Wendell Phillips on the Henging of Green. | A LETTER TO GOV BULLOCK OF MAESACHUSETTS. To Alexander H. Bullock, Governor of Massa-

chusetts:chusetwe:—
Edward W. Green is dead—hanged by your hand
in distence to a mastaken public comion. His exeeution is the nost remarkable in my day and the
least justifiable. For it you are responsible. In
wait, after having spatiented a responsibility from
which the generous ourse of Governor Andrew,
your prodecessor, had in suits nice, shie ded you—id
wait do you attempt to hide yourself benind least
technical ice and the authority of courts. The Constitution of Massachusettal aves with the Governor
and Council the final decision whether a man shall and Council the final decision whether a man shall be hanged. Whenever mere law would work injus-tice, gon are charged with the duty of seeing that

substantiat justice is done.

In the form which this care finally took, we, the citizens, have nothing to do with courts. The Governor and Council ha god Edward W. Green in a truer sense than any other Governor of Council ever

either and Council ha ged Edward W. Green in a truer sense than any other man.

It is no sing to us, and no delease to you, that the Cheel Justice quibble daway the humane intent of the statute of 1868 setting at manget the rales for the equation of statutes and ignoring wholly the practice of states from which we borrowed the law. Curgitatule of 1868 is copil of from that of States where a jury always decides on the degree of marger and depione that threen is the first man nanged without a jury passing on this question of degree in any state whose statute resembles ours, and that inus judge made law defirs the statute.

We chrish all due restrect for the decisions of our supreme Cours, and would not need to be presented to them. But when life and death are as a linear than is held to plain speech. I cannot out remember that the party with which I have the nonor to be issued and, has, within twenty years presumed to doubt more than a dozon opinions of our beach and it as of the Union; and man those cases these courts would now be glad of an opportunity to reverse their decisions and erase sad biots from their record.

decisions and crace sad biots from their record. I remember also that the time has gone by when our Ch.el Justiceship was carned by seval learning and brains, and that it is now filled by a man of fortune. metely because, on account of als wealth, he could afford to take an office whose grossly inadequate an man make competent inwyers avoid it

But this is in material now. Your responsibility
haves the court. You hanged Green without justifiable cause. Even the poor subterfuge of the una
mimous concurrence of your council is hollow pretire. We saw ove third of their number leave the
Council Cramber long before the hearing was ended,
imparent of the revesting ion and unwilling to risk
losing the cars, even to hear the an active of a losing the care even to hear the ast petition of a man whose life hung on their judgment. Their assent was mere formal concurrence with your decision. You, you alone hanged Green.

Massachusetts divid a murder into two degrees, and publishes it with death only w en in the first degree—that is, when committed with desiberately premeditated malice afore lought The chacts that "the degree of invider shall be found by the jury" Such also is the practice of the States from which we borrow our statute. With

this law in view, let us state Green's case.

You had evidence laid be ore you, uncontradicted
evisence, that Green though trusted with a petty office, find been always incompetent to perform its duties, and relied on help for anything beyong mere rounce; that he was, both on us moth r's and father's suce, descended from families thoroughly dainted with insanity. Medical expetts assured you that, though twenty-seven years old, no ought to be classed with boys of fivees or sixteen years of age; that he was "physical y, moutally, and mora iy a awari" and that he showed no such intoloct as ewart o make him responsible to the extent of captail punishment; that to hang him would be vindle-

Eveness and not justice

5.x cle.gv men, all of whom had seen him often in
prison, some of whom had been his constant visitors onling his incarceration, coincided in that olanion. The very magistrate before whom he was first arranged expresses the same belief; the judices concurred; the cotectives who arrest d bim informed you that I my before they had completed the case against bim; his ie-low-covizens hurrled on his arrest, waiting that Green was so weak there was no use in waiting for complete proof, since he would be sure to treak down and contess the moment he was charged. The scene at his arrest confirmed this view; both by their conduct in treating him like a mere child, and by his.

No test mony rebutted this Nothins impeached it. This dwarf in morals and mind was set before a This dwarf in morals and mind was set before a bad was that he killed Convere, but not deather ately. Lest almost a one by the few friends he had, miter long solitary confinement, he with as deliberate purpose as he was capable of, pleaded gut vorms der in the second degree. The Government refuse to accept the pea, and the Court suggests that he reture with his coursel to consult. Here the court erred sadiv, grevous y. It is appearance showed its weakless and no louinene and heedling Judge would hav allowed any influence to be used. Judge would hav allowed any influence o be used to i duce h m to change his long considered purpose The sc upulous and delicate action of our cench in

its best days fortade it. its best days fortade it.

Sieen poes out with his counsel, and after some time, consents to the formal plea of guilty in the first degree; but, as his counsel tells us, he added at the same moment his protest that he did not kill deliberately. To the last hour of his his he always affirmed hat he sever intended to plead guilty to deliberate nurder.

deliberate nourder.
Now how stands the case? Here was a moral and mental dwarf torn in the hot bed of insanity, never tried by a jury—convicted, withou trial on a plea which he said, and which the facts slow, he hever meant to make—a ploa which emment law-yers, among them the highest criminal aut orny in yers, smong them the inches the bever did make in any New Lagiano, assert that he bever did make in any true legal sense—a tlea which his able and honest counsel a sures us he never should have advised or allowed Green to make had he known what you sir,

Such a men-no-such a dwarf-vou hang His-tory, looking back on a bar of lawyers many of whom deny that Green was ever letally convicted, most creep through the special pleading of a cencil of cumoing judges to find how you ever got any legal right to hang him at all. Green was never tried by a jury. The only trial

recembing a pury trial that he ever had, was before Governor Andrew's Caucii. That was the first at a only body which ever investigated the facts of his case, and one-third of that body advised tovernor Andrew to commute his sentence. It is not unreasonable to presume that the same result would have to lowed a forced large trial and if have to lowed a formal jury trial, and if so, he would have been acquitted of murder in the first

nder a law which holds that every reasonable doubt should acquit the indicted party, and that only a unanimous jury can convict bim, you hanged a man-no, a boy-dwarl-whose case was never preseried before any body of men which was not di-vided in the question of his guilt.

Under a law which fields that reasonable doubt

shall acquit the sudicted party, you haveed a man whose death-warrant a magistrate whom your most partial as miner will admit is a far better lawyer. and as keen'y conscientions man as yourself, refused for filtren months to sign. Since Green never had a jury ir al and Governor Andrew is a magistrate who, under a deep sense of official responsibility, had most conscientiously and thoroughly investigated his case, surely the deliberate conviction of such a man might have weighed as 'reasonable doubt' in the middle on not over any reasonable. doubt" in the mind of one not over anxious to hang a fellow-being!"

I do not believe a case can be found in any State of this Union, where a Governor has ordered to exccution one whose case his predecessor had tho roughly examined, and refused to sign a death-war-rant. Such proceeding violates, in substance, the first rule of the common law, that reasonable doubt

first rule of the common law, that reasonable doubt saves the party.

You hanged a man whom no jury, knowing what you did the hour you signed his death-warrant, would ever have convicted or murder in the first degree. I ried anywhere in the State the hour you signed his warrant. Green would have be en acquirted of capital crime. This you are lawyer enough to know; this three quarters of the criminal lawyers of the State will tell you.

A dwarf—never tried but to be acquitted—infected into a piece he never intended to make—one

A Gwari-never field but to be acquitted—influenced into a pies he never intended to make—one which keen lawyers contend he never did rake—a man whom his counsel besought Government to spaie, because, knowing what he does, he never would have allowed Green to plead sulfty—such a one making your way through all the barriers the generosity of your predecessor had put between you generos' y of 'our preaccessor had put between you and your victim, you crag to the gibbet if the humshe common law is in force—if the statute of 1858 is law, you alone hanced Green without any legal justification. I had statute was enacted to shield just such cases. Massachusetts never intended to hang such criminals. Had tais been a rich man's son, surrounded with frience, formabed with counsel in a world time to a present the counsel of the counsel in a statute that the counsel is a statute of the counsel of

in ample time to investigate his case he had never been convicted. Convicted, such a one would have never been hauged.

Poor and friendless, he was thrust sudden'y upon counsel unprepared, without time to examine his case, and before a court which, I gnorant as it was of the facts, may be innecent of de iberate offense, but surely by heedlessness and enattention has brought shame on the execution of the law in Massachuset a Over such a boy, arraigned uncer a novel statuto. there should have been thrown the most deleate and scrupulous saleguards of the aw. Certainly, no such careful respect to the purity of its ermine and the humane caution of the law is visible on this

Mistaken public opinion, fed on these rumors, demanded a victim, and you washed your hands in blood to concitate the people.

But even this black cloud reveals one spot of its silver lining. The community will learn that so grave and terrible a power as that of life and death

should not le trusted where it can ever be used as a counter in the same of polyiear ambition. If our towniam is such that we cannot sometimes escale as magistrates men who will try to make even the sibbet a stell ping-stone to higher place, then it is not safe to continue the use of the murderous punishment. "Show me that human technoly is infailble," said La ayeite, "before I will admit of capital punishment."

ble," said La ayeite, "before I will addit of capital punist ment."

Following such an example, we may say, show us that designing men will never use a gibbet as he p to politica ambilion before we intrust such with this terrible power. Of the heartless shore live I it is recorded that he often stood long before his Chancellor begging him to suggest some him; that would save him from the cruel necessity of a sning a deathwarram. You, when facts, science haw, your predecessor, and substantial justice stood ready to a isld you, spatched, with calculating ambilition, this dread responsibility, and you think that you mountain stands attender to cay for the outrage. May toe justice and redirespect of Massachusetts rothed.

WENDELL PHILLIPS

DESTRUCTIVE FIRE IN NEW ORLEANS. Six Houses Totally or Partially Consumed-Wany Families Destinte-Loss

Over \$300,000. About a quarter to one o'clock this morning a fire broke out in the rear of a frame building on Callione street, one door from the corner of Magazine. The builtings being old and very ary, presented most combustible food for the fames, which spread so rapidly that the afrighted occupants had barely time to escape with their dences, folyiums, became ignited and way in-stantly wrapped in a sheet of fire. The one-story building on the corner was the next made a prey to the consuming element, and from here the his spread to a small house on Magazine street, one door from the corner.

The three large tenements were totally de stroyed. The one in which the fire originated shared the same rate. The corner house was charred almost to a cinder; but the dwelling on Magazine street was most probably saved, although it was still burning at an early hour this mornin. The property belongs to William Zebrisky, a wealthy colored man, who, though an eld edizen, is said to be a native of St. Domingo. He was fully insured in either the Star or Sun office, but in which we could not learn, one of the houses was occupied by himself and tamily, and the others rented out by the room, nearly every apartment being occupied by fami-bes, either white er colored. A great majority of these lost every article of furniture they pos sested, and several women were compelled to by into the streets, carrying their clothing in

their arms. The greatest distress was manifested by all thus ruthlessly rollbed of their little all, but to the honor of the neighbors be it said, that every effort possible for their comfort was being made as we left the scene. The property is said to be worth \$32,000, and might be set down as a total

loss to the insurance offices. The large building and lumber yard No. 320 Magazine street came within an accord burning, but through the energy of our gallant firemen, it was at last rescued from destruction. At the present writing the fire is still burning, but it is getting press, well under con rol.—New Orleans Times, 25th uttimo.

THE ISHAM HENDERSON CASE.

Judge Ba'tard Issues an Order for the Arrest of Generals Davis, Whipple, and Johnson, for Resisting Execution of the Laws-The President Notified.

Louisville, April 26,—This afternoon Judge Ballard, of the United States Court, issued an order for the arrest of General Jeff. C. Davis, for interfering with the course of public justice, in disobeying the writ of habeas corpus in the case of Isham Henderson. Marshal Merriwea ther was resisted by Davis in attempting to enforce the order or attachment awarded against Davis, returnable in May. Attachments were also made against Major-General George H. Thomas, R. W. Johnson, Provost Marshal General; General W. D. Whipple, Assistant Adjutant-General; returnable next regular

Separate copies were issued against Davis and Lieutenant-Colonel W. H. Coyl, for resisting the United States Marshal in the discharge of

Marshal Merriweather has notified the Presient of the present position of affairs. Mr. Henderson was taken to Nashville last ight, by order of General Davis, not with landing the writs issued by Judge Ballard for his production before the U. S. Court.

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SUMMER RESORTS

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James S. Madeira, Reading P. O. LIVING SPRINGS HOTEL.

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H. H. Manderbach, Womelsdorf P. O., Berks co. COLD SPRINGS HOTEL, Lebanon co., Charles Roedermel, Harrisburg P. O.

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A LARGE LOI OF NEW U. S. WAGON HAR-NESS, 2 4, and 6 horse. Also, parts of HAR-NESS, SADDLES, COLLARS, HALTERS, etc., bought at the recent Government sales-to be sold at a great sacrifice Wholesale or Retail. Together with our usual assortment of

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The Land or this Conpany consists or about 120 Acres, in hecklenburg councy North Carolina, about 5% miles from the fown or charlotte.

On this property fit conshains or his baye been opened and such to various depths from it to be need, demonstrating the existence of affect paramet, vanished of constanting the existence of affect paramet, vanished of constanting one in means made or vein of ore, extending in length through he property more than hair a mile. The eare also on this troperty of ner veins of ore mexplored. In these ores are known as the Brown tree, and are very rich yielding an averal edition at 200 per ton my lot the alove results having cen demonstrated by the rude working of the mines for several years had the first of inventment in underectoped property is not the risk of inventment in underectoped property is not incorred, and by the application of modern in higher the unity rathing the congruence of the readily yields \$200 per ton, some estimate can be made or be value of he property. With the present imperiects stem of mining tentions of this circum is taken out and reduced daily from every shall opened, at an expense not exceeding \$25 oer ton leaving a not can't profit of \$1750 for each shaft worked by the issue working capital reserved will enable the On this property fit ech shans or pits have been opened

The issue working capital reserved will enable the Can party at once to procure and erect the best mode, no watche ty war manipulating the ores, by means of which the yield will be a gely increased.

There nines whist they produce ores richer than these of Cole ado or Nevada have many advantages over from particularly in an abundance finel and chesp laber and the facility with which they can be worked during he entheyear; whilst to ose of Colorado and Nevada can only be worked during the warm weather.

A test assety of an average specimen of the ore from the Corsen himes was made as late as the 27th or January et the present year as will appear from the fol-towing certificate or Procesors Booth and Garrett, the Assayers of the Philade phia Min::-

PHILADELIFIA January 27, 1866

I car Sir:—We have carciniv assayed the sample of the form "Carson Mine" North (a cilius, and find it is ore ion. Casen hine North a clima, and had it to vielu ten cures rine remay each its or pure gold to the ten of ore. The coin value is therefore \$216.02 per ton or ore. Yours, respectfully BOOTH & GARRETT. Dr M B. TAYLOR, No. 464 Wa'nu' street Philad.

Subscriptions to the tapical St. ck will be received at the tfl.ce of the tompsnv. 10. 407 WALNUT Street where simples of the ore may be sen, and full informa-tion given. 23

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