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DIARY OF A PHILADELPHIA LAWYER.

Unnatural Prosecution.

Turning her mother's pains and benefits
To laughter and contempt—that she may feel
How sharper than a serpent's tooth it is
To have a thankless child! *Shakespeare.*

Among the various occupations of man, there are none in which the practitioner is so much exposed to the extremes of human passion and human weakness, as in those which have been entitled *consensus publici*—the learned professions.

In periods of mental distress, when the agonized spirit wrestles with the demon of the world, and trembling under its load of conscious guilt—

That rings
In one dark, damning moment, crimes of years,
And screaming like a vulture in his ears,
Tells us by one, his thoughts and deeds of shame—

and the prospect of endless beatific existence in accepted and consecrated faith, sinks beneath the weight of its own immortal nature—when the soul shudders at its suspended condition, and even hope seems paralyzed, and fiercest terror strikes the alarm of everlasting death—when the proud spirit plumes its wing in anticipation of the flight that is to land it in its last, eternal home—'tis then the timid and afflicted mortal calls to his side the minister of heaven's pledges, and in the society of the clergyman, seeks a consolation and relief by exposing the naked hideousness of his crime-covered heart.

In sickness, too, when the waning and withering hand of disease is laid upon the body, and sinking nature calls for another nerve to grapple with the tyrant in whose grasp she perishes; or when sudden accident has prostrated the natural energies of man, and the giant strength which, but a moment before, had possessed the frame, is fled—'tis then, whether in the stately chamber of the proud, or in the wretched hovel of the beggar—whether on the downy couch of pampered wealth, or on the rugged pallet of indigence, the physician is called upon to behold, in each alike, the proud and strong man writhing in the agony of pain—to hear from his wailing plaints of suffering and of earthly wo, and to see around him, in various situations, without perhaps the means or prospect of relief, the havoc of disease and death, spending itself in the double affliction of the suffering he beholds in the prostrate victim before him, and the attendant misery and lamentation which bereaved friends and dependants pour over the relic of their living hope.

The lawyer, also, has his experience and exposure, though perhaps in a more limited sphere; and in the vexatious assiduity of litigious spirits and the groveling workings of revengeful minds, he often witnesses the wildest extremes of human passion and human weakness.

Some instances of this character, I find recorded in my diary, which, from their immediate relationship to the romance of real life, have afforded me matter of much ethical speculation, and among the number of which I have presented the following anomaly in the character of the female heir.

I had just returned from court; my brown bag was suspended from its appropriate hook in the book-case, and I was weary and worn with the exercise of five consecutive hours in close attention and confinement at the bar, I had accommodated myself for a *siesta* with a composure as settled as if no indolence, however argumentative or insubstantiating *retainer*, could draw me from it. I held in my hand a quire of foolscap closely written over, part of the labor of the morning, to which I was nodding a kind of familiarity between its monotonous recaptulations and my imperturbable somnolence, when a gentle knock at my office door aroused me.

The door was immediately opened by my student, who sat near it, in close and dry converse with some black-lettered spirit, and I was summoned to answer the demand of two well-dressed females, who inquired for me in a suppressed and faltering tone. Laboring in a state of much excitement, my strange visitors stood for a moment in the centre of the room, mute and motionless, and scarcely seeming to understand my repeated solicitations to be seated. At length, after they had witnessed the departure of my student from the office, and cast a hasty glance around to see if none others were present to behold or hear, the younger of the two mysterious beings before me took her companion by the hand, and led her, by apparent unconsciousness, to a seat beside the chair from which I had just risen. The young female having gone thus far, stood still and silent beside me, as if she had not the strength to act or move. I placed a chair for her on my right, and directing to her the most encouraging and assuasive converse I could command, at length succeeded in awakening her attention. She became seated, and raising the folds of a rich, black veil, which had obscured her features from me, turned upon me a face that might have formed a model for *Praxiteles* or a dilettante. A tear rested in the corner of her

soft, black eye, as if a pearl had been studded there to hang in glittering contrast with the rich silken lashes that surrounded it, and the subdued and passive expression of her countenance told, with mournful truth, the intensity of the heart's affliction within. Her companion, who sat by her, leaned her head upon her shoulder, and seeming to catch encouragement from the sympathizing look which I had fixed upon her, endeavored, in faint whispers, to inspire her with confidence to commence the revelation of their business with me. A few moments elapsed, and at intervals of soul-piercing sobs, she informed me that her mother, who sat beside her, had occasion to see me on professional business, of such a character, as, for the happiness of her family, demanded all the privacy which the nature of her situation would admit, and that to secure this, they had withheld from their most confidential friends, the slightest intimation of the distress in which they were involved. On this account, they appeared before me unattended, and sought such assistance as would secure to them the least possible occasion to appear in any other person's presence. An officer of the peace had called at their residence, and exhibited a warrant for the arrest of the mother, on a charge of *larceny*, but, perceiving the respectability of the parties with whom he was to act, and possessing more humanity than generally belongs to the minor ministers of the law, he encouraged the supposition that there might be some mistake, although his directions were very minute, and only required the promise of the party to be at the alderman's office, in—street, with her counsel, at a specified time. To ask my attendance upon this occasion, was the object of their visit. Having understood thus much, I immediately endeavored to learn, by such interrogatories as presented themselves to me, from what source, and by what means this prosecution had been brought, still expecting to find that from the susceptibility of women's fears, there was unnecessary alarm, and that probably it all would result in proof, to be a suit of revenge, as I have known instances, instituted by some unfavorably dismissed domestic, who sought to wound by exposure, and thus to gratify their malignity. The name of the prosecutor had not been noticed by either of them in the surprise with which they were so suddenly overwhelmed, and neither could summon the recollection of a cause which could exist in the breast of any human being, to involve them in afflictions they apprehended were so serious.

The time arrived when they were to appear at the office, and after assuring them of every consolation I could inspire, I took a seat with them in their carriage, and gave directions to the coachman to hold up at the dwelling of the magistrate—having, by this time, well assured myself that I was in company with members of one of the most respectable families in the northern part of the city, I determined, without hesitation, to avoid the necessity of exposure in the public office, as long as it was practicable.

Having seen my client seated in the parlor of the dwelling, I hastened to the office of the alderman, to ascertain the particulars of my mysterious case. On entering, I found him seated in his executive chair, calmly waiting the presence of any and all who should be "brought to be tried." I immediately announced to him my business, and requested to know the character of the prosecution against my client.

All that I could ascertain was, that the suit had been instituted by a female of respectable appearance, who demanded the most rigid precision in all the proceedings held by him, and evinced no ordinary determination of spirit in her undertaking. Confirmed now, that my suspicions of the origin of the case were correct, or that, in the other event, the investigation would develop a mistake in the identity of the defendant, I announced myself as ready to enter into a hearing of the case, and hastened to introduce my client, with every confidence I could inspire, aided by the sweet assurances of her fair attendant, into the public room of justice. The entrance from the dwelling of the alderman was in the rear of his desk or magisterial platform, and so as to obscure persons seated in the front of the office, from the observation of those entering thereby. At this door I introduced my client, and seated her in as much retirement as possible, with her daughter at her side. A few moments elapsed while the necessary preparations for business, and unfolding of dockets, were made, and the *trial ex parte* commenced. The alderman, with becoming dignity, demanded the parties in the case of the commonwealth vs. ———, charged with larceny, and in a magisterial voice inquired if the prosecutor was ready to proceed. From the opposite corner of the office, a delicate but firm voice responded "yes." As the answer reached the ear of my client, I perceived a heavy shudder convulsed her frame, and a deep-heaved sigh from the daughter, who had clasped her arms around the neck of her parent, and was hiding her face in her bosom, excited in

me new and fearful forebodings of my cause.

"Come forward," demanded the magistrate, "and take the book."

A pale and delicately beautiful girl, one on whom care and sorrow seemed to have made an early deprecation—like the first shoots of springs nipped by a lurking frost—stepped boldly to the stand, and received the holy book from his hand.

"You do swear," commenced the magistrate, but ere he could proceed farther, a wild and piercing shriek from the defendant—a death-like utterance of the name of "Eliza," and a long drawn breath, were but the instantaneous precedents of a deep swoon into which she had fallen; while the daughter stood motionless and fixed in a wild and vacant gaze upon the prosecutrix, and striving, in indistinct articulation, to say "sister."

With the assistance of those who stood near me, I hurried the apparently lifeless pair to the parlor from whence I had brought them, and leaving them to the ministrations of those who could afford more tender and appropriate relief, I hastened to the office, resolved to probe at once the mystery that accumulated around me.

As soon as I again appeared, the alderman informed me that the witness for the commonwealth, who stood alone, unmoved before him, prosecuted for the purpose of recovering some valuable papers, which she had stated upon oath were surreptitiously taken from her by the defendant, nearly a year since, and which were the sole assurances of a handsome patrimony belonging to her.

I requested to examine the witness personally, which was of course permitted. Recalling her to the stand, I asked her, with as much composure as my own agitation under the scene would permit, her name.

"Eliza ———," she replied, in the same firm tone in which she had first spoken.

"How long," I continued, "have you known the defendant?"

"As long as I have a recollection of any one."

"Is she related to you?"

"Yes—she is my mother!"

"And you would bring your mother before the thronged tribunal of justice, as a criminal at the bar?"

"I want my papers and my property," was her cold indifferent reply. "I could proceed no farther with my interrogation, and, after a moment's consultation with the magistrate, we exercised our united energies, by the invocation of all the penalties of her ingrate purpose—by the strongest appeals to the virtue of filial love, and by all that was sacred in humanity, to induce her to desist from her unnatural course. But all was of no avail, and I, in the last extremity, asked permission to enter my name upon the docket, for the future appearance of the defendant, to enter into a recognizance to appear at the next sessions of the court, if necessary, to answer the charge alleged against her."

I now returned to my client, and found her so far recovered as to be able, under the guidance of the ministering angel that had attended her throughout, to enter her carriage, to which I handed her, after giving her the most positive assurance of following her in a very short period, to her residence.

As soon as I had made the necessary arrangements at my office, I hastened to fulfil my promise. The card that had been left with me, referred me to one of those beautiful private residences in ——— row, in ——— street. I rang the bell, and in an instant was welcomed in, by the fair one who had already excited my liveliest sympathy.

In the back parlor, reclining upon a rich lounge, I found the afflicted subject of my solicitude; she requested me to be seated by her, and to bear patiently with her, while she endeavored to impart to me the circumstances connected with the unnatural scene I had witnessed. Eliza had been a favorite daughter, and was educated in the tenderest and most sumptuous manner. She had ever been a dutiful and affectionate child from her infancy. In an unfortunate moment, however, she formed an acquaintance with a wretch in human shape, whose prepossessing exterior, evasive manner, and assiduous attention, soon won the poor girl's affections, and so completely coiled his serpentine blandishments around her, as to render her heedless of every tie that bound her in her fidelity. Under the most solemn assurances of marriage, he induced her to desert her home, her widowed parent, and the fatherless companion of her youth, and with the means of obtaining a large portion of her little patrimony—the savings of a father's industry, whose remains had long since been consigned to the narrow charnel house—to elope with him, and consign herself to a bed of infamy and shame.

The papers to recover which a prosecution had been brought, instigated by the friend who had already robbed her of that which was more valuable to her than all, had been rescued from his unrelenting grasp by the vigilance of the mother, and were the sole assurances of the lost girl's fortune.

To preserve this for a day of tribulation that must soon await her, had been the anxious object of the parent in retaining them, and no law, though she, human or divine, could interfere with a purpose so benevolent and just.

I inquired whether the daughter was of age when these papers were taken, and received an affirmative reply.

It then became my painful duty to assure the mother that the papers must be delivered up, under the only alternative of legal guilt of the crime alleged.

She raised her finger, and pointing to a package that was standing in a casket upon the table near her, faintly whispered, "there they are—take them to her; the last link is broken, and now I have no hope!" I took the papers, and after some time spent in endeavoring to animate and console the afflicted family, and requesting that the daughter should send immediately for some of their most confidential friends, in whose sympathies they might find relief, I hastened to the alderman, to place in his charge, and at his direction, the subject of the *larceny*. The papers were received, and the prosecution dismissed.

A few months only elapsed, before I heard of the death of my client. She lingered like those who strive to smother grief, without apparent disease, and unable to bear the unaltered shock she had suffered, soon sunk, broken hearted, into the grave.

About two years after the above events transpired, I was waiting in the Mayor's Court of the city, for the trial of a cause of some importance, in which I was engaged, when I was assigned by the Court, in the exercise of the authority which belongs to them, to defend a prisoner at the bar, who appeared utterly destitute and surlily reckless of her fate. She was miserably attired, and in her lineaments of face, the long deep furrows of protracted suffering and want were strongly marked. I conferred with my client in the dock, in which white and black, the most loathsome specimens of human depravity, were indiscriminately huddled together, and heard the brief and reluctant history of her arraignment. She desired to plead guilty. She had committed the offence of *larceny*, that by her conviction she might gain a solitary seclusion from the world. She had loathed the society of her fellow creatures until their contact was no longer endurable. She feared to die, and had not the nerve for a suicidal deed. She had been educated in affluence—she became the victim of seduction—had broken the heart of a widowed parent in her delusion—disgraced a fair family name—her seducer had squandered away long since a patrimony which she had inherited, had deserted her, and left her penniless upon a cold world, without a virtue on which to found a plea for charity—and now she sought, in the solitary cell of the penitentiary, the longest separation from the companionship of her fellow beings, the penalties of the violated law would inflict.

The prisoner was Eliza ———, the prosecutrix of her mother.

The Alexandria Gazette of Saturday, mentions an exciting and disgraceful scene which occurred in the House of Representatives of the U. S. on the preceding day, between Mr. Turney and Mr. Bell, members from Tennessee, while engaged in debate in committee of the whole, on the Indian Appropriation bill. It appears Mr. Turney had made a wanton, continued personal attack on the course of Mr. Bell, and that the latter rose and commenced a severe rejoinder, asserting that Mr. Turney was the mere tool of others in making this attack. Mr. T. sitting immediately in front of Mr. B. rose from his seat, and looking Mr. B. in the face, said "It is false!" whereupon Mr. B. struck Mr. T. and blows passed between them both. This necessarily produced much confusion. The combatants were parted, and the Speaker resuming the Chair, brought the house to order; and it was resolved, by a large majority, that both the offending members should apologize to the House for their disorderly conduct, which was done accordingly; but no apology was made to each other. Mr. Bell then concluded his speech.

At a Van Buren meeting held in Mobile, a short time ago, it was "resolved," among other things, that the notes of the U. S. Bank were "worthless and irredeemable promises to pay." As a commentary on this declaration, it is stated in the Mobile Advertiser, that one of the gentlemen who voted for it had absolutely given 22 per cent. premium for \$2000 of this worthless and irredeemable paper, and paid for the same in Alabama State Bank notes!

A man of enlarged Ideas.—"Mister, where is your house?" asked a curious traveller of a "half horse and half aligator" squatter.

"House, eh? do you think I'm one of them sort, stranger? I sleeps in the Government purchase—I eats raw bear and buffalo, and drinks out of the Mississippi!"

Debate in the HOUSE OF REPRESENTATIVES.

Speech of Mr. Bond, (of Ohio).

On Mr. Hopkins's Resolution to divorce the Government from the Press.

(Continued.)

Mr. Bond said the resolution now under consideration still looked to reform, and especially to the correction of the abuse of power in regard to the public printing. The gentleman who offers it, (Mr. Hopkins,) though acting with the Administration generally, is not blind to the abuses which may be committed. He is still demanding reform from principle, and is not satisfied that abuses have been corrected by a simple change of men. I am surprised, Mr. Speaker, to find this resolution opposed by the Administration. The gentleman from New Hampshire (Mr. Cushman) resists it on most extraordinary grounds. He admits abuses, but says it is impracticable to correct them, and therefore useless to pass the resolution. Is it possible that such an objection can be openly avowed and sustained here? The gentleman says it is the usage of party to dispose of this patronage in its own way, and that he never heard of any complaint against Mr. Adams's Administration for so doing. Here, sir, is another open avowal of the doctrine, "that the spoils belong to the victors."

[Mr. Cushman here explained, and observed he had not said the spoils belong to the victors.]

Mr. Bond admitted that the gentleman had not used those identical words, but this was the doctrine of the party with which he acted, and as a distinguished member of that party, now the Governor of New York, (Mr. Marcy,) had, when a member of the Senate of the United States, openly used those terms, and justified this usage of party. The friends of the Administration uniformly practised under this precept, whatever may be their theory. I do not wish to do the gentleman from New Hampshire any injustice, and will read from his remarks as published, and he will then have an opportunity of correcting them, if erroneously printed. The gentleman is reported as having said:

"It was well known, that since the establishment of the Government, the dominant party, whichever it might be, had invariably employed what has been called, if you please, partisan printers, and partisan editors. But why should they not do so? So long as the Opposition had the predominance, they used to supply their own partisan printers, and no complaint was made about it; and why should any complaint arise now? He saw no reason for it."

Here, then, I think, sir, a position is taken and terms used in effect the same, and tending directly to the doctrine that "the spoils belong to the victors."—But can it be possible that the gentleman thinks he is correct, and sustained by the facts, when he says that no complaint was made against Mr. Adams's administration on account of the exercise of the printing patronage? Has he forgotten that Isaac Hill, the present Governor of his own State, was the editor and publisher of a newspaper called "the N. Hampshire Patriot," and that the discontinuance of the publication of the laws in that paper was considered so outrageous a persecution for opinion's sake, that it may almost be said to have given him his subsequent political elevation and consequence? The discontinuance of Isaac Hill as printer of the laws was occasioned, too, by his publishing a libel on the lady of the President, without the least semblance of truth, and so grossly indecent that Mr. Randolph, though a zealous opposer of Mr. Adams, said it ought not even to be read on this floor. The occasion, however, was seized, to bring the subject of public printing under discussion in this House, and Mr. Saunders, of N. Carolina, introduced a resolution calling upon the Secretary of State to report what changes had been made in the newspapers printing the laws, together with his reasons for such changes. A long and spirited debate followed; and as gentlemen seem to have such imperfect recollection of the events of that day, some little reference may perhaps be usefully made to what was said in the debate. It will be observed that the resolution of Mr. Saunders, and those who supported it, required reasons to be given for a removal from office. Since they came into power, however, that doctrine has been denied and repudiated.

Mr. Bond said he proposed to prove by this debate that the present Administration came into power declaring that the printing patronage of the Government was inordinate and dangerous; that it ought to be restrained and regulated by law; and, in fine, promising if elevated, to withdraw its exercise from the Executive hands. The mover of that resolution (Mr. Saunders) said:

"I trust I shall not be accused of getting up this call for purposes of effect, nor be told this is a small business." "He was not to be told that the pecu-

niary amount involved in this matter was too small to influence the editors of this country." "The total sum thus distributed could not amount to less than between twenty and thirty thousand dollars." "There were eighty-two papers employed in publishing the laws;" "it was not of the expense that he complained, but of the purpose by which it was controlled." "It was thus calculated to operate, and did actually operate, so far as it went, to control the freedom of the press, and to enlist, throughout the country, that powerful instrument in behalf of the views of the State Department. In this respect, it was much more effectual and much more dangerous than the far-famed alien and sedition laws."

Mr. Saunders concluded by saying that it was his "intention to take this power from the State Department, and place it elsewhere." A member from Tennessee, (Mr. Houston,) afterwards Governor of that State, and now the President of Texas, sustained Mr. Saunders's resolution, and denied the right of the Secretary of State to change the publication of the laws for opinion's sake. He alleged that the practice of that Department "had been to allow an individual, who might be personally opposed to the views and opinions of the Head of the Department, if he was honest and capable as a public officer, to retain his place." He asked "if changes had been made in order that the patronage of the Government may flow in a particular channel? Such a course would gag the free expression of opinion." He said:

"Patronage is not a thing local and circumscribed. It seeks every little infirmity into which it can by any possibility insinuate itself. It is like the progress of a cancer in the human body; it seizes on every vein and artery, one after another, nor stops its progress till the sufferer sinks, and then the knife is too late applied."

Next came Mr. Hamilton, of South Carolina, the chairman of that retrenchment committee to which I have already alluded. That gentleman said:

"These eighty-two presses would be put on the diet of a wholesome regimen, and in the course of a salutary discipline. The sturdy and independent would be turned out to be fed on such offals as they might be able to pick up, until the whole pack should open in full and harmonious cry, in one common note, from the sturdy mastiff that howls at the door of the Treasury, to the most starveling turnspit that barks on the farthest verge of our frontier."

Mr. Bond said he would not stop to inquire whether we did now realize, in the present official organ, the Globe, "that sturdy mastiff that howls at the door of the Treasury." Mr. Hamilton continued:

"Is it necessary that the Executive should have a Government press, to be paid for by the People out of the public coffers, to sustain the measures of the Administration, whether right or wrong?"—"If," said he, "a Secretary of State can so apply the patronage of the Government as to nourish to venal accord eighty-two presses in our country to praise every thing the Administration should do, and subject their proprietors to the punishment of the loss of this patronage if they dare to censure its measures, this forms distinctly a Government press, which is more alarming to the liberties of the People than the organization of the whole of General Brown's army of six thousand men, formed into a guard of the palace. If eighty-two presses can be made to speak as it were in one voice that all that the Government does is excellent, and all those who are opposed to them say is false and factious, this constant combined and concerted language will soon have a tendency to make those who hear little else believe all this is true."

Mr. Bond hoped the House would pardon him for this long extract. Mr. Hamilton, from whose speech it is taken, was at the time a friend of Gen. Jackson, and zealously engaged in elevating him to power. In thus describing the Government patronage over the press, that gentleman said he was merely warning the country of dangers which might be realized, if no restraint was imposed on that patronage. General Jackson was elevated, and Mr. Van Buren succeeded him, and is now in power. Instead of eighty-two presses thus employed by the Government, they have now considerably upwards of one hundred, and the patronage is held and exercised without any manner of check or restraint. In this, surely, the country was disappointed.

But you, also, Mr. Speaker, took part in that debate, and warned the country of the danger of this patronage, and the necessity of restraining it. I hope, sir, it will not be out of order to draw on your remarks, in aid of my present purpose. The sentiments which you expressed are perfectly just, and must command the approbation of all impartial minds.

I have preferred, sir, sustaining the resolution now under consideration by the arguments and illustrations of the friends of General Jackson, rather than to attempt any new suggestions.