

To the Editors of the Pennsylvania

WILKESBARRE, Feb. 24th, 1846.
Whilst making the circuit of my district for the last four weeks, I met a publication in reference to the causes of my late rejection by the Senate of the United States, which impeached my personal and professional character in a grave manner. That publication has been re-published, and with the aid of industrious verbal defamers from some men in high places is well calculated to accomplish the object in view—the total destruction of my reputation.

My reluctance to appear before the public in self-justification, is a fact which I believe I should have suffered the injurious statements to which I allude, to have passed unnoticed, notwithstanding my character, if the desire of numerous friends had not been expressed to see a public statement of facts which they deemed quite sufficient for my defence. It is urged that I owe it to my family and to the many friends who labored to sustain my nomination, that I should correct statements which tend to prove me unworthy of the confidence and support which I have received from so many of the wisest and purest men in the nation, both Democrats and Whigs; and it is said that the absence of contradiction will at length be vouchsafed as a justification of the slander. I yield to these considerations, and for the first time in my life appear before the public in vindication of my motives and conduct. But I shall confine myself to matters that have been urged since the rejection, and which affect my character as a man and a Judge. It does not become me to discuss the topics which were urged upon the Senate, or to repeat the reasons which were given in its rejection, nor to question the slightest degree the purity of motives which influenced the opposers of the nomination, whether within or without the Senate. Having bowed my head in silence to the decree that condemned me, I felt that I was secure from further assault. I thought the sentiment was universal that the dead should be buried. Nothing but actual experience could have convinced me that the President and that great body of my countrymen who had honored me with their support, were to suffer insult on my account. Other men have been rejected by the same tribunal, but I recollect no instance where the fact of rejection has been employed to annihilate character. In this respect, my case is anomalous, and I hope it will remain so.

The first matter to which I address myself is the imputation that I went to Washington to procure the nomination of Judge Jones, and supplanted him and obtained it for myself. If I must humble myself to a defence against so odious an imputation, my mode of defence shall be a simple statement of facts; for, if the truth fail to shield me, I am without shelter. Some time after the death of Judge Baldwin, I united with the gentlemen of the bar of Centre county in recommending Chief Justice Gibson to the President as his successor. Entertaining the profoundest respect for the intellectual endowments and legal attainments of our Chief Justice, I declined to recommend any other man until I heard from various quarters that his nomination was out of the question utterly. Some time last spring, and simultaneously, I received from a committee of the friends of Judge Grier, in Pittsburgh, and from personal friends of Judge Jones, in Philadelphia, requests that I would address the President in behalf of each of those gentlemen. I had long known both Judge Grier and Judge Jones, and beside the claims of personal friendship, they had my highest respect as men of learning and as upright and able Judges. I deemed them both worthy of the President's favor, but how was I to decide between them? It was not for me to decide, and I did not. I wrote a duplicate letter to the President, in which I spoke of them both, and told him he might choose either with safety—that between two such men he could not fall into error. I sent copies of the letter to the friends of each of these gentlemen.

About the first of October last, I had occasion to go to Philadelphia, with part of my family, for the purpose of obtaining medical advice for a little boy, and anticipating some delay with the physicians, I determined, if leisure should occur, to visit Washington, for the purpose of paying my respects to the men whom I had assisted to elevate, and whose administration was giving me perfect satisfaction. Doctors McClellan and Chase were called in and consulted, and finding a week would be occupied in preparing to treat the case, I resolved to execute my purpose of visiting Washington. A distinguished member of the Philadelphia Bar hearing of my design, called on me to request that I would take charge of and deliver to the President some documents in his possession, favorable to the appointment of Judge Jones. I assented readily to his request, but urged him to accompany me, which a professional engagement in court prevented his doing.

I took the documents, and went to Washington. Mr. Buchanan was absent, and so entirely was I a stranger there, that I could find nobody to introduce me to the President. I resolved to call on him without an introduction. On my way to his residence for this purpose, I met three gentlemen of my acquaintance from Pennsylvania, whom I asked to accompany me. They said they did not know the President, and they wanted an introduction. I agreed to introduce them, if they would go with me. Very fortunately for my present purposes, they went. The President received us all in the most obliging manner. We were seated, and after a few minutes of general conversation, I handed him the documents that had been entrusted to me, and mentioned the name of the gentleman to whom they related. This led us to speak of Judge Jones, and I assured the President that his appointment to the vacant Judgeship, would give great satisfaction in Pennsylvania, and in my opinion prove a blessing to the country. Much more to the same effect was said, which I need not repeat. The President listened in the most respectful manner to all I said in regard to Judge Jones, but gave no intimation whatever as to whom he meant to appoint. Conversation soon ran into other channels—another gentleman from Pennsylvania entered the room, and after sitting a few minutes longer, the three gentlemen and myself who had entered at the same time, rose and took our leave. Such was my interview with President Polk. There was not an allusion the most delicate or indirect, to myself in connection with the Judgeship or any other subject. If, in the President's mind, my name was associated with the office, such association manifested itself by no outward sign. And to exclude all misconception, I will add there was no allusion made to the Senatorial election last winter in our Legislature.

I have never had a syllable of intercourse with the President on the subject of the Judgeship since that interview save in one instance, which, to prevent future surmising, I must explain. Some time after my name was sent to the Senate, I saw in some paper, not now recollected, a statement to the effect that the President had been deceived in regard to me, and regretted the nomination, and was desirous to withdraw it. I wrote a note to him to say that if the withdrawal of my name would relieve him from any embarrassment, or promote the prosperity of his administration, he would confer a favor on me by withdrawing it. What he said to the friend who placed that note in his hands, it is not meet for me to state.

The truth then is, that I did not go to Washington for the purpose of promoting Judge Jones' interest; but being there, did earnestly recommend his appointment. And now I will add, that the man does not live who can say with truth that I ever spoke or wrote a word, or did an act, to obtain the appointment. On this point I defy keen-eyed malice. I never had any taste for intrigues, and never was engaged in one. But had I been skilled in such affairs, my reverence for the President and my diffidence of my abilities were so profound

to permit me to seek it by indirection, or indeed in any manner. Why the President honored me with the nomination I have never enquired, and he has never informed me. Two of the gentlemen who accompanied me to the President, and who heard every word that was spoken between us, have authorized me to introduce their names, and if any man will do me the injustice of doubting the accuracy of what I have stated, let him appeal to them. They are Major Bailey, of Jersey Shore; Locoming county, and Alison White, Esq., of Luck Haven, Clinton county. The other gentleman I have not seen since I was at Washington, or he would doubtless have given me the same license. When I returned to Philadelphia, having spent less than two days in Washington, a very particular friend of Judge Jones requested me to write to Mr. Buchanan, whom I had not met, in reference to the attainments and qualifications of the Judge, which I did, and here ended all I ever did in reference to the subject.

If I betrayed the interests of Judge Jones, as has been published to the world, he and his intimate friends in Philadelphia were guilty of great insensibility to the outrage, for they have taken unwearied pains to express their acknowledgments, and their gratification with the nomination of myself. I may not introduce the warm eloquent and affectionate language with which their letters abound throughout this most painful trial, but I must say that however editors may cause the world to judge of me, that pure man and accomplished scholar, who would be an ornament to any bench, suspects me of no delinquency.

But the author of the publication to which I refer, seems to speak against my reputation as a Judge by authority from some of the Judges of the Supreme Court, and I have no reason to question his authority, for many witnesses have testified to me of the opprobrious language which certain of those Judges habitually employ in respect to me. I do not regret that they have found an organ at length, for I had rather meet open, printed defamation, than covert, insidious assaults, sometimes only insinuated, and sometimes using a language too fugitive and vague for notice and explanation. From the time I voted for the limited tenure in the Reform Convention to this day, I have heard nothing but reproaches of myself from Chief Justice Gibson, Judge Rogers and Judge Burnside. It would not comport with the temper of this letter to write down the hard speeches and abusive epithets, adjectives being omitted, which I have been compelled for years to hear from these distinguished men. And since the President honored me with the nomination which they so much court, their wrath seems to have burst all bounds. Self respect forbids me to notice in detail the many unkind things they have said of me, but it is time for them distinctly to understand, that if there be not voluntary and total reform in that regard, such notice will be taken of the matter as may possibly, in their cases, abbreviate the tenure already limited.

My personal relations with these gentlemen, so far as I have had any intercourse, have been of the happiest character; and this fact, in connection with the unvarying testimony of those who have reported them to me, leave me in no doubt that their indignation was purchased by my conscientious support of the limited tenure. My defence in this unequal war must be found in the facts of the case. In 1836, I was chosen a Senatorial delegate to the Convention to amend our State Constitution, by the people of Luzerne, Wayne, Pike and Monroe counties. I knew the sentiments of my constituents well in reference to the judicial tenure, and they knew mine. I took my seat in the Convention in 1837, one of the youngest members, and without request, was placed on the Judiciary Committee; and in Committee and in the Convention, I advocated the introduction of the limited tenure of judges as a reform demanded by the people and sanctioned by the soundest considerations both of principle and policy. Others maintained the same views with an ability to which I could lay no claim. The measure was carried, and the people ratified it by a direct vote—my constituents by a majority of five thousand. It does not fall within the purposes of this letter to state the grounds of that change in our Constitution, but whoever wishes to know my views of the matter, will find them displayed in the fourth volume of the debates, commencing on page 315. And at page 328, they will find a statement of my reasons why the more permanent tenure is proper in the constitution of the federal judiciary. Amongst other things it has been objected to me that I sought a judicial appointment under the constitution of the United States, after having repudiated the good behavior tenure which is known to prevail in that constitution. That I never sought such an appointment I have already said, and that I justified and applauded the good behavior tenure in the federal constitution for reasons peculiar to itself, and not applicable to our state judiciary, may be seen by reference to the speech. I was influenced in my support of the limited tenure by no prejudice against the judges, but only by a sacred regard to duty. I find at the conclusion of the speech to which I have referred, the following: "Mr. Chairman, justice to myself requires me to say, in conclusion, that I have been influenced in my support of this measure solely by a conviction that it is right, and that the public interest demand it. I have no prejudice or pique against judges to gratify—no wrong to redress—no secret griefs to assuage. I have in that department many friends—I do not know that I have a single enemy." But that was the last day I could say I had no enemy in that department of government. The most painful experience has taught me how hazardous a duty I was called to perform, and how an honest representation of an honest constituency may be visited with indignant re-

proach. How respectfully I have guarded myself against a loss of the respect and deference which was due from me to the age, the learning and the station of these honorable men, is evidenced not only by the humility with which I have borne myself towards them at the bar and on the bench, but by the fact that I encouraged the re-appointment of Judge Rogers—recommended Chief Justice Gibson to the President for the vacant seat on the bench of the Supreme Court of the United States and put no obstacles in the way of the confirmation of Judge Burnside. Nor do I now complain that they advised the Senate to reject my late nomination, for they do not deem more humbly of my qualifications for that exalted office, than I do myself. My highly respectable correspondents and my editorial friends who have referred the opposition of these gentlemen to the deep prejudices they were known to entertain against me on account of the limited tenure, have in my opinion done their Honor injustice. I prefer to regard their opposition as the result of conscientious conviction, and as the exercise of their undoubted right. But whilst I concede to them purity of motive in the very article of condemnation, I have a right to protest against the vituperative language with which they are in the habit of visiting me. They did not oppose my confirmation any more honestly than I supported the limited tenure, and as I have no reproaches for their act, they should have none for mine. They should consider that I am not alone responsible for this hated reform. The people of Pennsylvania incorporated the limited tenure into their fundamental law, and they had a right to do so—a perfect right. And in my opinion, the enthusiastic admirers of life offices are not likely to convince the people that they erred in the exercise of this right by heaping reproaches on the heads of their faithful representatives.

But the Editor who echoes the reproaches of these honorable men, laments the numerous reversals of my decisions in the Supreme Court, in regard to most of which the Court "declared" that they were too plain to admit of any argument. This is certainly very lamentable, but the statement of a few facts will alleviate in some degree the distress occasioned by this calamity. Every lawyer knows that when a case is reversed, it needs to be reported to guide the Court in the future trial, but if it be affirmed, no such necessity exists, and the Supreme Court report or suppress it according to no rule that I ever heard of or have been able to imagine. The consequence is that the books of reports generally exhibit more reversals than affirmances, though in respect to my judicial labors, the number of reversals and affirmances reported, happen to be very nearly equal. During the time I have been upon the bench, every case that has been reversed has been reported, save one, which will doubtless appear in the next book, but many cases have been affirmed which are not reported. I have no means for consulting the records at this distance from my district; and no taste for it if I had the means, but I can recall to my memory numerous cases that have been affirmed, inasmuch that if they were added to the affirmances that are reported, the preponderance would be very great, and would show that a state of things exists in my district not more lamentable than did exist under my illustrious predecessor. I remember one unreported case well, for it turned upon a constitutional question which I had ruled in an opinion filed, whilst it was under review in the Supreme Court, Judge Rogers is said to have ejaculated that my constitutional opinions were "monstrous." I think, however, the *obiter dictum* of his Honor must have referred to the limited tenure, for they affirmed the opinion I had filed. Those who cast up the number of reported cases for the purpose of destroying my judicial character, should know that the case of Adams v. Jackson, 4th Watts and Sergeant, was tried before me at a special Court in Cambria county, though throughout the thirty pages which it occupies in the book, there is no intimation of the fact, and that the case of Brower v. Osterhout, in 7th Watts and Sergeant, was also tried before me notwithstanding the silence of the report on this head. Both these cases were affirmed. They should have noticed also the case of McCulloch v. Cowher, 5th Watts and Sergeant, in which the Supreme Court published my opinion in extenso, and appended the following decision: "PER CURIAM. The law of the case is so well stated by the Judge who tried the case, as to render any further examination of its principles unnecessary. Judgment affirmed." Another fact should not be forgotten. During the year that ended in May last, the time when my causes came before the Supreme Court at Harrisburg, various writs of error had been taken to judgments in each county of my district—the records were removed—the judgments attacked by able counsel, and every one of them affirmed by the Supreme Court. Counsel inform me that not one was reversed, though several of them involved important principles. And yet not one of these cases is reprinted. A case that stood over for re-argument from the year before, was reversed on a point of minor importance, but as to the labors of the last year, nothing had to be undone or done over. A case that went to Sunbury from a special Court in Bradford county, did not constitute an exception, for that too was affirmed as one of the Judges informed me. And then, to arrive at a just estimate of official competency, it would be necessary to consider that a very small proportion of the judgments entered in my district, are removed into the Supreme Court. Perhaps there is not a district in

the State where counsel take fewer writs of error in proportion to the causes tried. Now, these facts, which it is extremely mortifying for me to be compelled to state, do not prove that some of the Judges of the Supreme Court did wrong in killing my nomination in the Senate, but they tend to mitigate the editorial pains occasioned by this *post mortem* examination. I know as well as the whole profession, that it is most unjust to try the reputation of a Common Pleas Judge by the books of reports, but the world does not understand this. What would become of the pretensions of some of our very best judges, if the last book of reports, 8th Watts and Sergeant, should be made the standard of judgment in respect to them? And what sort of an estimate could be formed of the learning and abilities of the gentlemen of the bar, particularly in the interior, from the ghostly skeletons of their arguments, as exhibited in our books? Neither the lawyers nor the inferior judges have any control over the reports, and it is of itself unimportant that their best performances do not appear in them; but when the reports come to be used as a means of defamation, as has been done against me, they acquire a new importance, and it becomes judges and lawyers to look out for their reputations. Such use of the reports is unfair in the extreme. What judge in Pennsylvania could not be impeached by such means? Even their honors on the Supreme Bench, to whose reasonings these volumes are dedicated, could be prejudiced by facts gleaned from the reports. Two or three of them are understood to be applicants to the President for the vacant Judgeship, and after they should have been nominated and rejected, *seriatim*, would the editors who have assailed me, deem it fair war on the characters of those judges, to point to their reversals of their own opinions, or to the numerous Acts of Assembly which have been enacted to remedy their mistakes? I think not. More likely it would be considered as due to their feelings and their future usefulness to leave unsaid many things which might with truth be urged. And as to things that were not true, the common instincts of humanity would forbid their utterance on such an occasion. A rejection by so enlightened a body as the Senate of the United States, is sufficiently destructive to character, without the aid of a mischievous press, and yet more mischievous tongues.

It has afforded me unspeakable satisfaction in the midst of abounding misrepresentations, to witness the firmness with which the whole community among whom I exercise my office, have withstood the injurious assaults upon the personal and professional reputation of their Judge. The gentlemen of the bar, the press, and the people, without distinction of party, have spoken lately, in the most emphatic manner. What unfavorable impressions may be produced hereafter, by the means which are in active employment, I know not, but I have mistaken the intelligence and virtue of that community, if a faithful and conscientious discharge of the duties of a responsible office, do not retain for me the confidence and affection which they have given me so many proofs in the past.

And now my unwelcome task is done. If I were not afraid of appearing abusive, I would notice other matters in the publication which has called forth these explanations, but they relate to public questions, and not to private or official character, and I must be content to let them run their course. I have confined myself to a defence of my reputation as a man and a Judge, and have restrained myself from saying anything merely to wound the feelings of any assailant. I am before the public for no office. I am no aspirant for places that others may desire. Perhaps I err, but it seems to me that in such circumstances, I might be spared from further insult and defamation.

This communication would have been made some days sooner, if my duties while in my district would have permitted me to prepare it. But I was compelled to delay it till my return home.
Yours, respectfully,
GEO. W. WOODWARD.

PROPOSALS.

Union Canal Office,
LEBANON, Feb. 20, 1846.

PROPOSALS will be received at this office until the 20th of March, 1846, for sawing and delivering on the landing in the mouth of Swatara creek, at Portsmouth, on the Susquehanna, by the first day of June next, the following bill of lumber, viz:

697,000 feet good common white pine plank, 2 inches thick and 16 feet long.
63,500 feet white oak scantling, 3 by 6 inches, 16 or 20 feet long.
90,500 feet white oak scantling, 4 by 6 inches, 16 or 20 feet long.
W. LEHMAN, Rest. Eng. of the Union Canal Company.

NOTICE.

ALL persons are hereby notified not to sell or buy, remove or meddle with a blacksmith shop, or other buildings, or timber belonging to the place now occupied by John F. Williams, in Bradford county, Clearfield county, as I am determined to deal with all persons trespassing on said premises as the law directs, without respect to persons.
GEORGE GLENN,
Mechanicville, Centre co. Feb. 2, 1846.

Sheriff's Sales.

BY virtue of sundry writs of venditioni exponas, issued out of the court of Common Pleas of Clearfield county, and to me directed, will be exposed to public sale, at 1 o'clock, P. M. on Monday the 4th day of May next, at the court house in Clearfield, a tract of land situate in Houston township, Clearfield county, beginning at a post standing on the bank of Bennetts branch of Sinnemahoning creek and in the southerly part of a tract of 317 acres and 152 perches from the southeasterly corner of said tract of 317 acres and 152 perches to a post, N 20 degrees E 61 ps to a Spanish oak, N 70 degrees E 61 ps to the place of beginning, containing 28 acres. ALSO—One other piece of land, situate in said township and county, beginning at a post on the easterly line of the whole tract of 317 acres conveyed to Jonathan Nichols by Edward Burd, and from the aforesaid post N 20 deg. W 154 ps to a post, S 70 deg. W 186 ps to a post, S 20 deg. E 169 ps to a post standing by the road, N 55 deg. E 31 ps to a post, N 63 ps to a post, E 145 ps to the place of beginning containing 151 acres—Seized and taken in execution and to be sold as the property of John Macumber, jr.

ALSO—a tract of land situate in Pike township, Clearfield county, surveyed on warrant to Wheeland Howell, bounded on the west by Joseph Govett's survey, on the east by Gustavus Riaburg's survey and lands in possession of Richard Curry, containing — acres, on which there is about 45 acres cleared—Seized and taken in execution, and to be sold, as the property of Robert Glenn, dec'd, with notice to Wm. Glenn, terre tenant, and to Richard Curry, guardian of the minor children, &c.

ALSO—the undivided half of a tract of land situate in Bradford township, Clearfield county, bounded by the Susquehanna river and lands of John Graham, containing 404 acres and 50 perches, duly patented to Robert Graham, deceased, and being the same premises conveyed by George Leech, Esq., late Sheriff of Clearfield county, by deed poll acknowledged in open court of Common Pleas on the 2d September, 1841, to Henry Hegarty—Seized and taken in execution, and to be sold, as the property of Archibald Campbell.

ALSO—the defendants interest in a tract of land situate in Boggs township, Clearfield county, beginning at a post on line of Peter Dolan, thence N 88 1/2 W 124 ps to a sassafras, thence N 14 E 47 1/2 ps to a post, thence N 20 W 44 & 7-10 ps to a chestnut, thence N 88 1/2 W 140 & 5-10 ps to a pine corner, and from thence to the place of beginning, containing 47 acres and 53 ps, surveyed for — Ferris on the Eliza Hootman tract, with a house, stable and about 14 acres cleared thereon. ALSO—one other tract in said township, beginning at a post on line of another tract owned by said defendant, thence N 88 1/2 W 112 ps to a hemlock, thence S 14 W 159 ps to a post, thence N 87 E 105 ps to a post, thence to place of beginning containing 100 acres and 130 ps, with house, stable and about 15 acres cleared, being on the Richard White tract—Seized and taken in execution, and to be sold, as the property of Patrick Nolan, by ELLIS IRWIN, Sheriff.

Sheriff's office, Clear-
field, Feb. 20, 1846.

NOTICE

IS hereby given that Letters of Administration have been granted to the subscriber on the estate of Joseph Hull, late of Lawrence township, dec'd, and that all persons indebted to said estate are requested to make payment immediately, and those having claims against the same, will present them duly authenticated for settlement.
WM. TATE,
Administrator.

Feb. 10, 1846.

JOHN F. HOUSTON,

Attorney at Law:

COLUMBIA, LANCASTER COUNTY, PA.
REFERS TO
Hon. Wm. BIGLER. Hon. J. L. GILLIS.
Feb. 28—pd.

Caution.

ALL persons are hereby cautioned against buying or selling or in any way meddling with the following property, now in the possession of Wm. Teats, viz:—One Dark Bay Horse & one Brown Horse, as we have only loaned them to him during our pleasure.
WATSON & BRENNER.
Karlshaus, Jan. 12, 1846.

Law Partnership.

BURNSIDE & WEAVER,
WILL practice in Clearfield, and adjoining counties.
Office one door north of the "Banner" office.
JAMES BURNSIDE. J. FRED. WEAVER.
Jan. 24, 1846.

CASH FOR FURS,

SUCH as Otter, Beaver, Mink, Raccoon, Fox, Marten, Fisher, Wild Cat, at the store of
F. P. HURXTHAL,
Dec. 18.