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Ephraim Maxham

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The Eastern Mail.

BY EPH. MAXHAM.

A Family Newspaper...Devoted to Literature, Agriculture, and General Intelligence.

TERMS, \$2.00: \$1.50 IN ADVANCE.

VOL. I.

WATERVILLE, MAINE, THURSDAY, MAY 18, 1848.

NO. 43.

PUBLISHED EVERY THURSDAY MORNING, IN
WINGATE'S BUILDING,
MAIN STREET, (OPPOSITE DOW & CO.'S STORE.)

TERMS.
If paid in advance, or within one month, \$1.50
If paid within six months, 1.75
If paid within the year, 2.00
Country Produce received in payment.

Miscellany.

ELLEN FAIRLEE.

BY MRS. CAROLINE ORME.

Chapter I.

'Have any of you heard who the gentleman and lady are who arrived at Mrs. Norton's yesterday in that elegant carriage?' inquired Mrs. Hooker, in whose parlor were assembled half-a-dozen women, whom she considered the first ladies in the place.

'I have,' replied Mrs. Winkham. 'Our Jefferson told me that they were the Hon. John Hilton and lady.'

'What! the gentleman they think of nominating for Governor next year.'

'Yes,' replied Mrs. Winkham. 'So I think we may now venture to call on Mrs. Norton.'

'With perfect safety,' said Mrs. Hooker; 'for there can be no longer any doubt as to her being a person of some consequence, since the Hon. John Hilton and lady have come to make her a visit.'

'I never had any doubt on the subject myself,' said Mrs. Winkham; 'I knew she had been used to the best society, by the way she walks into the meeting house. Now, as all will be of my opinion, I shall call on her the first opportunity.'

'So shall I,' said Mrs. Hooker.

'I have already called on her, said Mrs. Hartshorne.'

'Have you?' said several voices at once, a question which was followed up by several others, but which Mrs. Hartshorne had not time to answer before their attention was diverted to another subject.

A young girl was seen approaching, whose face at first might not have struck the beholder as peculiarly beautiful, but which would be likely to come back to the memory like some sweet star of a summer evening. By the sudden lighting up of her countenance as she drew near, she was evidently expecting a look of recognition from Mrs. Winkham, who, however, quickly turned her head to avoid meeting her eyes.

'I don't acknowledge an acquaintance with persons who choose to degrade themselves as Ellen Fairlee has done,' said she.

'Nor I said Mrs. Hooker. 'The step she has taken was quite uncalled for.'

'May I ask what you allude to?' said Miss Wingfield, who not being a resident of the place did not know what impropriety Ellen had been guilty of.

'She has,' replied Mrs. Winkham, 'been doing house work in Boston for the last six months.'

'Is it possible?' said Mrs. Wingfield. 'Why she appeared as if she felt as independent as a princess.'

'What makes the course she has taken the more unaccountable,' said Mrs. Winkham, 'is her father is what I call a rich farmer.'

'It is true that Mr. Fairlee owns a good farm,' said Mrs. Hartshorne, 'but he has an invalid sister to support, and there are five daughters younger than Ellen, and two sons, both of whom are as yet too young to assist their father. Ellen could see that although her parents toiled on uncomplainingly and even cheerfully, their burden was growing heavy and would soon grow oppressive. This, and some other reasons, induced her to see what she could do by her own exertions.'

'Had she possessed any refinement,' said Mrs. Winkham, 'she would have sought employment as a teacher, or a seamstress.'

'Or even in a factory,' said Mrs. Hooker.

'She thought of these at first,' said Mrs. Hartshorne, 'but as a predisposition to disease of the lungs has once or twice manifested itself, Dr. Wallis was of the opinion that the peculiar atmosphere of a factory would prove deleterious in her case, and that constant employment as a seamstress would be equally objectionable. She might have taught our district school, had she not had the generosity to request that Jane Smith might be applied to in her stead, who was obliged to remain at home on account of the declining health of her mother, who as you know, chiefly depends on her daughter's exertions for support.'

This explanation, though it showed the good will and generosity of Mrs. Hartshorne with regard to Ellen, as is usual in such cases, had little effect on those who listened.

While the family that employed her were on an excursion to the Saratoga springs, Ellen had come home for a visit, and as she felt conscious that she had been pursuing the path of duty, she did not dream that she had lost caste with many of her old acquaintances, till she became sensible of it by their cold, averted looks. She had the happiness, however, of finding that those whose friendship was truly valuable, those whose intellectual culture had raised above the ordinary level, remained unchanged. Her own mind, far above the common order, was better cultivated than those of many who shine in the glittering circles of fashion, and though some have said, and perhaps have believed, that mental culture is thrown away on those who are obliged to labor with their hands, she had found by experience, both in her own home and abroad, that it was a treasure at all times available, and one which far from producing a morbid sensibility, was full of those cheering and benign influences which sustain and invigorate the heart.

Chapter II.

Mrs. Norton, respecting the propriety of calling on whom the doubts of Mrs. Hooker, Mrs. Winkham and others had been so happily solved by the visit of the Hon. John Hilton and lady, had, during the absence of Ellen, purchased the summer seat of a gentleman recently removed to the West. It was a cottage of gray stone, like a wood-bird's nest, embowered amid the foliage of trees and vines and by far the most desirable residence of any in the place, both as respected situation and the taste and skill with which the surrounding grounds were laid out and cultivated. Her ability to purchase such a residence was of itself a recommendation to those who were ambitious of being thought genteel, yet they agreed among

themselves, that they would not be in a hurry to call on her, for after all, it seemed to them rather a suspicious circumstance for a woman to leave all her friends and relations, and come and live in so retired a place. She would have been at a loss to understand why the neighborly sympathies of so many of the ladies were simultaneously awakened, all of whom professed to be conscious-smitten for not having called on her before, though prevented, as they averred, by the most imperative duties, had not each, by making many allusions to the Hon. John Hilton and lady, furnished her with the key.

All were a little disappointed at finding the interior of her dwelling much less showily furnished than they had anticipated, yet nothing was lacking essential to the comfort and enjoyment of a person of refined taste and habits. Fault was likewise found with the plainness of her attire, though they acknowledged to themselves, if not to each other, that there was elegance and taste displayed in its arrangement.

She had chosen her present retreat chiefly for the sake of retirement, and though she had no intention of making herself a hermitess, she did not wish to give much of her time to those persons whose minds had little or no congeniality with her own. Those whom the gift of Providence had exempted from the necessity of labor were as unattractive to her as those who were obliged to earn their bread, unless they were superior in moral or mental culture, which, in this country, with few exceptions, is attainable in a greater or less degree by all. It needed but a slight intercourse with the ladies, who had, after so much hesitation, deigned to call on her, to perceive that she could derive neither pleasure nor benefit from their society. Civility, however, laid claims on her that she did not seek to avoid, which induced her to return their calls, as well as those made by some of humbler pretensions, whose goodness of heart often atoned for the absence of refinement. Among these was Mrs. Fairlee, which gave her an opportunity of cultivating an acquaintance with Ellen, whose youthful face, beaming with the beauty of intellect, joined with her modesty and really refined manners, from the first moment made a favorable impression, and soon enlisted all her sympathies in her favor. She was not long in deciding to admit her into that inner circle, within whose limits she could permit herself to unveil her heart and not feel obliged to look at her words before uttering them.

It would be a vain attempt to seek to paint the surprise felt by Mrs. Hooker, Mrs. Winkham and some others, when they found that Ellen spent a great part of her time at the cottage. At first they were sure that Mrs. Norton had only received her on trial as a servant, but when they saw them walk out together, arm and arm, they were constrained to alter their opinion. Mrs. Winkham, however, being confident that Ellen had concealed from her the nature of her employment while she lived in the city, felt it a duty to call on her and impart the information herself.

Norton thanked her very politely for performing what she professed to consider a duty, although she said that Ellen had informed her of the circumstance at the commencement of their acquaintance.

'Mrs. Norton is taken with her handsome face,' said Mrs. Hooker, when conversing with Mrs. Winkham on the subject.

'Yes,' replied Mrs. Winkham, 'and means to retain her. I think the situation of a common servant altogether preferable to that of a toad eater.'

So also thought Mrs. Hooker, and they were a second time surprised, when at the expiration of about six weeks, Ellen returned to her former place and employment in the city. Mrs. Norton would have preferred to have her remain with her, for her presence had become almost necessary to her enjoyment, but she said, when speaking to Ellen on the subject, 'I have no right to prevent you from forming a habit of self-reliance, which, should you remain single, may hereafter be essential to your comfort. It may likewise be well for you to accumulate something which will make you independent of the charity of friends should you outlive your parents and be visited with sickness or infirmity. Had I any thing more than a life interest in the estate by my late husband, I would say to you, make your home with me. Pembroke Norton will inherit it at my decease, who being too poor to pay his college expenses, I feel bound to spare what I can from my income for that purpose. The sale of some personal property enabled me to purchase this estate, and there is a prospect of my coming into possession of a large property which will be at my own disposal. If this should happen, I shall remember you.'

Ellen now, as before, went prepared to take things as they were. She neither expected, nor wished to break over the rules prescribed by convenience as well as custom. It was her determination to perform her duty faithfully, and fortunately the lady with whom she lived being competent to judge in such matters, did not expect impossibilities. Neither, if during an hour of leisure, she saw Ellen with a book in her hand, would she, without fail, be reminded that there was something which required her immediate attention.

Chapter III.

A few months had passed away, and the property which Mrs. Norton alluded to in her conversation with Ellen, had become hers. Pembroke Norton, who, as has been mentioned, was to inherit the estate of her late husband, and who was now in his senior year, had come to spend the winter vacation with her, having been obliged to decline her invitation to spend the one preceding commencement at the cottage on account of a previous engagement. He regretted this when he found what opportunities for rural enjoyment he had missed, for there were plenty of crystal brooks, now congealed, where the pickered and speckled trout found a home, as well as hundreds of acres of woodland, dim, dreamy and full of music in the summer time, but now despoiled of their foliage, and wildly tossing their naked branches to the wintry wind.

Where is the Ellen you once mentioned in one of your letters, aunt?' said he, as the brief day, which had been dark and stormy, was drawing to a close.

'She is in Boston now, though her friends are expecting her home every day. But I shall not venture to invite her here while you are with me.'

'Why not? You know my heart is peculiarly unsuspicious, or it would never have remained whole till my time of life.'

'Certainly—it never could have remained thus till you entered your twenty-first year, if it were not made of adamant. But I was not thinking of that. Ellen, who is a plain farmer's daughter, and has even found it advisable to earn her own living, is not a person whom you, with your aristocratic notions, would be pleased to meet on equal terms.'

'I can see no necessity of meeting her as an equal. Her rusticity might afford me some amusement during these dull, stormy days and long dreary evenings.'

'I am glad Ellen does not hear you,' said Mrs. Norton.

'I am sure I have said no harm. It cannot be expected that a—' At this moment he suddenly stopped, while his aunt as suddenly rose, and advancing towards the door pronounced the name of Ellen.

'I was told you were in this apartment, and imagined you were alone,' said Ellen, 'or I should not have ventured on my old privilege of entering unannounced, but as you have company you will please excuse me—and gracefully courtesying, she turned and left the room. Aware that she must have heard the remark of Pembroke, Mrs. Norton made no attempt to detain her, though she followed her into the entry.

'A week hence, dear Ellen,' said she, 'I shall be alone. Come to me then, for I have much to say to you. But I forgot that it is stormy—surely you did not walk?'

'No—I came with my father in the sleigh. He was obliged to go a little beyond here on business, and as I wished very much to see you, I thought I would come as far as here with him. He promised to call for me when he returned, which he thought would be in about an hour.'

'Go back with me to the parlor, then and stay till he does return, for so much snow has fallen as to entirely cover the path and make it extremely unfit for you to walk.'

'Excuse me,' said Ellen, 'I should feel embarrassed myself, and be the cause of embarrassment to you and the young gentleman who is your guest. I am well defended against the storm, and am, as you know a good walker.'

With these words she opened the outer door, but the wind, which had all day been at the eastward, had suddenly shifted to north-west, producing what frequently happens in such a crisis in mountainous regions, a violent squall, accompanied by snow, which was whirled through the air in an almost horizontal direction. The parlor door, which had been left ajar was blown wide open, and the smoke and blaze of the wood-fire were swayed from their upward tendency and beaten forward into the room. So strong was the gust that the united efforts of Mrs. Norton and Ellen would have hardly sufficed to close the door, had not Pembroke come to their assistance. Ellen was on the point of saying that she would sit in the kitchen till her father's return, but as she knew it would wound the feelings of Mrs. Norton, she suffered herself to be conducted into the parlor.

Pembroke, as Ellen had surmised, did feel embarrassed, for besides being nearly certain that she had heard his remarks, he found that, owing to the little opportunity he had had during the last three years for mixing with any society beyond the walls of the college, there was much more probability of her receiving entertainment from his awkwardness, than there was of his being amused at her rusticity. The wind soon lulled, yet during its violence having drifted the snow into heaps which obstructed the road, Mr. Fairlee was absent longer than he had intended. When he at last came, Mrs. Norton told Ellen that owing to the badness of the road she had better remain all night.

'I don't know but that you had,' said her father, 'unless you are willing to run the risk of being upset in a snow-bank.'

'It will not be the first time,' said Ellen laughing, 'if I should be, and I must not disappoint mother who will expect me.'

'Aunt,' said Pembroke, having, after they had gone, sat silent ten or fifteen minutes, 'why don't you say something to console me and restore my self-complacency, for really I never felt so cheap in my life.'

'It's best to have one's self-complacency a little ruffled occasionally,' she replied, 'the effect is often salutary.'

'Only just say that it was impossible for her to have heard what I said about her.'

'That I cannot do, as I am certain that she did hear you.'

'She must then infer that I imagine myself to be a person of great consequence.'

'And her inference will be nearly correct—it will not.'

'Perhaps so—but you know, aunt, that my ideas relative to rank and social position are the effect of education, so I am not to blame. My mother could trace her descent to a branch of the English nobility, and took every opportunity to impress upon my mind that true refinement naturally cleaves to the higher classes, and that it would be as much of an anomaly to find it manifesting itself in those of humbler station, as for the lowly wild flower to breathe forth the perfume of the rose.'

'I admit,' said Mrs. Norton, 'that her opinion might generally be correct under less liberal institutions, but in this country the family of any man who can afford them the means of education, especially of one who owns as many broad acres as would in some countries make a principality, can never feel so depressing a sense of their inferiority as to prevent them from readily gliding into the manners and usages of refined society.'

Unhappily he found no opportunity to carry his resolution into effect. Ellen did not call again during his visit, and although his aunt one remarkably fine morning returned her call, when he offered to be her escort, she said that she would excuse him, as she could not think of depriving him of his usual morning amusement of skating. He could see by her appearance that she did not mean to permit him to accompany her, so he did not press the subject, but the moment she was gone, he took his skates from the nail where they hung, and going to the door, sent them skipping along the smooth ice-covered lawn with such an impetus that it is impossible to tell when they would have stopped had they not been arrested by a sober, venerable-looking maid. Having performed this feat, he seated himself before the fire,

intending to indulge himself in a regular fit of the sullen, but not being naturally of a moody turn, the cloud passed, and by the time his aunt returned he wore his usual sunny aspect.

Chapter IV.

Three days afterwards, Pembroke returned to college, and Ellen, at the request of Mrs. Norton, went to reside at the cottage.

'It may come with an ill grace for me to name conditions,' said Ellen, 'after listening to the generous agreements you propose in my favor, yet I believe I must claim the privilege of occasionally spending a few weeks at the old homestead, though I assure you that I will select those times to make my visits when you will be likely to be the least lonely.'

'I understand you,' said Mrs. Norton, smiling. 'You mean those times when Pembroke Norton happens to feel disposed to spend his vacations with me. Though I accept and approve the condition, I will yet venture to express a hope that your resentment, as regards my poor nephew, may not prove unappeasable.'

'I cherish no resentment against him,' said Ellen, 'yet having accidentally become acquainted with his sentiments as respects those whose condition in life is so humble as to make it necessary for them to be useful, I think that it is nothing more than what is due to myself to keep aloof from his society.'

Whatever was Mrs. Norton's opinion she made no remark, and the conversation took a different turn.

Pembroke was apprized by his aunt's letters that Ellen was an inmate of the cottage, which induced him to decline the pressing invitation of one of his classmates to spend the next vacation with him; for having been foiled in his earnest wish to conciliate her by being permitted to pay her those delicate and respectful attentions, which the brief time spent in her presence made him sensible were as much her due as if she could trace her lineage to the English aristocracy, the desire which he now felt for executing his intention amounted almost to a passion.

It was near sunset when he arrived within view of his aunt's dwelling, and capricious April being in one of its sunniest moods, seldom had his eye rested on a lovelier prospect. The young, half-expanded foliage of trees and vines thrown profusely over the grey sides and sloping roof of the cottage, was brightened with the departing sunbeams, and the breeze floating by was redolent with the fragrance of early flowers. The evening song of a robin flowed from the top of a graceful old elm, and a sparkling streamlet, crossed by a rustic bridge, wove a strain of softer music among the sedges and the twisted roots of trees and shrubs that grew on its margin. But though his eyes and ears were pleased with these rural sights and sounds, his heart was in the cottage, and the name of Ellen on his lips, which by some inexplicable means had become to him the sweetest name he had ever heard. His aunt was at the door ready to welcome him, but his eyes were peering beyond to catch a glimpse of a lighter and lovelier form. He was cruelly disappointed when he found that Ellen was gone, and he was obliged to bring into requisition his whole stock of good nature, in order to veil his chagrin from Mrs. Norton, and receive her kind attentions as they deserved. But she was too well read in that mystic volume, the human heart, not to perceive his disappointment, and to divine its cause. Though she regretted that there should be anything to mar his happiness, she was, upon the whole, glad that Ellen had chosen to be absent, for she preferred that his prejudices with regard to birth, that had been so early implanted and so fondly and constantly cherished, should be subdued by reason rather than passion. To effect this, some practical illustrations by Ellen herself might possibly have proved the surest means of convincing him, that true refinement is no more incompatible with useful employment, than with those trivial and often aimless pursuits, which frequently consume so great a portion of the time of many persons who consider themselves beyond the reach of want. Whether this, or Mrs. Norton's plan was the more judicious, it is impossible to tell, as hers was defeated by an unforeseen incident.

Chapter V.

It was a bright, genuine May morning—such as poets have ever loved to celebrate, and not one of those which, muffled in clouds, whistles through crannies and key-holes, and scatters snow and sleet over the herbage and shrinking flowers. All the young Fairlees had talked of little else for a week, except of going a Maying, and Ellen, to their inexpressible delight, had promised to go with them. They were, accordingly, up with the sun, and each with birchen basket, was roving the hill side or searching the sunny nooks of the woodland for those modest and delicate flowers that bloom in the first footprints of Spring.

Some beautiful velvet moss that grew on the brow of a high rock, attracted the attention of little Frank Fairlee, and the next moment he was clambering up its smooth, slippery side by grasping the vines and shrubs that had found root in its fissures. He had nearly attained the summit, when the roots of the vine by which he held gave way, and he fell to the ground. The distance was five or six feet, but Frank was a sturdy, courageous boy, and at the moment he struck the ground, determined within himself to say nothing of the accident that had befallen him, even to Ellen. On attempting to rise, however, an acute pain in one of his ankles obliged him to give up the attempt. The intensity of the pain, in spite of himself, forced the tears from his eyes, and he called loudly for Ellen. In a few moments he heard footsteps behind him, and a voice—but it was not Ellen's—saying, 'What is the matter, my little fellow?'

'I have fallen from the top of this high rock,' he replied, 'and I am afraid I've broken my leg. O I wish Ellen was here! will you please find her, Mr. Norton?'

Pembroke Norton, who found that the boy's ankle was dislocated, told him that he would first carry him home, and then go in search of his sister. Voices were at this moment heard, and emerging from a forest path, Ellen, with the other children, appeared on the scene. At sight of Pembroke Norton she drew back, but being arrested by the moaning voice of Frank, he explained to her the nature of the accident which had befallen her brother.

Nothing breaks down natural reserve or the restraints imposed by etiquette, like the presence of danger and distress of any kind. Walking together the distance of two hundred rods, under the present circumstances, placed Pem-

broke and Ellen on a footing more familiar than a whole day spent in each other's society would have done, had nothing occurred to call into play the kindly sympathies and affections of the heart.

After conveying little Frank home, Pembroke went himself in quest of surgical aid, which having been obtained and skillfully administered, he complied with the cordial invitation of Mr. Fairlee and his wife to remain and partake of their plentiful breakfast.

'You will come and see me again, Mr. Norton, won't you?' said Frank, when Pembroke went to bid him 'good morning'—a request in which the boy's parents joined with such unequivocal warmth and sincerity, that he would have considered it ungracious for him to refuse, even had not his own inclinations been in unison with theirs. He could not help seeking the eyes of Ellen, as he gave his promise, though he scarcely knew how to interpret the sudden blush that suffused not only her cheeks, but invaded the pure whiteness of her forehead.

Only five days of the vacation was now left, yet ere they had glided away, Pembroke Norton was almost domesticated at the old farmhouse. He saw Ellen perform various household tasks, and almost wondered to himself why they did not appear to degrade her.

Hearts that are truly sincere, rarely misapprehend each other. Ellen did not distrust his declaration, when, the evening before his departure, Pembroke told her that his happiness was in her keeping; while he, on his part, felt confident that he had no reason to fear a rival.

"THE CASE OF THOMAS FLINT."

We find in the last Yankee Blade, under the above head, an able article from the pen of Wm. Matthews, brother of the murdered Edward Matthews, which is designed to defend Mr. Flint against the suspicion of participation in the murder. We have not room for the article entire, but publish the following, which embraces the entire argument. Though it fully meets our own views, we are aware that a large portion of the public think differently. As they can have no interest beyond arriving at the truth, and as the writer cannot be suspected of any motive but the protection of an innocent man from the most blasting suspicions, they will examine with interest, and we doubt not with candor—an argument coming from such a source. The article is at least honorable to the writer, whatever may be the effect of his reasoning.

We say, we believe him innocent. We will give our reasons. In the first place, it is too monstrous to believe that he was accessory before the fact, unless there is the strongest evidence. It is hard enough to believe one man so depraved as to plot such a crime, without supposing another also to have the same diabolical disposition. But where is the proof? We have searched all the testimony through and through with the utmost care and scrutiny; and not a single fact have we been able to discover, out of all the circumstances testified to by some sixty or seventy witnesses, that goes, in the slightest degree, to connect Flint with the murder before its commission. There is not a particle of evidence to show that he knew, or had any suspicion of, what was to be done on the fatal night. It was Coolidge—and Coolidge only—who took all the preparatory steps in the affair; who inquired when the deceased would return from Brighton, had all the conversation with him, wrote the letter, &c.—Would he have consented to be Flint's "cat's-paw," or tool—to expose himself in various ways to the chance of detection, in case suspicion should point to his office—while Flint was standing back in the dark, directing what was to be done only, and not committing himself in any way? We think not. He was too proud-spirited—if a sufficient blunderhead, for that. It is, certainly, a little singular, if Flint aided in planning the murder, that, after a lapse of six months or more, not one suspicious circumstance has been discovered in his conduct, prior to the crime.

But we are told that Flint, when called in by the Doctor to aid in securing the body, did not, according to his own testimony, express the slightest horror or surprise—that he gave full credence to Coolidge's strange and improbable story, that Matthews "had fallen dead suddenly, and he had thumped him on the head to make it appear that he had been murdered in the street." All the circumstances, it is said, in the scene that presented itself when he was first locked in by Coolidge, were such as would inevitably have excited in any innocent mind the most violent suspicions of foul play—yet, if he may credit his own statement, though neither intimidated by threats, nor moved by entreaties, he made no objections to the Dr's request, but went about the removal of the body with as cool composure, nonchalance, and sang froid, as if such scenes were of daily occurrence. As his extraordinary calmness and self-possession on the stand, while telling his dreadful tale, are also pointed to as proof of a hard-heartedness sufficient for any crime. In answer to all this, we reply, that it was Flint's business, as a witness in court, to state facts only, not to explain his feelings. Had he attempted to tell the whole story there as he would tell it in private, he would have been stopped at once. Besides, before appearing on the stand, he was counselled by his wisest friends, to confine himself to the naked facts alone—stating all the circumstances of the affair, from beginning to end, in the clearest and most succinct manner possible. The reason of this is too evident to need comment. It requires too metaphysical a turn of mind, for an extraordinary witness to enter into to any exact statement of his feelings on a particular occasion—and one who attempts to do so, however honest or truthful, usually involves himself in much perplexity and confusion, if not contradiction. It was to the facts, therefore—what he saw, heard and said, that Flint restricted his testimony; and the fact that he gives no long, elaborate account of his emotions on hearing Coolidge's statement about the manner of Matthews' death, is to our mind one of the most convincing proofs of his veracity.

Had he been originally implicated in the murder, would he not naturally have manifested a good deal of mockpathos for the witness's stand? Would he not have given a long, cut-and-dried, raw-head-and-bloody-bones account of his feelings on the occasion—showing how horror-struck he was on being locked in with the dead body, how he nearly fainted at Coolidge's revelation, and that it was long before he recovered self-possession enough to act?—Would he not have declared that it was only after the most earnest and pressing entreaties, mingled with threats, that he consented, though most reluctantly, to assist? Such, it strikes us, would have been his course. Instead of giving a simple, unvarnished statement of the affair, he would have painted all the incidents in the most glowing colors possible. It is not strictly true, however, that Flint expressed no horror on hearing from Coolidge's lips of Matthews' death. One little circumstance which drops out, evidently without design, in his story—the only fact he states explanative of his feeling—speaks volumes for his veracity. He says that, on hearing Coolidge's story, he "sank down into a rocking-chair, and for a few moments nothing was said on either side." This little incident, so true to nature, and which could not have been manufactured for the occasion, outweighs in our mind volumes of affected horror or sentimentality. Again, Flint says that on the night after the affair he lodged with Coolidge at his request, and adds, "I guess neither of us slept much that night." Such straws as these, let fall accidentally and without premeditation, tell more with us than more highly-wrought, striking statements, that are open to the suspicion of having been concocted and prepared beforehand.

That no suspicion of murder flashed upon Flint's mind, upon listening to Coolidge's statement, is not very marvellous. Why should he have suspected foul play? He knew not that the deceased had a large sum of money about his person, of which he might have been robbed. He knew of no grudge or ill-feeling cherished by Coolidge against the latter, which might have led to murder. Nor was it possible to conceive of any other motive for such a diabolical deed. On the contrary, all the facts within his knowledge negatived such a theory. The deceased and Coolidge were friends—or, at least, companions to some extent—on the best of terms. The latter had shown no inhumanity in his practice, but bore a good character, and was generally esteemed. What reason, then, could his student, who had always placed implicit confidence in him—who, during two long years, had been conceiving a stronger and stronger attachment for him—have for changing, in the most abrupt and violent manner, his opinion of the Doctor's character, and charging him suddenly with the foulest and most atrocious of crimes—that of murder? It is strange that, if he did harbor a fleeting suspicion of something wrong, that he at once rejected it as too monstrous for belief—that he believed, as the doctor had said, that Matthews died in a fit, and, through excessive fear, the former was led into the ill-judged measures he had described? Recollect it was weeks before Coolidge's other friends could believe him guilty, though having double the evidence that Flint then had. The story of Coolidge was not so outrageously improbable as some have supposed. Innocent men have done things equally as foolish to screen themselves from an apprehended charge of crime. But it is unnecessary, for Flint's innocence, to imagine that he fully credited Coolidge's statement. He nowhere says that he did. It is enough to suppose that, in the excitement and astonishment of the moment, he was utterly at a loss what to conjecture about the matter, but believed, at all events, Coolidge to be innocent, till on Friday night he was told of the hidden money, when he had gone so far in the latter's service, that he dared not divulge the truth.

We see no force, therefore, in the remark that Flint was, apparently, a willing tool—lending himself at once to Coolidge's purposes, as if he did no violence to his sense of right, nothing repugnant to his feelings. We believe he had no suspicion of foul play, or, at all events, that if he did, it was at once scouted from his breast; and we believe, too, that he was nevertheless greatly shocked at the scene he beheld, though he was not permitted to tell just how he felt, on the stand.

But, it is asked, why did the Doctor call in the aid of Flint, unless the latter had previous knowledge of the crime that was to be perpetrated? Does not this argue the grossest folly in Coolidge—a degree of imprudence wholly incredible? Would he have dared to call in such a witness—to run such a risk of exposure—unless that witness were already in the secret? In answer to this, we say, that none but egregious fools ever commit murder, under any circumstances; and it is only the wildest calculation of chances that induces the plotter of such a deed to believe he can long escape detection. Nothing less than the possession, for the time being, of omniscience and omnipotence, would justify a man in flattering himself with such an idea. "Murder," says Shakespeare, "though it have no tongue, will speak with most miraculous organ." There is not a truth in the universe that may not furnish a clue to the "secretest man of blood," that is not at war with, and mocks at, every false theory he would have set up. That one, therefore, who is so lacking in brains, or, at least, in common sense, as to premeditate murder at all, should commit the grossest blunders in its execution, is what we should expect, as the merest matter of course. Doubtless Coolidge, in pre-planning the disposition of his victim's body, concluded finally to be governed by circumstances, such as the darkness of the night, the probability of meeting people in his way to the river, and so forth. That he did try to get rid of the body without assistance, is quite certain; for, just before calling in Flint, he was met by James Hill on Water street—doubtless exploring the way to see if it were safe to lug the body to the river. It was that encounter, probably, that deterred him from pursuing this scheme. It is true there is some little discrepancy in the testimony about the time when this must have occurred; but, every one knows, that it is impossible, in the nature of things, for such testimony to be very precise or exact. Great latitude is always expected from witnesses, about time, and no argument can be based upon slight disagreements. But suppose Coolidge had made no such attempt as supposed—was it marvellously strange that he should seek the aid and counsel of Flint, even at the expense of divulging his secret? We see nothing so unnatural in this. The whole history of crime shows that when once the murderer has perpetrated his horrid deed, he is a changed being—he is another man. He is no longer swayed by the same impulses—his feelings and emotions take possession of his bosom—he loses, in a degree the control of himself and his

actions. In the ardor of pursuit, blinded to truth by avarice or revenge, he sees all things in a false coloring; but no sooner is his horrible purpose accomplished, than a new light bursts upon the horror-stricken man, and all things wear a different aspect from before. A myriad of eyes seem staring at him in every direction—even inanimate objects seem to have a tongue to speak—and his nerves, which were braced so easily to do the fearful deed, suddenly become weaker than a child's. Is such a man in a situation to drag away a long distance the dead body of his victim?—a body which under the most favorable circumstances, he could hardly carry at all? Or is it strange, that, in his terror and perplexity, he should seek for sympathy, counsel, and support? We think not. It is precisely what we should expect. At all events, if this was a piece of stupid blundering on the part of Coolidge, that affords no argument against the theory—for he evinced a more egregious folly in other matters. After reading his absurd story before the corner jury, to say nothing of numberless other false steps he took, it requires no great stretch of the imagination to suppose him guilty of any imprudence. But it will be said, that Coolidge's calling on Flint, trusting that he would not divulge, was at least no compliment to the latter's honesty, or strength of intellect. This would all be true enough, were the scene to which Flint was introduced, proof positive, in itself alone, of murder. But as such, all the circumstances being considered, was not the case, the fact in question casts no suspicion on Flint's character, but was, in reality, a compliment to the strength, sincerity, and devotedness of his friendship, which would suspect no ill of the Doctor, much less deem him guilty of the most atrocious of crimes, without overwhelming proof.

In conclusion, we have a few questions to ask of those who believe Flint to have been originally implicated in the murder—to which we wish for a distinct answer. First—Why is it that Flint, in all his accounts of the affair, has never once pretended that Coolidge ever confessed to him that he was the murderer?—If he were fabricating a long tissue of falsehoods to screen himself, would not this plan have suggested itself at once? Would it not have added much to the apparent plausibility of his story? Yet this confession, which, at first blush, one would have expected Coolidge to make as a matter of course, Flint admits was never made to him; and thus the guilt of the former is left to be wholly deduced and inferred. Next—How happens it that during three hours of the closest and most searching cross-examination, after Flint had made already a long, minute, and circumstantial statement of two hours in length, Messrs. Evans and Noyes were unable to draw out any material statement, where-in they could contradict him by his own testimony or that of other witnesses? Thirdly—is it not remarkable, if he has sworn to a long catalogue of lies, that his story before the Grand Jury, and as written out shortly after on paper at the request of the Attorney General—a document which he has never since seen—should chide in every particular with that told at the trial? Fourthly—If Flint was guilty, equally with Coolidge, is it not singular that he dared return to the trial? What assurance had he of safety, if he came back from Philadelphia? Might not new facts, affording most damning proof of his guilt, have been discovered and kept secret during his long absence of 5 months or more—ready to be drawn out in terrible array against him, on his return? Had he no fears of convicting himself by his answers on cross-examination? Hundreds predicted last fall that he would never appear as a witness against Coolidge—that he would let his father, who was abundantly able, pay his bail, and strike for the South, or some foreign country. On the supposition of his guilt, as an original accomplice in the murder it is a marvel that he did not.

"OLD PUT"—HIS CAPTURE.

At length, however, his good fortune deserted him; he was taken prisoner by the Indians. He, with two other officers and five hundred men, had been sent to watch the enemy at Ticonderoga, but being discovered, they undertook to make good their retreat to Fort Edward. But the second day after they began their flight, while they were marching in close columns, they were suddenly met in a dense forest by a multitude of French and Indians. Putnam was taken by surprise, but he did not lose his self-possession. Rallying his men, he held them firmly to the encounter, himself foremost in the ranks, and exposed to the hottest fire. As he thus stood fighting under the shadow of the trees, a powerful Indian rushed upon him. Putnam boldly held his musket to his breast and pulled the trigger. The faithless thing missed fire, and he was left at the mercy of the savage. The latter immediately bound him to a tree and left him there, while he mingled again in the fight. Around this tree the whole force of the fight gathered, and it stood a cross fire of the combatants. The bullets rattled like hail-stones on the trunk, knocking the bark in chips from beside the prisoner, and piercing his coat in several places. In this position he remained for an hour, sometimes in the centre of the volleys, as the parties swayed to and fro in the conflict. When they passed him as the provincials were driven back, leaving him less exposed, a young Indian, by way of pastime, would throw his tomahawk at his head, to see how close he could strike without hitting. The quivering of the handle, almost in his victim's face, as the steel buried in the tree, showed excellent practice. A Frenchman, however, less refined in his tastes, attempted to shoot him at once, by putting the muzzle of his gun to his breast. It fortunately missed fire, which threw the villain into such a rage that he punched him with the stock, and at last struck him with the breech, and left him stunned and half dead.

The Americans were victorious, but the enemy bore away their prisoner. Taking off his shoes and tying his hands together in front, they loaded him down with all the packs they could pile upon him. Thus mile after mile, through thickets, across swamps, and up steep acclivities, he was compelled to travel. His arms were swollen, his feet torn and bleeding, and his powerful frame so utterly exhausted, that he begged they either release or kill him. At length a French officer compelled the Indians to take off a part of his load and to give him moccasins. To compensate for this temporary relief, a savage soon after opened his cheek with a single blow of his tomahawk. When night came on, the party halted, and Putnam, more dead than alive, stretched his aching, bruised limbs upon the ground. This temporary rest, however, was soon broken, for the savages resolved to burn him. Stripping him of his clothes, they bound him naked to a tree, and piled up the fuel around the roots—he in the meantime watching all the preparations with all the firmness of one who had often looked death in the face. Limbs of trees, and logs, and pieces of bark, were then heaped together around him, and then the torch applied. But scarcely had the blaze kindled, before a sudden shower extinguished it. Again and again did the rain battle their ferocious purposes, but at last the flame caught, and

cracking in its rapid progress, soon shot up in spiral wreaths around him. As he writhed in the fierce heat, the Indians began to dance and sing, and fill the mighty forests with their discordant yells. The convulsed body was scarcely visible amid the flames and smoke, and the victim's sufferings seemed about to close in death, when a French officer, who had just arrived, dashed through the throng, and scattering the firebrands in his path, released him from his torture. That dreadful night he slept with saplings bent over his body, on each end of which lay his captors to prevent his escape. At length he reached Montreal, as a prisoner of war. Colonel Schuyler being there at the time, he succeeded in effecting his release by exchange, and Putnam returned home.—*Headley's Washington and his Generals.*



WATERVILLE, MAY 18.

LT. HAYWOOD. We have been favored with the following official despatch of Lieut. Haywood to Com. Shubrick, embracing the details of his late severe conflict at San Jose. It will be read with interest, especially by those in this section who are acquainted with this gallant officer.

BARRACKS, LOWER CALIFORNIA, }
San Jose, Feb. 20, 1848.

SIR,—I continue my report from the 22d ult., from which time my force consisted of 27 marines and 15 seamen, of whom 5 were on the sick list, besides some 20 Californian volunteers, who at least seemed to swell the numbers. From that date the enemy were continually in sight of us, intercepting all communication with the interior, and driving off all the cattle from the neighborhood. A party of our men, who went out to endeavor to obtain cattle, were driven in and narrowly escaped being cut off. We succeeded in obtaining a few cows, however, which were very necessary to us in the reduced state of our provisions; as in addition to our garrison we were obliged, in humanity, to sustain some fifty women and children of the poor, who sought our protection in the greatest distress. I found it necessary, as soon as our fresh beef was consumed, to put all hands on half allowance of salt provisions. We had no bread.

On the 4th of February the enemy closed round us more, and commenced firing upon all who showed themselves at our port holes or above the parapets. On the morning of the 8th the enemy appeared to be a little scattered, a considerable force being seen riding about some distance from the town, and at the same time a strong party of them, posted at the lower end of the street, were keeping up an annoying fire upon us. I judged this a favorable opportunity to make a sortie upon them, and taking 25 men with me, closed with them and dislodged them, driving them into the hills without the loss of a man on our part, and returned to the Cuartel.

On the morning of the 7th, it was reported to me that the enemy had broken into the houses in the main street, and that there was some property exposed which might be secured. I took a party of men and went down and brought up a number of articles belonging to the Californians who were in the Cuartel; some distant firing took place, but no injury was sustained.

On the same day, hearing that there were some stores of rice and tobacco in a house some 300 yards down the main street, I determined upon an effort to obtain them, and sallied out with 30 men. These were immediately fired upon from several different quarters, and some sharp fighting ensued, resulting in the death of one of my volunteers—shot through the heart. We charged down the end of the street, and drove the enemy to the cover of a cornfield at the outside of the town, where they were considerably reinforced and recommenced a hot fire; but we were enabled to save a part of the articles which we were in search of, though we found that the enemy had anticipated us in this object, having forced the building from the rear.

On the afternoon of the following day, Ritchie's schooner, having provisions for us from La Paz, came in sight and anchored; but a canoe, which was enticed towards the shore by a white flag displayed by the enemy, was fired upon, and the schooner immediately got underway.

On the 10th, the enemy had entire possession of the town; they had perforated with portholes all of the adjacent houses and walls, and occupying the church in our rear, hoisted their flag on Galendo's house. They held a high and commanding position, and exposed our back yard and the kitchen to a raking fire, which from this time forth was almost incessant from all quarters upon us—the least exposure of person creating a target for fifty simultaneous shots. The enemy appeared to have some excellent rifles, among other arms, and some of them appeared to be tolerable sharpshooters, sending their balls continually into our port-holes.

On the 11th, the fire was warm, but on our part it was rarely that we could get a sight of them. In the afternoon of this day we had to lament the death of Passed Midshipman McLanahan, attached to the U. S. Ship "Cyane," a ball striking him in the right side of the neck, a little below the thyroid cartilage, and lodging in the left shoulder. He died in about two hours. He was a young officer of the greatest promise, energetic, of much forethought for his age, and brave to temerity. All lamented his untimely fate, and all bear willing testimony to his worth.

On the morning of the 12th, at daylight, we discovered that the enemy had thrown up a

breastwork on the sand, about 150 yards to the north-east of the Cuartel, and entirely commanding our watering place. We fired several round shot at it, with little effect. We succeeded, in getting in some water at night, but at great hazard. The enemy, being in strong force, kept a close watch upon us. Their force was over three hundred—speaking within bounds. I immediately commenced digging a well in the rear of Mott's house, which is the lowest ground. I found that we had to go through rock, and judged that we should have to dig about 20 feet. I thought it imprudent to blast, as the enemy, suspecting our intention, would throw every obstacle in our way. The men worked cheerfully, on this and the succeeding day, against all difficulties. Our situation was becoming now an extremely critical one, having, with the greatest economy, but four days' water.

On the 14th we continued digging for water. We found that the enemy had thrown up a sand breast work, now, to the westward—giving them a cross fire upon our watering place. There was a continued fire kept up upon the Cuartel during the day. At half past 3 o'clock P. M. a sail was reported in sight, which proved to be the U. S. Ship Cyane. She anchored after sundown. It was of course a joyful sight to us, to see friends so near; but I was apprehensive that they could render us but little assistance, the enemy being so vastly superior in numbers. The enemy continued their fire upon us during the night.

On the 15th, at daylight, we became aware that the Cyane was landing men. They soon commenced their advance, which for a few minutes was opposed only by a scattering fire; then the enemy opened upon them in earnest. They had concentrated nearly their entire force near San Vincente. We saw the flash of musketry through all the hills above the village. There was the odds of three to one against our friends. Steadily they came on—giving back the enemy's fire as they advanced. There was still a party of the enemy, occupying the town, firing upon us. I took 30 men and sallied out upon them, drove them from cover, killed one and wounded several of them, and marched on to join the Cyane's men, who with Capt. Du Pont at their head, had now drawn quite near to us. There were small detached parties of the enemy still hovering about them and firing at them, but the main body of the enemy had been broken and had retired to Los Anemas, distant two miles. The march of the Cyane's men to our relief, through an enemy so vastly their superior in numbers, well mounted, and possessing every advantage in knowledge of the ground, was certainly an intrepid exploit—as creditably performed as is any skillfully and boldly planned, and reflected the greatest honor on all concerned. It resulted most fortunately for us in our harassed situation. They had but four wounded; this cannot be termed any thing but the most remarkable good luck, considering the severe fire that this heroic little band were exposed to. The loss of the enemy we have not positively ascertained, we hear of 13 killed, with certainty, and general report says 35; wounded not known. Of the total loss of the enemy in their attack upon the Cuartel, I cannot speak with certainty; we have found several graves, and know of a number wounded, one of whom we have in the Cuartel, a prisoner. I suppose their total loss to be not far from 15 killed, and many wounded. I am sure it could not have been less than this. Our own total loss was 3 killed and 4 slightly wounded. After the death of Mr. McLanahan there remained but one officer in my assistance, Passed Midshipman Geo. A. Stevens, who, for his coolness and indefatigable zeal, at a time when so much devolved on him, I am most happy to accord him the highest credit; and at the same time most honorably mention the conduct of a volunteer—Eugene Gillespie, Esq.—who, although suffering from illness, never deserted his post, and was with me in the sortie of the 7th. The non-commissioned officers and men went through privation, unceasing watchfulness, and danger, without a murmur, and with one spirit of resistance to the last. I cannot express too highly my satisfaction in their conduct.

Capt. Du Pont, immediately upon his arrival here, becoming aware of our situation, as regards provisions, took measures for our supply. The day following the battle of San Vincente, he dispatched a train, which brought us by hand (the enemy having driven off all the mules and horses) a quantity of stores and articles of which we stood most in need—among the rest, bread—and has since been unceasing in his exertions for our relief. I cannot too earnestly express the obligations which we are under, for the prompt and efficient assistance which Capt. Du Pont, his officers and crew, have rendered us.

I am, Sir, very respectfully,
Your obedient servant,
CHAS. HEYWOOD, LT. U. S. N.
Commanding San Jose.

Com. W. BRANFORD SHUBRICK,
Com'd'g Pacific Squadron,
Mazatlan.

The "JOHN DONKEY," contrary to our first calculations, is really a medium of wit. Some of his hits, when he "sticks, up his ears," are most admirable. The illustrations have been uniformly good, and some of them capital.

The fifth number of "SONGS OF THE PEOPLE" is even an improvement upon the former ones. Some old songs of peculiar excellence make it very valuable. No one who makes music an object of attention should be without it.

A TRAGEDY. A slip from the office of the Bath Times gives details of a dreadful tragedy, in which a Mr. Pinkham, of Edgecomb, killed his wife, four children and himself—cutting off the heads of the wife and children with an axe, and cutting his own throat with a razor. The deed seems to have been mutually concerted by the husband and

wife, as two distinct writings were found, in the handwriting of each, stating that they were tired of living, and had mutually agreed upon the dreadful deed. The wife was found in bed, partially undressed, the eyes open, as though awake at the moment of decapitation. The children were also in bed, and probably sleeping unconscious of danger.

A. & K. R. R.—The progress making in this enterprise must be highly gratifying to its friends. The Company have secured an advantageous contract for the rails to Winthrop, at a saving of ten dollars per ton over the contracts of the Montreal and Augusta roads. The funds for this purchase were raised some weeks since, on good terms, and the iron will be delivered in Portland at an early day. About 1000 hands are now employed on the road, and the amount of work accomplished during the present month will make an important change in the appearance of things along the line. So the work goes bravely on.

EDITORIAL HONORS.—Our neighbor Mann, of the *Family Physician*, has "had a call," which looks so like a general shower of porridge upon the whole craft editorial, that we propose to scrape his acquaintance, that perchance our dish may be found in a position to catch a drop or two. In the last number of his paper, he announces that he is solicited, by letters from high sources, to consent to go to Congress! Like all modest patriots, he protests that he is not yet prepared to yield his shoulders to the honorable burden—"but" that he will make up his mind and define his position in the course of a short time. Who the young rogues are who aim thus high in their jokes, we know not; but we shall hold our nose, and endeavor not to "snicker," till the learned Doctor gets through the farce of defining his position.

THE CONCERT, by the Band, secured a good audience, though deferred to Saturday evening by bad weather. The Hall is badly constructed for a musical entertainment, especially with heavy instruments; yet the audience gave evidence of high satisfaction. We have no doubt it will now be borne in mind that we have in Waterville one of the best Bands in the State, who will exert—as they have a right to do—at least the patronage of their neighbors and friends. It should also be borne in mind, that money paid for their services is used in our own community, and for good purposes, instead of being carried abroad to be expended at grog-shops.

We understand they propose, if a larger and more suitable house can be obtained, to give a free concert. We hope they will be able to do so.

THE FIRST SALMON and the best dinner of the season came off at the Parker House on Tuesday. The salmon was a twelve-pounder from the Penobscot, whose waters are said to be highly blessed since those of the Kennebec were damned. The dinner was a nice compound of soup and sentiment, condiments and conversation, meats and merriment—the joint effort of the generous host and his grateful guests. We had supposed such dinners rare, but are assured they are done daily at the Parker House. If so, its fame will soon be as broad as that of the "House that Jack built."

UNION, May 15.
MR. EDITOR.—In reading your last paper, we see you have inserted our marriage, together with that of Ziba Simmons. We take this method to inform you that no such marriages have ever taken place in this town, and we most respectfully request that in your next paper you will correct the statement. What could have been the object in sending our names for publication in that manner, is beyond our imagination. We know full well the author's name, and owing to his ignorance we forgive him; but we warn him against ever using our names again for the purpose of making sport. We hope he will be profited by this, and learn to be wiser for the future.

Respectfully yours,
EDWARD H. THAYER,
NATHAN A. BACHELDER.

We offer our friends above, all the apology we can—we were deceived, in supposing this community did not embrace a being low enough in the scale of humanity to resort to so contemptible a hoax. We are glad they know who he is, and if they will give us the necessary proof, we will show him that no man can sink himself so low that the law will not take cognisance of his meanness.

MAINE LEGISLATURE.

The Legislature of Maine commenced its session on Wednesday, the 10th inst.

DANIEL T. PIKE, of Augusta, and THOMAS J. HOBBS, of North Berwick (Secretary and Assistant of the last Senate) were re-elected. Also, BENJ. F. CUTLER, of Messenger, and JOHN W. WEBSTER of New Gloucester, Assistant.

Rev. JOHN H. INGRAHAM, of Augusta, was chosen chaplain in the Senate.

The House was organized by the re-election of the officers of last year, throughout. H. D. McLELLAN, of Gorham, Speaker; SAMUEL BELCHER, of Farmington, Clerk; SAMUEL TRIPP, of Shapleigh, Assistant.

The House departed from the usual custom of inviting the clergymen of Hallowell and Augusta to officiate in rotation as Chaplains—and chose AMAZIAH KALLOO, the Baptist clergyman of Augusta, as their Chaplain.

Thursday, May 11. The Committee on Governor Voss, reported the vote for Gov. Dana to be 33,429; for Mr. Bronson, 24,246; Mr. Fessenden, 7,352; all others 277—and Governor Dana is declared to have over all others, 1544.

Friday, May 12. At 11 o'clock, the two Houses went into convention for the purpose of qualifying the Governor—which duty being performed, the convention separated, and soon after, the Governor communicated his Annual Message to both Houses.

Saturday, May 13. At an early hour the Senate repaired to the hall of the House, for the purpose (in convention of both branches) of electing seven Councillors and a Secretary of State.

The Speaker announced the Standing Committees of the House.

Monday, May 15. No important business was transacted this day, except the appointment of Standing Committees in the Senate.

GOVERNOR'S MESSAGE.

Gentlemen of the Senate and House of Representatives.

In looking back upon the year, which is now added to the records of the past, the mind turns, with painful regret, to the melancholy event which has suddenly deprived Maine of one of her Representatives in the councils of the Nation. In Gov. Fairfield an honest man has fallen—a discreet and patriotic statesman has been withdrawn from his early field of labor, and transferred to a more elevated sphere of action, and expansion. No citizen of the State has shared more largely in the confidence of the people, or been longer continued in their most important public trusts.

The vacancy, occasioned by his death, I have filled by the appointment of Hon. Wyman B. S. Moor. The constitution imposes upon you the election of his successor.

During the year just closed, \$169,600 of the funded debt of the State has been paid. To provide means for the payment of this debt, it was necessary for the last Legislature to authorize the sale of the United States stock in the Treasury, or a requisition upon the Banks for a temporary loan. The latter alternative was adopted. Under the authority granted, and with my approval, the Treasurer has made a requisition upon the several Banks in the State for an amount equal to 4 per cent. of their capital stock—about \$110,000. This requisition has been promptly met. The interests of the State and of the business community will both be promoted by the early payment of this loan. The right reserved by the State, to require a loan from the Banks was only intended to be exercised in an emergency and for temporary purposes, and should not be regarded as a permanent aid to the operations of the Treasury. Nearly one half of our funded debt falls due in 1851. If we can pass that point without resorting to increased taxation, or being forced again into the market as a borrower, our remaining debt can be paid, with comparative ease, as it comes to maturity.

To provide for the debt of 1851, the usual annual tax of 200,000 dollars will be necessary. I have reason to believe, that under a system of strict economy in expenditures, the avails of an annual tax of 200,000 dollars, and the receipts of the Land Office, if successful in its operations, added to our United States stock, will be sufficient to defray, until time, the ordinary expenses of the Government, reimburse the recent loan from the banks, and redeem the funded debt due that year. The United States stock should be set apart as a fund for the payment of that debt. Perhaps you may deem it judicious to authorize the Treasurer to exchange it for that debt, if a favorable opportunity offers.

As the State Tax payable this year is but 100,000, probably the receipts of the Treasury will not exceed the immediate wants of the Government until January, 1849, when a tax of 200,000 dollars will be payable. After that time a surplus may be anticipated, and should be applied, as it shall accrue, to the debt to the Banks.

For a more full exposition of our monetary affairs, I refer you to the annual report of the Treasurer.

The report of the Land Agent, which I herewith transmit, will present to you the operations of that department for the year ending December 31st, 1847. The amount paid by him, during that time into the Treasury, is 115,000. You will undoubtedly deem it expedient to authorize further expenditures upon the roads, located upon the public lands, with a view to opening them to settlement; especially upon those which are necessary for communication, between the inhabitants of the territory bordering upon the St. John and other portions of the State. Allusion is made in the reports to the limited sale of settling lands, and to the depressed condition of the agricultural interests upon the St. John and its tributaries. This state of things undoubtedly results from the want of the lumbering operations have usually afforded for the agricultural products of that region. The great depression in the price of timber in Great Britain, rendered it judicious for the State to withhold permits, and a reserve was passed to that effect in 1846. Whenever business in that country shall have resumed its accustomed activity, this necessary article will command a remunerating price; and I recommend such a modification of that restriction as will authorize the Land Agent to renew operations gradually, as the demand for timber may justify, without reviving the former auction system, which in a measure induced the recent too extensive and speculative transactions, so injurious to the State and ruinous to purchasers.

Under such a discretionary power, our timber may be sold for its full value, the payments more amply secured, and our lumbering operations made to facilitate and prosper settlements upon the public lands, instead of resulting chiefly to the benefit of foreigners.

In presenting to you the Report of the Board of Education and of their Secretary, I cannot but congratulate you upon their apparent success in awakening an interest in the subject to which their labors are devoted. This organization was intended and its efforts are directed to fix public attention upon the importance of a high standard of universal education; and to collect and diffuse the results of diversified experience, in adapting means to this great end. When the end becomes fully appreciated and the means apparent, success is sure, and philanthropy may, in a great measure, cease her mourning over ignorance, vice and crime.

The manifest interest and favor with which every portion of the State regards the Asylum for the Insane, will, without any solicitations on my part, prompt your attentions to its affairs and a favorable consideration of its wants, as exhibited in the accompanying Reports of the Trustees and Superintendent.

I communicate herewith the Reports of the Inspectors of the State Prison. In one of them your attention will be called to the evils resulting from the indiscriminate association of those who have but taken their first steps in the path of crime, with the hardened, hopeless criminal. The reformation of the offender is an important, though secondary object of punishment; but, under the present discipline, this object must be more than frustrated. It would seem due to humanity and the public morals, that a classification of convicts should be provided for, having regard to their advancement both in age and crime, and distinguishing between such as are sentenced for life and those who are to be restored again to society. In connection with the subject of the State Prison, I would ask your attention to that of the punishment of convicts for capital offences.—The impression has become a very general one upon the public mind, that capital punishment

is practically abolished. The view taken is this,—that the law is not imperative upon the Executive to order an execution, and that no Executive would voluntarily, of his own mere will, deprive a fellow-being of his life. It is true that such a power should not be exercised, except under a most clear conception of duty; and it is important, too, that duty be apparent, not only to the Executive performing it, but to the whole community, otherwise the Executive power of the State presents itself to the people in a light arbitrary, cruel, and revengeful, instead of appearing, as it should, the mild, constitutional guardian of the rights of all. Again, if our statute is susceptible of the two constructions which the diversity of public sentiment seems to indicate, it undoubtedly will occur, that the person discharging the duties of the Executive at one time, will adopt one construction, and his successor another; thus removing that certainty of the nature and degree of punishment, which should always attach to crime. The subject is of too much importance to be left to speculation, or doubtful construction.

There is no law making it the duty of clerks of the courts to transmit to the Executive official evidence of conviction and sentence, for capital offences; and, without this official evidence, he is distinctly precluded from ordering an execution. This is obviously an omission, unless the framers of the statute intended it as an entire abolition of capital punishment; for they could not have designed that executions should depend upon the voluntary action of those officers.

Numerous applications have been made during the year for the exercise of Executive clemency toward those convicted of crime;—some of them urged by large and highly respectable portions of our fellow-citizens, painfully appealing to my sympathy. With few exceptions, I have felt impelled, by a strong sense of duty to the whole public to resist these appeals. The great object of punishment is, to deter others from crime; and its power to produce this result lies more in its certainty than in its severity. The mere possibility of a severe punishment possesses by no means the restraining influence which attaches to the certainty of one more mild. Let the conviction be produced upon the public mind, that even a mild punishment must inevitably follow crime, and but few crimes would be committed. But if, to the necessary uncertainty of discovery, arrest and conviction, we add the impression that the pardoning power is easy of access, that influence, friends, and sympathy can open the prison doors, we place society in a far worse state than under a total repeal of our penal code. In most of the applications for pardon, it has been alleged that the punishment was too severe for the crime committed. It is a proper question for your investigation, whether any portion of our criminal law is characterized by cruelty and harshness; if so, the spirit of the age demands of you its amelioration; but, if not, the Executive has no right to shrink from its enforcement. It is true that human wisdom cannot frame a code of laws which will not bear, with a severity unintended, upon individual cases which may arise, strongly marked with alleviating circumstances. For such cases the pardoning power was intended, and should be exercised; but its indiscriminate or general use, for the purpose of reviewing the verdicts of our juries, or the sentences of our courts is entirely subversive of our whole system of criminal jurisprudence.

Assembled here as the agents of a free, sovereign, and happy people, to represent their interests and provide for their welfare, we cannot but sympathize with the millions of our fellow-beings, who are now struggling to wrest from despotic power an acknowledgment of the rights and consequent blessings which we enjoy. Your interest in their success must be heightened by a consciousness that their aspirations for freedom have been warmed into life and quickened into action, by the benign influence of our own institutions.

We have at length illustrated, by the results of successful experiment, that liberty and happiness to the governed, and strength to suppress internal commotions, or resist external aggressions, are both ends attainable under a popular government. The sentiment constantly inculcated by the friends of royalty, that our government was necessarily wanting in self-sustaining power, has been, until recently, a great obstacle to the spread of liberal institutions throughout the civilized world. But it has at length given way to admiration of the promptness, energy, and strength, which we have exhibited in defending our homes and freeds against threatened invasion; in carrying a defensive war into the heart of an enemy's country, and laying her prostrate at our feet, although protected by distance, by a pestilential climate, by superiority of numbers, by fortresses regarded as impregnable, and by physical features that bid defiance to an invading army.

Wherever freedom had a friend, his eyes have been turned towards us with mingled hope and fear. The events of the last two years have dispelled his fears and enabled him to assert with confidence, that liberty is not weakness—that a government based upon an enlightened popular will may maintain its rights, its dignity and power.

Our institutions have been for years the political light of the world; a light which is now fast dispelling, by its increased intensity, that darkness which envelops and protects the royal prerogatives of thrones and crowns. But there are those among us, many of them honest and sincere, who would dissolve our Union, because in some of the confederated States, an institution is permitted, which they regard as inconsistent with man's equality of rights—who would blot out from the political firmament this bright luminary, because they discover one dark spot upon its disk—who, failing to reach and at once suppress the limited slavery in our own land, would destroy the quiet but resistless influence which is inducing man, wherever he exists, first to aspire and then to rise to the dignity of man. Although the number of those who openly talk of disunion is now small, yet animosities and prejudices are assiduously cultivated and taking deep root, which, if cherished must inevitably produce that result. The tendency of the times is wrong—a tendency to underrate the blessings of the Union—to forget that if true to ourselves, our mission is to emancipate the world. Men coolly count the value of the Union, its profits and its loss. But it should be remembered that those who framed it, intended that it should be perpetual, and therefore provided no means for its peaceful dissolution—that the bands which unite us can only be dissolved in blood—that the first step from the Union is in civil war, its path anarchy, and its necessary end, most deplorable despotism. Shall we thus practically renounce the doctrine our fathers asserted, that man is capable of self-government—draw down with our own hands the standard they raised for universal freedom, basely desert those who are doing battle valiantly under its ample folds, and leave the millions of our race without a hope of permanent relief from the cruel dynasties which oppress them?

The question of the extension of slavery

