to any historical record which has yet met my view, and have only to regret that the author has not directed me to better guides.

The author's conclusion is not better sustained by the nature and extent of the powers *exercised* by the revolutionary government. It has already been stated, that no original powers of legislation were granted to the congresses of 1774 and 1775; and it is only from their acts that we can determine what powers they actually exercised. The circumstances under which they were called into existence precluded the possibility of any precise limitations of their powers, even if it had been designed to clothe them with the functions of government. The colonies were suffering under common oppressions, and were threatened with common dangers, from the mother country. The great object which they had in view was to produce that concert of action among themselves which would best enable them to resist their common enemy, and best secure the safety and liberties of all. Great confidence must necessarily be reposed in public rulers under circumstances of this sort. We may well suppose therefore, that the revolutionary government exercised every power which appeared to be necessary for the successful prosecution of the great contest in which they were engaged; and we may, with equal propriety, suppose that neither the people nor the colonial governments felt any disposition to scrutinize very narrowly any measure which promised protection and safety to themselves. They knew that the government was temporary only; that it was permitted only for a particular and temporary object, and that they could at any time recall any and every power which it had assumed. It would be a violent and forced inference, from the powers of such an *agency*, (for it was not a government, although I have sometimes, for convenience, called it so,) however great they might be, to say that the people, or states, which established it, meant thereby to merge their distinctive character, to surrender all the rights and privileges which belonged to them as separate communites, and to consolidate themselves into one nation.

In point of fact, however, there was nothing in the powers exercised by the revolutionary government, so far as they can be known from their acts, inconsistent with the perfect sovereignty and independence of the states. These were always admitted in *terms*, and were never denied in *practice*. So far as external relations were concerned, congress seems to have exercised every power of a supreme government. They assumed the right to "declare war and to make peace; to authorize captures; to institute appellate prize courts; to direct and control all national, military and naval operations; to form alliances and make treaties; to contract debts and issue bills of credit on national account." These powers were not "exclusive," however, as our author supposes. On the contrary, troops were raised, vessels of war were commissioned, and various military operations were conducted by the colonies, on their own separate means and authority. Ticonderoga was taken by the troops of

Connecticut, before the declaration of independence; Massachusetts and Connecticut fitted out armed vessels to cruise against those of England, in October, 1775; South Carolina soon followed their example. In 1776, New Hampshire authorized her executive to issue letters of marque and reprisal.

These instances are selected out of many, as sufficient to show that in the conduct of war congress possessed no "exclusive" power, and that the colonies (or states) retained, and actually asserted, their own sovereign right and power as to that matter. And not as to that matter alone, for New Hampshire established post offices. The words of our author may, indeed, import that the power of congress over the subject of war was "exclusive" only as to such military and naval operations as he considers national, that is, such as were undertaken by the joint power of all the colonies; and if so, he is correct. But the comma after the word "national" suggests a different interpretation. At all events, the facts which I have mentioned prove that congress exercised no power which was considered as abridging the absolute sovereignty and independence of the states.

Many of those powers which, for greater convenience, were entrusted exclusively to congress, could not be effectually exerted except by the aid of the state authorities. The troops required by congress were raised by the states, and the commissions of their officers were countersigned by the governors of the states. Congress were allowed to issue bills of credit, but they could not make them a legal tender, nor punish the counterfeiter of them. Neither could they bind the states to redeem them, nor raise by their own authority the necessary funds for that purpose. Congress received ambassadors and other public ministers, yet they had no power to extend to them that protection which they receive from the government of every sovereign nation. A man by the name of De Longchamps entered the house of the French minister plenipotentiary in Philadelphia, and there threatened violence to the person of Francis Barbe Marbois, secretary of the French legation, consul general of France, and consul for the state of Pennsylvania; he afterwards assaulted and beat him in the public street. For this offence, he was indicted and tried in *the court of Oyer and Terminer of Philadelphia*, and punished under its sentence. The case turned chiefly upon the law of nations, with reference to the protection which it secures to foreign ministers. A question was made, whether *the authorities of Pennsylvania* should not deliver up De Longchamps to the French Government to be dealt with at their pleasure. It does not appear that the federal government was considered to possess any power over the subject, or that it was deemed proper to invoke its counsel or authority in any form. This case occurred in 1784, after the adoption of the articles of confederation; but if the powers of the federal government were *less* under those articles than before, it only proves that, however great its previous powers may have been, they were held at the will of the states, and were actually recalled by the articles of confederation. Thus it appears that, in the important functions of raising an army, of providing a public revenue, of paying public debts, and giving security to the persons of foreign ministers, the boasted "sovereignty" of the federal government was merely nominal, and owed its entire efficiency to the co-operation and aid of the state governments. Congress had no power to coerce those governments; nor could it exercise any direct authority over their individual citizens.

Although the powers actually assumed and exercised by congress were

certainly very great, they were not always acquiesced in, or allowed, by the states. Thus, the power to lay an embargo was earnestly desired by them, but was denied by the states. And in order the more clearly to indicate that many of their powers were exercised merely by sufferance, and at the same time to lend a sanction to their authority so far as they chose to allow it, it was deemed necessary, by at least *one* of the states, to pass laws indemnifying those who might act in obedience to the resolutions of that body.

A conclusive proof, however, of the true relation which the colonies held to the revolutionary government. even in the opinion of congress itself, is furnished by their own journals. In June, 1776, that body recommended the passing of laws for the punishment of treason; and they declare that the crime shall be considered as committed against *the colonies individually*, and not against them all, as united or confederated together. This could scarcely have been so, if they had considered themselves "a government, *de facto* and *de jure*," clothed with "sovereign authority." The author, however, is not satisfied to rest his opinion upon historical facts; he seeks also to fortify himself by a judicial decision. He informs us that, "soon after the organization of the present government, the question [of the powers of the continental congress] was most elaborately discussed before the supreme court of the United States, in a case calling for an exposition of the appellate jurisdiction of congress in prize causes, before the ratification of the confederation. The result of that examination was, that congress before the confederation possessed by the *consent of the people of the United States*, sovereign and supreme powers for national purposes; and, among others, the supreme powers of peace and war, and, as an incident, the right of entertaining appeals in the last resort, in prize causes, even in opposition to state legislation. And that the actual powers exercised by congress, in respect to national objects, furnished the best exposition of its constitutional authority, since they emanated from *the people*, and were acquiesced in by the *the people*."

There is in this passage great want of accuracy, and perhaps some want of candour. The author, as usual, neglects to cite the judicial decision to which he alludes, but it must be the case of Penhallow and others against Doane's administrators. (3 Dallas' Reports, 54.) Congress, in November, 1775, passed a resolution, recommending to the several colonies to establish prize courts, with a right of appeal from their decisions to congress. In 1776, New Hampshire accordingly passed a law upon the subject, by which an appeal to congress was allowed in cases of capture by vessels in the service of the united colonies; but where the capture was made by "a vessel in the service of the united colonies and of any particular colony or person together, the appeal was allowed to the superior court of New Hampshire. The brigantine Susanna was captured by a vessel owned and commanded by citizens of New Hampshire, and was duly condemned as a prize by her own court of admiralty. An appeal was prayed to congress and denied; and thereupon an appeal to the superior court of New Hampshire was prayed and allowed. From the decision of this court an appeal was taken to congress, in the mode prescribed by their resolution, and the case was disposed of by the court of appeals, appointed by congress to take cognizance of such cases. After the adoption of the present constitution and the organization of the judiciary system under it, a libel was filed in the district court of New Hampshire, to carry into effect the sentence of the court of appeals above-mentioned. The

cause being legally transferred to the circuit court, was decided there, and an appeal allowed to the supreme. That court, in its decision, sustains the jurisdiction of the court of appeals established by congress. Mr. Justice Paterson's opinion is founded mainly upon these grounds: That the powers actually exercised by congress ought to be considered as legitimate, because they were such as the occasion absolutely required, and were approved and acquiesced in by "the people;" that the authority ultimately and finally to decide on all matters and questions touching the law of nations does reside and is vested in the sovereign supreme power of war and peace;" that this power was lodged in the continental congress by the consent and acquiescence of the "people;" that the legality of all captures on the high seas must be determined by the law of nations; that New Hampshire had committed herself upon this subject by voting in favour of the exercise of the same power by congress in the case of the brig Active; that as the commission, under which the capture in the case under consideration was made, was issued by congress, it resulted, of necessity, that the validity of all captures made by virtue of that commission should be judged of by congress, or its constituted authority, because "every one must be amenable to the authority under which he acts." It is evident that this opinion, while it sustains the authority of congress in the particular case, does not prove its general supremacy, nor that the states had surrendered to it any part of their sovereignty and independence. On the contrary, it affirms that the "sovereign and supreme power of war and peace" was *assumed* by congress, and that the exercise of it became legitimate, only because it was approved and acquiesced in; and that being thus legitimated, the appellate jurisdiction in prize cases followed as a necessary incident. All the powers which Paterson contends for as exercised by congress, may well be conceded, without in the slightest degree affecting the question before us; they were as consistent with the character of a federative, as with that of a consolidated government. He does not tell us to what people he alludes, when he says that the powers exercised by congress were approved and ratified by "the people." He does not, in any part of his opinion, authorize the idea of the author, that "congress possessed, before the confederation, by the consent of *the people of the United States*, sovereign and supreme powers for national purposes." On the contrary, as to one of these powers, he holds the opposite language; and therefore it is fair to presume, that he intended to be so understood in regard to all the rest. This is his language: "The authority exercised by congress, in granting commissions to privateers, was approved and ratified by *the several colonies or states*, because they received and filled up the commissions and bonds, and returned the latter to congress." This approval and ratification alone rendered, in his opinion, the exercise of this, and other similar powers assumed by congress, legitimate.

Judge Iredell, in delivering his opinion, goes much more fully into the examination of the powers of the revolutionary government. He thinks that, as the power of peace and war was entrusted to congress, they held, as a necessary incident, the power to establish prize courts; and that whatever powers they did in fact exercise, were acquiesced in and consented to, and, consequently, legitimated and confirmed. But he leaves no room to doubt as to the source whence this confirmation was derived. After proving that the several colonies were, to all intents and purposes, separate and distinct, and that they did not form "one people" in any sense of the term, he says, "If congress, previous

to the articles of confederation, possessed any authority, it was an authority, as I have shown, derived from the people of each province, in the first instance." "The authority was not possessed by congress, unless given by all the states." "I conclude, therefore, that every particle of authority, which originally resided either in congress or in any branch of the state governments, was derived from the people who were permanent inhabitants of each province, in the first instance, and afterwards became citizens of each state; that this authority was conveyed by each body politic separately, *and not by all the people in the several provinces or states* jointly." No language could be stronger than this, to disaffirm the author's conclusion, that the powers exercised by congress were exercised "by the consent of *the people of the United States.*" Certainly, Iredell did not think so.

The other two judges, Blair and Cushing, affirm the general propositions upon which Paterson and Iredell sustained the power of congress in the particular case, but lend no support to the idea of any such unity among the people of the several colonies or states, as our author supposes to have existed. Cushing, without formally discussing the question, expressly says that "he has no doubt of the sovereignty of the states."

This decision, then, merely affirms, what no one has ever thought of denying, that the revolutionary government exercised every power which the occasion required; that, among these, the powers of peace and war were most important, because congress, alone, represented *all* the colonies, and could, alone, express the general will, and wield the general strength; that wherever the power of peace and war are lodged, belongs also the right to decide all questions touching the laws of nations; that prize causes are of this character; and, finally, that all these powers were not derived from any original grant, but are to be considered as belonging to congress, *merely because congress exercised them*, and because they were sustained in so doing by the approbation of the several colonies or states, whose representatives they were. Surely, then, our author was neither very accurate nor very candid, in so stating this decision as to give rise to the idea that, in the opinion of the supreme court, congress possessed original sovereign powers, by the consent of "the people of the United States." Even, however, if the court had so decided, in express terms, it would have been of no value in the present inquiry, as will by-and-by be shown.

The examination of this part of the subject has probably been already drawn out to too great an extent; but it would not be complete without some notice of another ground, upon which our author rests his favourite idea—that the people of the colonies formed "one people," or nation. Even if this unity was not produced by the appointment of the revolutionary government, or by the nature of the powers exercised by them, and acquiesced in by the people, he thinks there can be no doubt that this was the necessary result of the declaration of independence. In order that he may be fully understood upon this point, I will transcribe the entire passage relating to it.

"In the next place, the colonies did not severally act for themselves, and proclaim their own independence. It is true that some of the states had previously formed incipient governments for themselves; but it was done in compliance with the recommendations of congress. Virginia, on the 29th of June, 1776, by a convention of delegates, declared 'the government of this country, as formerly exercised under the crown of Great Britain, totally dis-

solved,' and proceeded to form a new constitution of government. New Hampshire also formed a new government, in December, 1775, which was manifestly intended to be temporary, 'during (as they said) the unhappy and unnatural contest with Great Britain.' New Jersey, too, established a frame of government, on the 2nd July, 1776: but it was expressly declared that it should be void upon a reconciliation with Great Britain. And South Carolina, in March, 1776, adopted a constitution of government; but this was in like manner 'established until an accommodation between Great Britain and America could be obtained.' But the declaration of the independence of all the colonies was the united act of all. It was 'a declaration by the representatives of the United States of America, in congress assembled; 'by the delegates appointed by the good people of the colonies,' as, in a prior declaration of rights, they were called. It was not an act done by the state governments then organized, nor by persons chosen by them. It was emphatically the act of the whole *people* of the united colonies, by the instrumentality of their representatives, chosen for that, among other purposes. It was an act not competent to the state governments, or any of them, as organized under their charters, to adopt. Those charters neither contemplated the case nor provided for it. It was an act of original, inherent sovereignty by the people themselves, resulting from their right to change the form of government, and to institute a new government, whenever necessary for their safety and happiness. So the declaration of independence treats it. No state had presumed, of itself, to form a new government, or provide for the exigencies of the times, without consulting congress on the subject; and when they acted, it was in pursuance of the recommendation of congress. It was, therefore, the achievement of the whole, for the benefit of the whole. The people of the united colonies made the united colonies free and independent states, and absolved them from allegiance to the British crown. The declaration of independence has, accordingly, always been treated as an act of paramount and sovereign authority, complete and perfect *per se*; and *ipso facto* working an entire dissolution of all political connexion with, and allegiance to, Great Britain. And this, not merely as a practical fact, but in a legal and constitutional view of the matter by courts of justice."

The first question which this passage naturally suggests to the mind of the reader is this: if two or more nations or people, confessedly separate, distinct, and independent, each having its own peculiar government, without any direct "political connexion with each other," yet owing the same allegiance to one common superior, should unite in a declaration of rights which they believed belonged to all of them alike, would that circumstance alone, make them "one people?" Stripped of the circumstances with which the author has surrounded it, this is, at last, the only proposition involved. If Spain, Naples, and Holland, while they were "dependencies" of the imperial crown of France, had united in declaring that they were oppressed, in the same mode and degree by the measures of that crown, and that they did, for that reason, disclaim all allegiance to it, and assume the station of "free and independent states," would they thereby have become one people? Surely this will not be asserted by any one. We should see in that act, nothing more than the union of several independent sovereignties, for the purpose of effecting a common object, which each felt itself too weak to effect alone. Nothing could be more natural than that nations so situated, should establish a common military

power, a common treasury, and a common agency, through which to carry on their intercourse with other powers; but that all this should unite them together, so as to form them into one nation, is a consequence not readily perceived. The case here supposed is precisely that of the American colonies, if those colonies were in point of fact, separate, distinct, and independent of one another. If they were so, (and I think it has been shown that they were,) then the fact that they united in the declaration of independence, does not make them "one people," any more than a similar declaration would have made Spain, Naples, and Holland, one people; if they were not so, then they were one people already, and the declaration of independence did not render them either more or less identical. It is true, the analogy here supposed does not hold in every particular; the relations of the colonies to one another, were certainly closer, in many respects, than those of Spain, Naples, and Holland to one another. But as to all purposes involved in the present inquiry, the analogy is perfect. The effect attributed to the declaration of independence presupposes that the colonies were not "one people" before; an effect which is in no manner changed or modified by any other circumstance in their relation to one another. That fact, alone, is necessary to be inquired into; and until that fact is ascertained, the author's reasoning as to the effect of the declaration of independence, in making them "one people" does not apply. He is obliged, therefore, to abandon the ground previously taken, to wit, that the colonies were one people *before* the declaration of independence. And having abandoned it, he places the colonies, as to this question, upon the footing of any other separate and distinct nations; and as to these, it is quite evident that the conclusion which he has drawn, in the case of the colonies, could not be correct, unless it would be equally correct in the case of Spain, Naples, and Holland, above supposed.

The mere fact, then, that the colonies united in the declaration of independence, did not *necessarily* make them one people. But it may be said, that this fact ought, at least, to be received as proof that they considered themselves as one people already. The argument is fair, and I freely let it go for what it is worth. The opinion of the congress of 1775, whatever it may have been, and however strongly expressed, could not possibly change the historical facts. It depended upon those facts alone, whether the colonies were one people or not. They might, by their agreement, expressed through their agents in congress, make themselves one people through all time to come, but their power, as to this matter, could not extend to time past. Indeed, it is contended, not only by our author, but by others, that the colonies did, *by and in that act*, agree to become "one people" for the future. They suppose that such agreement is implied, if not expressed, in the following passages. "We, therefore, the representatives of the United States of America," "do, in the name and by the authority of the good people of these colonies, solemnly publish and declare that these united colonies are, and of right ought to be, free and independent states." Let us test the correctness of this opinion, by the history of the time, and by the rules of fair criticism.

The congress of 1775, by which independence was declared, was appointed, as has been before shown, by the colonies in their separate and distinct capacity, each acting for itself, and not conjointly with any other. They were the representatives, each of his own colony, and not of any other; each had authority to act in the name of his own colony, and not in that of any other;

each colony gave its own vote by its own representatives, and not by those of any other colony. Of course, it was as separate and distinct colonies that they deliberated on the declaration of independence. When, therefore, they declare, in the adoption of that measure, that they act as "the representatives of the United States of America," and "in the name and by the authority of the good people of these colonies," they must of course be understood as speaking in the character in which they had all along acted: that is, as the representatives of separate and distinct colonies, and not as the joint representatives of any one people. A decisive proof of this is found in the fact that the colonies voted on the adoption of that measure in their separate character, each giving one vote by all its own representatives, who acted in strict obedience to specific instructions from their respective colonies, and the members signed the declaration in that way. So, also, when they declared that "these united colonies are, and of right ought to be, free and independent states," they meant only that their respective communities, which until then had been dependent colonies, should thereafter be independent states, and that the same union, which existed between them as colonies, should be continued between them as states. The measure under consideration looked only to their relation to the mother country, and not to their relation to one another; and the sole question before them was, whether they should continue in a state of dependence on the British crown, or not. Having determined that they would not, they from that moment ceased to be colonies, and became states; united, precisely as before, for the common purpose of achieving their common liberty. The idea of forming a closer union, by the mere act of declaring themselves independent, could scarcely have occurred to any one of them. The necessity of such a measure must have been apparent to all, and it had long before engaged their attention in a different form. Men of their wisdom and forecast, meditating a measure so necessary to their common safety, would not have left it as a mere matter of *inference* from another measure. In point of fact, it was already before them,* in the form of a distinct proposition, and had been so ever since

*A document which I have not met with elsewhere, but which may be found in the Appendix to Professor Tucker's elaborate and instructive life of Jefferson, affords important evidence upon this point. As early as May, 1775, the plan of a "confederation and perpetual union" among the colonies, was prepared and proposed for adoption. It was not in fact adopted, but its provisions show, in the strongest manner, in what light the colonies regarded their relation to one another. The proposed union was called "a firm *league* of friendship;" each colony reserved to itself "as much as it might think proper of its own present laws, customs, rights, privileges, and peculiar jurisdictions, within its own limits; and may amend its own constitution as it may seem best to its own assembly or convention;" the external relations of the colonies were to be managed by the general government alone, and all amendments of their "constitution," as they termed it, were to be proposed by congress and "approved by a majority of the colony assemblies." It can scarcely be contended that this "league of friendship," this "confederation and perpetual union," would, if it had been adopted, have rendered the people of the several colonies less identical than they were before. If, in their own opinion, they were "one people" already, no league or confederation was necessary, and no one would have thought of proposing it. The very fact, therefore, that it was proposed, as a necessary measure "for their common defence against their enemies, for the security of their liberties and their properties, the safety of their persons and their families, and their mutual and general welfare," proves that they did not consider themselves as already "one people," in any sense or to any extent which would enable them to effect those important objects.

This proposition was depending and undetermined at the time of the declaration of independence.

their first meeting in May, 1775. It is impossible to suppose therefore, in common justice to the sagacity of congress, that they meant anything more by the declaration of independence, than simply to sever the tie which had theretofore bound them to England, and to assert the rights of the separate and distinct colonies, as separate and independent states; particularly as the language which they use is fairly susceptible of this construction. The instrument itself is entitled "the unanimous declaration of the thirteen United States of America;" of *states*, separate and distinct bodies politic, and not of "one people" or nation, composed of all of them together; "united," as independent states may be, by compact or agreement, and not *amalgamated*, as they would be, if they formed one nation or body politic.

Is it true then, as the author supposes, that the "colonies did not severally act for themselves, and proclaim their own independence?" It is true that they acted *together;* but is it not equally true that each *acted for itself alone*, without pretending to any right or authority to bind any other? Their declaration was simply their *joint expression* of their separate wills; each expressing its own will, and not that of any other; each bound by its own act, and not responsible for the act of any other. If the colonies had severally declared their independence through their own legislatures, and had afterwards agreed to unite their forces together, to make a common cause of their contest, and to submit their common interests to the management of a common council chosen by themselves, wherein would their situation have been different? And is it true that this declaration of independence "was not an act done by the state governments then organized, nor by persons chosen by them?" that it "was emphatically the act of the whole *people* of the united colonies, by the instrumentality of their representatives chosen for that among other purposes?" What representatives were those that were chosen by "the people of the united colonies?" When and how were they chosen? Those who declared the colonies independent were chosen more than a year before that event; they were chosen by the colonies separately, and, as has already been shown, through the instrumentality of their own "governments then organized;" they were chosen, not for the "purpose" of declaring the colonies independent, but of protecting them against oppression, and bringing about a reconciliation with the parent country, upon fair terms, if possible. (Jefferson's Notes, 1st ed. 128, 129.) If there were any other representatives than these concerned in the declaration of independence, if that act was performed by representatives chosen by "the whole people of the colonies," for that or any other purpose, if any such representatives *could possibly have been chosen* by the colonies as then organized, no historical record, that has yet met my view, contains one syllable of the matter.

The author seems to attach but little importance to the fact, that several of the colonies had established separate governments for themselves, prior to the declaration of independence. He regards this as of little consequence; because he thinks that the colonies so acted only in pursuance of the recommendation of congress, and would not have "presumed" to do it, "without consulting congress upon the subject;" and because the governments so established were, for the most part, designed to be temporary, and to continue only during the contest with England. Such recommendation was given, in express terms, to New Hampshire and South Carolina, in November, 1775, and to Virginia, in December of that year; and on the 10th May, 1776, "it was resolved to re-

commend to the respective assemblies and conventions of the united colonies, where no goverment sufficient to the exigencies of their affairs had been established, to adopt such a government as should, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in par icular, and of America in general." The preamble to this resolution was not adopted till the 15th May. (1 Elliott's Debates, 80, 83.) It is evident, from the language here employed, that congress claimed no power over the colonies as to this matter, and no right to influence or control them in the exercise of the important functi n of forming their own governments. It *recommended* only: and, contemplating the colonies as separate and distinct, referred it to the assembly or convention of each, to establish any form of government which might be acceptable to its own people. Of what consequence was it whether the colonies acted upon the recommendation and advice of others, or merely upon their own will and counsels? With whatever *motive* the act was performed, it was one of supreme and sovereign power, and such as could not have been performed, except by a sovereign people. And whether the government so established was intended to last for ever, or only for a limited time, did not affect its character as an act of sovereign power. In point of fact then, the colonies which established such governments did, by that very act, assert their sovereignty and independence. They had no power under their charter, to change their governments. They could do so only by setting their charters aside, and acting upon their inherent sovereign right: and this was *revolution.* In effect, therefore, many of the colonies had declared their independence prior to the 4th July, 1776; they had commenced the revolution, and were considered by England as in a state of rebellion. Of Virginia this is emphatically true. Her declaration of rights was made on the 12th of June, 1776; and her constitution was adopted on the 29th of the same month. This constitution continued until 1829. Her subsequent declaration of independence, on the 4th of July, in common with the other colonies, was but a more public, though not a more solemn affirmation of what she had previously done; a pledge to the whole world, that what she had resolved on in her separate character, she would unite with the other colonies in performing. She could not declare herself free and independent more distinctly, in that form, than she had already done, by asserting her sovereign and irresponsible power; in throwing off her former government, and establishing a new one for herself.*

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* In point of fact, Virginia declared her independence on the 15th of May, 1776. The following beautiful allusion to that scene is extracted from an address delivered by Judge Beverly Tucker, of William and Mary College, before the Petersburg Lyceum, on the 15th May, 1839.

"That spectacle, on this day sixty-three years, Virginia exhibited to the world; and the memory of that majestic scene it is now my task to rescue from oblivion. It was on that day that she renounced her colonial dependence on Great Britain, and separated herself for ever from that kingdom. Then it was that, bursting the manacles of a foreign tyranny, she, in the same moment, imposed upon herself, the salutary restraints of law and order. In that moment she commenced the work of forming a government, complete within itself; and having perfected that work, she, on the 29th of June in the same year, performed the highest function of independent sovereignty, by adopting, ordaining, and establishing the constitution under which all of us were born. Then it was that, sufficient to herself for all the purposes of government, she prescribed that oath of fealty and allegiance to her sole and separate sovereignty, which all of us who have held any office under her authority have solemnly called upon the Searcher of hearts to witness and record. In that hour, gentlemen,

There is yet another view of this subject, which cannot be properly omitted. It has already been shown that, prior to the revolution, the colonies were separate and distinct, and were not, in any political sense, or for any purpose

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it could not be certainly known that the other colonies would take the same decisive step. It was, indeed, expected. In the same breath in which she had declared her own independence, Virginia had advised it. She had instructed her delegates in the General Congress to urge it; and it was by the voice of one of her sons, whose name will ever proudly live in her history, that the word of power was spoken, at which the chain that bound the colonies to the parent kingdom fell asunder 'as flax that severs at the touch of fire.' But even then, and while the terms of the *general* declaration of independence were yet unsettled, hers had already gone forth. The voice of her defiance was already ringing in the tyrant's ears; hers was the cry that summoned him to the strife; hers was the shout that invited his vengeance:—'*Me! me! Adsum qui feci; in me, convertite ferrum.*'"

This beautiful address, abounding in patriotic sentiments, and sound political doctrines, clothed in the richest language, ought to be in the hands of every citizen, and particularly of those of Virginia. The following extract from the Journals of the Convention, containing the history of this interesting event, cannot fail to be acceptable to every American reader:—

"*Wednesday, May 15th*, 1776.

"The convention, then, according to the order of the day, resolved itself into a committee on the state of the colony; and, after some time spent therein, Mr. President resumed the chair, and Mr. Cary reported that the committee had, according to order, had under their consideration the state of the colony, and had come to the following resolutions thereupon, which he read in his place, and afterwards delivered in at the clerk's table, where the same were again twice read, and unanimously agreed to, one hundred and twelve members being present.

"For as much as all the endeavours of the united colonies, by the most decent representations and petitions to the king and Parliament of Great Britain, to restore peace and security to America under the British Government, and a re-union with that people upon just and liberal terms, instead of a redress of grievances, have produced, from an imperious and vindictive administration, increased insult, oppression, and a vigorous attempt to effect our total destruction. By a late act, all these colonies are declared to be in rebellion, and out of the protection of the British crown, our properties subjected to confiscation, our people, when captivated, compelled to join in the plunder and murder of their relations and countrymen, and all former rapine and oppression of Americans declared legal and just. Fleets and armies are raised, and the aid of foreign troops engaged to assist these destructive purposes. The king's representative in this colony hath not only withheld all the powers of government from operating for our safety, but, having retired on board an armed ship, is carrying on a piratical and savage war against us, tempting our slaves by every artifice to resort to him, and training and employing them against their masters.

"In this state of extreme danger we have no alternative left but an abject submission to the will of those overbearing tyrants, or a total separation from the crown and government of Great Britain, uniting and exerting the strength of all America for defence, and forming alliances with foreign powers for commerce and aid in war. Wherefore, appealing to the Searcher of all hearts for the sincerity of former declarations, expressing our desire to preserve our connexion with that nation, and that we are driven from that inclination by their wicked councils, and the eternal laws of self-preservation; resolved, unanimously, that the delegates appointed to represent this colony in General Congress, be instructed to propose to that respectable body, to declare the united colonies free and independent states, absolved from all allegiance to, or dependence upon the crown or Parliament of Great Britain; and that they give the assent of this colony to that declaration, and to whatever measures may be thought proper and necessary by the Congress for forming foreign alliances, and a confederation of the colonies, at such time and in such manner as to them may seem best. Provided that the power of forming government for, and the regulations of the internal concerns of each colony, be left to the respective colonial legislatures.

"Resolved, unanimously, that a committee be appointed to prepare a declaration of rights, and such a plan of government, as will be most likely to maintain peace and order in this colony, and secure substantial and equal liberty to the people.

"And a committee was appointed of the following gentlemen:—Mr. Archibald

of government, "one people." The *sovereignty* over them was in the British crown; but that sovereignty was not *jointly over all*, but *separately over each*, and might have been abandoned as to some, and retained as to others. The declaration of independence broke this connexion. By that act, and not by the subsequent recognition of their independence, the colonies became free states. What then became of the *sovereignty* of which we speak? It could not be in *abeyance;* the moment it was lost by the British crown it must have vested somewhere else. Doubtless it vested in the states themselves. But, as they were separate and distinct as colonies, the sovereignty over one could not vest, either in whole or in part, in any other. Each took to itself that sovereignty which applied *to* itself, and for which alone it had contended with the British crown, to wit, the sovereignty *over* itself. Thus each colony became a free and sovereign state. This is the character which they claim in the very terms of the declaration of independence; in this character they formed the colonial government, and in this character that government always regarded them. Indeed, even in the earlier treaties with foreign powers, the distinct sovereignty of the states is carefully recognized. Thus, the treaty of alliance with France, in 1778, is made between "the most Christian king and the United States of North America, to wit: New Hampshire, Massachusetts Bay, Rhode Island, Connecticut," &c., enumerating them all by name. The same form is observed in the treaty of amity and commerce with the States General of the United Netherlands, in 1782, and in the treaty with Sweden, in 1783. In the convention with the Netherlands, in 1782, concerning recaptured vessels, the names of the states are *not* recited, but "the United States of America" is the style adopted; and so also in some others. This circumstance shows that the two forms of expression were considered equipollent; and that foreign nations, in treating with the revolutionary government, considered that they treated with distinct sovereignties, through their common agent, and not with a new nation, composed of all those sovereign countries together. It is true, they treated with them jointly, and not severally; they considered them all bound to the observance of their stipulations, and they believed that the common authority, which was established between and among them, was sufficient to secure that object. The provisional articles with Great Britain, in 1782, by which our independence was acknowledged, proceed upon the same idea. The first article declares, that "His Britannic Majesty acknowledges the said United States, *to wit*, New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be free, sovereign and independent states; that he treats with them as such," &c. Thus the very act, by which their former sovereign releases them from their allegiance to him, confirms to each one by name the sovereignty within its own limits, and acknowledges it

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Cary, Mr. Meriwether Smith, Mr. Mercer, Mr. Henry Lee, Mr Treasurer, Mr. Henry, Mr. Dandridge, Mr. Edmund Randolph, Mr. Gilmer, Mr. Bland, Mr. Digges, Mr. Carrington, Mr. Thomas Ludwell Lee, Mr. Cabell, Mr. Jones, Mr. Blair, Mr. Fleming, Mr. Tazewell, Mr. Richard Cary, Mr. Bullit, Mr. Watts, Mr. Banister, Mr. Page, Mr. Starke, Mr. David Mason, Mr. Adams, Mr. Read, and Mr. Thomas Lewis."

It is impossible to contemplate this proceeding on the part of Virginia, without being convinced that she acted from her own free and sovereign will; and that she, at least, *did* "presume" to establish a government for herself, without the least regard to the recommendation or the pleasure of congress.

to be a "free, sovereign and independent state;" *united*, indeed, with all the others, but not as forming with them any new and separate nation. The language employed is not suited to convey any other idea. If it had been in the contemplation of the parties, that the states had merged themselves into a single nation, something like the following formula would naturally have suggested itself as proper. "His Britannic Majesty acknowledges that New Hampshire, Massachusetts Bay, &c., former colonies of Great Britain, and now united together as one people, are *a* free, sovereign and *independent state*," &c. The difference between the two forms of expression, and the strict adaptation of each to the state of things which it contemplates, will be apparent to every reader.

It requires strong and plain proof to authorize us to say, that a nation once sovereign has ceased to be so. And yet our author requires us to believe this of the colonies, although he acknowledges that he cannot tell, with any degree of confidence or precision, when, how, or to what extent the sovereignty, which they acquired by declaring their independence, was surrendered. According to him, the colonies are to be *presumed* to have yielded this sovereignty to a government established by themselves for a special and temporary purpose, which existed only at their will, and by their aid and support; whose powers where wholly undefined, and, for the most part, exercised by usurpation on its part, and legitimated only by the acquiescence of those who appointed it; whose authority was without any adequate sanction which it could itself apply; and which, as to all the important functions of sovereignty, was a mere name —the shadow of power without its substance! If the fact was really so, I venture to affirm that the history of the world affords no similar instance of folly and infatuation.

But, whatever may have been the condition of the colonies prior to 1781, there is no room for doubt on the subject, after the final ratification of the articles of confederation in that year. Those articles declare that "each state retains its sovereignty, freedom and independence, and every power, jurisdiction and right, which is not, by this confederation, expressly delegated to the United States, in congress assembled." The obvious construction of this clause requires that we should apply these latter words, only to "powers, jurisdiction, and rights;" some of which, as enjoyed by the states under the previous government, were clearly surrendered by the articles of confederation. But their *entire* sovereignty, their *entire* freedom, and their *entire* independence, are reserved, for these are not partible. Indeed, this is clear enough, from the provisions of that instrument, which, throughout, contemplate the states as free, sovereign and independent. It is singular, too, that it should escape the observation of any one, that the very fact of adopting those articles, and the course pursued in doing so, attest, with equal clearness and strength, the *previous* sovereignty and independence of the states. What had the states in their separate character to do with that act, if they formed altogether "one people?" And yet the states, and the states alone, performed it, each acting for itself, and binding itself. The articles were confirmed by ten states, as early as 1778, by another in 1779, and by another in 1780; and yet they were not obligatory until Maryland acceded to them, 1781. Nothing less than the ratification of them by *all* the states, each acting separately for itself, was deemed sufficient to give them any binding force or authority.

There is much force and meaning in the word "retains," as it occurs in the

clause above quoted. Nothing can properly be said to be *retained*, which was not *possessed* before; and, of course, the states possessed before "sovereignty, freedom, and independence." These they retained without any qualification or limitation, and they also retained every "power, jurisdiction and right," which they did not then *expressly* surrender.

If these views of the subject be not wholly deceptive, our author has hazarded, without due caution, the opinion that the colonies formed "one people," either before or after the declaration of independence; and that they are not to be regarded as sovereign states, after that event. For myself, I profess my utter inability to perceive, in their condition, any nearer approach to political personality or individuality," than may be found in a mere league or confederation between sovereign and independent states; and a very *loose* confederation theirs undoubtedly was.

The third division of the work commences with a history of the adoption of the constitution. This, also, is given in an abridged form; but it omits nothing which can be considered material to the inquiry. Perhaps the author has fallen into one error, an unimportant one certainly, in stating that, "at the time and place appointed, the representatives of twelve states assembled." When the deputies first met in Philadelphia, in May, 1787, the representatives of only *nine* states appeared; they were, soon after, joined by those of three others. The author next proceeds to state the various objections which were urged against the constitution, with the replies thereto; to examine the nature of that instrument; to ascertain whether it be a compact or not; to inquire who is the final judge or interpreter in constitutional controversies; to lay down rules of interpretation; and, finally, to examine the constitution in its several departments and separate clauses. In the execution of this part of his task, he has displayed great research, laborious industry, and extensive judicial learning. The brief summary which he has given of the arguments by which the constitution was assailed on the one hand, and defended on the other, is not only interesting as matter of history, but affords great aid in understanding that instrument. We should be careful, however, not to attach to these discussions an undue importance. All the members of the various conventions did not engage in the debates, and, of course, we have no means of determining by what process of reasoning they were led to their conclusions. And we cannot reasonably suppose that the debaters always expressed their deliberate and well weighed opinions in all the arguments, direct and collateral, by which they sought to achieve a single great purpose. We are not, therefore, to consider the constitution as the one thing or the other, merely because some of the framers, or some of the adopters of it, chose so to characterize it in their debates. Their arguments are valuable as guides to our judgments, but not as authority to bind them.

In the interpretation of the constitution, the author founds himself, whenever he can, upon the authority of the supreme court. This was to be expected; for in so doing, he has, in most cases, only reiterated his own judicial decisions. We could not suppose that one, whose opinions are not lightly adopted, would advance, as a commentator, a principle which he rejected as a judge. In most cases, too, no higher authority in the interpretation of the constitution is known in our systems, and none *better* could be desired. It is only in questions of *political power*, involving the rights of the states in reference to the federal government, that any class of politicians are disposed to deny the authority of

the judgments of the supreme court. We shall have occasion to examine this subject more at large, in a subsequent part of this review.

In discussing the various clauses of the Constitution, the author displays great research, and a thorough acquaintance with the history of that instrument. It is not perceived, however, that he has presented any new views of it, or offered any new arguments in support of the constructions which it has heretofore received. As a compendium of what others have said and done upon the subject, his work is very valuable. It facilitates investigation, whilst, at the same time, it is so full of matter, as to render little farther investigation necessary. Even in this view of the subject, however, it would have been much more valuable, if it had contained references to the authorities on which its various positions are founded, instead of merely extracting their substance. The reader who, with this book as his guide, undertakes to acquaint himself with the Constitution of the United States, must take the authority of the author as conclusive in most cases; or else he will often find himself perplexed to discover the sources from which he derives his information. This is a great defect in a work of this sort, and is the less excusable, because it might have been easily avoided. A writer who undertakes to furnish a treatise upon a frame of government, in relation to which great and contested political questions have arisen, owes it alike to his reader and to himself, to name the sources whence he draws whatever information he ventures to impart, and the authorities upon which he founds whatever opinions he ventures to inculcate. The reader requires this for the satisfaction of his own judgment; and the writer ought to desire it as affording the best evidence of his own truth and candour.

In this division of the work, the author pursues the idea cautiously hinted in the first division, and more plainly announced in the second; and he now carries it boldly out in its results. Having informed us that, as colonies, we were "for many purposes one people," and that the declaration of independence made us "a nation *de facto*," he now assumes the broad ground that this "one people," or nation *de facto*, formed the constitution under which we live. The consequences of this position are very apparent throughout the remainder of the work. The inferences fairly deduced from it impart to the constitution its distinctive character, as the author understands it; and, of course, if this fundamental position be wrong, that instrument is not, in many of its provisions, what he represents it to be. The reader, therefore, should settle this question for himself in the outset; because, if he differ from the author upon this point, he will be compelled to reject by far the most important part of the third and principal division of these commentaries.

The opinion, that the constitution was formed by "the people of the United States," as contradistinguished from the people of the several states, that is, as contradistinguished from the states as such, is founded exclusively on the particular terms of the preamble. The language is, "We, the people of the United States, do ordain and establish this constitution for the United States of America." "The people do ordain and establish, not contract and stipulate with each other. *The people of the United States*, not the distinct people of a particular state, with the people of the other states." In thus relying on the language of the preamble, the author rejects the lights of history altogether. I will endeavour in the first place to meet him on his own ground.

It is an admitted rule, that the preamble of a statute may be resorted to in the construction of it; and it may, of course, be used to the same extent in the

construction of a constitution, which is a supreme law. But the only purpose for which it can be used is to aid in the discovery of the true object and intention of the law, where these would otherwise be doubtful. The preamble can, in no case, be allowed to *contradict* the law, or to vary the meaning of its plain language. Still less can it be used to *change the true character of the law-making power* If the preamble of the Constitution had declared that it was made by the people of France or England, it might, indeed, have been received as evidence of that fact, in the absence of all proof to the contrary: but surely it would not be so received against the plain testimony of the instrument itself, and the authentic history of the transaction. If the convention which formed the Constitution was not, in point of fact, a convention of the people of the United States, it had no right to give itself that title; nor had it any right to act in that character, if it was appointed by a different power. And if the Constitution, when formed, was adopted by the several states, acting through their separate conventions, it is historically untrue that it was adopted by the aggregate people of the United States. The preamble, therefore, is of no sort of value in settling this question; and it is matter of just surprise that it should be so often referred to, and so pertinaciously relied on, for that purpose. History alone can settle all difficulties upon this subject.

The history of the preamble itself ought to have convinced our author, that the inference which he draws from it could not be allowed. On the 6th of August, 1787, the committee appointed for that purpose reported the first draft of a constitution. The preamble was in these words:—"We, the people of the States of New Hampshire, Massachusetts, Rhode Island, and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, do ordain, declare, and establish the following constitution, for the government of ourselves and our posterity." (1 Elliott's Debates, 255). On the very next day, this preamble was unanimously adopted; and the reader will at once perceive, that it carefully preserves the distinct sovereignty of the states, and discountenances all idea of consolidation. (Ib. 263). The draft of the constitution thus submitted was discussed, and various alterations and amendments adopted, (but without any change in the preamble,) until the 8th of September, 1787, when the following resolution was passed:—"It was moved and seconded to appoint a committee of five, to revise the style of, and arrange the articles agreed to, by the house; which passed in the affirmative." (Ib. 324). It is manifest that this committee had no power to change the *meaning* of anything which had been adopted, but were authorized merely to "revise the style," and arrange the matter in proper order. On the 12th of the same month they made their report. The preample, as they reported it, is in the following words:—"We, *the people of the United States*, in order to form a more perfect union, to establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America." (*Ib.* 326). It does not appear that any attempt was made to change this phraseology in any material point, or to reinstate the original. The presumption is, therefore, that the two were considered as substantially the same, particularly as the committee had no authority to make any change, except in the style. The difference in the mere phraseology of the two was certainly not overlooked; for on the 13th of September,

1787, "it was moved and seconded to proceed to the comparing of the report from the committee of revision, with the articles which were agreed to by the house, and to them referred for arrangements; which passed in the affirmative. And the same was read by paragraphs, compared, and in some places corrected and amended." (*Ib.* 338). In what particulars these corrections and amendments were made, we are not very distinctly informed. The only change which was made in the preamble was by striking out the word "to" before the words "establish justice;" and the probability is that no other change was made in any of the articles, except such as would make "the report of the committee of revision" "correspond with the articles agreed to by the house." The inference, therefore, is irresistible, that the convention considered the preamble reported by the committee of revision, as substantially corresponding with the original draft, as unanimously "agreed to by the house."

There is, however, another and a perfectly conclusive reason for the change of phraseology, from the states by name, to the more general expression, "the United States;" and this, too, without supposing that it was intended thereby to convey a different idea, as to the parties to the constitution. The revised draft contained a proviso, that the constitution should go into operation when adopted and ratified by *nine* states. It was, of course, uncertain whether more than nine would adopt it, or not; and if they should not, it would be altogether improper to name them as parties to that instrument. As to one of them, Rhode Island, she was not even represented in the convention, and consequently, the others had no sort of right to insert her as a party. Hence it became necessary to adopt a form of expression which would apply to those who should ratify the constitution, and not to those who should refuse to do so. The expression actually adopted answers that purpose fully. It means simply, "We, the people of those states who have united for that purpose, do ordain," &c. This construction corresponds with the historical fact, and reconciles the language employed with the circumstances of the case. Indeed, similar language was not unusual, through the whole course of the revolution. "The people of his majesty's colonies," "the people of the united colonies," "the people of the United States," are forms of expression which frequently occur, without intending to convey any other idea than that of the people of the *several* colonies or states.

It is, perhaps, not altogether unworthy of remark, in reference to this inquiry, that the word "people" has no plural termination in our language. If it had, the probability is that the expression would have been "we, the peoples," conveying, distinctly, the idea of the people of the several states. But, as no such plural termination is known in our language, the least that we can say is, that the *want of it* affords no argument in favour of the author's position.

The brief history of the preamble, collected from the Journals of the Convention, will be sufficient to show that the author has allowed it an undue influence in his construction of the constitution. It is not from such vague and uncertain premises, that conclusions, so important and controlling, can be wisely drawn. The author, however, is perfectly consistent with himself in the two characters in which he appears before us; the *commentator* takes no ground which the *judge* does not furnish. It is remarkable that although this question was directly presented in the case of Martin *vs.* Hunter's Lessees, and although the fact, that the Constitution of the United States "was ordained and established, not by the states in their sovereign capacities, but emphatically by the

people of the United States," is made the foundation of the judgment of the supreme court in that case; yet, Judge Story, in delivering the opinion of the court, rests that position upon the preamble alone, and offers no other argument whatever to support it. And this too, although, in his own opinion, upon the right decision of that case rested "some of the most solid principles which have hitherto been supposed to sustain and protect the Constitution of the United States." It is much to be regretted, that principles so important should be advanced as mere dogmas, either by our judges, or by the instructors of our youth.

In this case, as in others, however, we ought not to be satisfied with simply proving that the author's conclusions are not warranted by the facts and arguments from which he derives them. Justice to the subject requires a much more full and detailed examination of this important and fundamental question.

I have endeavoured to show, in the preceding part of this review, that the people of the several states, while in a colonial condition, were not "one people" in any political sense of the terms; that they did not become so by the declaration of independence, but that each state became a complete and perfect sovereignty within its own limits; that the revolutionary government, prior to the establishment of the confederation, was, emphatically, a government of the states as such, through congress, as their common agent and representative; and that, by the articles of confederation, each state expressly reserved its entire sovereignty and independence. In no one of the various conditions, through which we have hitherto traced them, do we perceive any feature of consolidation; but their character as distinct and sovereign states is always carefully and jealously preserved. We are, then, to contemplate them as sovereign states, when the first movements towards the formation of the present constitution were made.

Our author has given a correct history of the preparatory steps towards the call of a convention. It was one of those remarkable events, (of which the history of the world affords many examples,) which have exerted the most important influence upon the destiny of mankind, and yet have sprung from causes which did not originally look to any such results. It is true, the defects of the confederation, and its total inadequacy to the purposes of an effective government, were generally acknowledged; but I am not aware that any decisive step was taken in any of the states, for the formation of a better system, prior to the year 1786. In that year, the difficulties and embarrassments under which our trade suffered, in consequence of the conflicting and often hostile commercial regulations of the several states, suggested to the legislature of Virginia the necessity of forming among all the states a general system, calculated to advance and protect the trade of all of them. They accordingly appointed commissioners, to meet at Annapolis' commissioners from such of the other states as should approve of the proceeding, for the purpose of preparing a uniform plan of commercial regulations, which was to be submitted to all the states, and, if by them ratified and adopted, to be executed by congress. Such of the commissioners as met, however, soon discovered that the execution of the particular trust with which they were clothed, involved other subjects not within their commission, and which could not be properly adjusted without a great enlargement of their powers. They therefore simply reported this fact, and recommended to *their respective legislatures* to appoint

delegates to meet in general convention in Philadelphia, for the purpose not merely of forming a uniform system of commercial regulations, but of reforming the government in any and every particular in which the interests of the states might require it. This report was also transmitted to congerss, who approved of the recommendation it contained, and on the 21st of February, 1787, resolved, "that in the opinion of congress, it is expedient that on the second Monday in May next, a convention of delegates, who shall *have been appointed by the several states*, be held at Philadelphia, for the sole and express purpose of revising the articles of confederation, and reporting to congress and the *several legislatures*, such alterations and provisions therein, as shall, when agreed to in congress and *confirmed by the states*, render the federal constitution adequate to the exigences of government, and the preservation of the union." (1 Elliott's Debates, 155.)

Such was the origin of the convention of 1787. It is apparent that the delegates to that body were to be "appointed by the several states," and not by "the people of the United States;" that they were to report their proceedings to "congress and the several legislatures," and not to "the people of the United States;" and that their proceedings were to be part of the constitution, only when "agreed to in congress and confirmed by the states," and not when confirmed by "the people of the United States." Accordingly, delegates were, in point of fact, appointed by the states; those delegates did, in point of fact, report to congress and the states; and congress did, in point of fact, approve, and the states did, in point of fact, adopt, ratify and confirm the constitution which they formed. No other agency than that of the states as such, and of congress, which was strictly the representative of the states, is to be discerned in any part of this whole proceeding. We may well ask, therefore, from what unknown source our author derives the idea, that the constitution was formed by "the people of the United States," since the history of the transaction, even as he himself has detailed it, proves that the people of the United States did not appoint delegates to the convention, were not represented in that body, and did not adopt and confirm its act as their own.

Even, however, if the question now before us be not merely and exclusively a question of historical fact, there are other views of it scarcely less decisive against our author's position. In the first place, I have to remark, that *there was no such people* as "the people of the United States," in the sense in which he uses those terms. The articles of confederation formed, at that time, the only government of the United States; and, of course, we are to collect from them alone the true nature of the connexion of the states with one another. Without deeming it necessary to enumerate all the powers which they conferred on congress, it is sufficient to remark that they were all exercised in the name of the states, as free, sovereign and independent states. Congress was in the strictest sense, the representative of the states. The members were appointed by the states, in whatever mode each state might choose, without reference either to congress or the other states. They could, at their own will and pleasure, recall their representatives, and send others in their places, precisely as any sovereign may recall his minister at a foreign court. The members voted in congress by states, each state having one vote, whatever might be the number of its representatives. There was no president, or other common executive head. The states alone, as to all the more important operations of the government,

were relied on to execute the resolves of congress. In all this, and in other features of the confederation which it is unnecessary to enumerate, we recognize a league between independent sovereignties, and not one nation composed of all of them together. It would seem to follow as a necessary consequence, that if the states, thus united together by league, did not form one nation, there could not be a citizen or subject of that nation. Indeed, congress had *no power to make such citizen either by naturalization, or otherwise.* It is true, the citizens of every state were entitled, with certain exceptions, such as paupers, vagabonds, &c., to all the privileges of citizens of every other state, when within the territories thereof; but this was by express compact in the articles of confederation, and did not otherwise result from the nature of their political connexion. It was only by virtue of citizenship in some particular state, that its citizens could enjoy within any other state the rights of citizens thereof. They were not known as *citizens of the United States*, in the legislation either of congress or of the several states. He who ceased to be a citizen of some particular state, without becoming a citizen of some other particular state, forfeited all the rights of a citizen in each and all of the states. There was no one right which the citizen could exercise, and no one duty which he could be called on to perform, except as a citizen of some particular state. In that character alone could he own real estate, vote at elections, sue or be sued; and in that character alone could he be called on to bear arms, or to pay taxes.

What, then, was this citizenship of the United States, which involved no allegiance, conferred no right and subjected to no duty? Who were "the people of the United States?" Where was their domicile, and what were the political relations which they bore to one another? What was their sovereignty, and what was the nature of the allegiance which it claimed? Whenever these questions shall be satisfactorily answered without designating *the people of the several states, distinctively as such*, I shall feel myself in possession of new and unexpected lights upon the subject.

Even, however, if we concede that there was such a people as "the people of the United States," our author's position is still untenable. I admit that the people of any country may, if they choose, alter, amend, or abrogate their form of government, or establish a new one, without invoking the aid of their constituted authorities. They *may* do this simply because they have the physical power to do it, and not because such a proceeding would be either wise, just, or expedient. It would be *revolution* in the strictest sense of the term. Be this as it may, no one ever supposed that this course was pursued in the case under consideration. Every measure, both for the calling of the convention and for the ratification of the constitution, was adopted in strict conformity with the recommendations, resolutions, and laws of congress and the state legislatures. And as "the people of the United States" *did not*, in point of fact, take the subject into their own hands, independent of the constituted authorities, they *could not* do it by any agency of those authorities. So far as the federal government was concerned, the articles of confederation, from which alone it derived its power, contained no provision by which "the people of the United States" could express authoritatively a joint and common purpose to change their government. A law of congress authorizing them to do so would have been void, for want of right in that body to pass it. No mode which congress might have prescribed for ascertaining the will of the people upon

the subject, could have had that sanction of legal authority, which would have been absolutely necessary to give it force and effect. It is equally clear that there was no right or power reserved to the states themselves, by virtue of which any such authoritative expression of the common will and purpose of the people of *all* the states could have been made. The power and jurisdiction of each state were limited to its own territory; it had no power to legislate for the people of any other state. No single state, therefore, could have effected such an object; and if they had all concurred in it, each acting, as it was only authorized to act, for *itself*, that would have been strictly the action of the *states as such*, and as contradistinguished from the action of the mass of the people of all the states. If "the people of the United States" could not, by any aid to be derived from their common government, have effected such a change in their constitution, that government itself was equally destitute of all power to do so. The only clause in the articles of confederation, touching this subject, is in the following words: "And the articles of this confederation shall be inviolably observed by every state, and the union shall be perpetual, nor shall any alteration, at any time hereafter, be made in any of them, unless such alteration be agreed to in congress of the United States, and be *afterwards confirmed by the legislature of every state.*" Even if this power had been given to congress alone, without subjecting the exercise of it to the negative of the states, it would still have been the power of the states in their separate and independent capacities, and not the power of the people of the United States, as contradistinguished from them. For congress was, as we have already remarked, strictly the representative of the states; and each state, being entitled to one vote, and one only, was precisely equal, in the deliberations of that body, to each other state. Nothing less, therefore, than *a majority of the states*, could have carried the measure in question, even in congress. But, surely there can be no doubt that the power to change their common government was reserved to the states alone, when we see it expressly provided that nothing less than their *unanimous consent, as states*, should be sufficient to effect that object.

There is yet another view of this subject. It results from the nature of all government, freely and voluntarily established, that there is no power to *change* except the power which *formed* it. It will scarcely be denied by any one, that the confederation was a government strictly of the states, formed by them as such, and deriving all its powers from their consent and agreement. What authority was there, *superior* to the states, which could undo their work? What power was there, other than that of the states themselves, which was authorized to declare that their solemn league and agreement should be abrogated? Could a majority of the people of all the states have done it? If so, whence did they derive that right? Certainly not from any agreement among the states, or the people of all the states; and it could not be legitimately derived from any other source. If, therefore, they had exercised such a power, it would have been a plain act of usurpation and violence. Besides, if we may judge from the apportionment of representation as proposed in the convention, a majority of the people of all the states were to be found in the four states of Massachusetts, New York, Pennsylvania and Virginia; so, that upon this idea, the people of less than one-third of all the states could change the articles of confederation, although those articles expressly provided that they should not be changed without the consent of *all* the *states!* There was,

then, no power superior to the power of the states; and, consequently, there was no power which could alter or abolish the government which they had established. If the Constitution has superseded the articles of confederation, it is because the parties to those articles have agreed that it should be so. If they have not so agreed, there is no such Constitution, and the articles of confederation are still the only political tie among the states. We need not, however, look beyond the attestation of the Constitution itself, for full evidence upon this point. It professes to have been "done by the unanimous consent of the states present, &c.," and not in the name or by the authority of "the people of the United States."

(To be continued.)

THE BLIGHTED FLOWER.

BY ROBERT HOWE GOULD.

"Sweet rose, fair flower, untimely pluck'd, soon faded,—
Pluck'd in the bud, and faded in the spring!"

THE PASSIONATE PILGRIM.

A flower of purest, softest bloom,
Oped its fair leaves upon my sight;
Shining thro' its sweet perfume
Like moonbeams thro' the dews of night.
A thing more sweetly, purely fair,
Found never birth in earthly air.
E'en now, before my saddened view,
Fond memory paints its every hue!
It faded like a passing sigh;
—The fairest aye are first to die!—
Drooped on the stem its gentle head,
And straight its perfumed brightness fled.

How lonely now that parent tree,
Where such bright blossoms wont to be!
Grief perches now with sombre wing
Where these fair flow'rets learned to cling:
And makes a sad and gloomy shade,
Where erst the loveliest sunbeams played.

And in the scroll of human life,
Records like this are ever rife.
Behold yon lonely man of care:
Before his sight, a thing more fair,
—His brightest child, his darling one,
The binding link to those long gone;
His own fair girl, his earthly whole,
His hope, his prayer, his *heart*, his SOUL!—
Is fading, like that summer flower,
E'en in her beauty's brightest hour!

The Blighted Flower.

So bright, she seems for Earth too fair ;—
Too pure for aught but upper air,
Where angels soar on buoyant wing,
And on the winds sweet warblings fling ;
So fond, that e'en the Heaven above
Might learn from her how pure is love !
And gentler than that summer breeze,
Which still so softly waved the trees
That they in stillness met its kiss,*
Fearing to break the spell of bliss,
By e'en a breath as soft and lone
As listening Silence calls her own.

Thus bright ;—but, oh ! with form as frail
As gossamer's light-floating veil.
The soul, within its earthly bower,
—Like rainbow insect near a flower,—
Seemed hovering light, with trembling wing,
As doubting if to soar or cling ;
While thro' that eye's transparent blue,
—The evening sky's most holy hue !—
You gazed upon a soul of thought,
With more than "earthly fancies" fraught ;
Which, bright before your gaze, unfurled
Pure traces of a better world.

* * * *
* * * *

Yes ! like a brother's, this sad heart
Doth swell with grief to bid thee part
And fain would suffer years of pain
To make thy beauty bloom again,
And see upon thy pallid cheek
Returning health in blushes speak,
And sparkle thro' that beaming eye
In radiance caught from worlds on high.

Sweet Sister !—such indeed thou art
By every tie that binds the heart !—
Though bliss awaits thee in the sky,
'Tis vain to teach each bursting sigh
That thou art called to happier spheres :
Grief cannot see them thro' her tears.

I used to love a lonely spring,
'Round which the sweetest flowers did cling,
While, bright beneath embowering shade
The stars amid its ripples played.
ONE STAR there was, of holiest light,
That glassed itself there every night,
And looked up in each gazer's face
With such a modest, placid grace,
That, thus embowered in shade and bloom,
The fountain seemed its fittest home.
You never felt, that bright on high,
Its dwelling was the distant sky,
And, that its fount-reflected beam,
Was but a shadow's borrowed gleam.

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* "When the sweet wind did gently kiss the trees,
And they did make no noise."—*Merchant of Venice.*

The fount receded, day by day,
Till its last wave had passed away:
The star, (as fled its latest trace,)
Had lost its *earthly* resting-place;
And *homeward* sped its lovely ray,
'Mid the blue ether far away.
How shall it ever greet our sight,
Lost 'mid a host of stars as bright!
While mirrored here it sweetly shone,
We deemed its brightness all our own;
It gladdened here the sombre shade,
By neighboring darkness bright displayed:
Now undistinguished meets our sight,
One ray amid *a world* of light!
And thus, we know, our friend shall shine;
An angel in a world divine.
But, oh! to light our earthly track,
Her radiant form will ne'er come back!
And what to *us*, that GOD has given
A seraph's harp to her in *Heaven*,
While sadly wandering, faint and lone,
We miss from *Earth* her music tone!

THE DOOM OF BEAUTY.

BY ISAAC CLARKE PRAY.

She came to womanhood, as some bright bud
Blooms in the garden ere suspected there,
Or as, at twilight's holy hour, a star
Will sometimes shine amid the broken mass
Of floating clouds, and gather brightness round
Its peering form, ere we can say, "How lovely!"
Her eye! O, Love placed there its diamond flame
To light such features as were wont to touch
The hearts of poets in that elder time,
When Genius bowed at Beauty's power, and paid
His adoration at her kindled altar.
Her lip, her cheek, her brow, like *sculptured thoughts*,
Words cannot picture. They were such as he
Who dips, with magic art, the pencil's point,
In rivalry of Italy's old masters,
Might strive with constant searching to allure,
That he might win, by aid of their great power,
A crown for immortality. Her mind
Was paradise. There, fountains of rich thought—
Imaginations high and worthy Heaven—
Sweet contemplations of a loftier world,
And dreams that angels only bless us with,
Shone with rare effulgence.

But a veil
Drops o'er her portrait. Hearts can yearn to speak,
But may not, of her worth, her trials—death.
The worm that gnaws within its secret cell,
In the slight stalk of some much-cherished flower,
And draws away its sustenance, so slow
That we can scarcely mark the slightest blight
Or tendency to a decay, may well
Relate the story, by its simile,
Of her transition from gay life and joy

Unto the gloom and darkness of the grave.
I saw the funeral. The lovely youth
Of all the village circuit gathered near,
And in each face an epitaph was seen
More precious than the monuments, piled up
By pride to gratify its selfishness.
The prayer was uttered and responses rose
Within each heart, in answer to its hopes.
The bier was borne unto the grave-yard. There,
The villagers, as sank the coffin, spoke
With solemn tones of all her loveliness—
Then passed in silence out to seek their homes.
I wandered on, involuntarily.
Night with unwonted glory veiled the earth,
But still the scene waked not my spirit's thirst.
Reflecting on the doom of human-kind,
Till, wearied with my thought, sleep sealed my eyes,
And through my mind a revelation passed,—
The sky was opened, and a pure light came
Flushing. Above a golden pavement flew
A band of bright-eyed cherubim, while rose,
As though uplifted by some unseen power,
The lovely form the villagers had buried.

THE EDITOR'S STUDY.

" Tot homines—tot sententiæ."

Literature.

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the truth of much that she has written, we do not join by any means in her inferences. She has fallen into the same errors committed by Mrs. Child in her work on the History of Women. If male authors would write on the character and condition of women, and female authors on the character and condition of men in different countries, works would be published, perhaps, worth reading. The subject is a delicate one; and the truth is deeply imbedded, save when misanthropes and misogynists delve for it, and even they produce a vast deal of rubbish with the pure ore.

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The beautiful music of "La Sonnambula" has been once or twice offered to the public, with Rubini as Elvino, and Madame Persiani as Amina. It is needless to say how strongly this treat has affected the lovers of music. It is one of rare excellence, and we would recommend all who have not enjoyed it to embrace the opportunity at an early moment.

The other vocalists maintain their position. The warm weather has restored Signor Guasco's pleasing voice to a certain degree, and we trust that he will soon become so acclimated as to produce those effects which at the commencement of the season won for him golden opinions.

On the off-nights the theatre has been devoted to Melpomene; and her charming disciple, Madlle. Rachel, has added to that exalted reputation which she acquired last season as a tragic actress. Although there are upon the English stage one or two ladies quite as capable of reciting and acting as well as this French artiste, yet the school in English would not be tolerated. Where shall we find an English audience with a taste to relish Phillips's "Distressed Mother?" There is not a ball-room scene in it—or a single gunpowder explosion! Who could witness "The Grecian Daughter?" No one, till the waves of a canvass sea threaten to blow out the foot-lights. The generation that could delight in such a play as "Jane Shore" has passed away; and the descendants thereof now delight in "Jack Sheppard" and "Turpin's Ride to York."

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From what cause we know not, but it seems that the low price of admission at this house does not serve to draw those audiences which must be necessary to

meet the expenses of so costly a speculation. We rejoice in the enterprise, however, as we think it will be the forerunner of better days for the English opera, which is in avery dull state at present, although there are English vocalists, by the score, waiting for engagements.

Haymarket Theatre.—The production of the new play from the pen of James Sheridan Knowles, entitled "the Rose of Arragon," has caused the chief excitement at this establishment since our last notice. The play has been generally well cast, but the attempt of Mr. H. Holl to personate Alonzo, is so weak that we cannot pass it by unnoticed. His performance is wholly devoid of taste, style, or feeling, and served to make a portion of the play quite heavy. We do not doubt that Mr. Holl by study may yet accomplish triumphs in his art, but he seems to be wanting in many requisites at present.

Mr. Phelps personated Almagro with a warmth and spirit and originality quite refreshing, and although many may reasonably find fault with the want of cunning displayed in the first scene of the third act, yet on the whole Mr. Phelps acquitted himself with great credit. A more refined and subtle performance would be better for the play, and less dangerous. There are times when Mr. Phelps, by his boldness, steps upon the borders of the ridiculous. The treachery depicted in the scene which we have alluded to, would have pleased more had it been exhibited less to the audience, and more cunningly to Nunez and Cortez.

Mr. Stuart, as Ruphino, sustained an exceedingly difficult and very important character in a style of great excellence. The natural cautiousness of the father for the welfare of his child, opposed to his own natural warmth of temper, was well—very well pourtrayed. Had we space we could quote several passages which were recited with effects of the most thrilling kind. What, for instance, could be more beautifully represented than the scene where Almagro demands of Ruphino his son Alasco, who has fled?

Mr. Charles Kean personated Alasco,—a character drawn with great skill by the dramatist, and in many points admirably suited to Mr. Kean's genius. Perhaps there has been nothing of a more finished and effective kind ever seen upon the stage in any country, than the manner in which Mr. Kean replies to Almagro, in these words.

Saint Iago!
'Tis come to "Sir!" The truth is out at last then!
'Tis come to "Sir" 'twixt you and me! there's chance then,
That it may come to blows! Is there, Almagro?
"Sir!"—'tis clear as day!

Mr. Kean's entire soul seems to leap into his face and to give expression to the utterance of his tongue at this point, and he goes on with his withering sarcasm till the Regent vanishes.

And then, too, who can ever forget those delightful transitions, which form the lights and the shades of the character, to be witnessed in the first scene of the third act? Any one who sees Mr. Kean in Alasco, must be more critical than we shall ever be, if he do not acknowledge that the actor is second to no performer living. There are those who have talked of Mr. Kean, as an imitator,—but now that he has appeared in an original character, and a prominent one, auditors are enabled to measure the capacity of the performer without making those invidious comparisons which always tend to depreciate the merit of the artist. We would urge Mr. Kean still further to discard as far as pos-

sible those hackneyed characters, which he has been in the habit of performing, and to turn his attention wholly to the production of plays which have not been represented. There is a vast field for his efforts in some of the plays of the old dramatists, and many modern authors might be employed to advantage. To one point more we would direct Mr. Kean's attention, that is, to a true estimate of the actual worth of mere scenic effects. We would have him ask himself if the public are actually pleased with a gorgeous exhibition of splendid scenery, if there be a majority who prefer to *see* rather than to *listen*. When this subject has been well weighed, we think it will be decided, that the mass desire very little more than to witness a play that is well written, powerfully and satisfactorily acted; and we would suggest that all the display of scenery in the play which we have noticed, was very nearly gratuitous,—not an aid to the author; and it may be said, in one or two instances, to have been even injurious. This may seem rather paradoxical, but we maintain that we express the feeling of a large portion of those who have seen the performance.

We must now render our tribute of admiration to Mrs. Kean, for the earnest truthfulness with which she depicted the character of Olivia. She is not often brought before the spectator, but as all the incidents of the drama closely hinge upon her fortunes, the character is one around which a great portion of the interest centres. The first scene of the play, in which Olivia appears, was acted very delicately, although it was not otherwise well supported,—making the position of the actress, consequently, one of a difficult nature. Indeed, we are disposed to think that the dramatist might as well have omitted the scene altogether,—not that it is not well written, but that it is almost too finely drawn for the stage. The after scenes in which Olivia appeared were truly exquisite, and Mrs. Kean seemed animated with the character to a degree which we have seldom seen her exhibit. It may be that on this account some might deem her physical powers scarcely equal to the difficulty of the positions,—but we do not think so, for what might seem a lack of power, only heightened the sublimity of the part, by shewing feminine delicacy, struggling against its rougher counterpart. The scene with the king, and the continuation of it, when she opposes the rebel host with Almagro at their head, was executed in the best style of the art.

It is needless almost to add that the play, in spite of its want of historical and political justice,—whatever may be its poetical justice, is warmly received, and gives great satisfaction to all admirers of the dramatic art.

English Opera House. This establishment, managed upon the commonwealth principle, meets with a fair share of public approbation and support. Several new plays are in preparation, and we have no doubt, as we have every wish, that the season will terminate profitably.

Strand Theatre. Mr. and Mrs. Keeley are at this theatre, with Mr. Balls; and with such talent, who can doubt that the drama here is not in the ascendant? Mr. and Mrs. Keeley are a host in themselves; and Mr. Balls is the most finished comedian of the day. In a certain line of characters, such as Vapid, Gossamer, &c., he has no equal.

London: Printed by G. Lilley, 3, Queen's Head Passage, Paternoster Row.

THE

GREAT WESTERN MAGAZINE.

AUGUST, 1842.

THE TRUE NATURE AND CHARACTER OF THE FEDERAL GOVERNMENT OF AMERICA.

(*Continued from page* 378.)

It is not the mere *framing* of a constitution which gives it authority as such. It becomes obligatory only by its *adoption and ratification*; and surely that act, I speak of free and voluntary government, makes it the constitution of those only who do adopt it. Let us ascertain, then, from the authentic history of the times, by whom our own constitution was adopted and ratified.

The resolution of congress already quoted, contemplates a convention "for the sole and express purpose of revising the articles of confederation," and reporting suitable "alterations and provisions therein." The proceedings of the convention were to be reported to congress and the several legislatures, and were to become obligatory, only when "agreed to in congress and confirmed by the states." This is precisely the course of proceeding prescribed in the articles of confederation. Accordingly the new constitution was submitted to congress; was by them approved and agreed to, and was afterwards, in pursuance of the recommendation of the convention, laid before conventions of the several states, and by them ratified and adopted. In this proceeding, each state acted for itself, without reference to any other state. They ratified at different periods; some of them unconditionally, and others with provisoes and propositions for amendment. This was certainly *state action*, in as distinct a form as can well be imagined. Indeed, it may be well doubted whether any other form of ratification, than by the states themselves, would have been valid. At all events, none other was contemplated, since the Constitution itself provides, that it shall become obligatory, when ratified by "nine states," between the states ratifying the same. "The people of the United States," as an aggregate mass, are nowhere appealed to, for authority and sanction to that instrument. Even if they could have made it their constitution, by adopting it, they could not, being as they were separate and distinct political communities, have united themselves into one mass for that purpose, without previously overthrowing their own municipal governments; and, even then, the new constitution would have been obligatory only on those who agreed to and adopted it, and not on the rest.

The distinction between the people of the several states and the people of

were relied on to execute the resolves of congress. In all this, and in other features of the confederation which it is unnecessary to enumerate, we recognize a league between independent sovereignties, and not one nation composed of all of them together. It would seem to follow as a necessary consequence, that if the states, thus united together by league, did not form one nation, there could not be a citizen or subject of that nation. Indeed, congress had *no power to make such citizen either by naturalization, or otherwise.* It is true, the citizens of every state were entitled, with certain exceptions, such as paupers, vagabonds, &c., to all the privileges of citizens of every other state, when within the territories thereof; but this was by express compact in the articles of confederation, and did not otherwise result from the nature of their political connexion. It was only by virtue of citizenship in some particular state, that its citizens could enjoy within any other state the rights of citizens thereof. They were not known as *citizens of the United States*, in the legislation either of congress or of the several states. He who ceased to be a citizen of some particular state, without becoming a citizen of some other particular state, forfeited all the rights of a citizen in each and all of the states. There was no one right which the citizen could exercise, and no one duty which he could be called on to perform, except as a citizen of some particular state. In that character alone could he own real estate, vote at elections, sue or be sued; and in that character alone could he be called on to bear arms, or to pay taxes.

What, then, was this citizenship of the United States, which involved no allegiance, conferred no right and subjected to no duty? Who were "the people of the United States?" Where was their domicile, and what were the political relations which they bore to one another? What was their sovereignty, and what was the nature of the allegiance which it claimed? Whenever these questions shall be satisfactorily answered without designating *the people of the several states, distinctively as such*, I shall feel myself in possession of new and unexpected lights upon the subject.

Even, however, if we concede that there was such a people as "the people of the United States," our author's position is still untenable. I admit that the people of any country may, if they choose, alter, amend, or abrogate their form of government, or establish a new one, without invoking the aid of their constituted authorities. They *may* do this simply because they have the physical power to do it, and not because such a proceeding would be either wise, just, or expedient. It would be *revolution* in the strictest sense of the term. Be this as it may, no one ever supposed that this course was pursued in the case under consideration. Every measure, both for the calling of the convention and for the ratification of the constitution, was adopted in strict conformity with the recommendations, resolutions, and laws of congress and the state legislatures. And as "the people of the United States" *did not*, in point of fact, take the subject into their own hands, independent of the constituted authorities, they *could not* do it by any agency of those authorities. So far as the federal government was concerned, the articles of confederation, from which alone it derived its power, contained no provision by which "the people of the United States" could express authoritatively a joint and common purpose to change their government. A law of congress authorizing them to do so would have been void, for want of right in that body to pass it. No mode which congress might have prescribed for ascertaining the will of the people upon

the subject, could have had that sanction of legal authority, which would have been absolutely necessary to give it force and effect. It is equally clear that there was no right or power reserved to the states themselves, by virtue of which any such authoritative expression of the common will and purpose of the people of *all* the states could have been made. The power and jurisdiction of each state were limited to its own territory; it had no power to legislate for the people of any other state. No single state, therefore, could have effected such an object; and if they had all concurred in it, each acting, as it was only authorized to act, for *itself*, that would have been strictly the action of the *states as such*, and as contradistinguished from the action of the mass of the people of all the states. If "the people of the United States" could not, by any aid to be derived from their common government, have effected such a change in their constitution, that government itself was equally destitute of all power to do so. The only clause in the articles of confederation, touching this subject, is in the following words: "And the articles of this confederation shall be inviolably observed by every state, and the union shall be perpetual, nor shall any alteration, at any time hereafter, be made in any of them, unless such alteration be agreed to in congress of the United States, and be *afterwards confirmed by the legislature of every state.*" Even if this power had been given to congress alone, without subjecting the exercise of it to the negative of the states, it would still have been the power of the states in their separate and independent capacities, and not the power of the people of the United States, as contradistinguished from them. For congress was, as we have already remarked, strictly the representative of the states; and each state, being entitled to one vote, and one only, was precisely equal, in the deliberations of that body, to each other state. Nothing less, therefore, than *a majority of the states*, could have carried the measure in question, even in congress. But, surely there can be no doubt that the power to change their common government was reserved to the states alone, when we see it expressly provided that nothing less than their *unanimous consent, as states*, should be sufficient to effect that object.

There is yet another view of this subject. It results from the nature of all government, freely and voluntarily established, that there is no power to *change* except the power which *formed* it. It will scarcely be denied by any one, that the confederation was a government strictly of the states, formed by them as such, and deriving all its powers from their consent and agreement. What authority was there, *superior* to the states, which could undo their work? What power was there, other than that of the states themselves, which was authorized to declare that their solemn league and agreement should be abrogated? Could a majority of the people of all the states have done it? If so, whence did they derive that right? Certainly not from any agreement among the states, or the people of all the states; and it could not be legitimately derived from any other source. If, therefore, they had exercised such a power, it would have been a plain act of usurpation and violence. Besides, if we may judge from the apportionment of representation as proposed in the convention, a majority of the people of all the states were to be found in the four states of Massachusetts, New York, Pennsylvania and Virginia; so, that upon this idea, the people of less than one-third of all the states could change the articles of confederation, although those articles expressly provided that they should not be changed without the consent of *all* the *states!* There was,

then, no power superior to the power of the states; and, consequently, there was no power which could alter or abolish the government which they had established. If the Constitution has superseded the articles of confederation, it is because the parties to those articles have agreed that it should be so. If they have not so agreed, there is no such Constitution, and the articles of confederation are still the only political tie among the states. We need not, however, look beyond the attestation of the Constitution itself, for full evidence upon this point. It professes to have been "done by the unanimous consent of the states present, &c.," and not in the name or by the authority of "the people of the United States."

(To be continued.)

THE BLIGHTED FLOWER.

BY ROBERT HOWE GOULD.

"Sweet rose, fair flower, untimely pluck'd, soon faded,—
Pluck'd in the bud, and faded in the spring!"

THE PASSIONATE PILGRIM.

A flower of purest, softest bloom,
Oped its fair leaves upon my sight;
Shining thro' its sweet perfume
Like moonbeams thro' the dews of night.
A thing more sweetly, purely fair,
Found never birth in earthly air,
E'en now, before my saddened view,
Fond memory paints its every hue!
It faded like a passing sigh;
—The fairest aye are first to die!—
Drooped on the stem its gentle head,
And straight its perfumed brightness fled.

How lonely now that parent tree,
Where such bright blossoms wont to be!
Grief perches now with sombre wing
Where these fair flow'rets learned to cling:
And makes a sad and gloomy shade,
Where erst the loveliest sunbeams played.

And in the scroll of human life,
Records like this are ever rife.
Behold yon lonely man of care:
Before his sight, a thing more fair,
—His brightest child, his darling one,
The binding link to those long gone;
His own fair girl, his earthly whole,
His hope, his prayer, his *heart*, his SOUL!—
Is fading, like that summer flower,
E'en in her beauty's brightest hour!

So bright, she seems for Earth too fair;—
Too pure for aught but upper air,
Where angels soar on buoyant wing,
And on the winds sweet warblings fling;
So fond, that e'en the Heaven above
Might learn from her how pure is love!
And gentler than that summer breeze,
Which still so softly waved the trees
That they in stillness met its kiss,*
Fearing to break the spell of bliss,
By e'en a breath as soft and lone
As listening Silence calls her own.

Thus bright;—but, oh! with form as frail
As gossamer's light-floating veil.
The soul, within its earthly bower,
—Like rainbow insect near a flower,—
Seemed hovering light, with trembling wing,
As doubting if to soar or cling;
While thro' that eye's transparent blue,
—The evening sky's most holy hue!—
You gazed upon a soul of thought,
With more than "earthly fancies" fraught;
Which, bright before your gaze, unfurled
Pure traces of a better world.

* * * *
* * * *

Yes! like a brother's, this sad heart
Doth swell with grief to bid thee part
And fain would suffer years of pain
To make thy beauty bloom again,
And see upon thy pallid cheek
Returning health in blushes speak,
And sparkle thro' that beaming eye
In radiance caught from worlds on high.

Sweet Sister!—such indeed thou art
By every tie that binds the heart!—
Though bliss awaits thee in the sky,
'Tis vain to teach each bursting sigh
That thou art called to happier spheres:
Grief cannot see them thro' her tears.

I used to love a lonely spring,
'Round which the sweetest flowers did cling,
While, bright beneath embowering shade
The stars amid its ripples played.
ONE STAR there was, of holiest light,
That glassed itself there every night,
And looked up in each gazer's face
With such a modest, placid grace,
That, thus embowered in shade and bloom,
The fountain seemed its fittest home.
You never felt, that bright on high,
Its dwelling was the distant sky,
And, that its fount-reflected beam,
Was but a shadow's borrowed gleam.

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* "When the sweet wind did gently kiss the trees,
And they did make no noise."—*Merchant of Venice.*

The fount receded, day by day,
Till its last wave had passed away:
The star, (as fled its latest trace,)
Had lost its *earthly* resting-place;
And *homeward* sped its lovely ray,
'Mid the blue ether far away.
How shall it ever greet our sight,
Lost 'mid a host of stars as bright!
While mirrored here it sweetly shone,
We deemed its brightness all our own;
It gladdened here the sombre shade,
By neighboring darkness bright displayed:
Now undistinguished meets our sight,
One ray amid *a world* of light!
And thus, we know, our friend shall shine;
An angel in a world divine.
But, oh! to light our earthly track,
Her radiant form will ne'er come back!
And what to *us*, that GOD has given
A seraph's harp to her in *Heaven*,
While sadly wandering, faint and lone,
We miss from *Earth* her music tone!

THE DOOM OF BEAUTY.

BY ISAAC CLARKE PRAY.

She came to womanhood, as some bright bud
Blooms in the garden ere suspected there,
Or as, at twilight's holy hour, a star
Will sometimes shine amid the broken mass
Of floating clouds, and gather brightness round
Its peering form, ere we can say, "How lovely!"
Her eye! O, Love placed there its diamond flame
To light such features as were wont to touch
The hearts of poets in that elder time,
When Genius bowed at Beauty's power, and paid
His adoration at her kindled altar.
Her lip, her cheek, her brow, like *sculptured thoughts*,
Words cannot picture. They were such as he
Who dips, with magic art, the pencil's point,
In rivalry of Italy's old masters,
Might strive with constant searching to allure,
That he might win, by aid of their great power,
A crown for immortality. Her mind
Was paradise. There, fountains of rich thought—
Imaginations high and worthy Heaven—
Sweet contemplations of a loftier world,
And dreams that angels only bless us with,
Shone with rare effulgence.

But a veil
Drops o'er her portrait. Hearts can yearn to speak,
But may not, of her worth, her trials—death.
The worm that gnaws within its secret cell,
In the slight stalk of some much-cherished flower,
And draws away its sustenance, so slow
That we can scarcely mark the slightest blight
Or tendency to a decay, may well
Relate the story, by its simile,
Of her transition from gay life and joy

Unto the gloom and darkness of the grave.
I saw the funeral. The lovely youth
Of all the village circuit gathered near,
And in each face an epitaph was seen
More precious than the monuments, piled up
By pride to gratify its selfishness.
The prayer was uttered and responses rose
Within each heart, in answer to its hopes.
The bier was borne unto the grave-yard. There,
The villagers, as sank the coffin, spoke
With solemn tones of all her loveliness—
Then passed in silence out to seek their homes.
I wandered on, involuntarily.
Night with unwonted glory veiled the earth,
But still the scene waked not my spirit's thirst.
Reflecting on the doom of human-kind,
Till, wearied with my thought, sleep sealed my eyes,
And through my mind a revelation passed,—
The sky was opened, and a pure light came
Flushing. Above a golden pavement flew
A band of bright-eyed cherubim, while rose,
As though uplifted by some unseen power,
The lovely form the villagers had buried.

THE EDITOR'S STUDY.

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Literature.

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meet the expenses of so costly a speculation. We rejoice in the enterprise, however, as we think it will be the forerunner of better days for the English opera, which is in avery dull state at present, although there are English vocalists, by the score, waiting for engagements.

Haymarket Theatre.—The production of the new play from the pen of James Sheridan Knowles, entitled "the Rose of Arragon," has caused the chief excitement at this establishment since our last notice. The play has been generally well cast, but the attempt of Mr. H. Holl to personate Alonzo, is so weak that we cannot pass it by unnoticed. His performance is wholly devoid of taste, style, or feeling, and served to make a portion of the play quite heavy. We do not doubt that Mr. Holl by study may yet accomplish triumphs in his art, but he seems to be wanting in many requisites at present.

Mr. Phelps personated Almagro with a warmth and spirit and originality quite refreshing, and although many may reasonably find fault with the want of cunning displayed in the first scene of the third act, yet on the whole Mr. Phelps acquitted himself with great credit. A more refined and subtle performance would be better for the play, and less dangerous. There are times when Mr. Phelps, by his boldness, steps upon the borders of the ridiculous. The treachery depicted in the scene which we have alluded to, would have pleased more had it been exhibited less to the audience, and more cunningly to Nunez and Cortez.

Mr. Stuart, as Ruphino, sustained an exceedingly difficult and very important character in a style of great excellence. The natural cautiousness of the father for the welfare of his child, opposed to his own natural warmth of temper, was well—very well pourtrayed. Had we space we could quote several passages which were recited with effects of the most thrilling kind. What, for instance, could be more beautifully represented than the scene where Almagro demands of Ruphino his son Alasco, who has fled?

Mr. Charles Kean personated Alasco,—a character drawn with great skill by the dramatist, and in many points admirably suited to Mr. Kean's genius. Perhaps there has been nothing of a more finished and effective kind ever seen upon the stage in any country, than the manner in which Mr. Kean replies to Almagro, in these words.

Saint Iago!
'Tis come to "Sir!" The truth is out at last then!
'Tis come to "Sir" 'twixt you and me! there's chance then,
That it may come to blows! Is there, Almagro?
"Sir!"—'tis clear as day!

Mr. Kean's entire soul seems to leap into his face and to give expression to the utterance of his tongue at this point, and he goes on with his withering sarcasm till the Regent vanishes.

And then, too, who can ever forget those delightful transitions, which form the lights and the shades of the character, to be witnessed in the first scene of the third act? Any one who sees Mr. Kean in Alasco, must be more critical than we shall ever be, if he do not acknowledge that the actor is second to no performer living. There are those who have talked of Mr. Kean, as an imitator,—but now that he has appeared in an original character, and a prominent one, auditors are enabled to measure the capacity of the performer without making those invidious comparisons which always tend to depreciate the merit of the artist. We would urge Mr. Kean still further to discard as far as pos-

sible those hackneyed characters, which he has been in the habit of performing, and to turn his attention wholly to the production of plays which have not been represented. There is a vast field for his efforts in some of the plays of the old dramatists, and many modern authors might be employed to advantage. To one point more we would direct Mr. Kean's attention, that is, to a true estimate of the actual worth of mere scenic effects. We would have him ask himself if the public are actually pleased with a gorgeous exhibition of splendid scenery, if there be a majority who prefer to *see* rather than to *listen*. When this subject has been well weighed, we think it will be decided, that the mass desire very little more than to witness a play that is well written, powerfully and satisfactorily acted; and we would suggest that all the display of scenery in the play which we have noticed, was very nearly gratuitous,—not an aid to the author; and it may be said, in one or two instances, to have been even injurious. This may seem rather paradoxical, but we maintain that we express the feeling of a large portion of those who have seen the performance.

We must now render our tribute of admiration to Mrs. Kean, for the earnest truthfulness with which she depicted the character of Olivia. She is not often brought before the spectator, but as all the incidents of the drama closely hinge upon her fortunes, the character is one around which a great portion of the interest centres. The first scene of the play, in which Olivia appears, was acted very delicately, although it was not otherwise well supported,—making the position of the actress, consequently, one of a difficult nature. Indeed, we are disposed to think that the dramatist might as well have omitted the scene altogether,—not that it is not well written, but that it is almost too finely drawn for the stage. The after scenes in which Olivia appeared were truly exquisite, and Mrs. Kean seemed animated with the character to a degree which we have seldom seen her exhibit. It may be that on this account some might deem her physical powers scarcely equal to the difficulty of the positions,—but we do not think so, for what might seem a lack of power, only heightened the sublimity of the part, by shewing feminine delicacy, struggling against its rougher counterpart. The scene with the king, and the continuation of it, when she opposes the rebel host with Almagro at their head, was executed in the best style of the art.

It is needless almost to add that the play, in spite of its want of historical and political justice,—whatever may be its poetical justice, is warmly received, and gives great satisfaction to all admirers of the dramatic art.

English Opera House. This establishment, managed upon the commonwealth principle, meets with a fair share of public approbation and support. Several new plays are in preparation, and we have no doubt, as we have every wish, that the season will terminate profitably.

Strand Theatre. Mr. and Mrs. Keeley are at this theatre, with Mr. Balls; and with such talent, who can doubt that the drama here is not in the ascendant? Mr. and Mrs. Keeley are a host in themselves; and Mr. Balls is the most finished comedian of the day. In a certain line of characters, such as Vapid, Gossamer, &c., he has no equal.

London: Printed by G. Lilley, 3, Queen's Head Passage, Paternoster Row.

THE

GREAT WESTERN MAGAZINE.

AUGUST, 1842.

THE TRUE NATURE AND CHARACTER OF THE FEDERAL GOVERNMENT OF AMERICA.

(*Continued from page* 378.)

It is not the mere *framing* of a constitution which gives it authority as such. It becomes obligatory only by its *adoption and ratification*; and surely that act, I speak of free and voluntary government, makes it the constitution of those only who do adopt it. Let us ascertain, then, from the authentic history of the times, by whom our own constitution was adopted and ratified.

The resolution of congress already quoted, contemplates a convention "for the sole and express purpose of revising the articles of confederation," and reporting suitable "alterations and provisions therein." The proceedings of the convention were to be reported to congress and the several legislatures, and were to become obligatory, only when "agreed to in congress and confirmed by the states." This is precisely the course of proceeding prescribed in the articles of confederation. Accordingly the new constitution was submitted to congress; was by them approved and agreed to, and was afterwards, in pursuance of the recommendation of the convention, laid before conventions of the several states, and by them ratified and adopted. In this proceeding, each state acted for itself, without reference to any other state. They ratified at different periods; some of them unconditionally, and others with provisoes and propositions for amendment. This was certainly *state action*, in as distinct a form as can well be imagined. Indeed, it may be well doubted whether any other form of ratification, than by the states themselves, would have been valid. At all events, none other was contemplated, since the Constitution itself provides, that it shall become obligatory, when ratified by "nine states," between the states ratifying the same. "The people of the United States," as an aggregate mass, are nowhere appealed to, for authority and sanction to that instrument. Even if they could have made it their constitution, by adopting it, they could not, being as they were separate and distinct political communities, have united themselves into one mass for that purpose, without previously overthrowing their own municipal governments; and, even then, the new constitution would have been obligatory only on those who agreed to and adopted it, and not on the rest.

The distinction between the people of the several states and the people of

the United States, as it is to be understood in reference to the present subject, is perfectly plain. I have already explained the term "a people," when used in a political sense. The distinction of which I speak may be illustrated by a single example. If the Constitution had been made by "the people of the United Sates," a certain portion of those people would have had authority to adopt it. In the absence of all express provision to the contrary, we may concede that a *majority* would, *prima facie*, have had that right. Did that majority, in fact, adopt it? Was it ever ascertained whether a majority of the *whole people* were in favour of it or not? Was there any provision, either of law or constitution, by which it was possible to ascertain that fact? It is perfectly well known that there was no such provision; that such majority was never ascertained, or even contemplated. Let us suppose that the people of the states of Massachusetts, New York, Pennsylvania and Virginia, containing, as we have seen they probably did, a majority of the whole people, had been unanimous against the Constitution, and that a bare majority of the people in each of the other nine states, acting in their separate character as states, had adopted and ratified it. There can be no doubt, that it would have become the constitution of the United States; and that, too, by the suffrages of a decided minority, probably not exceeding one-fourth of the aggregate people of all the states. This single example shows, conclusively, that the people of the United States, as contradistinguished from the people of the several states, had nothing to do, and could not have had any thing to do, with the matter.

This brief history of the formation and adoption of the Constitution, which is familiar to the mind of every one who has attended to the subject at all, ought, as it seems to me, to be perfectly satisfactory and conclusive: and should silence for ever, all those arguments in favour of consolidation, which are founded on the preamble to that instrument. I do not perceive with what propriety it can be said, that "the people of the United States" formed the Constitution, since they neither appointed the convention, nor ratified their act, nor otherwise adopted it as obligatory upon them. Even if the preamble be entitled to all the influence which has been allowed to it, our author's construction of its language is not, as has already been remarked, the only one of which it is susceptible. "We, the people of the United States," may, without any violence to the rules of fair construction, mean, "we, the people of the states united." In this acceptation, its terms conform to the history of the preamble itself, to that of the whole Constitution, and those who made it. In any other acceptation, they are either without meaning, or else they affirm what history proves to be false.

It would not perhaps, have been deemed necessary to bestow quite so much attention on this part of the work, if it were not evident that the author himself considered it of great consequence, not as matter of history, but as warranting and controlling his construction of the Constitution, in some of its most important provisions. The argument is not yet exhausted, and I am aware that much of what I have said is trite, and that little, perhaps no part of it, is new. Indeed, the subject has been so often and so ably discussed, particularly in parliamentary debates, that it admits very few new views, and still fewer new arguments in support of old views. It is still, however, an open question, and there is nothing in the present condition of public opinion, to deprive it of any portion of its original importance. The idea that the people of these states were, while colonists, and, consequently are now, "one people,"

in some sense which has never been explained, and to some extent which has never been defined, is constantly inculcated by those who are anxious to consolidate all the powers of the states in the federal government. It is remarkable, however, that scarcely one systematic argument, and very few attempts of any sort, have yet been made to *prove* this important position. Even the vast and clear mind of the late chief justice of the United States, which never failed to disembarrass and elucidate the most obscure and intricate subject, appears to have shrunk from this. In all his judicial opinions in which the question has been presented, the unity or identity of the people of the United States has been taken as a postulatum, without one serious attempt to prove it. The continued repetition of this idea, and the boldness with which it is advanced, have, I am induced to think, given it an undue credit with the public. Few men, far too few, inquire narrowly into the subject, and even those who do, are not in general sceptical enough to doubt what is so often and preremptorily asserted; and asserted too with that sort of hardy confidence which seems to say, that all argument to prove it true would be supererogatory and useless. It is not, therefore, out of place, nor out of time, to refresh the memory of the reader, in regard to those well established historical facts, which are sufficient in themselves, to prove that the foundation on which the consolidationists build their theory is unsubstantial and fallacious.

I would not be understood as contending, in what I have already said, that the Constitution is *necessarily* federative, *merely* because it was made by the states as such, and not by the aggregate people of the United States. I readily admit, that although the previous system was strictly federative, and *could* not have been changed except by the states who made it, yet there was nothing to prevent the states from surrendering, in the provisions of the new system which they adopted, all their power, and even their separate existence, if they chose to do so. The true inquiry is, therefore, whether they have in fact done so, or not; or, in other words, what is the true character, in this respect, of the present Constitution. In this inquiry, the history of their previous condition, and of the Constitution itself, is highly influential and important.

The author, carrying out the idea of a unity between the people of the United States, which, in the previous part of his work, he had treated as a postulatum, very naturally, and indeed necessarily, concludes that the Constitution is not a *compact* among sovereign states. He contends that [it is "not a contract imposing mutual obligations, and contemplating the permanent subsistence of parties having an independent right to construe, control, and judge of its obligations. If in this latter sense, it is to be deemed a compact, it must be, either because it contains, on its face, stipulations to that effect, or because it is necessarily implied, from the nature and objects of a frame of government."

There is a want of appositeness and accuracy in the first sentence of this extract, which renders it somewhat difficult to determine whether the author designed it as a single proposition, or as a series of independent propositions. If the first, there is not one person in the United States, it is presumed, who would venture to differ from him. I confess, however, that I do not very clearly discern what bearing it has on the question he was examining. It involves no point of difference between political parties, nor does it propound any question which has heretofore been contested, or which may be expected to arise hereafter, touching the true nature of the Constitution. If he

designed a series of propositions, then the two first are so obviously false, that the author himself would not venture to maintain them, and the last is so obviously true, that no one would dream of denying it. For example. He can scarcely mean to say that our government is not a "contract," whether made by the states as such, or by "the people of the United States;" and it is perfectly clear that it "contemplates the permanent subsistence of the parties to it," whoever those parties may be. These two propositions therefore, taken distinctly, are not true in themselves, and neither of them was necessary, as qualifying or forming a part of the third. And, as to the third, it is not easy to see why he announced it, since it never entered into the conception of any one, that the parties to the Constitution had "an independent right," as a general right, "to construe, *control*, or judge of its obligations." We all admit that the power and authority of the federal government, within its constitutional sphere, are superior to those of the states, in some instances, and co-ordinate in others, and that every citizen is under an absolute obligation to render them respect and obedience; and this *simply because his own state, by the act of ratifying the Constitution, has commanded him to do so.* We all admit it to be true, as a general proposition, that no citizen nor state has an independent right to "construe," and still less to "control," the constitutional obligations of that government; and that neither a citizenn or a state can "judge," that is, *decide* on the nature and extent of those obligations, with a view to control them. All that has ever been contended for is, that a state has a right to judge of its *own* obligations, and consequently to judge of those of the federal government, so far as they relate to *such state itself*, and no farther. It is admitted on all hands, that when the federal government *transcends* its constitutional power, and when, of course, it is not acting within its "obligations," the parties to that government, whoever they may be, are no longer under any duty to respect or obey it. This has been repeatedly affirmed by our courts, both state and federal, and has never been denied by any class of politicians. Who then is to determine, whether it has so transcended its constitutional obligations or not? It is admitted that to a certain extent the supreme court is the proper tribunal in the last resort, because the states, in establishing that tribunal, have expressly agreed to make it so. The jurisdiction of the federal courts extends to certain cases, affecting the rightsof the individual citizens, and to certain others affecting those of the individual states. So far as the federal government is authorized to act on the individual citizen, the powers of the one and the rights of the other are properly determinable by the federal courts. And the decision is binding too, and absolutely final, so far as the relation of the citizen to the *federal government* is concerned. There is not within that system, any tribunal of appeal, from the decisions of the supreme court. And so also of those cases in which the rights of *the states* are referred to the federal tribunals. In this sense and to this extent, it is strictly true that the parties have not "an independent right to construe, control, and judge, of the obligations" of the federal government, but they are bound by the decisions of the federal courts, so far as they have authorized and agreed to submit to them. But there are many cases involving the question of federal power which are not cognizable before the federal courts; and, of course, as to these, we must look out for some other umpire. It is precisely in this case that the question, who are the parties to the constitution, becomes all-important and controlling. If the

states are parties as sovereign states, then it follows, as a necessary consequence, that each of them has the right which belongs to every sovereignty, to construe its own contracts and agreements, and to decide upon its own rights and powers. I shall take occasion in a subsequent part of this review, to enter more fully into the question, who is the common umpire. The statement here given, of the leading point of difference between the great political parties of the country, is designed only to show that the author's proposition does not involve it. That propsition may mislead the judgment of the reader, but cannot possibly enlighten it, in regard to the true nature of the constitution!

He has been scarcely less unfortunate in the next proposition. Taking his words in their most enlarged sense, he is probably correct in his idea, though he is not accurate in his language; but in the sense in which his own reasoning shows that he himself understands them, his proposition is wholly untenable. If, by the words "stipulations to that effect," he means simply that the effect must necessarily result from the provisions of the Constitution, he has merely asserted a truism which no one will dispute with him. Certainly, if it does not result from the nature of all government, that it is a compact, and if there be nothing in our Constitution to show that it is so, then it is *not* a compact. His own reasoning, however, shows that he means by the word "stipulations," something in the nature of *express* agreement or declaration; and, in that sense, the proposition is obviously untrue, and altogether defective as a statement for argument. It is very possible that our Constitution may be a compact, even though it contain no express agreement or declaration so denominating it, and though it may not "result from the nature and objects of *a* frame of government," that it is so, and iths simply because it may "result from the nature and objects of *our* government" that it is a compact, whether such be the result of *other* governments or not. If the author designed to take this view of the subject, the examination which he has given of the Constitution, in reference to it, is scarcely as extended and philosophical as we had a right to expect from him. He has not even alluded to the frame and structure of the government in its several departments, or presented any such analysis of it in any respect, as to enable the reader to form any satisfactory conclusion as to its true character in the particular under consideration. Every thing which he has urged as argument to prove his proposition, may well be true, and every sentence of the Constitution, which he has cited for that purpose, may be allowed its full effect, and yet our government may be a compact, even in the strictest sense in which he has understood the term.

His first argument is, that the "United States were no strangers to compacts of this nature," and that those who ratified the Constitution, if they had meant it as a compact, would have used "appropriate *terms*" to convey that idea. I have already shown that if he means by this, that the Constitution would have contained some express declaration to that effect, he is altogether inaccurate. He himself knows as a *judge*, that a deed, or other instrument, receives its distinctive character, not from the *name* which the parties may choose to give to it, but from its *legal effect and operation.* The same rule applies to constitutions. Ours is a compact or not, precisely as its provisions make it so, or otherwise. The question, who are the parties to it, may influence, and ought to influence, the construction of it in this respect; and I propose presently to show, from this and other views of it, that it is, in its

nature, "a mere confederation," and not a consolidated government, in any one respect. It *does*, therefore, contain "appropriate terms," if we take those words in an enlarged sense, to convey the idea of a compact.

Our author supposes, however, that a "conclusive" argument upon this subject is furnished by that clause of the Constitution which declares that "This Constitution, and the laws of the United States, which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state, shall be bound thereby, any thing in the constitution or laws of any state to the contrary notwithstanding." Hence he concludes that "the people of any state cannot, by any form of its own constitution or laws, or other proceedings, repeal, or abrogate, or suspend it."

Here again the author displays a want of proper definiteness and precision, in the statement of his proposition. The people who *make* a law, can, upon the principles of all our institutions, either "repeal or abrogate or suspend it;" and if, as he supposes, our constitution was made by "the people of the United States," in the aggregate, then "the people of any state," or of half a state, may repeal, or abrogate, or suspend it, if they happen to be a majority of the whole. The argument, therefore, if we are to take it in the full latitude in which it is laid down, is not sound, upon the author's own principles; and it can avail nothing, except upon the very supposition which he disallows; to wit, that the Constitution was formed by the states, and not by the people of the United States. Even in this acceptation, however, I am at a loss to perceive how it establishes the proposition with which he set out; to wit, that the Constitution is not a compact. Certainly it is very possible so to frame a compact, that no party to it shall have a right either to "repeal or abrogate or suspend it;" and if it be possible to do so, then the mere absence of such right does not even *tend* to disprove the existence of compact. Our own Constitution, even in the opinion of those who are supposed by the author to be least friendly to it, is a compact of precisely this nature. The Nullifier contends only for the right of a state to *prevent the Constitution from being violated by the general government*, and not for the right either to repeal, abrogate or suspend it. The Seceder asserts only that a state is competent to withdraw from the union whenever it pleases; but does not assert that in so doing it can repeal, or abrogate, or suspend the Constitution, as to the other states. Secession would, indeed, utterly destroy the compact as to the seceding party; but would not necessarily affect its obligation as to the rest. If it would, then the rest would have no right to coerce the seceding state, nor to place her in the attitude of an enemy. It is certain, I think, they would *not* have such right; but those who assert that they would—and the author is among the number—must either abandon that idea, or they must admit that the act of secession does not break up the Constitution, except as to the seceding state. For the moment the Constitution is destroyed, all the authorities which it has established cease to exist. There is no longer such a government as that of the United States, and of course they cannot, as such, either make any demand, or assert any right, or enforce any claim.

The conclusion, however, to which our author has arrived, upon this point, is not that to which he originally designed that his premises should conduct him. The question of the right of a party to a compact, to repeal or abrogate or suspend it, does not enter into his original proposition, nor result from the

argument which he had immediately before used to sustain it. The proposition is, that our Constitution is not a compact, and the argument is, that it is not a compact, because it is a supreme law. The same idea is substantially reaffirmed in the next argument, by which he proposes to prove the main proposition. "The design (of the Constitution) is to establish a government. This, of itself, imports legal obligation, permanence, and uncontrollability by any, but the authorities authorized to alter or abolish it."

Admitting, as I cheerfully do, that all this is strictly true, I am yet unable to perceive how it demonstrates that our Constitution is not a compact. May not a compact between sovereign states, be a government? Is there any such necessary rastraint upon, or incident of, sovereign power, that it cannot, in any possible exercise of it, produce such a result? If there is, then it was incumbent on the author to show it, because if there is not, his argument is of no force; and he himself will admit, that the proposition, to say the least of it, is not quite clear enough to be taken as a postulate. His own historical information, if he had drawn on its ample funds, must have furnished him with numerous instances of governments established by compact. He need not, however, have gone beyond our own confederation, which, although a compact among sovereign states, in the strictest sense, was yet treated as a government by the people at home, and recognized as such by all foreign powers. It was also "supreme," within its prescribed sphere of action; its rights and powers over the most important subjects of general concern were not only superior to those of the states, but were *exclusive*. The author's proposition and argument, reduced to their simple terms, may be thus stated. "Our Constitution is not a compact, because it is a government, and because that government is the supreme law." There are few minds, I think, prepared to embrace this conclusion, or to discern the connexion which it has with the premises. There are still fewer who will not feel surprise, that our *author* should have formed such a conclusion, since an instance to disprove it, furnished by the history of his own country, and existing in his own times, had but just passed under his critical examination and review.

The remaining arguments upon this point are merely inferences drawn from the absence of *express* words in the Constitution, or from the opinions of members of the various conventions, expressed in the debates concerning it. These have already been sufficiently examined. Taking his whole chapter upon this subject together, the reader will probably think that it does not answer the expectations which the public have formed upon the author's powers as a reasoner. His political opponents will be apt to think, also, that he has done something less than justice to them, in the view which he has given of their principles. After labouring, in the way we have seen, to prove that our Constitution is not a compact, he informs us that "The cardinal conclusion for which this doctrine of a compact has been, with so much ingenuity and ability, forced into the language of the Constitution (for the latter nowhere alludes to it), is avowedly to establish that, in construing the Constitution, there is no common umpire; but that, each state, nay, each department of the government of each state, is the supreme judge for itself, of the powers and rights and duties arising under that instrument."

The author must excuse me—I mean no disrespect to him—if I express my unfeigned astonishment that he should have admitted this passage into a grave and deliberate work on the Constitution. He must, indeed, have been

a most careless observer of passing events, and a still more careless reader of the publications of the last ten years, upon this very point, if he has found either in the one or the other, the slightest authority for the opinion which is here advanced. The most ultra of those who have contended for the rights of the states have asserted no such doctrine as he has imputed to them. Neither is it the necessary or legitimate consequence of any principle which they have avowed. I cannot impute to an author of his acknowledged ability, the weakness of stating a proposition merely for the sake of the poor triumph of refuting it. With what other motive, then did he make a statement which is unsupported, as matter of fact; which involves no disputed or *doubted* question of constitutional law, and which attributes to a large class of his fellow citizens opinions which would justly expose them to the scorn of all correct thinkers? That class profess to hold, in their utmost latitude and in their strictest applications, the doctrines of the state rights' school of politics. They believe that those doctrines contain the only principle truly conservative of our Constitution; that without them there is no effective check upon the federal government, and of course that that government can increase its own powers to an indefinite extent; that this must happen in the natural course of events, and, that, ultimately, the whole character of our government will be so changed, that even its *forms* will be rejected as cumbrous and useless, under the monarchy, in substance, into which we shall have insensibly glided. It is, therefore, because they are lovers of the constitution and of the union, that they contend strenuously for the rights of the states. They are no lovers of anarchy nor of revolution. Their principles will cease to be dear to them, whenever they shall cease to subserve the purposes of good order, and of regular and established government. It is their object to preserve the institutions of the country as they are, sincerely believing that nothing more than this is necessary to secure to the people all the blessings which can be expected from any government whatever. They would consider themselves but little entitled to respect as a political party if they maintained the loose, disjointed, and worse than puerile notions which the author has not thought it unbecoming to impute to them.

It is the peculiar misfortune of the political party to which I have alluded, to be misunderstood and misrepresented in their doctrines. The passage above quoted affords not the least striking instance of this. It is a great mistake to suppose that they have ever contended that the right of state interposition was given in the express terms of the Constitution; and, therefore, they have *not* "forced this principle into the language of that instrument. The right in question is supposed to belong to the states, only because *it is an incident of their sovereignty, which the Constitution has not taken away.* The author, it is presumed, could scarcely have failed to perceive the difference of the two propositions, nor could he have been unconscious that they did not depend upon the same course of investigation or reasoning. And it is not true, so far as my information extends, that any political party has ever asserted, *as a general proposition*, that, in construing the Constitution, there is no common umpire. Cases have already been stated, in which the supreme court is universally admitted to be the common umpire, and others will be stated when we come more directly to that part of our subject. In the broad sense, then, in which the author lays down the proposition, it has never been contended for by any political party whatever. Neither is it true, as he is pleased to assert,

that any political party has ever supposed, that "each department of the government of each state" had a right to "judge for itself, of the powers, rights and duties, arising under" the Constitution. By the word "judge," he must be understod to mean *decide finally*; and, in this sense, I venture to affirm that no political party, nor political partizan, even in the wildest dream of political phrensy, has ever entertained the absurd notion here attributed to them. It is difficult to suppose that the author could have been uninformed of the fact, that nothing short of the power of all the states, acting through its own constituted authorities, has ever been deemed of the least force in this matter. The better and more prevalent opinion is, that a state cannot properly so act, except by a convention called for that express purpose. This was the course pursued by South Carolina; but in the case of the alien and sedition laws, Virginia acted through her ordinary legislature. As to this matter, however, the legislature was very properly considered as representing the power of the *whole* state.

Thus, in the short paragraph above quoted, the author has fallen into three most remarkable errors, proving that he has, in the strangest way imaginable, misunderstood the principles which he has attempted to explain. The young and plastic minds to which he addressed himself, with the professed object of instructing them in the *truths* of constitutional interpretation, will look in vain for the publication or other authority which sustains him. And the political party whose principles he has endeavoured to hold up to reproach, has a right to demand of him, why he has chosen to attribute to them absurd and revolutionary notions, unworthy alike of their patriotism and their reason.

It is submitted to the reader's judgment to determine how far the reasoning of the author, which we have just examined, supports his position that our Constitution is not a compact. The opinion of that congress which recommended the call of the convention seems to have been very different; they, at least, did not suppose that a compact could not be a government. Their resolution recommends the call of a convention, for the purpose of "revising the articles of confederation, and reporting such alterations and provisions *therein*, as would render the *federal constitution* adequate to the exigencies of government, and the preservation of the union." In the opinion of congress, the articles of confederation, which were clearly a compact, were an *inadequate* constitution, and therefore, they recommended such alterations and provisions *therein*, as would make that same compact an *adequate* constitution. Nothing is said about forming a new government, or changing the essential character of the existing one; and, in fact, no such thing was contemplated at the time. "The sole and exclusive purpose" of the convention was so to amend, or add to, the provisions of the articles of confederation, as would form "a more perfect union," &c. upon the principles of the union already existing. It is clear, therefore, that, in the opinion of congress, and of all the states that adopted their recommendation, that union or compact was a constitution of government.

It is worty of remark, that of the states, New Hampshire and the author's own state of Massachusetts, expressly call the Constitution a compact, in their acts of ratification; and no other state indicates a different view of it. This tends to prove that public opinion at the time had not drawn the nice distinction which is now insisted on, between a government and a compact; and that those who for eight years had been living under a compact, and form-

ing treaties with foreign powers by virtue of its provisions, had never for a moment imagined that it was not a government.

But little importance, however, ought to be attached to reasoning of this kind. Those who contend that our Constitution is a compact, very properly place their principles upon much higher ground. They say that the Constitution is a compact, *because it was made by sovereign states, and because that is the only mode in which sovereign states treat with one another.* The conclusion follows irresistibly from the premises; and those who would deny the one, are bound to disprove the other. Our adversaries *begin* to reason at the very point at which reasoning becomes no longer necessary. Instead of disproving our premises, they *assume* that they are wrong, and then triumphantly deny our conclusion also. If we establish that the Constitution was made by the states, and that they were, at the time, distinct, independent and perfect sovereignties, it follows that they could not treat with one another, even with a *view* to the formation of a new common government, except in their several and sovereign characters. They must have maintained the same character, when they entered upon that work, and throughout the whole progress of it. Whatever the government may be, therefore, in its essential character, whether a federative or a consolidative government, it is still a compact, or the result of a compact, because those who made it *could not* make it in any other way. In determining its essential character, therefore, we are bound to regard it as a compact, and to give it such a construction as is consistent with that idea. We are not to *presume* that the parties to it designed to change the character in which they negotiated with one another. Every fair and legitimate inference is otherwise. Its sovereignty is the very last thing which a nation is willing to surrender; and nothing short of the clearest proof can warrant us in concluding that it has surrendered it. In all cases, therefore, where the language and spirit of the Constitution are doubtful, and even where their most natural construction would be in favour of consolidation, (if there be any such case,) we should still incline against it, and in favour of the rights of the states, unless no other construction can be admitted.

Having disposed of this preliminary question, we now approach the Constitution itself. I affirm that it is, in its structure, a federative and not a consolidated government; that it is so, in all its departments, and in all its leading and distinguishing provisions; and, of course, that it is to be so interpreted, *by the force of its own terms*, apart from any influence to be derived from that rule of construction which has just been laid down. We will first examine it in the structure of its several departments.

The Legislature.—This consists of two houses. The senate is composed of two members from each state, chosen by its own legislature, whatever be its size or population, and is universally admitted to be strictly federative in its structure. The house of representatives consists of members chosen in each state, and is regulated in its numbers, according to a prescribed ratio of representation. The number to which each state is entitled is proportioned to its own population, and not to the population of the United States; and if there happen to be a surplus in any state less than the established ratio, that surplus is not added to the surplus or population of any other state, in order to make up the requisite number for a representative, but is wholly unrepresented. In the choice of representatives, each state votes by itself, and for its own repre-

sentatives, and not in connexion with any other state, nor for the representatives of any other state. Each state prescribes the qualifications of its own voters, the Constitution only providing that they shall have the qualifications which such state may have prescribed for the voters for the most numerous branch of its own legislature. And, as the *right* to vote is prescribed by the state, the *duty* of doing so cannot be enforced, except by the authority of the state. No one can be elected to represent any state, except a citizen thereof. Vacancies in the representation of any state, are to be supplied under writs of election, issued by the executive of such state. In all this, there is not one feature of nationality. The whole arrangement has reference to the states as such, and is carried into effect solely by their authority. The federal government has no agency in the choice of representatives, except only that it may prescribe the "times, places and manner, of holding elections." It can neither prescribe the qualifications of the electors, nor impose any penalty upon them, for refusing to elect. The states alone can do these things; and of course, the very existence of the house of representatives depends, as much as does that of the senate, upon the action of the states. A state may withdraw its representation altogether, and congress has no power to prevent it, nor to supply the vacancy thus created. If the house of representatives were national, in any practical sense of the term, the "nation" would have authority to provide for the appointment of its members, to prescribe the qualifications of voters, and to enforce the performance of that duty. All these things the state legislatures can do, within their respective states, and it is obvious that they are strictly national. In order to make the house of representatives equally so, the people of the United States must be so consolidated that the federal government may distribute them, without regard to state boundaries, into numbers according to the prescribed ratio; so that *all* the people may be represented, and no unrepresented surplus be left in any state. If these things could be done under the Federal Constitution, there would then be a strict analogy between the popular branches of the federal and state legislatures, and the former might, with propriety, be considered "national." But it is difficult to imagine a national legislature which does not exist under the authority of the nation, and over the very appointment of which the nation, as such, can exert no effective control.

There are only two reasons which I have ever heard assigned for the opinion that the house of representatives is national, and not federative. The first is, that its measures are carried by the votes of a majority of the *whole number*, and not by those of a majority of the states. It would be easy to demonstrate that this fact does not warrant such a conclusion; but all reasoning is unnecessary, since the conclusion is disproved by the example of the other branch of the federal legislature. The senate, which is strictly federative, votes in the same way. The argument, therefore, proves nothing, because it proves too much.

The second argument is, that the states are not *equally* represented, but each one has a representation proportioned to its population. There is no reason, apparent to me, why a league may not be formed among independent sovereignties, giving to each an influence in the management of their common concerns, proportioned to its strength, its wealth, or the interest which it has at stake. This is but simple justice, and the rule ought to prevail in all cases, except where higher considerations disallow it. History abounds with ex-

amples of such confederations, one of which I will cite. The States General of the United Provinces were strictly a federal body. The council of state had almost exclusively the management and control of all their military and financial concerns; and in that body, Holland and some other provinces had three votes each, whilst some had two, and others only one vote each. Yet it never was supposed that for this reason the United Provinces were a consolidated nation. A single example of this sort affords a full illustration of the subject, and renders all farther argument superfluous.

It is not, however, from the apportionment of its own powers, nor from the modes in which those powers are exercised, that we can determine the true character of a legislative body, in the particular now under consideration. The true rule of decision is found in the manner in which the body is constituted; and that, we have already seen, is, in the case before us, federative, and not national.

We may safely admit, however, that the house of representatives is not federative, and yet contend, with perfect security, that *the legislative department* is so. Congress consists of the house of representatives and senate. Neither is a complete legislature, in itself, and neither can pass any law without the concurrence of the other. And, as the senate is the peculiar representative of the states, no act of legislation whatever can be performed, without the consent of the states. They hold, therefore, a complete check and control over the powers of the people in this respect, even admitting that those powers are truly and strictly represented in the other branch. It is true that the check is mutual; but if the legislative department were national, there would be no federative feature in it. It cannot be replied, with equal propriety, that, if it were federative, there would be no national feature in it. The question is, whether or not the states have preserved their distinct sovereign characters, in this feature of the Constitution. If they have done so, in any part of it, the whole must be considered federative; because national legislation implies a *unity*, which is absolutely inconsistent with all idea of a confederation; whereas, there is nothing to prevent the members of a confederation from exerting their several powers, in any form of *joint action* which may seem to them proper.

But there is one other provision of the Constitution which appears to me to be altogether decisive upon this point. Each state, whatever be its population, is entitled to at least one representative. It may so happen that the unrepresented surplus, in some one state, may be greater than the whole population of some other state; and yet such latter state would be entitled to a representative. Upon what principle is this? Surely, if the house of representatives were national, something like *equality* would be found in the constitution of it. Large surpluses would not be arbitrarily rejected in some places, and small numbers, not equal to the general ratio, be represented in others. There can be but one reason for this: As the Constitution was made by the states, the true principles of the confederation could not be preserved, without giving to each party to the compact a place and influence in each branch of the common legislature. This was due to their perfect *equality* as sovereign states.

The Executive.—In the election of the president and vice president, the exclusive agency of the states, as such, is preserved with equal distinctness. These officers are chosen by electors, who are themselves chosen by the people

of each state, acting by and for itself, and in such mode as itself may prescribe. The number of electors to which each state is entitled is equal to the whole number of its representatives *and senators*. This provision is even more federative than that which apportions representation in the house of representatives; because it adds two to the electors of each state, and, so far, places them upon an equality, whatever be their comparative population. The people of each state vote *within* the state, and not elsewhere; and for their own electors, and for no others. Each state prescribes the qualifications of its own electors, and can alone compel them to vote. The electors, when chosen, give their votes within their respective states, and at such times and places as the states may respectively prescribe.

There is not the least trace of national agency, in any part of this proceeding. The federal government can exercise no rightful power in the choice of its own executive. "The people of the United States" are equally unseen in that important measure. Neither a majority, nor the whole of them together, can choose a president, except in their character of citizens of the several states. Nay, a president may be constitutionally elected, *with a decided majority of the people against him*. For example, New York has forty-two votes, Pennsylvania thirty, Virginia twenty-three, Ohio twenty-one, North Carolina fifteen, Kentucky fourteen, and South Carolina fifteen. These seven states can give a majority of all the votes, and each may elect its own electors by a majority of only one vote. If we add their minorities to the votes of the other states, (supposing those states to be unanimous against the candidate,) we may have a president constitutionally elected, with less than half—perhaps with little more than a fourth—of the people in his favour. It is true that he may also be constitutionally elected, with a majority of the *states*, as such, against him, as the above example shows; because the states may, as before remarked, properly agree, by the provisions of their compact, that they shall possess influence, in this respect, proportioned to their population. But there is no mode, consistent with the true principles of free, representative government, by which a minority of those to whom *en masse*, the elective franchise is confided can countervail the concurrent and opposing action of the majority. If the president could be chosen by the people of "the United States" in the aggregate, instead of by the states, it is difficult to imagine a case in which a majority of those people, concurring in the same vote, could be overbalanced by a minority.

All doubt upon this point, however, is removed by another provision of the Constitution touching this subject. If no candidate should receive a majority of votes in the electoral colleges, the house of representatives elects the president, from the three candidates who have received the largest electoral vote. In doing this two-thirds of the states must be present by their representatives, or one of them, and then *they vote by states, all the members from each state giving one vote, and a majority of all the states being necessary to a choice.* This is precisely the rule which prevailed in the ordinary legislation of that body, under the articles of confederation, and which proved its federative character, as strongly as any other provision of those articles. Why, then, should this federative principle be preserved, in the election of the president by the house of representatives, if it was designed to abandon it, in the election of the same officer by the electoral colleges? No good reason for it has yet been assigned, so far as I am informed. On the contrary, there is every just reason to

suppose, that those who considered the principle safe and necessary in one form of election, would adhere to it as equally safe and necessary in every other, with respect to the same public trust. And this is still farther proved by the provision of the Constitution relating to the election of the *vice* president. In case of the death or constitutional disability of the president, every executive trust devolves on him; and, of course, the same general principle should be applied, in the election of both of them. This is done in express terms, so far as the action of the electoral colleges is contemplated. But if those colleges should fail to elect a vice president, that trust devolves on the *senate*, who are to choose from the two highest candidates. Here the federative principle is distinctly seen; for the senate is the representative of the states.

This view of the subject is still farther confirmed by the clause of the Constitution relating to impeachments. The power to try the president is vested in the senate alone, that is, in the representatives of the states. There is a strict fitness and propriety in this; for those only, whose officer the president is, should be entrusted with the power to remove him.

It is believed to be neither a forced nor an unreasonable conclusion from all this, that the executive department is, in its structure, strictly federative.

The Judiciary.—The judges are nominated by the president, and approved by the senate. Thus the nominations are made by a federative officer, and the approval and confirmation of them depend on those who are the exclusive representatives of the states. This agency is manifestly federative, and "the people of the United States" cannot mingle in it, in any form whatever.

As the Constitution is federative in the structure of all three of its great departments, it is equally so *in the power of amendment.*

Congress may *propose* amendments, "whenever two-thirds of both houses shall deem it necessary." This secures the states against any action upon the subject, by the people at large. In like manner, congress may call a convention for proposing amendments, "on the application of the legislatures of two-thirds of the several states." It is remarkable that, whether congress or the states act upon this subject, the *same proportion* is required; not less than two-thirds of either being authorized to act. From this it is not unreasonable to conclude, that the convention considered that the *same power* would act in both cases; to wit, the power of the states, who might effect their object either by their separate action as states, or by the action of congress, their common federative agent; but, whether they adopted the one mode or the other, not less than two-thirds of them should be authorized to act efficiently.

The amendments thus proposed "shall be valid to all intents and purposes, as part of this Constitution, *when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof*, as the one or the other mode of ratification may be proposed by congress." It is the act of adoption or ratification alone which makes a constitution. In the case before us, the states alone can perform that act. The language of the Constitution admits of no doubt, and gives no pretext for double construction. It is not the people of the United States in the aggregate, merely *acting* in their several states, who can ratify amendments. *Three fourths of the several states* can alone do this. The idea of separate and independent political corporations could not be more distinctly conveyed, by any form of words. If the people of the United States, as one people, could ratify amendments, then the very language of the Constitution requires that *three fourths of them* shall concur

therein. Is it not, then, truly wonderful, that no mode has yet been prescribed to ascertain whether three-fourths of them do concur or not? By what power can the necessary arrangement upon this point be effected? In point of fact, amendments have already been made, in strict conformity with this provision of the Constitution. We ask our author, whether three-fourths of the people of the United States concurred in those amendments or not; and if they did, whence does he derive the proof of it?

If our author, and the politicians of his school, be correct in the idea, that the Constitution was formed by "the people of the United States," and not by the states, as such, this clause relating to amendments presents a singular anomaly in politics. Their idea is, that the state sovereignties were merged, to a certain extent, in that act, and that the government established was emphatically the government of the people of the United States. And yet, those same people can neither alter nor amend that government! In order to perform this essential function, it is necessary to call again into life and action those very state sovereignties which were supposed to be merged and dead, by the very act of *creating* the instrument which they are required to amend! To alter or amend a government requires the same extent of power which is requird to *form* one; for every alteration or amendment is, as to so much, a new government. And, of all political acts, the formation of a constitution of government is that which admits and implies, the most distinctly and to the fullest extent, the existence of absolute, unqualified, unconditional and unlimited sovereignty. So long, therefore, as the power of amending the Constitution rests exclusively with the states, it is idle to contend that they are less sovereign now than they were before the adoption of that instrument.

The idea which I am endeavouring to enforce, of the federative character of the Constitution, is still farther confirmed by that clause of the article under consideration, which provides that no amendment shall be made to deprive any state of its equal suffrage in the senate, without its own consent. So strongly were the states attached to that perfect equality which their perfect sovereignty implied, and so jealous were they of every attack upon it, that they guarded it, by an express provision of the Constitution, against the possibility of overthrow. All other rights they confided to the power of amendment which they reposed in three-fourths of all the states; but *this* they refused to entrust, except to the separate, independent and sovereign will of each state; giving to each, in its own case, an absolute negative upon all the rest.*

The object of the preceding pages has been to show that the Constitution is federative, in the power which framed it; federative in the power which adopted and ratified it; federative in the power which sustains and keeps it alive; federative in the power by which alone it can be altered or amended; and federative in the structure of all its departments. In what respect, then, can it justly be called a consolidated or national government? Certainly, the mere fact that, in particular cases, it is authorized to act directly on the people, does

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* So absolutely is the federal government dependent on the states for its existence at all times, that it may be absolutely dissolved, without the least violence, by the simple refusal of a part of the states to act. If, for example, a few states, having a majority of electoral votes, should refuse to appoint electors of president and vice president, there would be no constitutional executive, and the whole machinery of the government would stop.

not disprove its federative character, since that very sovereignty in the states, which a confederation implies, includes within it the right of the state to subject its own citizens to the action of the common authority of the confederated states, in any form which may seem proper to itself. Neither is our Constitution to be deemed the less federative because it was the object of those who formed it to establish "a government," and one effective for all the legitimate purposes of government. Much emphasis has been laid upon this word, and it has even been thought, by one distinguished statesman of Judge Story's school, that ours is "*a government proper*," which I presume implies that it is a government in a peculiarly emphatic sense. I confess that I do not very clearly discern the difference between a government and a government proper. Nothing is a government which is not *properly* so; and whatever is properly a government, is a government proper. But whether ours is a "government proper," or only a simple government, does not prove that it is not a confederation, unless it be true that a confederation cannot be a government. For myself, I am unable to discover why states, absolutely sovereign, may not create for themselves, by compact, a common government, with powers as extensive and supreme as any sovereign people can confer on a government established by themselves. In what other particular ours is a consolidated or national government, I leave it to the advocates of that doctrine to show.

We come now to a more particular and detailed examination of the question, "Who is the final judge or interpreter in constitutional controversies?" The fourth chapter of this division of the author's work is devoted to this inquiry; and the elaborate examination which he has given to the subject shows that he attached a just importance to it. The conclusion, however, to which he has arrived, leaves still unsettled the most difficult and contested propositions which belong to this part of the Constitution. His conclusion is, that, "in all questions of a judicial nature," the supreme court of the United States is the final umpire; and that the *states*, as well as individuals, are absolutely bound by its decisions. His reasoning upon this part of the subject is not new, and does not strike me as being particularly forcible. Without deeming it necessary to follow him in the precise order of his argument, I shall endeavour to meet it in all its parts, in the progress of this examination. Its general outline is this: It is within the proper function of the judiciary to interpret the law; the Constitution is the supreme law, and therefore it is within the proper function of the judiciary to interpret the Constitution; of course, it is the province of the federal judiciary to interpret the Federal Constitution. And as that Constitution, and all laws made in pursuance thereof, are the supreme law of the land, anything in the laws or constitution of any state to the contrary notwithstanding, therefore, the interpretations of that Constitution, as given by the supreme court, are obligatory, final and conclusive, upon the people and the states.

Before we enter upon this investigation, it is proper to place the proposition to be discussed in terms somewhat more definite and precise than those which the author has employed. What, then, is meant by "final judge and interpreter?" In the ordinary acceptation of these terms, we should understand by them a tribunal having lawful cognizance of a subject, and from whose decisions there is no appeal. In this view of the question there can be no difficulty in admitting that the decisions of the supreme court are final and conclusive. Whatever comes within the legitimate cognizance of that tribunal,

it has a right to decide, whether it be a question of the law, or of the Constitution; and no other tribunal can reverse its decision. The Constitution, which creates the supreme court, creates no other court of superior or appellate jurisdiction to it; and, consequently, its decisions are strictly "final." There is no power *in the same government to which that court belongs*, to reverse or control it, nor are there any means *therein* of resisting its authority. So far, therefore, as the *Federal Constitution* has provided for the subject at all, the supreme court is, beyond question, the final judge or arbiter; and this, too, whether the jurisdiction which it exercises be legitimate or usurped.

The terms "constitutional controversies" are still more indefinite. Every controversy which is submitted to the decision of a judicial tribunal, whether state or federal, necessarily involves the constitutionality of the law under which it arises. If the law be not constitutional, the court cannot enforce it, and, of course, the question whether it be constitutional or not, necessarily arises in every case to which the court is asked to apply it. The very act of enforcing a law presupposes that its constitutionality has been determined. In this sense, every court, whether state or federal, is the "judge or arbiter of constitutional controversies," arising in causes before it; and, if there be no appeal from its decision, it is the "final" judge or arbiter, in the sense already expressed.

Let us now enquire *what* "constitutional controversies" the federal courts have authority to decide, and how far its decisions are final and conclusive against all the world.

The third article of the Constitution provides that "The judicial power shall extend to all cases in law and equity, arising under this Constitution, the laws of the United States, and the treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states; between a state and citizens of another state; between citizens of different states, between citizens of the same state claiming lands under grants of different states; and between a state and the citizens thereof, and foreign states, citizens, or subjects."

The eleventh amendment provides that "The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States, by citizens of another state, or by citizens or subjects of any foreign state."

It will be conceded on all hands that the federal courts have no jurisdiction except what is here conferred. The judiciary, as a part of the federal government, derives its powers only from the Constitution which creates that government. The term "cases" implies that the subject matter shall be proper for judicial decision; and the *parties* between whom alone jurisdiction can be entertained, are specifically enumerated. Beyond these "cases" and these parties they have no jurisdiction.

There is no part of the Constitution in which the framers of it have displayed a more jealous care of the rights of the states, than in the limitations of the judicial power. It is remarkable that no power is conferred except what is absolutely necessary to carry into effect the general design, and accomplish the general object of the states, as independent, confederated states. The federal tribunals cannot take cognizance of any case whatever in which all the states

have not an equal and common interest that a just and impartial decision shall be had. A brief analysis of the provisions of the Constitution, will make this sufficiently clear.

Cases "arising under the Constitution" are those in which some right or privilege is denied, which the Constitution confers, or something is done, which the Constitution prohibits, as expressed in the Constitution itself. Those which arise "under the laws of the United States" are such as involve rights or duties, which result from the legislation of Congress. Cases of these kinds are simply the carrying out of the compact or agreement made between the states, by the Constitution itself, and, of course, all the states are alike interested in them. For this reason alone, if there were no other, they ought to be entrusted to the common tribunals of all the states. There is another reason, however, equally conclusive. The judicial should always be at least co-extensive with the legislative power; for it would be a strange anomaly, and could produce nothing but disorder and confusion, to confer on a government the power to *make* a law, without conferring, at the same time, the right to interpret, and the power to enforce it.

Cases arising under treaties, made under the authority of the United States, and those "affecting ambassadors and other public ministers and consuls,' could not properly be entrusted to any other than the federal tribunals. Treaties are made under the common authority of all the states, and all, alike, are bound for the faithful observance of them. Ambassadors and other public ministers and consuls are received under the common authority of all the states, and their duties relate only to matters involving alike the interests of all. The peace of the country, and the harmony of its relations with foreign powers, depend, in a peculiar degree, on the good faith with which its duties in reference to these subjects are discharged. Hence it would be unsafe to entrust them to any other than their own control; and even if this were not so, it would be altogether incongruous to appeal to a state tribunal, to enforce the rights, the obligations, or the duties of the United States. For like reasons, cases of admiralty and maritime jurisdiction are properly entrusted to the federal tribunals.

Controversies to which the United States shall be a party should, upon general principles, belong only to her own courts. There would be neither propriety nor justice in permitting any one state to decide a case in which all the states are parties. In like manner those between two or more states—between a state and citizens of another state, where the state is plaintiff—(it cannot be sued)—and between citizens of different states, could not be entrusted to the tribunals of any particular state interested, or whose citizens are interested therein, without danger of injustice and partiality. Jurisdiction is given to the federal courts, in these cases, simply because they are equally interested for all the parties, are the common courts of all the parties, and therefore are presumed to form the only fair and impartial tribunal between them. The same reasoning applies to cases between citizens of the same state, claiming lands under grants of different states. Cases of this sort involve questions of the sovereign power of the states, and could not, with any show of propriety, be entrusted to the decision of either of them, interested as it would be to sustain its own acts, against those of the sister state. The jurisdiction in this case is given upon the same principles which give it in cases between two or more states.

Controversies between a state or the citizens thereof, and foreign states, citizens, or subjects, depend on a different principle, but one equally affecting the common rights and interests of all the states. A foreign state cannot of course, be sued; she can appear in our courts only as plaintiff. Yet, in whatever form such controversies, or those affecting the citizens of a foreign state, may arise, all the states have a deep interest that an impartial tribunal, satisfactory to the foreign party, should be provided. The denial of justice is a legitimate and not an unfruitful cause of war. As no state can be involved in war without involving all the rest, they all have a common interest to withdraw from the state tribunals a jurisdiction which may bring them within the danger of that result. All the states are alike bound to render justice to foreign states and their people; and this common responsibility gives them a right to demand that every question involving it shall be decided by their common judicatory.

This brief review of the judicial power of the United States, as given in the Constitution, is not offered as a full analysis of the subject; for the question before us does not render any such analysis necessary. My design has been only to show with what extreme reserve judicial power has been conferred, and with what caution it has been restricted to those cases only which the new relation between the states, established by the Constitution, rendered absolutely necessary. In all the cases above supposed, the jurisdiction of the federal courts is clear and undoubted; and as the states have, in the frame of the Constitution, agreed to submit to the exercise of this jurisdiction, they are bound to do so, and to compel their people to like submission. But it is to be remarked, that they are bound only *by* their agreement, and not *beyond* it. They are under no obligation to submit to the decisions of the supreme court, on subject matter not properly cognizable before it, nor to those between parties not responsible to its jurisdiction. Who, then, is to decide this point? Shall the supreme court decide it for itself, and against all the world? It is admitted that every court must necessarily determine every question of jurisdiction which arises before it and, so far, it must of course be the judge of its own powers. If it be a court of the last resort, its decision is necessarily final, so far as those authorities are concerned, which belong to the same system of government with itself. There is, in fact, no absolute and certain limitation in any constitutional government, to the powers of its own judiciary; for, as those powers are derived from the Constitution, and as the judges are the interpreters of the Constitution, there is nothing to prevent them from interpreting in favour of any power which they may claim. The supreme court, therefore, *may* assume jurisdiction over subjects and between parties, not allowed by the constitution, and there is no power in the *federal government* to gainsay it. Even the impeachment and removal of the judges, for ignorance or corruption, would not invalidate their decisions already pronounced. Is there, then, no redress? The Constitution itself will answer this question, in the most satisfactory manner.

The tenth article of the amendments of the Constitution provides that "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people." The powers thus reserved, are not only reserved against the federal government in whole, but against each and every department thereof. The judiciary is no

more excepted out of the reservation than is the legislature or the executive. Of what nature, then, are those reserved powers? Not the powers, if any such there be, which are possessed by all the states together; for the reservation is to "the states respectively;" that is, to each state separately and distinctly. Now we can form no idea of any power possessed by a state as such, and independent of every other state, which is not in its nature a sovereign power. Every power so reserved, therefore, must be of such a character that each state may exercise it, without the least reference or responsibility to any other state whatever.

We have already seen that the Constitution of the United States was formed by the states as such, and the reservation above quoted is an admission that, in performing that work, they acted as independent and sovereign states. It is incident to every sovereignty to be alone the judge of its own compacts and agreements. No other state or assemblage of states has the least right to interfere with it, in this respect, and cannot do so without impairing its sovereignty. The Constitution of the United States is but the agreement which each state has made, with each and all the other states, and is not distinguishable, in the principle we are examining, from any other agreement between sovereign states. Each state, therefore, has a right to interpret that agreement for itself, unless it has clearly waived that right in favour of another power. That the right is not waived in the case under consideration, is apparent from the fact already stated, that if the judiciary be the sole judges of the extent of their own powers, their powers are universal, and the enumeration in the Constitution is idle and useless. But it is still farther apparent from the following view.

The federal government is the creature of the states. It is not a party to the Constitution, but the result of it—the creation of that agreement which was made by the states as parties. It is a mere agent, entrusted with limited powers for certain specific objects; which powers and objects are enumerated in the Constitution. Shall the agent be permitted to judge of the extent of his own powers, without reference to his constituent? To a certain extent he is compelled to do this, in the very act of exercising them, but this is always in subordination to the authority by whom his powers were conferred. If this were not so, the result would be, that the agent would possess every power which the constituent could confer, notwithstanding the plainest and most express terms of the grant. This would be against all principle and all reason. If such a rule should prevail in regard to government, a written constitution would be the idlest thing imaginable. It would afford no barrier against the usurpations of the government, and no security for the rights and liberties of the people. If then the *federal government* has no authority to judge, in the last resort, of the extent of its own powers, with what propriety can it be said that a *a single department* of that government may do so? Nay, it is said that this department may not only judge for itself, but for the other departments also. This is an absurdity as pernicious as it is gross and palpable. If the judiciary may determine the powers of the federal government, it may pronounce them either less or more than they really are. That government at least would have no right to complain of the decisions of an umpire which it had chosen for itself, and endeavored to force upon the states and the people. Thus a single department might deny to both the others, salutary powers

which they really possessed, and which the public interest or the public safety might require them to exercise; or it might confer on them powers never conceded, inconsistent with private right, and dangerous to public liberty.

In construing the powers of a free and equal government, it is enough to disprove the existence of any rule, to show that such consequences as these will result from it. Nothing short of the plainest and most unequivocal language should reconcile us to the adoption of such a rule. No such language can be found in our constitution. The only clause, from which the rule can be supposed to be derived, is that which confers jurisdiction in "all cases arising under the constitution, and the laws made in pursuance thereof," but this clause is clearly not susceptible of any such construction. Every right may be said to be a constitutional right, because no right exists which the Constitution disallows; and consequently every remedy to enforce those rights presents "a case arising under the constitution." But a construction so latitudinous will scarcely be contended for by any one. The clause under consideration gives jurisdiction only as to those matters, and between those parties, enumerated in the constitution itself. Whenever such a case arises, the federal courts have cognizance of it; but the right to decide a case arising *under* the Constitution does not necessarily imply the right to determine *in the last resort* what that Constitution is. If the federal court should, in the very teeth of the eleventh amendment, take jurisdiction of cases "commenced or prosecuted against one of the states by citizens of another state," the decision of those courts, that they *had* jurisdiction, would certainly not settle the Constitution in that particular. The state would be under no obligation to submit to such a decision, and it would resist it by virtue of its sovereign right to decide for itself, whether it had agreed to the exercise of such a jurisdiction or not.

Considering the nature of our system of government, the states ought to be, and I presume always will be, extremely careful not to interpose their sovereign power against the decisions of the supreme court in any case where that court clearly has jurisdiction. Of this character are the cases already cited at the commencement of this inquiry; such, for example, as those between two states, those affecting foreign ministers, those of admiralty and maritime jurisdiction, &c. As to all these subjects the jurisdiction is clear, and no state can have any interest to dispute it. The decisions of the supreme court, therefore, ought to be considered as final and conclusive, and it would be a breach of the contract on the part of any state to refuse submission to them. There are, however, many cases involving questions of the powers of government, state and federal, which cannot assume a proper form for judicial investigation. Most questions of mere political power, are of this sort; and such are all questions between a state and the United States. As to these, the Constitution confers no jurisdiction on the federal courts, and, of course, it provides no common umpire to whose decision they can be referred. In such cases, therefore, the state must of necessity decide for itself. But there are also cases between citizen and citizen, arising under the laws of the United States, and between the United States and the citizen, arising in the same way. So far as the federal tribunals have cognizance of such cases, their decisions are final. If the constitutionality of the law under which the case arises, should come into question, the court has *authority* to decide it, and there is no relief for the parties, in any other judicial proceeding. If the decision, in a controversy between the United States and a citizen, should be against the United States,

it is, of course, final and conclusive. If the decision should be against the citizen, his only relief is by an appeal to his own state. He is under no obligation to submit to federal decisions at all, except so far only as his own state has commanded him to do so; and he has, therefore, a perfect right to ask his state whether her commands extend to the particular case or not. He does not ask whether the federal court has *interpreted the law* correctly or not, but whether or not she *ever consented that congress should pass the law.* If congress had such power, he has no relief, for the decision of the highest federal court is final; if congress had not such power, then he is oppressed by the action of a usurped authority, and has a right to look to his own state for redress. His state may interpose in his favour or not, as she may think proper. If she does not, then there is an end of the matter: if she does, then it is no longer a judicial question. The question is then between new parties, who are not bound by the former decision, between a sovereign state and its own agent; between a state and the United States. As between these parties the federal tribunals have no jurisdiction, there is no longer a common umpire to whom the controversy can be referred. The state must of necessity judge for itself, by virtue of that inherent, sovereign power and authority, which, as to this matter, it has never surrendered to any other tribunal. Its decision, whatever it may be, is binding upon itself and upon its own people, and no farther.

A great variety of cases are possible, some of which are not unlikely to arise, involving the true construction of the Federal Constitution, but which could not possibly be presented to the courts, in a form proper for their decision. The following are examples:—

By the 4th section of the 4th article it is provided that "Congress shall guaranty to every state in the union a republican form of government." What is a republican form of government, and how shall the question be decided? In its very nature it is a political, and not a judicial question, and it is not easy to imagine by what contrivance it could be brought before a court. Suppose a state should adopt a constitution not republican, in the opinion of congress: what course would be pursued? Congress might, by resolution, determine that the Constitution was not republican, and direct the state to form a new one. And suppose that the state should refuse to do so, on the ground that it had already complied with the requisitions of the Federal Constitution in that respect? Could congress direct an issue to try the question at the bar of the supreme court? This would, indeed, be an odd way of settling the rights of nations, and determining the extent of their powers! Besides, who would be parties to the issue; at whose suit should the state be summoned to appear and answer? Not at that of the United States, because a state cannot be sued by the United States, in a federal court; not at that of any other state, nor of any individual citizen, because they are not concerned in he question. It is obvious that the case does not present proper subject matter for judicial investigation; and even if it did, that no parties could be found authorized to present the issue.

Again, congress has authority "to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States; reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by congress." Suppose that congress should usurp the

right to appoint the militia officers, or the state should insist on training the militia in their own way, and not "according to the discipline prescribed by congress." How could this matter be brought before the supreme court? and even if properly brought there, how could its sentence be executed?

Again, suppose that congress should enact that all the slaves of the country should be immediately free. This is certainly not *impossible*, and I fear not even *improbable*, although it would be the grossest and most palpable violation of the constitutional rights of the slaveholder. This would certainly produce the most direct conflict between the state and federal governments. It would involve a mere question of political power—the question whether the act of congress forbidding slavery, or the laws and constitution of the state allowing it, should prevail. And yet it is manifest that it presents no subject matter proper for judicial decision, and that the parties to it could not be convened before the supreme court.

These examples are sufficient to show that there is a large class of "constitutional controversies," which could not possibly be brought under the cognizance of *any* judicial tribunal, and still less under that of the federal courts. As to these cases, therefore, each state must of necessity, for the reasons already stated, be its own "final judge or interpreter." They involve the mere question of political power, as between the state and federal governments; and the fact, that they are clearly withheld from the jurisdiction of the supreme court, goes far to prove that the states in framing the Constitution, did not design to submit to that court any question of the like kind, in whatever form or between whatever parties it might arise, except so far only as the parties themselves were concerned.

Our author himself does not contend that the supreme court is the "final judge or interpreter" in all cases whatsoever; he, of course, admits that no court can decide any question which is not susceptible of a proper form for judicial inquiry. But he contends that, in all cases of which the supreme court can take cognizance, its decisions are final, and absolutely binding and conclusive in all respects, to all purposes, and against the states and their people. It is this sweeping conclusion which it has been my object to disprove. I can see in the federal courts nothing more than the ordinary functions of the judiciary in every country. It is their proper province to interpret the laws; but their decisions are not binding, except between the parties litigant and their privies. So far as they may claim the force of *authority*, they are not *conclusive*, even upon those who pronounce them, and certainly are not so beyond the sphere of their own government. Although the judiciary may, and frequently do, enlarge or contract the powers of their own governments, as generally understood, yet they can never enlarge or contract those of *other* governments, for the simple reason, that other governments are not bound by their decisions And so in our own systems. There is no case in which a judicial question can arise, before a federal court, between a state and the federal government. Upon what principle, then, are the states bound by the decisions of the federal judiciary? Upon no principle, certainly, except that, as to certain subjects, they have agreed to be so bound. But this agreement they made in their character of sovereign states, not with the federal government, but with one another. As sovereign states they alone are to determine the nature and extent of that agreement, and, of course, they alone are to determine whether or not they have given the federal courts authority to bind them

in any given case. This principle has frequently been asserted by the states, and always successfully.*

But these mere technical rules, upon which we have hitherto considered the subject, are altogether unworthy of its importance, and far beneath its dignity. Sovereign nations do not ask their judges what are their rights, nor do they limit their powers by judicial precedents. Still less do they entrust these important subjects to judicial tribunals not their own, and, least of all, to the tribunals of that power against which their own power is asserted. It would have been a gross inconsistency in the states of our union to do this, since they have shown in every part of their compact with one another, the most jealous care of their separate sovereignty and independence. It is true they have agreed to be bound by the decisions of federal tribunals in certain specified cases, and it is not to be doubted that, so long as they desire the continuance of their present union, they will feel themselves bound, in every case which comes plainly within their agreement. There is no necessity to call in the aid of the supreme court to ascertain to what subjects, and how far, that agreement extends. So far as it is plain, it will be strictly observed, as national faith and honour require; there is no other guarantee. So far as it is not plain, or so far as it may be the will and pleasure of any state to deny or to resist it, the utter impotency of courts of justice to settle the difficulty will be manifested beyond all doubt. They will be admonished of their responsibility to the power which created them. *The states* created them. They are but an emanation of the sovereign power of the states, and can neither limit nor control that power.

Ordinarily, the judiciary are the proper interpreters of the powers of government, but they interpret in subordination to the power which created them. In governments established by an aggregate people, such as are those of the states, a proper corrective is always found in the people themselves. If the judicial interpretation confer too much or too little power on the government, a ready remedy is found in an amendment of the Constitution. But in our federal system the evil is without remedy, if the federal courts be allowed to fix the limits of federal power with reference to those of the states. It would place everything in the state governments, except their mere existence, at the mercy of a single department of the federal government. The maxim, *stare decisis*, is not always adhered to by our courts; their own decisions are not held to be absolutely binding upon themselves. They may establish a right to-day and unsettle it to-morrow. A decision of the supreme court might arrest a state in the full exercise of an important and necessary power, which a previous decision of the same court had ascertained that she possessed. Thus the powers of the state governments, as to many important objects, might be kept indeterminate and constantly liable to change, so that they would lose their efficiency, and forfeit all title to confidence and respect. It is true, that in this case too, there is a *possible* corrective in the power to amend the Constitution. But that power is not with the aggrieved state alone; it could be exerted only in connexion with other states, whose aid she might not be able to command. And even if she could command it, the process would be too slow to afford effectual relief. It is impossible to imagine that any free and sovereign state ever designed to surrender her powers of

* Hunter and Martin, *Cohen vs. State of Virginia*, and other cases.

self-protection in a case like this, or ever meant to authorize any other power to reduce her to a situation so helpless and contemptible. *

Yielding, therefore, to the supreme court all the jurisdiction and authority which properly belongs to it, we cannot safely or wisely repose in it the vast trust of ascertaining, defining or limiting the sovereign powers of the states.

Let us now follow the author in the inquiry, by what rules shall the Constitution be interpreted? Many of those which he has given are merely such as we apply to every instrument, and they do not, therefore, require any particular examination. The principal one, and that from which he adduces many others as consequences, is this: "It is to be construed as a frame or fundamental law of government, established by the people of the United States, according to their own free pleasure and sovereign will. In this respect, it is in nowise distinguishable from the constitutions of the state governments." That our Constitution is "a frame of government" will scarcely be denied by any one, and this, whether it be in its nature federative or consolidated. It is also, as is every other constitution of government, "a fundamental law." It is the acknowledged basis of all federal power and authority, the sole chart by which federal officers are to direct their course. But all this leaves the inquiry still open, what *is* this fundamental law, and how is it to be ascertained? The author seems to suppose that a full answer to this question may be found in the fact, that this frame or fundamental law of government was established by "the people of the United States, according to their free pleasure and sovereign will." If the fact were really so, it would undoubtedly exert an important influence, and would go far to justify his construction of the Constitution. We here discern the usefulness and necessity of that historical inquiry, which has just been finished. From that inquiry we learn, distinctly and without doubt, that the Constitution was *not* established by "the people of the United States," and consequently, that it does *not* resemble in that respect the constitutions of the states. There is no such analogy between them, as will presently be shown, as to require that they should be construed by the same rules. *The Constitution of the United States, is to be considered as a compact or confede-*

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* This want of uniformity and fixedness, in the decisions of courts, renders the supreme court the most unfit umpire that could be selected, between the federal government and the states, on questions involving their respective rights and powers. Suppose that the United States should resolve to cut a canal through the territory of Virginia; and being resisted, the supreme court should decide that they had a right to do so. Suppose that, when the work was completed, a similar attempt should be made in Massachusetts; and being resisted, the same court should decide that they had no right to do so. The effect would be that the United States would possess a right in one state which it did not possess in another. Suppose that Virginia should impose a tax on the arsenals, dock-yards, &c., of the United States within her territory, and that, in a suit to determine the right, the supreme court should decide in favour of it. Suppose that a like attempt should be made by Massachusetts; and, upon a similar appeal to that court, it should decide *against* it; Virginia would enjoy a right in reference to the United States, which would be denied to Massachusetts. Other cases may be supposed, involving like consequences, and showing the absurdity of submitting to courts of justice the decision of controversies between governments, involving the extent and nature of their powers.

I know that the decisions of the supreme court on constitutional questions have been very consistent and uniform; but that affords no proof that they will be so through all time to come. It is enough for the purposes of the present argument that they *may* be otherwise.

ration between free, independent and sovereign states, and is to be construed as such, in all cases where its language is doubtful. This is the leading and fundamental rule, from which the following may be deduced as consequences.

It is to be construed *strictly*. Our author supposes that the Constitution of the United States ought to "receive as favourable a construction as those of the states;" that it is to be liberally construed; that doubtful words are to be taken most strongly in *favour* of the powers of the federal government; and that there is "no solid objection to implied powers." All these are but inferences from the great rule which he first laid down, to wit, that the Constitution is to be considered as a frame of government, established by the people of the United States. As that rule cannot apply, because the fact on which it is founded is not true, it would seem to follow, as a necessary consequence, that the inferences deduced from it cannot be allowed. Nevertheless, they shall receive a more particular consideration under the present inquiry.

According to the principles of all our institutions, sovereignty does not reside in any government whatever, neither state nor federal. Government is regarded merely as the agent of those who create it, and subject in all respects to their will. In the states, the sovereign power is in the people of the states respectively; and the sovereign power of the United States would, for the same reason, be in "the people of the United States," if there were any such people, known as a single nation, and the framers of the federal government. We have already seen, however, that there are no such people, in a strict political sense, and that no such people had any agency in the formation of our Constitution, but that it was formed by *the states*, emphatically as such. It would be absurd, according to all principles received and acknowledged among us, to say that the sovereign power is in one party, and the power which creates the government is in another. The true sovereignty of the United States, therefore, is in the states, and not in the people of the United States, nor in the federal government. That government is but the agent through whom a portion of this sovereign power is exerted; possessing no sovereignty itself, and exerting no power, except such only as its constituents have conferred on it. In ascertaining what these powers are, it is obviously proper that we should look only to the grant from which they are derived. The agent can claim nothing for itself, and on its own account. The Constitution is a compact, and the parties to it are each state, with each and every other state. The federal government is not a party, but is the mere creature of the agreement between the states as parties. Each state is both grantor and grantee, receiving from each and all the other states precisely what, in its turn, it concedes to each and all of them. The rule, therefore, that the words are to be taken most strongly in favour of the grantee, cannot apply, because, as each state is both grantor and grantee, it would give exactly as much as it would take away. The only mode, therefore, by which we may be certain to do no injustice to the intentions of the parties, is by taking their *words* as the true exponents of their meaning.

Our author thinks, however, that a more liberal rule ought to be adopted, in construing the Constitution of the United States, because "the grant ensures solely and exclusively for the benefit of the grantor himself;" and therefore he supposes that "no one would deny the propriety of giving to the words of the grant a benign and liberal interpretation." Admit that it is so, and it would seem to follow that "the benefit of the grantor" requires that we

should take from him as little as possible, and that an "interpretation of the words of the grant" would not be "benign and liberal" as to him, if it deprived him of any more of his rights and powers, than his *own words* prove that he intended to relinquish. It is evident that this remark of the author proceeds upon the leading idea, that the people of the United States are the only party to the contract; an idea which, we have already seen, can by no means be justified or allowed. The states are parties; each agreeing with each, and all the rest, that it will exercise, through a common agent, precisely so much of its sovereign rights and powers, as will, in its own opinion, be beneficial to itself, when so exercised. The grant "ensures to the sole and exclusive benefit of the grantor;" and who but the grantor himself shall determine what benefit he had in view, and how far the grant shall extend, in order to secure it? This he has done, in the case before us, by the very terms of the grant. If you hold him bound by anything beyond those terms, you enable others to decide this matter for him, and may thus virtually abrogate his contract, and substitute another in its place.

I certainly do not mean to say, that in construing the Constitution, we should at all times confine ourselves to its *strict letter*. This would, indeed, be *sticking in the bark*, to the worst possible purpose. Many powers are granted by that instrument, which are not included within its express terms, literally taken, but which are, nevertheless, within their obvious meaning. The strict construction for which I contend applies to the *intention* of the framers of the Constitution; and this may or may not require a strict construction of their words.

There is no fair analogy as to this matter between the Federal Constitution and those of the states, although the author broadly asserts that they are not "distinguishable in this respect;" and this will sufficiently appear from the following considerations.

1. The entire sovereignty of each state is in the people thereof. When they form for themselves a constitution of government, they part with no portion of their sovereignty, but merely determine what portion thereof shall lie dormant, what portion they will exercise, and in what modes and by what agencies they will exercise it. There is but one party to such a government, to wit, the people of the state. Whatever power their government may possess, it is still the power of the people; and their sovereignty remains the same. So far, therefore, there is "no solid objection to implied powers" in a *state* constitution; because, by employing power in the government, you take no power from those who made the government.

2. As government is the agent and representative of the sovereign power of the people, the *presumption* is, that they intend to make it the agent and representative of *all* their power. In every frame of limited government, the people deny to themselves the exercise of some portion of their rights and powers, but the *larger* portion never lies thus dormant. In this case, therefore, (viz. of a government established by an aggregate people,) the question naturally is, not what powers are *granted*, but what are *denied*; and the rule of strict construction, if applied at all, should be applied only to the powers denied. This would have the effect of enlarging the powers of government, by limiting the restraints imposed on it.

3. As it is fair to presume that a people absolutely sovereign, and having an unlimited right to govern themselves as they please, would not deny to

themselves the exercise of any power necessary to their prosperity and happiness, we should admit all fair and reasonable implications in favour of the government, because, otherwise, some power necessary to the public weal, might be dormant and useless.

In these respects, there is no just analogy between the state constitutions and that of the United States.

In the first place, the Constitution of the United States is not a frame of government to which there is but one party. Their states are parties, each stipulating and agreeing with each and all the rest. Their agreement is, that a certain portion of that power which each is authorized to exercise within its own limits shall be exercised by their common agent, within the limits of all of them. This is not the separate power of each, but the joint power of all. In proportion, therefore, as you increase the powers of the federal government, you necessarily detract from the separate powers of the states. We are not to *presume* that a sovereign people mean to surrender any of their powers; still less should we presume that they mean to surrender them, *to be exerted over themselves, by a different sovereignty.* In this respect, then, every reasonable implication is *against* the federal government.

In the second place, the Constitution of the United States is not the primary social relation of those who formed it. The state governments were already organized, and were adequate to all the purposes of their municipal concerns. The federal government was established only for such purposes as the state government could not answer, to wit, the common purposes of *all* the states. Whether, therefore, the powers of that government be greater or less, the *whole* power of the states, (or so much thereof as they design to exercise at all,) is represented, either in the federal government or in their own. In this respect, therefore, there is no necessity to imply power in the federal government.

In the third place, whatever power the states have not delegated to the federal government, they have reserved to themselves. Every useful faculty of government is found either in the one or the other. Whatever the federal government cannot do for *all* the states, each state can do for itself, subject only to the restraints of its own constitution. No power, therefore, is dormant and useless, except so far only as the states voluntarily decline to exert it. In this respect, also, there is no necessity to imply power in the federal government.

In all these particulars the Federal Constitution is clearly "distinguishable from the constitutions of the state governments." The views just presented support this obvious distinction, that in the state constitutions every power is granted which is not denied; in the Federal Constitution, every power is denied which is not granted. There are yet other views of the subject, which lead us to the same conclusion.

The objects for which the federal government was established, are by no means equal in importance to those of the state constitutions. It is difficult to imagine any necessity for a federal government at all, except what springs from the relations of the states to foreign nations. A union among them is undoubtedly valuable for many purposes. It renders them stronger and more able to resist their enemies; it attracts to them the respect of other countries, and gives them advantages in the formation of foreign connexions; it facilitates all the operations of war, of commerce, and of foreign diplomacy. But

these objects, although highly important, are not so important as those great rights which are secured to us by the state constitutions. The states might singly protect themselves, singly form their foreign connexions, and singly regulate their commerce; not so effectually, it is true, but effectually enough to afford reasonable security to their independence and general prosperity. In addition to all this, we rely exclusively on the state governments for the security of the great rights of life, liberty, and property. All the valuable and interesting relations of the social state spring from them. They give validity to the marriage tie; they prescribe the limits of parental authority; they enforce filial duty and obedience; they limit the power of the master, and exact the proper duties of the servant. Their power pervades all the ranks of society, restraining the strong, protecting the weak, succouring the poor, and lifting up the fallen and helpless. They secure to all persons an impartial administration of public justice. In all the daily business of life, we act under the protection and guidance of the state governments. They regulate and secure our rights of property; they enforce our contracts and preside over the peace and safety of our firesides. There is nothing dear to our feelings or valuable in our social condition, for which we are not indebted to their protecting and benignant action. Take away the federal government altogether, and still we are free, our rights are still protected, our business is still regulated, and we still enjoy all the other advantages and blessings of established and well organized government. But if you take away the state governments, what have you left? A federal government, which can neither regulate your industry, secure your property, nor protect your person! Surely there can be no just reason for stealing, by liberal constructions and implications, from these beneficent state governments, any portion of their power, in order to confer it on another government, which, from its very organization, cannot possibly exert it for equally useful purposes. A strict construction of the Constitution will give to the federal government all the power which it can beneficially exert, all that it is necessary for it to possess, and all that its framers ever designed to confer on it.

To these views of the subject we may add, that there is a natural and necessary tendency in the federal government to encroach on the rights and powers of the states. As the representative of all the states, it affords, in its organization, an opportunity for those combinations by which a majority of the states may oppress the minority, against the spirit or even the letter of the Constitution. There is no danger that the federal government will ever be too weak. Its means of aggrandizing itself are so numerous, and its temptations to do so are so strong, that there is not the least necessity to *imply* any new power in its favour. The states, on the contrary, have no motive to encroach on the federal government, and no power to do so, even if they desired it. In order, therefore, to preserve the just balance between them, we should incline, in every doubtful case, in favour of the states; confident that the federal government has always the inclination, and always the means, to maintain itself in all its just powers.

The Constitution itself suggests that it should be strictly and not liberally construed. The tenth amendment provides, that "the powers not delegated to the Union States, nor prohibited to the states, by the Constitution, are reserved to the states or the people." There was a corresponding provision in the articles of confederation, which doubtless suggested this amendment. It was

considered necessary, in order to prevent that latitude of construction which was contended for by one of the great political parties of the country, and much dreaded and strenuously opposed by the other. In the articles of confederation, all "rights, jurisdictions, and powers" are reserved, except only such as are *expressly* delegated; but in the Constitution, the word "expressly" is omitted. Our author infers from this fact, that it was the intention of the framers of the tenth amendment to leave "the question, whether the particular power which is the subject of contest has been delegated to one government or prohibited to the other, to depend upon a fair construction of the whole instrument;" doubtless intending by the word "fair," a construction as *liberal* as would be applied to any other frame of government. This argument is much relied on, and is certainly not without plausibility, but it loses all its force, if the omission can be otherwise satisfactorily accounted for. The Constitution provides that congress shall have power to pass all laws which shall be necessary and proper for carrying into effect the various powers which it grants. If this clause confers no additional faculty of any sort, it is wholly useless and out of place; the fact that it is found in the Constitution is sufficient proof that some effect was intended to be given to it. It was contemplated that, in executing the powers expressly granted, it might be necessary to exert some power not *enumerated*, and as to which some doubt might, for that reason, be entertained. For example, the power to provide a navy is not, *in itself*, the power to build a dry dock; but, as dry docks are necessary and proper means for providing a navy, congress shall have power to authorize the construction of them. But if the word "expressly" had been used in the tenth amendment, it would have created a very rational and strong doubt of this. There would have been, at least, an *apparent* repugnance between the two provisions of the Constitution; not a *real* one, I admit, but still sufficiently probable to give rise to embarrassing doubts and disputes. Hence the necessity of omitting the word "expressly," in the tenth amendment. It left free from doubt and unaffected the power of congress to provide the necessary and proper means of executing the granted powers, while it denied to the federal government every power which was *not* granted. The same result was doubtless expected from this amendment of the Constitution, which was expected from the corresponding provision in the articles of confederation: and the difference in the terms employed is but the necessary consequence of the difference in other provisions of the two systems.

Strictly speaking, then, the Constitution allows no *implication* in favour of the federal government, in any case whatever. Every power whrch it can properly exert is a granted power. All these are *enumerated* in the Constitution, and nothing can be be constitutionally done, beyond that enumeration, unless it be done as a *means* of executing some one of the enumerated powers. These means are *granted*, not implied; they are given as the necessary incidents of the power itself, or, more properly speaking, as component parts of it, because the power would be imperfect, nugatory, and useless, without them. It is true, that in regard to these incidental powers, some discretion must, of necessity, be left with the government. But there is, at the same time, a peculiar necessity that a strict construction should be applied to them; because that is the precise point at which the government is most apt to encroach. Without some strict, definite, and fixed rules upon the subject, it would be left under no restraint, except what is imposed by its own wisdom, integrity, and good

faith. In proportion as a power is liable to be abused, should we increase and strengthen the checks upon it. And this brings us to the inquiry, what are these incidental powers, and by what rules are they to be ascertained and defined.

The only source from which these incidental powers are derived is that clause of the Constitution which confers on congress the power "to make all laws which are necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof." The true character of this clause cannot be better given than in the words of the author himself: "It neither enlarges any power specifically granted, nor is it a grant of any new power to congress. But it is merely a declaration, for the removal of all uncertainty, that the means of carrying into execution those otherwise granted, are included in the grant." His general reasoning upon the subject is very lucid, and, to a certain extent, correct and convincing. He contends that the word "necessary" is not to be taken in its restricted sense, as importing absolute and indispensable necessity, but is to be understood in the sense of "convenient," "useful," "requisite;" as being such that, without them, "the grant would be nugatory." The dangerous latitude implied by this construction, he thinks sufficiently restrained by the additional word "proper," which implies that the means shall be "constitutional and *bona fide* appropriate to the end." In all this he is undoubtedly correct; but the conclusion which he draws from it, cannot be so readily admitted. "If," says he, "there be any general principle which is inherent in the very definition of government, and essential to every step of the progress to be made by that of the United States, it is that every power vested in the government is, in its nature, sovereign, and includes, by force of the term, a right to employ all the means requisite, and fairly applicable to the attainment of the end of such power, unless they are excepted in the Constitution, or are immoral, or are contrary to the essential objects of political society." This is by no means a legitimate conclusion from his own fair and forcible reasoning. The doctrine here is, in effect, that the federal government is absolutely unrestricted in the selection and use of the means of executing its own powers, except only so far as those means are *excepted* in the Constitution. Whether or not they are "requisite," "fairly applicable to the attainment of the end of such power," "immoral or contrary to the essential objects of political society," all these are questions which the government alone can decide, and, of course, as their own judgment and discretion are their only rule, they are under no sort of limitation or control in these respects. The standards of political morality, of public convenience and necessity, and of conformity to the essential objects of society, are quite too fluctuating and indeterminate to be relied on, by a free people, as checks upon the power of their rulers. The only real restriction, then, which the author proposes in the above passage, is that which may be found in the fact, that the proposed means are "*excepted*" in the Constitution; and this is directly contrary to the letter and spirit of that instrument. The federal government possesses no power which is not "*delegated*;" "the powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people." The author's idea is, that everything is granted which is not excepted; whereas, the language of the tenth amendment is express, that everything is excepted which is not granted. If the word "excepted"

is to be understood in this sense, the author's idea is correct; but this does not accord with the general scope of his opinions and reasoning. He approaches much nearer to the true rule in the following passage. "Let the end be legitimate; let it be within the scope of the Constitution; and all means which are appropriate, which are plainly adapted to the end, and which are not prohibited, but *are consistent with the letter and spirit of the instrument*, are constitutional." The words in italics, are all-important in the matter, and give to the passage a meaning wholly different from that of the passage first quoted.

The author's error is equally great, and far more dangerous, in supposing that the means of executing its powers are conferred on the *government*. The *general* proposition is true, as he has stated it; but it is not true in the application which he has made of it to *our* government. He regards the tenth amendment as altogether unnecessary, and tells us, in express terms, that the powers of the government would be exactly the same with or without it. This is a great and obvious mistake. The tenth amendment was wisely incorporated into the Constitution, for the express purpose of denying to the government that unbounded discretion, in the selection and use of its means, for which he contends. The power to make all laws necessary and proper for carrying into effect the granted powers is conferred on *congress* alone; it is exclusively a *legislative* power. So far, therefore, as the *government* is concerned, it derives no power from this clause; and the same is true of its several departments. They have no discretion in the selection of any incidental means of executing their several trusts. If they need the use of such means, they must apply to congress to furnish them; and it is discretionary with that body, whether to furnish them or not. All this is perfectly clear from the very language of the Constitution, and the propriety of such a provision must be apparent to every one. If power could be implied in favour of such a government as ours, it would, if nothing were said to the contrary, be implied in favour of every department and officer thereof, to the execution of whose duties it might seem to be necessary. This would be a wide extent of discretion, indeed; so wide, that it would render all the limitations of the Constitution nugatory and useless. It is precisely this result which was intended to be prevented by the clause in question. The states were unwilling to entrust such a discretion either to the government, or to the several departments or officers thereof. They were willing to confer it on congress alone; on the legislative department, the more immediate representatives of the states and their people, who would be most apt to discharge the trust properly, because they had the least temptation to abuse it. It is not true, then, as our author supposes, or, at least, it is not true of *our* system, that "every power in the government is, in its nature, sovereign, and includes, by force of the term, a right to employ all the means requisite, and fairly applicable to the attainment of the ends of such power, unless they are excepted in the Constitution, or forbidden by some consideration of public morals, or by their unsuitableness to the proper objects of government. In our government, the means are at the disposal of one department only, which may either grant or withhold them at its pleasure.

What, then, are the proper limitations of the power of congress in this respect? This has always been a subject of great difficulty, and of marked difference of opinion, among politicians. I cannot hope that I shall be able perfectly to disembarrass it; but I think, nevertheless, that there are a few plain

rules, the propriety of which all will admit, and which may materially aid us in the formation of a sound opinion upon the subject.

In the first place, then, it is to be observed that the congress has no power under this clause of the Constitution, except to provide the *means* of executing the granted powers. It is not enough that the means adopted are sufficient to that end; they must be adopted *bona fide, with a view to accomplish it.* Congress have no right to use for the accomplishment of one purpose, means ostensibly provided for another. To do so would be a positive fraud, and a manifest usurpation; for, if the purpose be lawful, it may be accomplished by its own appropriate means, and if it be unlawful, it should not be accomplished at all. It is quite obvious that, without this check, congress may, by indirection, accomplish almost any forbidden object; for among the great variety of means adapted to carry out the granted powers, some may be found equally calculated to effect, either by their direct or their indirect action, purposes of a wholly different character and tendency. It is, therefore, of the utmost importance to the preservation of the true principles of the Constitution, that strict faith should be kept upon this point.

In the second place, the means provided must not only be "necessary" but they must also be "proper." If the word "necessary" stood alone, it would be susceptible of a very extended meaning, and would probably be considered as embracing powers which it never was in the contemplation of the framers of the Constitution to grant. It was necessary, then, to limit and restrain it by some other word, and the word "proper" was very happily selected. This word requires that the means selected shall be strictly *constitutional.* In ascertaining this, we must have regard not only to the express provisions of the Constitution, but also to the general nature and character of our institutions. Ours is a *free* government, which implies that it is also an *equal* government; it therefore authorizes the employment of no means for the execution of its powers, except such as are consistent with the spirit of liberty and equality. Ours is a *confederated* government; it therefore authorizes no means which are inconsistent with the distinct sovereignty of the states, the confederating powers. Ours is a government of "delegated" powers, limited and specifically enumerated; it therefore authorizes no means which involve, in the use of them, any distinct substantive power, *not* granted. This single rule, if fairly and honestly observed, will go far to remove many serious difficulties upon this point, and will deprive the federal government of many important powers which it has hitherto exercised, and which are still claimed for it, by our author, and the whole political school to which he belongs. The propriety, and, indeed, the absolute necessity of the rule, appear to me to be obvious. If powers not granted might be used as means of executing the granted powers, it is manifest that no power whatever could be considered as denied. It is not enough that there is no apparent unconstitutionality in the use of such means, *in the particular case.* If they involve a principle which will authorize the use of ungranted powers in any *other* case, they are forbidden by the Constitution. To illustrate this idea by an example. Congress has power to regulate commerce among the several states. This is supposed by some to give them power to open channels of commerce, by making roads, cutting canals, &c. through the territories of the states. But this is a substantive power in itself, not granted to the United States, but reserved to the states respectively, and therefore is not allowed as a *means* of regulating commerce among the states. Let us

suppose, however, that the opening of roads and cutting of canals are the *very best* means of facilitating and regulating commerce among the states, and that there is nothing in the *language* of the Constitution to forbid it; we are still to enquire, what farther powers would be necessarily implied, as incidents of this. We find that the power to open a road through a state, implies the power to keep it in repair; to impose fines and penalties on those who injure it, and, consequently, to enforce those fines and penalties by the exercise of a jurisdiction over it. We find also, that the power to *make* such a road, implies the power to *locate* it; and, as there is nothing to control the discretion of congress in this respect, there is nothing to forbid them to locate *their* road, upon the bed of a state canal, or along the whole course of a state turnpike. The effect of this would be to transfer to the United States, against the consent of the state, and without compensation, improvements made by the state within her own territory and at her own expense. Nay, the supremacy claimed for the powers of congress in this respect would, upon the same principle, authorize them to run a road through the centre of a state capital, or to cover half her territory with roads and canals, over which the state could exert neither jurisdiction nor control. The improvements of individuals too, and of corporate bodies, made under the authority of state laws, would thus be held at the mercy of the United States. When we see, then, that this means of regulating commerce among the states would necessarily imply these vast and forbidden powers, we should unhesitatingly reject them as unconstitutional. This single instance, given by way of example and illustration, presents a rule which, if strictly adhered to in all analogous cases, would go far to remove the difficulties, and to prevent the contests, which so often arise on this part of the Constitution.

These ew simple rules are, in their nature, technical, and may at all times be easily applied, if congress will observe good faith in the exercise of its powers. There is another of a more enlarged and liberal character, which the word "proper" suggests, and which, if applied with sound judgment, perfect integrity, and impartial justice, will render all others comparatively unnecessary. It exacts of congress an extended and fair view of the relations of all the states, and a strictly impartial regard to their respective rights and interests. Although the direct action of a granted power, by the *means also granted* in the Constitution, may be both unequal and unjust, those means would, nevertheless, be perfectly constitutional. Such injustice and inequality would be but the necessary consequence of that imperfection, which characterises every human institution, and to which those who undertake to prescribe specific rules to themselves, are bound to submit. But when congress are called on to provide new means of executing a granted power, none are "proper," and therefore none are constitutional, which operate unequally and unjustly, among the states or the people. It is true that perfect and exact equality in this respect is not to be expected; but a near approach to it will always be made, by a wise and fair legislation. Great and obvious injustice and inequality may at all times be avoided. No "means" which involve these consequences can possibly be considered "proper," either in a moral, or in a constitutional sense. It requires no high intellectual faculty to apply this rule; simple integrity is all that is required.

I have not thought it necessary to follow the author through his extended examination of what he terms the incidental powers of congress, arising under

the clause of the Constitution we are examining. It would be indeed an endless task to do so; for I am unable to perceive that he proposes any limit to them at all. Indeed, he tells us in so many words, that "upon the whole, the result of the most careful examination of this clause is, that if it does not enlarge, it cannot be construed to restrain the powers of congress, or impair the right of the legislature to exercise its best judgment in the selection of measures to carry into execution the constitutional powers of the national government." This is, indeed, a sweep of authority, boundless and unrestricted. The "best judgment" of congress is the only limit proposed to its powers, whilst there is nothing to control that judgment, nor to correct its errors. Government is abandoned emphatically to its own discretion; for even if a corrective be supposed to exist with the people, that corrective can never be applied in behalf of an oppressed minority. Are the rules which I have proposed indeed nothing? Is no effect whatever to be given to this word "proper," in this clause of the Constitution? Can the author possibly be right in supposing that the Constitution would be the same without it as with it; and that the only object of inserting it was "the desire to remove all possible doubt respecting the right to legislate on that vast mass of incidental powers which must be involved in the Constitution, if that instrument be not a splendid pageant, or a delusive phantom of sovereignty?" It was, indeed, the object of the framers of the Constitution "to remove all possible doubt" from this subject. They desired neither a splendid pageant nor a splendid government. They knew that without this restriction ours would be both; and as powerful as splendid. They did not design that any power with which they thought proper to clothe it should be inoperative, for want of means to carry it into execution; but they never designed to give it the boundless field of its own mere will, for the selection of those means. Having specifically enumerated its powers, as far as was practicable, they never designed to involve themselves in the absurdity of removing, by a single clause, every restriction which they had previously imposed. They meant to assure their agent that, while none of the powers with which they had thought proper to clothe it should be nugatory, none of them should be executed by any means which were not both "necessary" and "proper."

The lovers of a strong consolidated government have laboured strenuously, and I fear with too much success, to remove every available restriction upon the powers of congress. The tendency of their principles is to establish that legislative omnipotence which is the fundamental principle of the British Constitution, and which renders every form of *written* constitution idle and useless. They suffer themselves to be too much attracted by the splendours of a great central power. Dazzled by these splendours, they lose sight of the more useful, yet less ostentatious purposes of the state governments, and seem to be unconscious that, in building up this huge temple of federal power, they necessarily destroy those less pretending structures from which alone they derive shelter, protection, and safety. This is the *ignis fatuus* which has so often deceived nations, and betrayed them into the slough of despotism. On all such, the impressive warning of Patrick Henry, drawn from the lessons of all experience, would be utterly lost. "Those nations who have gone in search of grandeur, power, and splendour, have also fallen a sacrifice and been the victims of their own folly. While they acquired those visionary blessings, they lost their freedom." The consolidationists forget these wholesome truths, in their eager-

ness to invest the federal government with every power which is necessary t realize their visions in a great and splendid nation. Hence they do not discriminate between the several classes of federal powers, but contend for all of them, with the same blind and devoted zeal. It is remarkable that, in the exercise of all those functions of the federal government which concern our foreign relations, scarcely a case can be supposed, requiring the aid of any implied or incidental power, as to which any serious doubt can arise. The powers of that government, as to all such matters, are so distinctly and plainly pointed out in the very letter of the Constitution, and they are so ample for all the purposes contemplated, that it is only necessary to understand them according to their plain meaning, and to exercise them according to their acknowledged extent. No auxiliaries are required; the government has only to go on in the execution of its trusts, with powers at once ample and unquestioned. It is only in matters which concern our domestic policy, that any serious struggle for federal power has ever arisen, or is likely to arise. Here, that love of splendour and display, which deludes so large a portion of mankind, unites with that self-interest by which *all* mankind are swayed, in aggrandizing the federal government, and adding to its powers. He who thinks it better to belong to a splendid and showy government, than to a free and happy one, naturally seeks to surround all our institutions with a gaudy pageantry, which belongs only to aristocratic or monarchical systems. But the great struggle is for those various and extended powers, from the exercise of which *avarice* may expect its gratifications. Hence the desire for a profuse expenditure of public money, and hence the thousand schemes under the name of internal improvements, by means of which hungry contractors may plunder the public treasury, and wily speculators prey upon the less skilful and cunning. And hence, too, another sort of legislation, the most vicious of the whole, which, *professing* a fair and legitimate object of public good, looks, *really*, only to the promotion of private interests. It is thus that *classes* are united in supporting the powers of government, and an interest is created strong enough to carry all measures, and sustain all abuses.

Let it be borne in mind that, as to all these subjects of domestic concern, there is no absolute necessity that the federal government should possess any power at all. They are all such as the *state* governments are perfectly competent to manage; and the *most* competent, because each state is the best judge of what is useful or necessary to itself. There is, then, no room to complain of any want of power to do whatever the interests of the people require to be done. This is the topic upon which our author has lavishly expended his strength. Looking upon government as a machine contrived only for the public good, he thinks it strange that it should not be supposed to possess all the faculties calculated to answer the purposes of its creation. And surely it would be strange, if it were, indeed, so defectively constructed. But the author seems to forget that in our system the federal government stands not alone. That is but *a part* of the machine; complete in itself, certainly, and perfectly competent, without borrowing aid from any other source, to work out its own part of the general result. But it is not competent to work out the *whole* result. The state governments have also *their* part to perform, and the two together make the perfect work. Here, then, are all the powers which it is necessary that government should possess; not lodged in one place, but distributed; not the power of the state governments, nor of the federal government, but the aggre-

gate of their several and respective powers. In the exercise of those functions which the state governments are forbidden to exercise, the federal government need not look beyond the letter of its charter for any needful power; and in the exercise of any other function, there is still less necessity that it should do so; because, whatever power that government does not plainly possess is plainly possessed by the state governments. I speak of course, of such powers only as may be exercised either by the one or the other, and not of such as are denied to both. I mean only to say, that so far as the states and the people have entrusted power to government at all, they have done so in language plain and full enough to render all implication unnecessary. Let the federal government exercise only such power as plainly belongs to it, rejecting all such as is even doubtful, and it will be found that our system will work out all the useful ends of government, harmoniously and without contest, and without dispute, and without usurpation.

I have thus finished the examination of the *political* part of these commentaries, and this is the only object with which this review was commenced. There are, however, a few topics yet remaining, of great public concern, and which ought not to be omitted. Some of these, as it seems to me, have been presented by the author in false and deceptive lights, and others of them, from their intrinsic importance, cannot be too often pressed upon public attention. I do not propose to examine them minutely, but simply to present them in a few of their strongest lights.

In his examination of the structure and functions of the house of representatives, the author has given his views of that clause of the Constitution which allows representation to three-fifths of the slaves. He considers the compromise upon this subject as unjust in principle, and decidedly injurious to the people of the non-slave-holding states. He admits that an equivalent for this supposed concession to the south was intended to be secured by another provision, which directs that "Representatives and direct taxes shall be apportioned among the several states, according to their respective numbers;" but he considers this provision "more specious than solid; for while in the levy of direct taxes it apportions them on three-fifths of persons not free, it, on the other hand, really exempts the other two-fifths from being taxed at all as property. Whereas, if direct taxes had been apportioned, as upon principle they ought to be, accordiug to the real value of property within the state, the whole of the slaves would have been taxable as property. But a far more striking inequality has been disclosed by the practical operations of the government. The principle of representation is constant and uniform; the levy of direct taxes is occasional and rare. In the course of forty years, no more than three direct taxes have been levied, and those only under very extraordinary and pressing circumstances. The ordinary expenditures of the government are, and always have been, derived from other sources. Imposts upon foreign importations have supplied, and will generally supply, all the common wants; and if these should not furnish an adequate revenue, excises are next resorted to, as the surest and most convenient mode of taxation. Direct taxes constitute the last resort; and, as might have been foreseen, would never be laid until other resources had failed."

This is a very imperfect, and, as it seems to me, not a very candid view of a grave and important subject. It would have been well to avoid it altogether,

if it had been permitted; for the public mind needs no encouragement to dwell, with unpleasant reflections, upon the topics it suggests. In an examination of the Constitution of the United States, however, some notice of this peculiar feature of it was unavoidable; but we should not have expected the author to dismiss it with such criticism only as tends to show that it is unjust to his own peculiar part of the country. It is manifest to every one that the arrangement rests upon no particular principle, but is a mere compromise between conflicting interests and opinions. It is much to be regretted that it is not on all hands acquiesced in and approved, upon that ground; for no public necessity requires that it should be discussed, and it cannot now be changed without serious danger to the whole fabric. The people of the slave-holding states themselves have never shown a disposition to agitate the question at all, but, on the contrary, have generally sought to avoid it. It has, however, always "been complained of as a grievance," by the non-slaveholding states, and that too in language which leaves little doubt that a wish is very generally entertained to change it. A grave author, like Judge Story, who tells the people, as it were *ex cathedrâ*, that the thing is unjust in itself, will scarcely repress the dissatisfaction, which such an announcement, falling in with preconceived opinions, will create, by a simple recommendation to acquiesce in it as a compromise, tending upon the whole to good results. His remarks may render the public mind more unquiet than it now is; they can scarcely tranquillize or reconcile it. For myself, I am very far from wishing to bring the subject into serious discussion, with any view to change; but I cannot agree that an arrangement, obviously *injurious* to the south, should be held up as giving her advantages of which the north has reason to complain.

I will not pause to inquire whether the rule apportioning representatives according to *numbers*, which, after much contest, was finally adopted by the convention, be the correct one or not. Supposing that it is so, the rule which apportions *taxation* in the same way, follows as matter of course. The difficulties under which the convention seem to have laboured, in regard to this subject, may well excite our surprise, at the present day. If the north really supposed that they conceded anything to the south, by allowing representation to three-fifths of their slaves, they were certainly but poorly compensated for the concession, by that provision of the Constitution which apportions taxation according to representation. This principle was universally acknowledged throughout the United States, and is, in fact, only a modification of the great principle upon which the revolution itself was based. That taxation should be apportioned to representation, results from the federative character of our government; and the fact that this rule was adopted, sustains the views which have been presented, upon this point. It would have been indeed strange, if some one state, having only half the representatives of its neighbour state, might yet have been subjected to twice the amount of taxation; Delaware, for instance, with her one representative, to twice the taxes of Pennsylvania, with her twenty-eight. A different rule from that which prevails might subject the weaker states to intolerable oppression. A combination among a few of the strongest states might, by a little management, throw the whole burthen of taxation upon the others, by selecting only such subjects of taxation as they themselves did not possess, or which they possessed only to a comparatively small extent. It never would have answered to entrust the power of taxation to congress, without some check against these and similar abuses, and no check

could have been devised, more effective or more appropriate than the provision now under consideration. All the states were interested in it; and the south much more deeply than the north. The slaves of the south afford the readiest of all possible subjects for this sort of practice; and it would be going too far to say that they would not, at some day or other, be selected for it, if this provision of the Constitution did not stand in the way. The southern states would certainly never have adopted the Constitution, without some such guaranty as this, against those oppressions to which their peculiar institutions exposed them; and the weaker states, whether north or south, would never have adopted it, because it might lead to their utter annihilation in the confederacy. This provision of the Constitution, therefore, can scarcely be considered as an *equivalent* for anything conceded by some of the states to others. It resulted necessarily from the very nature of their union; it is an appropriate and necessary feature in every confederacy between sovereign states. We ought, then, to regard that provision of the Constitution, which allows representation to only three-fifths of the slaves, as a *concession made by the south*; and one for which they received no equivalent, except in the harmony which it served to produce.

Reverting to the rule, that representation shall be apportioned to population, and supposing that all parties acquiesce in the propriety of it, upon what principle is the rule itself founded? We have already seen that the whole country had adopted the principle that *taxation* should be apportioned to representation, and, of course, in fixing the principle of representation, the question of taxation was necessarily involved. There is no perfectly just rule of taxation, but *property*; every man should contribute to the support of the government, according to his ability, that is, according to the value of that property to which government extends its protection. But this rule never can be applied in practice; because it is impossible to discover what is the amount of the property, either of individuals or nations. In regard to estates, *population* is the best measure of this value which can be found, and is, in most cases, a sufficiently accurate one. Although the wealth of the state cannot be ascertained, its people can be easily counted, and hence the number of its people gives the best rule for its representation, and, consequently, for its taxation.

The population of a state is received as the best measure of the value of its property, because it is in general true, that the greater the number of people the greater is the amount of productive industry. But of what consequence is it *by what sort of people* this amount of production is afforded? It was required that each state of our union should contribute its due proportion to the common treasury; a proportion ascertained by the number of its people. Of what consequence is it, whether this contribution be made by the labour of slaves, or by that of freemen? All that the states had a right to require of one another was, that each should contribute its allotted proportion; but no state had a right to inquire from what particular sources that contribution arose. Each state having a perfect right to frame its own municipal regulations for itself, the other states had no right to subject her to any disabilities or disadvantages on account of them. If Massachusetts had a right object to the representation of the slaves of Virginia, Virginia had the same right to object to the representation of the apprentices, the domestic servants, or even the mechanics of Massachusetts. The peculiar private condition and relations of

the people of a state to one another could not be properly inquired into by any other state. That is a subject which each state regulates for itself; and it cannot enter into the question of the influence which such state ought to possess, in the common government of all the states. It is enough that the state brings into the common stock a certain amount of wealth, resulting from the industry of her people. Whether those people be men or women, bond or free, or bound to service for a limited time only, is the exclusive concern of the state itself, and is a matter with which the other states cannot intermeddle, without impertinence, injustice, and oppression. So far, then, from limiting representation to three-fifths of the slaves, they ought *all* to be represented, for all contribute to the aggregate of the productive industry of the country. And, even then, the rule would operate injuriously upon the slave-holding states; for if the labour of a slave be as productive as that of a freeman, (and in agriculture it is so,) the cost of supporting him is much less. Therefore, of the same amount of food and clothing, raised by the two classes, a greater surplus will remain of that of the slave, and of course a greater amount subject to the demands of the public necessities.

The remarks of John Adams, delivered in convention, are very forcible upon this point. According to Mr. Jefferson's report of them, he observed, "that the numbers of people are taken as an index of the wealth of the state, and not as subjects of taxation; that as to this matter, it was of no consequence by what name you called your people, whether by that of freemen or of slaves; that in some countries the labouring poor are called freemen, in others they are called slaves; but that the difference, as to the state, was imaginary only. What matters it whether a landlord, employing ten labourers on his farm, gives them annually as much money as will buy them the necessaries of life, or gives them those necessaries at short hand? The ten labourers add as much wealth to the state, increase its exports as much, in the one case as in the other. Certainly five hundred freemen produce no more profits, no greater surplus for the payment of taxes, than five hundred slaves. Therefore the state, in which the labourers are called freemen, should be taxed no more than that in which the labourers are called slaves. Suppose by an extraordinary operation of nature or of law, one-half the labourers of a state could, in the course of one night, be transformed into slaves, would the state be made poorer or less able to pay taxes? That the condition of the labouring poor in most countries, that of the fishermen particularly of the northern states, is as abject as that of slaves. It is the number of labourers which produces the surplus for taxation, and numbers therefore, indiscriminately, are the fair index to wealth."

It is obvious that these remarks were made for a very different purpose from that which I have in view. The subject then before the convention was the proper rule of taxation, and it was Mr. Adams' purpose to show that, as to *that* matter, slaves should be considered only as *people*, and, consequently, as an index of the amount of taxable wealth. The convention had not *then* determined that representatives and direct taxes should be regulated by the same ratio. When they did determine this, the remarks of Mr. Adams seem to me conclusive, to show that representation of *all* the slaves ought to have been allowed; nor do I see how those who held his opinions could possibly have voted otherwise. If slaves are *people*, as forming the measure of national wealth, and consequently of taxation, and if taxation and representation be

placed upon the same principle, and regulated by the same ratio, then that slaves are people, in fixing the ratio of representation, is a logical *sequitur* which no one can possibly deny.

But it is objected that slaves are *property*, and, for that reason, are not more entitled to representation than any other species of property. But they are also *people*, and, upon analogous principles, are entitled to representation as people. It is in this character alone that the non-slave-holding states have a right to consider them, as has already been shown, and in this character alone is it *just* to consider them. We ought to presume that every slave occupies a place which, but for his presence, would be occupied by a free white man: and, if this were so, every one, and not three-fifths only, would be represented. But the states who hold no slaves have no right to complain that this is not the case in other states, so long as the labour of the slave contributes as much to the common stock of productive industry, as the labour of the white man. It is enough that a state possesses a certain number of *people*, of living, rational beings. We are not to inquire whether they be black or white, or tawny, nor what are their peculiar relations among one another. If the slave of the south be property, of what nature is that property, and what kind of interest has the owner in it? He has a right to the profits of the slave's labour. And so, the master of an indented apprentice has a right to the profits of *his* labour. It is true, one holds the right for the life of the slave, and the other only for a time limited in the apprentice's indentures; but this is a difference only in the *extent*, and not in the *nature* of the interest. It is also true, that the owner of a slave has, in most states, a right to *sell* him; but this is only because the laws of the state authorize him to do so. And, in like manner, the indentures of an apprentice may be transferred, if the laws of the state will allow it. In all these respects, therefore, the slave and the indented apprentice stand upon precisely the same principle. To a certain extent, they are both property, and neither of them can be regarded as a free man; and if the one be not entitled to representation, the other also should be denied that right. Whatever be the difference of their relations to the separate members of the community, in the eye of that community they are both *people*. Here, again, Mr. Adams shall speak for me; and our country has produced few men who could speak more wisely. "A slave may indeed, from the custom of speech, be more properly called the wealth of his master, than the free labourer might be called the wealth of his employer; but as to the state, both are equally its wealth, and should therefore equally add to the quota of its tax." Yes; and, consequently, they should equally add to the quota of its *representation*.

Our author supposes that it is a great advantage to the slave-holding states that, while three-fifths of the slaves are entitled to representation, *two*-fifths are exempted from taxation. Why confine it to three-fifths? Suppose that *none* of them were entitled to representation, the only consequence would be, that the state would have fewer representatives, and, for that reason, would have a less amount of taxes to pay. In this case, *all* the slaves would be exempted from taxation; and, according to our author, the slave-holding states would have great reason to be content with so distinguishing an advantage. And, for the same reason, every other state would have cause to rejoice at the diminution of the number of its people, for although its *representation* would thereby be decreased, its *taxes* would be decreased in the same proportion

This is the true mode of testing the author's position. It will be found that every state values the right of representation at a price infinitely beyond the amount of direct taxes to which that right may subject it; and, of course, the southern states have little reason to be thankful that two-fifths of their slaves are exempted from taxation, since they lose, in consequence of it, the right of representation to the same extent. The author, however, seems to have forgotten this connexion between representation and taxation; he looks only at the sources whence the union may draw wealth from the south, without inquiring into the principles upon which her representation may be enlarged. He thinks that direct taxes ought to be apportioned "according to the real value of property within the state;" in which case "the whole of the slaves would have been taxable as property." I have already remarked that this is, indeed, the true rule; but it is wholly impracticable. It would be alike impossible to fix a satisfactory standard of valuation, and to discover the taxable subjects. No approximation to the truth could be hoped for, without a host of officers, whose compensations would consume a large proportion of the tax, while, from the very nature of their duties, they would be forced into minute examinations, inconsistent with the freedom of our institutions, harassing and vexatious in their details, and leading inevitably to popular resistance and tumult. And this process must be gone through at every new tax, for the relative wealth of the states would be continually changing. Hence, *population* has been selected as the proper measure of the wealth of the states. But, upon our author's principle, the south would be, indeed, little better off than the lamb in the embrace of the wolf. The slaves are easily found; they can neither be buried under ground, nor hid in the secret drawers of a bureau. They are *peculiar*, too, to a particular region; and other regions, having none of them, would yet have a voice in fixing their value as subjects of taxation. That they would bear something more than their due share of this burthen, is just as certain as that man, under all circumstances, will act according to his nature. In the meantime, not being considered as *people*, they would have no right to be heard in their own defence, through their representatives in the federal councils. On the other hand, the non-slave-holding states would be represented in proportion to the whole numbers of their people, and would be taxed only according to that part of their wealth which they might choose to disclose, or which they could not conceal. And in the estimate of this wealth, their *people* would not be counted as taxable subjects, although they hold to their respective states precisely the same relation, as labourers and contributors to the common treasury, as is held by the slaves of the south to their respective states. The rule, then, which considers slaves only as property to be taxed, and not as people to be represented, is little else than a rule imposing on the southern states almost the entire burthens of the government, and allowing to them only the shadow of influence in the measures of that government.

The truth is, the slave-holding states have always contributed more than their just proportion to the wealth and strength of the country, and not *less* than their just proportion to its intelligence and public virtue. This is the only perfectly just measure of political influence; but it is a measure which cannot be applied in practice. We receive *population* as the best practicable substitute for it; and as all *people*, whatever be their private and peculiar conditions and relations, are presumed to contribute their share to the stock of general wealth, intelligence and virtue, they are all entitled to their respective

shares of influence in the measures of government. The slave-holding states, therefore, had a right to demand that *all* their slaves should be represented; they yielded too much in agreeing that only three-fifths of them should possess that right. I cannot doubt that this would have been conceded by the convention, had the principle, that representatives and direct taxes should be apportioned according to the same ratio, been then adopted into the Constitution. It would have been perceived that, while the representation of the southern states would thus have been increased, their share of the public taxes would have been increased in the same proportion; and thus they would have stood, in all respects, upon the same footing with the other states. The northern states would have said to them, "Count your people; it is of no consequence to us what is their condition at home; they are *labourers*, and therefore they contribute the same amount of taxable subjects, whether black or white, bond or free. We therefore recognize them as *people*, and give them representation as such. All that we require is, that when we come to lay direct taxes, they shall be regarded as people still, and you shall contribute for them precisely as we contribute for our people." This is the plain justice of the case; and this alone would be consistent with the great principles which ought to regulate the subject. It is a result which is no longer attainable, and the south will, as they ought to do, acquiesce in the arrangement as it now stands. But they have reason to complain that grave authors, in elaborate works designed to form the opinions of rising generations, should so treat the subject as to create an impression that the southern states are enjoying advantages under our Constitution, to which they are not fairly entitled, and which they owe only to the liberality of the other states; for the south feels that these supposed advantages are, in fact, *sacrifices*, which she has made only to a spirit of conciliation and harmony, and which neither justice nor sound principle would ever have exacted of her.

The most defective part of the Federal Constitution beyond all question, is that which relates to the executive department. It is impossible to read that instrument, without being forcibly struck with the loose and unguarded terms in which the powers and duties of the president are pointed out. So far as the legislature is concerned, the limitations of the Constitution are, perhaps, as precise and strict as they could safely have been made; but in regard to the executive, the convention appear to have studiously selected such loose and general expressions, as would enable the president, by implication and construction, either to neglect his duties, or to enlarge his powers. We have heard it gravely asserted in congress, that whatever power is neither legislative nor judiciary, is, of course, executive, and, as such, belongs to the president, under the Constitution! How far a majority of that body would have sustained a doctrine so monstrous, and so utterly at war with the whole genius of our government, it is impossible to say; but this, at least, we know, that it met with no rebuke from those who supported the particular act of executive power, in defence of which it was urged. Be this as it may, it is a reproach to the Constitution, that the executive trust is so ill-defined, as to leave any plausible pretence, even to the insane zeal of party devotion, for attributing to the president of the United States the powers of a despot; powers which are wholly unknown in any limited monarchy in the world.

It is remarkable that the Constitution is wholly silent in regard to the power of removal from office. The *appointing* power is in the president and

senate; the president nominating, and the senate confirming; but the power to *remove* from office seems never to have been contemplated by the convention at all, for they have given no directions whatever upon the subject. The consequence has been precisely such as might have been expected, a severe contest for the possession of that power, and the ultimate usurpation of it, by that department of the government to which it ought never to be entrusted. In the absence of all precise directions upon the subject, it would seem that the power to remove ought to attend the power to appoint; for those whose duty it is to fill the offices of the country with competent incumbents, cannot possibly execute that trust fully and well, unless they have power to correct their own errors and mistakes, by removing the unworthy, and substituting better men in their places. This, I have no doubt, is the true construction of our Constitution. It was for a long time strenuously contended for by a large party in the country, and was finally yielded, rather to the confidence which the country reposed in the virtues of Washington, than to any conviction that it was properly an executive power, belonging only to the president. It is true of Washington alone, of all the truly great of the earth, that he never inflicted an injury upon his country, except only such as proceed from the excess of his own virtues. His known patriotism, wisdom and purity, inspired us with a confidence and a feeling of security against the abuses of power, which has led to the establishment of many precedents, dangerous to public liberty in the hands of any other man. Of these, the instance before us is not the least important. The power to remove from office is, in effect, the power to appoint to office. What does it avail that the senate must be consulted in appointing to office, if the president may, the very next moment, annul the act by removing the person appointed? The senate has no right to select; they can do nothing more than confirm or reject the person nominated by the president. The president may nominate his own devoted creatures; if the senate should disapprove any one of them, he has only to nominate another, and another, and another; for there is no danger that the list will be exhausted, until the senate will be persuaded or worried into compliance. And when the appointment is made, the incumbent knows that he is a mere tenant at will, and necessarily becomes the mere tool and slave of the man at whose sole pleasure he eats his daily bread. Surely, it is a great and alarming defect in our Constitution, that so vast and dangerous a power as this should be held by one man. Nothing more is required to place the liberties of the country at the feet of the president, than to authorize him to fill, and to vacate and to fill again, at his sole will and pleasure, all the offices of the country.

The necessary consequence of enabling the president to remove from office at his mere pleasure is, that the officer soon learns to consider himself the officer of the president, and not of the country. The nature of his responsibility is changed; he answers not to the people for his conduct, for he is beyond their reach; he looks only to the president, and, satisfied with *his* approval, is regardless of everything else. In fact, his office, however obscure it may be, soon comes to be considered only a part of the great executive power lodged in the president. The president is the village postmaster, the collector of the customs, the marshal, and everything else; and the incumbents of those offices are but *his* agents, through whom, for the sake of convenience, he exercises so much of his gigantic powers. One step farther, and the agency of the senate in these appointments will be no longer invoked. A little more of that con-

struction and implication to which the looseness of the Constitution, on this point, holds out the strongest invitation, and the president will say to the senate, "This collectorship is a part of the great executive trust which is lodged in me; I have a right to discharge it in person, if I please, and, consequently, I have a right to discharge it by my own agent. It is my duty to see that the laws are executed; and if I do so, that is all that the country can require of me. I have a right to do so in my own way." There is no extravagance in this supposition; nothing in the past history of the country which teaches us to consider it an improbable result. Who does not perceive that the claims which have already been made, in behalf of executive power upon this very point, must of necessity change the whole nature and spirit of our institutions? Their fundamental principle is, that all power is in *the people*, and that public officers are but their trustees and servants, responsible to *them* for the execution of their trusts. And yet, in the various ramifications of the executive power, in the thousand agencies necessary to the convenience and interests of the people, which belong to that department, there is, in effect, no responsibility whatever. The injured citizen can make his complaint only to the president, and the president's creature knows that he is perfectly secure of his protection, because he has already purchased it by slavish subserviency. Is it enough that the president himself is responsible? We shall soon see that his responsibility is nominal only; a mere formal mockery. And responsible for what? Will you impeach the president because a postmaster has robbed the public mail, or a collector of the customs stolen the public money? There is absurdity in the very idea. Will you impeach him because he does not remove these unfaithful agents, and appoint others? He will tell you that, according to the construction which has been given to the Constitution, and in which you yourselves have acquiesced, that matter depends solely on his own will, and you have no right to punish him for what the Constitution authorizes him to do. What then is the result? The president claims every power which, by the most laboured constructions, and the most forced implications, can be considered as executive. No matter in how many hands they are distributed, he wields them all; and when we call on him to answer for an abuse of those powers, he gravely tells us, that his agents have abused them and not he. And when we call on those agents to answer, they impudently reply, that it is no concern of ours, they will answer to the president! Thus powers may be multiplied and abused without end, and the people, the real sovereigns, the depositaries of all power, can neither check nor punish them!

This subject certainly calls loudly for public attention. We ought not to lose sight of the rapid progress we have made in the decline of public virtue. It becomes us to understand that we have no longer Washingtons among us, to whose pure hands the greatest powers may be safely entrusted. We are now in that precise stage of our progress, when reform is not impossible, and when the practical operation of the government has shown us in what particulars reform is necessary. If we regard our government, not as the mere institution of the hour, but as a system which is to last through many successive generations, protecting and blessing them, it becomes us to correct its faults, to prune its redundancies, to supply its defects, to strengthen its weak points, and check its tendency to run into irresponsible power. If this be not speedily done, it requires no prophet's eye to see that it will not be done at all. And whenever

this great and necessary work shall be undertaken, the single reform which is here suggested will accomplish half that is required.

Another striking imperfection of the Constitution, as respects the executive department, is found in the veto power. The right to forbid the people to pass whatever laws they please, is the right to deprive them of self-government. It is a power which can never be entrusted to one man, or any number of men short of the people themselves, without the certain destruction of public liberty. It is true that each department of the government should be armed with a certain power of self-protection against the assaults of the other departments; and the executive, probably, stands most in need of such protection. But the veto power, as it stands in the Constitution, goes far beyond this object. It is, in effect, a power in the executive department to forbid all action in any other. It is true that, notwithstanding the veto of the president, a law may still be passed, provided *two-thirds* of each house of congress agree therein; but it is obvious that the cases are very rare, in which such concurrence could be expected. In cases of plain necessity or policy the veto would not be applied; and those of doubtful necessity or policy would rarely be carried by a majority so large as two-thirds of each house. And yet in these it may be just as important that the public will should be carried out, as in cases of less doubt and difficulty. It may be, also, that a president may oppose the passage of laws of the plainest and most pressing necessity. And if he should do so, it would certainly give him a most improper power over the people, to enable him to prevent the most necessary legislation, with only one-third of each house of congress in his favour. There is something incongruous in this union of legislative and executive powers in the same man. Perhaps it is proper that there should be a power somewhere, to check hasty and ill-considered legislation, and that power may be as well entrusted to the president as to any other authority. But it is not necessary that it should be great enough to prevent *all* legislation, nor to control in any respect the free exercise of the legislative will. It would be quite enough for the security of the rights of the executive, and quite enough to ensure temperate and wise legislation, to authorize the president merely to send back to the legislature for reconsideration any law which he disapproved. By thus affording to that body time and opportunity for reflection, with all the additional lights which the president himself could throw upon the subject, we should have every reasonable security for the due exercise of the legislative wisdom, and a fair expression of the public will. But if, after all this, the legislature, in both its branches, should still adhere to their opinion, the theory and the sound practice of all our institutions require that their decision should be binding and final.

But the great defect of the Constitution in relation to this department is, that the responsibility of the president is not duly secured. I am sensible of the great difficulty which exists in arranging this subject properly. It is scarcely possible to lodge the power of impeachment anywhere, without subjecting it to the danger of corrupting influences; and it is equally difficult so to limit the extent and direct the exercise of that power, as to reconcile a proper responsibility in the officer, with a proper independence and sense of security, in the discharge of his duties. The power to try impeachments is correctly lodged with the senate, the representative of the states; for, as the government, with all its offices, were created by the states, the states alone should have the right

to try and to remove the delinquent incumbents. But in the exercise of this power, the concurrence of too large a proportion is made necessary to conviction. The same reasoning applies here which was applied to the veto power. Nothing short of the most flagrant and indisputable guilt will ever subject a president to removal by impeachment. He must be, indeed, but little practised in the ways of men, or strangely misled and infatuated, if, with all the means which his office places within his control, he cannot bring over at least one-third of the senate to his support. It is scarcely to be supposed that a man elected by the suffrages of a majority of the states would, within a short period of four years, so far forfeit his standing with the public, as not to retain the confidence of at least one-third of them. Besides, he has abundant means of influencing the *conduct* of his triers, however strong may be public opinion against him. To require, therefore, the concurrence of two-thirds of the senators present, is, in effect, to render the whole process an idle form. It might not be safe, however, to repose this high trust in a bare majority. The object to be attained is, on the one hand, to make the number authorized to convict so large, as to afford a reasonable assurance that there will be no conviction without clear proof of guilt, and, on the other, to make it so small, as to afford equal assurance that the guilty will not escape. I do not pretend to suggest how large the majority ought to be, in order to ensure this result; but it is perfectly certain that, as the matter now stands, in nine-tenths of the cases in which the power may be called into exercise, it will be found utterly unavailing for any good purpose. Indeed, it can scarcely fail to be extremely mischievous; for a charge of guilt preferred, and not sustained, will always strengthen the president, by enlisting public sympathy in his favour, and will thus indirectly sanction the very abuse for which he was subjected to trial. A president tried and acquitted will always be more powerful than he would have been, had he done nothing to bring his conduct into question.

There is a species of responsibility to which the president is subjected, in the fact that the people may refuse to re-elect him. This will certainly be felt in some degree, by those presidents for whom a re-election possesses greater charms than any possible abuse of power. But this is, under any circumstances, a feeble security to the people; and it will be found of no value whatever, as soon as the government shall have approached a little nearer, than at present, to the confines of absolute power. Besides, the reasoning could not apply to a president in his second term, and who, according to the established usage, could not expect to be re-elected. This is the period through which he may revel in all the excesses of usurped authority, without responsibility, and almost without check or control.

The re-eligibility of the president, from term to term, is the necessary source of numberless abuses. The fact that the same president may be elected, not for a second term only, but for a third, or fourth, or twentieth, will ere long suggest to him the most corrupting uses of his powers, in order to secure that object. At present there is no danger of this. Presidents are now made, not by the free suffrages of the people, but by party management; and there are always more than one in the successful party, who are looking to their own turn in the presidential office. It is too early yet for a monopoly of that high honour; but the time will come, when the actual incumbent will find means to buy off opposition, and to ensure a continuance in office, by prostituting the trusts which belong to it. This is so obviously within the natural course of

things, that it may well excite our surprise that the convention should have left the public liberty wholly unguarded, at so assailable a point. It is surely a plain dictate of wisdom, and a necessary provision in every free government, that there should be some definite limit to the duration of executive power, in the same hands. We cannot hope to be free from the corruptions which result from an abuse of presidential power and patronage, until that officer shall be eligible only for *one* term—a long term if you please—and until he shall be rendered more easily and directly responsible to the power which appoints him.

Regarding this work of Judge Story as a whole, it is impossible not to be struck with the laborious industry which he has displayed, in the collection and preparation of his materials. He does not often indulge himself in speculations upon the *general* principles of government, but confines himself, with great strictness, to the particular form before him. Considering him as a mere lawyer, his work does honour to his learning and research, and will form a very useful addition to our law libraries. But it is not in this light only that we are to view it. The author is a *politician*, as well as a lawyer, and has taken unusual pains to justify and recommend his own peculiar opinions. This he has done, often at the expense of candour and fairness, and, almost invariably, at the expense of historical truth. We may well doubt, therefore, whether his book will not produce more evil than good, to the country; since the false views which it presents, of the nature and character of our government, are calculated to exert an influence over the public mind, too seriously mischievous to be compensated by any new lights which it sheds upon other parts of our Constitution. Indeed, it is little else than a laboured panegyric upon that instrument. Having made it, by forced constructions, and strange misapprehensions of history, to conform to his own *beau ideal* of a perfect government, he can discern in it nothing that is deficient, nothing that is superfluous. And it is his particular pleasure to arm it with strong powers, and surround it with imposing splendours. In his examination of the legislative department, he has displayed an extraordinary liberality of concession, in this respect. There is not a single important power ever exercised or claimed for congress, which he does not vindicate and maintain. The long contested powers to protect manufactures, to construct roads, with an endless list of similar objects to which the public money may be applied, present no serious difficulty to his mind. An examination of these several subjects, in detail, would swell this review beyond its proper limits, and is rendered unnecessary by the great principles which it has been my object to establish. I allude to them here, only as illustrating the general character of this book, and as showing the dangerous tendency of its political principles. It is, indeed, a strong argument in favour of federal power; and when we have said this, we have given it the character which the author will most proudly recognize. And it is not for the legislature alone, that these unbounded powers are claimed; the other departments come in for a full share of his favour. Even when he is forced to condemn, he does it with a censure so faint, and so softened and palliated, as to amount to positive praise.

It is too late for the people of these states to indulge themselves in these undiscriminating eulogies of their Constitution. We have, indeed, every reason to admire and to love it, and to place it far above every other system, in all the essentials of good government. Still, it is far from being perfect, and we should be careful not to suffer our admiration of what is undoubtedly good in it, to make us blind to what is as undoubtedly evil. When we consider the

difficulties under which the convention laboured, the great variety of interests and opinions which it was necessary for them to reconcile, it is matter of surprise that they should have framed a government so little liable to objection. But the government which they framed is not that which our author has portrayed. Even upon the guarded principles for which I have contended in this review, the action of the whole system tends too strongly towards consolidation. Much of this tendency, it is true, might be corrected by ordinary legislation; but, even then, there would remain in the federal government an aggregate of powers, which nothing but an enlightened and ever-vigilant public opinion could confine within safe limits. But if our author's principles be correct, if ours be, indeed, a consolidated and not a federative system, I, at least, have no praises to bestow on it. Monarchy in form, open and acknowledged, is infinitely preferable to monarchy in disguise.

The principle that ours is a consolidated government of all the people of the United States, and not a confederation of sovereign states, must necessarily render it little less than omnipotent. That principle, carried out to its legitimate results, will assuredly render the federal government the strongest in the world. The powers of such a government are supposed to reside in *a majority of the people*; and, as its responsibility is only to the people, that majority may make it whatever they please. To whom is that majority itself responsible? Upon the theory that it possesses all the powers of the government, there is nothing to check, nothing to control it. In a population strictly homogeneous in interests, character, and pursuits, there is no danger in this principle. We adopt it in all our state governments, and in them it is the true principle; because the majority can pass no law which will not affect themselves, in mode and degree, precisely as it affects others. But in a country so extensive as the United States, with great differences of character, interests, and pursuits, and with these differences, too, marked by geographical lines, a fair opportunity is afforded for the exercise of an oppressive tyranny, by the majority over the minority. Large masses of mankind are not apt to be swayed, except by interest alone; and wherever that interest is distinct and clear, it presents a motive of action too strong to be controlled. Let it be supposed that a certain number of states, containing a majority of the people of all the states, should find it to their interest to pass laws oppressive to the minority, and violating their rights as secured by the Constitution. What redress is there, upon the principles of our author? Is it to be found in the federal tribunals? They are themselves a part of the oppressing government, and are, therefore, not impartial judges of the powers of that government. Is it to be found in the virtue and intelligence of the people? This is the author's great reliance. He acknowledges that the system, as he understands it, is liable to great abuses; but he supposes that the virtue and intelligence of the people will, under all circumstances, prove a sufficient corrective. Of what people? Of that very majority who have committed the injustice complained of, and who, according to the author's theory, are the sole judges whether they have power to do it or not, and whether it be injustice or not. Under such a system as this, it is a cruel mockery to talk of the rights of the minority. If they possess rights, they have no means to vindicate them. The majority alone possess the government: they alone measure its powers, and wield them without control or responsibility. This is despotism of the worst sort, in a system like ours. More tolerable, by far, is the despotism of one man, than that of a party, ruling without control

consulting its own interests, and justifying its excesses under the name of republican liberty. Free government, so far as its protecting power is concerned, is made for minorities alone.

But the system of our author, while it invites the majority to tyrannize over the minority, and gives the minority no redress, is not safe even for that majority itself. It is a system unbalanced, unchecked, without any definite rules to prevent it from running into abuse, and becoming a victim to its own excesses. The separation and complete independence of the several departments of the government is usually supposed to afford a sufficient security against an undue enlargement of the powers of any one of them. This is said to be the only real discovery in politics, which can be claimed by modern times; and it is generally considered a very *great* discovery, and perhaps the only contrivance by which public liberty can be preserved. The idea is wholly illusory. It is true, that public liberty could scarcely exist without such separation, and, for that reason, it was wisely adopted in our systems. But we should not rely on it, with too implicit a confidence, as affording, in itself, any adequate barrier against the encroachments of power, or any adequate security for the rights and liberties of the people. I have little faith in these *balances* of government; because there is neither knowledge nor wisdom enough in man to render them accurate and permanent. In spite of every precaution against it, some one department will acquire an undue preponderance over the rest. The first excesses are apt to be committed by the legislature; and in a consolidated government, such as the author supposes ours to be, there is a peculiar proneness to this. In all free governments, the democratic principle is continually extending itself. The people being possessed of all power, and feeling that they are subject to no authority except their own, learn, in the end, to consider the very restraints which they have voluntarily imposed upon themselves, in their constitution of government, as the mere creatures of their own will, which their own will may at any time destroy. Hence the legislature, the immediate representatives of the popular will, naturally assume upon themselves every power which is necessary to carry that will into effect. *This is not liberty.* True political liberty demands many and severe restraints; it requires protection against itself, and is no longer safe, when it refuses to submit to its own self-imposed discipline. But whatever power the legislature may assume, they seldom retain it long. They win it, not for themselves, but for the executive. All experience proves that this is a usual result, in every form of freee government. In every age of the world, the few have found means to steal power from the many. But in *our* government, if it be indeed a consolidated one, such a result is absolutely inevitable. The powers which are expressly lodged in the executive, and the still greater powers which are assumed, because the Constitution does not expressly deny them, a patronage which has no limit and acknowledges no responsibility, all these are quite enough to bring the legislature to the feet of the executive. Every new power, therefore, which is assumed by the *federal government*, does but add so much to the powers of the president. One by one, the powers of the other departments are swept away, or are wielded only at the will of the executive. This is not speculation; it is history; and those who have been so eager to increase the powers, and to diminish the responsibilities, of the federal government, may know from their own experience, that they have laboured only to aggrandize the executive department, and raise the president above the people.

That officer is not, by the Constitution, and never was designed to be, any thing more than a simple executive of the laws; but the principle which consolidates all power in the federal government clothes him with royal authority, and subjects every right and every interest of the people to his will. The boasted *balance*, which is supposed to be found in the separation and independence of the departments, is proved, even by our own experience, apart from all reasoning, to afford no sufficient security against this accumulation of powers. It is to be feared that the reliance which we place on it may serve to quiet our apprehensions, and render us less vigilant, than we ought to be, of the progress, sly, yet sure, which a vicious and cunning president may make towards absolute power.

And let us not sleep in the delusion that we shall derive all needful security from our own "intelligence and virtue." The people may, indeed, preserve their liberties forever, if they will take care to be always virtuous, always wise, and always vigilant. And they will be equally secure, if they can assure themselves that the rulers they may select will never abuse their trust, but will always understand and always pursue the true interests of the people. But, unhappily, there are no such people, and no such rulers. A government must be imperfect, indeed, if it require such a degree of virtue in the people as renders all government unnecessary. Government is founded, not in the virtues, but in the vices of mankind; not in their knowledge and wisdom, but in their ignorance and folly. Its object is to protect the weak, to restrain the violent, to punish the vicious, and to compel all to the performance of the duty which man owes to man in a social state. It is not a self-acting machine, which will go on and perform its work without human agency; it cannot be separated from the human beings who fill its places, set it in motion, and regulate and direct its operations. So long as these are liable to err in judgment, or to fail in virtue, so long will government be liable to run into abuses. Until all men shall become so perfect as not to be required to be ruled, all governments professing to be free will require to be watched, guarded, checked, and controlled. To do this effectually requires more than we generally find of public virtue and public intelligence. A great majority of mankind are much more sensible to their interests than to their rights. Whenever the people can be persuaded that it is their greatest interest to maintain their rights, then, and then only, will free government be safe from abuses.

Looking to our own federal government, apart from the states, and regarding it, as our author would have us, as a consolidated government of all the people of the United States, we shall not find in it this salutary countervailing interest. In an enlarged sense, it is, indeed, the greatest interest of all to support that government in its purity; for, although it is undoubtedly defective in many important respects, it is much the best that has yet been devised. Unhappily, however, the greatest interest of the whole is not *felt to be*, although in truth it is, the greatest interest of all the parts. This results from the fact, that our character is not homogeneous, and our pursuits are wholly different. Rightly understood, this fact should tend to bind us the more closely together, by showing us our dependence upon each other; and it should teach us the necessity of watching, with the greatest jealousy, every departure from the strict principles of our union. It is a truth, however, no less melancholy than incontestible, that if this ever was the view of the people, it has ceased to be so. And it could not be otherwise. Whatever be the *theory* of our Consti-

tution, its *practice*, of late years, has made it a consolidated government; the government of an irresponsible majority. If that majority can find, either in the pursuits of their own peculiar industry, or in the offices and emoluments which flow from the patronage of the government, an interest distinct from that of the minority, they will pursue that interest, and nothing will be left to the minority but the poor privilege of complaining. Thus the government becomes tyrannous and oppressive, precisely in proportion as its democratic principle is extended; and instead of the enlarged and general interest which should check and restrain it, a peculiar interest is enlisted, to extend its powers and sustain its abuses. Public virtue and intelligence avail little, in such a condition of things as this. That virtue falls before the temptations of interest which you present to it, and that intelligence, thus deprived of its encouraging hopes, serves only to point out new objects of unlawful pursuit, and suggest new and baser methods of attaining them.

The result could scarcely be brought about, if the federal government were allowed to rest on the principles upon which I have endeavoured to place it. The checking and controlling influences which afford safety to public liberty, are not to be found in the government itself. The people cannot always protect themselves against their rulers; if they could, no free government, in past times, would have been overthrown. Power and patronage cannot easily be so limited and defined, as to rob them of their corrupting influences over the public mind. It is truly and wisely remarked by the Federalist, that "a power over a man's subsistence is a power over his will." As little as possible of this power should be entrusted to the federal government, and even that little should be watched by a power authorized and competent to arrest its abuses. That power can be found only in the states. In this consists the great superiority of the federative system over every other. In that system, the federal government is responsible, not directly to the people *en masse*, but to the people in their character of distinct political corporations. However easy it may be to steal power from *the people*, *governments* do not so readily yield it to one another. The confederated states confer on their common government only such power as they themselves cannot separately exercise, or such as can be better exercised by that government. They have, therefore, an equal interest, to give it power enough, and to prevent it from assuming too much. In their hands the power of interposition is attended with no danger; it may be safely lodged where there is no interest to abuse it.

Under a federative system, the people are not liable to be acted on, (at least not to the same extent,) by those influences which are so apt to betray and enslave them, under a consolidated government. Popular masses, acting under the excitement of the moment, are easily led into fatal errors. History is full of examples of the good and great sacrificed to the hasty judgments of infuriated multitudes, and of the most fatal public measures adopted under the excitements of the moment. How easy is it for the adroit and cunning to avail themselves of such occasions, and how impossible is it, for a people so acted on, to watch their rulers wisely, and guard themselves against the encroachments of power! In a federative system, this danger is avoided, so far as their common government is concerned. The right of interposition belongs not to the people in the aggregate, but to the people in separate and comparatively small subdivisions. And even in these subdivisions, they can act only through the forms of their own separate governments. These are

necessarily slow and deliberate, affording time for excitement to subside, and for passion to cool. Having to pass through their own governments, before they can reach that of the United States, they are forbidden to act, until they have had time for reflection, and for the exercise of a cool and temperate judgment. Besides, they are taught to look, not to one government only, for the protection and security of their rights, and to feel that they owe obedience only to that. Conscious that they can find, in their own state governments, protection against the wrongs of the federal government, their feeling of dependence is less oppressive and their judgments more free. And while their efforts to throw off oppression are not repressed by a feeling that there is no power to which they can appeal, these efforts are kept under due restraints, by a consciousness that they cannot be unwisely exerted, except to the injury of the people themselves. It is difficult to perceive how a federal government, established on correct principles can ever be overthrown, except by external violence, so long as the federative principle is duly respected and maintained. All the requisite checks and balances will be found, in the right of the states to keep their common government within its proper sphere; and a sufficient security for the due exercise of that right is afforded by the fact, that it is the *interest* of the states to exercise it discreetly. So far as our own government is concerned, I venture to predict that it will become absolute and irresponsible, precisely in proportion as the rights of the states shall cease to be respected, and their authority to interpose for the correction of federal abuses shall be denied and overthrown.

It should be the object of every patriot in the United States to encourage a high respect for the state governments. The people should be taught to regard them as their greatest interest, and as the first object of their duty and affection. Maintained in their just rights and powers, they form the true balance-wheel, the only effectual check upon federal encroachments. And it possesses as a check these distinguishing advantages over every other, that it can never be applied without great deliberation and caution, that it is certain in its effects, and that it is but little liable to abuse. It is true that a state *may* use its power for improper purposes, or on improper occasions; but the federal government is, to say the least of it, equally liable to dangerous errors and violations of trust. Shall we then leave that government free from all restraint, merely because the proper countervailing power is liable to abuse? Upon the same principle, we should abandon all the guards and securities, which we have so carefully provided in the Federal Constitution itself. The truth is, all checks upon government are more or less imperfect; for, if it were not so, government itself would be perfect. But this is no reason why we should abandon it to its own will. We have only to apply to this subject our best discretion and caution, to confer no more power than is absolutely necessary, and to guard that power as carefully as we can. Perfection is not to he hoped for; but an approximation to it, sufficiently dear to afford a reasonable security to our rights and liberties, is not unattainable. In the formation of the federal government we have been careful to limit its powers, and define its duties. Our object was to render it such that the people should feel an interest in sustaining it in its purity, for otherwise it could not long subsist. Upon the same principle, we should enlist the same interest in the wise and proper application of those checks, which its unavoidable imperfections render necessary. That interest is found in the states. Having created the federal government at their own free will, and for their own uses, why

should they seek to destroy it? Having clothed it with a certain portion of their own powers, for their own benefit alone, why should they desire to render those powers inoperative and nugatory? The danger is, not that the states will interpose too often, but that they will rather submit to federal usurpations, than incur the risk of embarrassing that government, by any attempts to check and control it. Flagrant abuses alone, and such as public liberty cannot endure, will ever call into action this salutary and conservative power of the states.

But whether this check be the best or the worst in its nature, it is at least one which our system allows. It is not found *within* the Constitution, but exists independent of it. As that Constitution was formed by sovereign states, they alone are authorized, whenever the question arises between them and their common government, to determine, in the last resort, what powers they intended to confer on it. This is an inseparable incident of sovereignty; a right which belongs to the states, simply because they have never surrendered it to any other power, But to render this right available for any good purpose, it is indispensibly necessary to maintain the states in their proper position. If their people suffer them to sink into the insignificance of mere municipal corporations, it will be vain to invoke their protection against the gigantic power of the federal government. This is the point to which the vigilance of the people should be cheifly directed. Their highest interest is at home; their palladium is their own state governments. They ought to know that they can look nowhere else with perfect assurance of safety and protection. Let them then maintain those governments, not only in their rights, but in their dignity and influence. Make it the interest of their people to serve them; an interest strong enough to resist all the temptations of federal office and patronage. Then alone will their voice be heard with respect at Washington; then alone will their interposition avail to protect their own people against the usurpations of the great central power. It is vain to hope that the federative principle of our govornment can be preserved, or that anything can prevent it from running into the absolutism of consolidation, if we suffer the rights of the states to be filched away, and their dignity and influence to be lost, through our carlessness or neglect.

DEATH BY HANGING.

HANGING is a remnant of barbarity, one of the last tottering relics of the state handed down to us from the days of feudalism. In countries boasting to be governed by laws, men have been burnt at the stake, curious tortures have been invented to stimulate the conscience to confession: iron boots with screws, collars with spikes for the neck, heavy weights to be piled upon the body, the insufferable agonies of the wheel, the creaking and rattling of bones and chains upon gibbets, the quartering of traitors have been among the refined instruments of justice. Of these the very names of many have entirely perished: it requires some pains and laborious antiquarian research to find out how ingeniously human limbs were tortured, and what cunning arts there have been to drive the vexed and harassed spirit of life from the bodies of traitors and malefactors. Countless inhuman tortures have perished and are forgotten;

one, among the oldest and vilest of them, remains to this day. When a small band of righteous men crossed the ocean to found the American nation, they left behind them in the old world, many iniquities of legislation and government that have never been seen or heard of on this soil: they would have added another to those bonds of gratitude by which we are endeared to them, had they in solemn act, asserted in a memorable manner never to be forgotten, the dignity of human life, and renounced the punishment by death.

It is the chief triumph of modern civilization, one of the few infallible proofs that there is in the history of the world a sure progress from evil to goodness; that as education has been extended, governments have grown milder in the exercise of power, and the punishment of crime less and less inhuman. The *sanctity of human life* is the leading idea of civilization, whether we regard in the public relations of the state, the support of peace instead of war, or look to its adaptation to the physical wants, the preservation of the existence of an individual. There is hardly a condition of social welfare which does not touch upon this sacred obligation. Justice between man and man, the duty of moderation in the rule of the passions, the mutual affections, the love of the husband and wife, of the parent and child; the law which forbids duelling, the fear of the conscience which shudders at suicide; the wisdom of statesmen and rulers who shun war as the curse of a state, all look to the worth of a single man's life. It is no answer to the charge of the violation of life, upon the state, to say it is the penalty of murder, the punishment of the very sacrifice we would avoid; there have been two murders committed instead of one; one by the victim, the other by the state.

No one, we presume, can doubt of the value of life; the law itself, in the very act of execution admits it, for the culprit is always attended by a clergyman who is to prepare the soul for its untimely departure. But what if the soul is not prepared? The man is cut off the same, and if we are to believe aught of what is taught us on Sundays from pulpits, what has the sanction of the very law, this impenitent soul must perish eternally.

There is no apology for the crime of murder; we would not vindicate it; but common humanity teaches us the murderer has a capacity for improvement. His soul may be no blacker than that of the judge, with his genteeler vices, who pronounces sentence upon him. He is still a man. He has forfeited his property, his liberty, all secondary privileges to the State; he should not walk abroad lest he should injure another again: he should be imprisoned and condemned to labour, and be punished, that others may be deterred from crime by his suffering; but he should not die till the Great Disposer of life and death calls him as a sentinel from his post. Discipline, the end of our being on earth, may be attained in a prison, not less than in a palace. The soul may grow wiser and better in a jail. The means of the law should be REMEDIAL, NOT VINDICTIVE.

We fear there is yet lurking among the public, something of the old prejudice upon this subject; the idea that punishment is a satisfaction, an expiation of the law. The law, it is said, must be satisfied in the same spirit in which the ancient Druids prepared a huge wicker image of a man, filled it with sacrifices to their god, and burnt it with the victims. The idol was to be satisfied. What satisfaction can there be for the law? Guilt is not removed from the soul of a man by hanging him. Repentance, a personal, spontaneous act in the man himself, is the only expiation. All that the law, representing the safety

of the State, expresssed in legislative acts, can ask, is, that the offender never do the like again; that by his reform he set an example to others of self-improvement; that his punishment be a warning to the wicked.

Let not this be denounced as impracticable, that the punishment and improvement of offenders cannot proceed together, that no penalty, by its *certainty*, can so effectually act upon men's fears in the undertaking of crime, as the penalty of death. In one sense, it is the most certain of penalties; for it is an act that admits of no recall, however unjustly done. In the actual state of the case, it is the most uncertain of all punishments; for it is a very difficult thing, in the present state of opinion, to find a jury of twelve men who will condemn even the openly guilty to this disgusting punishment. They are right; their private opinion is only a part of public opinion, and public opinion will soon express itself in a different law, that will not offend the enlightened conscience of jurors.

The so-called religious argument is yet with many an obstacle to entertaining more enlightened views of the nature of punishment. By some it is actually urged that we are commanded in scripture to shed the blood of the murderer. Whoso sheddeth man's blood, by man shall his blood be shed. This is interpreted into a command. A little examination will show that this is an unfair interpretation, and that the text, as it stands, is consistent with, nay, asserts, the law of sound judgment and enlightened humanity. In a paper written by James Simpson, the author of the work on Education, a man of practical benevolence and great intelligence, the question appears, to us at least, fairly set at rest. According to Grotius, he says, this oft-quoted passage is to be held predictive rather than judicial. It says not to man, slay thy brother who kills his fellow; but it points out to the few members of the human race, at that period when life was especially valuable, the consequences of such an act. It pronounces murder a great crime, foretells the evil passions that will be excited, and the danger to the life of the guilty. Thus upon Cain, the first murderer, a mark was solemnly put; not that he should be slain, but warning all men *not* to kill him. In the marginal reference in Osterwald's Bible, at this text, there is an illusion made to Matthew xxvi. 52, "*for all they that take the sword shall perish by the sword.*" It asserts the folly, the probable consequences of crime. Again, it is urged by Grotius, to whom was the command, if any, given? To man; but assuredly not to *every* man, for this would violate all law by making any man, at will, an executioner; it does not appear to have been dictated to a magistrate, for it is not so stated; and there was then, when the population of the world numbered only the single family of Noah, no magistrate on the earth. Now mark what goes before and after this text, a solemn assertion of the sacredness of human life under all circumstances. "At the hand of *every* man's brother will I require the life of man. . . for in the image of God made he man." Here the penalty is pronounced upon all, every man, murderer or legislator, and that terrible punishment which is to follow the taking of life so solemnly asserted, is reserved for God alone—*will I require the life of man.* Thus driven from his fancied stronghold in the Noahic dispensation, the advocate for capital punishment cannot argue from the subsequent Levitical law, for that law was abrogated by the New Testament; and the language of the New Testament is that of love, mercy, humanity. As it is expressed by Mr. Simpson, to whom we are indebted for this argument, the law of Christianity is written in that beautiful sentence of the Liturgy of the

Church of England, "God desireth not the death of a sinner, but rather that he may turn from his wickedness and live."

If not by divine laws, certainly not by motives of human policy is this punishment to be enforced. It is cruel to the murderer; it is a bad example to society; for it is the result of investigation, that one public execution makes many murders. There is a false excitement thrown around the gallows, which lends something of the glory of a hero to the coarsest villain; the scene, whether witnessed by crowds or reported to men singly in conversation, or by the newspapers, excites the passions; unfeeling jests or desperation harden the character, and the gibbet is regarded as a single unlucky throw in the game of life. A man can be hanged but once, says the villian, and it is all over. Let a sound system of prison discipline, worthy the care and invention of lawgivers, be substituted for this easy trick, this simple cutting the Gordian knot of crime and misery. Let the state, in its punishments, be at least manly, and show that wisdom can find out something more honourable for the criminal and itself than the fate bestowed upon noisome animals and noxious vermin. A man of humanity will not hang even a dog.

JOHANNES SECUNDUS

Was a celebrated poet of his age and country. He was born at the Hague about the year 1511, and died at Mechlin in the year 1536, aged something less than twenty-five years. Thus early he died, but his tender love and ardent friendship in his poems have survived long the date of the boy-poet's death. His family was one of hereditary respectability, and held honourable posts in the land: they seemed to have been lawyers by family. His father, Nicolaus Everard was a jurisconsult, and president of the Belgic Senate; with great feeling and filial tenderness his son bewails his death, in a poetic lament. All his brothers were versed in jurisprudence. Peter Nicolaus was a prelate of the premonstrant order; Everard Nicolaus was president, as his father was before him. Nicolaus Grudius was royal counsellor, and Knight of the Golden Fleece. Hadrian Marius was chancellor of Gueldres and Zutphen; and the poet (though the two last mentioned were brothers in the poetic art as well as by nature,) was private secretary first to a Belgian bishop, and then immediately before his death, appointed to the same situation with the Emperor Charles the fifth. A sister, Isabella, was likewise erudite, and a poetess. So that the family of Nicolaus was distinguished for genius, learning, and high station. Secundus studied law for a year with Andrew Alciatus, a celebrated lawyer at Bourges, to whom he has inscribed certain poems, and has written an itinerary of his travel thither and back to Mechlin. With Scorellus, a distinguished painter and sculptor, he pursued, we may suppose in dilletanti style, those arts. In an epistle of his to Scorellus, he writes concerning an effigy he had sculptured of his first flame Julia, whose beauties he has likewise sung in a book of elegies inscribed with her name; and in speaking of this effigy, he refuses the honours Scorellus would bestow, and praising the beauty of the original, rather than his art's success, tells his master he is as much enchanted with those reflected charms as he had been with Julia herself. Thus was Johannes Secundus crowned with a three-fold wreath of eloquence, sculpture, and poetry. To exhume the matters of his private history, as far as we can

gather them, now that three so long centuries have rolled over the tomb that hides his ashes, shocks not our feelings so much as if he had lately died; and though all of his generation have long since gone, we still sympathise over the early death of the poet; his loves and his songs all immaturely ended, and wish that like the other members of the Nicolaus family, the sun of his life had descended in the western waves, instead of being swallowed by dark clouds in the very east. The history and the works of all men, nay, their loves and their features, have been given us for instruction, that we in all reverence, learning that another has lived well before us, may strive to do better; and as pilgrims over a desert, finding even the remains of the repast, or an ornament or a staff lost on the journey, find new encouragement to toil on; so we shall have thus a tangible object from all matters of personal history, that may waft a sympathy to the perished in time, or the distant in space. In the little vellum copy of his works, on the first page, is a plate of that effigy of his first love, Julia, in praise of whose beauty he has written a book of a dozen elegies. Around the plate is the inscription—Vatis. amatoris. Julia. sculpta. manu. So this is that attempt to trace the beauties of the marble-hearted Julia in kind ed rock, mentioned in the letter to Scorrellus. As we learn from one of the elegies, and a letter of the poet, the fair Belgian discarded him; but afterwards, Johannes seems not to have been so selfishly united to one as to be inconsolable; he found, perhaps, among the dark-eyed daughters of Spain, a second mistress, whom he celebrates under the name of Neaera, and whose kisses he greatly lauds in his book "Basia." The character of the amatory poet may rank less highly than the efforts of that nobler class who embrace all the workings of this devious shuttle of life, and can trace the whole of the labyrinth of man, but though he chooses but one scene, and recreates continually to himself the pleasing anguish, or the fond delight he has enjoyed, he too has laboured well, and as soon ought stern moralists, forming their stony ideals, pluck this delicate flower of humanity from the great frame of man's nature, as we be deaf to that "less strictly meditated Muse" of love.

The poems of Johannes Secundus impress us with a strong sense of his amiable disposition. He was very evidently deeply in love with his Julia; and with equal warmth took up the new yoke of Neaera. His epistles and funeral elegies show that he had that feeling, the unwritten poetry that gathers like the atmosphere of household flowers, about the home of good fathers and children. We cannot look even through this lapse of three hundred years, at that tender and brotherly family, and read his expressions of honour and reverence to his father, and attachment and kindness to his brothers and sisters, without lamenting that his life, like theirs, in pursuance of the promise, had not been longer in the land. And towards his instructors in philosophy, towards his friends bound to him by congenial pursuits of eloquence, song, and the humane arts, he exhibits a heart warm with tender, caressing emotions. The respect expressed to Erasmus, More, Alciatus, and the commendations of this young poet, by contemporary learning, indicates that to him, the hoary head of older wisdom was a crown of glory, and that what was pure, lovely, and of good report, was well followed by him. His sensibility and elegant character is shown by all his writings; they are ornate; as it were, crowned with flowers.

His three books of elegies are composed of one book containing the praises of Julia, and two on a variety of subjects suggested by the events of his times and the situation of his friends. "On the books of Catullus, Tibullus, and Pro-

pertius," his models—"To Erasmus returning to Holland"—"To his friends in Spain"—"On the monuments in St. Denys at Paris."

His much celebrated book called Basia, perhaps has excited more consideration than any other, and indicates with what a glowing boyishness he followed love—it is as sweet as orange groves in spring, while the sun and moon are meeting their rays—and could only have been drawn in life and love's first wantonness.

We have endeavoured to translate one or two, but fear the beauty of the original will be all lost.

These poets, like knight-errants, should all have mistresses.

BASIA II.

Close as the elm is girded by the vine,
  In a strict, and warm embrace;
Or as the ivy's leaves and clusters twine
  The oak to interlace;
So round Neaera's neck and arms let mine
  In loving kiss find place;
Then care I not for sleep, or food, or pleasant wine.

In that perennial kiss pass life away,
  And let us lovers cross
The stream that flows beyond the shores of day;
  Our life, not love, our loss.
Amid the flowery meadow we should stray,
  And no regret should toss
Our happy souls, in bliss and pleasure's constant play.

There we should join the heroic lovers choir,
  And raise melodious song;
And crowned with myrtle, sweep the trembling lyre,
  Amid the god-like throng;
Whose bosoms raptured are with sacred fire
  Of love divine and strong;
While rose and yellow narciss echo to the wire.

To thee the blissful crowd of spirits rise,
  Each from his flowery seat,
And give the honoured place where Homer plies
  The strain of Epic sweet;
Nor would the flames of Jove himself despise
  To sit beneath thy feet;
Thus would they Love and Love's musician dearly prize.

BASIA XIX.

Crop ye bees, nor rose, nor thyme,
  Nor nectar from the violet,
Nor the growing fennel climb,
  Neaera's lips are sweeter yet;
Rose and thyme they ever breathe,
  Of lilies scent they constant drip,
There your draining tubes may sheath,
  And love's moisture sweetly sip
But that he may duly draw,
  Drive not away her lover's kiss;
I her lover make the law,
  That ye may suck, but not amiss;

Fill not all your fragrant cells,
Lest I might lack my wonted pleasure,
Stings not lips, of bliss the wells,
Whence you and I derive our treasure.*

His epigrams we must say in justice, have not the witty, cutting sarcasm of Martial. The subjects are various, upon bad poets, bad doctors, the incurableness of love, upon pictures, complimentary verses to his friends, like those prefixed to old English books, whether fortune is blind, upon the vanity of human life. One of the pleasantest in the tripping style of the Basia is addressed to Charinus upon his ugly wife; so milk-white, so rosy, so polished, modest, gentle, that, says the poet, if Jove were to grant me three such, I would willingly give him two of them to take away the other.

A book of Odes he has left, and full of elegance and polish, and poetic feeling, all must allow. The descriptions are fresh, and the moral of all sad, that admixture which in the Epicurean Horace charms even joyous, careless, satcheled school-boys—it is the plaintive sweetness of Celtic music pitched in the minor key.

ON THE DEPARTURE OF SPRING.

The Spring hath fled with lightsome brow;
The Daulian bird repenting
Of Itus' death, on topmost bough
No longer sits lamenting;
But stills her song of woe and wrong.
The wearied shepherd seeks the shade,
His fleecy charge are drooping,
How lovely now the tall tree's aid,
To those beneath it trooping;
For summer's tide is in her pride.
The seasons fleet thus fast away,
And nought remains us surely,
But flying time makes all a prey,
And strikes existence rudely;
With rugged hand, so God's command.
Alas, how bright were human lot,
Beneath a spring sun ever,
Wintry clouds should gather not,
And flowers should wither never
In Summer glow, or Winter snow.
Beneath such, pleasure-drooping skies,
Live parted pious spirits;
Their year a spring for ever flies.
A spring that hath no limits.
No flaming star, from fiery car
Burns fiercely on their laurelled brows;
No hail-darts stormy quiver;
No wintry wind its ashes throws
O'er purple mead and river,
To chill delight, where all is bright.

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* The 7th Basium appears to have been imitated in that glorious song of Ben Johnson's in Volpoue, commencing

Kiss me sweet, the wary lover
Can your favours keep and cover.

ON VIEWING A DANCE.

Dione saw I not in ivory shell,
Skimming amid the tangles of the dance;
Where youths were raptured with the spell
Of maidens' loving glance.

One midst the train of virgins sure I mark;
With softest step the flowery ground she greets;
How bent like circles of the morning lark,
To her each eye soft fleets.

Oh, like a purple rose in milken tides
Creeps the warm blush upon her soft white cheek;
Her yellow hair upon her brow thus glides,
As gilt bands ivory streak.

Now here, now there, with flying limbs she turns;
And some loved youth's dear hand just touches;
She swims the ground, and swims the air that burns
With purple love's soft gushes.

Alone her pleasing fetters all absolved,
She wanders; and her eye's warm glance is flying;
To him, and then to him her path's resolved,
Her thoughtless mazes flying.

Oh happy earth, I envy thee thy bliss,
If thou canst feel those steps. Oh make me air,
That she through face and breast and aye may kiss
And I thy transports share.

Of his funereal poems we would translate an epitaph on that just and great man, Sir Thomas More, who, tenacious of his religious liberty, died to virtue and to truth a noble martyr.

EPITAPH ON THOMAS MORE.

Stranger.—Whose is the headless trunk that lieth here;
Like withered rose in dust prostrate the head,
Its silvery honours trailed in gore are spread?
Citizen.—That head was Thomas More's—that head revere,
Whose cruel fate makes virtue drop a tear.
Stranger.—What goddesses are they with aspect dread
Surround the mournful relics of the dead;
And strike the steady soul with trembling fear?
Citizen.—One goddess with unwavering eye—firm Truth,
Stands linked in hand with Faith sacred and just,
With stern face Nemesis, her sword of truth
Dims not its edge though dinting in the dust.
Of these, the one and other brought to doom,
The last, the avenger guards his honoured tomb.

The youthful poet soon followed the aged philosopher, struck down by disease as unpitying as a tyrant. His loves lie immature, stopped in the very prelude, the opening blossoms of his fancy, for a moment scented the air till death chilled them, and all that remains of Johannes Secundus are a few murmurs of adoration to the supreme beauty—a few soft downy feathered doves of thought that helped to draw the car of Venus and great Cupid; and his features full of friendly tenderness, and eyes where the partial hand of Scorellus has copied a lovely melancholy presagient of early dissolution.

THE COMMERCIAL LEAGUE OF THE HANSE-TOWNS.

The vast political, moral, and intellectual changes, which originate in commercial actions, and spring from extended maritime operations, are eminently worthy the attentive observation of every enlightened mind, and are calculated to awaken a noble pride in the hearts of those who compose the mercantile portion of community.

The early history of society is replete with evidences, that point out the numerous benefits which have resulted to every state from intercourse with distant nations; while, upon its more modern pages, shines forth the chronicle of those great advantages which commerce showers upon mankind.

From its infant struggles upon the continent of the east, where barbarism in all its shapes prevailed, hindering its advancement, and beating to the earth the barriers by which its founders sought to insure its protection, until, increasing in size and strength, it stretched forth its mighty arms and clasped a western world in its embrace, we see it throwing benign influences wherever its prevalence is experienced, and bountifully bestowing wealth, power, and greatness, upon the empires of the earth.

In looking back upon the ancient countries of the world, and marking the character, the pursuits, and the intellectual advancement of their inhabitants, the superiority evinced in these respects by that portion engaged in commerce, and who were bound together by its interests, is powerfully striking. Different cities, however distant from each other, and with whatever dissimilarity there existed to distinguish their religious, their civil, and their political institutions, and with all the variety of habits and customs, language and colour, which prevailed, seemed, even in the earlier periods of the world, to be connected together by the chain of common and mutual interest which commercial intercourse had forged; and to be encircled by one broad, entire, and universal band, enclosing them in terms of the closest alliance.

In glancing at the city of Tyre as it existed in its ancient unrivalled splendour, when styled Queen of the Sea, the riches of all nations rolled in upon it in glittering profusion; the industrious, patient, laborious, and intelligent character of its people, stands out in bold and bright relief from the barbarism and intellectual darkness which distinguished most of the nations around it; and within its walls could then be found foreign merchants, whom the courtesy and kindness of its inhabitants had invited from almost every portion of the globe, and whose interests were carefully and studiously protected and fostered by the wisest and most politic system of maritime laws which the age presented. In the midst of the wealth, power, and grandeur which the commerce of this great city had reared, we see a band of its citizens emerge from the ponderous gates that guarded its rich treasures from the fierce nations by which it was surrounded, and impelled by the spirit of foreign adventure, which the vast commercial relations of their native city had created, expatriate themselves from their kindred and homes, and launch forth upon their pathless course; and after marking out the foundation of another mighty city, build up its glorious pile, until the name of Carthage was heralded throughout the world for its might in war, its strict undeviating good faith in peace, the wisdom of its internal government, and the just and permanent principles upon which its political institutions were founded, and as the grand centre of trade for half the nations of

the earth. Its extended commerce bestowed upon its inhabitants the most princely wealth, and those enjoying the highest and most honorable stations in its government, were proud of being engaged in foreign trade, forming, as it did, the great pillars upon which rested its glory and power. Its fleets swayed the empire and sovereignty of the sea, and even the mighty Rome, after a bloody and doubtful struggle of more than forty years in humbling the haughty rival which, begirt in wonderful strength, had dared to dispute its unlimited superiority, was compelled to deprive Carthage of its commerce, ere its power could be subdued and conquered.

The map of more modern nations presents numerous cities, whose commerce, like that of those we have mentioned, has encircled them around with the barriers of strength and safety, has filled them with the glittering riches of distant lands, distinguishing their inhabitants for superiority of intelligence and intellectual refinement, and causing them to be feared and respected throughout the half barbarous empires by which they were surrounded. The powerful aid which commerce has afforded in redeeming mankind from barbarism and ignorance, in freeing them from the chains of despotism and tyranny, and in alleviating their moral and social condition, is exemplified upon almost every page of history to which we turn, and is so familiar to the minds of the present age as to render its detail here unnecessary, and even uninteresting, besides being foreign to the object which we now have in contemplation. Our present purpose, is to unroll from the records of by-gone ages, and spread out to view, the history of a commercial confederacy which was formed in the north of Europe in the early part of the twelfth century, at a period when most of the nations inhabiting the eastern world were sunk in gloomy ignorance, dark and fearful barbarism, and slavish superstition.

At the time we mention, commercial enterprises were extremely hazardous, and the cultivation of peaceful pursuits entirely neglected. War was the element in which men lived, and the sword the arbiter, and mailed warriors the tribunal to which they appealed. Safety, without power and might to win and guard it, was unknown; and quiet and security, unless girt about with strength and steel, were not enjoyed. Surrounded by such dangerous materials, it became necessary for those desirous of engaging in employments whose ultimate return would be wealth, to devise some means by which a protection in its enjoyment could be secured; and a powerful confederacy, cemented by the bond of common interest, seemed the only mode by which it could be accomplished. Influenced by such considerations, Hamburgh and Lubec, according to some authorities, and Bremen and Amsterdam, according to others, were the first who entered into a league with each other for their common safety, and for protection from the fierce nations by which they were encircled. These cities carried on a small commerce which, even at this early period, impressed the uncultivated, yet eager minds of their inhabitants, with an idea of the riches which its more universal extension would bestow upon them; and grasping the hand of friendship which each held out, a solemn engagement of a close political alliance was made between them. Numerous other cities soon joined in the League, and the concentration of well organized naval and military power which it presented, formed a terrible scourge to the pirates of the northern seas, against whom its force was directed, and aided greatly in subduing and punishing the barbarian hordes which had so long devastated the surrounding countries.

The associated cities were not confined to those situated upon the sea-coasts,

but those in the interior, which were indebted to them for supplies of commodities, emanating from the industry of more civilized and enlightened lands, looking upon the confederacy as a bulwark of strength, and as furnishing a magazine of war which would be hurled against every aggressor that should invade its rights, were eagerly desirous of connecting themselves with it; until swelling the circle within which they were contained, before the end of the thirteenth century it embraced every considerable city in all those vast territories extending from Livonia to Holland.

The commerce in which the cities composing the League were engaged rapidly increased, their ships returned from distant climes heavily freighted with the rich treasures and costly luxuries which a more advanced refinement in the arts had created, and every succeeding year, as it rolled on, marked an increased internal prosperity in their condition, and chronicled their continued external influence upon the surrounding nations.

The mighty influence exercised by this great confederacy soon attracted the attention of all Europe. The monarchs around saw with wonder and astonishment the vast strides with which it was advancing towards the consummation of unrivalled power, and its political organization seemed new and strange to those accustomed to govern by the exercise of unlimited despotism and tyranny. No crowned head controlled its movements, no single mind directed its actions. Its vast and complicated interests were managed with the utmost simplicity, and the great results which flowed from its operations were produced by a combination of wisdom, emanating from a senate of the cities composing it, instead of being subjected to the capricious will of a single imperial lord. The supreme legislative authority of the entire League, was vested in deputies chosen from the different cities and towns of which it was composed, who assembled in one great congress, where were proposed and discussed all those important measures which were adopted by this high deliberative body for the government and protection of the mighty interests which it controlled. All questions which were calculated to unsettle and disturb the harmonious relation existing among the different members of the confederacy, were submitted to the consideration of the congress, where the dignity and wisdom that prevailed, never failed to insure their satisfactory settlement and amicable adjustment.

It was here, also, that the nature of the intercourse between the League and the adjacent powers was marked out and defined, and its foreign policy settled and determined. Vast negotiations with the surrounding sovereigns of Europe were carried on by means of this great assembly, which met once in three years, and oftener whenever the occasion called for their united deliberation and action. The city of Lubec was considered the capital of the League, and here the meetings were usually held, although no place was absolutely fixed upon for the sitting of the congress. The letters of convocation specified the principal subjects which would be brought under consideration, and were sent to the different cities comprised within the bounds of the confederacy, for the purpose of apprizing them of all those great questions which were likely to be deemed of paramount interest; and an opportunity was thus presented of selecting such deputies as were most distinguished for wisdom, sagacity, and statesman-like views, upon the emergencies to be presented. The professions or employments of individuals chosen to this station did not constitute the requisites by which their competency was determined. The merchants were by far the most numerous, but lawyers, artists, and even clergymen, were

appointed, the great object being to send those who were best calculated to represent the interests of their native city, and who, possessing talents of a high order, combined with a noble independence of character, and the most sterling integrity of motives, would assist in the greatest degree to give dignity and weight to the deliberations of this great council.

The decrees pronounced by it were promulgated with much formal solemnity, and in a manner calculated to give them the most universal publicity; and their execution was put in force and carried out by measures in their nature both prompt and powerful.

The high office of president of the congress was filled by one of the burgomasters of Lubec; and from its prorogation to its convocation, the magistrates of that city were vested with great powers in directing the foreign and internal affairs of the League.

Such is a brief and general outline of the nature and form of a government which, as early as the thirteenth century, shone forth upon the despotic countries of benighted Europe, casting abroad upon its dark face the flashing rays of a political beacon-light which is now burning so brilliantly upon the eastern and western hemispheres.

The causes which could have produced this remarkable change in the theory and practical application of human government, must, at this early age, have been strikingly powerful. The nations of Europe were swayed by cruelty and fierce oppression; and the thundering of warring elements raged in fearful tumult from the soft sunny fields which bordered it upon the south, to the cold frowning regions of the north, that towered upward in sullen and gloomy majesty, more frightful in their solemn stillness than the warlike barbarians by whom they were inhabited.

The system of feudal government which prevailed, reared itself in stern ferocity against the few and feeble attempts that were made to reduce the power of the haughty noble, and lower the high and bloody prerogative which was wielded against the rights and liberties of the suffering serf, who groaned under an accumulation of tyrannical impositions.

Superstition and cruelty stalked abroad, and, under the mask of religion, filled half the eastern world with the horrors of war and carnage, and combining the dark and terrible anathemas of the church with the arm of civil government, strengthened by the sword, the minds of the mass of men, by their influence, had become chained with ignorance and error, their rights as freemen were hardly known, and the principle, that the many and the weak must bow the knee to the powerful few, seemed laid upon the age with a hand of iron.

The influence of chivalry, which during the twelfth and thirteenth centuries shone brilliantly forth throughout all Europe, was but little calculated to smooth the rough and boisterous waves that pervaded the swollen torrent of warlike action, which rolled along gathering power and might as it proceeded; and formed but a feeble and ineffectual check to the onward march of despotism, and the consummation of arbitrary and unlicensed cruelety and oppression.

No one will pretend to deny that this institution was productive of great and beneficial changes in the actions and feelings of men, and that it smoothed and softened the rough and turbulent passions of the age, by introducing the interchange of courtesy and knightly gentleness; creating a deferential respect and even veneration, for the fairer and weaker sex; and raising up champions

to defend the unprotected, and to punish the strong and powerful oppressor. But these results availed little towards ameliorating the political condition of great nations, and did not penetrate sufficiently deep to uproot and tear out from the foundation of human governments the corroding evils which ages of barbarism had imbedded within its centre. Instead also of serving to create a distate for scenes of war and violence, the spirit of chivalry seemed rather to court their presence; and the glittering honours by which the achievement of glorious knightly deeds was rewarded, were calculated to encircle the profession of arms with superior allurements, and to render the civil and peaceful pursuits of men less honoured and respected.

Looking upon this dark picture of European society and national government, the mind is filled with wonder as it contemplates the enlarged political freedom enjoyed by the members of the Hanseatic confederacy, and is led to consider upon the mighty advantages which are the results of united commercial action, and which flow from intercourse with foreign countries.

In examining the nature of the political fabric upon which the League rested for support, its simplicity and republicanism stand boldly and beautifully forth from the dark, complicated and despotic systems by which it was surrounded; and serve powerfully to show the immense influence which commerce exercises in rearing up the altar of national liberty, and in perpetuating the freedom of mankind.

While almost every nation in Europe was ruled by the imperial sceptre of a single hereditary monarch, and the smallest districts were under the absolute dominion and control of some haughty lord, and when the science of rational government seemed for ever buried beneath the towering pillars which supported the feudal system, we see this great confederacy linked in the voluntary unity of common interest, bound to sustain its members by the most solemn compact—building up its strength, not by the employmeut of the sword, wielded by physical power, but through the influence of its free political institutions, the vast riches of its citizens, combined with their intelligence and superior advancement in the arts of civilized life.

The laws by which the cities of the League were governed, were not the result of capricious tyranny, misguided zeal, or blind ignorance, but proceeded from the solemn deliberations of a high council, chosen by their citizens, whose wishes were consulted, and whose best interests were represented. The principle of self-government was here exemplified, at a period and during an age of almost unexampled tyranny and imperial sway; and civil and political liberty flourished, in the midst of nations whose subjects were chained in ignorance and slavery by the influence of monarchial power.

In consequence of the superiority we have mentioned, the advancement of the confederated cities in wealth, refinement, and military and naval greatness was singularly rapid. As their resources were developed, the greatest efforts were put forth for the extension of their commerce, and having, by the number and strength of their ships of war, acquired the mastery of the northern seas, they next endeavoured to secure a monopoly of the entire trade of which these waters were the medium, and in this manner to enjoy the same unrivalled dominion over the Baltic, in the north, as was exercised by the Venetians over the Adriatic, at the south. For the purpose of effecting this great object, both the purse and sword were brought into active requisition. That which could not be acquired by negociation and gold, was taken by force; and in this

manner large privileges and immunities were gradually obtained from the sovereigns of northern Europe, until they became the undisputed masters of of these seas, and had secured the whole foreign commerce of Scandinavia, Denmark, Prussia, Poland, and Russia.

This extension of their commercial intercourse and maritime power, may at first appear to spring from inordinate ambition, spurred on by a thirst for wealth, but was in reality necessary to the protection and safety of their commerce, which was ever in danger of being destroyed by the hordes of piratical cruisers which swarmed the Baltic, committing acts of robbery upon every vessel within their reach. The necessity for this empire of the seas, arose from the dark barbarism which everywhere prevailed, and which, during the twelfth and thirteenth centuries, mantled nearly the whole of Europe in the deepest gloom.

International law was then but little known, and piracy and robbery existed to an alarming degree. It was almost impossible to distinguish friends from enemies, and property belonging to the citizens of one country was indiscriminately plundered by the citizens of another. The flag which a ship carried furnished no security to others of her peaceable intentions, for her national character afforded but a poor guaranty of neutral conduct during a time when the vessels of almost every nation in Europe were engaged in piratical expeditions.

Under these circumstances, the acquisition of the sovereignty obtained by the confederacy over the seas of northern Europe, was of the utmost importance, not only in facilitating its intercourse with foreign lands, and in affording security and safety to its rich commerce, but as it kept a powerful fleet of armed ships constantly employed upon these waters, the fierce and sanguinary pirates who infested them were captured and destroyed, the robbers that prowled about the shores were exterminated, and peaceful pursuits, social order, civilization, and intellectual refinement, assumed the place of war, anarchy, and barbarism.

The beneficial results which flowed from the great measures that were adopted by the League, for the purpose of compassing within its jurisdiction this broad expanse of sea, and in order to render its cities the rich centre of a vast trade, to which other portions of the world should be as tributary sources, pouring in their glittering streams of wealth, bountifully repaid the sacrifices by which they had been obtained; and by the introduction of literature and science, the establishment of a more enlightened and liberal system of national government, and the taste for civil employments which was created, powerfully aided in dispersing the heavy clouds of gross ignorance and fearful error that for centuries had overshadowed northern Europe.

It was during the fourteenth and fifteenth centuries, that the confederacy was in the enjoyment of its highest degree of splendour and power. Nearly eighty cities where then bound together by the chains of commercial interest, acknowledging no earthly power as their superior, and looking only to their consolidated strength for protection against the mighty monarchs by whom they were surrounded. They were distributed into four great classes or circles, with one large city at the head of each. Lubec, founded about the middle of the twelfth century, was at the head of the first circle, with numerous subordinate cities under it, among which were Hamburgh, founded by the great Charlemagne in the ninth century, and which had now become a large and powerful city; Bremen, Rostock, Wismar, and many others.

Cologne was the capital of the second circle, comprising twenty-nine large towns.

Brunswick occupied the head of the third circle, consisting of eighteen towns, while Dantzic, having under it eight rich cities in its immediate vicinity, besides many that were more remote, stood at the head of the fourth circle.

Courts of judicature were established in each of these capital cities, in which were determined those numerous questions that so frequently arose out of the complicated mercantile transactions in which their inhabitants were engaged. The judges who presided were selected on account of their wisdom and superior acquirements, and their decisions were usually based upon the broad principles of universal justice. The rights of the humblest citizens were respected, and the avenging penalties of the law were visited upon the rich and powerful with the same degree of severity as they were inflicted upon the poor, weak, and unprotected. A noble equality of freedom prevailed throughout the cities composing the confederacy, while the system of maritime jurisprudence which it had established, and the fabric of international justice it had reared, extended the protection of liberal and enlightened laws to the foreigner and the stranger.

With such universal and uninterrupted prosperity smiling upon the numerous cities of the confederacy, with respect to their political and commercial advancement, and the freedom and happiness of their citizens, the immense power and influence which they so securely enjoyed, can hardly be considered in magnitude and extent, beyond what must have flowed as a necessary consequence from the statesman-like policy which was adopted.

Their commerce had created enormous wealth, which, at this early and barbarous age, was an agent almost omnipotent, in calling into their service powerful bands of warriors to defend their interests, and protect them in the enjoyment of their rights and vested privileges. The nature of their government, although varying in different cities where local feelings and customs controlled its practical application, was universally the same in its results, conferring the blessings of almost unrestrained civil freedom upon the thousands of citizens who inhabited them, and blazing brilliantly forth upon the map of Europe—an example and a guide to the dark empires that slumbered around. Their intercourse with foreign nations, while it served to enrich them with the most unbounded wealth, had imbibed their citizens with a patriotic love for the political institutions by which they were controlled, and filled their hearts with the warmest zeal in the adoption of vigorous measures to perpetuate them unimpaired. This determination nerved them in battle with a double strength, and fortified them against the assaults of rude and savage foes, with a power more potent than a triple covering of steel. Their military, like their civil councils, were conducted by minds of a nobler and more intelligent mould than swayed the destinies of surrounding states, and the generals who led on their armies, and the officers conducting their powerful navy, were men of long and arduous experience, oft-tried courage, brilliant talents, endowed with great sagacity, and enjoyed the confidence and respect of those under their command. A system of perfect subordination everywhere prevailed, which, opposed to the anarchy and confusion that reigned around them, presented a tower of strength too mighty to be easily overthrown, and the numerous and powerful allies who joined them, under the title of confederated cities, were continually swelling their strength, extending their influence, and adding to their greatness.

While the military prowess and naval valor of the confederated cities inspired the neighbouring monarchs with those mingled feelings of fear and respect, which are ever entertained by the despotic rulers of disorganized and barbarous nations towards the more enlightened, wiser governed, and more powerful countries of the earth, the private property of foreign subjects, found within the jurisdiction of their laws, was held sacred, and the rights of its owners carefully secured and protected; and during a period when the goods of the shipwrecked foreigner were grasped and retained by the armed lords upon whose lands they chanced to be thrown, the confederated cities, with every element for unlimited and vengeful retaliation in their hands, at once overthrew this system of piracy and plunder which for centuries had prevailed, and by one broad and universal decree declared that every species of property found in this situation should be returned to its original owners, and that every city found violating this provision should be expelled from all connection and intercourse with the League.

If we reflect upon the extensive commercial relations of these cities, and the immense quantities of treasure which their citizens were continually transporting upon the high seas, this measure may seem the offspring of self-interest, directed by the hope that other governments would eventually follow their example, and thus open a wider and surer avenue to ultimate prosperity and greatness; but whatever considerations may have been the active agent in producing this innovation of enlightened humanity upon the dark customs of feudal times, its conception and promulgation should not be deemed the less meritorious, nor can the glorious and happy results which have flowed from its adoption and execution, be attributed to any source save to the influence which commerce ever exerts in humanizing the laws and usages of mankind.

Having examined the nature of those great interests, which it was the object of the confederacy to enlarge and foster, the power which was consolidated to effect this purpose, and the just and popular manner in which it was wielded to secure internal harmony and unity of action, and to punish external aggression, and secure the admiration and respect of surrounding nations, we shall next notice a few of the numerous and important trading franchises and privileges which its citizens enjoyed in distant lands, and under the guardianship and pledged protection of foreign princes.

As the formation of the League had originated from a desire to enlarge the commercial action of the various cities by which it was composed, and by extending their intercourse with distant nations, finally to acquire a monopoly of the entire commerce of northern Europe, and England, the execution of this scheme was embarked upon, at an early period, by the establishment of factories in foreign countries, to serve as great magazines and store-houses, through the medium of which the rich merchandise of distant climes was eventually furnished to almost half the world.

The principal of these were situated at Bruges in the Netherlands, at Novogorod in Russia, at London, and at Bergen in Norway, and the vast and rapid changes which their introduction into these cities created in their wealth and power, their political and social condition, and in the occupations and pursuits of their citizens, were productive of results which served powerfully to develop their slumbering resources, and to aid in the introduction of those refined tastes and intellectual enjoyments for which foreign trade creates the elements, smoothes the path, and establishes the foundation.

The richest and most extensive storehouse of the League was established at Bruges in the Netherlands, which in consequence became at a very early period one of the greatest commercial cities in Europe. The science of navigation, during the thirteenth and fourteenth centuries, was so little known, that a voyage from Italy to the Baltic, and back again, could not be performed in a single season; and, as the cities of the League carried on a rich trade with this country, it became necessary to establish a magazine at some intermediate situation for the safe keeping of the valuable merchandize, of which the Italian and Hanseatic merchants were the bearers, and Bruges was chosen, as well from its convenient location, as on account of the superior privileges and enlarged freedom which the government of the Low Countries, unlike most of the sovereignties of Europe, had conferred upon its inhabitants.

A concentration of immense wealth within this favoured city was the speedy result of its selection as the recipient of those rich commodities which the adventurous merchant sought to introduce to the minds of men, to whom the elegant luxuries that mark an advance in the cultivation of the finer arts were novel and unappreciated. The wool of England, which for ages has formed the grand staple of her wealth, the products of northern Europe, that combined to furnish a large portion of the necessaries and comforts of life, and the rich spices and dazzling fabrics of Indian lands, were profusely centred in this magnificent emporium.

The fairs which were there held, exhibited the rarest productions of which the world could boast, and called forth a display of perfection and costly beauty, in manufactures and the arts, which in their infancy promised the glorious mould of early perfection and maturity. They were frequented by the merchants of distant cities, and by the subjects of foreign countries who were desirous of securing for ultimate profit and personal enjoyment the many glittering commodities which were spread before them.

The introduction of foreign articles of use and luxury into this city, was productive of an astonishing effect upon its numerous citizens, and created a thirst for knowledge and improvement, which, gradually expanding from their great centre, finally illuminated the entire Netherlands. The existence of establishments for the manufacture of wool and flax in that country, can be dated so far back as the time of Charlemagne, but they met with little encouragement from the rude spirits upon whom they were compelled to rely for assistance and support. And it was not until the time when its principal city was chosen as the grand theatre of commercial action, for northern and southern Europe, and had become the great place of resort for the people of all nations, that these feeble establishments were enabled to collect the materials from which afterwards sprung an advancement and prosperity that had hitherto been unknown, and which could be rivalled by no other country in Europe. Its manufactures were then vastly increased, and were conducted upon a scale of magnitude commensurate with the wants to be supplied, while the safe and easy intercourse which had been opened between the Hanseatic and Italian cities furnished a medium for the transportation of their goods to distant markets: the frequent fairs that were held at Bruges, and the numerous foreign merchants who then assembled there, presented the most advantageous opportunities for the ready and profitable sale of their commodities in the heart of their own country.

Perceiving the beneficial influences which the introduction of commercial

and manufacturing interests was shedding abroad upon society, and rightly considering the rich magazines which had been established by the Hanseatic and Italian merchants, as the source from whence they flowed, the government of the Netherlands bestowed upon them many superior privileges, and guaranteed to them the enjoyment of enlarged and liberal franchises; and in this manner powerfully aided in the promotion of those great elements of prosperity which eventually marked this country as one of the richest and most enlightened of any in Europe, and distinguished its inhabitants for their industry, perseverance, and intelligence, for their advancement in a knowledge of the elegant and useful arts, and in the more refined usages and customs which during the fourteenth and fifteenth centuries dawned upon society.

The factory which was established at Novogorod, although it was made the repository of vast quantities of merchandise, and was of great importance to the League—furnishing it as it did a safe resort for its citizens, and a place of security for the deposit of their wealth—was still of less consequence, in a commercial point of view, than the one at Bruges; and did not tend so powerfully towards promoting a taste for civilization and refinement, and was less calculated to extend abroad the great advantages which foreign commerce operates so potently in creating.

This may be attributed to the greater degree of barbarism and ignorance that prevailed among the inhabitants who occupied the country surrounding the former city, which offered an almost insurmountable barrier to the introduction of a taste for the more elegant and useful pursuits of life, and afforded but little encouragement to the foreign merchant, whose rich and costly wares were unappreciated by the rude and warlike nobles and their untaught and wretched serfs.

Notwithstanding the obstacles which were thrown in their way, the Hanseatic merchants, by the wealth they possessed, and the enlightened and politic course which they pursued, succeeded in sweeping away many of the dark and savage customs that prevailed throughout the city and its vicinity, and by their influence were enabled to effect a number of important and salutary changes in its laws and in the administration of justice towards its citizens. The sovereigns of this city, who were at first tributary and subordinate to the czars of Russia, and liable to be deprived by those tyrants of crown, liberty, and life, as the riches of the city increased, as its population became more numerous, and its citizens farther advanced in civilization and refinement, gradually threw off the yoke of bondage, and aided by the enormous influence and power which a connexion with the mighty interests of the League invested them, the huge Russian Bear was boldly defied, and an absolute independence usurped and established. The elements which had exerted themselves so powerfully in freeing this city from foreign domination and control, were no less active in extirpating every species of domestic tyranny and oppression: and although it was nominally governed by a single monarch, and its interests managed by the sceptre of a king, yet the liberties which its citizens enjoyed, and the freedom and security of which they participated, were the offspring of popular legislation, and emanated from political institutions partaking more of republican than of monarchial principles. As its commercial relations with the confederacy increased and strengthened, and its intercourse with foreign states became enlarged, and the minds of its citizens expanded and enlightened, bright visions of future glory and power broke upon its view; and when,

towards the middle of the fifteenth century, at the period of its brightest prosperity, nearly four hundred thousand souls could be numbered within its impregnable walls, the whole Russian empire could not boast another city so rich and powerful. Forming, as it did, the grand centre between the cities of the confederacy and the countries to the east of Poland, and being furnished by the merchants of the Hanse-Towns with the rarest and most costly merchandise, it was at the time we have mentioned a resort for an immense concourse of people from the surrounding nations, and was the source from whence a great portion of northern and western Europe obtained the rich articles of foreign manufacture, and the luxurious productions of distant climes. The contrast which it formed to the rest of the Russian empire was brilliant and striking. While all around slumbered in the night of centuries, dreaming only of plunder and human blood, this city gleamed forth upon the encircling gloom the bright rays of civilization and intelligence ; while its inhabitants, instead of thirsting for military renown, were ambitious of extending their commercial greatness and political prosperity. Russia, who had never ceased to look upon Novogorod as a portion of her territory, perceived with growing envy the vast power it had acquired, and during the latter part or the fifteenth century, at a period when conflicting parties had created discord and dissention within its walls, Ivan Vassiliovitch, the reigning grand duke, or czar, of the empire, resolved upon its subjugation, which he accomplished by the aid of a powerful army.

The commerce of the city did not entirely expire with its liberties, but still lived on, a fading monument of its former greatness. This, however, did not long last, for a fourth Ivan, more barbarous and blood-thirsty than the first, having discovered a correspondence between some of the principal inhabitants and the King of Poland, relative to the surrender of the city into his hands for the purpose of regaining a portion of their former freedom, made this the pretext for an indiscriminate slaughter of nearly thirty thousand of its citizens, and thus, at a single blow, annihilated the prosperity of the only bright spot which was presented upon the dark face of his barbarous empire.

The merchants of the League, at a very early period, established a factory in London, which speedily became of great magnitude and importance. The English nation were then destitute of ships, and the blessings of foreign commerce were comparatively unknown, and its benefits unappreciated.

The numerous articles of luxury and convenience which were introduced through the agency of the factory, were at this early age well calculated to suit the minds of the English people : who, although possessing much of the rude Gothic spirit of the times, were eagerly desirous of obtaining the manufactures and productions of foreign lands. Many highly important privileges and immunities were soon showered upon the company of merchants who controlled the factory. They were permitted to govern themselves by their own rules, and were not subject to the jurisdiction of English tribunals. The absolute control of one of the city gates was given them, and the duties on many of the commodities which they imported were greatly reduced in their favour.

With the prerogatives we have mentioned existing in their favour, the prosperity and wealth of the company rapidly advanced, and its influence proportionably increased.

The superior privileges which were enjoyed by the Hansards, as they were called, excited feelings of hostility in the minds of the English merchants, who,

perceiving the rich returns that mercantile enterprises bestowed, were eagerly embarking their fortunes to swell the infant commerce of their country. Every exertion which their combined efforts could put forth, calculated to retard the wealth of the company, was strenuously adopted, and no measures were left untried which could in the least degree tend towards the annihilation of its growing riches and power. The members of the company were seriously charged with the most fraudulent practices, and accusations were made that they introduced vast quantities of foreign commodities as the productions of cities belonging to the League, which were in reality the importations of other countries, for the purpose of evading duties with which they were justly chargeable.

The English government was finally aroused from the apathy and indifference with which it had been accustomed to regard the commercial interests of its citizens, and began to look upon the immense monopoly of foreign and domestic trade which the Hansards enjoyed, and the princely wealth and broad prerogatives they had acquired, as the results of a system of partial and injudicious legislation, calculated to enrich and build up the fortunes of foreign merchants, while it chained the energies and darkened the prospects of its own citizens.

As a pretext for depriving them of the franchises which they enjoyed, the League was charged with capriciously extending the list of towns belonging to the sssociation, and in this manner preventing the collection of the additional duties which were imposed upon the merchandise of other foreigners. Complaints were also made that the commerce of the English in the Baltic was illegally obstructed by the armed ships of the confederacy.

Impelled by these considerations, the powerful protection and support which the English government had extended towards the Hansards were withdrawn, and their persons were exposed to many indignities, while their factory, which was situated in Thames-street, was often attacked by ignorant, prejudiced, and infuriated mobs of assembled citizens.

The frequent violent assaults which were perpetrated in hostility to the dearest interests of the League were amply revenged.

War was immediately declared against the English nation, and her entire commerce in the Baltic was speedily annihilated by the powerful fleets of the confederated cities. Edward IV., who then reigned monarch of England, became alarmed, and manifested the most anxious desire for the renswal of peaceful relations with his mighty adversary. The most advantageous proposals as the foundation of a treaty were offered by him, and were finally accepted by the League.

By the provisions of this treaty, which were ratified in 1474, the merchants of the Hanse-Towns were reinstated in the enjoyment of all their former privileges. An absolute property was assigned to them in a large space of ground, with spacious and valuable buildings upon it, in Thames-street, denominated the Steel Yard, by which name they have been commonly known. No stranger was to be allowed a participation in their commercial franchises, and a stipulation was embodied into the treaty, that the English High Court of Admiralty should exercise no jurisdiction in cases affecting their peculiar interests, but that a particular tribunal should be established, expressly for that purpose.

These enormous privileges were by positive provisions directed to be published in all the sea-port towns of the English nation; and whoever infringed

upon them, were liable to the infliction of summary and severe punishment. As some return for the many valuable advantages which this treaty conferred upon the merchants of the League, the English were permitted to enjoy the free and uninterrupted navigation of the Baltic, and were allowed to trade with the countries by which it was bordered.

Compared with the immense factories established at the cities of Bruges, Novogorod, and London, the one at Bergen in Norway was of slight importance, and yet through its agency, the confederacy acquired, and for a lengthened period of time enjoyed, the monopoly of the entire commerce of that kingdom.

The means by which this was obtained, were combined of negociations, money, and military power. Many valuable privileges were thus secured, by which the merchants of the League, although influenced by selfish considerations, were enabled to introduce the useful commodities of civilized life, which by creating a taste for manufactures and the arts gradually dispersed the clouds of dark ignorance that prevailed, and laid the foundation for that intelligence and refinement which at the present age so brilliantly distinguish the countries of northern Europe.

With all the vast and formidable array of foreign influence and interests which we have described, possessed of a strong and well organized navy, together with almost the entire sovereignty of the northern seas, and holding the wealth of nations in its grasp, the confederacy presented a tower of strength which seemed capable of withstanding the rudest and most mighty shocks which could be hurled against it by any earthly power.

Every nation that dared to infringe upon its commercial privileges was speedily visited with the heaviest tribulation, and the slightest violation of its political rights called down upon the aggressor the deepest vengeance. The transcendant might of the League was felt and acknowledged throughout every state in Europe, and the ships of war which it possessed were often hired by neighbouring princes to assist them in repelling invasion from abroad, or to chastise foreign insult and oppression.

In 1358, the Danes, who were a barbarous, but powerful and warlike nation, maintained a fleet of armed ships in the Sound, which, for interrupting the commerce of the confederacy, were attacked by its ships of war, and nearly annihilated; and this so terrified Waldemar III., then king of Denmark, that he proposed the most humiliating terms of peace, by which he gave up all Schonen to the League for the space of sixteen years; and it was thus enabled to command the passage of the whole Sound and in 1428, Erick, a succeeding monarch, having violated some of its maritime regulations, two hundred and fifty sail, with twelve thousand men on board, were sent against him, who, after ravaging his kingdom with all the horrors of fierce national warfare, compelled him to make ample restitution for every wrong he had committed, and obliged him to submit to such terms for restoring peace to his shaken empire as the confederacy thought proper to impose.

Towards the close of the fifteenth century, mighty elements began to form throughout Europe for the ultimate overthrow of the confederacy. Its vast superiority had arisen, as much from the insubordination, anarchy, and confusion that had prevailed around it, as from the enlightened political organization by which it was governed; and when the civilization and refinement which pervaded its cities began to pour their rays of light over the countries of Europe,

their monarchs became impressed with the urgent necessity that existed, for the adoption of national measures calculated to improve the intellectual and social condition of their subjects, and for the establishment of the political institutions of their kingdoms upon a wiser and broader foundation. Influenced by the great commercial interests which the confederacy had so wisely dissemminated, and which had become of the deepest importance in promoting the advancement of national wealth and power, more enlightened and beneficial systems of law were enacted and promulgated. The gloomy and illiberal usages which had prevailed under the influence of feudal government, were every where disappearing before the onward strides of civilization and refinement.

The arts and sciences began to be appreciated and cultivated, and the prevalence of civil order and beneficial laws was experienced, where intestine commotions, discord, and despotism, had before reigned. The inhabitants of the countries amongst which the confederated cities were situated, saw the immense advantages which commerce bestowed, and although eager to participate in their enjoyment, the superior privileges and immunities possessed by the members of the confederacy, and of which they were deprived, offered an almost insuperable barrier to ultimate success and prosperity. As the naval strength of the League formed the principal elements by which its influence and power abroad were preserved, and its ascendency upon the seas maintained, the maritime nations of Europe perceived, that they must rival and even overpower it in this respect, before their subjects would be able to compete with its citizens in commercial enterprises: and the most strenuous exertions were made to accomplish this object.

The countries of Zealand and Holland, by uniting their fleets, were at length sufficiently powerful at sea to vindicate their right to the free navigation of the Baltic, which, after many struggles, they succeeded in establishing; and from that time the downfall of the League rapidly advanced.

Many of its richest cities withdrew the moment that they no longer stood in need of its support, and those that had joined it through fear of being otherwise shut out from all intercourse with foreign countries, immediately seceded; and no sooner had the ships of the English and Dutch commenced trading with the Prussian and Polish towns, than these also separated from the confederacy.

In 1552, the English merchants, indignant that a company of foreigners should enjoy privileges of which they were deprived, presented a petition praying for their abolishment, by which it appeared that the company had so engrossed the cloth trade the preceding year, that they had exported fifty thousand pieces, while all the English together had exported but one thousand one hundred. As the power of the confederacy had dwindled away, leaving but the mere shadow of its former greatness, the English parliament no longer feared its vengeance, and an act was passed entirely abrogating the numerous franchises which it had enjoyed, and thus was its influence in England for ever destroyed.

In the middle of the seventeenth century, the only cities composing it were Lubec, Hamburgh, and Bremen, and even these retained little besides the name to distinguish their sovereignty.

A development of the commercial resources possessed by the nations of Europe had been accomplished by the League; the purposes of its organiza-

tion had been effected; and when its power was no longer necessary for the continuance of commercial prosperity, when the spirit of rude barbarism had been expelled by the introduction of civilization and refinement, and social order and political subordination had triumphed over the tyranny, oppression, and anarchy which had so long prevailed, the mighty agent which had produced these changes passed silently away from among the sovereignties of the earth, leaving the impress of its former commercial grandeur deeply stamped upon every enlightened country in Europe.

BIOGRAPHY OF A BROOMSTICK.

When I considered these things, I sighed and said within myself, "Surely man is a broomstick!" *Swift's Meditations on a Broomstick.*

Doctor Johnson is known to have said he could make a capital book of the Life of a Broomstick. It is astonishing the book-making tribe have never taken this hint; for nobody has ever written such a work, notwithstanding the fruitfulness of the subject. Writers have given us the lives of innumerable dunces, old grannies, fops, bores and do-littles. All sorts of nobodies and good-for-nothing two-legged creatures have had their memories embalmed in bad English and balderdash eloquence; but hitherto no one except the Great Moralist seems to have been aware of the biographical capabilities of broomsticks. As I have the honour, therefore, of being born a broomstick, I shall proceed to relate the events of my life according to the most approved models of biographical composition.

Broomsticks, dear reader, are important things; your wife has doubtless given you a hint of this before. The life of a broomstick must, in consequence, abound in striking events, and furnish the speculative philosopher with topics for profound reflection. My family is ancient, for the pedigree can be traced to Noah, who, it is pretty certain, took a supply of broomsticks in the ark, well knowing he should have plenty of sweeping to do. This being settled, let none hereafter deny the antiquity of broomsticks. See the treatise of Maimonides; *De Broomstickorum vetere prosapia, cum notis Johannis Bamruzelbergii, edit. Lugduni Batav.* 1662.

But to make a slight transition from Noah's ark to the county of Worcester, in which place I first became a broomstick, I must begin my life by saying that I owe existence to a celebrated manufacturer of birchen commodities, who lacking timber of his own, stole me in the shape of a sapling from the woods of one of his neighbours. After proper metamorphosis into the regular form of a household implement, I passed somewhat surreptitiously into the hands of a Connecticut pedler. To speak more distinctly, I was first stolen as stuff for making, and then stolen ready made. My readers, I dare say, have heard loose reports of this circumstance before. The fact is indubitable, and shows the strange vicissitudes to which pedlers and broomsticks are liable in this uncertain life.

The pedler carried me to Boston, where he sold me with all his load to a grocer at the South End; here I remained on hand several weeks, till at length I was bought by the housemaid of a gentleman in ..... Street, and taken regularly into service. I blush to say that at my first entrance into public

life, I was employed in all sorts of dirty work. I should certainly have suppressed this particular, were it not that it offers a surprising coincidence with the career of so many great men of the present day.

Such an outset, I need hardly say, did not please me at all. I was up betimes in the morning, travelled briskly through the entry, kitchen, yard, and cellar, and then poked behind a door to rest. Day after day the same dull routine was repeated, and I began to think I should never know an adventure, or see anything of high life. Three months elapsed before I even got a peep into the parlour. But an unlooked-for accident brought me to play a more important part in the domestic concerns of the house.

The gentleman to whom I had the honour of belonging, was a young man who had met with great good luck, that is to say, he had married a fortune. His spouse was a lady of no great personal charms and considerably his superior in years. My gentleman, however, having an empty purse and a fine figure, very generously overlooked all objections arising from the disparity of their ages, and married the lady for love,—so he said, and nobody contradicted him. The honey-moon passed delightfully, and all parties proclaimed it a blessed match. The lady was happy that she had such a fine, gay, pleasant, sensible, good-natured husband. The husband was happy that he had so many bank shares and brick houses. This was surely a delightful prospect in life, but like many other delightful prospects, it came to nothing, to the utter astonishment of all concerned.

One evening rather late, I was standing in a dark corner of the kitchen, in company with my two friends, the mop and the warming-pan, when I heard the front door shut with more than common emphasis. About a quarter of an hour after this, Dolly the housemaid came running into the kitchen, and seizing hold of me, glided off on tiptoe through the entry. I had not time to conjecture what could be the occasion of this extraordinary movement, before I heard voices in a pretty exalted pitch in the adjoining room. Something had evidently taken place to disturb the domestic tranquillity of those sweet turtle-doves, our master and mistress, and Dolly having overheard enough to excite her curiosity, had crept to the parlour door to listen, taking me with her as a sham, that she might pretend being about work, in case she should be caught eaves-dropping. So putting her ear to the door and holding her breath, she heard every syllable of what passed.

My gentleman, it seems, had come home several hours later than he was expected, greatly to the disappointment of his better half, who, on the moment of his appearance, set upon him with reproaches for neglecting her. To my surprise, though probably not to hers, he replied in a manner that showed a very recent familiarity with the good creature Champaigne. He was very talkative and dogmatical, and threw off all reserve.

"Really, sir," said his wife, with as much sullenness in her looks as she had been able to call up in the three hours she had been brooding over her wrongs, —"Really, sir, this is too bad."

"Too bad! my dear?" answered the gentleman with a show of the greatest amazement, "too bad, my dear, what do you mean, my dear?"

"Mean, sir?" that is a pretty question, a very pretty question, hah!" returned she, pretending to make believe laugh. A pretty question, what it means when folks complain of such treatment. But you grow worse and worse, sir; 't is the twentieth time, sir,—the fortieth time—the hundredth time that

you have neglected me so, and affronted me so, and mortified me so!" Here she put her handkerchief to her eyes.

"My dear soul," returned he in a very soothing tone, "you are crazy! How can you say I neglect you? Don't I come home every day to dinner, except now and then?"

"Crazy!" exclaimed the offended fair one, "it would not be surprising if such doings should drive a woman crazy. Sir, you neglect me shamefully; you neglect your family, sir, let me tell you that! and people know it, sir; I am ashamed of you, sir."

"You don't say so, my dear," retorted he with pretended earnestness: "ashamed of me? Why, I am not ashamed of you."

"Ashamed of me!" interrupted his wife, and reddening at the insinuation, "what do you mean? But I see you care nothing about me; no, you care for nothing but to spend my money with a pack of low fellows."

"Please to spare your reflections upon the gentlemen of my acquaintance; you are no judge of character, sweet woman."

"Sir, I tell you I will bear it no longer," replied the spouse, growing more and more passionate; "you are an unfeeling creature and an ungrateful creature. I think I am entitled to some respect, sir—consider your obligations to me."

"Obligations forsooth!" said the husband, beginning to feel his temper disturbed at this fling from his wife. "Heyday! consider your obligations to me too."

"What sir, obligations! pray what obligations! Didn't I marry you, sir, when you hadn't a cent in your pocket? Did n't I make a gentleman of you, sir? answer me that."

"And didn't I marry you, ma'am," returned the gentleman raising his voice, and growing more and more snuffled, "didn't I marry you when you was at the last point of desperation, with all the horrors of single blessedness staring you in the face!"

"'Tis false, sir!" exclaimed his lady with great violence. "I had a dozen offers—good offers, sir; but I was fool enough to marry you, sir. I saved you from the deputy sheriff;—you may thank me, sir, that you are not at this moment boarding at free cost in Ward No. 5."

"Oho! since you are come to that," said the gentleman, in a very firm tone, and pretending the greatest nonchalance, "I think quite as much might be said on the other side; for let me tell you, old lady, a young fellow that has prospects, can't be expected to throw himself away for nothing."

To call a lady old, is an offence, says Cervantes, that none of the sex can forgive. It is the last thing indeed, which a *middle-aged* belle wishes to be reminded of. Our lady was very touchy upon this point, and she burst out—

"You are an ill-mannered fellow, sir; you are a brute and a barbarian! You mean to kill me with your vile behaviour. I wish I may live a thousand years to vex you. I won't stay another moment in your company. Oh! fie! you wretch!"

With this explosion of rage, she sprang from her seat, and seizing the door with a most tremendous jerk, threw it open. Now all this was done so instantaneously that Dolly, who was standing in breathless immobility, leaning against the outside, had not above three quarters of a second's warning of her approach, so that the door was flying open in an instant, the mistress and maid

came slap together with a momentum not much inferior to that of two locomotives on a railway. The awkwardness of the collision need not be described, but this was not the worst part of the affair. The lady's temper was none of the sweetest, and the quarrel with her husband had made her a hundred times more irritable than common. Enraged at the thought of having her family quarrels discovered, for she had pride as well as temper, she flew upon the luckless listener, and snatching me from her hands before she could think of a word to say in her defence, gave her such a beating, that poor Dolly roared for help and bestowed internally ten thousand maledictions on that evil spirit of curiosity that had prompted her to busy herself with the conjugal endearments of her betters. The husband was not displeased to find the storm diverted from himself to another object, but was at length obliged to interfere, lest the punishment should exceed the offence. He snatched me from the hands of his wife, and bade the luckless maid go about her business, and forbear eaves-dropping in future. But Dolly was not so easily pacified. "She would'nt stay another moment in the house, not she. Folks needn't think they was to treat their *helps* like dogs, that they mustn't. She was as good flesh and blood as anybody, shed'd have 'em to know. Off she'd go that instant, bag and baggage, and she'd have the law on them for all their gentility." With these protestations, and a thousand others just like them, accompanied with divers tossings of the head and twistings of the nose, she left the house.

The next morning beheld me travelling to Court-street, where Dolly told her piteous tale to a lawyer, and exhibited me in evidence. "Here is the very broomstick to prove it, sir; every word of it is true, and if you won't believe me, you *must* believe the broomstick: two witnesses will hang anybody. If there's law in the land, I'll have justice done for me and the broomstick."—"No doubt on't," replied the learned gentleman; "leave the broomstick with me, and I'll make a flourish with it to some purpose; but hark'ee, don't say anything of this affair to anybody else. You shall have justice done you, but leave it to me." Dolly went her way and the lawyer ran to my gentleman. "Mr. ——," said he, "this is an ugly affair of yours; couldn't you make it up? The girl swears she'll have it in the newspapers to-morrow. Now, as a friend to you, I should be horrified to see snch a scandal get abroad about a respectable family like yours! I would not for a thousand dollars that the affair should get wind." These alarms had a great effect upon my master and mistress, who by this time had begun to entertain some cool reflections upon the doings of the last evening, and they inquired with great anxiety whether the matter could not be hushed up. "'Tis the very thing I have to propose," said the attorney, "the complainant has offered to compound for a consideration."—"How mnch?" asked the husband.—"Five hundred dollars," replied the man of law. "Five hundred!" exclaimed the loving couple at once, in the most dismal tone of astonishment. "Ay," returned the peacemaker, "but I beat her down to two hundred, for I told her she must be reasonable." —"The devil confound such reason!" exclaimed the gentleman; "what, two hundred dollars for half a dozen thumps with a broomstick!—I won't pay it." "Why then, there's nothing more to be said," replied the lawyer gravely, "and the matter must go before the court." This was an ugly thought to my gentleman. "Say a hundred and fifty," said he, "and done." My honest friend, the attorney, took a pinch of snuff, and after a few seconds' hesitation

replied—" Well, since you won't offer more, let me have the money and I'll try what can be done with her." Very reluctantly, my fine gentleman drew a check for the money, and the man of law departed, protesting that it grieved him to the soul, but he would make any sacrifice to save his friend's character.

A few days after, came his client to inquire about her cause. She was directed to call again the next week. At the second call, the matter was postponed for a fortnight: the next time, for three weeks; and so on till the unlucky maid became pretty well tired of the law's delay. After a long time, he informed her that the case looked rather bad, and hinted that she had better try to make it up. Dolly who by this time no longer felt the smart of her bruises, and began to have fears that the case might go against her, readily listened to the suggestion and inquired how much she might hope to get as hush-money. " I can't tell, replied the conscientious gentleman, " but if you could get ten dollars, I should advise you as a friend to withdraw your action." " Ten dollars! " exclaimed the battered Abigail—" well, if you think I'd better" —" Really I do," replied he; " take my word as a friend, I wish to give you honest advice,—that's always my rule." The result of this negociation was that the ten dollars were paid, and so the matter ended, verifying the old adage, " blessed are the makers of peace, but cursed are the breakers of it."

Meantime I was forgotten, and stood behind the lawyer's door for six months. What scenes I witnessed, are nothing to my present purpose, since I was rather a spectator than an actor in them. I became initiated into the mysteries of the legal profession, upon the philosophy of which I shall make no moral reflections from sheer inability; for the length and breadth of a lawyer's conscience are beyond the capacity of any common broomstick to measure. But one day a certain customer of my master's, a rather unsophisticated wight, finding his pockets emptied of a swingeing sum by the ingenuity of this gentleman, stood aghast at the catastrophe, hardly willing to believe his senses in evidence of such diabolical impudence. Finding, however, that it was " no mistake," he moved towards the door, determined to say his "good-bye" in a style that would ring like a clap of thunder.

" I'll tell you what I think of you, sir," said he in a solemn voice, and holding the door in one hand, ready to fire and run.

" Well," said the man of law, very composedly.

" I think you a VERY GREAT RASCAL!"

Expecting to see the enraged attorney explode like a bomb shell at this attack, he stood a moment to enjoy the effect, but what words can describe his astonishment, when his antagonist answered with the most gentle smile—

" Pooh! pooh, I've been told that a hundred times."

This was too much; flesh and blood could not bear it. " I'll have it out of his hide," thought the unlucky litigant; and at that moment his eye fell on me, who stood close at hand, as it were, inviting him to seize and lay on. In a trice he clutched me by the end, and made so brisk a flourishing over the sconce of his legal friend, that he roared with more eloquence than he ever did to a jury. The neighbours running in at the noise, put an end to this administration of justice, and the assailant was tumbled down stairs into the street, where he was seized by a constable. For my part, I was carried by that official to his own house in order to be forthcoming when the indictment for the assault should be drawn. Bnt just after this, certain affairs of the aforesaid attorney coming to light, which were likely to render his stay in Boston

inconvenient, he disappeared between two days, and the prosecution was dropped.

In the constable's house I was put to various uses; the most worthy of mention was that of being ridden as a horse by one of his boys. Having performed this office one afternoon, I was left by the urchin in the street, where I expected to pass the night; but about ten o'clock in the evening I was aroused from a profound revery by a sound of footsteps breaking the lonely silence of the obscure lane where I lay. A figure approached with looks bent on the ground and cautiously peeping into every corner he passed, as if hunting for rags and old shoes. By the light of the moon he espied me as I lay in the gutter, and eagerly caught me up. We passed up the street and down another, in at this lane and out at that, my master picking up various valuable commodities in his way, till he found his pockets stuffed with old newspapers, bits of leather, marrow-bones, broken glass, rope-yarn, old iron, cork stopples, and odds and ends of every article of domestic economy that can find its way into a dust-heap.

The individual into whose hands I had thus fallen, was a lean, scarecrow looking personage, in a threadbare coat and an old rusty hat, yet, so far from being a beggar, or the keeper of an old junk shop, was one of the richest men in Boston, who turned an honest penny by accommodating gentlemen in pinching circumstances with ready cash, at a rate of interest corresponding to the scarcity of the commodity. These transactions were commonly done in a sly place not far from Faneuil Hall Market, for this obliging old soul did not care to have his liberality obtruded upon the notice of the public, and always manifested great uneasiness when the folks in the ———Insurance office dropped hints about letting money at ten per cent. a month. However, that is neither here nor there. It was late at night, and he trudged down street with me to the market, where my gentleman began to peer about among the lobsters, and after inspecting several lots, at last pitched upon one just about spoiling, for which he offered half price, as it was a hot night. The bargain was concluded, after some higgling, the purchaser, upon a second examination, insisting upon a further deduction of two cents, in consequence of the deficiency of a claw.

My master wrapped his purchase up safe in an old newspaper, and set off homeward. We entered the yard of a house in——Street, and he bolted the gate very carefully behind him, and took us into the kitchen, where we found his wife sitting by the light of the smallest of all tallow candles. "Cre-ation! ma'am!" he exclaimed, "what now? what now?—Burning out light to waste in this manner! What upon earth is the meaning of all this?"

"Nothing, Mr. Gripps, but waiting for Isaac, the boy has n't got home yet," replied the wife.

"What! what! what's that you say? not got home yet? Half after ten," and not home yet! Cre-ation! the creature's bewitched!"

"As sure as you live, it's true! Mr. Gripps, and yet I gave him a strict charge to be home in season," returned she.

"So did I—so did I," said the old miser, beginning to work himself up into a passion. "How many times I've told him so! This won't do! Let him go to bed in the dark. Shan't have candles to burn to waste. Go to ruin hand over fist!—Cre-a-tion!" So saying he opened his bundle and laid the lobster very carefully upon the dresser.

"There!" he exclaimed, fixing his little grey bargain-making eyes upon

the choice morsel with a look of mingled resignation and sorrow. "There's a dinner for Wednesday, cost ten cents!—would n't take less for it—ten cents! Ugh! Souse it in vinegar and it 'll be sure to keep: 't will make two good dinners and something to save besides: we can certainly make it last till Friday; why not? why not?"

"Why, Mr, Gripps," replied his wife, "there's nothing for dinner to-morrow: you know it really can't last till Friday."

"Ods! my life!" he exclaimed in the greatest astonishment, "nothing for dinner to-morrow? what! all the tom-cods gone? Cre-ation!"

"All ate up but the one you saved for supper, and what do you think, Mr. Gripp's? I verily believe Tim Dobson's old cat has stole it, for I have n't seen hide nor hair of it since the morning!"

"Creation!" exclaimed old Gripps, "that thief of a cat 'll be the ruin of me! Steals all our fish—steals all our liver—wont have her about the yard—I'll kill her! I'll kill her! Won't have her stealing here.—Tell Dobson to keep his cats at home. Drive her away! 'scat her away—won't have her stealing here! Cre-ation!"

Here the old miser rolled up his eyes and gave a most rueful groan as he thought of the alarming audacity of cats and the irrecoverable loss of his tom-cod. Then showing me to his wife, his features relaxed a little, and he exclaimed in a tone of great satisfaction, "Nice broomstick; nice broomstick; take care on't, take care on't—come in course by and bye." Then depositing me very carefully in a corner, he disburthened himself of the trumpery he had picked up, launching out into praises of every article, and packing them away with heaps already collected. After which he crept off to bed, taking care to put out the light and hide the candle, that there might be no further extravagant consumption of tallow.

It would have been worth any miser's money to see the domestic economy of my master's establishment. He was a saving hunks that had made his own fortune and knew what money was worth. He began life with a peck of apples and three quarts of vinegar, which served him to set up what he called a wine cellar in Ann Street. Here he drudged for some years, and by looking out for the main chance, doing here a little and there a little, and losing no means of turning a penny, he contrived by hook and by crook, to emerge into State Street, where he realised his hundred thousand, by practices which need not be explained to those who know the necessities of men in business who have notes to pay. No man ever had a greater horror of parting with his money. His house looked like the domain of famine, though he was always talking of living comfortably. To do him justice, his family enjoyed all the comforts which lie within the reach of those who are debarred the use of fire, lights, and provisions. His back-logs were always soaked in water, and the candle ends were carefully locked up for fear they should be eaten.

It is hardly necessary to particularize the daily events of my life while I staid in this same kitchen. I saw nobody save the old miser, his wife and son. They lived for the most part, upon tom-cods fried in water, with now and then a tit-bit in the shape of a scrap of meat, bought a good pennyworth in the afternoon of a hot day, when rapidly becoming an unsaleable commodity. Cabbage-leaves and turnip-tops slily filched from carts and stalls, supplied greens free of cost, and sometimes a stray carrot or a vagabond potato found its way into his pocket, which gave an additional luxury to the dinner table.

Never was such a lonely, dismal place for a kitchen as ours. Rats there were none; nobody had ever heard of such things on our premises. Three flies came in at the window one summer afternoon, and were found dead a week afterwards,—doubtless from starvation. Some tradition existed of a spit and a tin kitchen, but it had grown faint through lapse of years, and nothing was known of them with certainty. The old miser's clothes never wore out, though always threadbare; they were constantly receiving additions from shreds and patches picked up in his nightly wanderings, and grew rather thick than thin from age. He had an old plush waistcoat, all rusty and ragged, which he called his "tax waistcoat," because he wore it regularly once a year, when he visited the assessors, to complain of his over-taxation, hoping that such "looped and window'd wretchedness" as the venerable tatters of this garment displayed, might melt the flinty hearts of Samuel Norwood, Henry Bass, and Thomas Jackson,—"albeit unused to the melting mood,"—into a more moderate estimation of his real and personal estate. But it does not appear that this ingenious manœuvre ever succeeded.

I stood undisturbed in a corner of the kitchen for some weeks, as it may readily be supposed there was very little use for my services in a house where no article of furniture was put into unnecessary wear. The doors were always shut to keep out visitors, and the windows were shut to keep out cats. But one afternoon Old Gripps had made a magnificent purchase of an eel for his dinner next day; it hung in the chimney corner, and the window, by accident, was open. The cat was prowling about the yard, and discovered by the scent that the miser's kitchen actually contained something to eat. Nobody was stirring upon the premises, and the cat ventured to thrust her head in at the window; not a soul was to be seen in the kitchen, the eel was in plain sight, and could be reached by a smart jump.

A whisker first, and then a claw,
With many an ardent wish,
She stretched in vain to reach the prize,
What starving throat can food despise?
What cat's averse to fish?

No sooner thought than done: she bounded into the room, made a snap at the eel, and was in the act of retreating with the prize, when the old miser opened the door. "Cre-ation!" he exclaimed, running to the window and clapping it down to cut off the cat's retreat. "Thief of a cat! I'll crack your bones for you! Stop there! Stop there! whisht! 'scat! 'scat! oh! you thief!" At the same time snatching me from the corner he began to lay about him like mad. The cat finding her retreat by the window cut off, made a bolt through the door into the entry, holding fast by the eel in her escape. The miser pursued her, banging the floor right and left with his broomstick, and exclaiming in a great rage, "Cre-ation! Oh you thief! I'll crack your bones! Thief! thief! thief! 'scat! 'scat! stop there! stop there! whisht! siss! siss! cahah! cahah! whisht! whisht! drop that eel! drop that eel! caa! caa! caa! drop that eel, I say!" But the cat was a veteran marauder, and held fast by the eel, scampering hither and thither across the entry, determined to save her hide and bacon too if possible; but finding all egress by the door prohibited, she bounced up the stairs. The old miser followed her, striking short of the end of her tail at every step, and bawling, "Stop that cat! stop that cat! a thief! a thief! caa! caa! drop that eel! drop that eel, I

say!" In this manner he chased her into the garret, where she bolted through a broken square in the window, and both eel and cat were lost to all pursuit.

The unfortunate miser stood astounded at this unexpected escape. The broomstick dropped from his hand, and he remained transfixed, with gaping mouth, staring eyes, and the most dolorous contortion of visage. After exclaiming "Creation!" twenty times over, he crept sorrowfully down stairs, determined to nail the kitchen window fast down and prevent the repetition of such a disaster. In the confusion of his intellects, caused by this overwhelming calamity, he quite forgot the broomstick, and I was left on the garret floor.

Here I should have remained undisturbed for a long time, had the affairs of the nation gone on prosperously; but the great commercial catastrophe which shook all the United States, also shook me out of the garret window—even broomsticks must suffer when empires go to ruin. This strange event was brought about in the following manner.

Old Gripps was well rewarded by the bounty of nature for his benevolent qualities. He was blessed with a spendthrift, rantipole son, who seemed to be sent into the world for the express purpose of squandering the money which the parsimony of his father had so painfully acquired. This prodigal disposition had lately increased to an alarming extent. At first he had refused to wear old clothes bought at the rag-fair of Brattle Street: next he found fault with his victuals, and presently wanted money to spend! nothing could check his wasteful career but the lack of cash, a commodity which I need not say was pretty securely guarded in the house. He nevertheless contrived, by various manœuvres, to filch small sums now and then, the enjoyment of which only whetted his appetite for more. The youth, finding himself pinched by the niggardly economy of his father, lost all scruple as to appropriating whatever cash he could lay his hands on. The father knowing this, was anxiously on his guard, and a very sharp game was played between them.

For some time cash had been scarce with the young man; the miser had carefully lodged every dollar in the bank, so that when his son came to pick his pockets at night, he seldom found above a quarter of a dollar at a time. But just after the adventure of the cat and the eel, happened the great stoppage of specie payments. Now old squaretoes chanced, to his great delectation, on the morning of that very day, to get possession of a large sum in specie, which, when the banks stopped, he determined to keep by him and turn to good account by selling it at a huge premium. He accordingly had it conveyed home at an hour when his son was absent; and not finding his own desk or closet safe enough for such a precious deposit, as young Hopeful could pick locks on occasion, he had hid the strong box in a sly corner of the garret, where it remained unsuspected by any one. After a while, however, the ingenious youth, led by surmises, tracked his father undiscovered to the spot, and got a sight of the hidden treasure.

My master, like most other careful old gentlemen, made a practice every night of seeing the doors made fast, and everybody safe in bed before he retired to rest. The slightest noise in the night alarmed him, as he always thought of his gold, and dreamed of thieves. About eleven o'clock, when the whole house had been for some time in perfect silence, I was surprised to hear footsteps stealthily approaching, and see the glimmer of a light. Our young gentleman made his appearance, walking on tiptoe, and holding his breath. The secret nook was explored and the strong box drawn out. The eyes of the

liberal young man sparkled as he felt the weight of the treasure; he imagined that so large a sum might spare a part, and nothing be missed, a hasty method of reasoning which folks of his stamp are very apt to fall into. A handful of keys were applied one after the other to the lock, but not one of them would fit. To break the lock would make a noise, and the only method left was to force the lid up with a wedge, widely enough to abstract some of the contents. Nothing of the kind had been prepared, but as I happened to lie in sight, he seized me forthwith, and by the help of his penknife, sharpened my small end into a wedge. With this instrument the lid was raised an inch or two and he greedily thrust in his hand, but, woful to relate! at that moment I snapped short and left him in the lurch! A steel trap could not have done the thing more neatly.

At the noise made by this diaster, and the sudden scream which the pain of his imprisoned wrist extorted from the luckless adventurer, the old miser awoke and began to bawl "Murder! fire! thieves!" Then running in all haste to the scene of the alarm, he beheld his darling son with his hand in the casket that contained his beloved treasure. This sight roused him to fury. He snatched me from the floor, and bestowed so violent a cudgelling upon the back of the delinquent, that his wife, who presently came up, fearing the blows were killing the young man, snatched me from the hands of her husband and threw me out of the window.

How long my young friend staid in his trap I never learned. For my own part, I found myself on the roof, where I slid endwise over the eaves, and then shot diagonally into the window of the house opposite. Now in this room sat a couple of persons rather oddly situated. Let me take up their story a point or two backward. A middle-aged old gentleman it was, with a middle-aged young lady,—the reader understands me. This middle-aged old gentleman was a precise, fidgetty, touchy, ceremonious personage, as prim and old-bachelorish as the primmest of all old bachelors, and was paying his addresses to the middle-aged young lady, who had as little objection to a husband as it was possible for a middle-aged lady to have. This was a courting night; the courtship was not so far advanced as to have removed all attention to punctilios between them, and they sat upon the sofa in an attitude as formal and starched as a couple of effigies in the New England Museum. By and by the conversation began to flag, as it is apt to do on such occasions: the house was silent; they had discussed the news and talked the weather round and round till it would not shift any more. There was nothing more left to talk about; pity that lovers could not start a topic sufficiently animating to keep them awake, but such is the fact. The gentleman began soon to yawn, and as yawning, like love or the measles, is contagious, the lady began to yawn too. What will you have?—in half an hour they were both fast asleep!

Now I should have observed before, our prim, precise, touchy, fidgetty, middle-aged old bachelor had had the misfortune to lose all his hair, and wore a handsome scratch; but this was known only to himself, and he designed to keep the secret, and carry it with him to his grave. Nothing gave him so much anxiety as the apprehension that this might be discovered, for he had set his heart on preserving the reputation of his youthful locks. He had dropped no hint, of course, to the lady, that in case she pulled his hair for him, something might surprise her, and his precaution not to endanger such a discovery, added not a little to the circumspection of his manners in her company.

As this loving couple lay fast asleep, one at each end of the sofa, I burst in at the window, and came end first, souse upon the old bachelor's nose! He uttered a loud scream and sprang up, tossing his wig off at a single jerk. The lady awoke at the scream, and started up and screamed likewise. The gentleman stared in astonishment at the lady, imagining it was she who had struck him. The lady fixed her eyes in astonishment and terror upon the gentleman, unable to conceive the cause of his exclamation, his frightened looks, or the sudden metamorphose of his head. The next moment the gentleman was aware of the loss of his wig; then surprise, astonishment, mortification, embarrassment, fright and ten thousand indescribable imaginings came over him in an overwhelming cloud. He stood as if thunderstruck, without the power to utter a syllable. Now the lady screamed again in good earnest, for she was fully persuaded he was out of his wits. The noise awoke everybody in the house, who came rushing in tumult into the room. The sight of these intruders brought the bewildered man a little to his senses. He caught up his wig, and clapping it upon his head, the wrong side before, rushed in speechless amazement and vexation from the house.

The lady, as in duty bound, immediately fainted away; and when she came to herself, she shed with the greatest propriety, a considerable quantity of tears. The following day was passed in losing all appetite for victuals, and in sighing profoundly. As for the gentleman, he sat out upon a distant journey without delay, and has not yet returned. Should the sequel of the affair ever come to light, I shall certainly make it public, for it must interest all true lovers.

I have not space to detail the adventures that befell me after this occurrence; but I continued to play my part in all sorts of strange conjunctures. I have passed through the hands of four snappish old curmudgeons, nine scolding wives, three dogmatical schoolmasters, and thirteen desperate old maids,—in all of which I did effectual service. I have caused seventeen bloody noses, twelve pair of battered shins, and ten black and blue shoulders; I have banged twenty-seven very thick skulls, given two dozen pokes in the ribs, made thirteen men and women cry murder! broken off two matches, and caused the death of one half of a human being in the shape of a dandy with two daubs of tallowed hair plastered on his temples. This last exploit is not much, but take them all together, I really think they are something—for a broomstick. Many a blockhead has written his own life. Let this be my apology.

———The world, 't is true,
Was made for blockheads,—and for broomsticks too:

ODE TO THE ROSE.

When the sweetly breathing spring
Bids the tuneful birds to sing,
Lead me lovely Flora, lead,
To the daisy-spangled mead,
Where the soft meanders stray,
Where the zephyrs love to play,
In some sweet and peaceful bow'r,
There to taste a blissful hour,
To the rose to raise my song;
To the rose those strains belong,

Dear to him who early strays,
Ere the dewdrops leave the sprays.
In this flow'r what pleasure lies,
Charms our sense, and glads our eyes,
Grace and ornament bestows,
When we're decked with thee sweet rose:
Child of summer, with us stay,
Winter's gone and welcome May;
One fair bud will I remove,
From its home to deck my love,
Haply on her bosom rest,
Envied floweret truly blest.
From the general mother earth,
Thou cans't have a second birth.
Trees new-born again we'll see
Yielding numerous progeny;
To the muses ye belong,
Subject for poetic song,
When from Ocean Venus sprung,
Attending Naides of thee sung,
"Flow ye streams and softly glide,
Wash their banks a Nereid cry'd,
There in gentle murmurs lave,
Zephyrs come and fan the wave,
Rills in gentle streams decend,
Roses o'er them softly bend,
And when all your duty's done,
Leave us like the setting sun;
Thou cans't, when thou'rt past thy prime,
Still be sweet, e'en conquer time;
Still thy perfume thou cans't give,
And, tho' dead,—in fragrance live!"

S. C. H.

EPIGRAMS FROM THE GERMAN OF LESSING.

Faustin, who during fifteen years,
Was absent from his home, as it appears,
Returned, enriched by usury and trade,
His ship a lucky homeward passage made;
Oh, God! our honest Faustin cried,
As he his native land i' th' distance spied,
Chastise me not for every dire offence,
Nor give my sins their lawful recompense,
Let me, as thou art gracious, daughter, son, and wife,
Find hearty, gay, and well to do in life;
So cried Faustin, and God vouchsafed his prayer,
His household peace and plenty did evince,
He saw his wife and children merry there,
And, by God's blessing, *two more* added since.

A rare example now I sing,
The world will be astonished too;
That every match will discord bring,
Is thought by all, but 'tis not true.

I've seen the model of a marriage,
Tranquil, serene, as summer eve;
Oh! that you all could see the carriage
Of that blest pair; you'd me believe.

And yet no angel was the wife,
No saint the husband, you might see,
In each some little faults in life,
From which no mortal e'er is free.

However, should some mocking hag
This wonder a mere fiction find,
My answer stops the scoffer's brag,
The man was deaf, the woman blind.

CITY LYRICS.

EPISTLE TO JANE.

BY PARK BENJAMIN.

You ask me, lovely Jane, to tell
You all the pranks of this gay city,
To weave them into pleasant rhymes,
And write them in a flowing ditty;
You ask of me, a serious man,
Quite past the season of romancing,
To sing of parties, galas, routs,
Of talking, walking, flirting, dancing.

There was a time—how long ago,
Let these grey hairs of mine discover,
When I could prate of ladies' eyes,
And smile, and sigh, and play the lover;
There *was* a time—those happy hours,
You can, if any can, remember—
When all the world was May to me,
And never ended in December!

But now, alas! those hours have flown,
And I am getting dull and sober,
And though my Winter has not come,
I'm verging fast to brown October;
And all my leaves, that grew so green,
Are fast becoming sere and yellow,
And all my roses droop and fade,
And little fruit is left that's mellow.

Still to divert a passing hour,
I fain would now some moments linger,
And slyly on the dial's face,
Turn backward Time's slow-moving finger.
I would revisit old delights—
The joys that with the past are numbered,
Ere fancy folded up her plumes,
And on the breast of Reason slumbered!

There have been half-a-dozen balls,
Which all the people said were splendid,
Begun with music and quadrilles,
And with quadrilles and music, ended.
The gentlemen imbibed champagne,
The ladies sipped sherbet and ices,
The young folks chatted of the play,
The old folks of "the present crisis."

Of sermons we have had enough,
And evening lectures by the hundred,
And what they all amounted to,
The folks that went to hear them, wonder'd.
Elopements have been rather rare,
The marriage-fever is not raging;
But though the girls are not "engaged."
I'm sure they always look *engaging.*

Good bye, sweet Jane! if I had time,
I could relate some curious capers,
Which have not been reported in
The Morning or the Evening papers.
But I must pause—though well aware
There's something in a screed of scandal,
More charming to the female ear,
Than notes of Strauss, Mozart or Handel.

Nay! curl not so your pretty lip—
Nor tear my letter into tatters;
Mine is not courtier's pen, you know,
That never stirs unless it flatters.
Farewell! we soon may meet again,
And then I give you leave to scold me:
Oh, Jane, 'twill seem a thousand years
Till these expectant eyes behold ye!

THE EDITOR'S STUDY.

"Tot homines—tot sententiæ."

Science and Art.

Her Majesty's Theatre.—The fashion of the town has been amply assembled during the last month at this establishment. We cannot add one word to the comments we have before made on the great excellence of the vocal talent of the company, or on the style in which the *ballets* are produced and sustained. After what we have said and what was said of Rubini in our first number, it is not requisite that we should enter upon his meritorious performances at length. Let it suffice that these his last efforts upon the stage, though not equal to his earlier ones, are highly creditable to his genius as an artist, and will be sure to transmit his name to the future encircled by an unfading laurel.

The opera will soon close. Of the arrangements for the next season we are not advised. We have have no doubt, however, that the system which has been pursued this season of introducing artists new to the country will be continued. If so there can be no doubt that while the vocal art will be advanced, the public will be gratified.

What may be called the most important feature of the last month has been the performance by Frezzolini, of Anna Bolena, a character, a sister syren had already displayed such excellence in, as to win to herself the opinion that none could reach her. It was, however, reserved for the lady above named, to achieve equality at least.

That the majority of the audience on the night of Frezzolini's first appearance in the character, had come to the theatre with no expectation of the treat in store for them, was manifest; and the surprise and applause were necessarily very great. The songstress had evidently resolved to make an impression; this was seen on her first appearance; and her consciousness of the *power* to do so, was as obvious. In her songs as well as in her recitative, she was all that could be desired, delineating the various feelings of the queen and the woman, with extreme truthfulness; indeed, such was the expressiveness that pervaded the entire performance, that any person totally unacquainted with the language, would have been able to attach the proper meaning to all. One thing connected with Madame Frezzolini's performance of Anna Bolena, we must take special note of. It was the dignity of action and look; thereby sustaining the character of the queen. No mere theatrical grandeur marked her deportment, which had about it that unassumed grace, that air of repose, which it is the exclusive privilege of the court and the saloon to give birth to.

We cannot conclude our present brief notice of the opera, without adverting to Lablache's Henry the Eighth; which, considered in the light of an historical picture or performance of transcendent merit, is equally the subject of eulogy. The ideal Henry, the man of violent passions, but, withal, a dash of good humour, stood recorded before us; and, adopting song as the medium of expression, we would well fancy ourselves an inhabitant of England's court in the sixteenth century.

We never knew the aids in the way of scenery and costume to surpass those taken avail of in the representation of the opera in question.

Haymarket.—"The Rose of Arragon" has been withdrawn, and Mr. and Mrs. Charles Kean have terminated their engagement. We regret the first, as the beauties of the drama had not lost their freshness, and might have continued to attract people to the theatre; and we have cause for another regret. It is in the proof given us of how little certainty the present state of theatricals gives the true dramatist, the man whose fame must be proportionately increased by the frequency of his work's representation. Mr. Webster's answer to any question on the subject would substantiate this, for it would be the declaration, that the salary demanded by two performers was too large to allow the continuance of a play, that, *without* the above drawback, could be made advantageous to all other parties. We believe Mr. Webster gave upwards of five hundred pounds for "The Rose of Arragon," so proving his desire to encourage the growth of the national Dramatic Literature; but the reader will be able to judge of the unfair position the lessee was placed in, when we add that the pay of Mr. and Mrs. Charles Kean, was more than to take away all the extra money, it is but right, (admitting the new play to have been greatly attractive) to presume it brought into the theatre.

A farce bearing the title of "Peter and Paul," has been produced. Its plot is not of a nature to warrant our going into details. Possessing many requisites for a successful little piece, it has one drawback, it is the appearance *throughout* of having been written for one performer, whose peculiarities are afforded ample play, and for whose widely acknowledged and exquisite taste in dress, every opportunity is given. The author of "Peter and Paul," and Mr. William Farren, are mutually obliged to each other; and the former may hold himself grateful for the exemplary painstaking of those actors and actresses, who had not set for their portraits or been measured per understanding.

English Opera House.—It gives us great pleasure to bear our testimony of approval to the performers at this theatre. Many novelties have been brought forth, each displaying in its getting up, the good taste and knowledge of stage minutiæ, which was characteristic of Madame Vestris's management of Covent Garden. "The Lone Hut," a melo-drama, has met with great success, receiving the aid of O. Smith, Diddear, and the Misses Faucit and Crisp. The incidents turn upon two circumstances, a murder of late committal and an approaching marriage between the heroine of the piece, and the perpetrator of the above-named crime; who is detected by the cousin of the bride-elect, and is shot while attempting to make his escape. In the "Lone Hut" there are many (making use of a technicality) "points," the most impressive of which is the scene between O. Smith (a Bohemian), and Miss Faucit, (the cousin and detector of the murderer.) It was here we had a most marked and dramatic antithesis in the appearance as well as in the acting of the lady and gentleman, whose efforts were rewarded by loud applause. Miss Faucit attained a very high degree of excellence, much more than in any other part of the drama, divesting herself of what is frequently so material a drawback to her talent, namely, an imitation of her sister. Miss Crisp looked interesting, and acted her little part as well as it could be acted; while Diddear proved (if proof was wanting) his usefulness, in successfully depicting a character quite out of his sphere. We had a very judicious relief to the more sombre parts of the piece, in an incidental ballet, which had been prepared with much taste, and was gone through with as much spirit and skill.

The company have received an addition in the person of a Mr. W. Howard, from the provinces. His introductory part was Sponge, in the farce of "Where shall I dine;" which, bating a little over elaboration, he went through with a pretty fair share of talent. We must mention one thing, we can assure Mr. Howard, it is for *his* benefit. What we allude to was the little introductory passage he indulged in when showing Miss Grumpy into the closet in the last scene. Such *equivoque* can only meet the approbation of the vulgar, and is out of place even in the broadest farces. We trust Mr. Howard will heed what we have said.

Strand Theatre.—The pleasing trifles which have given this little theatre its recognized standing, continue to be acted. That very amusing piece "The Cobbler of Cripplegate" merits a nightly appeal to the risible organs of the audience, exhibiting Mr. and Mrs. Keeley in a couple of parts suited to them in every way. There is something so essentially comic in the gentleman's looks and gestures while engaged in his mock magic—something so irresistible in the words of his incantations, that the gravest cannot refrain from laughing, and that heartily too.

"The Devil and Dr. Faustus" seems to have retained its attractive power, although a production of last year. Its author (Mr. Leman Rede) has consulted the taste of his audience to a nicety, but, at the same time, has contrived to throw in passages of far higher meaning and purpose then others, and which, we are happy to say, command their just attention and admiration.

Miss Kelly's Theatre.—The performances at this elegant place are of an unvaried excellence which *ought* to guarantee the amiable lessee every public success, but it is with regret we state such has not been the case. Herself a

host, and assisted by a company, adequate in number, and highly talented in their art, Miss Kelly seldom appears without meeting the disheartening spectacle of empty benches. She has represented several pieces, excellent in themselves, and having an additional claim upon the suffrages of the public from the aid of *her* talent, yet the same proofs of address on the part of playgoers have been her only return. This reflection must be painful to all who know how Miss Kelly has laboured, what are her motives. Surely the way in which such pieces as "The Serjeant's Wife," "The Miller's Maid," and "The Centogenarian" are acted, should be sufficient to attract people. Such, however, is not the case: and the hope we cherished—that the cultivated amongst the middle classes would rally round the manageress has not been realized.

Surrey Theatre.—We are glad in being able to record the success which has attended the performance of operas at this theatre. Harrison, Leffler, and Miss Romer are here favourites, while George Stansbury, though confined to the orchestra, comes in for a share of general approval. A few nights since we had something Shaksperian, the tragedy of "Macbeth" being acted. The mention of this gives us pain, as it imposes on us the disagreeable duty of passing censure on two persons—Messieurs Hughes and Smith; the first-named as Macbeth, the second as the first witch. Violent gestures, loud speaking, and perversion of text characterized Mr. Hughes' acting, and his appearance was utterly at variance with all idea of the Scottish usurper. In speaking of Mr. Smith, we cannot confine ourselves to an expression of more blame for incapacity or presumption, his grosser perpetration on the night in question having been what, save for his long standing, would have called down the hisses of the audience. From the very moment Mr. Smith made his first appearance, it was evident that he had been indulging in the sin so beautifully apostrophized by Cassio; the consequenee was that he imparted all the low comicality of a buffoon, to what ought to have been the representation of a spiritual being.

The Queen's Theatre.—The engagement of Mrs. Honey has proved attractive, though we cannot subscribe to the taste of the people who flock to see her, her acting and singing being marked by the same coarseness we have often noticed. In the piece called "Juan in Love" this is particularly manifest to us, but not to the audience, we are inclined to suppose, if encores and loud applause are to be taken as significant of opinion.

The present lessee (Mr. James) has partly to attribute the success of his undertaking to the lighter pieces which he has brought out. Amongst these are three or four, the composition of a lady of the name of Hallett, who is a well known contributor to the magazines, and has a rare qualification with persons engaged in that branch of literature, a great aptitude at dramatic composition. We trust we shall soon be treated with something new from Mrs. H's. hand.

END OF VOL. I.

London: printed by G. Lilley, 8, Queen's Head Passage, Paternoster-row.