Hillsborough Recorder.

UNION, THE CONSTITUTION, AND THE LAWS—THE GUARDIANS OF OUR LIBERTY.

Vol. XIX. THURSDAY, MAY 16, 1839. No. 970.

From the Boston Atlas.

We copy from Hoban's Sketches of United States Senators, the author's portraiture of Daniel Webster. It is drawn, as we think, with no common eloquence and vigor of pencil, and with much fidelity to the great original.

DANIEL WEBSTER.

There are few names more conspicuous in the political history of the day than that which heads this article. Pursuant to my fixed intention, I will carefully abstain (in the portraiture which I shall attempt to make of this distinguished individual) from every observation of a political or partisan character.

The person of Mr. Webster is short, large, heavy and unwieldly; in movement he is slow and apparently inactive. He dresses plainly, in dark colors, with neatness and taste, but without any attempt whatever at display. His countenance is very remarkable, his complexion saturnine, his eyes and hair of a deep black. His lips are thin, his teeth of dazzling whiteness. His forehead is very peculiar, of most uncommon magnitude, his brows heavy and lowering. The moment that your eyes rest upon him, you conclude that he is a man of great mind, and conscious of intellectual superiority. His features are not well calculated to give powerful expression to passion. You will often observe, when he is animated, a sneer upon his face, which accompanies every remark which proceeds from him of particular force or severity. Although most studiously urbane in his deportment, and from education and disposition averse to giving pain, yet, when justified in such a course by the conduct of his opponents, he is capable of wielding with readiness a sword of sarcasm a satire which cuts with the keenness of the scimitar of the East. Mr. Webster is distinguished for solidity, strength, and power of reasoning. His usual manner is cold, and didactic, frequently, however, extremely earnest, and always when earnest most powerfully eloquent. Although trained to the severe mental discipline of the bar, he is fond of ornament, and is always successful when he attempts it. He possesses a fine imagination, and is never averse, whilst traversing the thorny paths of political disputation, to scatter the flowers of rhetorical elegance around him. He often displays a familiar acquaintance with the poets. He is a practical and fluent speaker, and ready in debate. His views of a subject are always liberal and enlarged, and he enjoys the advantage of a fund of knowledge of the most extensive character, which his well trained mind enables him to apply with peculiar advantage in debate. The North seldom furnishes a passionate declaimer. The temperature of man generally partakes of the nature of the clime in which he is reared. The coldness of his home reigns throughout the manner and appearance of Mr. Webster. He never thunders with the wild vehemence of Mr. Clay, or burns with the continuous warmth of Preston or Calhoun. He wants the passion and enthusiasm which is necessary to eloquence of the most overpowering and exciting character. Yet he is an orator of great excellence, and a most efficient speaker.—His manner suits his matter, and he displays as much fervor as you would deem in appropriate keeping with the soberness and deep study which characterizes all his remarks. You always listen to him with attention, and when he concludes you invariably rise from hearing him with a firm conviction of his greatness as a man, and that your time has been profitably employed whilst you heard him. His habits must be those of great industry, and whilst at Washington, his time, in public, is divided between the Senate chamber and the bar of the Supreme Court. In the latter forum his powers have frequently been tasked, and tested, by collisions with minds of the highest order and most extended attainments. There—where his greatest laurels have been won—his competitors have been such men as Taney, Pinckney, Jones, Emmet, Wirt, and others. His orations upon occasional subjects, unconnected with politics or law, have added greatly to his reputation, and are preserved and held forth to the public as models of literary excellence. His power in debate has been frequently brought into requisition in the House of Representatives and in the Senate of the United States. The writer of this had an opportunity to hear him during what was called the panic session, and also to witness the whole of that intellectual combat which took place between Mr. Webster and Mr. Hayne, on Mr. Foote's celebrated resolution. I well recollect the expression of unmitigated scorn which crossed the lips of this Senator when Mr. Hayne intimated that he had passed *by* Mr. Benton, to attack *him*, and that Mr. Benton was an overmatch for him.

"Matches and over matches! These terms are more applicable elsewhere than here, and fitter for other assemblages than this. Sir! the gentleman seems to forget where, and what we are. This is a *Senate*, a Senate of equals—of absolute independence. We know no masters—we acknowledge no dictators. This is a hall for mutual consultation and discussion; not an arena for the exhibition of champions. I offer myself, sir, as a match for no man. I throw the challenge of debate at no man's feet. But then, sir, since the honorable member has put the question in a manner that calls for an answer, I will give him an answer. And I tell him, that holding myself to be the humblest of the members here, I yet know nothing in the arm of his friend from Missouri, either alone, or when aided by the arm of *his* friend from Carolina, that need deter even me from espousing whatever opinions I may choose to espouse, from debating whenever I may choose to debate, or from speaking whatever I may see fit to say, on the floor of the Senate. Sir, when uttered as matter of commendation or complaint, I should dissent from nothing which the honorable member might say of his friend still less do I put forth any pretensions of my own. But when put to me, as a matter of taunt, I throw it back and say to the gentleman, that he could possibly have said nothing less likely than such a comparison to wound my pride of personal character."

I also well remember his magnificent conclusion in this debate. The Senate chamber was crowded; the members of the House of Representatives had abandoned their posts, to be present.—Surrounded by the nodding feathers, the glittering ornaments, and rich and fashionable array of the beauty of the land, Mr. Webster advanced a step in front of his desk, which he pushed behind him, and in a tone and manner of the utmost earnestness—turning from the chair of the president and looking towards Mr. Hayne—with very little action at the commencement, but increasing in heat and vehemence as he progressed, until at length he became impassioned and violent in the extreme, and far more eloquent than I had ever heard him before or since—he observed:

"I have not allowed myself, sir, to look beyond the Union to see what might lie hidden in the dark recess behind.—I have not coolly weighed the chances of preserving liberty, when the bonds that unite us together shall be broken asunder, I have not permitted myself to hang over the precipice of disunion to see whether, with my short sight, I can fathom the depth of the abyss below; nor could I regard him as a safe conseller in the affairs of this Government, whose thoughts should be mainly bent on considering not how the Union could be best preserved, but how tolerable might be the condition of the people when it shall be broken up and destroyed. While the Union lasts we have high, inciting, gratifying prospects spread out before us and our children. Beyond that I seek not to penerate their veil. God grant that in my day, at least, that curtain may not rise. God grant that on my vision may never be opened what lies behind. When my eyes shall be turned to behold for the last time, the sun in heaven, may I not see him shining on the broken fragments of a once glorious Union; on states dissevered—discordant—belligerent; on a land rent with civil feuds, or drenched it may be with fraternal blood!

"Let their last feeble and lingering glance rather behold the gorgeous ensign of the Republic, now known and honored throughout the earth, still full high advanced, its arms and trophies streaming in all their original lustre—not a stripe erased or polluted, nor a single star obscured—bearing for its motto no such miserable interrogatory as '*What is all this worth?*' nor those other words of delusion and folly, *Liberty first*, and *Union afterwards*; but every where, spread all over in characters of living light, blazing on all its ample folds, as they float over the sea, and over the land, and in every wind under the whole heavens, that other sentiment, dear to every true American heart: Liberty and Union, now and forever, one and inseparable!"

It is difficult to find any thing in American Literature transcending the richness and beauty of this extract. The allusion to the flag of the country is finely poetic. The example of Mr. Webster proves conclusively that the most energetic and powerful minds are not unpropitious to the culture and growth of the more chaste and better productions of the imagination. The prose of Milton is as powerful and nervous as his poetry is pre-eminently sublime. Shakespeare is as renowned for his accuracy—for his knowledge of man, and of the human heart, as for the sweetness of his verse, his taste and thrilling pathos. It is a curious fact that the earlier efforts of Mr. Curran are plain and void of attempt at rhetorical display, and he has declared that all his excellence—for which he is so celebrated—in splendor of expression and eastern gorgeousness and imagery, was the result of labor and of study. The tinted and perfumed flowers require in rearing the same assiduous care and attention which are lavished upon the fruit and grain of autumn. Success, therefore, in this department of mind, is equally entitled to our consideration, as in the more valued attributes of the reasoning faculty. It is a common and injurious error that they may not be combined. Mr. Chief Justice Marshall said of Mr. Pinckney, of Maryland, that he wielded the club of Hercules entwined with flowers—an expression itself—a beautiful illustration and example of the very merit in another, which commanded so apt and warm an eulogium. The writer of this is not of the number of the personal friends of this gentleman, and feels that in remarks which find their origin only in a sense of truth and justice, his opinion is not swayed by predilections of any character in favor of the individual of whom he speaks. The history of Mr. Webster is interesting as that of one—of whom it is our boast that our institutions are calculated to exhibit numerous instances—who has risen by his own exertions, from an origin of comparative humility to posts of the greatest eminence; and whatever may be the diversity of opinion as respects the weight or merit of his views as a politician, he has won his way to widely spread and enduring fame, and to the respect and admiration of his fellow-citizens, and no man, who thinks and feels as every American should, but is proud of him.

From the Southern Literary Messenger.

THE PLEA OF INFANCY.

In the year 17**, a young man named T—— E—— commenced the trade of merchandise in a county adjoining his native one of B. His capital was not more than four or five hundred dollars; and his stock in trade consisted only of a barrel of sugar, a bag or two of coffee, two casks of whiskey, one ditto of hard cider, some nails, bar iron, and half a dozen of small "notions," such as pins, fishhooks, &c. &c. Nothing particular was known of him in that neighborhood, though some of the wise heads had been occasionally shaken at the idleness of his life. It had certainly verged upon dissipation. His father had never controlled, never usefully employed him; but had suffered him to raise pocket money in the three stages of childhood, boyhood, and youth, successively, by selling hare-skins and rackoon skins, and by gambling. He was at times a roystering, turbulent blade, as ever pitched a dollar or drained a glass; but like most "do-nac-goods," he could be, when he pleased, smooth and specious in word and manner, as Belial himself. He was moreover, handsome; of precisely that feminine beauty, which in any *man* is apt to betoken a light mind and frivolous character, but in one whose lot of life is low, hardly ever fails to indicate, if it does not cause, utter good-for-nothingness.

Such was our young merchant. But none of his neighbors dreamed of half the ill that was in him; the good was on the surface, and every body was captivated by it. Never had so small a grocer so large a run of custom. His sugar and coffee had to be renewed every two weeks. E——'s "store" became the favorite haunt of all the good fellows within five miles around. All Saturdays and many other days beside, were devoted there to tippling, pitching with dollars or with flat stones instead of quoits, playing "old sledge" (or "all-fours") with dirty, greasy cards; quarrelling and fighting. E. was the inspiring genius of every such frolic; not only by dealing out the liquor, but by mixing with the drinkers, and driving forward the jest, the laugh, the game; nay, sometimes, (for he could *bully* very plausibly) the quarrels and the fight. If *he* ever himself fought, it was in a very slight way, merely to maintain a reputation for *spirit*, which was indispensable to good standing in that region. It never lost him a friend, or gained him a black eye for more than three days. He was the darling of the topers. He was so gay and frank; his laugh was such ready chorus to all their jokes; he poured out his good drink for them so ungrudgingly, not only while their money lasted, but so long as they had a cow or a feather bed at home; he took such care of them when they were overcome with liquor—helping to lift them from the floor, where they would be trampled upon, to his own bed in the counting room, and when that was full, to a snug corner where they might lie and v——! Then if one of their horses at night-fall, tired of standing all day gnawing the fence rail to which he was tied, happened to get loose and set off homewards, E. was sure to catch and secure him for the night, either by tying him to the same stake again, or by putting him in a pen hard by; often, too, throwing him several corn stalks to browse upon—which the animal, if it were only for variety's sake, relished better than the rail. There was nobody like T—— E——.

The women of the neighborhood, one might well think, would be with most difficulty won over to E.'s interest. Their discomfort certainly increased with his trade. Husbands and fathers were oftener and oftener seen staggering home, with red bloated faces, shiny, stupid eyes, their whole persons exhaling insufferable odors, and their tempers ready for furious out-breakings. Female wailings were sometimes heard, on such occasions. Mothers began to wear clouded countenances, and lift up deprecating hands and eyes to Heaven, when they heard their grown up sons talk of going to E's store: daughters hung their heads, and almost hid their faces in their long-eared calico bonnets, to conceal their sorrow and bruises, as they entered the meeting-house on a Sunday after one of their fathers' convivial Saturdays: and wives drooped in silent, unutterable woe, under the brutality which was now requiting the surrender of their young hearts, and constant devotion of all their womanly energies. Yet unaccountably, they did not view T—— E—— as the author of their griefs. It had always been the custom, that every man who could find his account in selling spirits, should do so if he pleased. He never had been regarded as a mischievous tempter; nor had any of the misery he caused been laid at his door. Besides, E. personally, was so pleasing—he flattered the dames and flirted with the lasses so winningly—he was so demure and moral when it was his cue, and so handsome at all times—that he was no less a favorite with the women, than with the tippling men.

Among his female friends, was a widow woman, who became desirous to turn her little farm and farming stock into money, which she thought would yield her a more certain and easy support. So infatuated was she with the manners and ostensible character of T—— E——, that she suffered him to be the purchaser, at the price of 1500 dollars, upon his own, unsecured bond, for paying her an annuity during life. It never occurred that this flourishing merchant and charming young man could possibly be insolvent; nor (what proved more material) that he was not of an age to bind himself by a contract.

For one or two years, the annuity was duly paid; but for the third and fourth, it was unpaid; and all other means having failed, the bond was placed in my hands, "to be collected by suit." The suit began, and proceeded to a stage, at which, if no defence were made, a judgment by *default* would be confirmed against the defendant. Just at that stage, he, by counsel, entered his appearance and pleaded *infancy*; i. e. that when he made the bond, he was not twenty-one years of age. The case was laid over *(continued)* till the ensuing term, at his instance, the loose practice then prevalent, not requiring him to make affidavit that his defence was just—else, in all probability, he would have so sworn.

At the next term of the court, when the cause was called, both parties announced themselves ready for trial. My client had for her agent a kind neighbor, who saw to the summoning of her witnesses, and served as a link of communication between her and me. Her adversary was present in person, prompting his counsel, and holding earnest conversations with his only witness—his father—who stood near, with a pursy book like a Bible, under his arm. As we could neither allege that the obligation had been given for *necessaries*, nor that the defendant had confirmed it by any promise made since he came of age, there was no alternative but to dipute the fact of infancy. The great question to be tried therefore, was whether he was under age or not, when the bond was made? In opening the case, I stated to the jury the nature of the transaction; exhibited the bond; told them what question they were to decide, and that the burthen of proof was on the defendant, to show his infancy; touched briefly upon the general dishonesty of that defence; adjured them because of that dishonesty, and because this money was literally *the all* of my poor widowed client, to be satisfied with none but the most clear and convincing evidence of what her debtor alleged; and then recited the circumstances on which I relied, to repel his allegation. These were merely, that he had transacted business with many persons on his own account; that his father had not, for a year or two before his becoming a merchant, exerted the slightest authority over him; that his features and appearance were those of an adult; and that he had voted in an election previous to the date of the bond.

The defending counsel then rose, to make the opening statement on behalf of his client. He justified the young man for pleading infancy by the general good policy and presumed justice of the law which authorized it, and by the particular fact that in this instance he had, through inexperience and youthful confidence, been induced by the plaintiff's artful representations, to offer her twice the value of her property. As to the question of infancy, the learned counsel said (with an air of undoubting triumph) that he would offer proof which would defy all my ingenuity to parry or elude, and any amount of skepticism in the jury to disbelieve; proof, by the oath of his client's own father, a man of unimpeachable character, that on the day when the bond bore date, the obligor was only ningteen years and some months old.

This was what I feared. The old man was sworn in solemn form (and methought the clerk propounded the oath with unwonted solemnity) to speak "the truth, the whole truth, and nothing but the truth; so help you God!" He was then desired by my adversary to tell, if he knew, on what day of what year his son, the defendant, was born?

I objected to his answering the question, if there was a *register*, any where, of the son's birth. The register itself must be produced: no other evidence was admissible.

The court assented to my proposition. The adverse counsel and client exchanged sly looks of triumph. Their witness too, looked wise and self-important, as with an air which said "I expected it—I am ready for you"—he produced from under his arm the pursy book above mentioned.

"Here's my son's birthday, written by me with my own hand in this here Bible. It's my own handwrite."

"Read it," said the counsel.

The old man put on his spectacles, and read an entry, importing that "T—— E——, son of the above" (meaning his parents, whose marriage was noted on the same page) "was born on" such a day, 17**; being just nineteen years eleven months and six days, before the date of the bond.

"When did you write this?" said the counsel.

"The very day after *he* was born," said the old man, nodding at his son.

"You are clear and distinct in your recollection of that?"

"O yes; for I've had the Bible ever since, and read over this register a thousand times."

"Very well," said the counsel again, and with a big, exulting look: "I am satisfied—and so, I presume, are the jury. But perhaps, Mr. W., you *still* wish to cross-examine the witness?"

I certainly did wish to cross-examine him; and said so. Meantime, I had scrutinized the old man's Bible. It had no pages marked off between the two testaments, for a Family Record, as modern Bibles have: the register of marriages, births and deaths, was written on a blank leaf at the beginning. It was observable that all the entries, though purporting to cover twelve or fifteen years, were not only in the same hand, but made with ink of exactly the same color. Several different pens did appear to have been used; but this, it struck me, might be only a finesse, to make the times of writing seem different. The identity of ink and handwriting, was extremely suspicious.

"Mr. E——," said I, "upon your solemn oath do you say, that you wrote this entry of your son, T.'s birth, here in this Bible, on the very next day after he was born?"

"Yes, if I was to die this minute, I say so!"

"And did you write these other registers?"

"I did—at the partikkler time every one of 'em bars date."

"Then, if so, why is the ink in the *last*, exactly as old-looking as the ink in the *first*, which, you say, is fifteen years older?"

"I don't know—the long time, I suppose, has made 'em all look old alike. Can *you* see any difference in teeth, betwixt a horse that's fifteen and a horse that's twenty? Besides—the ink is pale, and here was different *pen* marks; that's evident." And his counsel, delighted with his reply, held the book ostentatiously towards the jury; who seemed but too much of the old man's mind.

Staggered but not desperate, I again took the Bible and turned to the title page; where to my surprise and joy, I saw that it had been printed only ONE YEAR *before the bond itself had been executed!* The book had not existed, until nineteen years after the time when as the father swore, he had there registered his son's birth!

Hiding my joy, however, and composing myself as much as possible, I again, by reiterated questions, made the poor old man repeat beyond all chance for retraction or denial, his well conned story; and then by reading aloud the printed date in the title page, and showing it to the jury, I satisfied them that the book had been bought, and the entries made, in pale, oldish colored ink, with pens purposely varied, *since the present suit began, and for this very occasion.*

The wretched father sunk down in confusion, upon the witness bench. Without leaving their box and without another word of testimony, the jury found a verdict for the plaintiff.

EDITORIAL ADDRESS.

Rivington, the King's printer, it is known, was a terrible tory during the Revolutionary War, and was always assailing the rebels. Ethan Allen, the dare devil of Vermont, determined to give him a licking; and some reminiscences in the New York Express, show the clever manner in which Rivington got rid of the unpleasant affair.

He had been bold in his misrepresentations of the "Rebels," and so personal in his remarks that although he had assurances from Governor Clinton of safety for person and property, yet there were some expected visiters that he did not wish to see. The foremost of these was Ethan Allen. Rivington was a fine portly looking man and wore powder. At last Allen appeared. His clerk who first saw him, well knew his master's horror for Allen. Rivington afterwards gave to Mr. Dunlap the following account of the meeting:—"I was sitting after a good dinner along with my bottle of Maderia before me, when I heard unusual noise in the streets, and a huzza from the boys. I was in the 2d story, and on stepping to the window, saw a tall figure in tarnished regimentals, with a large cocked hat and an enormously long sword, followed by a crowd of boys, who occasionally cheered him with huzzas, of which he seemed insensible. He came up to my door and stopped. I could see no more—my heart told me it was Ethan Allen. I shut down my window, and retired behind my table and bottle. I was certain the hour of reckoning was come. There was no retreat. Mr. Staples, my clerk, came in paler than ever, and clasping his hands, said, "Master, he has come. I knew it. He entered the store and asked if James Rivington lived here. I answered, yes, sir." "Is he at home?" "I will go and see, sir," I said; and now master what is to be done?—There he is, sir, in the store, and the boys peeping at him from the street." I had made up my mind—I looked at the Maderia—possibly took a glass. Show him up, said I,—and I thought if such Maderia cannot mollify him, he must be harder than adamant. There was a fearful moment of suspense. I listened—I heard him on the stairs, and heard his long sword clanking on every step. In he stalked. "Is your name James Rivington" It is, sir, and no man could be more happy to see general Ethan Allen—take a chair, sir, by the table; and afterwards a glass of this Maderia. He sat down and began—"Sir, I come!" Not a word, general, till you take a glass; and I filled—ten, year old, on my own keeping—another glass, sir, and then we will talk of old affairs. Sir, we finished two bottles, and parted as good friends as if nothing had ever happened to make us otherwise."

THE UNITED STATES AND THE CANADAS.

In the Official paper of Tuesday evening is published a letter from the Collector of the port of Cleveland, in Ohio, to the Secretary of the Treasury, transmitting a correspondence which has taken place between him and the Colonial Government of Upper Canada, on the subject of the outrage lately committed by some drunken Canadian Militiamen, on an American vessel (the Stephen Girard) passing through the Welland Canal; in which the latter expresses great regret as well as indignation at the occurrence, and assures the Collector that the perpetrators of this outrage shall be visited with the severest punishment the laws will permit; and, that such effectual means shall immediately be adopted to prevent its recurrence as will enable vessels of the United States to pass through the Canadian canals without the slightest danger of interruption, or annoyance of any kind.

Upon the facts disclosed in this correspondence our Official paper (the Globe) makes the following remarks, which, though a little tart, are true enough. *Nat. Intel.*

"The English and Canadians, who cannot prevent such attacks as that on the Stephen Girard, even within the limits of Canada, and with a powerful military to aid the civil authorities, should not, from their glass houses, throw stones at the Democracy of this country for imbecility in preserving order. They will find the great mass of our people as ready as themselves to acknowledge and redress manifest wrongs, when not able to prevent them amidst such numerous and extensive difficulties as exist on the Canadian frontier, aggravated as they always have been by foreign agitators and refugees from Canada itself."

"I wish you would give me that gold ring on your finger," said a village dandy to a country girl, "for it resembles the duration of my love for you—it has no end." "Excuse me, sir," said she, "I choose to keep it, for it is likewise emblematical of mine for you—it has no beginning.

Shakspeare Modernized.—Two loafers were spouting the other day in front of a Bank, when one drew a wallet from his pocket and said, "he who steals my purse steals trash." "Yes," replied the other, "and he who filches from you your good name takes that from you *what you never had.*

The maintainance of the police force of the city of London for the year 1838, cost $1,018,800.

A knave discovered is the greatest fool.