

WILMINGTON GAZETTE.

Published weekly by ALLAN HALL, at THREE DOLLARS A YEAR.

THURSDAY, JUNE 16, 1863.

[Vol. 7, No. 395.]

WASHINGTON, May 20.

JUDGE CHASE'S CHARGE.

On the first Monday in this month, the circuit court of the United States was held at Baltimore by Judge Chase and Judge Winchester. Judge Chase, as is usual, delivered a charge to the Grand Jury, composed of citizens from different counties of Maryland, a large majority of whom, though nominated by a republican marshal, and drawn from a republican state, was decidedly federal. This charge may be pronounced the most extraordinary that the violence of federalism has yet produced, and exhibits humiliating evidence of the unfortunate effects of disappointed ambition. It is to be regretted that it has not been officially published, as it is almost impossible, without presenting it entire, to give an adequate idea of its contents, and as it would then have been out of the power of party spirit to deny its accuracy. The following summary statement of it has been ready for the press for more than two weeks; but has been withheld until this time, in the hope that the whole charge would appear. It is only necessary further to premise, that it was taken by a person present; and that the public may rely that it does not contain a sentiment that was not avowed by the judge, though it may omit many remarks that were made by him. In some emphatic sentences, the words are nearly such as he used; though, for the most part, greater regard has been paid to the ideas than the language.

After a definition of the offences cognizable by the grand jury, Judge Chase said he hoped he should be pardoned for making a few additional observations. He had, he remarked, been uniformly attached to a free republican government, and had actively participated in our revolutionary struggle to obtain it. He still remained warmly attached to the principles of government then established. Since that period, however, certain opinions had sprung up which threatened with ruin the fair fabric then raised. It had been contended that all men had equal rights derived from nature, of which society could not rightfully deprive them. This he denied. He could conceive of no rights in a state of nature, which was in fact entirely a creature of the imagination, as there was no condition of man in which he was not, under some modification, subject to a particular leader or a particular species of government. True liberty did not, in his opinion, consist in the possession of equal rights, but in the protection by the law of the person and property of every member of society, however various the grade in society he filled. Nor did it consist in the form of government in any country. A monarchy might be free, and a republican slavery. Wherever the law protected the person and property of every man, there liberty existed, whatever the government was. Such, said he, is our present situation. But much I fear that soon, very soon, our situation will be changed. The great bulwark of an independent judiciary has been broken down by the legislature of the United States, and a wound inflicted upon the liberties of the people, which nothing but their good sense can cure.

[Judge Chase here went into an assertion of the right of the Judiciary to decide on the constitutionality of laws.]

He then reverted to the proceedings of the legislature of Maryland. He commented on the wisdom and patriotism of those who had framed the constitution of that state. That wisdom and patriotism had never conceived liberty to consist in every man possessing equal political rights. To secure property, the right of suffrage had been limited. The convention had not imagined, according to the new doctrine, that property would be best protected by those who had themselves no property. The great rampart established in the limitation of suffrage was now demolished by the principle of universal suffrage engrafted in the constitution. In addition to this, a proposition was now submitted, whose ratification depended upon the next legislature, and which, if ratified, would destroy the independence and respectability of the judiciary, and make the administration of justice dependent upon legislative discretion. If this shall, in addition to that which establishes universal suffrage, be a part of the constitution,

nothing will remain that will be worth protecting. Instead of being ruled by a regular and respectable government, we shall be governed by an ignorant mobocracy. When he reflected on the ruinous effects of these measures, he could not but blush at the degeneracy of sons who destroyed the fair fabric raised by the patriotism of their fathers.

To do justice to this extraordinary performance would require an extensive commentary.

It is necessary to call upon the reader to hold in recollection the fact, that it is the charge of the judge of the U. States, delivered in his official capacity, & in the discharge of his official duty. Its propriety ought, therefore, to be principally tested by its conformity to that duty. It is very possible for a private citizen to say or do many things without reproach, which a judge cannot say or do without a large share of it. The oath of a justice of the supreme court will show what his duty is. It is as follows:

"I do solemnly swear or affirm, that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as such, according to the best of my abilities and understanding, agreeably to the constitution and laws of the United States. So help me God."

This oath imposes an obligation, to administer justice, agreeably to the constitution and laws of the United States.

It limits his power to the administration of justice; this is its sum; beyond it he shall not go—and it determines the manner in which justice shall be administered. It shall be "agreeably to the constitution and laws of the U. States," and in no other manner.

Let any man then read the foregoing statement, and say whether the political sentiments avowed by the judge can with the least pretension to common sense, be called the administration of justice. The administration of justice is well understood. It consists not in political disquisitions however correct. Much less does it consist in unjust reproaches cast upon the federal government, upon its rulers and laws, upon the state governments, their rulers and laws; and upon the fundamental and characteristic principles of the nation itself.

Much less can it be said that such sentiments avowed from the bench, constitutes the administration of justice "agreeably to the constitution and laws of the United States."

That constitution and those laws command a judge of the United States to regard and respect the constitutions and laws of the several states, where they do not interfere with the constitution or laws of the United States.

The constitution declares that "the United States shall guarantee to every state in this union a republican form of government."—And the 34th section of the judicial law enacts "that the laws of the several states, except where the constitution, treaties or statutes of the United States shall otherwise require or provide, shall be regarded as rules of decision in trials at common law in the courts of the United States in cases where they apply."

Maryland has now a republican form of government which, it is thus made the constitutional duty of the government of the United States, of which the judges form a part, to guarantee a material part of that form of government consists in a prescribed mode of changing it. In that way it has been changed; and it is against these changes, all of which render it more republican than it previously was, that Judge Chase inveighs. In a certain, nay a probable event, the judge says there will be nothing in her constitution worth preserving. Such denunciation is not extra-judicial, but is in direct violation of that obligation, which in making the constitution and laws of the United States his guide, embraced so much of the constitution and laws of Maryland as applied to cases before him, and which were not contrary to the federal constitution and laws. What would be said of a federal judge who boldly pronounced the federal constitution, there was nothing in it worth preserving, when his very oath of office constituted him its guardian? The same condemnation bestowed on such a denunciation is

similar terms to a state constitution; for one is but a ratification of the other, so far as relates to his official duty.

Nothing has been yet said of the motives of Judge Chase. God only certainly knows his motives. Still every intelligent man will form an opinion of those motives which probably influenced him. Could they be pure motives? Look to the effects his declarations were calculated to produce. In his contemplation, if productive of any effect whatever, they must have been considered as likely to alienate the citizens from both the governments of the union, and that of Maryland; to produce a sentiment of dissatisfaction; to augment party violence; and to enkindle a disorganizing spirit. Are these the legitimate fruits of an impartial administration of justice? Do they evince a love of order, of truth, of benevolence, of patriotism, of any thing honorable in public, or amiable in private life?

Judge Chase says he was a republican during the revolution, and still is a republican. From this we may infer that his sentiments are the same now that they then were. By his own avowal let him be tried. What did we contend for during the revolution? For political liberty. In what does political liberty consist? In the right of self government. And yet Mr. Chase asserts that a nation may be free where this right is not enjoyed by the people. This then is the republicanism of Judge Chase; but it is the despotism of a genuine republican.

New opinions are said to have sprung up; and the possession of equal rights even in a state of nature is denied & laughed at as a chimera of the fancy.

Liberty is declared, not to consist in equal rights, but in the protection of person and property by laws. Here the learned judge mistakes cause for effect. Good laws flow from liberty, and not liberty from good laws. The best laws will soon degenerate, and become so many instruments of oppression unless the nation possesses the right of amending or annulling them, and of controlling those who administer them.

Liberty does not consist in the form of government in any country. A monarchy may be free, and a republic in slavery. Here we, at length, behold the cloven foot. By such performances as this the public mind is to be prepared for monarchy.

Whenever the laws protect the person and property of every man TRUE LIBERTY EXISTS, WHATEVER THE GOVERNMENT IS. This is the liberty of Judge Chase. He is indifferent to the government, so that the laws be good. Here again is a jumbling of cause and effect. Who makes the laws? The government. And yet it is a matter of no consequence what the government is. As well might we affirm the Sun of no importance so long as we enjoy its light and heat, to which we are indebted for all that sustain existence. This remark is very absurd. But it merits attention, not so much for its absurdity, as for its evidence of a rooted attachment to monarchy. The remaining remarks of the judge need no commentary. They denounce with indiscriminate indecorum, the measures of Congress and of Maryland. There is no mind that will not fully understand their meaning, and duly appreciate the motives in which they originate. Such, citizens of the United States, is the offspring of a Supreme Court of the United States, a member of that venerable and sacred bench, constituted by you the guardians of your rights and liberties?

Not. Intelligencer.

May 25.

ELECTIONS.

Attempts are making, in the face of all fact and truth, to impress the nation with the idea that the late elections exhibit an increase of federalism; whereas they really prove its great declension. Facts will place the truth of this assertion beyond question.

The elections for representatives in Congress, it will be allowed, are those which, in general, form the best criterion of public sentiment. Let us then compare the relative strength of republicans and federalists elected for the last and the ensuing Congress.

In the last Congress Rhode-Island had one republican, and one federal member; in the ensuing Congress she has two

Massachusetts had in the last Congress six republican, and eight federal members; in the ensuing Congress she will have seven republican, and ten federal members.

New-Hampshire had in the last Congress four federal members; in the ensuing Congress, she will have five federal members.

Connecticut had in the last Congress seven federal members; in the ensuing Congress she will have seven federal members.

New-York had in the last Congress seven republican, and three federal members; in the ensuing Congress she will have twelve republican, and five federal members.

Pennsylvania had in the last Congress ten republican, and three federal members; in the ensuing Congress she will have eighteen republican members.

Vermont had in the last Congress one republican, and one federal member; in the ensuing Congress she will have three republican, and one federal member.

Delaware had in the last Congress one federal member; she will have in the ensuing Congress one republican member.

Virginia had in the last Congress eighteen republican, and three federal members; she will have in the next Congress eighteen republican, & four federal members.

South-Carolina had in the last Congress, three republican and three federal members; she will have in the ensuing Congress six republican, and two federal members.

Georgia had in the last Congress two republican members; she will have in the ensuing Congress, four republican members.

These are all the states in which elections have been held. Let these results be exhibited in a table, and the whole will stand thus:

	Last Cong.	Next Cong.
Rhode-Island,	1	2
Massachusetts,	6	10
New-Hampshire,	0	5
Connecticut,	0	7
New-York,	7	12
Pennsylvania,	10	18
Delaware,	0	1
Vermont,	1	3
Virginia,	18	18
South-Carolina,	3	6
Georgia,	2	4
	48	71

Such is the aggregate result of the elections in these states. It will be recollected that the number of representatives under the new census is increased from 105 to 140.

For 48, which the republicans had in the last Congress, they have now 71; while for 32, which the federalists had in the last Congress, they have now 34.

It follows, that while the federalists have gained 2 members, the republicans have gained 23.

The relative gain therefore of republicanism over federalism, stands as 23 to 2.

To have preserved their relative strength, in the next Congress, the republicans should have from the above states 63, and the federalists 42 members.

Instead of which the republicans have 71, and the federalists 34 members.

The former, therefore, have gained at the rate of thirteen per cent; and the latter lost at the rate of twenty per cent.

After this plain statement of facts, federalism may vaunt its triumphs as it pleases. The more it boasts the more it will be disgraced; as enquiry will thereby be excited & the truth known, which, while it shows their misrepresentations, will also demonstrate the depression of their forces. It is true, that in Virginia a few federal members have been elected. But by what means have they succeeded? Not by a fair and full expression of the public will, but by the superior industry of the federal candidate and his friends, and by the false security of the republicans. By the republicans of that state it was not deemed of great importance that all their representatives should be republicans. It was already ascertained that a great majority in Congress was already secured. This produced a certain degree of indifference, of which federalism availed itself. Every man of common sense knows that this will often be, as it often has been, the case with the majority. Confiding too securely in their strength, they will sustain occasional defeats, from the superior stratagem and activity of

their opponents. But put this consideration aside, grant the federalists full credit for the acquisition of unfair as well as fair means, what is their situation? More depressed than it ever was before. They have less strength in our councils, and less confidence with the people, than at any antecedent period of their existence.

Not. Intelligencer.

SAVANNAH, May 30.

We learn that the strong easterly winds with which we have been troubled a few weeks past, destroyed much of the cotton in the lower country, or sea islands, so as generally to occasion a second planting. This we believe is the first time for some years that the circumstance has occurred to such a degree, but considerable effects of this wind are not unusual, balancing the otherwise earlier season which the lower country experiences, and renders the cultivation of the black seed or sea island cotton, as it is usually called, as likely to succeed in the back country, where the season is somewhat later but more sure. This circumstance of climate was some time ago observed and recorded in a publication on the cultivation of cotton, attributed to our present governor, Mr. Milledge, who was among the first to introduce this valuable staple, as a crop, and by his experiments and observations, has perhaps contributed equal to any other individual, to extend the advantage and promote the wealth of his native state by this profitable culture. His words are:

"There is little or no advantage in the seasons, as it respects the cotton plant, between the low and up country. In spring, it appears if any thing the up country has the advantage—it suffers no injury from the violent lasting easterly winds that commence in the low country about the latter end of March, and often continue through the greater part of April; that wind seldom fails to blight; and at times, totally destroys the plant, so as to occasion replanting late in April. In the fall of the year, vegetation is preserved longer in the low country than it is in the upper, from the vapours in the low country, and particularly near the sea that shelter vegetation. But for two years past [1799] the low country has derived no advantage from that circumstance, the frost has attacked them with abrupt violence, so as in appearance to strew even the large pod, the shell not being hardened by the gradual approach of cold, and destroy it altogether.—In the up country, such pods the hard frosts open and cotton is gathered from them."

Could the cultivation of the black seed cotton become extensive in the back country, we need not name the immense, the incalculable advantages which would be derived from it. The sea island cotton now sells for 52 cents, the green seed does not exceed 15.

That almost all parts in Georgia not in higher latitudes than Augusta, would produce the black seed cotton, is pretty well established, since for years, Mr. Milledge has cultivated it as a crop on his plantation near Augusta, and finds little or no difference in quality, and hardly any as to price either here or in Europe, with that raised on or near the sea islands. Several planters in South-Carolina, nearly as high up as that place have, we are told, followed his example with the same success.

It is only a few years that the cultivation of cotton has prevailed at all; that it is yet open to improvements must be evident; and surely no greater could be made, than exchanging the long staple for the short. Mr. Milledge is the first successful experimenter on the black seed in the up country, and should its cultivation become more general, it would be another essential service rendered his country, both as a planter and a public servant.

We would recommend to gentlemen of observation and leisure, to make some experiments on this ground in different parts of the state. It is scarcely necessary to remark, that unless the black seed is kept entirely separate from the green seed, an inferior kind will be produced, difficult to gin from the green furze becoming attached to the seed, and which, probably would soon be lost in that most congenial to the climate.

I WISH TO RENT
The House I now live in, corner of Front and Dock Streets, is nearly fire proof, and perfectly tight.
JAMES CARSON