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## The Eastern Mail (Vol. 06, No. 26): January 13, 1853

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## ORIGINAL POETRY.

## OH WEEP NOT FOR THE DEAD.

Oh weep not for the dead,  
But for the living weep;  
Let not your tears be shed  
O'er those who calmly sleep.  
The fever dream is over,  
The wait of pain is hushed,  
Grief can oppress no more  
The sleeper in the dust.

Sad though it be to know  
The loved ones borne away,  
In the damp charnel house,  
Are mouldering back to clay,  
Sad that the faces dear,  
Late in life's richest bloom,  
In that dark home of fear  
Should now abide in gloom.

Yet weep not for the dead,  
But for the living weep;  
Let not your tears be shed  
O'er those who calmly sleep.  
It is in those who are left,  
To suffer pain and wrong,  
That we should sorest grieve;  
To them our tears belong.

The weary-hearted ones,  
Strangers to joyous days,  
Whose life's dark clouds run  
Through dark and dangerous ways;  
For those whose hopes are faded,  
Or covered o'er with rust,  
Whose spirit plumes are withered,  
Is trailing in the dust.

Those who have lived to see  
The emptiness of life,  
Its heartless mockery,  
Its bitterness and strife,  
For warm hearts loved of men,  
Ravaged and wrung, and crushed,  
By those the world has named  
The noble and the just.

For those whose wasted years,  
And love poured forth in vain,  
(Mid agony and tears)  
May not return again;  
To whom no word is said,  
And no atonement made  
For blight and midday shed,  
And youthful trust betrayed.

Weep not for the charnel house,  
Where heavily and cold,  
Lie mouldering the joys  
The hopes and love of old;  
But weep not for the dead;  
Weep for the living weep,  
Let not your tears be shed  
O'er those who calmly sleep.

WASOKA WANDERING.

## MISCELLANY.

## MR. FRENCH'S ADDRESS.

We have been favored with a personal manuscript, of an Address delivered by our Associate Editor, Mr. French, before the York County Agricultural Society, at Saco, Me., in October last.

Under his description of the peculiar position which Woman occupies in New England Society, we make an extract, and under that of 'Washing Day,' another, being all we can find room for at present. We have no hesitation in saying that the Address is one of the three best we have ever seen. When the reader has perused the extracts below, he will be glad to see more of it.

Look, for a moment, at the condition of a majority of the wives of respectable farmers, aye, and of men of all other classes in your own country. What are the duties, which, by general consent, devolve upon them?

What do you, sir and you, expect of the lady who presides over your household? Did you ever consider for a moment, how many and various and constant are her cares and trials?

You are, perhaps, an amateur farmer; you have, like a true and thriving Yankee, built a large and elegant house—not so much because you need it, as because your neighbors live in fine houses. And, besides, you are a growing man in the world, and have been Representative to the Legislature, and are liable to go to Congress, or be President of the United States. There is no knowing what may not befall you; and it is well to keep up appearances in the world, and be ready for any honors that may be thrust upon you.

You have a large family of children, and they are all to be educated, and of course have no time to work. Your boys must be fitted for college, and your girls must be taught music, and French, and drawing, besides the common branches of learning. Your wife is expected to see that your elegant house and furniture are kept in order; that the children are kept neat and orderly, at all times. You have a fancy for Devon and Ayrshire and Short-horn cows, and perhaps exhibit them at the Annual Fair, and your wife must take interest enough in your affairs to look well to the dairy.

You have a great propensity to clear up swamps, and build stone walls, and improve your farm, and your kitchen is filled with hired men, and nobody but your wife knows what to get for breakfast, dinner or supper for them or the family.

Then you are a generous, hospitable sort of fellow, and often invite your friends from other towns, whom you happen to meet, home to dine, and your wife is obliged on the doing up handsomely, for the credit of the establishment; and, although the three youngest children have just had the whooping cough, and have kept her awake half the night for the last month, the amiable lady is expected to appear at the table, dressed like the wife of a gentleman, as bland as a moonbeam, and play the agreeable to your guests, with the same majestic grace, as if she had passed the whole morning over her books and music.

You expect to see your breakfast upon the table punctually at the hour, and the children washed and neatly dressed in their places, at the table. You expect to see the table handsomely laid and the food properly cooked and served up. You expect the good lady to be ready and at leisure at all times, morning and evening, to receive calls of friendship or ceremony, and especially those of your own friends.

You expect to find your wardrobe always in perfect order, with no button of loop or string missing. If a child is ill, there is nobody but the mother to watch over it by night or by day, and the depressing, never-ceasing solicitude, and exhausting offices due from a mother to her infant, can be delegated to no other.

In short, sir, you expect your wife to be at the same time cook and chambermaid, lady and serving girl, nurse and seamstress, and governess; laundress and dairymaid.

At length, you see, with a sad heart, that her eye is losing its luster; that her form is becoming daily more frail; that the elasticity of her spirits is gone; and at last the thought, the sickening, crushing thought is forced upon you that she, whose youthful image radiated with health and happiness, has never passed from your heart—she, who alone has remained to you true and constant, through sickness and health, in trials and prosperity—she, the mother of your children, who has so long been a good and virtuous household, like a good angel, doing all kind offices for you and your loved ones—she, who is more to you than all the world beside—may die!

And now, perhaps, an effort is made to relieve her and changes are effected in the household arrangements; and housekeepers and servants are procured; the daughters are called on to aid in the domestic affairs, and the grand schemes of improvement are suspended and no company is invited. But it is all in vain.

The hectic flush is on her cheek, and sorrow and fearful foreboding sadden every heart. For a time, almost like a pure spirit from the realms of bliss, she glides about from room to room, still watchful for the comfort of others and forgetful of self.

But I will not attempt to fill up the picture, and trace the sure decay of strength and beauty and life by slow consumption. At length "there is rest in Heaven."

Have I exaggerated the trials of a New England wife? I wish it were true that no one of us could call to mind an original, from which my picture might have been drawn! I wish it were true that no one of us were conscious of past thoughtlessness, or unreasonable exactions, by which an undue portion of life's burdens have been cast upon the sex least able to bear them.

Washing-day is a day in the calendar to be remembered; a day when woman reigns supreme—in more senses than one; a day which furnishes an excuse for cold coffee, and a picked-up dinner; a day when every woman claims as her prerogative, to wear her hair in papers and scold and even "kick the wee stools o'er the mickle," if she feels in the humor; a day when the good man of the house is brought fully to appreciate his own littleness, to feel that he is but as a grass-hopper in the sight of any woman, armed with a mop or waterpail.

And this noted and justly celebrated day comprises one-seventh of a man's life, and he who has reached his grand climacteric has lived through nine whole years of washing days, a consideration as terrific to the young householder, as it is consolatory to those in old age, who believe that the trials of this world are to be deducted from the discipline of the next.

From the importance of this subject, involving, as it does, one-seventh of all our earthly happiness, one would suppose that all philosophers and statesmen, laying aside their other schemes for the amelioration of man's condition, would have devoted themselves exclusively to the abolition or mitigation of washing days.

"But the world has gone on," as Dickens has remarked, "and revolved round the sun, and turned on its own axis, and had lunar influences, and various gales of that sort," and washing days have come and gone, and the human race has rather increased than lessened in numbers, and men have settled down upon the idea, that the trials of that dreadful day, like the existence of sin on earth, are to be reckoned among the inscrutable dispensations of Providence, to be patiently endured, with such courage as we can put on for the occasion.

To be sure, like old father Adam, in the garden, men are prone to charge this evil, like all others, upon the woman; and I propose, by way of illustrating my subject, to bring the question directly before the appointed tribunal, whether the worst trials of washing day, like most others of domestic life, are not fairly chargeable upon the want of proper attention and foresight on the part of the men.

And I charge upon our prisoner, in the first place, that he and the large class whom he fitly represents, have not made suitable arrangements for the convenient supply of the two essentials of housekeeping—wood and water.

Your wood-house, sir, is not near enough to your kitchen. Your wife is obliged to go out of doors in summer and winter, to reach it—perhaps to go down a flight of steps, and bring her wood up. Often she finds no dry fuel of suitable kind cut and split for use, and you would be ashamed to have it known how many times she has taken the axe into her own hands to make up for your negligence.

And then the water—we have all seen it again and again, and you cannot deny it. Instead of having a cistern of soft water, with a pump in your wash-room, or an aqueduct leading into your house, you have, year after year, depended on a well of hard water, five rods off, with a well post that leans hard to the east, and a sweep loaded with old cart boxes at one end and a crooked pole and leaky bucket at the other, and the girl whom you took young and blooming from her home, and vowed to love and cherish, goes there, day after day, and year after year, and draws water for her household!

And, again, what sort of a washboiler does she use? Is it nicely set in brickwork, in a convenient place for use, or does she hang a big kettle on the crane, half the length of the house from her wash-bench, or is she, for want of a better, compelled to use a half-sized tin boiler on the cook stove in dog days?

And where is her clothes line? Have you provided, in some sunny spot, sheltered from the winds, one of the rotary frames lately introduced, on which the whole wash may be hung by a woman in a few moments without moving her basket, or have you some convenient out-building, where the line may be kept always stretched, without being slackened by the weather?

No such thing, sir. In the first place, the line is not half long enough, for you never have returned the piece you borrowed to the up your broken wagon shaft, and you never paid any attention to the oft-repeated, quiet suggestion, that things were not exactly convenient for drying the clothes; and so the females of your household, after working in a hot room over hot water, half the day, must find a place to dry their clothes as best they can. And we all know how it is done, for we see it every Monday of our lives.

The line is first tied to the old well post. It is then carried to a post in the garden fence, next, a long stretch is made to the old sweet apple tree, and a turn taken round one of its principal limbs—then round the latch of the woodhouse door, and lastly back to the well post forming an irregular parallelogram, with the longest sides supported by the long-handled pitchfork and the rake borrowed from the barn for the occasion.

And now, what says the accused to our charges? It will avail nothing to set up poverty in his defence, for as has been truly said, "no man is so poor as to be obliged to have his pigs-trough at the front door," and we may add, no man is too poor to split his own firewood, and bring the water to wash with it.

And so he may as well plead guilty, and save our jury the trouble of a verdict, and henceforth, we will charge a fair proportion of the trials of washing-day upon the neglect to provide the best possible conveniences for performing what is at best a disagreeable office in housekeeping.

I have ventured upon this mode of illustrating what I deem, after all, a subject of serious interest, the busy and careworn life of New England matrons, and that of saddest to the eye.

These burdens which bear so heavily upon the wives of our farmers as to constitute a great objection to the choice of agriculture as a business, with any considerable man, result, as we have seen, in part from the want of servants or reliable help. This difficulty arises legitimately from the principles of equality inherent in the constitution of our government, and which we should not seek to change.

But this is by no means the whole secret of the trouble. Much of it results from causes which lie within our own control, to some of which allusion has already been made, and others may readily be named.

Southern Trade Convention.—On Saturday week, a convention of Southern and Western men was held at Baltimore, for the purpose of devising ways to concentrate the trade of the South and West at Baltimore, and render that a great commercial emporium—a rival of New York and all other Northern cities—a place where Southern institutions will be better respected, and slave property securely held. Representatives were present from nearly all the Southern and Western States, and an enthusiastic and spirited assemblage was held. In the discussions, the injuries inflicted by the North upon the South were referred to—the Lemon Slave case and similar occurrences—the commercial dependence of the South upon the North; the importance of establishing superior facilities of intercourse between Baltimore and the great valley of the Mississippi, as well as steam communication with Europe and South America, &c. &c. Large and glowing pictures of future magnificence were painted to dazzle the eyes of Baltimore and her Southern and Western friends; and provision was made for another convention next year.

## The Eastern Mail.

WATERVILLE, JAN. 13, 1853.

## AGENTS FOR THE MAIL.

V. B. PALMER, American Newspaper Agent, is Agent for this paper, and is authorized to take Advertisements and Subscriptions, at the same rates as required by us. His offices are at Seely's Building, Court St., Boston; Tribune Building, New York; N. W. Cor. Third and Chestnut sts., Philadelphia; S. W. Cor. North and Fayette sts., Baltimore.

S. M. FETTERICK & Co., Newspaper Agents, No. 10 State St., Boston, are Agents for the Eastern Mail, and are authorized to receive Advertisements and Subscriptions at the same rates as required at this office. Their receipts are regarded as payments.

## The Rhode Island Decision.

MESSRS. EDITORS:—As there seems to be a very erroneous impression prevalent in regard to the late decision by the United States Court in Rhode Island, I have taken pains to examine the case, and submit for your use the result.

The result is that two Judges of the United States Court have decided that some provisions of the Rhode Island Law conflict with some provisions of the Rhode Island Constitution.

The impression has gone abroad that they decided that the Law conflicts with the Constitution of the United States. This is a mistake. They were guided entirely in their decision by the Constitution of Rhode Island. The tenth section of the U. S. Constitution contains all the restrictions which that instrument contains upon the States. In this section nothing can be found conflicting with our Liquor Law as expounded by our Supreme Court in the cases decided last summer. The Amendments to the Constitution, from four to eight inclusive, might seem to impose additional restrictions on the States; but the Supreme Court of the United States has decided that no one of them applies to the States, or State Courts, but are limited in their application to the U. S. Courts and U. S. Laws. See United States Digest, title, Constitutional Law, Nos. 183, 184, 244, 245, 247, and 248. So the U. S. Constitution may be entirely laid out of the case.

The question interesting to us, then, is, how will this decision affect our Law, as regards our own Constitution. In one sense, this decision is not binding at all on us. There are very many cases in which the U. S. Court has decided a question one way and our own Court the other way, and still the State decision is permanently binding on us.

The U. S. Decisions have weight in our State Court only as authority, and do not override our own decisions; and where a question has been solemnly decided in our own Court it is not changed because the U. S. Court afterwards decides the other way.

There are five provisions in the R. I. Law which were decided to be in conflict with their Constitution. Three of these are mere details which do not affect the practical working of the law—one as construed by our Court ceases to conflict—and one is decided by our Court not to conflict with our Constitution.

If some parts of a law are not constitutional, and those parts are not material to the remaining parts, the latter will be enforced and the former disregarded.

Applying this principle to our law, and regarding the decisions of our Court, the decision of the U. S. Court will not affect the operation of the law in any material way, as we shall see by examining each of the five objections made.

1. The Law conflicts with the provision of the R. I. Constitution that declares that "every man being presumed innocent until he is pronounced guilty by law, no act of security which is not necessary to secure an accused person shall be permitted." It is sufficient in answer to this to say, that there is no such provision in our Constitution. But we may go further—our Constitution permits us to declare by Statute, that a certain amount of proof against an accused person shall be sufficient in a given case to throw the burden of proving his innocence on him. For example, if a man has in his possession a log belonging to another person with his mark cut out or altered, he is presumed to have stolen the log and must prove his innocence. This is provided at Statute. The same principle prevails universally at common law. Where a man is proved to have killed another, the law presumes it to be murder, and the burden is thrown on the accused to prove that he did it in self defence or to show that in any way it was not murder.

2. Judge Curtis says the law is unconstitutional because it provides that under certain circumstances a man shall be convicted of being a common seller when he is not charged with that, but with a different crime. Be it so. The increased penalty is of no consequence, or if it is, the fine may be increased for the crime with which the prisoner is charged; or, as the law now stands, Courts may inflict the first penalty without the additional one, and thus keep within the Constitution.

3. "The Law is unconstitutional because the complaint for search directs the keeper, owner, &c., to be summoned and fined when he is not by name charged as the keeper, &c." Our own Court has decided that a complaint charging no person by name of a crime can not be sustained so as to fine any person; but also decide that under our law, the complaint should charge the owner or keeper by name and then that he can be fined consistently with our Constitution. So this objection, in the practice under our law, as regulated by our Court entirely fails.

4. "The liquors to be searched for must be particularly described, and if the law authorizes a search for spirituous and intoxicating liquors, with no more definite description, the case is unconstitutional." So says Judge Curtis. If this objection is sustained, it strikes at the root of the law. The laws as to searching for liquors could not be of any practical effect. But our Supreme Court have decided differently; and it seems to us that the opinion of Chief Justice Shepley in the case State vs. Robinson contains sounder reasoning than that of Judge Curtis, and therefore the correct conclusion. We refer to that opinion, as an unanswerable argument in favor of the law.

5. "The conditions of appeal are contrary to the provisions of the Constitution." Allow this to be so, then as this part of the law may be expunged, without injury to the rest, the result is merely this: that, when an appeal is claimed, the Justice must grant it on the ordinary conditions.

But with us there is a further argument; and we may allow the conditions of appeal to be contrary to the Rhode Island Constitution and yet they may not conflict with ours. The provisions of that Constitution are peculiar. It provides that "the right of trial by Jury shall remain inviolate." That is, that no more obstructions or conditions should be put in the way of a trial by Jury than existed at the time of the adoption of that Constitution, viz. in '41. But the R. I. Law does impose additional conditions, therefore it is so far void. Admitting that this reasoning is true, and we do not doubt it, the result as to the R. I. Law cannot be avoided. Our Constitution provides that "in all criminal prosecutions, the accused shall have a right to have a speedy, public and impartial trial, and, except in trials by martial law or impeachment, by a Jury of the vicinage." This language allows the Legislature to impose such reasonable conditions of appeal as would secure the State in the additional expenses of appeal in case of the guilt of the accused, and yet, such conditions as would not injure him in the least, if he should be finally acquitted.

Accordingly, our Courts both in this State and in Mass., before the separation, have decided that the conditions of appeal in ordinary cases do not infringe upon our Constitution.

On the whole, then, this decision in Rhode Island, cannot affect the practical operation of the Law in this State. Still, it may be well for the Legislature to modify it, in some of its objectionable features—especially as the essential principles of the Law have been admitted to be constitutional. O. P. Q.

The following letters announcing the death of a young and estimable friend, Mr. George Hasty, formerly of this town, in California, addressed to his bereaved and afflicted mother, will be read with saddened interest by a large circle of sympathizing acquaintances and associates, with whom he enjoyed in this place and elsewhere in bye gone days a pleasant and happy intercourse.

Though it has pleased a wise but inscrutable Providence to remove him from this present world, and his endearing cares and pursuits, early in life's brief day, and under circumstances of painful illness, by one of death's most terrible manifestations, yet it is pleasant to know, now that he is gone, and must give great satisfaction to his afflicted relatives, that he was kindly and attentively cared for in his last moments, and that his remains were borne away to the grave and laid down to rest by affectionate and devoted friends.

In communicating the sad intelligence, Mr. A. J. Williams, his long and tried friend, and who was faithful and devoted to him to the last, thus writes:

"The Law is unconstitutional because the complaint for search directs the keeper, owner, &c., to be summoned and fined when he is not by name charged as the keeper, &c." Our own Court has decided that a complaint charging no person by name of a crime can not be sustained so as to fine any person; but also decide that under our law, the complaint should charge the owner or keeper by name and then that he can be fined consistently with our Constitution. So this objection, in the practice under our law, as regulated by our Court entirely fails.

"The liquors to be searched for must be particularly described, and if the law authorizes a search for spirituous and intoxicating liquors, with no more definite description, the case is unconstitutional." So says Judge Curtis. If this objection is sustained, it strikes at the root of the law. The laws as to searching for liquors could not be of any practical effect. But our Supreme Court have decided differently; and it seems to us that the opinion of Chief Justice Shepley in the case State vs. Robinson contains sounder reasoning than that of Judge Curtis, and therefore the correct conclusion. We refer to that opinion, as an unanswerable argument in favor of the law.

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Accordingly, our Courts both in this State and in Mass., before the separation, have decided that the conditions of appeal in ordinary cases do not infringe upon our Constitution.

On the whole, then, this decision in Rhode Island, cannot affect the practical operation of the Law in this State. Still, it may be well for the Legislature to modify it, in some of its objectionable features—especially as the essential principles of the Law have been admitted to be constitutional. O. P. Q.

The following letters announcing the death of a young and estimable friend, Mr. George Hasty, formerly of this town, in California, addressed to his bereaved and afflicted mother, will be read with saddened interest by a large circle of sympathizing acquaintances and associates, with whom he enjoyed in this place and elsewhere in bye gone days a pleasant and happy intercourse.

"The Law is unconstitutional because the complaint for search directs the keeper, owner, &c., to be summoned and fined when he is not by name charged as the keeper, &c." Our own Court has decided that a complaint charging no person by name of a crime can not be sustained so as to fine any person; but also decide that under our law, the complaint should charge the owner or keeper by name and then that he can be fined consistently with our Constitution. So this objection, in the practice under our law, as regulated by our Court entirely fails.

"The liquors to be searched for must be particularly described, and if the law authorizes a search for spirituous and intoxicating liquors, with no more definite description, the case is unconstitutional." So says Judge Curtis. If this objection is sustained, it strikes at the root of the law. The laws as to searching for liquors could not be of any practical effect. But our Supreme Court have decided differently; and it seems to us that the opinion of Chief Justice Shepley in the case State vs. Robinson contains sounder reasoning than that of Judge Curtis, and therefore the correct conclusion. We refer to that opinion, as an unanswerable argument in favor of the law.

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Though it has pleased a wise but inscrutable Providence to remove him from this present world, and his endearing cares and pursuits, early in life's brief day, and under circumstances of painful illness, by one of death's most terrible manifestations, yet it is pleasant to know, now that he is gone, and must give great satisfaction to his afflicted relatives, that he was kindly and attentively cared for in his last moments, and that his remains were borne away to the grave and laid down to rest by affectionate and devoted friends.

In communicating the sad intelligence, Mr. A. J. Williams, his long and tried friend, and who was faithful and devoted to him to the last, thus writes:







