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G. BAILEY, EDITOR AND PROPRIETOR; JOHN G. WHITTIER, CORRESPONDING EDITOR.

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THE NATIONAL ERA.

WASHINGTON, JULY 22, 1850.

For the National Era.

SKETCHES OF OUR VILLAGE.

No. 1.

THE STRIFE.

BY MARTHA RUSSELL.

To follow the custom of certain wise and learned historians, reader, we ought to begin at the beginning, (we had well nigh put that in French, but, after all, old English is the best,) and speak of the geographical position of our village, define its boundaries and area, describe its geological formations, its rivers, lakes, and mountains, (for it has, at least, what we dignify by these names,) the number of its inhabitants, &c.; but we dislike details, and, besides, are not very wise ourselves, having never been quite able to comprehend why the sun, which always rises in the east as seen from our home, should, from the other side of Totoket, seem to rise in a directly opposite direction.

Moreover, the country round about us is so broken, the roads so full of crooks and turns, that, unless you have a Macgregor's aversion to plains, you will not care to seek us out. Passing by, therefore, these particulars, we will proceed to speak of the wars, foreign and civil, that have at various times caused dire commotion within our precincts—for, in this respect, our experience somewhat resembles that of Hector Homespun, the renowned tailor, in Cooper's tale of the "Red Rover."

We begin with the Pequod war, when those redoubted Captains, Mason of Connecticut and Stoughton of Massachusetts, pursued the royal Sassacus and his routed tribe along our borders, halting at the adjoining settlement of Menunkatuck, to behead two captive sachems, who nobly refused to betray their chief. The name of the spot still bears witness to the deed. It is now the site of a fashionable watering-place, but we never pace the broad piazzas of the "Sachem Head House" without recalling this scene, and it requires little aid from fancy to picture forth the spot as it was at that time—the rocky point, covered with the primeval growth of the forest; the white-crested waves of the Sound, sweeping toward the beach like a train of white-cowled friars, chanting in low, monotonous murmurs solemn masses for the souls of the waiting victims; the handful of soldiers, resting on their arms—worn, weary, emaciated by their harassing march through the wilderness—gazing with stern countenances, not untouched by admiration, on those stately stoics of the woods, as they calmly, and somewhat contemptuously, await the order which shall send them to the happy hunting-ground; while in the foreground stood the English captains—grim, gaunt, and undismayed—the very personification of Puritan courage.

We shall not stay to describe the dour resistance which our village made to the union of the New Haven colony with that of Connecticut, seeing that it is duly set forth in that famous remonstrance called the "New Haven case stated," nor dwell on the zeal with which our fathers sped the regicides on their way towards that settlement, while the King's commissioners sat sipping their "flip" with good old Governor Leete at Menunkatuck—for before us lies the days of "Seventy-Six."

Ah, reader, could you just sit down by our single side, we would have a long chat about those perilous times, and we would get the ancients of our village to tell us of the spirit with which their fathers and brothers responded to Washington's requisition for more troops; of Governor Tryon's piratical expedition to New Haven; of the bustle and confusion in our quiet farm-houses, as the echo of his cannon leaped from hill to hill; and of the stern faces and resolute tones of the matrons, as they packed their valuables, and gave their orders to their superannuated slaves, or boys too young for the camp, preparatory to seeking safety for themselves and their little ones amid the thick forests of Totoket. Then, if you are not one of those who deem the Chinese plant a nuisance, you should sip your evening beverage from one of those tiny China cups which date far back in the Colony times, and if it chance to be a summer evening, we would place the round tea-table (a part of the wedding portion of one of those same matrons) under the great hickory in front of the house—a meet spot to "remember the days of old;" for, rough and massive as it looks now, seventy-five years ago its smooth lithe stem served as a target for certain relatives of ours, when with their young comrades they exchanged, for a few brief days, the hard service of the camp for the joys of home. Some rods to the east, where the smooth, green knoll slopes down to the spring brook, stood the old farm-house. Nothing remains to mark its site, save a slight hollow in the green turf; and those brave-hearted boys sleep where they fell, with scores of their comrades, on the field of White Plains. Another generation has passed away, but the old hickory, with the bullets still in its heart, lives on, rejoicing in the sunlight and dew, blessing us with its shade in summer, and rattling down its burden of nuts every autumn, to gladden the hearts of the children.

But we forget that we have taken upon ourselves the office of veritable historian; therefore, leaving this household shade, we shall note but slightly here the great domestic feud that divided the village *a la Montague et Capulet*, somewhere about the year 1732, as to the proper method of "pitching the tunes in meeting," it being sufficient to say that, in the great society meeting called upon that occasion, it was then and there voted, by a large majority, to the great dismay of certain musical critics, that henceforth the clerk be permitted to pitch the tune after which method he pleased. Neither shall we enter into the details of the bitter ecclesiastical schism, during which several influential families seceded from the established Congregational order, and took upon themselves the forms of the Episcopal church, being duly denounced by their former brethren, as those whom Satan doth desire to sift as wheat. Though the prejudice awakened at that time still continues, in some degree, to tinge the fair current of life, we shall not stay to trace its effects at present—for our interest lies chiefly in the grand pitched-battle which occurred in the Centre school district about the beginning of the present century.

The old school-house, the first erected in the district, in which the village fathers had learned their catechism and conned over Dilworth's Spelling-Book, had become a reproach, even to consciences usually dormant to everything like comfort or convenience in school-houses, and, after years of deliberation and much canvassing, they determined to erect a new building—one which should reflect honor on themselves and the whole town.

We must depart from our original intention so far as to say, that the site of our village is a small, basin-shaped valley, scooped out from amid the hills, through the middle of which a small but beautiful stream goes loitering like a truant child. This stream (we call it river) separates the village common from the ancient graveyard, where sleep the first settlers, and, crossing the main road, almost encircles what still continues to be called the *new* graveyard, though here and there a sunken grave, with its rudely sculptured slab of red free stone, proves that many years have elapsed since the first lone dweller was laid there. A few feet to the west of the old graveyard, stood, at the time of which we speak, the old meeting-house, constructed after the most rigid Puritanic notions of architecture, without steeple or bell, and with a multitude of small square windows, which gave it more the appearance of a great warehouse than [illegible] stretches westward several rods, and here the district decided to erect their new house. Nothing like the little, low, brown house in which they had tasted the benefit of birch and Daboll, would content them now; nothing short of a two-story, two-chimneyed building, with a room on the ground floor for the common school, and the one above for an academy, to the want of which they had become suddenly conscious.

It was certainly a grand affair, superior to anything in the adjacent villages; and we shall blame them if they *did* feel certain pleasant titillations in the region of approbativeness, as they gazed upon the belfry, surmounted by its glittering vane—that belfry from which, alas! no bell was ever destined to sound.

As it was impossible to complete the building before the period arrived for the commencement of the winter school, it was decided to finish the lower room, and leave the rest until the spring vacation. This was done, and a teacher engaged, whose chief recommendation seemed to consist in the fact that he had taught several terms, was very impartial, and a rigid disciplinarian. In temper he was hasty and dogmatic, and, like too many of his class, seemed to be utterly deficient in that wisdom which seeks to win the *heart* of childhood, rather than subdue the intellect. Ferule in hand, he drove the children into the house and out, he drove them through their lessons and recitations, and [illegible] several winters, until he received his wages—by far the most important part of the contract with him, for what could he have earned on the farm during the short days of winter? His impartiality was manifested by punishing, on every possible occasion, the children of those who were officially connected with the school, thereby, as he thought, showing his independence. It was not long before his severity began to give rise to complaints, which were duly resented by the party in favor of rigid discipline; and thus began the great storm which swept over the village, like the sirocco, blinding the eyes and stifling the consciences, causing many families that had hitherto sailed the sea of life together to part company, and send after each other bitter words and scowls of defiance, instead of good wishes and friendly cheer.

Ithiel Chittenden, or, to give his military title and name as commonly abbreviated by his neighbors, Leftenant Chinnin had been one of the most active in engaging the teacher; but as long as the punishment fell only on his eldest child, Molly, a beautiful, high-spirited girl of thirteen, whatever he might have thought, he held his peace, only replying to her indignant complaints and hearty wishes that the teacher might slip from the old crossing-pole into the river, and get half drowned, or slip down on the ice—anything to oblige him to leave the school, with a "Tut, tut, Molly, I dare say you are as noisy and mischievous as a flock of kingbirds."

But when Mr. Evarts laid his heavy hand upon his pets, his little twin boys, Joseph and Benjamin—when, week after week, they came home and held up to him their little, fat hands, swollen and purple, from the hard strokes of the ferule, his spirit was moved within him. He sought an interview with the teacher, and remonstrated earnestly with him on the wisdom of his undue severity. The teacher indignantly and somewhat insultingly resented what he termed his interference, and manifested his resentment and independence by punishing still more severely every little fault of his children.

Notwithstanding his warlike title, the Leftenant was a peaceably disposed man; it took a good deal to rouse and excite his combativeness; but this object once fairly attained, he manifested something like the obstinate tenacity of the bull-dog. The circumstance of the interview between him and the teacher became known, and their words duly reported and distorted to suit the views of the contending parties. He explained, corrected, and remonstrated, until, out of all patience, he vowed (the Leftenant never swore) by the great John Rogers, that the teacher should quit the village, or his chidren the school.

The party in favor of rigid discipline held up their hands in holy horror at this manifestation of weakness. They shook their heads ominously when they spoke of little Joe and Benje, and talked dolorously of the many instances in which children, born to their parents late in life, had been ruined themselves and brought ruin on their families, all for the want of a little wholesome discipline. One or two even went so far as to question whether they were justified in permitting him to retain his commission, as his conduct might tend to produce a laxity of discipline in the militia, thereby endangering the character of that national bulwark.

The aggrieved party, on the other hand, looked upon him as little less a martyr than the worthy lecturer on Divinity, whose name he had booked, and they began to look upon the little twin-boys with something like the same interest with which they had been taught to view the nine small children of that worthy man, as represented in a wood-cut that invariably graced the pages of the New England Primer.

Those who are unacquainted with that phase of social life manifested in country villages, can have no conception of the bitterness and length to which petty quarrels can be carried. Not that the people are worse, but their facilities are better. There are few topics of foreign interest among them, few incidents occur to break the ordinary routine of life, and they are consequently much occupied with local affairs. Besides, there is a certain class, which is never lacking in any society, the members of which are far better versed in the origin, faults, foibles, weaknesses, errors, and *faux pas*, of every individual, than they are with their own; and these, set on by one or two adroit wire-pullers, would breed a quarrel in Paradise.

Moreover, the matter is still worse where the families are all connected by marriage or blood, as is the case with us, and where they still retain, to a degree perhaps beyond any other place in New England, the old English aristocracy of family, the first question with many of our older people being, to this day, whenever a stranger is spoken of: "What is his family—what is his breed?"

This, perhaps, is owing to the circumstance that eight out of ten of the fine farms in our township are owned and cultivated by the lineal descendants of their original owners, and the traveller who chances to loiter away an half hour or so, while waiting for his dinner at the village inn, among the mossy stones in the old graveyard, may hear most of the names so rudely carved there a century ago, shouted forth, again and again, by the noisy schoolboys on the adjacent common.

Be this as it may, our village was soon in a great uproar. The teacher, the original cause of contention, soon served only as a central figure in the dark picture, around which became drawn, in no neutral tints, all the poor human frailties of which each of the combatants had been guilty, and some, doubtless, of which they never had thought. And such a shadow did this picture cast, that even the atmosphere grew dark and stifling, until men could no longer see to discern the fair features of Truth and Charity, and, what was still worse, even women and young children felt its baleful influence.

There were not wanting some calm souls to preach of forbearance and peace, but their voices were scarcely heard above the din, and even the strongest influence then known in a country village, reverence for the minister, was powerless in this case. The old man who held the pastoral office at this time possessed a keen insight into human nature; he went from house to house, reasoning, exhorting, and ridiculing, neither did he fail to belabor them "with apostolic blows and thumps" from the pulpit, but, alas! he lived in the eighteenth century, and could not cast out devils.

The disciplinarians having the majority, and being determined to retain Mr. Evarts in the school, the aggrieved party seceded, and, leaving the new house, sacrificing all the dollars, cents, and mills, which they had contributed towards it, with many self-complacent reflections on the similarity of their condition with that of ancient Lot, on a similar occasion, went westward some rods, and erected a small, low building by the wayside, which they painted a bright red, perhaps to make the contrast between it and the white one they had left as wide as possible. Their opponents christened it the Revenge, and had not the name been given before it became known that they had engaged for teacher an out-and-out Episcopalian, one who kept Christmas, and actually didn't cook for Thanksgiving, nor go to meeting on that occasion, they might have called it by a more sinister name.

If this unhappy quarrel embittered the tempers and hearts of friends and neighbors, its evil effects fell not less heavily upon their children. Some of them took so completely the tone of their parents, that they would not speak to their former playmates; and others, who neither knew nor cared aught about the quarrel, were forbidden to do so by their parents. None felt this estrangement more keenly than little Molly Chinnin and Mark, the son of her father's neighbor, and, until this miserable contention, most intimate friend, Ensign Ross. An unbroken friendship had subsisted between their families from the first settlement. Their homes were separated only by a green meadow and bit of pasture, and from infancy they had shared their plays and lessons together. Together they had learned to skate and swim, together they had conquered vulgar fractions, and received due punishment on that same day, for singeing the teacher's long queue in commemoration of that event; together they had received their commissions in the militia; and, let me tell you, reader, that a commission in that body, which at the present day resembles Falstaff's ragged regiment, was at that time considered an honor not unmeet for the highest dignitaries in the land. Together they had wooed, wed, and settled down on the old homesteads, rejoiced over the birth of their children, watched their growing fondness for each other, and, as Mark grew up tall and straight as a young pine, and Molly like a graceful, beautiful green willow, there was nothing said; but as they watched them coming home from school, full of mirth and mischief, or seated over the brawling river, on the old elm-shaded pole, conning their lesson from the same worn dog's-eared book, or disputing about the exact number of words on a certain page, the thoughts of both sometimes reverted to a beautiful knoll, midway between their dwellings, which had often been pointed out as a fine building site, with a kind of wonder as to whether it would ever be used for that purpose.

Ensign Ross had no child save Mark; and having seen the fate of several only children before his eyes, he early determined that his boy should not be spoiled by being "*babied.*" Therefore, he never took his part in any of his childish squabbles, and Mark early learned that if he got into trouble there was no use in complaining at home, for his mother was a woman of too much sense to pet and pity him in secret.

Though he heartily detested Mr. Evarts, and the feeling, to judge from the blows and thumps bestowed upon him, was duly returned, yet his father knew nothing of the matter; or, if his wife sometimes mentioned that Mark had been punished, he usually replied with—"Aye, aye, and he deserved it richly, I dare say!"

Of course, he was little inclined to sympathize with the peculiar indulgence which his old friend manifested toward his late-born twins.

"Considerin' that Molly is an only daughter, and was for a long time an only child," was his frequent remark to his wife, "I allow that they did pretty well by her. But it puts me out of all manner of patience, to see such a man as Ithiel Chinnin led by the nose by two such imps. Why, it makes no difference who he is talking to, if it was Thomas Jefferson, and one of those precious boys was to break in with a string of questions as long as the moral law, he would stop and answer them all. He not only makes a goose of himself, but spoils the boys, and I must tell him so."

He did tell him, or at least tried to; but somehow, in this case, his hints failed of their usual effect. The truth was, the Leftenant was dimly conscious of the least possible tendency towards weakness where his boys were concerned; he did not like to admit it, even to himself, and the frequent hints of his neighbor touched upon a sore spot.

Ensign Ross was by no means hard or unfeeling. He was naturally genial and jovial, but he had contrived to get certain *fixed* ideas into his head, especially upon the management of children, beyond which he never troubled himself to look. "Spare the rod, and spoil the child," was Scripture with him, and he wanted nothing better. He was naturally impatient, and could not brook interruption, especially from children; therefore he often censured as weakness that which was simply good nature in his slower and more patient neighbor. When the teacher punished the little boys so severely, without inquiring into their offence or listening to their father's explanation, he stoutly defended the former, and read the Leftenant such a lecture on his folly and weakness in all that concerned his boys, that the latter was deeply grieved and astonished. Indeed, upon reflection, he felt, himself, that he had said many things that were unwarranted, even by their long friendship; but he did not like to confess it, and contented himself with reasoning after this manner—"If he is a mind to be mad at a hasty but well-meant word, why, let him."

Chinnin, on his part, thought more deliberately—"If Jonathan Ross thinks I have turned into a natural fool, why, let him seek those that are wiser."

Thus arose a frosty atmosphere between them, chilling alike the ripened fruit of the past, and the opening hopes of the future. Had they been left to themselves, doubtless the memory of the past and a sense of their present folly would have brought back the summer to their hearts, but a rumor of their feelings got abroad, as such things always do in a country village, and the powers of scandal and schism took the matter up, going from one to the other, watching every word and look, distorting, exaggerating, and misrepresenting, until, after a few weeks, they could no longer discern, in the pictures held up to them by these meddlers, any trace of the old, friendly features. Still there were some grains of truth in all these reports; for they were by no means happy, and their state of heart and mind was one which is prone to think and say bitter things.

From the day that Leftenant Chinnin withdrew his children from school, they ceased to speak together, for the epithets "Dotard" and "Busybody," which had been angrily applied to each other on that occasion, seemed to stick in their throats, and prevent anything like a friendly utterance.

All through the remainder of the winter, the snow lay white and unbroken on the fields between the two dwellings; no path, trodden hard and smooth as ice, marked the constant intercourse of the families; no small foot-prints, deviating from the path at every few yards, gave evidence of the presence and exploring propensities of Mark and Molly. Although not absolutely forbidden to speak with each other, they seldom met now—never, indeed—save when Mark contrived to come round that way from school, and exchange a few words with her through the palings of the front fence, during which intercourse he never failed to express a very hearty wish that Mr. Evarts had been in Jericho before he ever saw our village.

Thus the strife raged through the winter months, until the raw winds and heavy thaws of March came, bringing with them a scourge which many in their secret consciences felt to be a judgment for their sins—the scarlet fever, or, as it was then called, the black canker. Something was necessary to bring them back to a sense of dependence and human brotherhood. Instead of a blessing, they had made their children a subject of contention, and God in his wisdom took many of them home to himself. The rebuke was felt. Those who had passed each other with stiff necks and averted faces, again clasped hands over the graves of their little ones and before God's altar in silence and tears.

For a time the disease seemed inevitably fatal; fear and grief sat upon every countenance; the school was closed, and parents took every precaution to guard their children from the fatal contagion. Thus it happened that Mark Ross was, for several weeks, shut off from all communication with his young associates. He chafed like a young lion at his confinement, more especially when he heard that the fever had seized upon the Leftenant's little boys, and it was thought that they must die. They had been great favorites with Mark, and if they were spoiled, as his father said, he knew that Molly and himself were in a measure answerable for it, for they had always taken their part, and sturdily defended them, right or wrong. He longed to go over and see them, but he knew that neither of his parents would consent to this. And, if the truth were known, not the less did his kind-hearted mother and impassive father long to go over and speak words of sympathy and comfort to their stricken neighbors. But submission to his will on her part, and a sense of shame and wrong done and received on his, kept them both silent. But when the news came that Molly, too, was stricken down, Mark's course was taken.

"If father has a mind to be a heathen, and worse than a heathen," he muttered, one morning as he watched the Ensign on his way to the woods, "why, well and good; but mother is a Christian, I take it. She ought to know better. I will give her her choice; either she or I go over to-day and see how Molly and the boys are."

He watched his mother with a compressed lip as she went about her household labor, then, when she had smoothed her hair and drawn her wheel to her accustomed corner, he began:

"Mother, Lydia and Tim Linsley, Thankful Harrison, Sam and David Butler, Abby Barker, and ever so many more children, have died. Do you think that Joe and Benje and Molly will all die too?"

"I don't know, Mark. Sarah Wheedon says that Doctor Foot gives no hope for the little boys. Poor Hannah Chinnin, it will be a sad blow to her to lose them."

"Mother, do you remember what nice custards and jellies Mrs. Chinnin used to bring me, when I had the measles; and how she watched by me and nursed me when you was too much worn out to hold up your head?"

"Yes, Mark, I shall never forget her kindness," and the tears sprang to the mother's eyes.

"Well, then, mother," he exclaimed, rising and giving the forestick a kick, as if to settle his decision, "I think it is a burning shame that we should let them all die, and never go near them. I, for one, am going over there to-day. I am but a boy, I know, and can do nothing to help them, but the children will know that I have not forgotten them. As to the fever, if I catch it, I must. One had as good die with the fever as live in a quarrel all his days."

Mark had not miscalculated the effect of his words upon his mother. She knew something of his determined spirit, and exclaimed, hurriedly,

"No, no, Mark! For you to go there would be tempting Providence outright. If you should catch the fever, I should never forgive myself; I will go. I *will*," she continued, seeing him begin to button up his jacket. "I have wanted to go for a long time, for these quarrels, as you say, are dreadful. Only promise me that you will not attempt to see them yourself, and I will go this minute."

"I promise for to-day," replied Mark.

There was no manifestation of surprise when Esther Ross entered that house of affliction, nothing that marked a memory of the bitter estrangement between them; but a warm pressure of the hand and a grateful look from the over-wearied mother, as unable to bear any longer the last fearful struggle between life and death, she relinquished her child into the hands of her old friend, and buried her face on her husband's shoulder. As in birth, so in death, those children were not divided. Death gathered them both in the space of a few hours, and kind Esther Ross (ah, how she inwardly blessed the willfulness of her boy, that had driven her forth) smoothed their fair locks with a gentle hand, and prepared their little forms for the grave. Then she sought the room of Molly, where her presence and thoughtful care was like dew to the heart of the fear-stricken girl.

When she returned home that night, and related with a mother's eloquence the sore affliction of their neighbors, Mark wept outright, and the eyes of the Ensign glistened, as he said, "I am glad you went, Esther;" then laying his hand upon Mark's head, he added, "Remember, my boy, that little Joe and Benje are free from anger and sin and sorrow now."

Esther Ross knew that her husband passed an anxious and restless night, but she knew, also, that he was one of those who are best left to the workings of their own convictions; therefore, she did not ask him, in so many words, to attend the funeral, and bury all anger in that double grave. Mark, to her surprise, did not ask to go, and with a sad and somewhat anxious heart she went over at an early hour to give such assistance as might be needed.

The graveyard and the road which led to it were in full view from the windows of Ensign Ross's house. The Ensign had loitered about the wood-pile and yard all the morning, in a restless, undecided manner. When the people began his house, and paced the floor with the same restless step, occasionally joining Mark, who had stationed himself at the window.

Mark covered his eyes with his hands when he saw the old pastor issue forth from the house, followed by four boys not much larger than himself, bearing the double coffin—for he could not bear to think that the fair-haired boys lay beneath that heavy black pall.

But his father continued to watch the procession with a troubled expression of face. Onward it crept, with that slow and solemn pace, and there came a convulsive twitching about his mouth, as it filed into the graveyard, and past a little, short mound, headed by a slab of white marble, a few yards to the right of the gate—for he thought of the sad November day when he and his wife had stood by that open grave, and well did he remember whose hand had gently lowered the head of his little flaxen-haired Mabel to her last home, and who, in all times of trial and affliction, had stood by his side like a brother. He seized his hat, and, hurrying onward, soon reached the spot, and gently made his way through the crowd to the side of the grave.

When the solemn prayer of the old minister was ended, with a gesture of entreaty he took a shovel from the hand of a young man, and slowly and reverently sprinkled the first grains of dust on the coffin below. As he returned the shovel to the hand of the young man, his eye for one second met that of the bereaved father, and he felt that his motive was understood. His hand laid the last clod upon that grave—his foot was the last to turn away and join Esther, who still lingered by the white tombstone of their own child.

They pursued their way home in silence, and, when they reached that house of sorrow, as if by one impulse, they both turned and entered. As they entered the vacant sitting-room, they heard the voice of the Leftenant raised in broken expostulations in an adjoining room.

"No, no, my boy; this must not be. We have suffered sorely; and if you too should take the fever and die"——

The Leftenant could not proceed; and, as they drew near the open door, they saw their own son, Mark, standing by the bedside of Molly, holding her fevered hand closely in his, as he replied, with a quivering lip—

"They have buried up little Joe and Benje, and would not let me see them, but I *will* see Molly; I have seen her to-day, and I will see her to-morrow! I don't care for the fever. My father looks stern, and my mother sad, and nothing is as it used to be. This quarrel has made us all miserable enough!"

"Ithiel, Ithiel, the boy speaks the truth!" exclaimed Ensign Ross, stepping through the doorway, and offering his hand to his startled neighbor. "I have been harsh, unkind, unchristian—forgive me!"

The stricken father stared for a second in astonishment, then seizing the proffered hand, murmured, as he bent over to conceal his tears—

"And I, too, Jonathan—I, too, am guilty; but I have left it all there," he added, with a significant gesture towards the graveyard. "Let it be forgotten."

And so it was. After a long and weary illness, Molly recovered, and the lives of the families again floated on in the same current, until, as old, white-haired men, Leftenant Chinnin and Ensign Ross were laid with their fathers. But years before they died, the white house on the hill, which they had seen in their day dreams, became a reality, and two little boys had been born, who, by the express wish of the Ensign, were christened Joseph and Benjamin.

The storm of contention gradually subsided, and the old landmarks became visible. The land has now had rest for many years, and the traces of the old battle are scarcely discernible to any, save such curious beings as ourselves. The white school-house, minus the belfry, still stands, but the "Revenge," where we conned our earliest lessons, of which we intend to speak hereafter, has long since gone to destruction.

NOTE.—The ancients of our village invariably say *Leftenant* for Lieutenant, a habit common in their day, and Ensign is also pronounced as if written *Insign*—both with a strong emphasis on the first syllable.

A MAMMOTH PRINTING PRESS.—Messrs. Hoe & Co. of New York, are constructing a printing machine for the Sun newspaper, of that city, capable of throwing out from 15,000 to 20,000 per hour. It will be 33 feet long, with eight printing cylinders, and its cost will be near $21,000.

FROM HAYTI.—Advices from Port au Prince say, that the difficulties between the Haytien and Dominican Governments are settled by treaty.

HORACE MANN'S LETTERS

On the Extension of Slavery into California and New Mexico; and on the duty of Congress to provide the Trial by Jury for alleged Fugitive Slaves.

[Republished with Notes.]

LETTER II.

To the Editors of the Boston Atlas;

GENTLEMEN; Your semi-weekly of the 1st inst. contains a letter of the Hon. Daniel Webster, in which he has been pleased to refer to me. I wish to reply. To prevent all chance of mistake, I quote the following passages:

"But, at the same time, nothing is more false than that such jury trial is demanded in cases of this kind by the Constitution, either in its letter or in its spirit. The Constitution declares that in all criminal prosecutions there shall be a trial by jury. The claiming of a fugitive slave is not a criminal prosecution.

"The Constitution also declares that in suits at common law the trial by jury shall be preserved. But the claim of a fugitive slave is not a suit at the common law; and there is no other clause or sentence in the Constitution having the least bearing on the subject.

"I have seen a publication by Mr. Horace Mann, a member of Congress from Massachusetts, in which I find this sentence. Speaking of the bill before the House, he says: 'This bill derides the trial by jury secured by the Constitution. A man may not lose his horse without a right to this trial, but he may lose his freedom. Mr. Webster speaks for the South and for slavery, not for the North and for freedom, when he abandons this right.' This personal vituperation does not annoy me, but I lament to see a public man of Massachusetts so crude and confused in his legal apprehensions, and so little acquainted with the Constitution of his country, as these opinions evince Mr. Mann to be. His citation of a supposed case, as in point, if it have any analogy to the matter, would prove that, if Mr. Mann's horse stray into his neighbor's field, *he cannot lead him back without a previous trial by jury to ascertain the right*. Truly, if what Mr. Mann says of the provisions of the Constitution in this publication be a test of his accuracy in the understanding of that instrument, he would do well not to seek to protect his peculiar notions under its sanction, but to appeal at once, as others do, to that higher authority which sits enthroned above the Constitution and above the law."

I must deny this charge of "personal vituperation," and I regret that Mr. Webster, while disclaiming "annoyance" at what I said, should betray it. I believe every part of my "Letter" to be within the bounds of courteous and respectful discussion. There is nothing in it which might not pass between gentlemen, without interrupting relations of civility and friendship. Though full of regret at his novel position, and of dissent from his unwonted doctrines, yet it abounds in proofs of deference to himself. I must now, however, be permitted to add that the highest eminence becomes unenviable, when it breeds intolerance of dissent, or bars out the humblest man from a free expression of opinion.

Mr. Webster "laments to see a public man of Massachusetts so crude and confused in his legal apprehensions, and so little acquainted with the Constitution of his country, as these opinions evince Mr. Mann to be." Yet he points out no error of opinion. He specifies nothing as unsound. He presents no information, indictment, bill of particulars, or even the "common counts." Judgment and condemnation alone appear. He seems to have taken it for granted that he had only to say I was guilty, and then proceed to punish. I protest against and impugn this method of proceeding, by any man, however high, against any man, however humble.

When Mr. Webster penned his "lamentations" over my crudeness, confusion, and ignorance, he doubtless meant to deal me a mortal blow. The blow was certainly heavy; but the question still remains, *whether it hit*. Polyphemus struck hard blows, but his blindness left the objects of his passions unharmed.

But wherein do those erroneous "opinions" consist, which Mr. Webster does not deign to specify, but assumes to condemn? Fortunately, in writing the sentence which he quotes for animadversion, I followed the precise meaning of Judge Story, as laid down in his Commentaries; and in regard to the only point which is open to a question, *I took the exact words* of that great jurist. He speaks of "the right of a trial by jury, in civil cases," as an existing right *before* the seventh article of amendment to the Constitution, which *preserves this right* "in suits at common law," had been adopted.—3 Comm., 628. Instead of transcribing Judge Story's words, "in civil cases," which present no distinct image to common minds, I supposed the every-day case of litigation respecting a horse, which is a "civil case;" and this difference of form is the only difference between my language and that of the learned Judge. I can wish him no heavier retribution, after reposing from this ill tempered attack upon me, than to awake and find that it was Judge Story whom he had been maligning.

Does not the authority of Judge Blackstone also support my position?

"Recapture or reprisal," says he, "is another species of remedy, by the mere act of the party injured. * * * But as the public peace is a superior consideration to any one man's private property; and as, if individuals were once allowed to use private force as a remedy for private injuries, all social justice must cease, the strong would give law to the weak, and every man would revert to a state of nature; for these reasons it is provided that this natural right of recaption shall never be exerted, where such exertion must occasion strife and bodily contention, or endanger the peace of society. If, for instance, my horse is taken away, and I find him in a common, a fair, or a public inn, I may lawfully seize him to my own use; but I cannot justify breaking open a private stable, *or entering on the grounds of a third person, to take him*, should he be feloniously stolen; *but must have recourse to an action at law*."—3 Com., 4-5.

But the opinion expressed by me on this point does not need the authority of any name to support it; and the illustration which I gave is not only intelligible to every sensible man, but is also apposite. I said "a man may not lose his horse [his property in a horse] without a right to this trial." Mr. Webster's comment is, that this case, "if it have any analogy to the matter," means, that if a man's horse "stray into his neighbor's field, *he cannot lead him back without a previous trial by jury to ascertain the right*." Was ever the plain meaning of a sentence more exactly changed about, end for end? Mr. Webster may pitch summersets with his own doctrines, but he has no right to pitch them with mine. I said a man may not *lose* his horse, or his property in a horse, without a right to the trial by jury. He says I said, a man cannot *find* or *retake* a lost horse, without a previous trial! *Dulce est desipere in loco.* Or, it is pleasant to see a grave Senator play upon words; though there must be some wit to redeem it from puerility.

But the childishness of this criticism is not its worst feature. What is the great *truth* which Mr. Webster and his apologists attempt here to ridicule? It is that, while every man amongst us, in regard to any piece of property worth more than twenty dollars, of which violence or fraud may attempt to despoil him, has a right to a trial by jury, yet a man's freedom, and that of his posterity forever, may be wrested from him, as our law now stands, without such a trial. Does not this hold a man's freedom to be of less value than twenty dollars? If two adverse claimants contest title to an alleged slave, whose market value is more than this sum, each is entitled to a jury to try the fact of ownership. But if the alleged slave declares here, in Massachusetts, that he owns himself, he is debarred from this right. And this truth, or a common illustration of it, Mr. Webster and his apologists think a suitable topic for sneers or pleasantry! A foreign proverb says, that for a man to kill his mother *is not in good taste*. I trust the moral and religious people of Massachusetts have too much *good taste* to relish jokes on such a theme.

MR. BUTLER'S BILL, OR KIDNAPPING MADE EASY.

I said that Mr. Butler's bill "derides" the trial by jury. By that bill every commissioner and clerk of a United States court, every marshal and collector of the customs, and the seventeen thousand postmasters of the United States, are severally invested with jurisdiction and authority in all parts of the United States, to deliver any man, woman, or child in the United States, into custody, as a slave, on the strength of an *ex parte* affidavit, made anywhere in the United States. This affidavit may have been made a thousand miles off, by no one knows whom, and certified to by a person who never saw or heard of the individual named in it. A forged affidavit, or a fictitious affidavit would often answer the purpose as well, for how difficult, and in many cases, how impossible, to prove its spuriousness. Did oppression ever before conceive such a tribunal, so countless in numbers, so ample in jurisdiction, so formidable in power? Had a bill similar to this been proposed in the British Parliament, from 1763 to 1776, what would our Fathers have said of it? Yet this bill, with some kindred amendments, heightening its features of atrocity, Mr. Webster promised "to support, with all its provisions, to the fullest extent."

What aggravates the wrong, is, that the cruelties of the measure would fall upon the poor, the helpless, the ignorant, the unfriended. The bill would have been far less disgraceful, had its provisions borne upon the men who should pass it; because, in such case, there would have been a touch of equality. Now, if this bill does not "*deride*" all guaranties for the protection of human liberty, it is only because my word of reprobation is too weak. It is only because one needs "to tear a leaf from the curse-book of Pandemonium" in order to describe it by fitting epithets.

Another remarkable feature of Mr. Butler's bill, is, that it provides no penalty whatever for any one who shall abuse, or fraudulently use the dangerous authority which it gives. It opens endless temptations and facilities for committing wrong; it imposes no restraints; it warns by no threats of retribution.

Mr. Webster calls me to account for some unspecified erroneous "opinion" expressed in relation to the Constitution. [illegible] false to the Constitution, as this bill to humanity? I deprecate error of all sorts; but [illegible] err in judgment than in heart.

[illegible] Mr. Butler's bill, "with all its provisions to the fullest extent." [illegible] Mr. Webster "abandoned" the right to a trial by jury. [illegible] a Senator, as one who, with his co-legislators, has power [illegible] provide the means [illegible] freeman [illegible] a slave. Mr. Seward's bill, providing for the trial by jury, in such cases, was before the Senate, and is still before it. He passed by "on the other side," while he bestowed his best encomium on Mr. Butler's bill, by promising to support it. Was not this an "abandonment," under all of the synonymes given in the dictionary?

HIGHER POWERS, AND LOWER.

Mr. Webster advises me, in a certain contingency, "to appeal to that higher authority which sits enthroned above the Constitution and above the law." I take no exception to this counsel, because of its officiousness, but [illegible]. My ideas of duty require me to [illegible] the true interpretation of the Constitution, and then to abide by it, [illegible] hopes or fears. If the Constitution requires me to do anything [illegible] my sense of duty forbids, I shall resign my office [illegible]. I am free, however, to say, that if, in the discharge of my political duties, I should transfer my allegiance to any other power, I should adopt Mr. Webster's advice, and go to the power "which sits enthroned above the Constitution," rather than to the opposite realm, whence the bill he so cordially promised to support [illegible].

I wish, however, to remark, that though I acknowledge the Constitution to be my guide while [illegible] fling either of the powers above us, or of those who reverence them. I hold it [illegible] proper, but proof of sound moral and religious feeling, to [illegible] the paramount law of God for light to enable us more justly to interpret the lower laws of man. Especially, when we are proposing to make or amend a law, ought we to [illegible] gauge of purpose and of action from the highest standard.

Nor, that Solomon of the law, thought it not improper to say: "The inferior law must give place to the superior; man's laws to God's laws."—*Maxims*, pp. 6—7.

"The law of Nature," says Blackstone, "being coeval with mankind and dictated by God himself, is of course superior in obligation to any other. It is binding over all the globe, in all countries, and at all times: no human laws are of any validity, if contrary to this; and such of them as are valid derive all their force, and all their authority, mediately or immediately, from this original."—1 *Com.*, 41.

Fortescue, the Chancellor of Henry VI, in his *de Laudibus Legum Angliae*, cap. 42, has the following passage, [illegible] for Mr. Webster's advice to me, I respectfully commend to him:

"That must necessarily be adjudged a cruel law, which augments slavery, and diminishes liberty. For human Nature [illegible] Slavery is introduced by man, and by vice: But liberty is the gift of God to man. [illegible] Liberty. By such considerations [illegible] the Laws of England, in every case, give favor to Liberty."—*Cap.* 42.

CONSTITUTIONAL PROVISIONS FOR TRIAL BY JURY, WITH HISTORICAL REFERENCES.

I. *Where Congress has power to provide for such trial.*

II. *Where it is the duty of Congress to do so.*

Having defended my own propositions, I shall now take the liberty to examine some of Mr. Webster's.

He says that "the Constitution declares that in all criminal prosecutions there shall be a trial by jury;" [illegible] "the Constitution also declares that in suits at common law the trial by jury shall be preserved;" and that "there is no other clause or sentence in the Constitution having the least bearing upon the subject."

Here Mr. Webster virtually declares that, but for the above-named two provisions, the right of the trial by jury would not be secured to us by the Constitution in any case. Of course, Congress would have been under no obligation, nor would it have had any power, to provide by law for such trials.

Were I to say that this assertion borders on the incredible, one might well ask, which side of the line does it lie?

The provision for a trial by jury, in *criminal prosecutions*, is in the third clause of the second section of the third article of the Constitution, somewhat enlarged, in the fifth and sixth articles of amendment.

But the provision for trial by jury, in *suits at common law*, is in the seventh article of amendment; and neither this provision, nor any semblance of it, is to be found, in express words, in any part of the Constitution as it came from the hands of its framers, and was adopted by the States.

According to Mr. Webster, then, Congress were under no obligation, and had no power, to make a law providing for the trial by jury, *except in criminal prosecutions*, until after the seventh article of amendment had been adopted; [illegible] sentence in the Constitution, *having a "bearing upon the subject."*

Now, the first session of Congress commenced March 4th, 1789, but this seventh article of amendment was not ratified, and did not become a part of the Constitution, according to Hickey, (Hickey's Con., p. 36,) until December 15, 1791.

Until this time, therefore, according to Mr. Webster, Congress had no power to provide for a trial by jury in any case, except in *criminal prosecutions*; because, until this time, there was no clause or sentence in it "having the least bearing upon the subject" of jury trials in civil cases.

Yet, on the 24th of September, 1789, *and more than two years previous to the adoption of the seventh amendment*, (by which alone, according to Mr. Webster, they had any power to act in the premises,) Congress did pass the Judiciary Act, [illegible] it is provided, that the trial of issues in fact, in the District Courts, in the Circuit Courts, and in the Supreme Court, shall, with certain exceptions, be by jury.

The act also empowers the Courts to grant new trials "for reasons for which new trials have usually been granted in the courts of law." In what courts of law? [illegible] Courts in Westminster Hall? [illegible] country formed after that ancestral model? [illegible] question or cavil, that the principle of the jury trial, *in civil cases*, was incorporated into the Constitution of the United States, originally; and that it was universally understood to be so by its framers, and by the contemporaries, the members of the first Congress?

From the Constitution alone, then, and not from any other source, did Congress derive its power, on the 24th of September, 1789, [illegible] Judiciary Act, and [illegible] the doctrine of jury trials in civil cases [illegible] of fugitive slaves [illegible] mine the question [illegible] vide for [illegible].

All the State Conventions for adopting the Constitution, [illegible] Constitution [illegible] trials [illegible] Chief Justice Marshall, in the Virginia Convention [illegible] "Does the word Court only mean the Judges? [illegible] of a jury [illegible] Court [illegible] exclusive jurisdiction of matters of fact? [illegible] of the facts. When a Court has cognizance of facts, does it not mean that [illegible] by a jury?"—3 *Elliott's Debates*, 506.

The third article in the Virginia Bill of Rights was [illegible]:

"In controversies respecting property, and in suits between man and man, the ancient trial by jury is preferable to any other, and ought to be held sacred."

This article was read in the Convention, Judge Marshall said *the trial by jury was as secure* [illegible] *by the United States Constitution, as by the*

Virginia bill of rights.—Ib., 524. He said this in reference to civil cases.

In the Massachusetts Convention, [illegible] the word *court* [illegible] talk of a trial at the Court of Common Pleas, or the Supreme Judicial Court, [illegible] Our State legislators have construed the word *court* in the same way."—2 *Elliott's Debates*, 127.

Such was the doctrine maintained by the leading men in the State Conventions; by Christopher Gore, in Massachusetts; by Judge Wilson, and Chief Justice McKean, in Pennsylvania; by [illegible] Mr. Madison, in Virginia; by Judge Iredell, in North Carolina, and by others [illegible].

In the Virginia Convention, objection was made to the Constitution, because it did not expressly secure to the accused the privilege of challenging [illegible]. But Mr. Pendleton, the President of the Convention, [illegible] judicial officer in the State, replied, [illegible] that the trial shall be by jury [illegible]."—3 *Elliott's Debates*, 497.

So when the Constitution provided for "courts," and defined their jurisdiction, it clearly contemplated the trial by jury [illegible] the Constitution, however express and peremptory, which would secure the rights of the people.

It is perfectly well known to every student of the Constitution that the only reason why that instrument did not make express provision for the trial by jury, in civil cases, was the difficulty of running the dividing line between the cases [illegible] all civil cases should be tried by jury [illegible].

In this connection, it is worth while to notice the heading or preamble of the Joint Resolutions for submitting certain proposed amendments of the Constitution to the States, among which was the seventh. It is as follows:

"The Conventions of a number of the States having at the time of their adopting the Constitution expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added; and as extending the ground of public confidence in the Government will best insure the beneficent ends of its institution, RESOLVED," &c.

So it appears that the first Congress only proposed to submit certain "*further declaratory and restrictive clauses*," in order to prevent misconstruction or abuse of its powers. [illegible] "declaratory and restrictive clause," securing the trial by jury, in cases at common law, where the value in controversy shall exceed twenty dollars; [illegible] where the value is less?

The phraseology of the amendment is full of significance: "The right of trial by jury shall be preserved." Not created, but preserved. [illegible] can be *preserved*, which does not already exist?

[illegible] "was preserved." In neither class of cases, civil or criminal, was it ever abandoned or lost; [illegible] the dereliction of Congress to provide the requisite laws.

The great men who submitted this seventh amendment to the States, treated the trial by jury, in civil cases, as a then subsisting thing, [illegible] the intervention of some law, as its medium.

Suppose this seventh amendment had never been adopted, [illegible]

In asserting, therefore, that [illegible] no other clause or sentence in the Constitution, *having the least bearing on the subject* [illegible]

II. *Where it is the duty of Congress to provide for trial by jury.*

[illegible] Mr. Webster's assertions is still more extraordinary. He says "nothing is more false than that such jury trial is demanded in cases of this kind by the Constitution, either in its letter or in its spirit."

I make a preliminary remark upon the amazing untruth embodied in the form of this proposition:

"*Nothing is more false*;" [illegible]

I proceed to inquire as to the *form* only of his [illegible] not so indefensible as its form.

In another part of Mr. Webster's letter, he [illegible] "the provisions of the law" of 1793. Of course, he sees no objection to Mr. Butler's bill, [illegible] there is nothing in the letter or in the "spirit" of the Constitution, which demands the jury trial for an alleged slave, or for a freeman claimed as a slave.

Feeble and humble as I am, great and formidable as he is, I join issue with him, on this question.

Our Constitution, as the present generation have always been taught, [illegible] the trial by jury [illegible].

[illegible] the Constitution was "established [illegible] establish justice," [illegible] the general welfare [illegible] the trial by jury. [illegible] to be expounded.

[illegible] from the time of Magna Charta [illegible] the English and of our Colonial and Provincial Charters before the Revolution and during the Confederacy;—in fine, all analogies and tendencies of constitutional law, [illegible]

The very first law "for the general good of the Colony of New Plymouth, (1623,)" [illegible] by the verdict of twelve honest men [illegible]

[illegible] the Declaration of Independence [illegible] King of Great Britain, [illegible] "For depriving us, in many cases, of the benefits of trial by jury;" [illegible]

[SEE FOURTH PAGE.]