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Communications.

Humanity—Why so Many?

By E. A. Weston.

No. 5.

Man is a creature for activity. Everything pertaining to him proclaims it. Every muscle needs exercise. The mind needs exercise. These must be exercised—must be exercised harmoniously with each other—harmoniously with nature's laws, or man's best good can never be attained. Refuse to use an arm or a foot, and you soon lose the power to use it. Active, actual labor—*actual labor*—is a necessity—a blessing. It is necessary to procure sustenance and provide for wants. It is necessary to secure health and strength of body and mind. It is necessary to make the man—the workman. It is an ordinance of nature—of God. He who shuns it must be content to remain a dwarf physically and intellectually, compared with the stature he might otherwise attain. He must be a house plant reared in the dark—totally devoid of stamina. We must work—in the garden or in the field—in the open air—in the light of day! Industry is a requirement—a beneficent. All great intellects, all who have ennobled humanity by their virtues—who have benefited the world, and have been rewarded for their achievements, have practiced it.

But man has a mind. This must not be neglected—cannot be neglected with impunity. Even to promote physical welfare most efficiently it is indispensable to promote mental welfare also. It must be repeated: mind and body are intimately inter-related. Enervate the body and you enfeeble the mind. The converse of this proposition is likewise true to a greater or less extent. If the mind is dormant or diseased, if it is languishing or dispirited, the body suffers with it. The fulfillment of the old adage—"a sound mind in a sound body" is requisite to complete manhood. The individual who devotes his whole time and attention to intellectual pursuits, commits a wrong, and must moreover fail of the object aimed at. On the other hand, he who plies himself incessantly to bodily toil, comes lamentably short of reaching the lofty ends of his being. True eminence lies midway between these extremes. It is said indeed that a number of causes conspire to render this order of things in many cases seemingly impracticable. The homeless condition of many, self-avarice and the avarices of others, the superb, exquisite, genteel indolence of some who try to seem incapable of taking care of themselves, the supposed necessity for innumerable "needless" necessities—all these more or less, stand in the way of attaining the true greatness and independence of nature's nobleman.

The soil is the source where comes man's sustenance. Hence, (unless he forgoes it by crime) he has an inalienable right to engage in it to support existence. Else, he has no right to live. To the progenitors of our race, Adam and Eve, was given a "garden" which they were to "dress and keep." Every person has an equally valid title to a garden. In this garden, every man, woman and child should work to beautify it and make it fruitful; unless some should prefer to yield the cultivation and ownership of the larger part of their garden to others, while themselves should engage in other beautiful and useful occupations, and so, by mutual exchange, each enjoy the products of the labor of his fellows. Land speculation is a formidable obstacle in the way of this arrangement. It is in perfect keeping with the world of perversions.

In this way, man should supply his wants, while the ample residue of time should be employed in mental and moral culture. None of these can be done by proxy. One man may engage, in part, in agriculture, another, in railroad-making, and third be a carpenter, and so reciprocally benefit each other. This well, but for one to be honest, another, a blacksmith, another a scholar, and another a high-bon loafer, each exclusively, and so share together,—"I will never do. We must work for ourselves, be wise for ourselves, be good for ourselves.

If the time which is worse than squandered by the United States, in paying for tea, coffee, tobacco, and alcohol (to say nothing of a hundred other kindred "comforts") were spent, instead, in acquiring knowledge and rendering it useful, in studying the wonderful and interesting things in us and around us, in doing good to ourselves and others—it would raise the nation's glory more than the taking of ten thousand Sevastopols!

"This often said that 'mind is the noblest part of man.' The assertion is true, in a certain sense. The mind and body, in this state of existence, go hand in hand inseparably, yet without intellect, man would be a brute. Education moral, enlightening and universal is the hope of our country—the hope of humanity. But nowhere do we need to guard against baleful perversions more sedulously than here. Education is not a thing to be acquired wholly nor chiefly in youth. 'Tis a work for a lifetime. Progression is law of the universe. It characterizes creation from the sprig of moss to the ethereal orb. Education should ever be subservient to utility. Whatever contributes to a substantial rational happiness and enjoyment—a happiness and enjoyment in unison with natural conditions and the laws of God,

and there is really no other, is useful. Common Schools are justly the boast of a free State. They should assist our youth in beginning the work of a healthful and harmonious, a bounteous and perpetual expansion of intellectual powers. Our Colleges might be blessings. But put education off of nature's basis and it becomes harmful rather than beneficial. Make mental effort a constant unyielded employment and you produce injury. Why? Because 'tis unnatural to anybody, especially to the young. Pure air, pure water, pure food, and abundant muscular exercise are prime necessities to the student. A little child is all action. It should be so. 'Tis a congenit part required by that symmetry complete of body and soul. Repress it not. If you do, 'tis at great peril. One half hour's continuous confinement at study, is more than sufficient, for such. Then they should play, or work at some attractive labor, as long. They will be busy; Give them proper employment, pleasant and facile. To render study of any value, even within these restrictions, it should be on some subject which they can understand—which is in their comprehension. Not that interesting unappreciated and unfulfilled truths may not sometimes be presented. This is unavoidable—is highly proper. But theories and sciences are chiefly of a different nature. To be profitable, any study, to any student must be interesting. To be interesting, it must be understood. To be understood, it must be properly explained—explained so as to elicit the full exercise of thought and judgment.

All the information you can drive into a scholar will injure him. The pursuit must be delightful or deleterious. It may require strenuous persistent labor, but never should be irksome, earnest effort gives mental power. But it should be a grateful effort. In a word in the giving and receiving of instruction, as in every thing else, *concordia strictly* to natural laws. Because, first, it is the only way to make rapid advancement and secure a keen relish for the work; and secondly, it's the only way to avoid a multitude of ills. "Get knowledge, get understanding" and learn to apply them. Learn to labor, learn to think, learn to be useful. If in acquiring education the health is impaired, if the vivacity and energies of the mind be stunted or destroyed by force, unmitigated and repulsive tasks; in early years if, pernicious habits be fixed; if erroneous principles, not founded in truth and nature, be inculcated and imbibed; the harm accruing may exceed the profit.

Save in exceptional cases extremely rare, never attack a child or anybody else with blows. The phrase "corporal punishment" is vague. It means a quiet and salutary restraint from wrong doing—pivations natural and essential which may affect the body directly or indirectly, "his excellent."—But if it means drubbing and lashing the physical frame, with two exceptions, 'tis at variance with nature's laws, fanciful, absurd, outrageous. For what purpose were the moutony nerves of sensation made! To warn us of approaching danger, and prompt us to flee from it, or remove it. Pound and fling at a child, and lift every instinct tell him "run away, or resist the castigation."—If you will make him sit in perversion perhaps you can by persevering effort, in this respect as in others. But if he be a "big boy" the chances are despite perversion, that it will not do. If he be a little one and in your power, it only answers upon the principles that "might makes right." He may see that otherwise you are generous and kind, that you love him, that he is helpless and dependent upon you; and a sense of his necessities and your beneficence, together with his affection for you may belaborer and assail the other principle of his nature, and conquer. He may not leave you to his own detriment, nor raise his hand against you. You may have accomplished an object imperfectly. But what derangement you have wrought. And what a lesson you have taught! how many exhibitions of puerile chastisement you may witness in consequence. All transgressions with children say to them in the mute but impressive language of action, "go and do likewise."

Children are rational creatures. Treat them as such. Most requirements can be explained so as to render their reasonableness apparent and in due time all can be so explained. Only take the pains. Tyrants are arbitrary. Parents should never be so. Principles and illustrations are better than rules in all sciences; so they are, usually, in the arts of governing the young. Strive strenuously with youth to lead them to be actuated by this motive and this reason—"because 'tis right." Bad examples may often nullify such effort, yet 'tis always worth trial. If there is a danger or an impropriety to which a child is liable or prone, and the nature of which is not sufficiently comprehended to deter him from it, the voice of nature, of instinct and of reason is, remove the evil from the child or the child from evil. If he is inclined to interfere with the rights of others, deny him association then, until that inclination ceases. Aside from the inevitable consequences of sin and misdemeanor, restraint and privation, not infliction seem the natural corrective penalty. This will be punishment where punishment is needed. At all hazards, it can be safely said, never, unless the punishment must be defensive more than reformatory, (and not then if it can possibly be avoided), interfere with natural physical condition in the

outright. In the government of children, corrections seem comprehended within the scope of one word—location. A child's qualities can be perverted thoroughly. And yet, 'tis doubtful if you can ever cramp his understanding to believe that a flogging is the deducible legitimate consequence of eating green apples. If they make him sick, he will understand that provided his habits are not such as to keep him sick half the time. If he is declared from access to them, he will understand that, for instinct teaches the parent to do it.

The whip and the scourge are appendages of slavery and perversion, not of freedom and normal conditions. They have been blotted out from New England Statute books, and from our naval code, as being shameful and degrading and unworthy an enlightened age. Doubtless they will disappear from the family and the school-room and pass away among other "relics of barbarism." I can conceive of only two instances possible in which their use is justifiable. Whether these ever occur in the management of children is a point to be determined.

1st. "Self-defence" is a natural instinctive law. The preservation of ones safety, and the protection of his person and rights is an undeniable duty. Often, the best way to do this is to remove from the nuisance; if this is inadmissible, remove the nuisance from you, if you can. Mind, first, that your rights are not assumed or supposed ones. Second, that they are invaded beyond endurance. And third, that you select the best method of resistance. Right never conflicts with right.

2d. "Of two evils choose the least." If you have a child who is determined to swallow a draught of prussic acid, if you cannot explain its deadly effects to the youthful comprehension, and if you can contrive no means to remove the acid from him or him from the acid, and if you cannot whip the notion out of him, he might outgrow the one injury sooner than the other.

"Order is Heaven's first law." It is necessary everywhere—in the school-room, in the fire-side circle, in neighborhoods, communities and states, on the farm, in the workshop. Nothing can be done to advantage without it. This indispensable. If a teacher can devise no other means to prevent it, to use the whip might be better than to have a riot. "Moral suasion" would doubtless answer in all matters that can be fully unfolded and explained; provided children had not been taught abuse. Water will not suffice a man whose goddait demands brandy. It is the subject of perpetual obstinate perversions and distortions, chiefly, that requires the enactment of penal laws. It is often those who have been the most strictly chastised, by the force of muscle upon muscle, that become the most wayward. Perhaps it is possible so to deprave a child's understanding that he will deem whipping necessary to keep him right. The fear of punishment may become the only motive, no other obligation being recognized. He may become so hardened, and lost to generosity, that no better, worthier motive will have influence. You may thus, to his imagination, surround all duty and all goodness with loathing and repugnance. Then punishment ceases to be correction, and becomes defensive of the rights of others.

Perversions perpetuate perversions. One perversion begets another—indeed, seems almost sometimes to require another. Start wrong and your course is downward with accelerating steps. Perversion in one child will influence his associate. These things complicate the proper government of youth, and hedge it with difficulties.

Doubtless, in addition to "perversion" notions and customs, one great cause of the prevalence of whipping, as a chastisement, is a sort of indolence. 'Tis deemed the easiest and most summary way, for 'tis a method convenient, and always at hand. And when perversion requires it, it may be better than nothing; just as the use of flesh, rum, tobacco, and coffee might be better than to starve or die of thirst.

The Union.

If there is one consummation, more than another, devoutly to be wished by the American people, it should be a desire to preserve the Union, unimpaired, to the latest posterity. No philanthropist, no disciple of freedom, no sympathizer with the enthralled millions of the earth, but ought to feel an intense interest in relation to this momentous subject. The United States occupy an important and commanding position among the powers of the earth. The influence exerted by our form of government is powerful, beneficent and world-wide. Scarcely a civilized nation upon the globe, that has not felt and acknowledged the force of our example. Upon the eastern, as well as on the western continent, the benefits resulting to man from the establishment of the Union, have far transcended the most sanguine expectations of those who periled their lives, their fortunes and their sacred honor in the struggle for our independence. But those broad, equanimizing principles, which lie at the foundation of our Republic's greatness, that for seventy-nine eventful years have been to her a bulwark and shield, can be perpetuated only by a religious adherence to the great doctrines of the Constitution. This instrument, framed by the wisdom of our fathers, and which has proven so entirely adequate to accomplish the designs of its authors, was conceived, moulded, and proclaimed in a spirit of compromise

and mutual concession; and the same conciliatory spirit that presided over the convention of 1787, must reign in our legislative halls, must find a welcome lodgement in the breasts of the American people, if they would preserve unbroken the golden cords, that, to-day bind all sections of the Union in one grand, harmonious confederacy. The North and South, the East and West, have each distinct and dissimilar local interests; and each interest, whether agricultural, mechanical or commercial, is alike entitled to the protection and fostering care of government; but in all controversies of a sectional character, no adjustment can be beneficially or satisfactorily effected, otherwise than by a reciprocity of concession; and so long as our legislators are actuated by this spirit, the Union will never be in danger of dissolution, nullification and blind fanaticism never rear their Hydra heads, the torch of civil war remain unlighted, discord and strife be unknown; while the angel of Peace, bearing aloft the Olive Branch, will continue to hover over the land, citizens of the several States, under the dominion of wholesome laws, proud of their country, "jealous of their rights, will make rapid progress in the arts and sciences; agriculture, manufactures and commerce will flourish with an increased and vigorous thrift, and the American Union continue to present, as it now exhibits, the sublime spectacle of a free government, upheld by the intelligence and patriotism of a great and sovereign people.

Who of us can contemplate the past history of our country, can follow her thro' all her struggles, misfortunes, and triumphs, up to the present hour, and not feel to exclaim in a spirit of exultation and pride: I, I am an AMERICAN.

"Lives there a man with soul so dead, Who never to himself hath said, 'This is my own, my native land?'"

America! God bless her. Long may she be the asylum of the exile and oppressed of every clime. Let virtue, and wisdom, and patriotism forever find within her borders a welcome shade. May disunion never display its ghastly front; and may the chain that unites the individual States into one glorious unity, grow brighter and stronger as time rolls on; and when yonder sun shall usher in the Millennium morning, may its expiring beams, rest upon the Union, then as now, happy, free, undimembered. S. W. T. Lathrop, Sept. 21, 1855.

Miscellaneous.

INDIAN JOE.

A RECOLLECTION OF 1849.

By OSCAR.

Most miners who worked on Wood's Creek in '49, will remember "Indian Joe," as he was familiarly called. His mother was a native of one of the tribes inhabiting the western part of Missouri, and married a hunter by the name of Hoxie. She died soon after giving birth to Joe, and tears would start to the eyes of the old hunter as he related her many amiable qualities, how she loved her little boy and besought him, with her last breath, to watch over and take good care of him; and well he obeyed her last injunctions—the spirit of the Indian mother would, have been satisfied could she have witnessed the kind attentions bestowed by the rough hunter upon the helpless little boy—gratifying its every wish, administering to its every want, and watching pride the gradual growth from infancy to boyhood. At the age of sixteen Joe was a tall, manly boy, possessing his mother's gentle qualities, tinged with his father's more bold and daring disposition.

In the spring of 1849 old Hoxie, in company with a number of Missourians, emigrated across the plains to California, and pitched their quarters on Wood's Creek, where the writer of this first became acquainted with them.

Notwithstanding the rich rewards reaped by the miners then at work on the Creek, old Hoxie's penchant for hunting was paramount to mining. He could not content himself to "dig gold." He preferred rather to roam the hills in search of game, and he and Joe would pack into camp a couple of mile loads of deer, which found ready sale with the miners at one dollar per pound.

The winter of '49 set in with all its severity, and owing to the rise of the water, mining was suspended on the Creek. About this time, old Hoxie proposed to a party of us that we should go to a place that he knew, about twenty miles distant, where there was plenty of grizzlies, and have a regular "lar hunt," as he called it. His proposition was hailed with delight. To most of us, an expedition of the kind was a novelty; and under the guidance of such an experienced hunter as Hoxie, we anticipated rare sport. Rifles and revolvers were cleaned, balls moulded, Bowie knives sharpened, and everything, in short, prepared for a "hunt" of several days duration.

On a bright December morning, just as the sun was rising above the hills, the party, consisting of eight persons, well armed and equipped, mounted on mules, headed by old Hoxie and Joe, followed by Watch, a dog which the old hunter had raised and brought across the plains with him, started off. We were a joyous crowd—laughing, talking, singing, making the hills echo with our voices as we rode along.

Nothing of importance occurred during

the day, except the killing of a deer, by Joe, which we placed upon one of the mules, intending it for our supper, and we reached the spot designated by old Hoxie about four o'clock in the afternoon. Having unladen the mules, and pitched our tents in a small valley, beneath the branches of a large oak, we built a fire, and proceeded to cook our supper.

Until a late hour, we sat around the fire, smoking our pipes, old Hoxie amusing us with the recital of some "bar hunts," in which he had experienced hair-breadth escapes, when appointing a watch for the night—as the Indians were numerous in the vicinity the balance of us wrapped ourselves in our blankets to sleep.

The night passed away without disturbance, and the next morning, at sunrise, the entire party were up, had breakfasted, and were ready for the hunt. With our rifles slung across our shoulders, revolvers and knives in our belts, we started up the valley, old Hoxie, Joe and Watch taking the lead. We had proceeded about half a mile, and were approaching a thick growth of chaparral, when suddenly Watch uttered a low, deep growl. We stopped, while old Hoxie proceeded cautiously to examine around. In a few seconds he exclaimed,

"Here it is, boys! Do you see that?" pointing to some large, fresh imprints of a bear's track in the soft ground. "The varmint is in the chaparral yonder; but we'll soon have him out. Be on the look out, I give you rifles ready, and 'doubt' I have your lives."

All of us, with the exception of the old hunter and Joe, began to get excited. We had never been in quite so close proximity to a bear before, and our courage began to ooze out a little. However, we quietly watched the operations of our leader, who advanced slowly towards the chaparral until within about two hundred yards, when he stopped, and cried out, "Now, Watch, at him." In an instant the noble dog bounded into the chaparral with a loud bark. A few seconds after we heard a deep growl, the crackling of branches, and Watch issued from the chaparral, followed by a huge grizzly. In an instant, the sharp report of a rifle rang in our ears, and the bear whirled round and round, uttering fearful growls. Old Hoxie had planted a ball in his breast, and the blood streamed from the wound. "Fire, boys!" cried old Hoxie. We discharged our rifles, but so excited were we, that we only inflicted flesh wounds, which infuriated him the more. It was now a fearful sight. The bear, maddened by pain, roared furiously, and endeavored in vain to get at Watch, who well trained, darted round and round him, keeping without the reach of his paws. Joe now raised his rifle and fired, the ball entering the bear's head. He rolled over on the ground, and to all appearances lifeless, and we rushed furious. Stay back, or your lives!" cried old Hoxie, "he is not dead yet." The words of the old man proved true, for Watch instantly sprang upon him, and was about to fasten his teeth in his hide, when the bear struck him furiously with his paw, tearing his side open, and killing him instantly. "Here goes to revenge my dog," said Joe, savagely, and raising his rifle, took deliberate aim, and fired. This was a finisher; the bear rolled over on his side, lifeless. Old Hoxie now approached, and planted his knife to the hilt in his breast. He was a large, noble fellow, and must have weighed, at least, twelve hundred pounds.

Having brought our mules, and dragged the dead carcass of the bear into camp, the rest part of the day was spent in skinning and cutting him up, old Hoxie amusing himself in good naturedly joking us about our courage in a bear fight. Late in the afternoon, however, the sky began to be overcast by dark, heavy clouds, giving indications of a storm, and we commenced preparing ourselves for it. We cut large logs of wood, and of wood, and piled them on the fire, fastened down more securely our little tent, and brought up our mules, and picketed them near to our encampment.

Scarcely had we finished our supper before the night set in darkly, and the rain commenced falling violently, accompanied by violent gusts of wind, which threatened to tear our tent from its fastenings.

It seemed as though a dark cloud had also fallen upon our hitherto gay spirits. We sat underneath our frail tent, gazing through its half-open folds out upon the storm. The fire burned brightly a few yards from us, throwing out rays of light, in spite of the torrents of rain which descended upon it. No one spoke; not even Joe! He had been unusually sad during the day on account of the loss of his dog, and now lay silent in one corner of the tent.

It was about ten o'clock, the storm still raged with unabated violence, when old Hoxie, who had been reclining on his blankets, silently smoking, said— "Boys, we're going to have a stormy night; we must keep up a good fire; Joe, throw on some more wood!" Joe rose slowly from where he was lying and proceeded to do as his father bid. He had already placed one log on the fire, and was stooping to reach another, when there was a quick whizzing sound, instantly followed by a wild shriek from Joe, who threw his arms wildly above his head, screaming, "Father! I am shot! The Indians!"

We all sprang terrified to our feet, and rushed towards the prostrate body of Joe. "Keep out of the glare of the fire," shouted

old Hoxie, who even at this terrible moment did not lose his presence of mind; "or you'll all be killed. Get your rifles and follow me." Instantly we seized our rifles, and retreated behind the glare of the fire. Scarcely had we done so, before a dozen arrows pierced the tent directly in front. We fired our rifles in the direction from which the arrows came, but with what effect we could not tell as we could not see nor hear anything. It had the effect, however, of frightening the Indians away, for no more arrows were discharged, and all was quiet save the roaring of the wind and rain.

So sudden and unexpected had been the attack, that we were thunderstruck and stood like statues, and were only recalled to ourselves by the heart-rending groans of the old man, as he bent over the lifeless body of his son. He was dead the arrow had pierced his heart, and still quivered in the wound; we led the old man into the tent—he offered no resistance, but was submissive as a child. We wrapped the lifeless body of Joe in his blankets, and laid it carefully down beside the tent, covering it with our saddles to shelter it from the pitiless storm.

No word was spoken during that long, tedious night—no sound disturbed us save the wild howlings of the "wind" through the branches. The fire burned slowly away; no effort was made to replenish it, and it gradually went out leaving all darkness without darkness within—darkness within our very souls. When at last morning dawned the first rays of day fell upon the pale haggard faces of six men, who gazed mournfully and silently at one another. Old Hoxie was seated in the same corner of the tent we had placed him the night previous, his head bowed upon his hands, and when we spoke to him, he raised it, and looked at us with a vacant and glossy gaze. He had not shed a tear.

Slowly and mechanically we set about the mournful task of performing the last sad rites. A grave was dug under one of the large oak trees, and the body of Joe, wrapped in his blankets, was carefully laid in it; we threw over some green branches, and then buried it from our sight. One of the party carved, with his knife, upon the trunk of a tree, his name and age, and we turned sorrowfully from the spot.

The old man still sat in the corner of the tent; he had not spoken, or taken any notice of our proceedings. His mule was brought up and saddled, he was placed gently upon him, and sadly we left this pleasant little valley, which a few hours before we had entered with such gay and joyous spirits.

Ten days had passed, since the above occurrence. Night had spread her sable mantle over the hills and valleys. The moon rode majestically in a clear blue sky, throwing a golden flood of light upon the little white tents scattered here and there among the trees. By the side of a wide couch lay stretched the thin and emaciated figure of old Hoxie. He was dying—dying of a broken heart.

Since the murder of his son by the Indians on that fatal night, he had changed—had scarcely spoken or noticed any one. Everything was done to cheer him up, but of no avail. He gradually wasted away, and we now stood beside his death-bed. No sound was heard, save the low suppressed breathing of the bystanders, as they gazed upon that pale face, with no other signs visible, except a slight twitching of the mouth. Suddenly the dying man opened his eyes, and gazed vacantly around; he slightly raising himself up, he stretched out his thin hands; his lips moved, he uttered a few words—"Joe! my son—my boy!" and he fell back upon the bed, dead.

We buried him upon the top of a little knoll, under a large oak tree, and a rude slab placed at his head, upon which is inscribed his name and age. Thus they sleep; the mother beneath the dark shade of a Missouri forest; the father and son in the golden hills of California.

The Passmore Williamson Case.

We publish, in another column, a communication from an esteemed correspondent, in reply to some editorial remarks we took occasion to make in relation to the decision of the Supreme Court in the Williamson case. Our correspondent does not pretend, those remarks, though he does not retrench, to gain say the law of the case as laid down by a majority of the Court, and conceding that, point, as we understand him to do, we feel at a loss to know why he should find fault with our remarks of the subject. In the article referred to, we confined ourselves to the case as it was presented to the Supreme Court for its decision. Satisfied that tribunal had no jurisdiction over it, and that it could not, without arrogating to itself the exercise of unauthorized and unwarranted power, step in between Williamson and Kane, and release the former from the clutches of the latter—satisfied if this we did not hesitate to express our approbation of the decision of the Court, and commend the judges for a faithful discharge of their duties. This was the utmost extent of our remarks. We neither expressed any admiration for nor commendation of Judge Kane's conduct. Nor did we say anything condemnatory of Passmore Williamson. All we meant to do and, we believe did, was to express our approval of the decision of the Supreme Court, and commendation of the fearless and independent conduct of the Judges, in doing what they believed to be their duty, instead

of playing the part of political weathercocks, and disregarding law to pander to public sympathies and prejudices; and as our correspondent, who is himself a good lawyer, does not pretend to deny the correctness of that decision, but, inferentially at least, admits its correctness, he can have little cause to find fault with our remarks.

But, it appears, he did not like our remarks, because they were, in his opinion, "highly complimentary of the Judges of the Supreme Court for their firmness," &c. This, it seems, was the extent of our offending in his opinion. Whether those remarks were "highly complimentary," or not, we are content to leave to the judgement of our readers. Admitting that they were commendatory of the firmness of the judges, all admitting it must concede that to that extent they could have been no more than just. Though the Judges did no more than their duty, they did it fearlessly and manfully; and that, too, under circumstances well calculated to excite their sympathy, and to sweep them from a rigid and faithful adherence to the law as it is, for which they deserve public commendation rather than censure, and as an independent and impartial journalist, we did not hesitate to award them their due. We spoke of their decision; of the conclusion at which they had arrived; and not of the process of reasoning or the language employed by Judge Black in making that decision. There are many views expressed in that written opinion with which we do not concur; we may go further, and say, there are some sentiments expressed in it to which we cannot and do not subscribe. It is but due to candor, however, to admit that among these is not the one embodied in the concluding paragraph of the opinion of the Court to which our correspondent refers. To the verity and justice of that sentiment we fully subscribe, all the indignant outburst of logic and declamation of our correspondent to the contrary notwithstanding.

Say what our correspondent may, he fails to disprove the assertion of Judge Black, Passmore Williamson does carry the key in his own pocket whereby he may release himself from prison, if he sees proper to do so. We will not here follow the process of reasoning employed by our correspondent, and enter upon an inquiry as to the truth of what he assumes, that Williamson did make a truthful return, and that he cannot amend that return without an implied, if not express acknowledgement that his first return was false. Suffice it for us now to say, that a man may be guilty of falsehood by a suppression of truth as well as of falsehood; and that Williamson did not, in his sworn return, state if he and the whole truth, it does not become him now, to haggle or hesitate about correcting that return, and make one that will disclose all the knowledge he has in relation to the matter. Instead of halting and hesitating about doing so, because that might subject him to the imputation of not having acted properly in the first instance, he should, as an honest man only consult duty, that duty which he owes to himself and to the laws of the country. It is true, then, as Judge Black observes, he does carry the key with him, whereby he may unlock the bolts and bars of the prison, unless it be assumed, as does our correspondent, that he made a clean breast in the outset and disclosed all the knowledge he has on the subject in his original return; but this, in the face of all the evidence already disclosed, would be going farther than our candor permits. The quibble that there can be no property in slaves in this State, and that he therefore never had in his possession the property claimed by Wheeler, will not suffice as a justification for the return made by him. It was not for him to decide whether Wheeler could claim and hold those slaves as property or not, nor for him to assume that because he did not regard them as property that he never had in his possession such refugees from service. His duty was to answer the writ of *habeas corpus* as commanded, either by bringing the persons claimed into the Court, or by a sworn return disclosing all the knowledge he had on the subject. Passmore Williamson has no one to thank but himself for the difficulties in which he now finds himself. Had he minded his own business, and let other people unmolested attend to theirs, he might now be enjoying the pleasure of his family circle at his own fire-side, and find enough within a stone's throw around him deserving of charity and acts of benevolence, to engage all the means he has spare for purpose of that kind, and all the time his business engagement would allow him to devote to so noble a cause. Instead of looking around him at home to do good, where in the exercise of charity and benevolence no danger would have threatened him, he chose the hazardous and less laudable undertaking of interfering with the rights of others, and having done so with a full knowledge of the responsibilities attached to his conduct, he can blame himself only for the awkward predicament in which he is now placed.

As for the conduct of Judge Kane we shall have more on another occasion to say. Our remarks are already extended to too great length to express our views fully in relation to him. Let it, therefore, be sufficient for the present to say, that we have no doubt the Court over which he presides had jurisdiction in the premises, and he had therefore lawful authority to issue the writ prayed for by Colonel Wheeler. Believing this, it follows, of course, that we regard it to have been the duty of Williamson to make a full and complete

return, and that he cannot amend that return without an implied, if not express acknowledgement that his first return was false. Suffice it for us now to say, that a man may be guilty of falsehood by a suppression of truth as well as of falsehood; and that Williamson did not, in his sworn return, state if he and the whole truth, it does not become him now, to haggle or hesitate about correcting that return, and make one that will disclose all the knowledge he has in relation to the matter. Instead of halting and hesitating about doing so, because that might subject him to the imputation of not having acted properly in the first instance, he should, as an honest man only consult duty, that duty which he owes to himself and to the laws of the country. It is true, then, as Judge Black observes, he does carry the key with him, whereby he may unlock the bolts and bars of the prison, unless it be assumed, as does our correspondent, that he made a clean breast in the outset and disclosed all the knowledge he has on the subject in his original return; but this, in the face of all the evidence already disclosed, would be going farther than our candor permits. The quibble that there can be no property in slaves in this State, and that he therefore never had in his possession the property claimed by Wheeler, will not suffice as a justification for the return made by him. It was not for him to decide whether Wheeler could claim and hold those slaves as property or not, nor for him to assume that because he did not regard them as property that he never had in his possession such refugees from service. His duty was to answer the writ of *habeas corpus* as commanded, either by bringing the persons claimed into the Court, or by a sworn return disclosing all the knowledge he had on the subject. Passmore Williamson has no one to thank but himself for the difficulties in which he now finds himself. Had he minded his own business, and let other people unmolested attend to theirs, he might now be enjoying the pleasure of his family circle at his own fire-side, and find enough within a stone's throw around him deserving of charity and acts of benevolence, to engage all the means he has spare for purpose of that kind, and all the time his business engagement would allow him to devote to so noble a cause. Instead of looking around him at home to do good, where in the exercise of charity and benevolence no danger would have threatened him, he chose the hazardous and less laudable undertaking of interfering with the rights of others, and having done so with a full knowledge of the responsibilities attached to his conduct, he can blame himself only for the awkward predicament in which he is now placed.

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