

PUBLICATION, No. 13

CITY POLICE OFFICE, Baltimore, June 4, 1839.

IN accordance with an Ordinance, relating to the appointment of High Constable, &c. The following is published for the information of the public, of the names and residence of the Police:

1st Ward, Edward C Taylor, Market street, east side, between Wilk and Fleet.

2d do Albert C Hall, No. 4, Thames street, near County wharf.

3d do John C. Henneck, No. 168, North Gay street.

4th do James Armons, in Aisquith, second door from Madison street.

5th do David B. Dickerson, No. 27 North Gay street.

6th do Henry McKewon, Potter street three doors south of Douglass.

7th do William Batchelor, St. Paul's street, three doors south of Centre.

8th do James Sheldon, South Hanover street, No. 103.

9th do Benjamin Chaney, South Howard street, No. 115.

10th do Jesse Sumalt, in Madison, 3 doors East of Garden street.

11th do Basil James, 3 doors South of Mulberry, in Paca street.

12th do Nathaniel Posey, corner of Cove and Franklin streets.

JOHN MITCHELL, High Constable,  
in Aisquith, North of Monument sts.  
MADISON JEFFERS, Deputy High Constable,  
in Albermarle, between Stiles & Pawn sts.

Maynard

French Copying Ink. (after shaking the bottle) October 26<sup>th</sup> 1865.  
 French copying ink, October 24<sup>th</sup> 1865.  
 Maynard & Noyes, October 24<sup>th</sup> 1865.

Carmine, July 22<sup>nd</sup> 1855.

Fuslong's nonpareil writing ink, March 5, 1840.  
 Stephens' writing fluid, March 5, 1840.  
 Stephens' writing fluid (a different kind), Aug 3/1848.  
 Stephens' writing fluid (last kind) Aug 30/1848.  
 Stephens' writing ink Sept. 17/1848. Stephens.  
 Stephens' ink Sept 17<sup>th</sup> 1853.



Stephens' writing fluid, May 3/1849.  
 Harrison's ink, March 16<sup>th</sup> 1852.  
 Stephens' writing ink, Jan 1<sup>st</sup> 1854.  
 Blackwoods steel pen ink, Oct 14, 1854.  
 German Ink, from Mr Waters, Oct 3, 1838.  
 German Ink, from Mr Waters, Jan 28<sup>th</sup> 1839.  
 Ink, made of logwood, add bichromate of potash.  
 Arnold's writing fluid, with a slight addition of  
 Maynard & Noyes' ink, July 29<sup>th</sup> 1865.



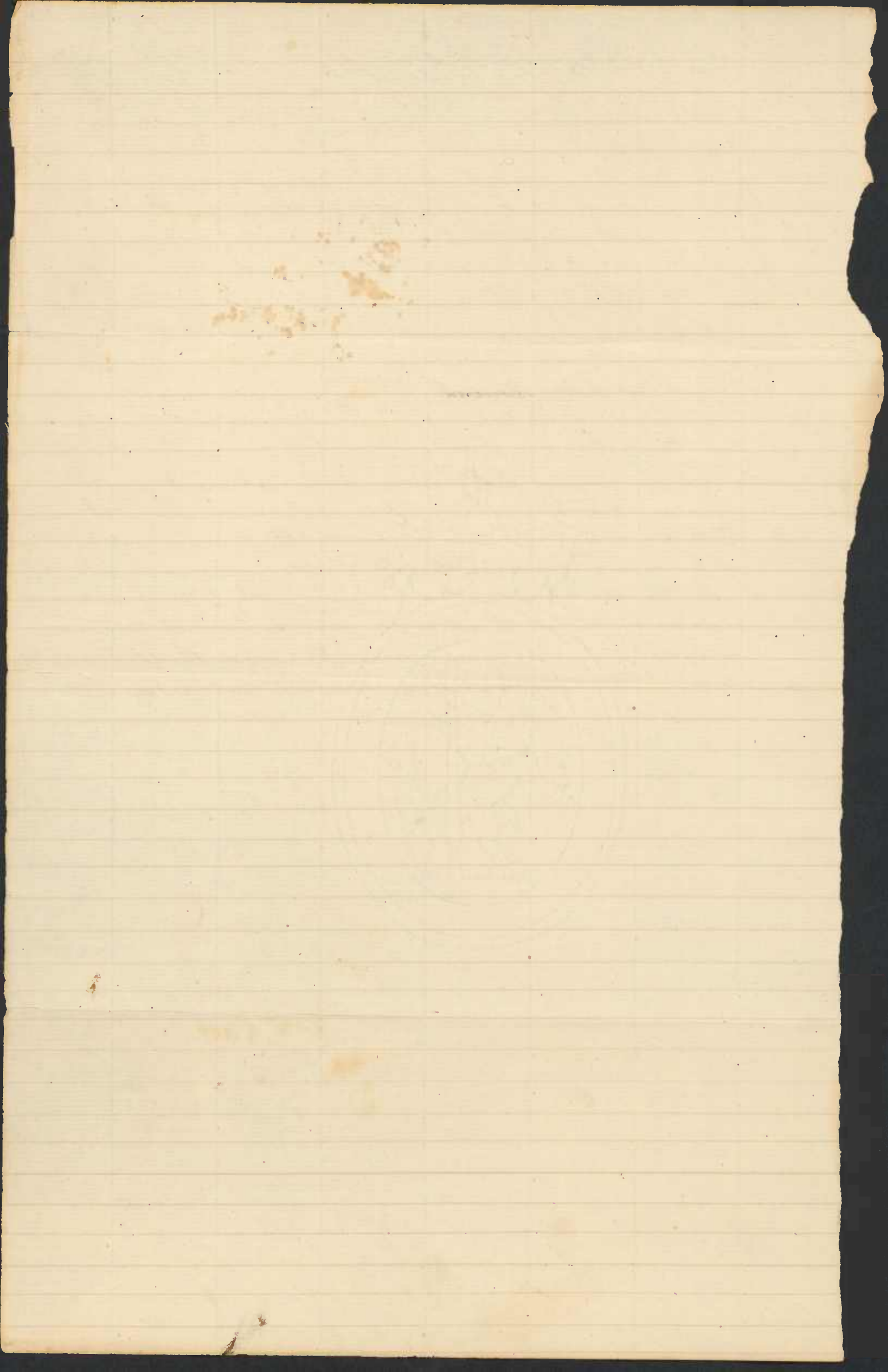
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Form of acknowledgment of a deed.

State of Maryland.  
City of Baltimore, to wit.

Be it remembered, and it is hereby certified, that on this the \_\_\_\_\_ day  
of \_\_\_\_\_ in the year one thousand eight hundred and thirty nine,  
before the subscribers, two Justices of the Peace of the State of Maryland  
in and for the City of Baltimore, personally appeared J. M. S. and  
M. E. S, his wife, who we are satisfied of our own knowledge are the  
persons named and described as, and professing to be, the parties of  
the first part to the ~~apossaid~~ aforesaid deed of conveyance and  
acknowledged the said deed of conveyance or instrument of writing  
to be their act and deed; the said M. E. S. having signed and  
sealed the aforesaid deed of conveyance or instrument of writing  
before us out of the presence and hearing of her husband and the said  
J. M. S. and being examined by us, out of the presence and hearing  
of her said husband, whether she doth execute and acknow-  
ledge the same freely and voluntarily without being induced  
to do so by fear or threats of ill usage by her said husband  
or by fear of his displeasure, declareth and saith that she  
doth. In testimony whereof we hereunto subscribe our  
names the day and year aforesaid.

[ 12



The Catacombs of Rome were at once the nursery of Christianity and its City of Refuge. The multitudes who delved in their recesses for daily bread, ~~safe~~ guarded alike by poverty and obscurity, amidst toil and privation sought wise consolation from the truths of religion; the exactions of the taskmaster but reminded them that a time should come when the wicked should cease from troubling and the weary be at rest; spiritual light shone amidst the surrounding darkness and told them of the glories assured to faith; if life was care and bitterness they knew that in futurity hope would become fruition; that like wayfarers in the desert they were for a time among hardships and desolation, but by patience and resolution would arrive at peace and final happiness. Amidst their rocks Christianity struck vigorous root. Upon earth were gaudy pageants and ceremony, the visible forms of a false creed which satisfied no craving of the human heart and wrought no change in its nature, whose deities, ~~if real, could work no change in human nature,~~ ~~and~~ were invoked only ~~as~~ <sup>advantages</sup> the capricious bestowers of some temporal blessing or to ~~glut~~ <sup>glut</sup> satiate some passion. The wise might smile, the ~~holy~~ <sup>good</sup> withdraw from communion with such a creed, and all might feel occasional ~~doubt and~~ misgivings, yet idolatry had its fanaticism amidst its doubts and sought to extinguish a purer faith by violence where it could not convince, and the sceptic aided its endeavors from motives of interest or cold blooded policy. The Christian might brave tortures or death when apostacy was the alternative; but he remembered the precept of ~~his~~ <sup>the</sup> divine founder which bade him to ~~fly~~ endure but not to seek such perils for conscience sake. Those who were ready to brave all at the last extremity, to ~~endure~~ <sup>be</sup> encounter death inflicted with all the horrors which ingenious cruelty could devise, while their pangs would swell the pleasures of a holiday among the spectators instead of exciting sympathy, avoided the danger when it could be done without dishonest denial, or disguise or criminal compliances. The catacombs became the lurking place of the hunted fugitive, the church and the ~~burial~~ <sup>sepulchre</sup> ~~place~~

of the Christian. ~~Amidst them~~ There the processions threaded  
its winding caverns to sunless waters for the rites of baptism, and  
by the brink of the dark and mirrorless pool arose the voice  
of prayer and of thanks giving that another soul had been  
dedicated to the living God. Around were tombs <sup>whose</sup> ~~with~~ rude  
memorial stones, <sup>was</sup> perhaps a fragment wrenched away from a  
Pagan sepulchre and still bearing the inscription that told of the  
hopeless sorrow of those to whom no revelation had disclosed the  
life to come, but on it the Christian had roughly graven words  
of grief ~~not self~~ but which faith had assuaged into resignation,  
of holy confidence, and triumphant expectation, <sup>and</sup> which  
declared that the grave was but the portal of a brighter existence.

On many, the ~~uncouth~~ <sup>in</sup> the inscription and emblems  
uncouthly carved told that here lay the spiritual soldier ~~who~~  
& had won the palm of victory, <sup>at the cost of life,</sup> who had persevered to the end  
and ~~had~~ yet even <sup>over</sup> these bloody relics of the scaffold & the  
amphitheatre, the tablet spoke of <sup>no threat or upbraiding to the</sup> ~~patience and forgiveness to the~~  
persecutor, ~~of~~ but expressed a quiet joy that a brother had past  
baffled pain and temptation and had passed away from a troubled  
life to a happy eternity. In the martyr the writers saw but a  
fellow traveller who had outstripped them, and beside his grave  
they armed themselves with fortitude to follow <sup>his example</sup> him  
through pain and ignominy to his reward. . . . And here too  
stealthily assembled the believers for worship, and watched anxiously amid  
its rites, for even ~~with~~ beneath the earth was no security, and the  
persecutor and his minions <sup>pressed</sup> ~~threaded~~ the labyrinth in search of their  
victims, the resolute paused <sup>and listened</sup> ~~in prayer and hymns~~ at the slightest  
noise, perhaps the splash of dripping waters or the fall of a pebble  
from the mouldering roof, deeming it the footfalls of approaching  
enemies, and the feeble prayed for strength to endure in their  
hour of need. And here too ~~lurked~~ the fugitives, to whom capture  
was death, dwelt in living burial, armed to encounter either fortune,  
seeking for life as the faithful servant for light while his master's  
work is not yet fully done, ~~yet~~ ready to ~~encounter~~ make confession  
of his faith and to meet the sword or the stake sooner than renounce it.

Alas, says an inscription which records the <sup>doom</sup> bloody death of the martyr, for times when we find no safety ~~amidst~~ <sup>amid</sup> your worship, even in caverns; but amidst its lamentations are sculptured the palm branch <sup>of victory</sup> and the despised pagan altar on which the sufferer cast no frankincense, and it adds with true a noble feeling "he is not dead but lives beyond the stars although his body rests in this tomb."

The persecutions of Marcus Aurelius was raging, of him whose philosophy in seasons of public tribulation gave way to fanaticism and who deemed that the virtues of the Christian had their rise in moroseness and obstinacy, and if it were milder than other storms which ravaged the Church, which swept away the boughs without stirring the trunk still it was not without its story of cruelty and bloodshed.

Within a recess of the Catacombs, amidst its graves and monuments, sat Lucius Antistius the fugitive, but not helpless, for the divine promises strengthened him, but seemingly beyond the reach of mortal succor; His lamp had been long ~~burning~~ <sup>extinguished</sup> and his scanty supply of food exhausted; but his friends had either been intercepted or had not ventured to visit him; but unmoved by vain terrors or the fearful realities of his situation he awaited coming events, equal alike to life or death, to life in which all earthly prosperity was extinguished, and death by famine or violence.

The change in his fortunes had indeed been great. Born to wealth and of noble parentage, he had gathered new honors by his personal merit and services, for in that age of the Roman empire, ~~vigilant~~ <sup>vigilant</sup> brilliancy is the more conspicuous for the darkness which hems its round, virtue might hope for reward and roused no jealousy in the sovereigns. He had long known the vanity of Paganism, whose few faint truths were but the darkening twilight of a sun which had long set, while the mass consisted of wild allegory and idle tradition of gross idolatry and sensuality.



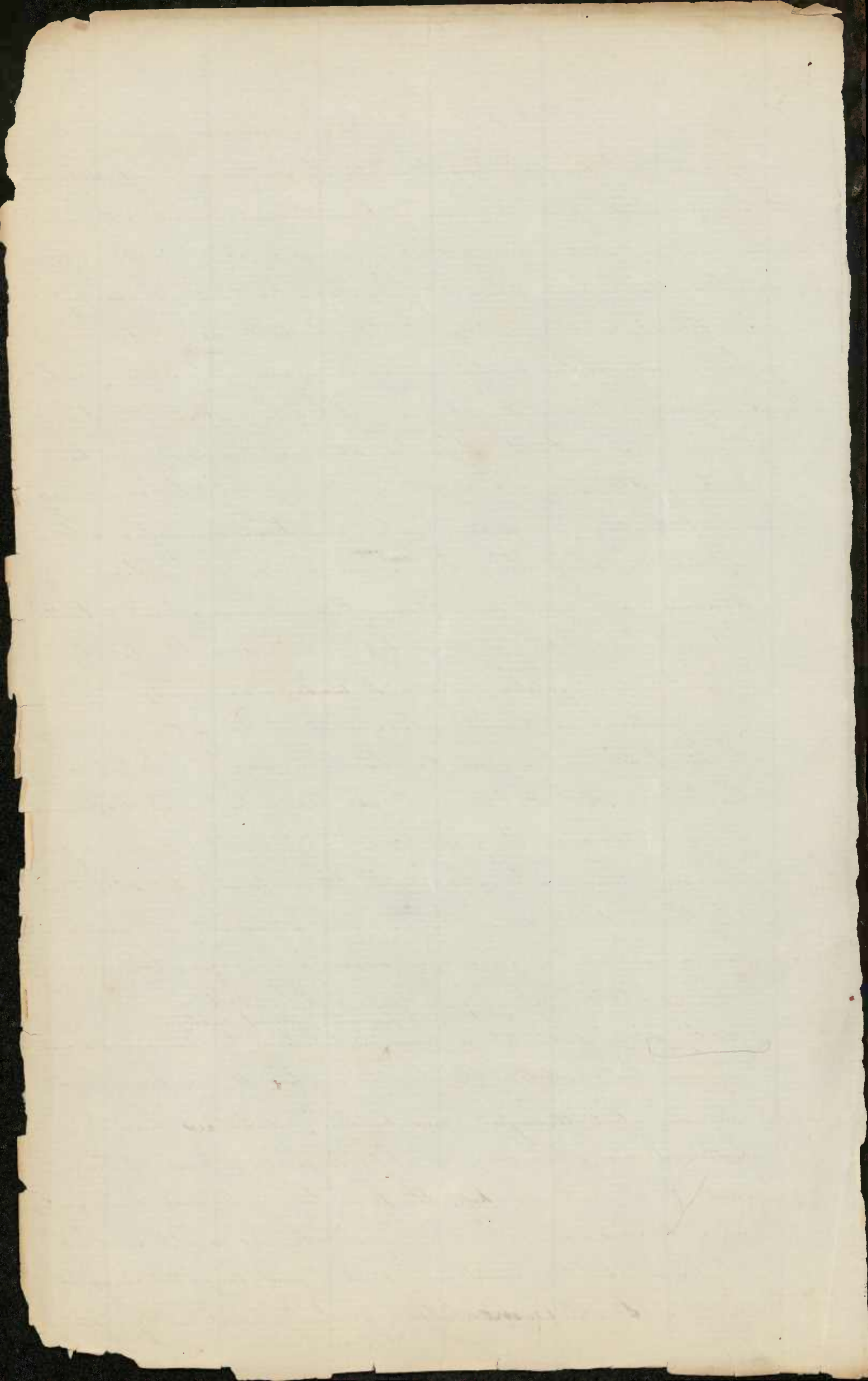
The efforts of philosophy <sup>to iterate</sup> ~~to breathe life into~~  
 to adjust its <sup>ill-assorted parts</sup> into harmony, to feign that the revolting was but  
 types and symbol, sometimes to disguise and sometimes  
 to decorate, or to build up a sanctuary within which  
 they pretended that mighty intelligences dwelt which  
 vouchsafed their presence only to the wise, wrought no  
 conviction with him. it was ingenuity endeavoring to soothe  
 offended reason and calling its fancies revelations. Still  
 less did he hearken to those desolating opinions, which are at  
 war with consciousness and nature, which would limit existence  
 to the brief span of earthly life, and would leave man to  
 his weakness with no superior being to pity ~~and~~ to guide,  
 whose freedom is the banishment of all restraint save  
 pride and whose hope is annihilation. While journeying in  
 the East he had found the spiritual manna which satisfies  
 the hunger of the soul, the revelation which blends with  
 the human mind to strengthen and ennoble it in every  
 condition and circumstance of life, implanting the will and  
 ability for good, shewing our moral leprosy but pointing to  
 the waters of healing; proclaiming a mediator and redeemer,  
 giving us certainty of immortal happiness and telling us how  
 it may be won. He had passed many years in zealous  
 belief and in well doing not only to his brethren but to  
 all, ~~to any~~ <sup>others</sup> ~~that~~ ~~who~~ sought or needed his aid, and ~~those~~  
~~who knew not~~ his religion extended his charities to those  
 who knew it, ~~secret~~, like secret waters flowing darkly  
 beneath the surface yet spreading nourishing verdure and  
 fertility above. His blameless life and universal esteem  
 were insufficient protection; a suspicion arose that he was  
 a Christian and even the debtors to his country ~~threatened~~ <sup>clamored</sup>  
 for his blood; to be ~~accused~~ <sup>meet the accusation</sup> was to encounter death, for life could  
 only be purchased by apostasy, by sacrifice to idols and  
 blasphemous denial of his master, and he sought precarious  
 refuge among the gloom of the catacombs.

<sup>had</sup>  
 He sat patiently for many hours, when suddenly a light shone  
 at a distance like a star down the shaft of a mine, and  
 after a few seconds advanced rapidly towards him. Antistius  
 arose, for he deemed that his retreat had been discovered  
 and that his hour was at hand. his cheek might be pale  
 at the sudden call of death, but he bore himself with  
 firmness and quiet dignity. But there appeared no cause  
 of apprehension. A middle aged man appeared clad in the  
 garb of a Greek philosopher but ~~of no austere sect~~ its  
 costly materials and the garland of flowers around his  
 brow declared that he was of no austere sect. His features  
 were handsome and his deportment ~~easy~~ and graceful, but  
 there was about him something repulsive, something which  
 told that his courtesy was a disguise, and that in reality  
 he despised his kind and looked on their sufferings with  
 pleasure as the meet reward of their folly. He approached  
 Antistius without alarm or any tokens of astonishment  
 and alarm, and enquired why he was there. And when  
 he had heard the cause, he observed with a smile "another  
 victim to the superstitions of the age and his own imprudence;  
 the wise contend not with the common belief, or even  
 conform to it outwardly, contenting themselves with secret  
 dissent; they seemingly acknowledge as realities the phantasms  
 which delude others, but they worship truth only, and  
 their worship is not less intense because it has no witnesses  
 save the initiated. Cast a few grains of incense on the altar  
 before ~~his~~ senseless idol, <sup>in</sup> which however is represented the  
 human form purified from the ignoble and unsightly,  
 and what harm is done? It is homage to the beautiful,  
 or gratitude for the pleasures which they typify, which  
 throug our daily life to alleviate ~~ours~~ <sup>ours</sup> miseries; we have assured  
 our safety and gained power over the minds of others, while  
 we smile at the credulity which fancies such an act to  
 be religious." Antistius would have replied, but the  
 stranger hastily said "It is not fitting that we should?"

dispute while you are hungry and weary; follow me, these caverns are peopled by other causes than religious belief, by ambition, avarice, ~~philosophy~~ <sup>entrapment or</sup> the love of retirement or of noiseless and unenvied pleasure; happiness may be found even here." He moved onwards and beckoned to Antistius, who hesitated from doubt and dislike; the signal was repeated accompanied by a look expressive of derision at the cowardice of his guest, and Antistius followed. The stranger advanced with the confidence of one who held the clue of the labyrinth, he ~~traversed~~ <sup>traced</sup> its windings ~~with the confidence~~ <sup>like</sup> of one to whom they were familiar, now ascending the rude stairs and dangerous stairs which united one passage to another, and now passing with quick and firm steps along the ~~low~~ narrow ledge which formed the pathway beside some pit, while portions of it crumbled beneath ~~its~~ his tread and could be heard to splash in ~~the~~ waters far below. Antistius trailed after him with difficulty and continual danger.

They came to a sudden turn in the rock and the scene was changed.

They had entered a large hall, not the rough, obscure work of the quarryman, but painfully bright, with its fretted roof reposing on the leafy capitals of a wilderness of Corinthian columns. Around were disposed statues having that appearance of unearthly life which sculpture bears when seen by torchlight. There were Jupiter with placid brow, wielding the thunderbolt as an emblem of power, not as the instrument of vengeance; Bacchus, not as vulgarly represented reeling in debauchery, but the God of wine and not the degraded slave of his own creation, tendering the wine cup as the gift of a deity to sorrowing man; Minerva, in severe beauty, the bestower of wisdom, and all the chief divinities whom heathen tradition honored. At hand were banquetting couches strewn with tapestry and purple with a table heaped with dainties amidst which <sup>littered</sup> golden cups and ~~beaker~~ vases wrought in every fashion of delicate adornment. The stranger moved to the table and signet pointed to a couch. Antistius hesitated and looked around with wonder and displeasure, his eyes fell upon the food before <sup>him</sup>, and forced by ravening hunger though struggling with the impulse, he stretched forth his hand irresolutely. The stranger had marked the action, and a fierce joy shone on his countenance; he snatched up a wine cup and lifted it on high, exclaiming "first let us pour <sup>in compliance with ancient custom</sup> a libation to those who are figured here whether they be the creators, the creature, or a dream," but the spell was broken, Antistius had recovered his strength; he stepped forward and sternly said "thou shalt worship the Lord thy God and him only shall thou serve". At these words all was wrapt in thick darkness; but he could hear peals of wild laughter mingled with wails and lamentation, gradually weakened by distance.



His heart bounded in fear, and he remained ~~silent motionless~~  
 long after the every sound had died away, but he  
 remembered him whose kingdom is ~~not~~ illimitable, to  
 whom the visibles and invisible, the powers of light  
 and of darkness, are alike subject, and he cast  
 from him his ~~ferrous~~ in self-reproach and shame,  
 in the hurried, abhorrence with which we throw aside an infected  
 This situation was perplexing; it was impossible  
 to find again his former retreat where his friends  
 had left him, to ~~remain~~ ~~not~~ continue where he now  
 stood was to perish, yet what effort could he make  
 for deliverance? At length almost aimlessly he  
 advanced, groping his way amidst damps and  
 darkness, while his footsteps and his very breathing  
 seemed to find echoes, ~~at~~ a dim glimmer of day  
~~seemed~~ <sup>at last</sup> to weaken the gloom; he could and after a  
 few steps more he could discern ~~a multitude~~ by  
 the light which poured through the rifted arch of the  
 cavern, a crowd of men, closely gathered together.  
 But scarcely had they met his view when a strong  
 grasp was on his shoulder and ~~the~~ a sword was  
 pointed to his heart, while a voice, menacing in a  
 whisper, bade him surrender without struggle or die.  
 Danger like this brought no alarm to one who had  
 proven himself a stout soldier in many a field,  
 and who was upheld by religious confidence; he  
 cast his assailant from him, and strode forward  
 towards the assemblage; ~~there was a low breathed~~  
 There was a low, half-suppressed cry of surprise, and  
 then they hemmed him round with eyes of fierce enquiry  
 and brandished weapons, but before a blow had been  
 aimed, a voice pronounced his name; it passed rapidly  
 from one to another, and the whisper swelled to a  
 shout, <sup>like the pattering cry of a host,</sup> the hands which had been armed against his  
 life sank down harmlessly, and were again thrown on  
 high in exultation, while amidst the loud <sup>welcome</sup> cry of

"Hail to Antoninus, our Emperor." Antoninus looked around in astonishment. There was the <sup>consecrated</sup> eagle of the Roman Legion, ~~and every man bore the familiar dress and equipments of the Roman soldier, mingled here and there;~~ and among them ~~hardy forms and~~ were faces which he had seen the foremost in <sup>the heady</sup> onset of battle, <sup>of old</sup> his companions and his friends. A stranger, apparently an officer of high rank, stepped forth and abruptly said "few words are best; the wealth and power of the empire are the rightful property of the soldiers who guard it; in us is the real source of authority and its strength; the anger or complaints of others are of little ~~but~~ moment if we approve, without our aid the sceptre is a bangle, and we can make or unmake kings at our pleasure. Aurelius hearkens to the ~~wordy~~ follies of pedants mis-called philosophers, ignorant of the realities of life and guided by maxims drawn from wordy scrolls, the legacy of folly to the foolish; he ~~imposes~~ defrauds the army and oppresses it under the pretext of discipline and justice. Accident has provided us with a leader and an emperor, to whose elevation even the citizens <sup>joyfully</sup> will assent, though their assent is of little consequence; the discontent of the soldiery is general, and they are resolved for change; in a few brief hours the reign of Aurelius is over, and Antoninus mounts the throne amidst the shouts of the legions who have earned his gratitude. Let him swear with us <sup>before the legionary eagle, the golden</sup> mutual fidelity; does he hesitate, the alternative is death." Antoninus was silent; many drew nigh and ~~clasped him~~ and entreated him <sup>to</sup> with tears and suppliant gestures, <sup>to comply</sup> but the countenances of others were darkened by ~~passion~~ anger and suspicion, and they looked ~~with~~ ominous meaning upon their unsheathed swords, and a murmur of hoarse displeasure arose and threats which momentarily became more plain. He looked proudly around, and then bowed his head and awaited the fatal blow. There was a rushing sound, as if a mighty wind

were passing by, ~~and when~~ he lifted his eyes, he stood alone, and there was nothing visible but the broad flakes of light which <sup>dropped through</sup> crevices in the roof and fell into darkness and like snow into the river. Slowly he continued his journey, he reached a stone on which were set a lamp shedding its last yitful rays, an earthen cup, some fruits and bread; above it was a figure roughly carved on the wall, so uncouth and rude that by the dim light it would have been difficult to conjecture its subject, had not ~~be~~ a trailing inscription "Jupiter, the Best, the Greatest" explained it; misguided piety, ~~perhaps~~ <sup>had</sup> <sup>strivers</sup> vainly to give durable expression to its own fancies, and to fashion the reluctant rock into the majestic beauty which haunted the imagination. Rude as was the emblem of divinity it had found worshippers; the stone was its altar bearing the thank-offerings of the ignorant and poor. The food though coarse <sup>was presented as</sup> strong temptation to one perishing with hunger, but Antistius spurned it from him contemptuously in token of contempt hate to the dark idolatry which had placed it there, and continued on his way.

A few steps more and he had reached the mouth of a lighted crypt within which sat <sup>an old</sup> man gazing intently upon treasures which lay in heaps before him, money, <sup>with</sup> gold, plates and gems piled up in sparkling profusion. He sprang to his feet with looks of alarm, seeming to meditate flight but withheld by the fascination of his treasures; but Antistius said to him, fear not, I mean thee no wrong and covet not thy gold, I am a fugitive screening myself within the depths of these caves from the injustice of man. The stranger still viewed him with suspicion, but Antistius reassured him and recounted his history, and after many questions and replies the stranger said "my life and fortunes are imperilled by a charge of ~~sedition~~ before the Emperor which I fear

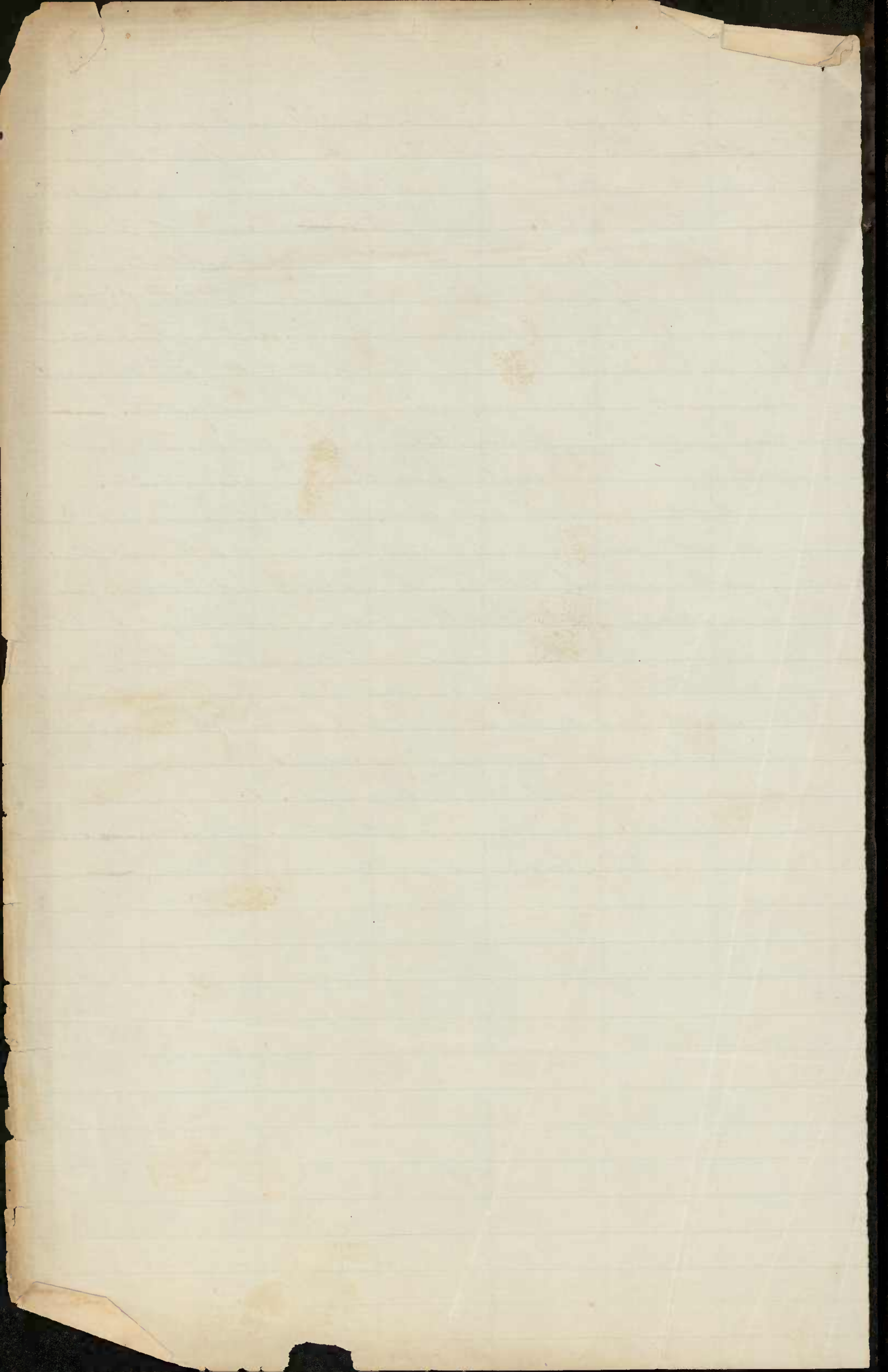


But the sun shines brightly in other lands than Italy,  
 and the prudent can purchase a welcome every where.  
 The exile is not always condemned to ~~poverty~~<sup>suffering</sup> or obscurity;  
 wealth is power, and the means of gratifying every desire;  
 it is so even to the penurious, for he can offer the cheap  
 but effectual bribe of hope. A ship awaits me to which  
 trusty slaves will convey my treasures; in a few hours I am  
 in safety on ~~my~~ way to other climes, where I may enjoy the  
 reverence ~~and~~<sup>and pleasures</sup> ~~of~~<sup>of</sup> wealth, insured, ~~and~~<sup>and</sup> ~~yet~~<sup>yet</sup> without cost to myself,  
 for my generosity will increase it almost beyond an estimate.  
 But I am old, and need the assistance of the resolute and  
 sagacious to execute my projects; unite your fortunes with  
 mine and partake my wealth; here you are a persecuted  
 wanderer before whose feet a grave is open; under another  
~~time~~ name and beneath other skies you will be  
~~safe~~<sup>rich</sup>, fortunate, and happy. Disguised as priests of Cybele,  
 with their hymns upon our lips and mimicking their frantic  
 rites, we shall reach the sea side unharmed, some ~~will~~<sup>will</sup>  
 despise but all others will revere us, and in either feeling  
 we shall find our safety; in a brief time you are again in  
 possession of riches and influence, able to obtain all that  
~~to~~<sup>to</sup> heart you may wish for, even revenge upon those enemies  
 who are now successful; "But Antistius recoiled and  
 said "I leave thee tempter, thy gold perish with thee"; and  
 when he had spoken he was again alone in the darkness.  
 In the same minute he could hear the measured tread of  
 many feet, and a procession approached him in which the  
 torchlight shone upon lance and helmet, and corselet; at  
 its head ~~was~~ one in whom Antistius recognized an ancient  
 foe, whose enmity was the more deadly because it had been  
 unprovoked; but he seemed controlled by a superior power;  
 he bowed in respect, and said "health to Antistius; the  
 emperor remembers their friendship and his deserts, he forgives  
 the past and sends him the insignia of the consulship,  
 and dignity which the

proudest king might envy; but a Roman magistrate must worship the gods of Rome by whose favor she has become the mistress of the world; do this and all is well with thee." But Antistius replied "~~to idols~~ I will not bow down to idols;" and again he was in gloom and solitude.

Again a multitude streamed forth with lights and weapons; but here was no unholy illusion, and no temptation but the love of life; all was stern reality; they closed around with insult and violence, rejoicing in their good fortune, and vainly watching for some token on his part of fear and anger, and more brutal from their disappointment.

Antistius came forth from the catacombs with manacled hands amidst revilings and execrations from his guards and the gathering crowd, but his look was calm and his step was unflinching, for he knew that if man was cruel yet God was merciful, and that he was about to gain an eternity of happiness by brief earthly suffering. In a few days afterwards a rude slab bearing the martyr's palm branch, the instruments of torture, and the name of the sufferer, announced that another saint had gone to his reward; he had perished glorifying God in his agonies, strengthening his following victims, and imploring forgiveness for those who slew him.



Baltimore

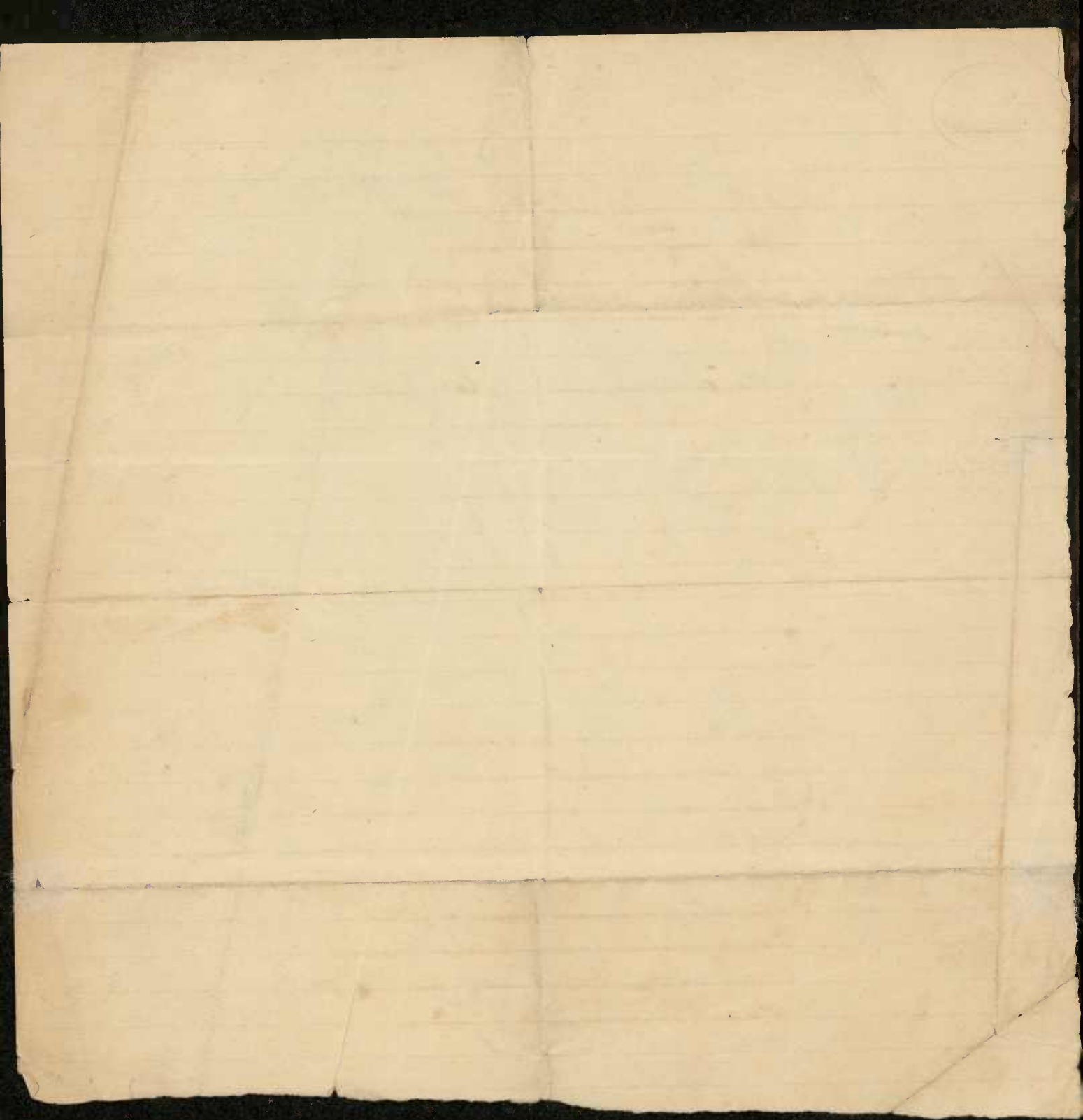
Doest thou thirsting stand where meet  
 Barren <sup>shore</sup> land and bitter seas,  
 I scoop the sand beneath thy feet,  
 Where the pure, cold wave will be;

2  
 Or the changing wild-fowl follow  
 Till it folds its weary wing;  
 There within the reedy hollow  
 Lies the pool or living spring.

3.  
 Thus I practice, with despair  
 Struggling unto victory,  
 Reason coldly may declare  
 'Tis but one, thou art fancy-free;

4.  
 Yet within my bosom sorrow  
 Only for a moment reigns —  
 From a word or smile I borrow  
 Food that laughing hope sustains;

5  
 And its promises have stilled  
 Every grief my heart has known,  
 And within the desert build  
 Paradise <sup>but now</sup> ~~is~~ ~~been~~ ~~or~~ ~~thrown~~ —



City Court March 2. 1838.

Demurred to several indictments for gambling, as to the two first counts, which severally stated that the traverser kept a common gaming table for playing Pharo, and a Pharo bank, on a fixed day, upon the ground, that the offence should be laid in the indictment as having been committed also upon other days and times, gambling being a nuisance, and the statute not being intended to change its character. Overuled. *Vide* Stark. C.P. 61. *W. Med.* 335

City Court. March 1838. Thomas Gorman was convicted of suffering gambling in his house. He had rented the rooms in which the gambling was carried on, to other persons with a knowledge of the intention of the lessees to keep a gaming table there.

State vs T. Gorman. 1st count for proprietor of a house for permitting a pharo table to be kept therein.

2d. a pharo bank.

3d a table whose name is unknown, on divers days.

4<sup>th</sup> for occupants permitting a pharo table. &c

5<sup>th</sup> a pharo bank.

6<sup>th</sup> a table whose name is unknown on divers days.

7<sup>th</sup> for keeping a common gaming table room and place.

**Communicated for the Baltimore Patriot.**

*The State of Maryland vs. Thomas Gorman.*

Indictment in Baltimore City Court at February Term, 1838.—Present the Hon. N. BRUCE, Chief Judge, Hon. A. NESBITT, and Hon. W. G. D. WORTHINGTON, Associate Judges.

The traverser was indicted under the 1st section of the Act of 1826, chapter 88, which is in these words: "Be it enacted by the General Assembly of Maryland, that every person who shall be duly convicted of keeping any E. O. Table, or any other kind of gaming table (billiard tables excepted) at which the game of Pharo, Equatly, or any other game of chance, shall be played for money, or of keeping any bank, and inducing or permitting any person or persons to bet against said bank, or of strolling about the country from place to place and deriving a support and maintenance chiefly from gaming, or of permitting the same to be kept or practiced in any tavern, or house, stall or booth of which he, she, or they, may be the keeper, or keepers, proprietor, or proprietors, occupant, or occupants, shall for the first offence, forfeit and pay a sum not exceeding two thousand dollars, nor less than one thousand dollars, and be imprisoned for a period in the discretion of the Court, not exceeding twelve months, and upon the second conviction, shall forfeit and pay a sum not exceeding four thousand dollars, nor less than two thousand dollars, and be imprisoned for a period not exceeding two years, nor less than three months."

The indictment was founded on that portion of the above section of the said act, which reads as follows: "or of permitting the same to be kept or practiced in any tavern or house, stall or booth, of which he, she, or they may be the keeper, proprietor or proprietors, occupant or occupants," &c. and charged the traverser with permitting the gaming tables, &c., forbidden in the above section, to be kept in a house of which the traverser was proprietor. The indictment also contained other counts, charging the traverser with having permitted the same offence to be committed in a house of which he was occupant, and also a count at common law for keeping a common gaming room, &c., but contained no count charging him with being the keeper of the house.

As this case turned upon the law as growing out of the particular facts of the case, in regard to which there was no controversy, the evidence will be concisely, but accurately stated:

Gorman, the traverser, on the first day of January 1837, became the lessee of the whole house in which the gaming was charged as having been carried on, for ten years, at the yearly rent of \$400, and put upon the premises repairs and improvements to the amount of about \$2,000, & some time in the month of January, 1837, he leased the whole of the upper part of the house and the yard and back building belonging thereto, to a man by the name of Carter, for one year, commencing from and after the first day of April, 1837, at the yearly rent of \$400, it being

understood that the said lease was to continue year to year, the rent commencing upon the first day of April, and payable annually. It also appeared at the time Gorman made the said lease to Carter, he knew that Carter intended to use that part of the said house so leased to him as aforesaid, for the purposes of gaming and also for his (Carter's) place of sleeping.

It also appeared that Carter took possession of the apartments of the said house, so rented to him by Gorman, about the first day of April, 1837, and continued to occupy them until the time of the trial, which was on the 6th, 7th and 8th of March, 1838, and that he began to use the said apartments for gaming in the latter part of the summer of 1837, say in the months of August and September, prior to which time it appeared that no gaming was carried on there. After the period last above stated, the proof was full that repeated acts of gaming had been committed in the apartments leased to Carter as aforesaid, and that the traverser had been frequently seen in the room where the gaming was going on, and that upon one occasion at the request of the dealer, he (the traverser) loaned the dealer some money, but it also appeared that the traverser had no interest in the gaming, and that he was not in any manner concerned in its profits or losses. The indictment did not charge him as being the keeper, either of the Pharo table or Bank, such an indictment had been, in fact, sent to the Grand Jury, but was ignored. The charge against the traverser was for permitting others to keep such bank or table in a house of which he was proprietor or occupant.

It also appeared that the traverser was a tailor, and that he used the front and back room of the first story of the said house as a tailor's shop, the front room to expose his goods for sale, and the back one as a shop for his workmen, and he also used the cellar beneath them to keep wood in, and that Carter had the sole and exclusive use and possession of the second and third stories of the said house and of the whole of the back building and yard attached thereto. The entrance to the traverser's shop was by a door opening upon the street, of which he kept the key, and generally closed his shop at 9 o'clock, P. M. and at that time locked the front door and kept the key. The front shop communicated with the back one by a door at the back part thereof, which opened into a passage opposite a door which opened into the back shop on the other side of the passage.

There were two other entrances into the said house, of both of which Carter had the keys. The one by a door on a narrow alley on the south side of the house, which led into the passage above spoken of, running between the shops used by the traverser as before stated; and from the said passage a stair way led to the upper part of the house occupied by Carter. Farther up the said alley there was a yard gate leading into the back yard which was the other entrance of Carter, which, by means of a door opening into the yard and from thence by means of a back stairway in the said back building he could pass into the second story thereof and from thence by means of a door immediately into the apartments rented to Carter by the traverser as aforesaid, in the

second story of the main house. Carter had the key of the alley gate and of the back building, and had exclusive use of that mode of entering the upper apartments. The said back building was three stories high and the said house three stories exclusive of the cellar and Carter was sole possession of the whole back building, and the second and third stories of the front house. The traverser's shop was open, persons sometimes

through it into the aforesaid passage and thence up stairs to Carter's apartments. It also appeared that Carter slept in his part of the said house, and that the traverser was a married man and resided with his family in a house in a distant part of the city, and that he only used the said part of the house let by him as aforesaid for a shop and the cellar for keeping wood.

Such were the undisputed facts of this case, which was submitted to the Court, there being no jury sworn in the cause. The traverser's counsel contended before the Court, that according to analogies derived from repeated decisions in cases of burglary, arson, and bandy houses, the portion of the said house rented to Carter as aforesaid, must be considered as his (Carter's dwelling house, there being different outer doors, and Carter sleeping therein, and the traverser not sleeping there; and that the law of the case was precisely the same as if the Traverser had leased the entire house to Carter and had used no part of it himself. In support of this doctrine, the following authorities were relied on:—Cowper's rep 45 and 6. Lee vs. Gonsel. 1. Chitty General Practice, 167 and 170. 2. East P. C. 206 and 7. 1. Hawkin 134. 1. Leach 89. King vs. Rogers. 1. Leach 427. King vs. Trapshaw. Roscoe crim. Evidence 267.

Whilst arguing this question, the Traverser's counsel were stopped by the Court, and it was distinctly stated in open Court, both by the Court and counsel for the State, that this law was admitted, and that the counsel for the Traverser in their arguments might assume the law to be precisely the same, as if the Traverser had leased the whole of the house to Carter by the year, and had reserved no part thereof for his own use.

The question then was, whether a lessor who knows at the time he makes the lease, that his lessee intends to use the premises leased for the purpose of keeping a Pharo table or bank, is responsible under the clause of the act of Assembly before stated for the conduct of his lessee, and whether the lessor can be considered as *permitting* this to be done during the lease, and whether during the lease the lessor can be considered either as the proprietor or occupant of the premises leased.

The Traverser's counsel contended that by the fair construction of the aforesaid act of Assembly, the word keeper applies to a tavern, the word occupant to a stall or booth, and the word proprietor to a house, and the act should be construed as if the phraseology of it was "or permitting &c. in any tavern of which he is the keeper, in any stall or booth of which he is the occupant, or in any house of which he is the proprietor." It was further contended, that the word occupant meant either mere naked possession where the party has no title except possession, and no one has a better. As if A. be tenant for the life of B. and A. dies during the life of B., at the common law the person who first entered on the premises after the death of A. is said to acquire a title by occupancy during the life of B. 2 Blackstone's Com. 258 and 9. Or that the word occupant meant a possession by the consent of the owner, not inconsistent with the owner's control over the premises, as that of the invited guest at a private house, who is said to occupy his apartments whilst there. The same of a steward, or butler, or servant, who, as such occupies apartments about the house of his master, or of a guest at a tavern, who is said to occupy his rooms. In all of which cases the occupancy by the party does not prevent the actual legal control of the apartment so occupied by the host, the master, or the tavern keeper. See Archbold's Cr. Pleading 256. (Jervis's edition.) Starkie on Evidence 326. Or that the word occupant meant the possession of a thing in its own nature, used only for temporary purposes, as a stall, or booth, which is not intended for dwelling in, but only for a temporary use, a stall in a market—a booth at a fair, a tent at a camp meeting, and the like; and that the words in the act of Assembly were intended to denote the kind of interest which the parties intended to be punished should have, in the respective places mentioned in the act, and that though a tenant of a house for a specific term, at a specific rent, in one sense, may be said to occupy the premises, yet that the term occupancy is not properly descriptive of the interest of such tenant, but that being in by title he is during his lease proprietor and master of the house in which he lives, and that his lessor is but a reversioner and cannot as such bring trespass *quasi clausum fregit*, but would be driven to his action on the case for an injury to his reversionary interest.

It was further contended that in no sense of the term could the traverser be considered as the occupant of the rooms leased to Carter, in which alone the gaming had been carried on.

The indictment did not charge the traverser with being the keeper of the house, and it seemed to be admitted on all hands, that as the house in question was not a tavern the word keeper would not have properly applied to the traverser's case, as that word was supposed to be applicable under the act of assembly to a tavern only.

As to the word proprietor it was contended that it meant the individual who had *present controul*, notwithstanding the occupancy of another, as his guest, servant or mere agent, as the proprietor of a stage coach, who has the right to controul its movements, notwithstanding the reins may be in the hands of his driver or travellers, the occupants of its seats. Or as the case of a nobleman, who is proprietor of his whole mansion, notwithstanding his steward, butler or servant may occupy their respective apartments therein, or the case of the tavern keeper or private individual, notwithstanding his travelling guest or private friend may occupy a particular room or rooms, in his tavern or man-

It was further contended that the word proprietor either meant as above, when the occupancy was not inconsistent with his immediate legal controul, or that it meant the individual, who was actually in possession by title, as in the case of tenant for years, for life, in tail or in fee; that it meant the party in possession by title, no matter what was the extent of his interest, so that it was specific, and that it was in this sense that Major Gansel, in the case of Lee vs. Gansel, above referred to was said to be proprietor of the rooms, which he rented by the year from Mayo, notwithstanding Mayo occupied and dwelt in the rest of the house with his family. In that case Gansel was called proprietor by Mansfield and Dunning, in argument, and it was not denied by the Court or by the adverse counsel.

As to the meaning of the word proprietor, the following authorities were cited:—Roscoe's Crim. Ev. 276 and 7. 2 Starkie and Ev. 326. 2 East P. C. 500. (Lee vs. Gansel, Couper. 3) and 1 Hale P. C. 557.

It was further contended that English Judges in describing the relation of landlord and tenant in various criminal cases, speak of the Landlord as owner, sometimes applying the same word to the tenant in possession, but no case was adduced either by the counsel for the State or the Court, where the lessor is ever called by the English Judges owner in cases of burglary during the existence of a specific lease of the proprietor. The following authorities were cited in illustration of the meaning of the word owner:—1 Leach 59. note A. King vs. Rogers. Same 429. King vs. Wapshaw. Roscoe's Crim. Ev. 268 and 9. Archbold's Cr. Pleading 256 and 7. 2 East P. C. 506. sec. 19. 2 Starkie 328. Lee vs. Gansel, Cowpin 5.

It was further contended that at the common law in the cases of bandy houses and disorderly houses, no case could be produced where the lessor with knowledge of the purpose for which the house was to be used, had ever been held criminally responsible for the conduct of the house by his tenant, that so far from that being the case, it was the actual master of the particular part of the house, used for improper purposes who was held responsible as in the case of Regina vs. Peirson, 1 salkeld 338.

It was further contended that the whole policy of the criminal Law was to hold the actual controller of the house responsible for its management.—That in this case Carter was confessedly responsible, and the attempt to extend the criminal code to the reversioner, for the management of his tenant was unprecedented, and fraught with the most dangerous consequences. That the act of assembly did not require it as the word proprietor might unquestionably mean, and did mean the tenant in possession by title, and having immediate control and that to extend that word to include the reversioner was uncalled for by the act itself, against the policy of the criminal code for a thousand years in analogous cases, and against the intention of the Legislature, in the act referred to.

That if the court extended the act of assembly to him, who makes a lease for years with knowledge of the tenants intention, they must extend it also to Lessor for 99 years, renewable forever, to Lessor for life, or intail, yea, even to the assignor of his whole interest, or to grantor in fee, under the same circumstances, and if a man cannot lease or sell a house to a gambler, knowing his character, it is as much as to say, that such a man shall have no house to dwell in, no bed to lie in, and no hearth to warm him, and that he must either repent or perish for want, and that it is substituting starvation for moral influence in the work of reformation, and that such a principle would be abhorrent to the human heart. And it was contended that the mere making a lease under such circumstances was confessedly not indictable, and that in this case there had been no gaming for months, after the lessee had entered, and was in possession, and that to hold the lessor responsible under such circumstances, because he knew the lessor's intention when he made the lease, was to deny to the traverser the *locus penitentia*, which the law allows to the guiltiest. If he had repented and brought his action of ejectment, he could not have recovered during the lease, first because of his bargain, and secondly because by the decisions of this State, if there was any thing immoral in the original lease, the lessor would not be allowed to recover in such cases, the rule being *pohiores conditio postuleitis* (see 4 Har and Johnson 233, Stewart vs. McIntosh and Chappel and Wysham 560.) A Court of Chancery will not enjoin against the commission of an indictable offence. The traverser could not have lawfully turned his lessee out by force, and if he had applied to the criminal courts and told the whole truth, and the principle now contended for by counsel for the state be law, he would involve himself in a criminal prosecution, because it is contended that having made the lease with knowledge, he is crimi-

nally responsible for all the gaming carried on therein, as by his permission.

Again it was contended that though a lease made under these circumstances, might be void so far as the recovery of the rent by the lessor was concerned, yet it was not void, so far as third parties were concerned, and that in this case the state was a third party. That Carter might maintain that a burglary committed in the house would be in trespass *quare clausum* against a wrong doer, and dictable as for a burglary in Carter's dwelling house, that the lease was not void so far as to release Carter from criminal responsibility for the management of the house, nor to deprive him of the protection of the law for injuries done to his title, and that in forfeiting our claim for rent the law in fact, punished our conduct in making the lease, and that the attempt now made was in the nature of a second punishment for the same offence, and that if the lease was void, so also was the permission supposed to have been given, when the lease was made.

It was further contended, that the word permitting implied the power to prohibit at the time of the criminal act done, that the party must be proprietor at that time, and that in this case the gaming took place in the apartments of the lessee, in the midst of his term; and that the lessor could not be said to permit that, which at the time, he had no legal right to prohibit, nor could he be called proprietor, so as to be criminally responsible when he had no legal right to control the uses of those apartments.

It was further contended, that the use of the word "permitting" the same to be kept in any tavern or house of which he might be the proprietor, &c. &c. shows clearly that the permission implies the absence of prohibition at the time of the act done, and the power and right of prohibition then existing, which in this case did not exist. In a word the traverser must be in the language of the indictment, the *permitter* and *proprietor*, at the time the gaming is carried on.

On the part of the state it was contended, that the Legislature intended to include the reversioner with knowledge, as in this case under the provisions of the law. That a reversioner was proprietor during the existence of the term of his lessee, and that if the reversioner knew when he made the lease, that the tenant meant to game there, then the reversioner was both *permitter* and *proprietor*, even though during the lease, he never entered the house, and even though so soon as he had so made the lease, he had left the state before any gaming had been actually carried on by the tenant, and continued absent from the state until after the indictment was found, and that the law would be the same even if the lease were for ninety-nine years, renewable forever, or for the life of the tenant.

The Counsel for the state confined his argument to the statutory offence as appearing upon the face of the act, and was silent as to the count at common law, and so was the court afterwards in its decision.

After the arguments had closed the Court adjourned until next morning, when the Chief Justice delivered the opinion of the Court against the traverser on the above facts, and though the reporter is not in possession of the words used by the Court the substance of their opinion was understood by him to be as follows:—That the Court considered that the lease of a house in question having been made with knowledge that the tenant would use it for the purpose of gaming, the lease was void, and that the lessor was not responsible as for permitting gaming, when he knew he meant to game with the tenant, and that the act of Assembly extended only to the conduct of the house by the actual tenant in possession having control, but that in all cases it also extended to the party who conveys to another with knowledge that the house was to be used for the purposes of gaming, if in fact it was so used afterwards by the tenant. The Court was not understood to make any distinction based upon the extent of the tenant's lease or interest, but that the law might as well apply to the longest as to the shortest leases.

When the Court had thus expressed its opinion against the traverser on the law of the case, the Counsel for the traverser asked of the Court to state the facts of the case in the nature of a special verdict, and thus incorporate them in the record so that by a writ of error the question of law whether the traverser had committed any indictable offence known to the laws of this State, might be discussed before the Court of Appeals, and there finally decided upon. The traverser's Counsel stated that unfortunately no bill of exceptions lies in a criminal case, and that for the Court to state the facts as prayed was the only means of getting the question of law before the higher Court. That the question was admitted to be a novel one, and that it was the first prosecution known either in this Country or England against a landlord for the management of the house of the tenant during his term, and that in the opinion of the traverser's Counsel it involved principles on which it would be but right to resort to the highest tribunal in the State before they were to be considered as finally settled and incorporated in the criminal code of

French Copying Ink, November 3<sup>rd</sup> 1865,

Maynard and Noyes' Ink, November 3<sup>rd</sup> 1865,

Arnold's Writing Fluid, June 14<sup>th</sup> 1866.

French Copying Ink, September 30<sup>th</sup> 1866,

Arnold's Writing Fluid, September 30<sup>th</sup> 1866.

German Copying Ink, December 10<sup>th</sup> 1866.

Rhoads' Ink, April 7<sup>th</sup> 1867.

French Writing Fluid, Adrien Maurin June 24<sup>th</sup> 1867

French Violet Ink, June 24<sup>th</sup> 1867,

Arnold's Japan Ink, April 25<sup>th</sup> 1870.

Chesapeake Ink, March 24<sup>th</sup> 1873.



I do not love that dark philosophy  
 Whose aim is fortitude and not content,  
 Which kills the heart and busily roots up  
 Each fond emotion, seeking to destroy  
 The noxious weed it does not spare the flower,  
 Which looks not up to heaven in prayer or hope  
 Yet tells us all around is worthless dross  
 Unfit alike to lure us or reward,  
 And that the wise will strong in self endure  
 Hardened to apathy, the only good.  
 Evil the moment when we thus believe,  
 Destined to dwell in company with men  
 But not in fellowship, all sympathy  
 And human feeling banished and shut out.  
 Better by far the fortunes of the blind  
 Who with his staff gropes out his dangerous way,  
 He yet has much to link him to his race,  
 Has pity, comfort and society  
 And sings beneath his burthen, while to us  
 The day is weariness; we look upon  
 The dearest aspirations of our youth  
 As upon men of foreign garb and speech  
 Alike the objects of distrust and scorn,  
 And on the feelings that were once our guide  
 As idols of a since-forsaken creed,  
 Things that we overturn and mutilate  
 In shame and wonder that to things like these  
 We bowed our heads in worship, though the loss  
 No surer faith replaces, and the heart  
 Is as the burial urn that darkly holds  
 But dust and ashes of the perished form,  
 The beautiful that never shall return.  
 And still we struggle on in worldly cares,  
 The blinded captive in his prison-house  
 Heavily ~~toiling~~ silent & earnest in his heavy toil  
 In stupor, not in patience or in hope,  
 While grim Necessity, <sup>perhaps</sup> stands by  
 And from the sick and fainting still requires  
 The labor that would overcome the strong;  
 Or if our choice be idleness, our doom  
 Is misery, more grievous than befalls  
 The Hindoo devotee whose folded limbs  
 From long disease can never more be moved;

Better the stiles form than stagnant mind.

It is not wisdom that holds all delight  
 To evil or illusion, and would guard  
 The mind alike from tempters and from crime  
 By making it a desert where such foes  
 May pause in fear: the generous turns away  
 On hurried through with quick & pinniter tread,  
 Or should it linger, perishes; the bad  
 Here finds congenial home, secure retreat,  
 And builds its citadel within the waste.  
 Our doom on earth is toil; to delude, to prune,  
 And tis not here the laborer shall reap  
 The harvest and the vintage, the rich boon  
 His master gives, for all he shall receive  
 Is not reward but mercy, upon earth  
 Are but the fear and anguish of the strife,  
 The muster and the charge of countless foes,  
 Danger abroad and treachery within,  
 Not the triumphal pageant, arm not thou  
 In confidence and vain philosophy,  
 They will but cumber thee and cannot save.  
 Be clad in armor of celestial proof  
 And in the evil day thou shalt withstand.  
 Thy breastplate righteousness and truth thy shield,  
 Thy helm salvation, and the living word,  
 The word of God, thy sword! still watch and pray!!!

It is not mere benevolence of fact  
 Which tasks us greatly, that indeed requires  
 Oft but in moments impulse from the heart,  
 A glance, a smile, a word, an outstretched hand,  
 And it is done before we can reflect  
 Or selfishness or prudence interpose.  
 And yet such impulses may be nothing more  
 Than rain-clouds to the desert, which may give  
 A momentary blessing and refresh  
 Some thirsting traveller, and then pass on  
 Leaving their path a desolation still.  
 Far different is the task which schools the mind  
 To patience and the resolute repulse  
 Of evil passions, if adversity  
 Attack us or temptation should betide,

Enduring or rejecting, striving still  
 Until the good prevails a purer thought  
 Spring up amidst the gloom like violets  
 Lovely themselves a prophets of the <sup>spring</sup>  
 Then come the bloom, the verdure & the <sup>fruit</sup>  
 The hours serene, the sun that brightly <sup>sets</sup>  
 The victory o'er self, the conscience healed  
 And void of fear, and death a <sup>messenger</sup>  
 Who summons to reward & endless <sup>bliss</sup>  
 And when the noblest victory is gained  
 The triumph over self, the ill are <sup>few</sup>  
 That quiet resolution dares not meet  
 And finally subdue; if accident  
 Or force prevail against it for a time,  
 In turn it conquers, down the mountain's <sup>side</sup>

Where wave aloft the vineyard's gay festoons,  
 Upon the forest, fields of yellow corn,  
 And pleasant hamlet does the lava crawl,  
 Like the fierce serpent on its helpless prey,  
 All things have perished at its very breath,  
 And in their place the stony ruin stands,  
 A few short months, the peasant undismayed  
 Rebuilds his home and strives with patient toil  
 Against the desolation and prevails.  
 Yet watch in jealousy, else trifling things  
 May mar thy work; the arrowy thistle-down  
 Floats on the breeze scarce heeded, where it lights  
 It plants the weed beset with bristling thorns;  
 The insect bores into the stately tree  
 And saps its life and vigor, till it falls  
 Without the tempest or the woodman's blow.  
 And in thy toil remember that thy hope  
 Is heavenly succor; else thy work is vain.  
 The Roman, when the adverse battle's front  
 Browed darkly, deemed some youthful warrior's charge  
 Springing impatiently upon the foe  
 The visible presence of the deity,  
 Or sudden clamor of the passing bird  
 A voice divine that prophesied success,  
 And with one heart and thought the shouting host  
 Pushed to its glory with resistless force.  
 Here even delusion strengthened, but to us  
 The living word that shall not pass away  
 Tells us that faith shall triumph, heavenly grace  
 Can heal the wound, restore the faint and weak,  
 Can prompt and guide, within the human heart  
 Establish powers and virtues not its own  
 And make the desert bloom; in this belief  
 Let thou and live; and unto thee the peace  
 Which the world gives not, shall be freely given.

Sophia, dear Sophia, when my mind  
 Was darkened by misfortune, and I deemed  
 That not the flower only but the leaf  
 Of life had withered, there was still a hope,  
 Weak and forlorn, that lingered with me still  
 Like the last bird of passage, sick and faint,  
 With all its comrades flown to sunny climes,  
 Delaying midst the frozen gloominess.

That hope, which love inspired, the love of thee,  
 With nought to feed on daily grew in strength  
 And gave to me new courage; whether men  
 Gazed on me with indifference, scorn, or hate  
 I heeded not; my every thought was thine.

Now that my future laughs and I can see  
 Coming prosperity, no sordid dream  
 Of avarice or ambition with me dwells;  
 My only wish is that thou may'st as now  
 Approve and be, as thou hast always been,  
 A comfort and a promise, pouring forth  
 Sweet influence on my heart, subduing all  
 Of evil that may lurk there, calling up  
 Each better feeling in its fullest power.

My own, my beautiful, away from thee  
 I seem to view thy smile which is like light  
 The fitting type of heavenly purity,  
 And hear thy voice's low melodious chime  
 Like the far distant sound of Sabbath bells  
 Calling to thoughts of holiness and prayer;  
 To view thee in thy pride of loveliness  
 And have no tears for absence, thou dost dwell  
 Even in my heart of hearts, and where so ever  
 I go there art thou present; in the crowd  
 In solitude alike art thou with me,  
 And every kindly thought or wish or act  
 Seems but obedience to thine uttered will.

Augt. 1839  
 F.P.

Criminal Court of Balto — May Term 1853.

Chas R. Taylor & Schumaker, conspiracy, Plea not guilty confessed.  
Charles R. Taylor & other officers, borrowing from Bk of Commerce  
Demurred withdrawn, & case removed to Balto County guilty

Jacob Es. Knicker Forgery. Runoff.

Edward Dowling, Clk of Superior Court, Misconduct, not guilty

Charles Snooks & another, firing a lime box with intent  
to cause an alarm of fire (nuisance) Recognizances forfeited

Jason Stockbridge, nuisance. Remd to Balto County

" Mc Donald, nuisance.

Wednesday June 27<sup>th</sup> 1855. A sharp shock of an Earthquake about 12 1/2 mths  
morning.

1855 September Term, Criminal Court of Balto. Little of Importance

Michael Creighton for the murder of John Cassidy.

Wm Cherry, Forged requests. Died shortly after indictment.

J. C. Nevins, alias Evans, false pretences, he pretended to be employed to collect  
money for the relief of Norfolk, where the yellow fever is raging fearfully.

remitted to Balto C. C. Feb. 18 1855, guilty.  
Beatty for manslaughter (no case for the State) Feb 12 Not guilty

Wm M. Starr for inciting to riot.

Wm Staff & many others - Riot at 19<sup>th</sup> Ward Palls, assaults with intent to murder

C. C. Lanpher, Forgery - Removed to B. C. C. C. Not guilty

1855 Nov Term C. C. for Balto. County

John W. Patterson, Murder of John Grassie. March 1855 guilty, murder in 1<sup>st</sup> degree, new trial  
granted, a jury may be impaneled 25  
years old.

went out of office Jan 1<sup>st</sup> 1856. R. J. Gettings, Esq, his successor.

1856 Jan 10<sup>th</sup> Melton Whitney Esq, sworn in as states atty for Balto City.

" Jan 10. Thermometer 4 degrees below zero but in some places 12 degrees below zero -  
it rose during the morning to 4 degrees above zero, & afterwards still higher but  
was bitterly cold all day.

January 11<sup>th</sup> at 8. A.M. 4 degrees below zero, afterwards 12° above zero.

" 12 Wet snow, at night sleety rain

" 13. Warm & snow melting rapidly

Chivis for burglary & attempt to murder Mrs Brown, Guilty (Mr Gettings first spec)

Feb 4<sup>th</sup> Thermometer at 40° below zero; the weather ever since the 13<sup>th</sup> Jan has been bitterly cold

& deep snow on the ground

1856. Crim. Ct. of Balto. January Term. Peter Carson, larceny guilty

May Term 1856 guilty murder in 1<sup>st</sup> degree, 13 years penitentiary

John Carney & Chas Robinson, murders of Eugene Broaders

Feb 14 3ers.

John Smith alias Clark. Counterfeit note - not guilty

William Kethwell & another selling by auction without license - pleaded guilty

March 10<sup>th</sup> Slight fall of snow last night; thermometer at 8 A.M. to day at 10° above zero, & bitter

N. W. wind all day, harbor closed -  
March 15<sup>th</sup> John Mason & John Norfolk, assault with intent to murder; guilty; 2  
notorious scoundrels thus disposed of.

Samuel M. Laroche, Magistrate extortion & falsely imprisoning one Gosnell  
For an attempt to poison by a slave by a slave for new trial. <sup>March 25, 1838 guilty, motion</sup>

The Jurors of the State of Maryland for the body of all that part of  
Baltimore County not included within the limits of the City of Baltimore  
do on their oath present that AB, late of the aforesaid

Eclaire.

L'amour, pour l'ordinaire, est peu fait a ces loix.  
Et l'on voit les amans toujours vanter leur choix.  
Jamais leur passion n'y voit rien de blâmable.  
Et dans l'objet aimé tout leur devient aimable.  
Ils comptent les défauts pour des perfections,  
Et savent y donner de favorable noms.  
La pâle est au jasmir en blancheur comparable.  
La noire à faire peur, une brune adorable.  
La maigre a de la taille et de la liberté.  
La grasse est dans son port, pleine de majesté.  
La malpropre sur soi, de peu d'attraits chargée,  
Est mise sous le nom de beauté négligée.  
La géante parait une déesse aux yeux.  
La naine, un abrégé des merveilles des cieux.  
L'orgueilleuse a le cœur digne d'une couronne.  
La fourbe a de l'esprit, la sottise est toute bourse.  
La trop grande parleur est d'agréable humeur.  
Et la muette garde une honnête pudeur.  
C'est ainsi qu'un amant, dont l'ardeur est extrême,  
Aime jusqu'aux défauts des personnes qu'il aime.

Le Misanthrope Acte 2 scene 5.

An exquisite imitation of Lucretius Lib 4. v. 1149-67

Nam faciunt homines plerumque, cupidinis caeci,  
Et tribunt ea, quae non sunt his comoda vere.  
Multimodis igitur pravos turpisque videmus  
Esse in deliciis, summoque in honore rigere,  
atque alios alii irident, venereque sicant  
Ut placent, quoniam fido afflicentur amore.  
Nec sua respiciunt miseri mala maxima saepe.

Nigra ψηχίμοος est, immunda ac fetida ἀνοσμος.  
Caeca Παθιαδίων, nervosa et lignea Δορκάς.  
Parvula, pumilio, Χαγίριον νία, tota merum sal.  
Magnae τε, immanis, κατάρκασις, plerumque honoris.  
Balba loqui non quit, ἰζουκίσει, muta pudens est.  
At flagrans, odiosa liquacula, Χαυπιάδιον fit,  
Ιοχρον εζουερον tum fit, quom vivere non quit  
Prae macie, παδινά vero est, jam mortua tussis.  
De Car' & c

In festive riot and excess thy health I never quaff  
 Midst pointless jests and merriment and wild unmeaning laugh,  
 I turn me from the heady cup, the banquet I resign,  
 And who midst frantic revelry would breathe a name like thine,

2.  
 But I name thee in thanksgiving, when in a wise excess  
 The heart leaps up rejoicing in its sense of happiness,  
 To which each incident and thought adds momentarily new force  
 As the sparkling flow of slender rills which join the rivers course.

3.  
 When I ponder upon mercies and blessings undeserved  
 And faith that has been sorely tried but never yet has swerved  
 When I feel that thou art given to succor and to share,  
 Then, dearest, gushes forth thy name in gratitude and prayer.

4.  
 They tell me sorrow surely comes, although it makes delay  
 As <sup>that</sup> hawk will pause on sleepy wing ere dropping on its prey,  
 That from every dim misgiving misfortunes we may know  
 As the arrow quivering ~~in the hand~~ <sup>at our feet</sup> betrays the ambushed foe.

5.  
 When bitter sufferings arrive then patiently endure,  
 God chasteneth in compassion and at his will can cure,  
 But let not mere forebodings harm when good thy pathway strew  
 As vapors from the distant marsh a pestilence diffuse.

6.  
 I feel that in his providence he takes away who gave,  
 And ~~but~~ thou art spared to bless me still, what further can I crave,  
 The lava torrents glowing breath spreads desolation round  
 But oft <sup>yet</sup> encircles harmlessly ~~some~~ <sup>a</sup> vine-clad spot of ground.

7.  
~~If love is love's requital~~  
 Be it duty or requital, thy love is all to me,  
 The pure deep fount that nourishes in turn its sheltering tree;  
 The bird that o'er the hollow soars then lights <sup>with</sup> ~~up~~ folding wing  
 And shows the frosty traveller where lies the long sought spring.

8.  
 My lot may seem obscure and hard, but in some quiet nook  
 Amidst the verdure it has made, there winds the gentle brook,  
 And thus I have thy company, my better Genius sent  
 To taste the pleasures thou dost give, hope, comfort, and content.

Extreme  
 If ~~some~~ afflictions ~~should~~ <sup>may</sup> betide, I am not desolate,  
 The prisoner has a blooming flower within his dungeon grate;  
 All others may forsake but thou wilt cheer me with thy love  
 And tell that faith meets trial here but recompense above.

Do you remember that when first we parted  
 The future rose in brightness to our eyes,  
 All things assure the youthful & lighthearted  
 Of coming good to gladden & surprize;

Then did misfortune wear a gentle meaning,  
 Lost children we took in the forest roam,  
 Fears that we chide with laughter intervening  
 The path regained & joyous welcome home

Now weary day threatens a darker morrow,  
 Between our paths a gulph is opened wide,  
 Ours is the heart that breaks in silent sorrow  
 And gathering tears whose flow is stanch'd by pride.

Farewell I leave thee sadly & unwilling,  
 And oft return & still make fond delay  
 Deep in my breast the fatal dart is thrilling  
 But life departs when it is wrench'd away.

The meaning of Greek sculpture, when representing mortals, is contained in the composed beauty of the figure; in the form which represents something of earth yet sublimed as if it were the dwelling of a soul superior to all that earth can inflict, ~~and~~ a something which time or calamity cannot wreck or shatter, in ennobled portraiture like this, there is far more to teach us reverence & regret for the object than in all the weeping genius & mournful virtues in which modern art delights.

March Term 1853 Circuit Court for Baltimore County, Grand Jury adjourned without finding a single bill. An unprecedented circumstance.



29  
It was a doubting mind that imaged Death  
As a bright Genius, who with placid brow  
Reversed and quenched the flickering torch of life;  
The fair device of some inquiet soul  
Which groped in terror midst the starless gloom  
Veiling futurity, and sought in vain  
To penetrate the unyielding mystery;  
Vexed nature with unheeded questionings  
On that dread problem, or with blinder hope  
Besought an answer, with vain gifts and prayer  
From the wild murmurs of the tossing oaks  
Of old Dodona when the tempest raved,  
Or pale-eyed priestess and her demon-god,  
Whose low-breathed oracles in juggling phrase  
Eluded or deceived his votaries.  
Then did he clothe in glittering disguise  
The grisly king, and from his very fears,  
Sought to deceive himself by painting death  
As a mild conqueror, whose hand bestows  
More than he takes away; a final good,  
A kind release to the scarred veteran  
Wearied with warfare, or exemption given  
Unto the young from toil and suffering.

It is not so with us. The veil is rent,  
And a true oracle revealeth all.  
The heathen, as he quenched the smouldering pyre  
Of the beloved, and thrice exclaimed farewell  
To one he soon must follow, knew not whether  
Was that dread journey; but to us is given  
Sure knowledge that in life our destiny  
Is settled for eternal good or ill.  
That here our pardon must be sued and won,  
And woe betide him who shall here reject  
Proffered salvation; for all grace withdrawn,  
The mediator shall become the judge.

And therefore has the Christian framed his type  
As ghastly thing, with every circumstance  
Of harm and menace, a grim skeleton  
With branched dart and glass whose failing sands  
Tell us our sun of life has nearly set.

Not in vain cowardice, for Christ our King  
 Has triumphed and redeemed his faithful ones  
 From death's dominion, and when earthly light  
 Is ebbing fast, the Day-spring from on high  
 Pours forth his splendor on the parting soul;  
 But in mortification to the worldly mind  
 That seeking perishable goods neglects  
 A priceless treasure, to impenitence,  
 To guilt, to all who heed not or contemn  
 Our only hope, the cross of Calvary,  
 That time fast melts into eternity  
 And while time is they seek to be forgiven.

When time malignantly shall bring  
 Sorrows to menace or overshade,  
 Think not thine year has lost its spring  
 And death a promised boon delayed;  
 Unwise dejection will prolong  
 The very empire that we hate,  
 Our terrors make a tyrant strong  
 That else would fail or abdicate.

2.  
 'Tis seldom that such hurt can be  
 From suffering, accident, or crime,  
 That mind becomes but memory  
 Of one event, one point of time,  
 A voice, that mourns a single blow  
 Unheeding comfort, threats, alarm,  
 A clock, whose stirless fingers shew  
 The very moment of its harm.

3.  
 Life is the evergreen whose birth  
 Is in a land of summer-skies,  
 A leaf, a flower may fall to earth  
 But younger verdure will arise;  
 Pleasures may perish or may wane,  
 Be cast away like childhoods toys,  
 Yet others of great price remain  
 And all but yield to purer joys.

Even as we miss, or else despise  
 Its idle or of little cost,  
 Religion precious truth supplies  
 For all the slighted and the lost,  
 All things that are of earth's decay,  
 To them a narrow state is given,  
 His words shall never pass away,  
 The Godhead who has promised heaven.

Through every rift that time has worn  
 New light upon the soul will shine,  
 No power or fortune from thee torn,  
 What boots the sceptre or the mine  
 To him who knows he shall attain  
 The bliss unspeakable above,  
 Of injured love wouldst thou complain,  
 Oh, sinner, God himself is love.

On him, the long-enduring, call,  
 Seek thou his mercies and adore,  
 Repentance, faith, assurance, all  
 Are ready if thou wilt implore;  
 Wait not for season or for guide,  
 Already is thy ransom paid—  
 It is thy Saviour crucified,  
 He is redemption, hope, and aid.

Christmas Day 1855. It would seem as if the heart ossified with old age  
 & passing events leave no foot-prints upon it. Life is passing away with  
 bringing no strong emotions, no intensity either of pleasures or refining, but  
 almost with indifference to earthly things. Something of this I may  
 perhaps attribute to religious feeling not doing its office fully, assuring  
 me that the bread & water of the Christian shall be sure unto him  
 & that the Divine help shall be extended over his offspring, yet  
 failing to awaken due gratitude for the Divine mercy. On this  
 day however it is impossible not to experience the most quick  
 and lively sense of thankfulness to heaven, however hard our  
 nature may be. The running streams overflow & unworked  
 springs bubble up in the desert. This day is the hallowed  
 anniversary of redemption to man, and of hope which revelation  
 has made assurance. Earth may have its trials & its sorrows, but I am  
 just approaching the better land where gracious promise meets with  
 consummation and there ~~is~~ endless rest & joy.

Once lofty studies gave me spoil  
 That now is left untended,  
 With household things and thankless toil  
 And common purpose blended;  
 The temple's shattered colonnade  
 Circles the peasants' village,  
 And where the priest and sage have strayed  
 The labourer plies his tillage.

2.

They say indeed the student's lamp  
 Shows little worth discerning,  
 That in the forum, mart, or camp  
 Is gathered real learning;  
 That all his gains are idle toys,  
 Or rhyme, or wordy juggle  
 Or uncouth weapons hard to poise  
 Unfitted for a struggle.

3.

A savage fancy, - which the coarse  
 And vulgar greatly prizes,  
 But precious workmanship perforce  
 To things of nought despises,  
 Which knows not study's easy reach  
 To all familiar uses,  
 That reading's prodigal to speech  
 And thought to deed conduces.

4.

To him, who in the hurdling press  
 Of worldly strife engaged,  
 Say is it harmful to possess  
 The mental wealth of ages?  
 Or must he by unfailing laws,  
 On common prudence trample,  
 If from the buried wise he draws  
 His motives and example?

5

And more, we may to books repair,  
 Whether repulsed or vated,  
 All pleasure from disgust and care  
 To be at once translated;  
 To dwell within a fortress high  
 With stores and springs abundant,

And smile upon our enemy  
In idle hate surrounding.

6

I may not, as the curious bee,  
Unguarded sweetness rifle,  
The tare and thorn spring up for me  
And better harvests stifle,  
For different objects must invite  
My labors and endeavor,  
And former sources of delight  
Are dry and gone forever.

Yet even this ill, if understood  
An excellence possesses,—  
The eye when winter strips the wood  
Can pierce its deep recesses;  
I look on life, when it is bare  
Of evanescent pleasures,  
And think upon the garner where  
The wise lay up their treasures.

8.

And life its joys will soon restore  
And be again enchanted,  
Where stood the forest wave once more  
The rustling trees unplanted;  
Affections will to tastes succeed  
With influence hourly growing,  
And lavish on us in our need  
Gifts truly worth bestowing.

The worst of deism is that in temptation it practically becomes  
atheism: such feeble and limited belief is at once struck down  
by desire

1857 Jan 7 - Thermometer 6 degrees above zero.

" " 18. The first snow of any consequence this season, it fell all  
day & night with a furious gale blowing, it is at least 2 feet deep & has  
drifted much, the thermometer about zero.

Criminal Court, John Horner - Murder

1857 Jan 23. Day break - Thermometer 12 degrees below zero. Midday 12 above zero,

" " 24 Before day break " 7 " below zero Midday 16 above zero.

Pirates Song.

Let us climb the lofty billows,  
 The tempest let us dare,  
 On ocean be our dwelling,  
 Our warlike bark is yare,  
 The blood-red flag is floating  
 Upon the wakened breeze,  
 We claim beneath its menace  
 Dominion of the seas.  
 What though we have not treasure,  
 Our bright swords will supply  
 The power, the joys, the splendour,  
 That coward slaves must buy.  
 Our voice shall not be humble,  
 Our eyes shall have no tear,  
 What others seek as favour  
 Is yielded us from fear.  
 And those who scorned us suing,  
 And smiled upon our hate,  
 Will kneel to us for mercy  
 And know our word their fate.  
 Our passions shall be choosers  
 Midst joys before denied,  
 Our will alone shall guide us  
 All rules of law defied.  
 For us the patient labour,  
 No other toil have we  
 Than gathering others' <sup>labour</sup> earnings  
 To roun the dark blue sea.  
 The shipwreck and the battle  
 May daunt a meaner breast,  
 The pleasures bought with danger  
 To us have greater zest.  
 The world will loud revile us,  
 But shall our cheeks grow pale,  
 The strong find cause of laughter  
 Whene'er the pebble rill.  
 Away upon the waters—  
 The fair wind chides delay,  
 Where others sowed the reapers,  
 And all we meet our prey.

I was a boy when I drank in light  
 From a loved ones starry eyes,  
 My very sorrows had something bright  
 And were clad in sweet disguise,  
 They were sunlit clouds of dazzling white  
 Drifting fast through placid skies.

2.

And every cold, faint smile that played  
 On her lips, would raptures bring,  
 I deemed it unconscious love betrayed  
 In her bosom flourishing,  
 As dim, grey mist on a flowery glade  
 Betokens ~~the~~ <sup>a. hidden</sup> ~~spring~~.

3

Till I knew that all she would express  
 Was half pity half disdain,  
 And I hid my heart's deep bitterness,  
 Lest the thought might give her pain,  
 But I felt that banished happiness  
 Henceforth might not come again.

4.

To the forsaken tis thus appears  
 Their beloved ones crowded deck  
 Which beyond the tranquil haven steers  
 And is dwindling to a speck,  
 While become true prophets to their fears  
 They predict the coming wreck.

6.

I am old, with will forced to strive,  
 Deceit in heart and frame,  
 But the flush and pride of youth revive  
 When I hear that magic name,  
 I think of ~~the~~ days when hope was alive  
 And life not weary and tame.

5.

Alas for days when my spirit soared  
 Above care and suffering,  
 Did it flag, that smile its strength restored  
 And it flew on joyous wing,  
 Like a bird with sunbeams round it poured  
 In the free heavens carolling.

I leave thee, beloved one, but shed not a tear,  
 Thou hast plighted thy faith, 'twere dishonour to fear,  
 All feelings but hope from his bosom should fade  
 Whose toils by a smile like thine own are repaid.  
 Shall I weakly lament that my fortune has set?  
 The glow of its twilight remains to me yet,  
 And the struggles of life I may safely despise  
 All labour is pleasure since thou art the prize.  
 No coward misgivings my trust shall deform,  
 He who knows of the Haven will heed not the storm,  
 Farewell, let the hopeless at parting complain,  
 I think of the hour when I meet thee again...



All to their thoughts assimilate  
 External sights and sound,  
 The fountain syllables our fate  
 In listening woods around.  
 The rugged oak's mysterious voice  
 When shaken by the wind,  
 Will bid us sorrow or rejoice  
 As passion rules the mind.  
 From all things, when the heart beats high  
 With joy, delight is won,  
 The river coldly lapsing by  
 Is smiling to the sun.  
 The streamlet plunges gay and wild  
 Into the leafy glade,  
 And larks there like a sportive child  
 By its own laugh betrayed.  
 The whisp'ring, broken sounds that drift  
 The forest's aisles along  
 By our own fancy's magick gift  
 Are moulded into song.  
 When evil hath the bosom stirred  
 Another tale we learn,  
 And nature's prophecies are heard  
 In accents dull and stern;  
 Gloom, that from mental cause alone  
 Derives its copious spring,  
 Seems deeper by the shadow thrown  
 From every outward thing.

They err most grossly who have said  
 Earth's beauty has controul  
 And happy influence can shed  
 Upon the darkened soul;  
 The mood that at the moment guides,  
 Be it of hate or love,  
 Becomes the Genius who presides  
 O'er muttering fount and grove,  
 His voice can frame no soothing spells  
 By which our griefs depart,  
 But to the sad of sadness tells,  
 An echo of the heart.  
 Without all foreign succour ill  
 Must really be subdued  
 And rendered subject to the will  
 Else borne with fortitude,  
 The outborn pleasure that embues  
 A mind set free from woes  
 Is but another rainbow's hues  
 That richer tints enclose;  
 Call it to soothe when misery  
 Holds tyrannous command,  
 And thou wilt like the pilgrims be  
 Who toil midst Afric's sands,  
 Whence, with slow pulse clear waters glide  
 With trembling steps they press,  
 And at the brink they find the tide  
 Is filled with bitterness.



I part not as the summer brook,  
 Do wander at its will,  
 Through sunny plains, impatiently  
 Leaps from its native hill,  
 For wearisome and comfortless  
 My coming hours must be,  
 E're vain to seek delight in aught  
 That is not shared with thee.  
 I cannot of my future years  
 A happy vision frame, -

I may not list when others speak  
 That now familiar name,  
 E're as the songs of childhood heard  
 By those condemned to roam  
 Which taunt their sorrows with the thought  
 Of their forbidden home.  
 E't yet must lesson an aching breast  
 By careless words to hide,  
 My lips must wear a festive smile  
 Not from content but pride,  
 When others watch I would not grieve  
 O'er happiness destroyed,  
 For pity is the <sup>ill-man of people</sup> scorn  
 The proud of heart avoid.

Dedications of an Album.

Do not pause, but hither bring  
 Thy fancy's richest offering,  
 Here let mental wealth be strewn  
 As before an Eastern throne  
 Passals offer gifts of price,  
 Gold and gems of rare device.  
 Never have a subject crowd  
 Before a fairer despot bowed,  
 Should she smile on thine essay  
 I will thy labour overpay.

If thy talent be but slight  
 True and humble give thy mite,  
 Favour hath such tribute earned  
 When proud opulence was spurned.  
 But reflecting that thy strains  
 May her approbation gain,  
 Fancy waked, by hope will be  
 Strong, and voluble, and free,  
 Unequal, but presenting yet  
 Much too precious to forget,  
 Gloomy caves have gemlike spars,  
 Night is decked with glowing stars,  
 Deserts hold the lucid spring  
 To the grey rocks murmuring.

Though memory wanders midst the tombs  
 Of joys that could not last,  
 And now retiring hope proclaims  
 My better days are past,  
 Lazing on unaccomplished dreams  
 From their old seat uptorn  
 The floating wrecks of paradise  
 On sorrows' deluge borne,  
 Though former evils since my sun  
 Of happiness declined  
 Their lengthening shadows backward fling  
 Upon my darkened mind—  
 Yet in my desolated heart  
 A holy passion dwells,  
 As in a desert's burning sands  
 A lonely fountain wells.  
 It is a talisman whose power  
 In changeful fortune's wane  
 Can summon up each buried trust  
 And give it life again.  
 Its oracles of coming joy  
 Time never may fulfil,  
 But in their promise I forget  
 The past and present ill.  
 Gentle enchantress, thou the spell  
 Hast framed with so much art  
 That disobedient to thy voice  
 Its power will not depart.

1822.

1.  
 A single star beneath the moon  
 Scatters its rays dully faint, and rare,  
 Scarce lightning with its scanty boon  
 The palpable and glassy air,  
 To earth its rays have hardly won,  
 To unseen planets tis a sun.

2.  
 The love that hopelessness obscures,  
 Scarcely perceived and unconfessed,  
 Unmitigated splendour pours  
 And reigns despotick in my breast,  
 Sole cause of radiance, it ombues  
 All that surrounds it with its hues.

Thy names a spell to bid depart  
 The dark familiars of my heart,  
 My former hopes bereft of breath  
 The memory that informs of death  
 And yet no perfect story saves  
 Like worn inscriptions over graves.  
 E'en forms that shed imperfect light  
 Vanish forever from my sight,

As sickly quivering lamps expire  
 Before the day stars fervid fire.  
 For thee who in my mind hast wrought  
 This conquest o'er uneasy thought,  
 Thy happy future I do cry  
 To stream beneath a cloudless sky,  
 On earth yet free of earthly leaven,  
 In purity reflecting heaven. 1823.

Oh, love me, and thou wilt restore  
 Hope's vanished summer with its flowers,  
 And life to me shall be no more  
 A calendar of wintry hours.

My heart, a tomb where all is night  
 Will then as glowing temple be,  
 Where thou enshrined in native light  
 Shall dwell, my only memory!! 1822

Is life that dial where the shade  
 Falls on the present hour alone,  
 Will aught the burdened mind persuade  
 The former evils to disown,  
 Or can we painful thoughts collect  
 To mark our triumphs o'er their horns,  
 As fields of victory were decked  
 With trophies framed of broken arms,

Oh, no, in memory still will lower  
 The storm-fraught cloud which first <sup>we see</sup>  
 When others gain the fatal power  
 To make their will our destiny.  
 The records of life's weary dream  
 Unchanged their gloomy leaves unfold,  
 Time is not like the fabled stream  
 That turned whatever it touched to gold.

In Eastern climes a gift of flowers,  
 With my stick eloquence arrayed  
 By blended tints holds different powers  
 To laud, to threaten, to upbraid.

To me, though it interprets thought,  
 Such dreary fancies are unknown,  
 And with a single meaning fraught  
 It speaks of love and love alone.

1  
Time, angry time, denies to bless  
My future years with spring,  
And will not grant forgetfulness  
His best peace offering.

Believe not while we dwell on earth  
That memory has a second birth,  
That in futurity  
There is a hidden power to give  
Hope a new strength and bid it live  
Once more unflinchingly.

40  
2  
Such dreams are the bewildering thought  
Of those who would explore  
The palmy regions newly sought  
Some bright untraded shore,  
And hold a whispered rumour truth  
That the fair fount of deathless youth  
Flows through its sunny reign,  
Bestowing life that spurns at measure  
An immortality of pleasure  
Unmixed with earthly pain.

+

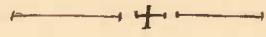
A form has crossed my sullen path  
Such as once gladdened earth,  
The blest abode of beings then  
Of more than mortal birth,  
Midst the dark phantoms of my mind  
Her image dwells with me,  
As freshening springs are said to rise  
Within the bitter sea.

Her moulded by the force of thought  
Her linements are bright,  
Records of happy alchemy,  
Dust hallowed into light.  
Her passionate virtues start not forth  
Too palpable and rude  
Rich stars, their several lustre fades  
From every multitude.

Her name - the spellword of all hearts,  
At its enchanted call  
Feelings too deep for utterance  
Are thronging one and all.  
Time should not wrong her, she is now  
Undimmed by earthly tears,  
Upon the dial of her hours  
No heavy shade appears,  
And life flows like a gentle stream  
Between its verdant shores,  
Though moving constantly, unmarred  
Her peaceful shape endures.

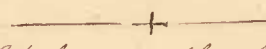
As rapid streams, whose spreading tides  
 Has burst from golden lands,  
 Remnants of former wealth will hide  
 Among its meaner sands,  
 Remembrance, as it downward fares  
 Midst dreary thoughts will cast  
 The dreams of thee its current bears,  
 The riches of the past.

And if thy glowing memory  
 Its brightness should forget,  
 Yet will wax in power and be  
 My hearts best amulet.  
 As trees when first from earth they climb  
 With sunborn tints are rife,  
 But as their foliage darks with time  
 Increase in strength and life.



Alas, how hard a fate's mine,  
 From pleasant thralldom forced to fly,  
 I go to sultry Palestine  
 To smite the infidel or die.  
 My heart and truth remain with thee,  
 Noble lady, think on me.

Thus to the tearful Isabelle  
 The sorrowing De Coucy sung,  
 And as he waved his last farewell  
 Still on her ear the descant rung,  
 My heart and truth remain with thee,  
 Noble lady, think on me.



Hannibal looking on Italy from the Alps.

Alas, tis a goodly sight, and tears might fall  
 From natural weakness down a warriors cheek,  
 When he beholds embattled Spain and Gaul  
 Your happy plains with hostile purpose seek.  
 The desert born Numidian rudely nursed  
 Beneath the palm trees thin and feathery shade,  
 In the deep wiles of savage warfare versed,  
 Thinks to his ready grasp the spoil betrayed.  
 The steady bravery and martial shame  
 Forbidding Roman legions to retreat,  
 Will but assist the Roman pride to tame  
 To swell the carnage and ensure defeat.  
 The trembling cities shall defenceless wait  
 The forman's camp, the leaguer, the assault,  
 While eddyng smoke, <sup>from</sup> ~~the~~ <sup>the</sup> savage caused by hate  
 And mocking cruelty, <sup>shall obscure</sup> ~~shall obscure~~ the vault  
 Of yonder sky, that spreads above the scene,  
 Cloudless and pure, in sunny beauty mild,  
 Like a fair mother who with placid mien  
 Bends oer the dreamless slumbers of her child.  
 Now towards the glittering temple's trophied doors,  
 Amidst the pressure of the curious throng,  
 In gay thanksgiving the procession pours  
 With modulated step and choral song.

TO A FRIEND.

42 A

As rapid streams whose spreading tide  
Has burst from golden lands,  
Remnants of former wealth will hide  
Among its meaner sands;  
Remembrance, as it downward fares,  
Midst dreary thoughts will cast  
The dreams of thee the current bears—  
The riches of the past.

And if thy glowing memory  
Its brightness should forget,  
Yet will it wax in power, and be  
My heart's best amulet:  
As trees when first from earth they climb  
With sunborn tints are rife,  
But as their foliage darks with time,  
Increase in strength and life.

F.

The pavement shall the pallid maidens sweep  
 With the neglected downfall of her hair,  
 Prostrate before the angry Gods shall weep  
 And breathe for mercy the unheeded prayer.  
 E'en from the ~~humble~~ <sup>stone</sup> ~~stone~~ <sup>roofed</sup> cot, where labour plies  
 Its toils with careless smiles and ~~gives~~ its cheer  
 In low voiced ~~melody~~ <sup>melody</sup> ~~the~~ ~~brick~~ will rise  
 Of wonder, agony, and helpless fear.

Men in their hour of need shall throne on high  
 Their wild imaginations, and invite  
 From them protection which their Gods deny  
 By barbarous offerings and my stick rites,  
 In vain - I come not as from yonder hill  
 Pushes the avalanche crowned with snowy spray,  
 That scarce arriving at the plain is still,  
 And at the breath of summer melts away.  
 Latium shall learn by many a fierce campaign  
 Each with its story of disastrous strife,  
 By many a ruined town and gory plain,  
 Not only empire is at stake but life.

And Rome in her extremity shall seek  
 Succour from alienated friends, and know  
 The timid, the luxurious, and the weak  
 Have arrayed against her as an equal foe.  
 War's strange vicissitudes must yet decide  
 Whether the close ~~shall~~ <sup>will</sup> bring me grief or joy,  
 Whether my hatred shall be satisfied  
 And Rome be razed like her ancestral Troy.

I nourish a dying hope that days  
 Of sorrow thou mayst requite  
 And the love may meet ~~with~~ return and praise  
 That has known but studied slight.  
 The fancy still to the heart is dear  
 That reason may disavow  
 The leaf once green is yellow and ~~is~~  
 But still it hangs on the bough.  
 'Tis wisdom a thought like this to spare  
 Although it illusion be,  
~~But~~ 'Tis better with harmless dreams to bear  
 Than with settled misery.

Within the pathless solitude  
 Of ruined Lyall's  
 Silence and desolation brood  
 Above a bitter sea,  
 No bird with almost dipping wing  
 Shins o'er its starless face,  
 No token of a living thing  
 Within its depths you trace,  
 But yet a beauty not their own  
 Those sullen waters wear,  
 For heaven with starry lustre strewn  
 Is clearly imaged there,  
 And even thus, beloved, my heart  
 Oppressed with misery,  
 That holds it never to depart,  
 Still fondly pictures thee.

x

~~The weary boat that hangs from shore~~  
 Still plies its wings above the bitter sea,  
 The spire-racked seaman though all hope be o'er  
 Struggles against his coming agony.  
 Still I live on though life has nought of gain,  
 Without an object save it be to hide  
 From the cold world that only mocks at pain  
 The tears that flow from shame and wounded pride.

May Term 1856. A heavy term, over 1200 cases, but little of importance  
 Three negroes for enticing slaves to runaway & then betraying them to their masters  
 Col. France, Lottery Policies  
 About 20 other Lottery Policy cases.  
 2 negroes, breaking storehouse & Rogue & vagabonds, Guilty.

September Term, 1856. Indicted  
 David Mc. Getty, Forgery of promissory note & endorsement.  
 Mac Donald & 8 other hackney coachmen for plying up & down N. Calvert  
 st; this was decided to be a nuisance in May Term 1838 in the cases of Cunningham,  
 Vardon, & al. Guilty  
 Harrison & Carter - Murder  
 John Hughes - manslaughter ) acquitted



The farewell word is breathed and now  
 Adieu to happy home,  
 Our gallant bark with rapid prow  
 Casts round the broken foam,  
 Away, we seek the gemlike isles  
 That stud the Eastern main,  
 Yet while my comrades know but smile  
 My thoughts are thoughts of pain.

2.  
 There's one who for my sake will note  
 With tearful, anxious eye  
 The sunlit clouds that stirless float  
 Within the deep blue sky,  
 Shall tremble when the fragile flower  
 Scarce shivers in the breeze,  
 And deem resistless winds have power  
 Upon the glooming seas.

3.  
 Yet absence has not much of ill  
 Unless tis joined by fear,  
 For hope remains unfaltering still  
 To promise and to cheer,  
 Away, upon the heaving deep  
 Our foamy track we cleave,  
 When others have forgot to weep  
 Tis febleness to grieve.

Such a grammar as Lindley Murray's with its fanciful manufacture of tenses is mere absurdity, but notwithstanding all argument to the contrary I cannot deny the English language a 3<sup>rd</sup> person in the Imperative mood active voice, it is not there really a command to some one in the second person, if it were what would be the meaning of this expression "let him kill you if he dare?"  
 The English also has a Futur tense, Infinitive mood &c. In all Languages the time is denoted by an addition to the radical, originally a separate word, but in most tongues afterwards blending with it, now what matters it whether the addition precedes or follows the radical, whether it be a prefix or suffix to it, Why should not "will go" be a future as well as *Sup-oo-Tokw*?

We journey on a narrow way, with dangers compassed round,  
 Yet still the pilgrim's scrip is full, the gushing springs abound,  
 Who faints, who falters on the path, who fain would turn aside,  
 When to the eye of raptur'd faith the haven is descried;

2.

Dost doubt even yet? Dost weakly halt, in fear that thou may'st stray?  
 Thou hast a guide who cannot err to point to thee the way;  
 'Tis he who led his chosen ones by pillared cloud and fire,  
 And bade the river's angry flow before their steps retire.

3.

Does pleasure beckon midst thy toils, Behold with scornful eyes,  
 Who covets bliss ineffable must earthly bliss despise;  
 Does pomp allure, Remember thou the splendors that invite  
 Whose very shadows put to shame the blaze of common light.

4.

Not here our ~~pleasures~~ treasures or our hopes, not here our nest or joy,  
 We build no fortress which the foe may shatter or destroy,  
 We travel to a home where peace forever will prevail,  
 Where sorrows may not enter in, or evil dare assail.

5.

Yet venture not in human strength or human arms secure,  
 At every step the help of God with earnest prayer implore,  
 Believe not that thine own right hand has thy redemption wrought,  
 But think upon the fearful price for which thou hast been bought.

All submarine torpedoes have hitherto failed because the  
 explosion acts more readily on the water than on the assailed  
 ship; this can only be remedied by making the torpedo as a  
 gun charged with another torpedo, which will be driven by the  
 discharge into the bottom of the vessel. —

R. Johnson

Ornithorhynchus, p. 100. The word.  
~~Bill~~

1.

A likeness, even though dim and rude  
This hand can not portray  
Of her whose lovely face I viewed  
But happy yesterday,  
If muttered spell or magick strain,  
Or all that dreaming poets feign  
Of wizards' lawless rite,  
Were given at my wish to raise  
All that was fair of other days  
To pass before my sight;  
With any of the summoned throng  
Comparison would do her wrong.

2.

There's nought that can her image mar  
With careful fondness kept,  
The splendour of that lucid star  
No cloud can intercept;  
No cherished memories there are  
Which shone through absence and despair  
With unabated gleam,  
No visions which our fancies frame  
When earthly charms appear but tame,  
For memories and dream  
Before her presence fade away,  
Like feeble fires at break of day.

3.

My eyes have lingered on her face,  
The beautiful and young,  
While quiet loveliness and grace  
A glory round her flung;  
The changes by expression made  
That every gentle thought betrayed  
New brightness seemed to wake,  
It was the glitter of the sun  
As dimpling ripples softly run  
Across a crystal lake,  
Where each faint motion gives to sight  
Fresh light succeeding unto light.

4.

From quick and conscious forms like hers  
 Did Grecian sculptors mould  
 The faultless shapings worshippers  
 Thought types of heaven of old,  
 Nor deemed they as they dazzled prayed  
 To likeness of an earthborn maid,  
 The awe that in them stole  
 Was not religion's but the power  
 Which beauty holds her choicest dower  
 Her empire in the soul,  
 But I not from me can she claim  
 A breathless life a deathless fame.

5.

But even had an artist's care  
 A blameless semblance wrought,  
 It were only of the palace where  
 Inhabits holy thought,  
 He could but seize one playful mood  
 A single graceful attitude  
 Among a countless crowd,  
 There stops his sway, and in her mind  
 [The fruits within a golden rind,  
 Or  
 This reign is disallowed,  
 Far different likeness is impressed,  
 By skilful memory in my breast.

Oct. 1838.

Καὶ ἔμουγε πολλοὶ καὶ δυσχερέστατοι ἄθλοι κατῳρίωνται, νεκίηκα ἡδονῶς, νεκίηκα  
 ρηγομιῶν, κατεπάλαισα δεκίαν, κατεπάλαισα κοχακίαν. οὐκαρτελέει μοι μέδν,  
 φοβέται με λύπη, φοβέται με ὄρη· κατὰ τοῦτων αὐτῶν καὶ αὐτὸς εἶστε γάνομαι,  
 ἐμαυτῷ επιρῶντων, οὐκ ἴν' εὐσμοδεῶς. Heracles. But I have not gained  
 these victories by my own strength, says the Christian.

Criminal Court of Bath Sept 20<sup>th</sup> 1838.

Jord for the Murder of Burnham — Guilty, judgment reversed by Court of Appeals July 1839  
 Henry Gambrell — Murder. — from the form of the verdict  
 Duvall & others — Murder — Guilty first degree  
 3 more for Jourdan's Murder — removed to B. C. Court not guilty by a rascally jury.  
 John Stevens, alias Cyphus, Guilty of murder in the First Degree  
 Marion Croffes & Corrie — Murder — they murdered Keyton, the  
 principal witness on Gambrell's trial on the very night of  
 removed their cases to County — Both guilty of murder in the 1<sup>st</sup> deg.

The subjoined paper is the original of the confession of Marion Cropp, written on the morning of his execution.

It was me that shot  
rigdon But I have  
Repented of it

The above note was  
written by marion  
cropp on the morning  
of his execution  
about 10 m. before  
with the request  
it be not opened till  
he was dead.

B. H. B.

" It was me that shot  
rigdon But I have  
Repented of it.

April 8<sup>th</sup>, 1839.

I attended to day officially at the execution of Henry Gambrell, Marion Cropps, Peter Corrie, and John Cyphus, alias Stevens, (colored) for murder.

It is now 51 years since four men have perished on the scaffold at one time in Baltimore, Caleb Dougherty, two other white men, and a negro having been executed for murder on April 22<sup>nd</sup> 1808.

I sat in the hall of the Jail & uncovered as the doomed passed by, but did not go forth to witness the completion of the tragedy. They did not wear the shroud, by their own request, and were indulged in this particular by the Sheriff as had been also done in the cases of Hutton and Hall & Jennie and Virgison in 1820. I would have been willing that Gambrell's sentence should be commuted, as I felt doubts whether the State proved more than murder in the 2<sup>nd</sup> degree.

They all behaved with the utmost fortitude.

April 10<sup>th</sup> 1859. The last week has been one of fearful incident. Capital punishment though not unknown has yet been infrequent in Maryland, and there has always been a struggle among jury men between dislike to the death penalty and duty. On Friday last (April 8<sup>th</sup> 1859) four persons at once suffered upon the scaffold, Henry Gambrell for the murder of Officer Benton, Marion Cropps and Peter Corrie for the murder of Officer Bigdon, and John Cyphus, alias Stevens, colored, for the murder of an old colored man named King. On Wednesday night Cropps sent for me proposing to make important disclosures. After many attempts to gain some promise of interference with his doom, he at last offered a false statement on condition that the manuscript should not be given to the newspapers, and at two o'clock in the morning I went into his cell. It was a ghastly interview. The father of Cropps was there a living presentment of agony, ~~and the murderer~~ himself sat beside ~~me~~ half-dressed, his scanty garb disclosing his muscular figure, evidently fearless though still clinging to life; and while I wrote, the thought was present that in a few hours that young and brawny form would be a mouldering clod of the valley, while I, gray-haired & infirm, might still live for years. The voice of Gambrell in terrified and earnest prayer could be heard thrilling through the whole condemned ward. The murderer replied to all my questions composedly, not a word faltered not a nerve trembled; in the face of the most conclusive testimony and of all probability, I may say possibility, he denied all presence at the murder and all complicity, and charged the crime upon two other persons without pretending that he could furnish the slightest proof. When he had done, his father asked for a copy to be laid before the Governor. The object was too plain, ~~that~~ i.e. to pretend to the Governor that Mr.

Whitney, the State's Attorney, had this pretended confession  
under consideration,  
"and that time ought to be given to investigate its truth. I  
at once refused, having indeed previously stipulated that  
the Governor should not be informed of ~~my~~ confession  
unless by the State's Attorney himself in case he should  
give credit to its disclosures, but I offered to destroy the  
confession if the party wished; it was plainly false and  
of no value. At the close I bade Cropps farewell and  
told him that I should ill-discharge my duty as an  
officer or as a Christian if I gave him any hopes of  
life and prayed that God would have mercy on him;  
he shook my hand and said "good bye, Mr. Pinkney,"  
without any discomposure, though his last effort for life  
had failed; the grate of the cell was locked & the Warden  
had some difficulty in making the deputy hear us, and it was  
some minutes before we were released; Cropps looked at me  
& laughed, & said "well, you are a prisoner too"; there was  
nothing of bravado in his manner, but such firmness or  
callousness, I never saw; the most resolute spirit usually  
breaks down at the terrors of such a death, when the  
days and even the hours are numbered and every beat of  
the clock tells that the brief remnant of existence will soon  
be spent; he seemed a man of iron nerves & will. I tried  
to avoid attendance at the execution, but vainly for Mr.  
Creamer, the sheriff, insisted upon it. I sat in the hall,  
and at last the <sup>indistinct</sup> sound of solemn prayer, where the meaning  
could be caught though the words were indistinguishable,  
told me that the death procession was coming; in a minute  
more the four criminals, with black shawls thrown around



them to conceal the cords which pinioned them, rose from the  
 stair-way which led to the condemned cells, firm though pale,  
 they seemed as if rising from the grave to be again returned to  
 it. In a minute or two more I could hear the voice of Cropps,  
 clear and unflinching, as he sang a hymn on the scaffold, in  
 which Gambrell & Cyphus joined though more feebly; directly  
 afterwards was the heavy clang of the drop, & the shrieks of  
 the female prisoners rang through the building. As they were  
 binding him for death, Cropps repeated the statement that he  
 had twice made to me that he did not fire the pistol, but  
 about 2 hours before the execution he had put a note into the  
 hands of the clergyman, requesting that it might not be opened  
 until all was over; it contained a full admission of his  
 guilt. At the reading of his death-warrant, at which I was  
 present, he said to me "As God is my judge, I did not fire  
 the pistol"; at our last interview he had asserted his total  
 innocence; such is the value of the words of a condemned  
 man. Gambrell died protesting his innocence also, and many  
 believe him, but I am not of the number, though I was not  
 unwilling that he should be spared, from his extreme youth &  
 from a doubt on my mind whether technically more than  
 murder in the 2<sup>nd</sup> degree had been proven. Cyphus also  
 protested his innocence, though the case was one of clear guilt  
 upon his trial, and subsequent enquiries darkened the case  
 against him still more; they showed that he came frightened  
 and bloody to the house of a negro woman, washed away the  
 blood which was distinctly visible on his person, went out  
 into the yard and after wiping his knife on the grass  
 repeatedly plunged it into the earth.

A crazy Baptist preacher named Dozney afterwards published a pamphlet containing a pretended confession of Cropps; it was falsehood from beginning to end, & was either a hoax played on him by Cropps or the dream of a madman if neither, it was something worse, ~~transcendent~~ a wicked imposture. I afterwards ~~to kill~~ as a Chancery commissioner examining the superior of the sisters of Charity, learned from her in conversation that Corrie also admitted the guilt of Cropps & himself & that they had gone to Bigelow's house expressly to kill him.

48 A



Gregory Barrett Jr,  
Baltimore

Md

Balt<sup>o</sup> jail Dec. 6<sup>th</sup> 1858

Friend Greg.

I wish you would come over and see me, and let me know what you are going to do for me. I expect to go out in the County every day, and I would like very much to see you, before I go out. I wish you would try and get a pistol like the one that was found, and also see about getting the witness for me, I have not seen anybody at all, and do not know what to do. I wish you would find out whether the boys are going to stock up for me or not. see Mully and get that pistol I loaned him some time ago, do you think I will stand any show, or do you think I had better try and get out. If the latter, I want you to get me

a couple of very fine saws, I have got  
a frame, and you can get the blades  
to fit it, come over soon.

No more at present but  
give my love to all the fellows

Yours  
M. C.

Greg

I wish you would come  
over here, I want to see you, as I  
understand there is some talk  
going about, which I do not al-  
together like, I should like to  
see you in person, by complying  
with this request you will confer  
a favor on

Your Most Obedient  
L. A. Brien

This letter was produced on Marion Croft's  
trial & admitted in evidence on the  
authority of

Lucius O'Brien, the writer, a notorious  
housebreaker, (the correspondent signing  
himself "Edge Tool" of the Philadelphia  
Police Gazette) was beaten to death by  
a man unknown, on the night of  
May 20<sup>th</sup> 1839.

County Court Dec Term 1838. ~~William Jones & Brady for murder of~~ <sup>\* Removed to Howard Co. not guilty</sup> 48  
Hugh Morgan.

John Eaton, Murder of Wm Rumsey, removed  
A lad for murder of <sup>(S.R.)</sup> Farlow - guilty of manslaughter &  
Several indictments for manslaughter - Not found  
new trial granted

x I never utter weak complaint, I seldom breathe thy name,  
I nourish in my breast a strong but undiscovered flame,  
The idolater who does not own the being he adores  
E'en by his very secrecy a firmer faith secures.

2.

My hopes are daily growing less and thus my fortunes suit,  
They're sickle blossoms which perchance will never turn to fruit,  
But still with jealous care I strive to save them from decay,  
They pour a fragrance on my path that must not pass away.

3.

When reason cold assurance gives that I can never share  
Thy gentle destiny I feel the mariner's despair,  
Who sees his shattered bark must drift some happy island past  
In ocean's wild and gloomy waves to founder at the last.

4

Yet hope will flourish if it meet with food however slight,  
A plant that thrives if it receive the scanty dew of night,  
And evil is the careless hand that rudely tears apart  
Its freshness from the home it seeks within the lover's heart.

5.

A smile, that calmer thought would tell was never meant for me,  
Of which the very mirth proclaims that thou art fancy-free,  
A glance, a word, and every fear and every doubt have fled,  
And darkness is dispelled by light that happiness has shed.

Dec. 1838.

At the close of this term in Nov 1838, I was seized with  
a most violent fit of illness, bilious pneumonia - I have  
been in great danger of death, but with little other  
feeling than the sense of bodily pain - my nervous  
system is almost entirely prostrated.

I hid and know I am betrayed,  
 My dream of love was vain, —  
 My glance is haughty as thine own,  
 I see not, nor complain.

A fair and wild romance was mine  
 But what avails it now?  
 A fruitless wish, a withered hope,  
 A smile, a broken vow —

Though memory midst the parted wreck  
 May strive, it saves no more,  
 The past was precious and beloved,  
 Yet I must not deplore.

It is weak submission that alone  
 Gives Enslaves us to our foes,  
 All wrongs and sorrows disappear  
 If bravely we oppose.

Farewell, thy light may be withdrawn  
 I am not left to gloom,  
 A fragrant flower has been destroyed,  
 But shall not others bloom?

Criminal Court January 1859. —

2 men murder of Chas Leyburn.

John Connerly murder of his brother —

„ murder of Samuel Patterson —

Thetford, convicted of stealing 10,000 \$ from the Counter of the Planter Bank



Pure and gentle thoughts protect  
 Waters spreading clear and cool  
 Turn if we their banks neglect,  
 Unto marsh and standing pool.

2.

Acting thus, remove with care  
 All that would thy mind pollute,  
 Graft and prune, the tree will bear  
 Unexpected golden fruit.

3.

Scan each project wandering by,  
 Else to danger thou'rt beguiled,  
 Oft the hungry panthers cry  
 Seems the wailings of a child.

4.

In a wish of goodly mould  
 Oft a fearful purpose lies,  
 Men were pale could they behold  
 Chances Nourished hopes without disguise.

5.

Watch and pray, the tempest's shock  
 Rends away both oar and sail,  
 Thou may'st view the dangerous rock  
 But that anchor will not fail.

"In the eleventh place, the Democritei Atheists reason thus, if the world were made by any antecedent mind or understanding, that is by a Deity, then there must needs be an idea, platform, & exemplar of the whole world before it was made, and consequently actual knowledge, both in order of time & nature, before things. But all knowledge is the information of the things themselves, all conception of the mind is a passion from the things conceived and their activity upon it, and is therefore junior to them, Wherefore the world and things were before knowledge & the conception of the mind, and no knowledge, mind, or Deity before the world. This argument is thus proposed by the Atheistic poet (Lucr. Lib V. v 182) Exemplum porro gressu mundi sic.

Cudworth int. system of the Univ. 141

Such an argument proves that there can be no invention or contrivance in the world, a watch must have existed before a watchmaker.

Snake bake a hoe cake  
 And set the frog to watch him,  
 Frog full asleep  
 And lizard come and catch him.  
 Bring back my hoe cake (ter.)  
 My long tailed marny.

Concoquit libum colubis, fideleum  
 Illi custodem posuitque rancam,  
 Plana sed stertit, veniens lacerta  
 Arripit illud.  
 Da mihi libum tenuis lacerta,  
 Da mihi libum, colubis exclamat,  
 Redde tu libum, refluxante cauda  
 Picta lacerta.

A man in a cavern perceiving that his torch is expiring.

Matthews observes in his diary that men prefer the Venus de Medicis to the Apollo and observes that we cannot divest ourselves of sexual feelings even in examining a statue. This is hardly the case. The cause of the preference is that sexual feelings have rendered us nicer observers and better judges of female beauty.

To talk of oneself is always offensive; it is asking charity either in the shape of praise, sympathy, or assistance.

The ruin of ancient aqueducts has occasioned in many places dangerous marshes.

In general when a man essays to talk eloquently he is like the garrison of a besieged town who throw bread over the walls in hopes that the enemy will think they have abundance although they are in reality starving.

Pirates generally scuttle a plundered vessel.

It is death for an accused person in Morocco to declare his innocence after the Emperor has once expressed an opinion. Enlisting prejudices on the side of reason is like the dangerous experiment of arming slaves in defence of their masters; after defeating the enemy they subdue their former lords.

"To mendicant prows and beneath"

"The honour of the house."

Liquors that have been once frozen never recover their former strength and flavour.

Skulls of unknown fish picked up on the beach.

A drunkard never admits that he is affected by liquor, some dish as he asserts has disagreed with him.

The indecency of the old English drama arose from the practice of boys representing female characters, that of the later from real love of obscenity introduced by Charles the Second when brutal debauchery was loyalty.

Painted sculpture has been often proposed by those who forget that the principal pleasure owed to statuary is the surprise at the partial resemblance of a hard, colourless body to a soft coloured object.

We are professional even in our estimation of virtues, an honest man with a tradesman is one who discharges his debts punctually.

A cure of the belief in the bravery of the days of chivalry may be found in the perusal of De Comines.

The approach to land is denoted by finding driftwood.

The Burmese consider the posting of sentinels a token of cowardice.

An unskillful sorcerer may destroy himself by evoking spirits which he cannot controul.

A child would prefer a doll to the most beautiful statue.

Dryden prepared himself for composition by taking medicine.

Savages place every thing which they consider ornamental upon their persons however incongruous the assemblage may be.

The taste for true poetry is very rare. The multitude prefer versemen of a lower order. They read not for the acquisition of new thoughts, but for the pleasure of finding coincidences between their own commonplace opinions and the writer's.

Following a party as a shark follows a ship.

Ignorant people make gods of any evil which they cannot subdue, a shark is quite a respectable divinity on the coast of Africa.

The malaisia holds possession of some of the most beautiful districts in Italy.

The island which lately arose near Sicily has again sunken and become a dangerous shoal.

Our love of country proceeds in a great measure from the belief that our own respectability is involved in her fame.

~~The~~

~~the~~

~~the~~

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~~the~~

The Turks have suffered the breaches in the walls of Constantinople to remain unrepaired to this day as a memorial of victory.

It is not surprising that upon the revival of learning in the middle ages, men thought the boundaries of knowledge more extended than they really were; so many matters of astonishment were revealed to them that they thought human ability could accomplish almost any thing; that if so much could be gathered from the wreck of former knowledge, its entire possessions must be unappreciable.

Dew falls unperceived.

Land at a distance cannot be distinguished from a cloud.

A gentleman considers his own conscience as the most powerful tribunal.

The ancients admitted no one as champion at the Olympick games save those of pure life.

The man in Gullivers travels who attempted to extract sun beams from cucumbers.

The common people will give no hearty support to a candidate selected from their own order, they would be pleased to see their own rank exalted, or the upper ones depressed, but have no wish to raise one of their equals above themselves.

Peter found the word "shoulder knots" in his fathers will totidem literis if not totidem syllabis

Seamen escaping from a wreck to perish of hunger.

One would almost suppose that the law of primogeniture prevailed among nations, from the zeal with which historians maintain the superior antiquity of their respective countries.

Persons accused of magic were tried by the ordeal, it was necessary, says Montesquieu to be a magician to escape.

Buried waters may be discovered by the mists arising from them.

The persons who praise masonry as a charitable institution forget that its tendency is to narrow charity from a virtue whose object is universal, to the relief of masons only.

Those who appeal to the passions in judicial matters rescind positive law.

The frogs of Homer implored the countenance of all the gods in this war with the mice.

The frequency of elections in this country has made electioneering a trade, and a pretty general opinion prevails that political success will justify the use of any means and be the only standard by which posterity will judge actions.

Why seek society, it is purchasing a miserable pittance of amusement at the expense of irksome complaisance.

Humour is wit expressed with grave simplicity.

T. Ignatius Walsh assured the Jackson men that if they had lost Reverdy Johnson and M<sup>r</sup> Mahon they had got him. This is as if one should attempt to console a man for the loss of two stately war horses by the present of a fine lively flea.

## TIME.

I asked of Time, for the friends of youth,  
 Whose conduct was love, whose speech was truth;  
 —He showed me those who hold me unknown,  
 Some weedy graves and a mouldering stone.

I asked for the hopes that gaily glanced,  
 Like banners before the ranks advanced;  
 —A pallid, dim figure faltered by,  
 He pointed and said ask Memory.

I prayed for feelings whose influence threw  
 Beauty o'er all things when life was new,  
 He answered,—you ne'er shall know them more,  
 I take away, but never restore;

Unless what causes sorrow and pain;  
 Should that depart, it will come again;  
 If thoughts are stirless that bade the weep,  
 Believe them not dead, they do but sleep.

I asked for happiness, Time replied,  
 Not unto her can I be thy guide,  
 I can conduct thee to fortitude,  
 Tho' long the pathway to be pursued.

If thou art wise shun all questioning,  
 As I pass by upon dusky wing,  
 But let thy mind to Eternity climb;  
 —Such are the things I asked of Time.

What is called knowledge of the world is nothing but ill nature.  
The playhouse, before the general spread of knowledge made it unnecessary,  
had a higher office than now; it was in a manner a lecture room.

Love is usually a mixture of vanity and desire

The path of caravans may be traced by the bones of those who  
have perished of thirst.

Buccaners visiting an ~~island~~ island before undiscovered.

I asked of Time for the friends of youth  
Whose conduct was love, whose speech was truth  
He shewed me those who hold me unknown  
Some weedy graves and a man tolering stone.  
I asked for the hopes that gaily glanced  
Like banners before the ranks advanced,  
A palled, dim figure, pattered by  
The pointed and said ask of Memory.  
I prayed for feelings whose influence throes  
Beauty o'er all things when life was new,  
He answered, - you will know them no more  
I take away but never restore,  
Unless what causes sorrow and pain,  
Should that depart it will come again,  
If thoughts are stirless that bade thee weep  
Believe them not dead they do but sleep.  
I asked for Happiness, Time replied  
Not unto her can I be thy guide,  
I can conduct thee to Fortitude  
Though long the pathway to be pursued.  
If thou art wise shun all questioning  
As I pass by upon dusky wing,  
Let thy mind to Eternity climb  
Such are the things I asked of Time. 1826.



x

Might not India rubber cushions be used to advantage in  
electrical machines.

The curve most easily and mechanically made by the hand in  
writing  $x$  is a portion of the ellipse, & it is the most  
graceful of curves.

Proteritū tempus, fallacia vota requirit  
 Quae dabit officio tristi, quae enecat ipsum  
 Proteritū æternis vitam largitur æternam,  
 Tu vero, cæcum curis dum nititur istis,  
 Concilio pollens, jussis parere memento  
 Temporis æterni domini, sic muneris pacis  
 Quae non distribuat mundus, pretiosa tenebis.

Many rich mines exist in situations where it is impossible to work them.

Bees if distressed for food, turn pirates and prey on their more fortunate neighbours.

The motion of the sea prevents stagnation.

The legal fictions in declarations of trover &c which have been blamed with so much harshness as they deceive no one, and are so far useful as they serve to classify cases.

There are moments when we look back upon baffled expectations and defeated purposes in which we experience the same dreary feelings as upon turning away from the deathbed of one we loved.

We ascertain the brevity of our life not from a comparison with surrounding objects but from the incomplete designs and acquisitions.

The sea casts up its treasures only when agitated by a storm.

The upper air is free from earthly stains.

Intolerance is generally nothing more than alarmed vanity, it would silence contradiction because it is unable to answer it.

Rude nations know no other than topical remedies.

It is idle to talk of the utility of persecution, obstinate, unflinching persecution is always successful.

Wild beasts in the desert generally await their prey near a fountain.

Dramatick blank verse requires five accented syllables, it may consist of any number of syllables from ten to fourteen.

Shipwrecked men who have escaped to a low island to perish on the coming of the next tide.

Brandy is distilled from the least merchantable wines.

It requires a wise man to know the confines within which he may properly exercise the ~~kind~~ of his art, an ignorant mechanic will labour to enrich himself by making a perpetual motion.

The Northern warriors ordered their wealths to be buried in the same tomb with themselves.

The implements of husbandry have been often converted into formidable weapons.

Conscience has often just enough power to make an evil doer uneasy without having any influence on his conduct.

Rhymes on the road by our late Mayor.

Alas, a wild and savage band  
With ruthless and unsparing hand  
My tenement defaces,  
Unchecked, although it has my curbs  
Saddles and bridles it disturbs  
Yet leaves behind no traces.

Men need no spur my spurs to take,  
At once my shop and law they break.  
With heedless fury down,  
And though my limbs are trembling here  
Thrilled by the mastery of fear,  
I am without a trunk.

My reins can never hold them back,  
My saddlebags become their sack  
Are picked without demerit up,  
Unbridled men my bridles bear,  
And from the tumult I'm aware  
I shall not find a stir-up.

Alas, "the unarmed hand of law"  
By feeble menace cannot awe  
Those who would meet attacks  
By long impunity made bold  
And furnished like the knights of old  
With harness on their backs.

Look to you sudden, startling blaze,  
Which flashes up, and then decays,  
Its riot feeds its flame,  
Those sounds that float upon the air  
Are not the voice of Sabbath prayer  
But curses on my name.

Oh, wise Athenian, who mankind  
Its plumeless bipeds hast defined,  
Thou earnest altogether,  
Or else, lest conversant with crime,  
It was not the practice of thy time  
To tax men and to feather.

That tin pan beaten for a drum  
Explains that Black Hawk's rabble come  
Pursuing me in force  
Cheers not intended for the Choir



Tell me twice better that the Mayor  
owed safety to a horse.

(Blows a five barred gale and vanishes.)

A prudent officer renders his artillery unserviceable before he abandons it.  
It is surprising that politicians do not often betray themselves from the  
contempt they must feel towards the people who can suffer themselves  
to be deluded by such miserable artifices as are practised upon them.  
Goldsmith in his citizen of the world mentions a voter who upon  
being asked the name of his favourite candidate answered tobacco  
and brandy.

Supernatural beings are heard to lament when forced to abandon  
their favourite haunts.

Ships cast upon a land for which they were bound.

Some East Indian princes employ an officer to cry Gharamat,  
karamat, a miracle, a miracle, whenever they speak.

Feeble walls around a city which hide but do not guard it.

Semele perished unable to endure the splendour of the divinity  
whom she had wished to see in his true shape.

Hannibal armed his best troops with weapons taken from  
his fallen enemies.

Montluc, who is a judge without appeal in such cases, assures us  
that soldiers value plunder far more highly than an equal amount of pay.  
Generosity has its limits in politics, if carried to excess it will be ascribed  
to fear.

Consistency is every thing; unexpected, capricious severity often quickens  
into rebellion, the discontent which it meant to smother.

Fortune has indulged some generals with just sufficient success to  
give them confidence and make them commit some irretrievable  
fault.

The red lithomarge of the Bare hills if wetted and exposed  
to a gentle heat, as by putting it in the waistcoat pocket,  
turns white, what is the nature of the fugitive colouring  
matter?

H. Johnson

Evil spirits are supposed to be subdued by the exposition of any of the symbols of Christianity.

A debauchee, after he is reclaimed, will still be an unprofitable member of society as he is selfish in his nature; his repentance may take the form of austerity, but never of charity.

There is the same difference between the avowed principles of a Whig and an administration man, as between a uniform and a livery.

Persons who had an interview with beings of a superior nature were supposed to be fated to death.

A general who cannot resist his enemy wastes the country before he abandons it, in order that the conquest may be as unprofitable as possible.

Curiosity is one of the great causes of vice.

Food has just the same tendency as population to increase in a geometrical ratio, notwithstanding the dictum of Matthew.

The chief evil of poverty is that it makes minute temptations to crimes of great strength.

Needs are a provision of nature for enriching the soil and adapting it for useful plants.

Trees of quick growth are planted near others, which gain maturity more slowly, as a protection.

The strongest part of a fortress is that upon which an enemy usually attempts a surprise.

The cities of the East are half buried in their own filth.

Conquerors have entered a subdued town in triumph through a breach made in the walls.

The rules of warfare are usually much softened by generous enemies.

"When I love a friend, I go to a coffee house and take another."

"Quin etiam Rencorem ferunt, nobilem in primis ~~magisterium~~ philosophum;"

"cum quereatur ea eo, quid assequenter ejus discipuli responderint, ut id sua"

"sponte facerent, quod cogenter facere legibus."

Painting has many subsidiary beauties, as landscape &c, sculpture depends on figures alone.

Monuments which not only record success but the dangers overcome.

Just enough of the wreck coming on shore to tell the loss.

Roots rising like buttresses.

Revolutions rarely effect much; the tempest agitates the sea fiercely for a time & then leaves it to calm or the usual feeble tossing of its billows; it may have added or torn away a strip of sand from the beach here & there but the old sea marks of mountain rock are unshaken.

The Turks consider a pecuniary gift from their superiors quite as honourable as the titular distinctions bestowed on merit by the Christians. Most kinds of vegetables owe their savoury qualities to cultivation. I have heard of a person who read the Arabian nights with the most implicit faith almost through, and was only undeceived by the account of "the singing tree" in the last volume; this was too great a tax on his credulity, and he cast down the volume exclaiming angrily that it was a parcel of lies after all. Those who believed in General Jackson's professions of political reform and only left him at the close of his administration, bear a close resemblance to this discerning personage.

Ignorance of punctuation must have produced some effect on the written style of the ancients, their oral style was probably much less inverted.

Robbers have been known to pray Heaven for assistance when about to commit a crime.

Medicines are supposed to be distasteful from a wise provision lest they should become articles of food and so lose their efficacy.

Flattery is an attempt to conciliate the esteem of others by the loss of our self respect.

Sand is occasioned by the disintegration of rocks.

We pay little heed to the gradual crumbling of land into the ocean, but an inundation even when not very mischievous becomes matter of history.

Locke is constantly read without understanding his theory.

How has Reid obtained his reputation? There seems to be little of value in his metaphysical writings except some chapters on the geometry of visibles.

The practice of the receipts given by Aesculapius, Burton in his anatomy of melancholy &c. to break from the entanglements of love would do more to deprave the mind than a long course of debauchery.

Prayer is very often nothing more than an apology for crime.

ΠΡΩ ΦΗΔΕ (Pro Fide) Inscription in the Catacombs

Maillard Page 134.

This shows how erroneous is the English pronunciation

The rise of the Nile to a certain point produces fertility; beyond that, ravage and hunger.

The moss troopers left marks at the places of rendezvous which satisfied the ~~intel~~ initiated of the course to be pursued, but were unintelligible to all others and were so slight as not to be easily noticed by them.

Astrologers met with easy credit because they made stars of the human passions.

In misfortunes we try to cheat ourselves into happiness by declaring a preference for our present condition, in hopes that we at last may believe ourselves.

The wind blows free, upon the sea  
We rush with steady sail,  
Though mirth is fled, think not we dread  
The battle and the gale.  
Condemned to roam, ~~with~~ his fading home  
Each views with moistened eye,  
If tears must fall when lost is all  
Lay how can mine be dry,  
Of hope forlorn for one I mourn  
Forever from me riven, —  
The blinded yet with vain regret  
Think on the light of heaven.

The duke of Berri at four years of age reviewed the French army and professed himself well satisfied with the greater part of the manoeuvres which they had executed before him.

"If a convert would prosper he should shew a desire to persecute all who dissent from his new faith; let him be intolerant and his sincerity will never be doubted." (Infamous.)

In a Flemish picture representing the massacre of the innocents the soldiers of Herod are shooting at the children with matchlock muskets.

I was asked the other day by a very sensible man why the political bitterness between the Whigs & Loco focus subsisted when all the issues between them had been closed. he forgot that they had been so closed by the defeat of the Whigs who submitted on those points with sullen submission but did not assent — that they were in fact disfranchised and that in the long time the warfare had lasted the name of Whig had become as it were a political principle.

The very inscriptions on the statue of Memnon at once shew that it was a priestly imposture; the curiosity of any distinguished person was always abundantly gratified.

Montesquieu's theory sets ~~proportion~~ climate in the place of necessity; he forgets that the Greek & Turk dwell together in the same land with abhorrent customs & religion —

Εἶπε δὲ Ἀβραάμ; Τέκνον, μνήσθητι, ὅτι ἀπέλαβες τὰ ἀγαθὰ σου ἐν τῇ ζωῇ σου, καὶ Λάζαρος ἐμοίως καὶ κακά, Luc. 16. v. 25. In thy life thou didst receive thy good things, all that thou didst covet and on which thou didst build thy pride, but thou has scorned the spiritual gifts of God. See John Wesley's sermons.

"Montesquieu" esprit des lois, L. 13. c. 1.

Ἐπιθυμῶν Ἰθεων ἰδελφιογοργσβαζηνγκουραουωγυαοφυ byberg cenroy.  
We do not even draw our ideas of outward things altogether through the senses, which only present to us a bundle of qualities; but the idea of a substance to which those qualities are attached, of the thing itself and not its perceptible attributes, is either created by reason in the mind, or is given us of God;

Your notions of identity are derived less from consciousness than from observing others. of our early years we have no memory or consciousness at all. but we observe others as individual existences from their birth to manhood and onwards, and predicate the same of ourselves. we learn identity less from the me than the him.

X

I am not left to weeping,  
 My eyes no sorrows dim,  
 Although my hours are lonely  
 They pass in thoughts of him,  
 I bear his cherished image  
 Deep graven on my heart,  
 I can the vows remember  
 He speaks before we part,  
 I see a smiling future  
 The past cannot distress,  
 And hope with memory joining  
 Affords me happiness.  
 They bid me seek for pleasure  
 Within the festive hall,  
 Alone, I can his features  
 And whispered words recall,  
 Why seek the young and mirthful  
 When all within is bright,  
 The sun's unclouded splendour  
 Calls not for borrowed light,  
 No solitude is dreary  
 Save when we know despair,  
 The joyfulness is lessened  
 We are compelled to share.

When Praxiteles sculptured his Venus he was allowed 50 of the most beautiful maidens of Greece to serve as models. One only refused to undress and from her the artist moulded the face of his statue. Its principal charm was modesty.

Most modern poetry is like posture making; there is much ingenuity in distortion without grace or utility.

An unskilful exorcist may call up spirits which he cannot control.

Sire, said the Mayor of a small city to Henri Quatre we would have fired a salute upon your Majesty's arrival as in duty bound but for 17 reasons. The fact is that we have no cannons. I will excuse you from giving the other 16, said the monarch, the first is quite sufficient.

Wild honey is often poisonous.

'Tis a weary life when the heart has turned  
 From the worship of other days,  
 And the spirit that once within us burned  
 Is but glimmerings and decays.  
 When bowed down and feeble we forego  
 All struggles with grief and pain  
 Not from patience but because we know  
 That effort were made in vain,  
 And we sadly look on joys that await  
 Other men while our hopes are fled,  
 As the captive looks from his dungeon grate  
 Upon scenes he must never tread,  
 Or in cheerless sameness our moments pass  
 And we mark the flight of time  
 By nought save the ebbing sands in the glass  
 Or the steeples drowsy chime.

1837.

It is no uncommon remark that the ancients were insensible to the beauties  
 of nature: There is no truth in this piece of modern self-complacency.  
 Not only their literature but their practice shows the contrary. In  
 every place where the scenery might gladden the eye are to be found  
 in each coign of vantage the ruins of their villas where men withdrew  
 from the strife & turmoil of the City to repair their faculties & find  
 delight in the view & contemplation of the beautiful.

"Now when we talk about considering a quality of an object  
 separately from the other qualities that belong to it, we evidently go  
 upon the principle that we are able to think of all the different qualities  
 of an object at the same moment of time, as mere gratuitous assumption  
 unsupported by one single argument from an appeal to consciousness."

Blakey's history of the Philosophy of Mind 1<sup>st</sup> vol. 409

I can certainly perceive many qualities of a substance, such as hardness  
 extensions, color, at one moment, and select any one of them as a subject  
 of thought. If Blakey's remark were true I could not think of an object  
 at all, for what is it to my perception but a bundle of qualities?

The south wind gently swells and falls,  
 And winter leaves an herbless waste,  
 The voice of merry spring who calls  
 To bid the tardy violet haste.  
 You hear it as it plays among  
 The aged oak-trees leafless now,  
 From which the bird has silent sprung  
 So much that feeble sound alarms.  
 The mists dispense, and sharp and clear  
 The outlines of the hills are seen,  
 The very furthest depths appear  
 Of yonder narrow, long ravine.  
 Upon the waters, that grow dark  
 As fitfully the breeze sweeps by,  
 The white sails you distinctly mark  
~~Which~~ In ~~total~~ relief against the sky.  
 Such things yield pleasure if the breast  
 In its own happiness be strong,  
 Be it with aught of care oppress'd,  
 The peevish fancy does them wrong.

1837

When the theory of Berkeley was mentioned to Dr Johnson he struck his foot  
 forcibly against a stone & said "I refute it thus." and it has been  
 said <sup>in consequence</sup> that he did not understand it. I should say that he  
 understood it perfectly. He appeals not to the sensation but to the  
 act, to the knowledge & assurance given to him by reason that outward  
 things exist & that he could receive sensation from them at his will.

"Duo Manibus Sacrum. Pater cum Filia, Frater et Soror,  
 Haec et Nurus, hic tantum duo jacent. — Consul Virator  
 et Aemilius." From the marbles in the Fitzwilliam Museum  
 at Cambridge. This enigmatical epitaph has excited much  
 conjecture & is supposed to record a case of complicated  
 incest. It is however of very easy solution, and might be put  
 over the graves of half the married people in the world. The  
 husband might be a father, a brother, and a father in law,  
 and the wife a daughter, a sister, and a daughter in law,



65  
and yet bear no affinity whatever to each other; the epitaph  
is a mere trick in words

X X

Thou may'st look on the future unfeeling  
All the change made by times passing by  
Is like stars in fresh splendour appearing  
As others decline in the sky,  
Greater causes of joy you discover  
As the present approaches its close,  
E'en the violet's season is over  
Spring smiles and has promised the rose.  
But to others dark feelings awaken  
From which they can never be free,  
And he knows that by joy he's forsaken  
Who has gazed without hope upon thee.

1837

Cornelius Lucius Scipio Barbatus  
Gnaivod Patre Prognatus Fortis Vir Sapiensque,  
Lucius Forma Virtutis Parisuma Fuit  
Consul, Censor, Aedilis Quaei, Apud Vos  
Taurasia, Cisauna Samnio Cept  
Subigit Omne Loucana Opus  
Cpsidesque Abdoucit.

A most noble epitaph conceived by reverence and gratitude. Besides  
its literary merit & historical importance, it is curious as giving  
us the powers of several letters; the J, (Lucius, Cuius) the final J  
(virtutis) the U, (Lucius & abdoucit) the final M is omitted  
in the words Taurasia, Cisauna, shewing that it had merely  
the slight nasal sound which the French give to it.  
Gnaivod is "Gnaeo".

I am no believer in the theory of sensation bringing food to  
perception

~~Call to the winds, ye winds, ye winds, ye winds~~

By H. P.

Awake, awake, the clouds forsake  
 The azure of the skies,  
 The starry train their influence rain  
 And rival even thine eyes.  
 And he who strove to veil his love  
 Beneath thy glances afraid,  
 In fearless tones his passion owns  
 By midnight serenades.

2

Thy casement near thy lover hear  
 Who breathes his soul in song,  
 But in his strains he sad complains  
 Of coldness and of wrong.  
 Look out on night, the stars mild light  
 Has banished all its gloom,  
 And bid my breast with grief oppressed  
 The light of hope assume.

It has been usual with the chilly writings of the present age to speak lightly of Michael Angelo; they expect to be thought knowing when they are blindly censorious. His merits seem transcendent in every branch of art. In architecture every one of his productions is a monument of triumph. No one has ever stood beneath the dome of St Peter's and looked up on its ~~and~~ over-arching like some permanent preaching its dazzling glory, without more than admiration, a feeling of awe, it scarcely seems the handiwork of man, cramped as he was by the errors and weaknesses of its former architects, what would the whole building have been had his designs, his creations and reforms, been followed. In sculpture, all that he produced is overinformed with power & meaning, if he sometimes passed beyond the true boundaries of art, it was like a mighty conqueror who subdues sterile and savage lands to show his strength and the immensity of his resources; even those who murmur feel as if their words were rebellion. In painting he has mastered the beautiful (witness his Eve,) as well as the sublime. In every thing he gave life and energy to modern art. The grimace and flutter of Bernini and others, who have been strangely styled his followers, must not be imputed to him. They wandered as

## Beatrice Cenci.

Who would have thought that she whose features wear  
 Amidst their girlish loveliness, an air  
 Of ~~languid~~ languid resignation, as if wrong  
 Had been her sudden portion from the strong,  
 While weakness banished hope, could have a thought  
 Of acts of bloodshed such as that she wrought?  
 Look on her; never yet a richer dower  
 Of beauty did consenting planets shower  
 On one of earth; fair as the forms that rose  
 Within a twilight grotto's deep repose  
 Upon the mental sight of him who viewed  
 All human charms with coldness, and pursued  
 The nymphs with frantic rites by bubbling wave  
 Or pine mountain top, or silent cave;  
 To this the portraiture of one whose name  
 For daring and for stern resolve became  
 Almost a proverb; or a faultless shaping  
 Signed in a happy moment, and escaping  
 From a quick delicate fancy, and apart  
 From life, recorded by the painter's art.

1837

Genl Taylor. 1848

N. Johnson

far from him by exaggeration as they did from the antiques; their rules no more  
 resemble his than the frightful distortions of galvanism applied to a corpse  
 do the movements of vigorous life, he earned at admiration and wished to  
 overcome criticism; they sought to gratify by petty surprises.

Criminal Court of Baltimore May Term 1857.

A man named Bowman for abusing a female child 5 years old -  
 (both Germans) guilty - sentenced to death - sentenced commuted to <sup>penitentiary</sup>  
 2 Negroes for setting fire to the Penitentiary - sentenced to death <sup>for</sup> <sub>use</sub>

T. S. R.

There was a time I saw depart  
 Dreams hourly grown more faint,  
 When all was sadness, and my heart  
 Too heavy for complaint,  
 I sought not pity but alone  
 Inclined misfortune's load,  
 And should aside the gift have thrown  
 If even by chance bestowed.

2.

The scattered moments pleasure stayed  
 Or hope had power to bless,  
 Were as the spring and palm tree shade  
 Within the wilderness,  
 The fainting traveller's course renews  
 His strength by brief delay  
 Before his journey he renews  
 Beneath the burning day.

3.

But thou didst hast smile, and it bestowed  
 A long unknown delight,  
 A cloudless morn at once arose  
 Upon my starless night:  
 Oh, ever let its dazzling gleams  
 Be on my future cast,  
 And then its gladness well redeems  
 The sorrow of the past.

4.

My thoughts all other things pass by  
 To dwell upon that smile,  
 As birds through cheerless climates fly  
 To some fair sunny isle.  
 Can life have grief, can life have pain  
 While joy like this has scope,  
 And wishes that I fancied vain  
 Have ripened into hopes.

1839

69  
Pride, 'tis an armor framed with little skill,  
Tempered imperfectly, and hard to bear,  
Through its defence the winged arrows thrill  
Inflit a wound and deeply rankle there.

2.  
Hope, Calentures the mariner deride  
Till in his maddening thirst the unwrinkled sea  
Seem grassy slopes, and woodland stretching wide  
In caverned walks, and streamlets leaping free.

3.  
A fancy that, with disappointed scan,  
Amidst earth's beauty marr'd by sin and woe,  
Would fain discover vestiges or plan  
Of the lost paradise we may not know.

4.  
In ignorance that its ruins are no more  
And that its very site has found its grave  
Beneath the slime of the untrodden floor  
Of conquering oceans unreturning wave.

5.  
Ambition, avarice, gather needful store  
Not only for thy use but others' aid,  
Yet burthen not thyself with tempting ore,  
Else may thy heavenward journey be delayed.

6.  
Remember him who died that thou mayst live,  
Make him of all thine acts reward and cause,  
Revil'd revile not, and if wrong forgive,  
His word thy meditation, joy, and laws.

Criml Court of Bath Sept. Term 1857.

Thos. Claggett, for murder of Jerome B. White, guilty of murder in 2<sup>d</sup> degree  
10 or 12 persons for murder of Sergeant Gourdian.

J. H. Horner, Assistant collector of Bath City for peculation —  
A very heavy term.

January Term 1858. Henrietta Fennard (colored) murder of her niece by continual  
maltreatment. Guilty of manslaughter, Penitentiary 9 years & 6 mos. (In her days of  
slavery she belonged to my aunt Mrs. Chew.

Trust others, conspiracies under the lottery laws

Henry A. Waldo, fictitious lottery.

Frederick Peters, boarding house keeper, boarding vessel without leave

P... ..  
 N... ..  
 I... ..  
 I... ..  
 A... ..  
 I... ..  
 L... ..

Oh sing me not that strain,  
 Its wild and mournful numbers  
 Will rouse the grief again  
 That for a moment slumbers.  
 When first twice sung by one  
 I fain would not remember,  
 Hope was a summer's sun  
 Where now is bleak December?  
 'Tis long since first I strove  
 All vain regret to smother  
 Forgetting her whose love  
 Is given to another.  
 And oft there is an hour  
 Like this which now I treasure  
 When memory loses power  
 And life again has pleasure,  
 The heart oppressed with ill  
 Is not by joy forsaken,  
 In ruined gardens still  
 In spring some flowers awaken;  
 But sing me not that strain,  
 Its wild and mournful numbers  
 Will rouse the grief again  
 That for a moment slumbers.

One reason why the head in sculpture is represented smaller than in life, is from the impossibility of representing the hair as in nature; it is a mass of marble or metal really augmenting the size of the head, and not the light wavy substance which it is in real life —

*[Faint, mostly illegible handwriting, possibly bleed-through from the reverse side of the page.]*

Speak merrily before the cave  
Opening into yonder hill,  
And echo's answer is more grave  
But you find it mirthful still.  
Thus every feeling that awakes  
At thy voice's silver tone  
Within my bosom gladness takes,  
Though tis fainter, from thine own.

October 17<sup>th</sup> 1859. My birthday - I am now 55 years old. I have passed the day in excitement, but also in sickness & despondency, though I have concealed both. What would I give for rest, I long for it as David for the waters of the well of Bethel.

- P. G. H. J. MORRISON, of No. 1.
- P. G. JNO. HAHN, Jr., of No. 14.
- P. G. C. H. RAWLINGS, of No. 15.

The nominations being closed, the Lodge proceeded to the election. The Chair appointed the same tellers, who, after receiving and counting the votes, reported that the following Past Grands were elected:

- P. G. H. J. MORRISON, of No. 1.
- P. G. SAM'L SNOWDEN, of No. 48.
- P. G. WM. BOCKMILLER, of No. 8.
- P. G. C. H. RAWLINGS, of No. 15.
- P. G. JNO. HAHN, Jr., of No. 14.
- P. G. F. PINKNEY, of No. 77.
- P. G. D. IRELAN, of No. 7.

Whereupon the Chair announced that the above named Past Grands were duly elected the Executive Committee for the ensuing year.

The Lodge now proceeded to the nomination for the Executive Committee, when the following were made:

- P. G. WM. P. BOCKMILLER, of No. 8.
  - P. G. D. IRELAN, of No. 7.
  - P. G. WM. L. GAGE, of No. 4.
  - P. G. JAS. WHITING, of No. 1.
  - P. G. WM. B. RAY, of No. 9.
  - P. G. SAM'L SNOWDEN, of No. 48.
  - P. G. F. PINKNEY, of No. 77.
  - P. G. S. C. RIDGWAY, of No. 5.
- 71C



On motion, the Grand Secretary was instructed to inform Mr. J. that his appeal was not in date under section 5, article 18, of the constitution of the Grand Lodge.

P. G. M. WENTZ submitted the following resolution :

*Resolved*, That the salary of the Secretary of this Grand Lodge be increased the sum of two hundred dollars, to commence from the first day of January, 1864.

On motion, the rule was suspended and the resolution considered.

Lodge No. 7, seconded by Lodge No. 3, called the vote by lodges, which resulted as follows :

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## ORIGINAL POETRY.

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NO NEED THAT IN THE BANQUET HALL.

No need that in the banquet hall  
A skeleton should be,

And by its ghastliness appal  
From frantic revelry—

Enough there is of grief on earth,  
To temper e'en the wildest mirth.

No need that in the victor's car,  
A sordid slave should ride,

Amidst the martial pomp to mar  
The laurell'd hero's pride;

Enough there is to show that fame  
Is nothing, and the proud to tame.

Alas, since gladness is so rare,  
It were more seemly skill,

To save the timid from despair,  
Or warn of coming ill,

Than thus to sadden the brief hour,  
When pain foregoes its wonted power.

F.

A parrot which had been present at a naval engagement passed the rest of its life in trembling upon its perch and crying poom, poom, poom.

An attempt to enforce respect by violence is about as wise as the Tyrian expedient to prevent the Gods from leaving their doomed city by nailing the feet of their statues to the pedestals.

Sciff not says Fuller, at the natural defects of any which are not in their power to amend. Oh, tis cruelty to beat a cripple with his own crutches.

Is it not Warburton who asserts that civilization by multiplying temptation and increasing its value augments the vehemency of our evil passions and renders strong preventives of vice more necessary than in a savage state? vehemently asserts.

The Globe says that Mr Bond is about to establish a lying in hospital. This is of no consequence to the Globe as common prostitutes never have children.

We all complain of our want of memory, says Rochefoucault, but never of our want of judgement. This proceeds not from vanity but prudence. Want of judgement makes us unsafe to be trusted.

The introduction of classical quotations on every occasion is almost as ridiculous as Johnathan Oldbuck arming himself by thrusting a Roman falchion through the flap of his breeches upon the alarm of a French invasion.

I can see no reason for objecting to the received version of "δεισιμα, υπερβηγους," "too superstitious." Paul blames them for ignorant worship if they knew not what, for blind belief without enquiry, when by enquiry they might gain the truth.

Frederick & Pickles. Esq  
4<sup>th</sup> Row

Calicut  
4<sup>th</sup>

Drafted the New Police Bill  
with the assistance of Mr F. B.  
Howard - It passed both  
Branches Decr 23<sup>rd</sup> 1856.

Extra sessions adjourned  
Jan'y 2<sup>nd</sup> 1857.

The City Council adjourned May  
9<sup>th</sup> 1857, it will hold one or two  
adjourned sessions of a day or 2.  
for it has sat 101 days -  
was chairman of the Committee  
of ways & means, Police & jail, & on  
Registers accounts, & on committee on  
Mr Donough's estate (this last only  
for the 1<sup>st</sup> part of the session as  
chairman) Met again in June &  
continued in session 4 weeks. Met  
again in Sept

73 B

MAYOR'S OFFICE,

Baltimore, *Nov 12* 1856

Sir:

You are hereby notified to attend a  
*Special* meeting of the City Council, to  
be held at the City Hall on *Thursday*  
the *19* instant, at *5* o'clock. *P.M.*

By order,

*Thomas Swann* Mayor.

Wednesday 19 Novr 1856. was  
as Member of the Council for the  
Ward & took my seat.

# ORDER SONS OF TEMPERANCE.

## GRAND DIVISION



## OF MARYLAND.

### District Deputy Grand Worthy Patriarch's Warrant.

TO ALL WHOM THESE PRESENTS MAY COME, GREETING:

KNOW YE, that by virtue of power in me vested, I do hereby appoint *P. W. P. Frederick Sinkney*

Nos. *1 and 31.*

District Deputy Grand Worthy Patriarch for the *1st* District composed of Divisions until the second Thursday in October next, unless sooner revoked.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Grand Division of Maryland, Sons of Temperance, to be affixed, in the City of Baltimore, this *eighth* day of *December* 18*48*, and in the *seventh* year of the Order.



*F. J. Murphy* G. W. P.

By the G. W. P.

*Wm. H. Gobright* G. Scribe.

It is the duty of D. D. G. W. P.'s to visit officially every Subordinate Division in the District at least once in each Quarterly Term, to examine the work, and exact a compliance to the established Constitutions, Laws and Ceremonies of the National and of the Grand Division—and report any irregularity fairly, fully and promptly to the Grand Worthy Patriarch, under whose direction he shall act, and through whom he shall present all official communications to the Grand Division.

In addition to the above, the D. D. G. W. P. shall visit each Division in the District previous to the expiration of each Quarterly Term, and urge the preparation of the returns, and also at the first regular meeting in each Quarterly Term, and install the officers, receive the returns, per centage and temple fund, and forward the same immediately to the Grand Scribe. He is empowered to appoint a P. W. P. or W. P. as Deputy Grand Conductor, to assist him in the installation.

In case of sickness or other unavoidable occurrence, he is authorised to appoint a P. W. P. or W. P. to officiate in his place; but this authority shall not extend to more than one Quarterly Term, without the written consent of the Grand Worthy Patriarch.

He is directed to submit a written Quarterly Report of the state of the Order in his District—which Report shall be forwarded to the Grand Worthy Patriarch prior to the second Thursday of January, April, July and October.

A neglect of promptly performing all or any of the duties above enumerated, shall incur a forfeiture of this COMMISSION.



The Crusader.

It was a moment since and fancy before my sight had thrown  
In strong presentment the fair scenes my early years have known,  
The dreary plain that spreads around, a waste of glittering sand,  
Was darkened by the rustling trees that shade my native land,  
I could mark the very ripples that hurry o'er the grass  
Where suddenly in narrow veins the summer breezes pass,  
The flitting shadows of the clouds, the rivulet that hies  
Within the copse and then leaps forth, as if in gay surprise,  
The deep sunk lake that slumbering lies among the circling hills  
And rushing down the long, steep glens the cold and limpid rills.  
But the watcher's solemn voice is heard, the vision has past by,  
I see the desert stretching far beneath a burning sky,  
And where the shaded, placid lake had seemed to meet my gaze  
The shining mirage with vain hope the voyager betrays.  
"Remember Zion" is the cry and when that voice is heard  
By nothing save reproach and hate the Christian's heart is stirred;  
For the misbelieving Arab is lord of Palestine  
And the pilgrim dares not bow before the desecrated shrine,  
And those adhering to our creed, of all but hope forlorn,  
Must offer hidden worship where the cross is held in scorn;  
In triumph o'er each holy place the crescent high is set,  
And loudly peals the call to prayer from Moslem minaret,  
It rouses to new cruelties the swart and savage horde  
Who eagerly extend their false religion by the sword—  
But when the Western chivalry had hearkened to the tale  
They laid all other cares aside, they spring to lance and mail,  
Our spirit faints not as we view the toils we must endure,  
He dreads not earthly suffering who holds his faith secure,  
And welcomes in the charging host and dear the closing strife,  
The martyr in the cause of God has won eternal life.

1839

A. Johnson.

I stand a grey haired man beside  
 My mother's long-filled grave,  
 And few the years that will provide  
 The final rest I crave;  
 Yet childish tears are on my cheek  
 And in my aged brain,  
 Disturbed fancies idly speak  
 Of childish things again.

2.

Yet sad and dreary all or vain  
 That memory recalls,  
 The fugitive who seeks again  
 Some ravaged City's walls;  
 What have his tearful glances traced  
 But ~~wreck~~ round him is spread,  
 The ruined tower, the stony waste,  
 The untrampled street, the dead;

3

And deep the shadows that are cast  
 Upon the drooping brow,  
 From hopeless future, shattered past,  
 And sad and weary now.  
 Not so, not so; by Faith restored  
 Both Peace and Hope have power,  
 And shall not like the prophete's gourd  
 But shelter for an hour;

4.

Not by the sword and stake alone  
 The martyr's palm is won,  
 'Tis earned where life is overthrown  
 In duty bravely done,  
 'Tis earned whenever still we teach  
 Through life salvation's king,  
 And every thought and act and speech  
 Shall holy witness bring.

5.

The stringless lute, the foundering barge,  
 Are ~~warnings~~ <sup>emblems</sup> of despair,  
 Far different emblem do they mark  
 Who learned to nobly bear,  
 Whom no allurements has enticed  
 To swerve from truth or right,  
 To them the glorious cross of Christ  
 Burns brightly on the sight.

6

The tall and spiny cypress glooms  
 With sterile foliage round  
 The pale white glitter of the tombs,  
 The low and grassy mound,  
 I speak, my voice meets no reply  
 And not a sound is heard  
 Save of the leaf that rustles by  
 Or call of wandering bird,

7.

Yet not a specter of the dead I stand  
 But with the living still,  
 Though pulseless heart and nerveless hand  
 Are neath each turf's hill;  
 Of earthly life be spent and gone  
 The spirit soars sublime,  
 And brightly springs a quenched dawn  
 Upon the night of time;

8.

For death but sin and passions die;  
 The vanished have attained  
 The glory that by earthly eye  
 Might never be sustained,  
 The voice that here no longer tells  
 Its sufferings and desires,  
 In praise and endless rapture swells  
 Among the heavenly choirs.

9

Eternal peace and bliss are theirs,  
 To us earth's griefs are given,  
 Temptation waits, and bitter cares,  
 The heart with anguish riven,  
 Yet o'er us hovering mercy lends  
 And perfect healing brings,  
 And earnest faith to heaven ascends  
 With hope on angel wings

10.

The truths the gifts to us are nigh  
 That prophets vised afar,  
 To us in guidance sure and high  
 Arises Bethlem's star;  
 The Christian lives in holy fear,  
 With calmness death awaits,  
 To him the sepulchre lies near  
 The ~~holy~~ <sup>treasure</sup> City's gates.

# 12.

Not as that song bird which confined  
 Sits desolate and mute,  
 Not as the plant to earth entwined  
 By tendrils and by root;  
 Let me in calm obedience live  
 Without repining, die,  
 Here to the Lord my labor give  
 My wishes fix'd on high.

of Frederick Parkhurst

10

Though man may gaze on grief and pain  
 And coldly turn away,  
 Yet heavenly messengers will deign  
 To aid, console, and stay;  
 Still do the rivers deep and wide  
 From paradise arise,  
 The noiseless dew is still supplied  
 Of manna from the skies.

Ordered by Baltimore County Court this 11<sup>th</sup> May 1838  
 That Frederick Pinkney Esq be & he is hereby  
 appointed Commissioner in the place of Jas W  
 McCulloch Esq resigned under the act of ~~1829~~ Assembly  
 of 1828 Chapt 165

J Archer

R B Magruder

John Purman

Just Mos Kell CML

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Mr. Alnutt from the Joint Standing Committee on Ways and Means, submitted the following report and resolution, which were read a first, and by special order, a second time, and adopted:

The Joint Standing Committee on Ways and Means, to whom was referred the communication of the Public School Commissioners, stating their embarrassed condition and requesting permission to borrow fifteen thousand dollars in anticipation of collections, having duly considered the subject do find that in consequence of the large amount of uncollected School Tax, the Commissioners are unable to meet their engagements for the building of the school house on Hillen street, and the repairing of others.

Your Committee deeming it all important that the credit of the Commissioners be sustained in their authorized contracts, beg leave to offer the following resolution:

JAMES W. ALNUTT,  
BENJ. F. NALLS,

*First Branch.*

SAM'L KIRK,  
JOHN R. KELSO,  
A. B. GORDON,

*Second Branch.*

Resolved by the Mayor and City Council of Baltimore, that the Register of the city, and the President and Treasurer of the Board of Commissioners of Public Schools be and are hereby authorized to borrow, at the legal rate of interest, the sum of fifteen thousand dollars, for the use and benefit of the Public Schools, to be repaid out of the levy for 1856, from collections yet to be made.

Mr. Pinkney, from the Joint Standing Committee on Police and Jail, submitted the following report and accompanying ordinance, which were read and laid on the table:

The Joint Committee on the Police and Jail, to whom has been referred that portion of the Mayor's message which proposes a revision of the watch and police systems, report that

those systems are antiquated and inadequate to the protection of the public peace, and have only been preserved by the obstinacy with which men cling to established forms and institutions. Hitherto every endeavor at reform has been met by the community with languid indifference, and by the corporation either with sullen refusal, or with that short-sighted parsimony which endures every evil if it would cost money to heal it, and considers all legislation as sound which prevents the inflammation of a tax-bill. The startling events of the last few months have at last awakened our citizens to a knowledge of their danger and to shame at their own supineness, and they have at length learned that laws which cannot be enforced and authorities which have no means of compelling obedience are but names and shadows; that crime cannot be subdued save when its efforts are constantly watched, its detection certain and adequate punishment assured. Into the causes of those events it is not the province of the committee to enquire, nor is it their wish to do so; they do not desire to rekindle expiring political hostilities, or to interrupt the kindly feelings that are growing up in their place; the storms of party are fast subsiding, and the committee trust that both parties, with forgiveness and oblivion of real or supposed wrong, will act in generous rivalry to restore tranquillity, to strengthen the hands of the law, and to build up such protection for the future that the rights, the property, and the persons of our citizens may hereafter be secure. For the establishment of an efficient police system no time can be more propitious than the present; it is universally conceded to be a measure not only of expediency but of necessity; and the committee believe that any expenditures for the purpose will be cheerfully endured which do not run into wanton prodigality.

The committee are not prepared to enter into an elaborate review of the deficiencies of the present watch and police systems; it is sufficient to produce in evidence against them the single fact, that the watch are discharged from duty at the first glimpses of day-break, and that the police do not in reality go upon duty for two or three hours afterwards; another interval they believe occurs at night; so that during those hours when the persons and property of the citizens are most exposed to danger, the city of Baltimore is practically without any police at all, and the ruffian or felon may go forth to crime in conscious impunity, unrepressed save by the efforts of the citizens themselves or the casual presence of an officer.

In presenting the subjoined ordinance, the committee do not offer it as something perfect; it doubtless contains errors and

omissions which must be left to experience to heal and fill up; and they also judged it better to leave some things to experience with an easy method of supplying deficiencies, than to establish by positive ordinance a minute and arbitrary system to which no other corrective could be applied than the action of another City Council. One fruitful source of evil the committee have endeavored to staunch; it is the permission under our existing police laws to the officer to receive fees and gratuities. In making this remark, the committee wish it to be distinctly understood that they have no design to cast in this respect the slightest reflection whatever on the present police; they only blame any such indulgence as of manifest ill-tendency. A faithful and efficient servant of the public is entitled to receive from his employer a competent support; he should not be left to eke out a scanty salary by the profits of fees and informations, nor should he be tempted to apply himself only to the gainful branches of his office to the neglect of all others.

In conclusion, the committee would remark that although they have studied to observe economy in all the details of the annexed ordinance, yet the expenses of the police will be considerably increased; but it should be remembered that security, like most other blessings of civilization, cannot be obtained gratuitously or even cheaply: the condition of this community requires a vigorous remedy; and its application should not be forbidden, or even delayed, by a timid and misjudging frugality.

The committee submit the accompanying ordinance:

FREDERICK PINKNEY,  
 F. K. HOWARD,  
 J. H. HYNES,

*First Branch.*

JOHN R. KELSO,  
 ROB'T SULLIVAN,

*Second Branch.*

Mr. Hynes presented the petition of G. L. Dulaney, asking additional compensation for services rendered in 1855, which was read and laid on the table.

Mr. Hynes offered the following preamble and resolution, which were read:

Whereas, G. L. Dulaney, Esq., Counsellor of the city, has petitioned this Council, for an increase of compensation, for the year 1855, beyond his salary of \$700, which appears to have been quite inadequate pay for the large amount of professional business performed by him, in the several courts, as well as advice given to the officers of the city in the discharge of their respective duties; therefore be it

Resolved by the Mayor and City Council of Baltimore, that the Register be and he is hereby authorized and directed to pay to G. L. Dulaney, Esq., City Counsellor, the sum of five hundred dollars, in addition to his said salary, for the year 1855, out of any money in the Treasury not otherwise appropriated.

On motion of Mr. Hynes, the preamble and resolution were read a second time, by special order.

Mr. Handy moved that the whole subject be laid on the table until the next annual session, which was determined in the negative by the following vote, the yeas and nays being required by Mr. Boyd:

*Yeas*—Messrs. Turner, Muller and Handy—3.

*Nays*—Messrs. President, Laiger, Pinkney, Boyd, Green, Forrest, Tidy, Carroll, Nalls, Howard, Anutt, Wilson, Crowley, Travers, Hynes, Harvey and Sewell—17.

Mr. Muller moved to lay the subject on the table until Thursday next, which was determined in the negative by the following vote, the yeas and nays being required by Mr. Forrest:

*Yeas*—Messrs. Turner, Daiger, Muller, Wilson and Handy—5.

*Nays*—Messrs. President, Pinkney, Boyd, Green, Forrest, Tidy, Carroll, Nalls, Howard, Anutt, Crowley, Travers, Hynes, Harvey and Sewell—15.

The question recurring upon the adoption of the preamble and resolution, it was determined in the affirmative by the following vote, the yeas and nays being required by Mr. Hynes:

*Yeas*—Messrs. President, Turner, Daiger, Pinkney, Boyd, Green, Forrest, Tidy, Carroll, Nalls, Howard, Anutt, Wilson, Crowley, Travers, Hynes, Harvey and Sewell—18.



To Frederick B Pinney of the City of Baltimore  
 Greeting. Be it known that reposing great  
 trust and confidence in your integrity and skill  
 Theodorick Bland Chancellor of Maryland have  
 and hereby do by virtue of the authority vested  
 in me by the act of Assembly entitled a further  
 supplement to the act entitled an act for en-  
 larging the power of the High Court of Chancery  
 passed at December Session 1826 Appoint you  
 Commissioner to take testimony according to  
 the provisions of the said act

Given under my hand this 18<sup>th</sup> day of May 1840  
 Theodorick B Bland Ch.

In Chancery 18<sup>th</sup> May 1840

The Register is hereby directed to file and re-  
 cord the aforesaid appointment and to  
 send a copy thereof to ~~me~~ the Commissioner  
 Theodorick B Bland Ch

True Copy  
 Test Ramsay Waters Reg. Curiam

The Chancery Court expired under the new constitution  
 on March 10<sup>th</sup> 1834

After Mr Pinney has qualified as Commissioner by  
~~the necessary oaths~~ making the affidavits enclosed  
 he will return the same to this office for Record.

Chancery Office  
 18 May 1840

Thos Garrison

Who write this?

AN  
ASCRPTION OF PRAISE

TO THE GOD OF ALL GRACE,

IN COMMEMORATION

OF THE

Centenary of Wesleyan Methodism,

FRIDAY, OCTOBER 25, 1839.

Fountain of universal love,  
From whom descends whate'er is good ;  
To all below, to all above,  
One Father, one eternal God.  
Thee we adore with hearts sincere,  
For this our Centenary Year.

The matchless deeds thine hands have wrought,  
We with admiring wonder see ;  
The "grain of mustard-seed" has brought  
A fruitful, a wide-sprcading tree.  
Thee we adore, &c.

In darkness, Thou hast been our guide—  
In weakness, our Almighty power—  
In sorrow, Thou our tears hast dried—  
In danger, been our shield and tower.  
Thee we adore, &c.

The foolish, weak, despised and base,  
Thy chosen instruments have been ;  
That we in them Thyself might trace,  
And laud the Maker, not the men.  
Thee we adore, &c.

Nations o'erwhelmed with blackest night,  
Where idol-worship long bore sway ;  
Roused by the beams of gospel light,  
Have cast their idol-gods away.  
Thee we adore, &c.

As waters into oceans run,  
And cease from all their wanderings there ;  
So let our souls, with Thee made one,  
Thine own exhaustless fulness share.  
Thee we adore, &c.

Throughout the world thy work revive,  
That generations now unborn,  
Yet greater cause for praise may have  
At the next Century's return.  
Thee we adore, &c.

Published by Isaac P. Cook, No. 52, Market-st., Baltimore.

May 1855

At anchored in the Bay of Cadiz. Found <sup>looks</sup> pretty  
from the sea. Found letters of old date as usual.  
Bundle of papers from Quincy & Morton - no letters.  
Poor Henry, this is his writing.

October 12<sup>th</sup> 1854. My birthday - The day has passed in bodily suffering  
and angry mental discomposure, for I have received intelligence that  
both saddens & incenses me, and rightfully; but I must strive to subdue  
myself to just Christian feeling. I am now 50 years old & the  
sun of human life is just tending to the horizon; a few years more,  
perhaps months, and I am dust and a memory, a memory with  
some few who will lament me till time dries their tears and then  
retain a kindly thought of me, or scarcely heeded name with others  
who may pass my graves tone, which will perish itself in a few  
years. But I shall not all die. The spirit will survive, &  
even this corruptible body, the unquarling and tottering mansion of  
the soul, shall rise again and be quickened. Lord inform me  
with thy grace while I dwell here that I may do thy will & live  
by thy word & not by bread alone; and when I have done with  
earth, have mercy on me for Jesus Christ sake. Amen.

May Term 1855 Criml Ct of Balto  
Indicted Frank M Devitt, firing unlicensed dwelling house  
Philip Crowley " " " " guilty  
Erasmus Levy, manslaughter by killing Archibald Mearns,  
& ridding society of one of the greatest scoundrels I ever know  
Schley, Waghorn & another for aiding the escape of Thomas  
a convict in the Penitentiary

June 27<sup>th</sup> 1855 Was tendered the office of the Judge of the Court of  
Common Pleas during the illness of Judge Mearns, which will  
probably continue some time - declined it, expressing my gratitude  
to Judge Lee, who had the power of appointment & feeling  
strong gratitude for his kindness, which has always been  
great.

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For the Methodist Protestant and Family Visitor.  
A SKETCH.

Day rose upon the spot where Jerusalem had stood, but its first rays alighted upon a naked rock, and not upon the faultless beauty of the temple which once crowned Moriah like a glorious diadem. The monuments of former intelligence, pride, glory, and devotion which had encompassed it, had been destroyed with such careful malignity that not one stone remained upon another, and all around was a scene of undistinguishable ruin, save where a few shattered towers hung menacingly over the abandoned battering engines which had so nearly wrought their fall.

A haggard and weary man drew nigh, and looked cautiously around him, as if dreading surprise from those who might hold his grief a crime; but nothing stirred amidst the desolation, and there was no sound save the murmurs of Cedron as it struggled through the rubbish that obstructed its channel. He gazed with the bewildered air of one who returns after years of reluctant absence to the home of his childhood, and finds but graves where he had left kind and familiar faces; and, when he knew all, he bowed himself to the dust and wept bitterly. Alas! said he, for the holy city. We dreamed that the hour was come when all nations should humble themselves before her, and bear her tribute, as their rightful sovereign; or, if resisting her supremacy, that they would fall by victories before whose splendour the ancient military glories of Judah would fade away and be forgotten. That a Prince of the house of David should arise; that the throne of the Cæsars should crumble before his might, and that he should hold the earth as his dominion. We girded on the sword, and what is the result? The gentile has triumphed; the remnant of our nation are slaves; whose lives have been spared rather through contempt than mercy. Jerusalem has fallen, and the insulting idolater has despoiled and overthrown the temple of the living God.

The traveller became aware that another was present, and arose trembling; but no enemy was near. An old man stood beside him, whose dress was of peace, and his looks of pity and counsel. Why weepest thou, said the stranger. Weep for the blindness and the hardness of heart which have caused this wreck, and not for the failure of misdirected hopes. He whom ye ignorantly sought, has been and is; a monarch of the line of David hath arisen in Judah, and the whole earth is his inheritance. He foretold this calamity, and those who recognized in him the promised one of prophecy fled and lived. He came not with the garb and circumstance of human pomp, but lowly and meek, and ye would not know him; he would have gathered you unto himself, but he was not surrounded by the pageantry which decorates human authority and ye would not hearken. He won no earthly triumph, but died upon the cross of pain and ignominy, amidst reproach and scorn; for man reviled and mocked, although nature shuddered. Yet by his agonies was man redeemed from eternal condemnation. Look not in despair upon Moriah, upon the fallen temple of a fulfilled law; look rather in faith and in hope upon Calvary, where the great sacrifice was offered for our guilty race, to make us free from the law of sin and death. F. P.

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The rudeness of Mr Randolph to my father (Wm Pinkney) in the debate on the Treaty question in Congress in 1816, has been often mentioned but not the reply. "The gentleman from Maryland" I believe he is from Maryland" said Mr Randolph, affecting not to know one whose fame had overspread the land. My father walked up to him quietly & said "Your information is correct, Sir, I am from Maryland, and I may be readily found either there or here." Mr Randolph made no reply to this significant hint. He subsequently was a fast friend of my father -

**RIOT IN BALTIMORE.**  
 3DA The city of Baltimore is altogether one of the neatest in the American Union. The Sketch (engraved on page 350) conveys the impression of its being a quiet place, and this is said to be its ordinary character; but, like every other town and city in America, it partakes of the general excitement arising out of the present struggle between the Free-soilers and the Slave Power. We perceive, from our file of American papers by the last mail, that a serious riot had taken place in Baltimore, in which one man was killed and twenty wounded. The Baltimore Sun of September 13 gives the following account of the affair:—

A most terrible riot took place yesterday afternoon about six o'clock, on Light-street, in the vicinity of Warren-street, which resulted in the instantly killing of one man and the wounding of some twenty others, a number of whom are supposed to be mortally injured. The particulars of this sad affair, so far as we could ascertain them amid the attendant excitement, from the statements of parties living upon the street and at the spot where the riot occurred, were that about four o'clock in the afternoon, as the American eluhs known as the Rip Raps and the Wampagoes were passing the corner of Henrietta and Light streets, some boys on the corner had some words with them, when one in the line struck one of them and knocked him down, upon which another of the party threw a brick into the line. A number of them here left the line in pursuit of this boy, who ran and took refuge in the Seventeenth Ward House of James Clark, on the corner of Light and Little Church streets; and, upon the pursuers entering, a fight took place between them and some parties in the bar-room, which resulted in the party in pursuit of the boy being driven off, when the whole procession moved on. At about six o'clock they again returned, when the riot which resulted so seriously took place—the statements as to who made the attack being so contradictory that we could not reliably learn from whence it proceeded. In an instant thereafter a rapid discharge of fire-arms took place from both parties, and was continued ten or fifteen minutes.

The person killed was named Hare, who lived in the western section of the city, a wood-sawyer, and at the time was engaged in sawing wood on Warren-street, near Light. The ball passed through the left arm into his breast, and is supposed to have passed through his heart, as he fell and instantly expired. An inquest was held over his remains at the southern district police-station, by Coroner Benson, and a verdict rendered that he came to his death by shooting at the hands of some person to the jury unknown. He was about fifty years of age, and leaves a wife and several children.

A majority of those wounded were not participating in the affray, but were attracted to the vicinity of the mêlée by the firing.

During the evening, Officers Hough, Vansant, Favier, and Allen, arrested John Carter and John Hartlove, two of the wounded, upon the charge of firing muskets, and each upon suspicion of having fired the shot which killed Hare. An examination took place before Justice Wehn, at the Southern Police Station—Frederick Pinkney, Esq., being in attendance on the part of the State. Testimony was adduced as to their both having fired in the direction of the murdered man. Thomas Micon also testified to John Hartlove having fired a shot which struck him in the face. They were both tully committed to answer at Court.

To S.

Each beauty which nature has given as a dowry  
 To the loveliest things she has made  
 She collects and has poured upon thee in a shower,  
 In thine own richer beauties arrayed.

Should thy cheek not contend with the rose, and thine eyes  
 To the Diamond its lustre restore,  
 And thy lips yield their rival the coral the prize—  
 They would not still seem as fair as before.

Not from treasures so boundless whatever we take  
 Such a loss is despised or unknown,  
 Charms shared with the flower and the gem may forsake,  
 Thou hast charms which thou holdest alone.

Still in slavens happy thy chains we should wear,  
 And thy will would our destiny be  
 And all have but one wish and one cause of despair  
 Whose tranced gaze had been fixed upon thee.

1839.

I have been just shown a photograph of the Venus of Melos now in the Louvre. Exquisitely beautiful it is though a wreck; its beauty is so great in ruin, that we are almost absorbed in admiration and have but little room for regret; one would think that the most stupid Turk or anchorite embroiled by his austerities would have spared its graven image and idolatrous though it be. It is the most faultless representation of female loveliness that I ever saw, and the Venus de Medicis pales before it, one reason of its superiority may be that although it is a divinity in its gracious though majestic beauty, it bears

I feel that all which now is dear  
 And seemingly secure  
 May with its blessings disappear  
 Although its harms endure;  
 The isle that as a sea-mark shone  
 Sinks down in slow decay  
 Until the dangerous reef alone  
 Casts back the flashing spray.

2.

Yet shouldst thou smile - though ill'st succeed  
 They bring but little pain,  
 Of petty loss we take no heed  
 When grasping countless gain.  
 Perchance a cherished purpose fails  
 Or flattering dream or vow -  
 'Tis but the feeble star which pales  
 On youthful morning's brow.

3.

Such hope, with rapture for its dower,  
 I heedful guard from wrong,  
 Care may not save a tender flower  
 But will its bloom prolong;  
 Its magic, from all malice free,  
 Is only used to bless,  
 And kind, illusive though it be,  
 Deceives to happiness -

a much stronger resemblance in its features to those of real life than the Venus de Medicis; but it is superior to the Venus de Medicis in every respect. One peculiarity I thought I observed, the eyelids were carved with equal strength and delicacy, and the eye did not seem to be the white & sightless ball of other statues.

I have seen in the Iconographic Encyclopaedia an engraving of the Venus of Melos with another of the Venus Victoria found at Capua & now in the Museum of Naples; they have both slight and careless enough, but they gave me the means of restoring in fancy the 1st statue. The compiler observes the identity of the drapery, but he might have gone further & observed the close likeness of both statues & their similarity of posture; they are both evidently suggested by the same subject & are probably free imitations of some great work of antiquity. One hand ~~is~~ raised in a beckoning manner, the other is held forth at a slope in no very graceful way, but that may be the fault of the engraver of the Capuan statue. The Venus of Melos had an inscription on its base, stating it to have been sculptured by an artist

"Not thou in health my brother?" 2d Samuel. C. 20. v. 9.

of Antioch, which shows it to be  
a late work, though its merits  
are of older date.

All is well with me, my brother,  
 Day hath broken on my mind,  
 Evil heralding another,  
 Doubt and pride are all resigned.  
 Even the wild birds' flagging pinion  
 Surely seeks the sheltered nest,  
 Where no terrors hold dominion,  
 Neither force nor fraud molest.  
 Even the rapid streamlet sliding  
 From the steep and rugged hill,  
 To the grassy plain subsiding  
 Bids its troubled pulse be still;  
 No rude wind above it strayeth  
 To the tempest calling loud,  
 But its gentle waves portrayeth  
 Heaven, and heaven without a cloud.  
 But on man, on man who goeth  
 Forward to high destiny,  
 God a nobler boon bestoweth  
 He himself our rock will be.  
 Call on him, his power protecting  
 Bids all grief and suffering cease,  
 And the rescued soul reflecting  
 His own glory knows <sup>his</sup> peace.  
 Though life's journey seemeth dreary  
 Still his care will guide our feet,  
 And his mercy for the weary  
 Turn the bitter waters sweet.  
 Gather not but to encumber,  
 Cast away all useless store,  
 Do not weakly halt for a lumber,  
 Soon our journey will be o'er.  
 Ours is heaven born light to guide us  
 From the foe that might prevail;  
 Heaven-born food is not denied us -  
 Did the promised manna fail?  
 Forward but a little distance  
~~Short~~ <sup>Open</sup> the space that we must  
 Gaze beyond this brief existence  
 See'st thou not the Christian's  
 home?



In uncomplaining passiveness  
 My dreary hours were spent  
 A broken spirit took the dress  
 Of calmness and content.  
 I deemed all struggles were in vain  
 And but prolonged despair,  
 As shipwrecked men a desert gain  
 To perish slowly there.  
 I met thee and my heart was changed,  
 And all that once I spurned  
 The gentle feelings long estranged  
 Within that heart returned —  
 Hope came, I knew not whence it rose  
 Although its power was strong  
 As from the tangled thicket flows  
 A hidden wild birds song.  
 I ~~struggled~~ <sup>loved thee</sup> with my doubts and fears  
 And gathered strength the while,  
 I looked upon my coming years  
 And almost dared to smile.  
 Now that thy fortunes blend with mine  
 Thy sway does not abate,  
 A word, a very glance of thine  
 Becomes my uttered fate.  
 Star of my life, with thee to guide  
 Upon my dangerous way,  
 I know temptation may betide  
 But cannot ~~be~~ <sup>lead</sup> astray,  
 Though cares, in terrors once arrayed,  
 May mingle with my joy,  
 Their poison is so much allayed  
 They ~~it~~ never can destroy.  
 Oh, never unto human sight  
 A fairer form was given,  
 Such views the saintly anchorite  
 Who dreams, and dreams of heaven.

Nov. 1840



The gentle feelings in thy mind  
 It is not hard to trace  
 Like water like a just reclined  
 Beneath the streamlets face  
 The pure and beautiful which find  
 A fitting dwelling place  
 But yet the enterprise is fraught  
 With suffering and pain  
 My labour has the knowledge bought  
 That I must feel despair  
 The love for which alone I sought  
 It never flourished there  
 Thus treasure hunters eagerly  
 Some quiet some explore  
 Where dewy flowers a harmony  
 Of blending radiance pour  
 And search with disappointed eye  
 Around for golden ore.

1838

I wonder, said C. that facts should be called stubborn things, I wonder so too, seeing that you can always oppose a fact with another fact, & that nothing is so easy as to twist, pervert &c. Nothing is so tractable as facts says Benjamin Constant. Mr. Jamison.

This is true where the facts relate to petty matters & the dispute concerning them regarded as an exercise of ingenuity. But place Mr. Constant or Mr. Jamison upon trial for murder or high treason, & they would admit that facts are not so ductile or easily opposed. they would see that it is difficult in such a case to turn a hostile fact into a friend, or to juggle it down, or to set other facts in successful array against it.

The assignation of particular names to particular subjects, that is the institution of nouns substantial, would probably be one of the first steps towards the formation of language. The particular cave, whose covering sheltered the savage from the weather, the particular tree whose fruit relieved his hunger, the particular fountain whose water allayed his thirst would first be denominated <sup>by the words</sup> cave, tree, or fountain, or by whatever other appellations he might think proper in that primitive jargon, to mark them. Afterwards when the more enlarged experience of this savage had led him to observe on his necessary occasions obliged him to make mention of other caves, & other trees and other fountains,

~~Adapted to the situation~~ he would naturally bestow  
~~Names to the trees, trees, caves~~ upon each of these new objects  
~~And he with some variations~~ the same name by which he  
~~Phrases to judge exactly~~ had been accustomed to express the similar he was

~~First~~ first acquainted with. And thus these words, which were originally the proper names of individuals, would become the common names of a multitude.

Adam Smith.

This theory has been passively received, but is it true? A substance cannot be perceived without the perception of its most important qualities, and the adjective is as old as the substantive, and the generic name of many common

As we linger sadly here things is drawn from the  
 Many a thought of glorious frame Cave is the hollow  
 Sudden will arise to cheer place, river, fluvius,  
 Plainly, telling whence they came. flumen, rivus, signify  
 that which flows, the  
 running water.

Voyagers may thus copy  
 Many an incense-bearing tree, Generalization is a old  
 Tokens that their land is nigh, as human life, I cannot  
 Drift upon the heaving sea, imagine a savage who knew  
 but one tree or one stream

Faith alone such help can give or granting arbitrarily  
 In a gloomy world like this his existence, I cannot  
 Reason may bid patience live imagine his need of  
 Not create or promise bliss. language or what  
 audience he could find.

"Contrary to ~~the~~ all the true forms of reasoning, they argue from particulars to general.  
 Blackstone 1st Ch. It may be contrary, to the syllogistical manner of reasoning, but  
 yet seems a very legitimate method of argument and to be constantly used  
 in our law courts. Do not the quotation of resembling but not coinciding  
 cases, an attempt to establish a general rule from particulars.  
 The note upon page [42] of Chitty's Blackstone is utterly  
 worthless.

I leave thee, dear one, but mine eyes  
 Are still undimmed with tears,  
 For he who on thy faith relies  
 Will know not doubts or fears.

2.

No thoughts or visions of despair  
 Are in my fancy stored,  
 For thou, beloved, art present there  
 Mine own one, my adored.

3.

And never yet did youthful grace  
 As brighter presence wear,  
 And never as a fairer face  
 Has fallen wavy hair.

4.

A form of heaven that has delayed  
 Thy ladden human sight,  
 At once surrounded and betrayed  
 By its unborrowed light.

1839

January 8<sup>th</sup> 1866. The thermometer 6 degrees below zero, with a cold North West  
 wind blowing fiercely; the cold is almost insupportable.  
 " 9<sup>th</sup>. Warmer, but still it is bitterly cold—

The servants of the Lord are we, what y<sup>e</sup>ardons shall we share,  
 Midst clamors of reproach and scorn, the bitter cross we bear,  
 With staggering, weary steps we toil, ~~and~~ <sup>supporting us</sup> ~~we may~~  
 In humble cheerfulness the heat and burthen of the day.

The warriors of the Lord are we, no arms our limbs enclose,  
 Around us like a storm-cloud lowers the battle of our foes,  
 Our hands are only raised to bless, no buckles we require  
 Have quiet but unswerving faith; say, who shall give our hire?

Whose glorious coming suddenly is beaming from afar,  
 'Tis noon-tide splendor rushing on a night without a star,  
 Exulting shout, ye faithful ones, our master we decry,  
 Like captives in a triumph led all griefs and fears pass by—

Where is the scoffer now who said that there was none  
 To worship and fall before our King, the conqueror of the grave,  
 Though shuddering nature shrinks before the terrors of her Lord  
 Yet we may gaze in hope and joy; say, is not this reward?

I have had too little leisure to acquire any exact knowledge of geology, but its great truths are very delightful to me. The fossil wrecks of creation, the tokens of ages far preceding man, were at one time like the Egyptian hieroglyphics, things which excited slight curiosity, and it was supposed that their purpose could never be detected; now they are a distinct revelation of the past, the exponents of religions. The staving and timid faith which shrinks within the limits of a literal meaning to the bible, and holds doubt to be the natural fruit of enquiry may look on geology with distrust, and think the noblest supplement to Christianity is but disbelief & deism; but to him who looks upon it with a devout mind & no cavilling spirit, it stands besides Religion as a truth depending truth. It shows that in the beginning God created the heavens & earth & all things that have breath each according to its kind; he rested when he had created man, & since then, as Miller truly says, time is his Sabbath, the period given to the <sup>the</sup> redescription of the intelligent & immortal beings whom his bidding created & his mercy will save.

Com. Adv.

OH! I COULD LOVE HIM.  
 I could love him with a woman's love,  
 Worship the light that kindles in his eye,  
 Not with the passion colder hearts approve,  
 But with a love that was not born to die!  
 Like some rich pearl in ocean's cavern sleeping,  
 Deep in my breast his image long hath lain;  
 Oh! may the treasure love delights in keeping  
 Be ever mine, or else I live in vain!

"A simile may however be taken from an object really inferior, and yet may serve to elevate the subject; but then the object of the figure must possess some of those qualities which if they do not heighten our respect will enlarge or vivify the idea. Thus a field of corn on fire is really a more trifling object than a city in flames; yet Virgil *Aen.* 2. v. 406 introduces it so artfully that it not only serves to illustrate but to raise our idea of the fall of Troy. Translator of *Doct's Lectures*, Vol 1<sup>st</sup> p. 259.

The figure is apposite & welcome not through any art of Virgil in adapting it to his subject, but because a cornfield perishes almost instantly before the flames; and the simile presents a most forcible image of swift and complete destruction by fire.

Not with a timid, anxious eye  
 Our fortunes should be scanned,  
 The seeming cloud that we descry  
 May be the long sought land.

Silent endurance of all pain  
 Will make its empire brief,  
 The wise man pleasures holds as gain  
 And bravely strives with grief.

1839

"Why should he (the Lord) be always crowned with thorns, bleeding with wounds, weeping over the world he was appointed to heal, to save, to reconcile to God?"

Wm. Jamison.

Because by those very griefs and sufferings he reconciled the world to God, and is it strange that gratitude should earnestly confess the immensity of its debt. The agonies of the garden, to which the terrors of a hopeless death were as nothing, the cross, not merely with its tortures & ignominy but with the suffering ~~added~~ to the sins of all mankind, were the appointed means of human redemption. They are perhaps <sup>an</sup> unfit subject for art, because the powers of art are limited; I have never seen a representation of the crucifixion which did not disgust me; it was not the Man God making atonement for the sins of the world, but merely the frightful deathpangs of a human being.

One token that the fine arts are not at present at their highest flood is that in sculpture men look for mere resemblance of person & dress. Washington or Napoleon must be represented as attired in the ungraceful costume of their day with a rock ~~behind~~ behind them for the skirts of the coat. True art deals not thus with ~~with~~ works. It creates, ennobles & purifies, making the body which it images the fit tenement of the mind, unmarred by accident or disease and transfigured rather than wasted by thought. As to dress it seeks the graceful & decorous and does not consult fashions and the tailor. many fashions of dress are not only ~~an~~ eye-sore and ungainly in themselves but when done into marble become ludicrous. the pantation turns the leg of Crankshank into a huge unsightly block, the coat is a heavy mass of stone weighing down the figure instead of clinging to it & supporting it. A statue thus clad has always reminded me of the West Indian crab which thrusts its naked extremities ~~for~~ for protection into the first stout shell it finds & drags the burthen after it, the security of its borrowed armor compensating for its incumbrance.

There is a strange want of discernment in Arnold (Roman History Vol 3<sup>rd</sup> page 545) when he reckons up the faults of the Stoic philosophy, and finds them to consist in its contempt of physical evil and an inadequate portraiture of the Deity. It has others of a moral nature by ~~proscribing~~ and self-hence inseparably entwined around about it, and strangling every generous feeling. Man is a social being and it is the office of philosophy to feed and strengthen all those faculties & emotions which tend to forbearance, virtuous sympathy, and help to others in their hour of need, but the Stoic endeavored to make the heart a desolation, to annihilate all feelings as the enemies of reason, it was lawful to feign compassion, to wear the outward part a garb of sorrow, but ~~that~~ to know the reality. a parent, says Arnold himself, might not correct his son, because he ought not to turn away from the case of his own mind for the interests of another. Should this brutal mutilation of the intellect & moral sense be called philosophy, or is it compensated for by its professed recognition of a Divinity?

By Cruickshank,

G. Cruickshank

Not as the traveller with imploring eyes,  
Within the streamless deserts burning sand,  
Looks on the ruin clouds rushing through the skies  
To nourish with their freight some distant land,

Rather like those their devious way who lose  
Amidst a wilderness of stony flowers,  
And make a glad pause, uncertain what to choose,  
While lightly pass away uncounted hours,

x

I linger with thee dearest, and my gaze  
Upon thee dwells the gentle and the fair,  
With whom the May of life as yet delays,  
And pure from earthly stain is upper air.

And as I gaze with mingled love and pride,  
Feeling at length I have not hoped in vain,  
And clasp the hand for which so many sighed,  
I know that I have done with grief and pain.

1839

May 2<sup>nd</sup> 1859. Partook of the sacrament in Exeter street Church. My feelings were so gentle & placid that at first I almost taxed myself with indifference. but soon found that it was a far better state of mind; faith and hope shone forth without a cloud, brilliant though calm. I am in very feeble health, & were it otherwise I must expect to depart soon. blessed be his name who has given me hope of a hereafter where there is neither sickness nor sorrow.  
Ἀμὴν, ἔρχου κυρίε Ἰησοῦ.

## Depositions in Equity.

At the execution of a commission issued out of Baltimore County Court sitting as a Court of Equity the  $++$  day of  $++$  in the year  $+++$  directed to J. P. empowering him to examine evidences in a cause depending in the said Court between A. B. complainant, and C. D. defendant, J. P. the commissioner in the said commission named, on the  $++$  day of  $++$  in the year  $+++$  at the City of Baltimore, pursuant to notice, having taken the oath to the said commission annexed (and L. M. being appointed clerk and having likewise taken the oath &c.) proceeded to take the following depositions, to wit,

I, J. P. of lawful age being first duly sworn on the Holy Evangelij of Almighty God,

To the first interrogatory, this deponent deposes and saith that &c.

After closing the commission it must be bound up with the interrogatories and depositions and endorsed thus,

The execution of this commission appears  
by certain schedules herunto annexed  
J. P. (L.S.)

1857, Christmas day. I have passed this day quietly & without any strong emotion either religious or worldly, but with a placid contentment and thankfulness, and happy in the happiness of my children. Memory will however at times be rudely busy; it occasionally took me back to the festival of my own childhood & the family reunion round my father's board. Parents and brothers have all sunk down into the grave, & but one sister lives in Baltimore, and at 53 years old one is living with another generation of variant tastes & sympathies from our own, & our tastes and desires are mostly palled. one remains like a girdled tree, withered as it stands & soon to fall. Let me try to live the brief remnant of an obscure life in good will to man and in obedience to God —



Depositions. Law side of Balt. County Court.

State of Maryland.  
City of Baltimore, to wit.

Be it remembered that on this . . . day of . . . in the year one thousand eight hundred and thirty . . . at the City of Baltimore before me <sup>FP</sup> a Commissioner appointed by Baltimore County Court under and by virtue of an act of ~~the~~ the General Assembly of Maryland passed at december session in the year one thousand eight hundred and twenty eight, entitled "An act to provide for taking testimony in civil cases," personally appeared A.B. a witness for the plaintiff in a certain civil case now depending in Baltimore County Court wherein I.M. is plaintiff and O.P. is defendant. And the said witness being by me first carefully examined and cautioned, and sworn to testify the <sup>whole</sup> truth, makes oath, deposes and saith that,

State of Maryland.  
City of Baltimore to wit.

I, <sup>FP</sup> a Commissioner appointed by Baltimore County Court under and by virtue of an act of the General Assembly of Maryland passed at december session, in the year one thousand eight hundred and twenty eight, <sup>per</sup> entitled "An act to provide for taking testimony in Civil cases," do hereby certify that the reason for taking the deposition hereunto annexed <sup>of A.B.</sup> is that the said witness

Vide act. <sup>that I gave due notice</sup> <sup>not</sup>

I do further certify that I am <sup>not</sup> of Counsel of attorney to either of the parties in said deposition mentioned, nor interested in the event thereof, that the said deposition was reduced to writing by me and thereafter subscribed by said deponent in my presence

In testimony whereof I have hereunto set my hand and seal this day of . . . in the year . . . at the City of Baltimore aforesaid

F. P.

(45)

A commission on the law side of Baltimore County Court under the act of 1829 must be addressed upon its return to the Clerk of the Court. Equity Commissions are thus addressed "To the Honourable the Judges of Baltimore County Court in Equity sitting. The name of the case is written across the envelope and the costs are written on the sealed side. The Commissioner may charge one day for opening and closing to the party, who first takes testimony. Certified copies may be filed as exhibits without proof. Originals must be proved by proper interrogatories and answers.



This engraving of glorious old queen Bess, who with all her faults and in despite of the stupid calumnies of her maligners, was one of the greatest sovereigns that ever lived, was given me by bro. Neville Johnson, who had obtained it many years ago from a collector of old prints. I should take it to be a proof of a wood <sup>copied from one</sup> cut, executed in the early part of the 17<sup>th</sup> century, but cannot trace its date or history.

1858. Christmas Day. I have passed this day with the outward semblance of quiet, for as we advance *in* years we drift down time to death without struggle like the despairing swimmer, but sad and sore at heart, my dear Sister died yesterday on her birth day, - and though the event was not unexpected, yet it gives me unaffected sorrow, a more kind & amiable being never breathed. I cannot help thinking of my father's crowded Christmas-board, of all that sat in kindly mirth ~~at~~ <sup>at</sup> are dead or removed from Baltimore but myself, the strong & healthy have sunk into the grave, while I the feeble of frame survive; death sometimes threatens me, but stays his hand & passes by. Lord, let the small remainder of my life be passed in obedience to thee with a due sense of my own unworthiness, in hope & in faith.

94

Song of the Albigenes.

We left the fields our sires had tilled, which smiled upon our toil,  
Our homes of humble peacefulness to be the fœmans' spoil;  
Our eyes might dazzle us we gazed before we turned aside—  
We thought upon our holy cause and then our tears were dried.  
Oh why lament that we were called to suffer for our God?  
We climbed the frozen mountain-tops where man had never trod,  
Where at the voice of low-breathed prayer amid the wastes of snow  
The toppling avalanche broke forth and fiercely rushed below.  
When bigot cruelly pursued who ~~had~~ ~~tried~~ it to hide,  
Within the glaciers deepest rifts or mountains' caverned side,  
Upon the highest ice-crowned ridge our persecutors came,  
Where even the shuddering hunter paused and baffled left his game,  
And far and wide the wilderness with mangled forms in strown  
Of unexisting men whose crime is in their faith alone,  
We girded on the sword at length but not for mortal hire,  
Not ours earthly gain, or rule, or pleasure to require.  
It is not ours, proud of strength, to mock when others grieve,  
We seek to worship as our sires have taught us to believe.  
Look forth upon the vales below and say what seest thou there,  
The timid well might view and snatch a courage from despair,  
Like wave on wave without a pause, the armed ranks sweep  
And these the fearful terms of strife we conquer or we die. (night)  
And laughter from their eager host is borne upon the wind,  
But not the merriment that tells the happy, careless mind,  
It is the laugh of savage hate that thinks its feeble prey  
Already ensnared within the toils since it has turned to bay.  
And who strikes with us in the fray, Our God will succour bring,  
Who blessed of old the stripling's arm, the beardless shepherd's sling,  
On him alone we cast our trust—will not his breath prevail  
Over the rider's banded horse, the warrior's sword and mail,  
Hark to you wild and distant cry, the gaunt wolf's ravening brood  
Impatient clamour for our change to spread around their food,  
You speck which wanders in short flights above the crowded plain  
Is the keen-eyed eagle which awaits to light upon the slain;  
One moment see we close in fight to bow us down in prayer,  
And then the vaunting foe is ours to slaughter or to spare—  
Set on them, with rejoicing hearts spring forward to the field,  
The Lord of battles is our cry, the Lord who is our shield,

Life, what is it? toil and woes,  
 With another's loss to guide,  
 As his path the traveller knows,  
 Struggling through the desert wide,  
 By the scattered bones of those  
 Who before have sunk and died.

2.

Yet can life to pleasure's call,  
 On the desert may be found  
 Brimming ~~with~~ springs within the wall  
 Of a gentle grassy mound,  
 With the light's unsteady fall  
 Through the foliage waving round.

3.

Hope, what is it? by it stirred  
 Seek we vanity confess,  
 The blind instinct of a bird  
 Which refills a plundered nest,  
 Then anon its voice is heard,  
 As the voice of one distressed.

4.

Yet the evil may not find,  
 Or omit to do us wrong,  
 Or delay the ill designed,  
 Till the joy be fledged and strong,  
 And it floats upon the wind  
 In its life of careless song.

5.

Faith, amidst the cheerless waste,  
 Safely to our rest can lead,  
 It is succour near us placed  
 In the hour of sorest need;  
 At its bidding hope has traced  
 Promises secure indeed.

1843.

My eager gaze is on thee set  
 Beloved and lovely one,  
 The fairest thing that ever yet  
 Has bloomed beneath the sun,  
 Until the pleasures which I gain  
 From the engrossing sense  
 Of beauty is overbrought to pain  
 It waxes so intense,

My memory dwells on nought but thee  
 For thee exerts its powers,  
 Fastidious as the roving bee  
 Which only lights on flowers,  
 It is a fruitless effort still  
~~To say what 'tis that gave~~  
 To say what 'tis that gave  
 The spell to make thy word our will,  
 The stubborn heart thy slave;  
 The charms the dazzled eye will choose  
 And perfect rightly deem,  
 From other charms distinction lose  
 Though sunk not in esteem,  
 Like stars delaying after dawn  
 Has almost banished night,  
 From notice suddenly withdrawn  
 Absorbed in floods of light.

1839

The nudity of a Greek statue of a divinity signifies that it represents  
 the revelation, not the incarnation, of a being exempt from  
 human passions, such as shame; with all the grossness & realism  
 that has run into the ancient mythology & polluted it, it is plain  
 that when a God is represented with mortal appetites & feelings  
 it is not the result of his nature, but something transitory,  
 a visitation from some other divinity, a defilement which  
 stains for the moment & does not incorporate itself with him.  
 Unless where mere beauty of form was sought, the statue of  
 a mere man was clothed; to represent him naked, was to

97 represent him as the divinity. Admiration or flattery in later ages thus  
imagined the powerfull or popular but did so because it thus declared  
~~Admiration~~ and its object to be superhuman —

It is indeed a melancholy scene —  
The darkened waters heaving restlessly,  
Between low, sandy shores where straggling pines  
Uplift their gloom of verdure, scarce perceived  
Upon the blackness of the sullen sky.  
There's nought of life save that the seabird springs,  
Silent and startled, from the troubled deep,  
In short, quick circles eddying <sup>near</sup> ~~round~~ our boat,  
Then with low flight above the leaping waves,  
Hurries to find a safer resting place.

Yet are my thoughts of gladness, they return,  
With the sure instinct of the carrier dove,  
Unto my home and household forms of peace:  
And faces, which affliction cannot change  
To peevishness or bootless discontent,  
But, like a martyr in his agony,  
Kindling from resignation to sure hopes,  
In other moments wearing thankful smiles,  
Shed light around me; the familiar words  
Of prayer and faith, which human suffering  
Cannot subdue but strengthens, all are here;  
Affection, which the wildest jealousy  
Could not misdoubt, e'en to injustice fond,  
Full to overflowing, it is with me now;  
And he, my infant son, in life's first bloom  
And glimmering dawn of consciousness, whose eyes  
In laughing wonder gaze around on all,  
Is he not present? Memory gives me food,  
Not a grudging dole for scanty sustenance,  
But for a banquet — I am happy still.

Chesapeake bay, July 1843.

To talk of the infallibility of a Church is an absurdity; for a Church is a mere abstraction or name, not a person or thing.

Is not the "thorn in the flesh" of which St Paul speaks, his remorse for sharing in the death of Stephen & the persecution of the Christians even to death. He had obtained pardon from Heaven for he had acted conscientiously with that fervid faith which sometimes stifles humanity, from the persecutor he had become the apostle and builder up of the word of the Lord; he had fought the good fight; but might not the thought of the deeds wrought by his erring religious enthusiasm while still an <sup>unwitting</sup> enemy of the truth, at times have called up overpowering sorrow. The answer is "my grace is sufficient for thee," let it be thy consolation that my grace has been since poured on thee. A past and executed consideration will not support a subsequent promise unless the consideration was executed either at the express or implied request of the party promising. Comyn on Contracts. Vol 1. \* 20.

My name and fortunes are obscure,  
On the forgetful water traced,  
Or written on the sandy shore  
And by the rising tide effaced.

Yet though it here be unrenowned,  
No war-cry amidst earthly strife,  
Lord, let that humble name be found  
Enrolled upon the book of life.

100  
645

There is a certain generosity which passes current with the world but which instead of being a praiseworthy & noble emotion is nothing but the love of praise & the exercise of power, and for the purpose of self gratification gives no heed to the discharge of plain but inglorious duty.

We sometimes on inspecting our old clothes single out some coat and wonder how we could have neglected or cast aside so excellent a garment, we put it on and in a little while look on its threadbare wretchedness with a smile at our own absurdity. Nations occasionally choose their public men in the same manner.

Nam jam non domus accipit te lecta, neque uxor  
 Optima, nec dulces occurrent oscula nate  
 Præcipere, et tacita pectus dulcedine tangit.  
 Non poteris factis florentibus esse, tuisque  
 Procidium, misero misere, auunt omnia ademit  
 Una dies infesta tibi tot præmia vitæ  
 Illud in hæc rebus non addunt "nec tibi earum  
 Jam desiderium rerum incidet inopet una."

Lucretius, lib. 3. 907-12.

burnetts

This is most exquisite poetry, far superior even to the  
 imitation by Gray in his elegy, but the reasoning is ~~sorrow~~ <sup>so</sup> ~~enough~~ <sup>son</sup> ~~enough~~ <sup>burnetts</sup>  
 enough. Is it any consolation to one who is about to leave <sup>these</sup>  
 those who are dear to him unprotected, that death is <sup>ness</sup>  
 annihilation & that he will have no consciousness of  
 their sufferings and misery when destitute of his help.  
 Is this solace, especially if the Epicurean dogma which Lucretius  
 proclaims be added, that the divinity is self-enjoyment  
 & not love, & that there is no providence to smile on the  
 widow & the orphan?

The great error of Roman <sup>political</sup> jurisprudence was its interference with  
 private life and the binding down men to the same condition of life  
 as their forefathers, the plebeians were a caste, & were disfranchised  
 if they adopted a trade. While this was the case, and they had no  
 power of adopting other pursuits without dishonor, or of thus  
 repairing broken fortunes, while the greater part of mechanical  
 trades was denounced as disparaging, and there was consequently  
 no large body of manufacturers and artisans, is it wonderful  
 that the population declined?

The continual failure of belief in the divinites of the ancients among  
 the people, is shewn by the readiness with which they adopted  
 foreign gods & religious rites in cases of pestilence or disastrous war.



years have passed since last we met,  
 Manhood and old age have set  
 Both their signets on my brow,  
 What should be our greeting now,  
 Not the melancholy hail

Passing from each foundering sail  
 As they meet and drift aside,  
 None to save and none to guide—

Fears can never shake my heart,  
 We have chosen the better part  
 Hope and faith and heavenly love,  
 Guidance here and rest above.

Though the lamp may lack supply  
 Still the day spring draweth nigh,  
 Fortune may deny its store—

Better wealth than cumbrous one  
 On us falls in golden showers—

Bliss eternal will be ours—

Earthly bubbles swell and burst—  
 We have slaked our burning thirst  
 At the pure and living streams

What care we for earthly dreams,  
 "Earth to earth and dust to dust,"

When in God we put our trust  
 Can these solemn words affright?

Think we death is endless night?  
 They but tell our toil is done,

That the fight of faith is won,

More than hope has yet believed  
 Eye hath seen or heart conceived  
 Is the victor's sure reward—

Speak, thy servant heareth, Lord,  
 Here I as an exile roam,  
 Call the wanderer to his home.

## To a child.

Thou fair blossom just unfolding, sweet promise, unto thee  
 Life seems but joy and sunniness, from pain and sorrow free,  
 And gentle feelings, kindly thoughts, and mind's mysterious powers  
 Are born, spring up and <sup>strengthen</sup> ~~expand~~ with the noiseless growth of flowers.  
 But yet will drear forebodings cast a shade on those who love,  
 We see the falcon soaring high o'er the unconscious dove,  
 And fearing thou wilt fall a prey to violence or guile,  
 Even while we clasp thee fondly we sadden at thy smile.  
 The plan of life seems dull and stern, a dreary toil for bread,  
 Wild schemes in which we seek the rose but grasp the thorn instead,  
 Friends who will promise boastfully to fail us at our need,  
 And passions which propose to guide but only to mislead.

But yet a moment's thought will bid those dark forebodings cease—  
 Thou hast a Father and his ways are pleasantness and peace  
 And in thy journey upon earth thy succour he will be—  
 He who careth for the sparrow, shall he not care for thee?  
 My blessing on thee, and when time stamps manhood on thy brow,  
 May thy laugh be quite as mirthful and innocent as now,  
 An upright walk to thee be given amidst esteem and love,  
 And honor here at last exchanged for happiness above.

The Monks have been represented as the preservers of classical literature and as eagerly saving all they could from the disastrous wreck of knowledge. If it be so, how comes it that while science and history were suffered to perish unaided, every obscure line of Ovid, Catullus, Ausonius &c. was saved. Either the monks delighted in coarse and lascivious reading & their religious <sup>very</sup> spirited slight austerities were a figment or a blind or else <sup>as it is</sup> they saved ancient authors as <sup>Barbary</sup> ~~appreciate~~ would save a drowning man, for the purpose of selling him afterwards. they preferred to immorality & copied those books which would command a purchaser easily.

Fuseli charged another artist with weakness, & Cunningham says that he ought rather to have blamed his extravagance; the two charges are compatible; debility may produce spasms & distortions in the arts as well as in nature.

The people of the diocese of Rome met together to chuse a Bishop upon the death of Anterus, and all the people unanimously chose Fabianus.

Eusebius. lib. 6. c. 28. p. 229.

Star of Bethelom, unto thee,  
Wanderers o'er life's troubled sea,  
Steedless of the angry blast  
Still a look scarce we cast,  
Though the tempest round us roar  
In thy guiding light secure  
Undismayed our course we steer  
To the quiet haven near.

2.

Cross of Jesus, as we cling  
Round thee, lowly worshipping,  
Nothing can our souls alarm,  
Earth can neither lure nor harm,  
Should temptation dare invade  
Hope and faith will come to aid,  
Still in triumph shall we claim  
Our salvation in his name.

1841.

How weak, although well meaning, are such evidences of Christianity as Addison's ~~poetry~~ has written. it is piling up rubbish against a tower of adamant under the notion of building buttresses to it.

The will is free, so it is when the Lord has made us free, but not till then, till then we are the bondsmen of sin

D. S.

Dost thou love me, I heed not though fortune may lower,  
 Though my friends may abandon and foes may have power,  
 From the thralldom of sorrow and care I am free  
 And I turn unrepining and smiling to thee.

2.  
 When forewarned that the enemy fair would surprize  
 To the strong mountain-fastness the fugitive hies,  
 And he laughs as they clamor pursuing in wrath  
 With the bloodhound loud baying too late on his path.

3.  
 There abundance is garnered, its walls are secure  
 And the deep well has springs both unfailing and pure,  
 There the weary may rest and the timid may hide  
 And the siege and assault may alike be defied.

4.  
 I have one who will follow in sunshine and shade,  
 On whose faith I venture yet not be betrayed,  
 Uncomplaining in evil my fate thou wilt share  
 And warn me and counsel and save from despair.

T. P.

Arnold discredits the account in Livy 2.9 & 36 of the Fabius who passed the Ciminian forest as a spy while he puts faith in those authors quoted by Livy who state that the Roman children were commonly taught the Etruscan language. Why should not both statements be perfectly correct. To act the spy safely it was necessary to speak the language like a native. Fabius & his slaves who had lived in Etruria could do this, but a Roman who studied the tongue at a distance and to whom it was not the vehicle of every thought could not do it; he might understand it well, but could not have opened his mouth without betraying himself. Moreover did the peasantry speak the same language as their aristocratical lords with whom the mysteries of religion alone resided, and it <sup>was</sup> to qualify themselves for religious office that the young Romans learned Etruscan. Fabius & his slaves were disguised as peasants & it was necessary to use their dialect.

Soft music breathes around me and merry words pass by,  
 The happy call the happy, obtaining glad reply,  
 A smile is on my lip but my grief will not depart  
 The voice of gladness finds not an echo in my heart.

The light that shone on childhood has long since fled afar,  
 The storm has not a rainbow, the night has not a star,  
 My hopes are faint and silent, my life no summer knows  
 The morning gives no pleasure, the evening no repose.

Upon the barren island the rippling sea-wave brings  
 The seed that into verdure and golden fruitage springs,  
 But nothing comes to brighten my desolated mind  
 Forever to the empire of gloom and ill resigned.

I suffer as when lovely and well known faces seem  
 To form the angry pageant which haunts a fevered dream,  
 For thou, beloved, art present and givest thoughts of pain  
 Although I would not grieve thee by daring to complain.

The light of beauty, dearest, is circling round thy brow,  
 Thy smile has ne'er exerted more witchery than now—  
 All bow in homage to thee, to all thou dost appear  
 One sent in youthful splendour to dazzle and cheer.

But when I gaze upon thee, oh must I not repine  
 Thy heart is not another's but never can be mine  
 Like the boon of light thy smile with others I must share  
 And thy beauty only giveth new power to despair.

1838.

Jan 1<sup>st</sup> 1857.

This year has passed away like a painful dream, it has left  
 but few traces on mind or character save a dim sense of pain  
 & decay, a torpid acquiescence in the events of life instead  
 of religious submission in the results or active exertion to  
 render them favorable. Let me endeavor to arouse myself  
 spiritually & temporally, fixing my reliance steadfastly in  
 the merits of the Saviour, & laboring as one whose work  
 is incomplete & whom the night will soon  
 overtake. Capitulari mihi, Domine.

"Where mystery begins religion ends." This is plainly error. Mystery is an inexplicable fact, and the existence of the fact may be proven. The fact remains as the foundation stone of the religious tenets though we may not pierce into the wherefore.

With paganism there can exist neither sublime religious poetry, nor prayer; it has no conception of the one divine being, original and end, creator, ruler, and redeemer, having compassion on human infirmity, and able to change our guilty nature & transmute our whole being; the deity it addresses presides over some one province only of our destiny, can be the cause of some one good or affliction, can dole to us but some one perishable charity; he can gratify some want or desire, but cannot exalt us into a new life whose our hopes and enjoyments are of one drawing nigh to a blessed immortality. Where the purposes & objects of devotion are so limited & weak, prayer & praise must be so likewise.

Some German writers, quoted by Thirlwall, imagine that the Greeks were entirely extirpated in the dark ages & that Slavonians took their place. This theory crumbles away under the slightest touch. The Rumanian language is essentially the same as the Hellenic, thus plainly blazoning the pedigree of the Modern Greeks.

My old acquaintance, George Earnest, Senr died this month. (Octr 1852) He was indeed a man of a noble nature; deeply penetrated with the doctrines of religion, firm without sternness, kind, good, and sensible. fortune had been dealt to him bountifully without spoiling him, and he retained amidst his wealth the quiet simplicity of his former years. if we could suppose a noble old Roman with Christianity added to his virtues, it would give some notion of him.

There is a fashion of rating Sir Thomas More as one of the glories of England, yet where did his transcendent merits lie. In his book of cloudland, his Utopia, there are glimpses of tolerance & a milder legislation than his age supported; but they existed only in his wearisome romance & not in his creed of life. Practically he was a savage bigot & a persecutor, and although we cannot but feel respect for one who encounters a violent death resolutely for conscience sake yet such a death almost seems deserved in his case, he who had persecuted others for opinion perished for opinion by the orders of his master whose bigotry was made more cruel by his vanity.

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ADJOURNED MEETING,  
 January 20—7 o'clock, P. M.

The R. W. Grand Lodge of Maryland convened this evening pursuant to adjournment. Present:

- SAMUEL H. WENTZ, M. W. Grand Master.
- GEORGE W. MOWBRAY, R. W. Deputy Grand Master.
- WILLIAM BAYLEY, R. W. Grand Warden.
- JOHN A. THOMPSON, R. W. Grand Secretary.
- JAMES P. MERRITT, R. W. Grand Treasurer.
- EDWARD A. GIBBS, R. W. Grand Chaplain.
- WM. C. CUNNINGHAM, R. W. Grand Marshal.
- GEORGE MCGREGOR, W. Grand Conductor.
- WM. S. ESPEY, W. Grand Guardian, p. t.

And a representation from Lodges Nos. 1, 2, 3, 5, 7, 8; 9, 10, 11, 15, 16, 25, 34, 36, 48, 52, 57, 58, 62, 63, 73—21.

The proceedings of last night were approved as printed.

On motion of G. Warden Bayley, the Grand Lodge determined to proceed to the election of Joint Standing Committee on Education.

The following were elected:  
 P. G's George McGregor, H. W. Krebs, and James Somerville.  
 G. Warden Bayley, Secretary of the Joint Standing Committee on Education, presented the following, which was read:

*To the R. W. Grand Lodge of Maryland:*

The Joint Standing Committee on Education have the pleasure of presenting their twenty-first annual report to this R. W. Grand Lodge; the details of which will show the eminently useful services of this branch of our Order.

There has been reported to the committee during the past year, one hundred and thirty-six orphans, making the whole number on the records of the committee, one thousand and fifty-four; three hundred and twenty-three of whom have passed from the charge of the committee, leaving now seven hundred and thirty-one under their supervision.

The committee have received during the year in contributions from the Lodges, interest, &c.,

They have expended for education,	\$1,659 32
For incidental expenses,	52 44

\$2,354 05



For festival, - - - - -	456	59
For balance due treasurer, - - - - -	85	26
Making a total expenditure of - - - - -		<u>\$2,251 61</u>

Leaving a balance in the treasury of - - - - -	\$102	44
The committee holds certificates of investment as follows,		
viz: City of Baltimore stock, - - - - -	\$8,563	86
Grand Lodge of Md. I. O. O. F. - - - - -		<u>6,320 00</u>

Making, - - - - -	\$14,883	86
To which add balance in treasury, - - - - -		<u>102 44</u>

Making a grand total of - - - - -	\$14,986	30
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All of which is respectfully submitted.

WM. BAYLEY, Sec'y.

P. G. Harshaw, Secretary of the Joint Standing Committee on Library, presented the following, which was read:

*To the R. W. Grand Lodge of Maryland:*

Another annual communication of the Grand Lodge having arrived, it is made the duty of the Secretary, in compliance with the rules of the Joint Standing Library Committee, to report to this Grand Body the operations of said Library Committee for the past half year, and also to furnish a statement of its condition, and the number of books taken out by the members of the different Lodges, together with a synopsis of the amount of its receipts and disbursements.

*Amount of Receipts and Expenditures.*

Balance on hand as per last report, - - -	\$69	21½
Received from Lodges through Grand Secretary, - - -	412	75
"    "    Balance of late anniversary festival, - - -	16	77
"    "    Proceeds of excursion, July ult., - - -	41	14
		<u>\$539 87½</u>
Cash paid Librarian's salary, October 1st, 1853, - - -	\$75	00
"    For new books, - - - - -	359	70
"    For re-binding books, - - - - -	42	47
"    For Reviews and Art Journal, - - - - -	22	00
"    Two magnifying glasses and thermometer, - - -	8	50
"    Insurance, - - - - -	10	00
"    Advertising and other expenses, - - - - -	13	56½
		<u>\$531 23½</u>

Balance in Treasurer's hands, December 31st, 1853, - - -	\$8	64½
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The following is the number of volumes taken out of the Library by the members of the several Lodges and Encampments, from July 1st to December 31st, 1853, inclusive, viz:

Lodges.	Vols. Eng.	Vols. Ger.	Lodges.	Vols. Eng.	Vols. Ger.
Washington,	405	61	Iris,	305	—
Franklin,	492	90	Oriental,	241	26
Columbia,	395	138	Schiller,	—	1377
William Tell,	114	1071	Baltimore City,	99	49
Gratitude,	461	11	Golden Rule,	353	—
Harmony,	238	13	Pacific,	56	—
Friendship,	331	6	Jackson,	14	1845
Marion,	362	68	Warren,	210	2
Jefferson,	224	8	General Taylor,	119	28
Corinthian,	188	—	Independence,	128	16
Maryland,	114	—	Mountain,	9	646
Monumental,	626	435	Jerusalem and Mt. } Moriah Encp's. } 45	—	—
Mechanics?	540	54			
Union,	—	41			
Fell's Point,	64	34		6163	7257
Germania,	10	1236			

From the foregoing table it will be seen that the number of volumes taken out during the past six months was 13,420, being 412 on an average weekly.

Number of volumes in English in the Library, as per last report,	5258	
Number of volumes in English purchased since,	422	
Total number of volumes in English		5680
Number of volumes in German, as per last report	4756	
“ “ “ “ past use	79	
Total number in German		4677

Number of volumes in Library at present - - - - 10,357  
 All of which is respectfully submitted.

RICHARD MARLEY, *Pres.*

JAMES HARSHAW, *Sec'y.*

P. G. Gilman, Secretary of Baltimore Degree Lodge, No. 1, presented the following, which was read:

To the R. W. Grand Lodge of Maryland:

The following report of the work of Baltimore Degree Lodge, No 1, with its Financial operations during the past year, is respectfully submitted to the R. W. Grand Lodge of Maryland.

*Number of Degrees Conferred.*

White	- - - - -	273
Covenant	- - - - -	269
Royal Blue	- - - - -	239
Remembrance	- - - - -	174
Scarlet	- - - - -	160
Total	- - - - -	1115

*P. G. Gilman*

*Monies Received.*

From Lodges for conferring Degrees	-	\$56 03
From members contributing	-	23 00
Total receipts	-	<u>\$79 03</u>

*Paid Out.*

Secretary's salary	-	\$52 00
Warden's "	-	26 00
	-	<u>\$78 00</u>
Balance	-	\$1 03

Leaving a balance of but one dollar and three cents for contingent expenses, including stationary, regalia, &c.

All of which is respectfully submitted,

By order of the Lodge.

R. M. COCHRANE, D. M.

J. GILMAN, Sec'y.

P. G. Gilman also presented the following memorial from Baltimore Degree Lodge, No. 1, which was read :

*To the R. W. Grand Lodge of Maryland :*

The memorial of Degree Lodge, No. 1, of the I. O. O. F. of Maryland, respectfully represents that in the present arrangement of the Hall, no room has been assigned to your memorialists in permanent occupancy, and that they are compelled to meet in such room as may be vacant at the time, subject to removal whenever it may be applied for by another Lodge. Your memorialists have cheerfully struggled on through years of neglect and difficulty, and are now endeavoring to place their Lodge in a state of the highest efficiency; but in order to do so, it is an indispensable prerequisite that some fixed and certain place of meeting should be allotted to them; and your memorialists now pray that some apartment in the building may be assigned to them as their permanent Lodge-room.

Of the utility of the degrees it is unnecessary to speak; the Order of Odd-Fellowship has girdled the earth, and wherever the voice of civilized man is heard, there are to be found its mysteries and doctrines, the helpmate of religion, embracing all creeds and legitimate forms of faith, diffusing and inculcating the duties and charities of life, and enforcing by precept and example that great truth, the brotherhood of the whole human race. But while the beneficial endeavors and effects of the Order are every where visible, and it has taken its place among those institutions which are the missionaries of knowledge and virtue to mankind, yet the concealment of its mysteries as taught in the degrees, with the correct exposition of its principles, is of vital importance. There is probably but little danger of the wilful and guilty betrayal of any thing which should be hidden. But there is danger that it may be improvidently divulged, unless the degrees be

*By F. Pinkney.*

properly and carefully conferred, the necessity of caution earnestly inculcated, and the person initiated be so fully instructed that he is armed alike against his own imprudence and the curiosity or guile of others. It is of equal importance that the cardinal principles of Odd-Fellowship as disclosed in the degrees, as principles which coincide with the dictates of reason and the laws of God, which blend with the conscience and are to govern our conduct through life, should be fully disclosed to the applicant; that he should perceive their harmony with duty and revelation, their deep import and their fitness for his moral guidance. The memorialists believe that it is difficult to confer the degrees in this manner in any City Lodge. Every such Lodge undoubtedly contains many members devoted to the prosperity and advancement of the Order, studiously anxious to keep its laws and secrets inviolate, and fully capable of imparting the necessary instructions; but with a numerous membership, the pressure of business and the debate and measures requisite for its due government must nearly or altogether absorb the limited time of its meeting; and if it confer the degrees at all, it must necessarily be at long intervals and in a hasty and mutilated manner. The Degree Lodge on the contrary meets for no other purpose; it is the very scope and aim of its existence to relieve the Subordinate Lodges of an onerous duty, the discharge of which might impair their utility in other respects, to assume that duty on itself, and to perform it in a manner beneficial to the Order at large. And in evidence of its services in this respect, they respectfully refer to their report filed with the Grand Lodge; showing the large number of degrees conferred, and the assistance which they have thus rendered to the Subordinate Lodges. The memorialists would add that in order to secure the proper administration of the degrees, it is absolutely necessary that a Degree Lodge should exist, as a model and counsellor to others on the subject, and as a school to which those who have been imperfectly instructed, or whose memory may have failed them, may easily repair.

The memorialists respectfully state (and they do so not in complaint, but for the purpose of supporting their above request) that no one can draw any personal advantage whatever from belonging to the Degree Lodge; in becoming a member or accepting office he can be actuated by no other motives than the impulses of conscience and a desire to serve his fellow man; his only reward is the feeling that he is an efficient though humble laborer in the cause and propagation of Odd-Fellowship, and that every one who does so is a benefactor to his kind. The Degree Master, by express stipulation of law and the tenure of his office, must have attained to the chair of P. G.; his title is an empty sound, unrecognized save in the Degree Lodge, and confers upon him no additional rank or privileges, while his duties are most laborious. In the Subordinate Lodges the inferior offices not only confer some personal distinction on the receiver, but are the way which leads to higher dignities; but in the Degree Lodge it is far different; they do not qualify him for promotion either in the Lodge or elsewhere; nor are they acknowledged as office beyond the walls of

the Lodge-room. The said Degree Lodge, therefore, as consisting of men who have voluntarily enlisted in the cause of duty, who have cheerfully endured their share of the heat and burthen of the day in the toils of Odd-Fellowship, pointing alike to its services and motives, respectfully solicits that its petition in the premises may be granted, both as a mark of kindness on the part of your honorable body, and as a measure greatly calculated to increase the prosperity and usefulness of the Lodge.

By order of the Lodge.

R. M. COCHRANE, D. M.

LEVI TISCHMEYER, *Sec'y.*

P. G. Harshaw moved that the Degree Lodge have permission to occupy room No. —, until required by a Lodge.

P. G. Moffett moved as a substitute, that the Degree Lodge be granted the permanent use of the room they now occupy on Thursday night of each week, free of charge, which was agreed to.

P. G. Davis, No. 36, offered the following, which was adopted :

*Resolved*, That on account of the large expenses incurred by La Grange Lodge, No. 36, of this jurisdiction, in erecting a Hall at their own expense; the Committee of Finance be directed to redeem six shares of three per cent. stock, now held by said Lodge.

P. G. Gilman offered the following, which was adopted :

*Resolved*, That this Grand Lodge do recommend to all Subordinate Lodges to send their members applying for degrees to the Degree Lodge.

The Grand Secretary presented the following, which was read, and, on motion, referred to a special committee. The Grand Master named as the committee—P. G's Piggott, Gibbs, and Grim :

*To the R. W. Grand Lodge of Maryland :*

Whereas Constitution Lodge, No. 78, under your jurisdiction, having found their former place of meeting unsuitable for the purposes of Odd-Fellowship, have, during the last year, erected and completed a safe and commodious three story stone building, and desiring to have the same under their control, do most respectfully ask your permission to issue stock for the same, bearing interest of six per cent. per annum, payable semi annually, and redeemable in twelve years, or sooner, at their option.

They furthermore, most respectfully solicit your honorable body to become a subscriber, as also to recommend the same to the favorable consideration of the Lodges under your jurisdiction.

Faternally yours,

JOHN G. MELVILLE, N. G.

JAMES COMPTON, *Rec. Sec'y.*

P. G. M. Marley, from the special committee, to whom had been referred the application, submitted the following, which was received, accepted, and the resolution appended adopted :

To the R. W. Grand Lodge of Maryland:

The committee to which was referred the petition of Joseph Kemp, Green S. Eteherson, Wm. Burns, James S. Kemp, and Jeremiah T. Browning, for a Lodge at Damaseus, Montgomery county, by the name of Montgomery Lodge, No. 88, respectfully report, that upon due examination, and finding the applicants in good standing, and of good report, recommend the adoption of the following resolution:

RICHARD MARLEY,  
CALEB DOUTY,  
L. BURGESS.

*Resolved*, That the prayer of the petitioners be granted and the proper officers directed to prepare and present a charter for and open said Lodge, agreeable to the laws and usages of the Order.

P. G. M. Marley offered the following, which was adopted:

*Resolved*, That the Joint Library Committee have permission to use the name of the Order, and also have the use of the saloon and such other parts of the Hall as may be necessary for celebrating the anniversary of the Order in the United States, by a grand festival and concert. They also respectfully ask permission to use the name of the Order for an excursion or excursions during the ensuing summer.

Columbia Lodge, No. 3, seconded by Franklin Lodge, No. 2, proposed the following amendment to article xiv, section 1, of the constitution:

Article XIV, section 1. At the July communication, the R. W. Grand Representatives to the Grand Lodge of the United States shall be elected by ballot, who shall be Past Grands, as also members of the Royal Purple Degree, and regular contributing members of an Encampment, to serve in conformity with the Constitution of the Grand Lodge of the United States.

The following was received from the Grand Corresponding and Recording Secretary of the Grand Lodge of the United States, which was read:

I. O. O. F.

OFFICE CORRESPONDING AND RECORDING SECRETARY, }  
R. W. GRAND LODGE OF THE UNITED STATES. }

Baltimore, December 1, 1853.

DEAR SIR AND BROTHER:—In obedience to the order contained in the third resolution of the annexed series, adopted at the late session of the Grand Lodge of the United States, I herewith transmit, through you, to the Grand Lodge of Maryland, a certified copy of the same.

Fraternally yours.

JAS. L. RIDGELY, Cor. Sec'ry.

At the regular annual communication of the R. W. Grand Lodge of the United States, held at the city of Philadelphia, September 5, 1853, the following, among other proceedings, was adopted:

*Resolved*, That upon the issuing of a visiting card, by a Subordinate Lodge or Encampment, the Secretary or Scribe thereof shall endorse upon it, the amount of weekly and funeral benefits allowed by the constitution and by-laws of said Lodge or Encampment, and that it shall be bound for any relief extended to a brother holding such a card, to the extent of the benefits so rendered.

*Resolved*, That where a Subordinate Lodge, Encampment, or General Relief Committee is applied to for relief, by a brother holding a card, such Lodge, Encampment, or General Relief Committee, shall require the certificate of a respectable physician, showing the time that the brother has been sick, and shall take a draft upon his Lodge or Encampment, for whatever amount he may have received, which, with the certificate, shall be forwarded for payment, *Provided*, that in the event of the death of a brother, and his being buried by a Lodge, Encampment, or General Relief Committee, it shall only be necessary to forward the physician's certificate, or that of some other respectable citizen, together with his card, and a proper voucher for the amount so advanced. Payment of the same shall in all cases be promptly made.

*Resolved*, That the Grand Corresponding and Recording Secretary be instructed to transmit to the several Grand Bodies under this jurisdiction, as early as practicable after the adjournment of the present session, a copy of the foregoing resolutions.

*Form of certificate referred to in the foregoing report, v iz :*

This certificate, that the constitution and by laws of the within named Lodges or Encampment, allows for weekly benefits the sum of .....dollars per week, and for funeral benefits the sum of .....dollars, and that brother..... is entitled to the said benefits from the date of the within card, until the expiration of the same.

True copy.

JAMES L. RIDGELY, *Corresponding Secretary*.

The following was received from the Grand Lodge of Indiana, which was read :

*To the R. W. Grand Encampment of Maryland :*

At the annual communication of the R. W. Grand Lodge, I. O. O. F. of Indiana, held at Indianapolis, July 1853, a communication was received from the R. W. Grand Encampment of Missouri, which was read and referred to the Committee on the State of the Order. Subsequently, G. Rep. HACKLEMAN, from that committee, made thereon the following report:

*To the R. W. G. Lodge I. O. O. F. of Indiana :*

The Committee on the State of the Order, to whom was referred a communication from the G. Encampment of Missouri, touching the election of a committee by the G. L. U. S., to report an amended Constitution for that Body, have had the same under consideration, and beg leave to report the result of their deliberations.

The G. Encampment of Missouri express the opinion that if any alterations or amendments are really necessary, "they are of too trifling a matter to justify the appointment of a Select Committee." In this opinion your Committee do not concur. The present Constitution of the G. L. U. S. has many excellent features, and has answered a valuable purpose; but from the growth of the Order, the prevalence of new views in the G. L. U. S., and a change of circumstances, amendments have from time to time been adopted which have destroyed the symmetry of the instrument, and rendered it, to some extent, inharmonious with itself, and a piece of Mosaic work in appearance. Your Committee, under these circumstances, think the G. L. U. S. acted wisely in selecting a committee to present a draft of a new instrument to give force and effect to the sound provisions of the present Constitution, to abolish those of doubtful utility or of objectionable tendency, and to present one harmonious in all its parts, consistent with itself and embodying the best principles of government evolved by the past experience and history of our Order. The G. Encampment of Missouri suggests "that there is far too much legislation in our Institutions already." Your Committee concur in this opinion, but they believe that one of the very

best means of curtailing this evil would be the adoption of a new Constitution for the Supreme Head of the Order, clearly defining and delineating the powers of that body, and clearly establishing the present dim line of demarkation which separates its legislative powers from those of State Grand Bodies. This course will diminish the annual labors of the G. L. U. S., as a very large portion of its business now is action upon proposed amendments to the organic law. We desire "stability, not vascillation"—permanency, not fluctuation—order, not confusion—clearness, not ambiguity in the laws and legislation of the Order; and we would regret, as much as the G. Encampment of Missouri, to see the lights of experience disregarded and "wild and undigested theories" substituted in the formation of a new Constitution. But there can be amendment without destruction, improvement without chaos, and advancement without disorder.

Your Committee do not conceive that our "chief danger" lies in our "unbounded prosperity." Herein they believe many good Odd Fellows are mistaken. The principles of the Institution are fixed—its objects unchanging; but its growth demonstrates that in the extent of its usefulness, in its pace with the spirit of the times, it is progressive, and its danger lies in another direction. When it shall cease to advance—when it shall act as though its labors were finished and come to a dead stand, then will it be high time for those who are truly devoted to its sublime teachings, its labors of love, and its benevolent ministrations to raise their warning voices.

Your Committee are at a loss to determine why the G. Encampment of Missouri has coupled the idea of a crusade against the rights of Past Grands with this movement. These rights, to a very great extent, are now regulated by State legislation. This jurisdiction has not held these rights in as high esteem as they have been held in other States, and has given the powers exclusively exercised by them in other jurisdictions directly to the "Subordinate Lodges," as we think, with beneficial results. We have not found it necessary to keep "the conservative portion of our Institution" between "the Subordinate Lodges" and its legislation in our jurisdiction. Your Committee imagine that nothing connected with the rights and privileges of Past Grands induced our able Grand Sire elect, Wilmot G. De Saussure, to present his resolutions providing for the election of the Committee, which were the basis of the G. Secretary's circular, and we are clearly of opinion that these rights will not enter into the deliberations of the Committee, and that they will not attempt to disturb the present regulations, leaving the manner of legislation, whether by Past Grands by virtue of their "vested rights" or as representatives elected by Past Grands, as in some States, or by "Subordinate Lodges," as in this jurisdiction, to the sound discretion of State Grand Bodies.

In the allusion to "new-fledged Odd Fellows," in the communication before your Committee, they are persuaded that the G. Encampment of Missouri had no reference to the able and experienced Odd Fellow upon whose motion the committee was raised, who was almost unanimously elected a member thereof, and who by common consent stands at its head, nor to the other able members of the same Committee, one of whom is P. G. Sire, and all but one P. G. Masters.

P. A. HACKLEMAN,  
JAS. H. STEWART,  
H. E. HURLBUT.

Which was concurred in.

On motion of P. G. Rep. Meredith,

The G. Secretary was directed to send a copy of the report of the committee in circular form to each State Grand Lodge and Grand Encampment.

In compliance with the foregoing, I herewith transmit the same, it being a true extract from the minutes.

WILLIS W. WRIGHT, *Grand Secretary.*

INDIANAPOLIS, August 26, 1853.

An appeal was received from Mrs. Elizabeth Maclea, from a decision of William Tell Lodge, which was read, and, on motion, referred to the Executive Committee.



The following was received, read, and, on motion, referred to the Committee on the State of the Order:

*To the R. W. Grand Lodge of Maryland:*

The Past Grands of Rainbow Lodge beg leave to submit the following question to the R. W. Grand Master for his written opinion tomorrow:

Is it a violation of the laws and principles or obligation of the Order, for a Brother to instruct another publicly in the general hailing sign, by which it was thus made known to one *not* of the Order, and does this violation render him liable to expulsion or suspension.

THOMAS LUCY,  
R. G. MORGAN,  
ELIAS MANTLE,  
SAM'L. T. MURRAY.

D. D. G. M. Baugher called attention to the report of a special committee, made at the July communication, page 529, and asked its reading, which was complied with.

P. G. Escaivaille moved that the resolution appended to the report be adopted.

On motion of D. D. G. M. Baugher, the whole matter was ordered to lie on the table.

The following was received, read, and on motion to grant the request—

P. G. Escaivaille moved to amend by adding that the "regalia be not used," which was agreed to.

*To the R. W. Grand Lodge of Maryland:*

The undersigned, Representatives of William Tell Lodge, No. 4, have been instructed by said Lodge to ask permission of the R. W. Grand Lodge of Maryland, for William Tell Lodge, No. 4, to hold an anniversary supper, on or about the 14th day of February next.

Respectfully,

JOHN W. BLAKE,  
DAVID DAVIS.

The question recurring on the granting of the request, it was concurred in.

P. G. Saunders moved that the Grand Lodge proceed to the election of the several committees and Board of Managers, which resulted as follows:

*Finance Committee.*—P. G. M's Marley, Ninde, and P. G's Stockbridge, Bayley and Escaivaille.

*Executive Committee.*—P. G's Morrison, Gibbs, Trayser, Bonsal, and Garland.

*Board of Managers.*—P. G's L. Burgess, No. 1; John Hamilton, No. 2; J. C. Dewees, No. 3; \_\_\_\_\_, No. 4; James Young, No. 5; \_\_\_\_\_, No. 6; L. S. White, No. 7; J. J. Johnston, No. 8; J. M.

Gill, No. 9; J. C. Ninde, No. 10; ———, No. 11; S. H. Lewyt, No. 14; James Somerville, No. 15; ———, No. 47; W. J. Wallace, No. 48; Charles Phillips, No. 52; ———, No. 55; T. J. Thompson, No. 57; L. S. Tischmeyer, No. 58; ———, No. 71; J. Watson, No. 72; W. O. Helm, No. 77; ———, 84.

*Joint Standing Committee on Library.*—P. G's Jones, Harshaw, and Moore.

On motion, the rule on adjournment was suspended, and the Grand Lodge adjourned to Monday night.

after having audited the bill.

P. G. R. M. Cochrane presented the memorial, which was read:

106 A

*To the R. W. Grand Lodge of Maryland:*

The undersigned, memorialists, of Degree Lodge, No. 1, I. O. O. F., respectfully show that they are desirous of rendering their Lodge of greater utility to the Order, and for this purpose they respectfully ask the aid and concurrence of your honorable body to effect those changes which it will be necessary to introduce.

Your memorialists, speaking individually as officers and members of the Degree Lodge, would observe that they have no personal interest in the proposed amendments; to take active service in the Degree Lodge is to labor without distinction or profit; and their only object is to diffuse as widely as possible the principles of an Order, which is religion made practical, and which they believe to be one of the chief instruments of Providence to spread among mankind morality and virtue, and the doctrines of universal brotherhood and benevolence.

Your memorialists believe that the Subordinate Lodges cannot, from lack of time and the proper facilities, confer the degrees in a befitting manner. The instructions must be imparted in a hurried and imperfect form, hastily given, and often not fully understood; and the consequence is that the degrees are in many cases regarded as mere titles and ceremonies, while their moral purport is either unheeded or soon forgotten, and their mysteries are in constant danger of being improvidently disclosed. Yet notwithstanding these

evils, and their cause are generally admitted, the Subordinate Lodges in the majority of cases confer the degrees themselves.

The memorialists are not disposed to impute this to any stubbornness or improper motives on the part of the Subordinate Lodges, or to cavil at their unquestionable right to confer the degrees when it is their pleasure to do so; their object is to point out an evil and an easy method of healing it, and not to censure others. At its commencement, the Degree Lodge was put to heavy expense, and it was necessary for its reimbursement to levy a tax on its membership and to charge the other Lodges for its labor in conferring the degrees; the collection of its revenues in small sums from many sources devolved considerable trouble upon its Secretary, which he could not, in justice, be expected to undergo without some pecuniary compensation. In addition, it was thought but proper to give a salary, although of less amount, to the Warden. The dues in the Degree Lodge are indeed but light, amounting only to fifty cents for membership, and an annual contribution of twenty-five cents more; but, inasmuch as the beneficial features of the Order have not been, and indeed cannot be, adopted by the Degree Lodge, the payment of these sums is in fact a mere gratuity; the joining the Lodge confers no privilege which the party could not otherwise enjoy, for any scarlet member of the Order is of course by virtue of his rank entitled to be present at its meetings. The Subordinate Lodges naturally desire to avoid the expense of sending their applicants for degrees to the Degree Lodge, and also to save their membership from being asked, under the guise of joining the Degree Lodge, for money which cannot be refused without awkwardness and unpleasant feeling, but whose payment, so far from obtaining an equivalent, in fact purchases nothing whatever.

The memorialists are far from censuring the anxiety of the Subordinate Lodges in this respect, or from accusing them of an ill-judged or improper parsimony. On the contrary, they wish to raze a manifest evil to its foundations and to leave no traces of its existence.— For the accomplishment of this purpose, they propose that every member of the Scarlet degree shall become a member of the Degree Lodge, by the simple enrolment of his name upon its records, without the payment of any fee or dues whatever, and to confer the degrees gratuitously. They are convinced that this measure is perfectly practicable. The Lodge is already provided with all proper regalia and the other appurtenances for the administration of the degrees; and its expenses, with the exception of the salaries of the Secretary and the Warden, are too minute to be worth mention.— With the abolition of all charges, the principal duties of the Secretary necessarily cease, and his duties, and those of the Warden, may be discharged without compensation. In this they believe that there can be no difficulty. The offices of Secretary and Warden have hitherto been filled by men who did not seek them from any lure of pecuniary advantage, but from a desire to benefit the Order, and their salary was allotted to them from the belief of others in its pro-

priety and justice; the duties of the Degree Master, (and these are certainly most arduous and fatiguing) as well as those of the other officers, have been discharged from disinterested motives, without regard to personal inconvenience and loss of time, and with no reward save the approbation of conscience; and if the past be prophetic of the future, the various offices of the Lodge will be easily filled under the new arrangement. Any expenses which they may incur, will be so trifling that it may be easily defrayed by voluntary subscription; or if it should be necessary (and this is almost impossible) to appeal to the justice or generosity of the Grand Lodge for assistance, their demand will be moderate, and they are sure that they will not ask in vain.

Your memorialists believe that when these reforms are adopted, when the degrees are conferred without fee or taxation, and the applicants for the Scarlet degree are no longer solicited to bestow money without receiving a requital, the Degree Lodge will assume its befitting position of usefulness in the Order. The Subordinate Lodges being thus relieved from all causes of complaint, will then readily send all their applicants for the degrees to the Degree Lodge, in the knowledge that the degrees will be there imparted and explained in the most full and careful manner, without any intrenchment upon their own time. And to aid them in the attainment of this object, your memorialists respectfully pray that your honorable body will recommend to the Subordinate Lodges to send, as far as possible, their applicants for the degrees to receive them in the Degree Lodge.

The Degree Lodge, when thus purified from all that is objectionable in its organization—no longer a hireling, but a voluntary laborer in the cause of Odd-Fellowship—will then become one of the most efficient agents that could be found, to spread abroad and establish its doctrines and institutions. It will be a great school of instruction, not only fully teaching the applicants for the various degrees, but whither the members of the Order at large may resort to refresh memory, to correct error, and to fill up imperfect knowledge. And it has been suggested to your memorialists, and as they believe with perfect accuracy, that in case of the proposed changes, many Subordinate Lodges would, if advised to do so by the Grand Lodge, probably elect delegates to be present at the meetings of the Degree Lodge, and thus obtain an accurate acquaintance with the degrees; and they respectfully suggest that such a measure would greatly conduce to the interests and prosperity of the Order.

By order of the Degree Lodge, No. 1, I. O. O. F.,  
 FREDERICK PINKNEY, D. M.,  
 R. M. COCHRANE, P. D. M.,  
 WM. H. BYRN, A. D. M.,  
 AUGUSTUS GETTY, V. D. M.,  
 L. TISCHMEYER, Sec'y.

P. G. Rothrock moved that the memorial be referred to a special committee of three, which was not concurred in.

Caveat in Orphans Court.

To the Honourable the Judges of the Orphans Court of Baltimore County,

The petition and caveat of J. J. of Baltimore County, ~~re~~ humbly sheweth that he is informed that a paper writing purporting to be the last will and testament of Jos. J., deceased, has been filed in the office of the register of wills for Baltimore County, and apprehending that the same may be offered to the Court here for probate, he gives the Court here to understand that the said paper ought not to be admitted to probate as the last will and testament of the said Jos. J. because the said Jos. J. at the time of executing or acknowledging said paper to wit on the 1st day of April, 1830, was not of sound and disposing mind and capable of making a will or executing a valid deed or contract.

Wherefore your petitioner prays that the said paper may not be admitted to probate as the last will and testament of the said Jos. J.

J. M. B. Atty for Petr.

"Thought and Theory," said Wordsworth, "must precede all action that moves to salutary purposes; yet action is nobler in itself than either thought or theory." Yes & no. What we act has its consequences on earth, what we think in heaven.

Mrs. Garrison.



yes, decidedly yes; for what is the value of the thought comparatively which muffles up its face & remains timidly inductive; which recognizes the right but dares not do it outward homage; it is the thought that becomes the guide to right action which has its consequences in heaven.

Renunciation by <sup>an</sup> Executor.

To the Honorable &c

Whereas the undersigned was appointed one of the executors in a certain paper writing exhibited and filed in the office of the Register of Wills for Baltimore County, purporting to be the last will and testament of Joseph Jones, of Baltimore County, deceased, Now this instrument of writing witnesseth that I renounce the said appointment and refuse to act as executor under the said paper, the same not being a valid will, as the said Joseph Jones was not of a sound and disposing mind at the time the same was executed

"John Jones"

Stewart's Caveat filed

May 6. 1839.

In the physically beautiful there is utility for there is design in all created things; but the ideal on the contrary is pure beauty, the useful being abstracted or not considered; a Greek statue, other than their portrait & semi-human statues, is, I should think an anatomical impossibility —

Bene Merenti ΦΙΛΙΠ ΠΕΡΟΔΩΡΕ ΚΥΕ (Quæ) ΒΥΣΙΤ ΜΕΓΙΟΧΙ ΔΙΕΤ ΧVIII.

Inscription in Mostland's Church in the Catacombs  
page 17.

Instead of the frank-hearted, noble, and generous character which Richard the Lion-hearted has been usually represented to have been, he seems to have been destitute of any good quality but personal bravery; an evil son, a cruel man, and a bad monarch; where he did not seek war for the gratification of revenge or jealousy, he betook himself to it not from high aims or even definite purpose, but as a squire of the last century pursued fox hunting from incapacity for thought or quiet; he pillaged his subjects and paid no attention to their government; he was in every thing a shallow, frivolous being, utterly incapable of forming any useful design or nourishing a kindly and strong emotion.

Answer to Caveat in Orphans Court.

To the Honourable the Judges of the Orphans Court of Baltimore County.

The answer of Susanna Jones, widow of Joseph Jones, deceased, to the petition and caveat of John Jones, states that she admits that the said Joseph Jones did on the 1st day of April 1830, execute and publish a paper which was intended to be his last will and testament, and at the time of his so doing was of sound and disposing mind and capable in law of making a valid will.

G. L. D. for Respondent.

Petition for Issue

To the Honourable the Judges of the Orphans &c

The petition of John Jones humbly sheweth to your Honours that a certain paper writing purporting to be the last will & testament of Joseph Jones deceased was heretofore exhibited and filed in this Court. That your petitioner did on the 9th day of June 1830 file in this Court his caveat praying that the said paper may not be admitted to probat, because as he alleges the said Joseph Jones ~~was not~~ at the time of the execution and acknowledgement of the said paper was not of sound and disposing

turnover.



mind and capable of making a will or executing a valid deed or contract as by his caveat will more fully appear, to which caveat an answer has been filed by Susanna Jones, widow of the said deceased in which the said Susanna admits that the said Joseph Jones did on the 1st day of April 1830, execute and publish a paper which was intended to be his last will & testament, but avers that at the time of said Joseph Jones so doing he was of sound and disposing mind, and capable in law of making a valid will. Your petitioner now prays that the following issue may be made up and sent to any Court of law which may be most convenient under all circumstances for trying the same: Viz, Was Joseph Jones, the supposed testator of sound and disposing mind and capable of executing a valid deed or contract at the time of the execution or acknowledgement of the paper writing purporting to be his last will and testament bearing date the 1st day of April 1830. And your Petitioner further prays that the necessary proceedings may be had in the case that the said issue shall be tried in the said Court of law as soon as may be.

J. M. B. Atty for P<sup>r</sup>.

It would seem from the papers that the friends of Daniel Webster have inscribed on his tombstone a sentence of his composition, in which he declares that in substance that upon ~~cont~~ considering the immensity of the Universe he doubted the truth of Christianity, but upon reading the sermon on the Mount his faith was restored.

The first <sup>part</sup> of this opinion is strange enough, does it follow because God is infinite power that he is not infinite love also, or that if upon contemplating the magnitude & harmony of the visible creation our reason is stunned & <sup>by admiration</sup> conjecture is bewildered, that the Supreme being has taken no thought for the spiritual creation, for the destiny of the soul that shall survive when earth, planet, star & system shall have passed away. As to the sermon on the Mount, it is indeed the gift of the Godhead to man, the pillar of cloud & fire to guide us safely by day & night that no affliction may overwhelm & no temptation subdue us, but has Christianity no other boon to offer than its pure morality? Is it nothing that it gives certainty of the future happiness for which reason only hopes, that while it teaches us our own febleness & guilt, it enables us to put them away, to assume another nature which in the discharge of duty knows that its strength is the divine mercy & favor. <sup>20. year's</sup> looks on earth as a <sup>perilous</sup> journey & heaven its abiding place, is it not the doctrine of redemption by the blood of the Saviour a dream or a tale, or is it not

The lovely child.

It is a strange and pleasant scene,  
 The wanderer scarcely sees  
 The narrow path that winds between  
 These aged, moss-lad trees,  
 The ivy to their summit creeps  
 Then pours its drapery round  
 Until it falls in turgling heaps  
 Upon the very ground.

Is it the startled fawn we hear  
 That seeks the river's brink,  
 And gazes with distrust and fear  
 Before it stoops to drink,  
 Or lamb escaping from the fold  
 And lost to mischief the wild,  
 Beneath yon doctored oak behold  
 A solitary child.



Look on her with her downcast face  
 Shaded with clustering hair,  
 Does aught of earth a richer grace  
 Or brighter presence wear,  
 The wild flower bending with the weight  
 Of the alighting bee,  
 Is not a thing more delicate  
 And not so fair as she.

Deep musings on her features press  
 A lightly graven sign,  
 And high imaginings possess  
 That beauty infantine,  
 Yet dwell they midst the sunny hues  
 Of childhood's sinless joy,  
 Which graver thought but half subdues  
 And seeks not to destroy.

They stir not, speak not, never crossed  
 Thy view a form so rare  
 I would not such delight were lost  
 To yield its place to care.

the only means of virtue & comfort here & hope that maketh not ashamed,

111  
It is evil husbandry to cast  
One pleasant theme away,  
When sorrow occupies the past  
And fair would claim to day.

6.  
But not midst her brief memories stay  
Records of grief and pain,  
Of happiness we forced away  
And never can regain,  
Of hopes that vanish as the bark  
~~Perishes beneath the~~ Sinks in the whelming wave  
While gloomily the loss we mark  
Yet dare not strive to save.

7.  
Not hers e'er's progress to have traced  
Like to the desert's sand  
By slow encroachment making waste  
Upon a smiling land,  
Then past yields nothing but delight  
By reason well allowed,  
As balmy spring without a blight,  
As heaven without a cloud.

8.  
And he whose mercy loves to spare  
Even the sin-defiled,  
Will listen to each artless prayer  
Framed by that stainless child,  
The grace he never has denied  
To suppliant, will be given,  
On many earth her steps to guide  
And point the way to heaven.

1840.

Ἄλλ' εἰς τῶν στρατιωτῶν λόχη αὐτοῦ τὴν πλευρὰν ἐνόξε. Ioh. 19 ch. 34 v.

A great deal of absurdity has been written by unbelievers concerning this passage, & the verb νοσῶ has been declared to signify merely "to prick, to puncture," a reference to the Χριστὸς Πασχῶν which may be found printed with the fragments of Euripides in the edition of Didot, will shew that the word may be employed in describing a wound of the most terrible nature.

I would, my little gentle boy,  
 Thy fate I might discern,  
 Thy book of life, of grief or joy,  
 It is not mine to turn!  
 I cannot, prophet-like, obtain  
 A view before me spread  
 Of distant lands which thou wilt gain  
 But I must never tread;

Is thy doom sad, when well are we  
 Unto the future blind,—  
 For now I people vacancy  
 With visions bright and kind;  
 As o'er thy sleep I fondly bend  
 And view thy smiling face,  
 I deem thou wilt the shattered mend  
 And all the lost replace.

~~And thy fate is the same~~  
 I look upon our fortunes' fall  
 And on our lessened name,  
 To one <sup>on his</sup> whose ~~face~~ ancestral hall  
 When ~~is~~ given to the flame,  
 By smouldering heap and blackened tower  
 He stands in sorrow there  
 Well knowing he has not the power  
 The ruin to repair.

Not that I murmur; much of good  
 Is in my pathway strewed  
 Much evil I have firm withstood,  
 Or better still eschewed;  
 Still do my household joys remain,  
 Still burns my hearth—fire free,  
 And may my talents bring me gain  
 I could not dream to see.

And hope is with me—true, of yore  
 She spake but to deceive;  
 She tells of earthly things no more  
 And well I may believe;

Our own unaided strength betrays  
 When not with sin would cope,  
 But who upon the cross can gaze  
 And shall not dare to hope.

Though sorrows dimly o'er me lower,  
 Or take a plainier form,  
 Yet even in my darkest hour  
 A rainbow spans the storm.  
 I feel that each decree is just  
 Though passing feeble sense,  
 And he is <sup>sure</sup> ~~just~~ who puts his trust  
 In God as his defence.

To him I yield thee; let me set  
 All my wild thoughts aside,  
 For both my wishes and regret  
 Are born of sinful pride;  
 Be thy life gloom or cloudless day,  
 Whichever thy course be run,  
 Say thou, as I this moment say,  
 His will, not mine, be done.

Feb 5, 1843,

Nibbur in his lectures observes with his customary sagacity that the miraculous defense of Delphi against the Gauls is but the national vanity of the Greeks endeavoring to conceal that it was taken and plundered, and for that purpose pretending that an awkward copy of the repulse of ~~Heracles~~ was an original picture of a real event.

The following strange passage in Lucius Ampedius Cap. 32, where the text is either corrupted or he has confused the names of countries in a singular manner, seems to be founded on some ancient author who admitted the success of the Gauls at Delphi though exaggerating their losses afterwards, that the army of the Gauls was not entirely destroyed in Greece is very certain, notwithstanding the assertions of the Greeks.

"Bellus rex Armeniae qui cum impetum in Graciam  
 fecisset et Pythii Apollinis templum incendisset, tempestate  
 et frigore exercitum amisit."

What of the night? Does morn's first ray  
 Trace out its path upon the sky,  
 Or must the weary watcher stay  
 And hope in vain that day is nigh.

Young morning cometh, trees and hill  
 Break in dim outline from the shade,  
 A cold, faint gleam is on the rill  
 In the first beams of dawn arrayed.

Remember, when the day's full light  
 Is showered upon mount and plain,  
 That the deep shadows of the night,  
 When none can labour, comes again.

1841.

The superiority of the Greeks in sculpture has been attributed to their better opportunities of observing the naked human figure from the slowness of their dress & the manner of performing their gymnastic exercises &c, there may be something in this, but not much, for they were quite as successful in representing the female figure as the male.

We become persecutors only when still believing in revelation we substitute the suggestions of our own unassisted reason for the dictates of revelation.

There is a season when perchance our life  
 Seems almost a monotonous of pain,  
 And every labour but disastrous strife  
 Which hourly seems more vain;

When even the few, dull pleasures we may find  
 Are the grim summer of the icy North,  
 Which cannot the fast-frozen streams unbind  
 Or bid the flowers come forth;

Fortune will offer but to take away  
 And move the disappointed unto tears,  
 Expected good will painfully delay  
 Or perish as it nears;

X Let us bear on, heedful but undismayed,  
 Repenting Time may lavish or restore,  
 The barque has sunk, but see <sup>swift</sup> coming aid,  
 Or we approach the shore.

And even if otherwise, perform the will  
 Of Time's eternal Lord, and thou wilt find  
 A real blessing in the seeming ill,  
 And it was thus designed.

Away all earthly motives, we can view  
 But the faint twilight of his glory here,  
 What if our joys be multiplied or few,  
 Or come or disappear?

Beyond the grave the Christian's <sup>sight</sup> ~~view~~ extends,  
 For him to die is gain, to live is loss,  
 Let us not care for wealth, or power, or friends,  
 But clasp the saving cross.

Drink of the fountain thou wilt thirst again—  
 Grasp pleasures and all threatening cares defy,  
 Thinkst thou, though bidden, it will long remain?  
 Let thine own mirthless laughter make reply.

Or that each <sup>joy which</sup> ~~sweet~~ suddenly upsprings,  
 Must dwell with thee forever to delight,  
 As the tamed bird neglects to use its wings  
 Until they lose the very power of flight?

Such dreams are but the glittering flowers that rise  
 To moulder on another flowers decay,  
 Has not experience taught thee to be wise?  
 Will thou trust hope when memory tells thee nay?

Yet is not life all sadness, in the day  
 When fear and sorrow's moat shall overflow,  
 Make thou the Lord thy refuge and thy stay  
 And gain the peace that earth cannot bestow.

For the Methodist Protestant and Family Visitor.  
 There is a season when per chance our life  
 Is almost a monotony of pain,  
 And every labour but disastrous strife  
 Which hourly seems more vain.

When e'en the few, dull pleasures we may find  
 Are the grim summer of the icy North,  
 Which cannot the fast-frozen streams unbind,  
 Or bid the flowers come forth.

Fortune will offer but to take away  
 And move the disappointed unto tears,  
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 But clasp the saving cross.

F. P.

For the Methodist Protestant and Family Visitor.

1842

We have spoken of electricity as the physical power ~~most~~  
 nearly allied so far as we know to that acting through the  
 nervous system ~~xx~~ a simple but forcible contraction by  
 will of the muscles of the forearm evolves a current of  
 electricity capable of passing through 2 or 3 miles  
 of a helix coil ~~xxx~~ we have reason to believe that  
 all muscular action, perhaps all vital action to  
 be attended with some chemical change in the  
 parts concerned ~~xx~~ Edinburg Rev. Jan'y 1839.

There is almost certainly such chemical  
 change & the rest of the theory is not improbable,  
 but how, in the case of chemical operation, is the  
 mere evolution of electricity a proof that it is a  
 motive power & not something banished from  
 the system by force of the motive power.



Is not this beautiful? Lo, here are hills  
 Writhing their spires between the rugged hills,  
 And here are trees with tall and slender stalks  
 Whose high-arched branches meet o'er echoing walks,  
 Narrow and dim, beneath a matted roof  
 Of sterile foliage deeply <sup>densely</sup> pressed and proof  
 Against the sun, save where a ray is seen  
 To ~~appear~~ <sup>beck</sup> with vivid spots its sober green  
 Like shining fruitage, or more rarely breaks  
 Through its dark masses, and in golden flakes  
 Drops with faint quivering, and nestling lies  
 Among the grass, confused with flowers that rise  
 In gem-like splendor, or young moss so bright  
 That every tuft appears but softened light.  
 Nature seems lifeless - Not an insect clings  
 Upon the wild flower's brink - on twinkling wings  
 No bird descends the brake and rushes by  
 And startled breathes a sharp and sudden cry.

X  
 Amidst its beauty, still we feel subdued  
 By the deep silence of the solitude.  
 No feeling strong, although tis undefined,  
 Of mingled awe and fear steals o'er the mind,  
 As of some mystic presence, is it strange  
 That those whose fancy had a wider range  
 And framed with livelier faith, such scenes should hold  
 Fit place for beings of divinest mould,  
 And seem that they the accustomed haunts must be,  
 Of wood-nymphs and of rural deity.

The respect shewn to Sydney Smith is an evil sign. He was a jack pudding  
 in a gown, ignorant even of the learning of theology, yet ridiculing those whose  
 minds were impregnated with gospel truths, because the bible which they had  
 made their own was in the English translation, so ignorant of all that  
 is really Christianity that he considers it as the mere delusion of a heated  
 mind; a Socinian in his sermons without being aware of it; and  
 considering every attempt to convert the Hindoos, not as an endeavor  
 to unite new provinces to the kingdom of the Lord, but as absurd  
 officiousness & a political blunder.

Not in the sudden gloom of the fierce blast,  
 The fell destroyer in his maddened haste,  
 Not in the earthquakes' struggles as they cast  
 A ~~sterner~~ <sup>sterner</sup> ~~terror~~ <sup>terror</sup> on the ~~shuddering~~ <sup>shuddering</sup> waste,  
 Not in the fire but in the still small voice  
 Canst thou, Lord, and terrors didst forego  
 To make thy prophets weary heart rejoice  
 And dried up hope again to overflow.  
 And ever yet to faith thou deign'st to give  
 A quiet promise of unfailling aid,  
 That bids our fainting courage rise and live  
 And fear with fast approaching ill be staid.  
 Oh let me not for strength rely on pride,  
 On foresight, honour or desire of praise,  
 It were to blindly trust a specious guide  
 Who carelessly misleads or else betrays.

1842

Looked at the Oxford Under Graduates' book, it is written with such earnestness and eloquence that it is impossible not to admire it, even while dissenting from its principles. Locke, says he, in speaking of painting, calls form a primary quality and color a secondary one, and therefore form is of more importance than color. Now because a metaphysician uses these words in making a convenient distinction, does it follow that form excites more attention and intense delight than color in the mind, when properly represented, or more displeasure if it be inaccurate. Or should we not smile with the same pity and contempt at a black Achilles or a yellow tree as if the one were adorned with a pug nose and bandy legs & the other found its type in an old broom. Moreover space and distance are as important in painting as mere figure, and how can either be represented without accuracy in color, its mountain grey and weather beaten as it may be in the mass and diversified with herbage & thicket in patches is blue when remote, and in the same way every object in nature varies its hues according as it is close at hand or far away. Color, says he, is least important because it seems alike to two persons, is not the same assertion true of form, I am per blind and an object seems to me of a stem and regular outline while to one of keener eye, sight the outline is sharp and vanishing into well defined projections, which are invisible to me.

Feelings that oft controul the will  
Lie hidden in the breast—

Within the darkest covert still

As built the cherished nests

Its secrecy is well designed,

yet watch we with concern,

Well knowing those who chance to find

X Will mock and overturn.

Their influences never cease

Though carefully obscured

And what appears but strange caprice

Is purpose long matured.

To none, whatever we may feign,

Our truest thoughts are told,

We speak of usual loss or gain,

But yet have hoarded gold.

1842.

Look into the gentlest mind

Seeming free from every ill,

And at moments you will find

Traces of dark passion still.

Pierce the Tuscan barrow's side—

As unvonted light and air

Rush within it, thou mayst know

The buried warrior Lucumo,

Rigid in his marble chair,

Swart and fierce and stony-eyed,

In his cinctured robes of pride,

And his helpless right hand near

Lie the ponderous targe and spear;

In a moment all is dust

The armor falls in tinkling rust,

And the glimpse of by-gone years

Like a startling beam appears.

Confessions, Roscoe &c.

A voluntary confession, even if unsupported by any other testimony, is sufficient proof of guilt, for the conviction of the party confessing. But is only evidence against that party, and can in no way be used against another. And this rule remains in force even where the other person is charged as an accomplice, is present at the confession, and does not deny it to be true. If however he should make any answer, such as would be evidence.

VOTE THE AMERICAN TICKET.

120A [COMMUNICATED.] A MEAL OUT OF NOTHING.

We have heard it remarked that it is no evidence of skill in a cook if he can prepare a sumptuous banquet when furnished with proper materials, and that he only deserves the name of an artist who can furnish an entertainment out of almost nothing. The eminent jurists who have endeavored to fortify the Governor's position by their opinions seem to have aimed at such a feat, and to have rivalled the French cook in a besieged and starving town, who furnished a dinner out of a fragment of starved horse and a few thistles so cunningly dressed and seasoned that no one could tell what a single dish was composed of. It is hardly necessary to remark that the real question has been evaded; but I propose to make a few remarks on the use which they have made of the 4th section of the act of 1846, ch. 314, which they quote as clearly authorising the Governor to cause to be enrolled six regiments of 600 men each to be used by the military officers at the election. Let us quote the whole act:

An additional supplement to the act entitled an act for the better regulation of the militia of the city of Baltimore:

Section 1. Be it enacted by the General Assembly of Maryland, That the General and field officers of the third division be a board, with power to revise the brigade and regimental districts, as the increase of population may require within the bounds of said division, and to number the new regiments that may be thus created; provided however, no one of such new districts shall contain less than 1,500 enrolled privates.

Sec. 2. And be it enacted, That the said board shall report their proceedings to the Governor, who shall thereupon issue commissions for the field, staff, and company officers for such additional regiments as may be so reported.

Sec. 3. And be it enacted, That the said new regiments shall be equally divided between the third and fourth brigades.

Sec. 4. And be it enacted, That if from any cause an enrollment of the whole or any part of said division shall fail to be ordered or made at the time prescribed by the act to which this is an additional supplement, the commanding officer of said division may have the omission corrected by ordering an enrollment to be made and prescribing the time for the same.

Sec. 5. And be it enacted, That the company officers of the division are authorized to employ a suitable person or persons to make the enrollment of their respective districts.

Sec. 6. And be it enacted, That the said board make a return of their proceedings to the Adjutant General's office, to be there recorded.

Now any one, without possessing the eyes of an eminent lawyer, can perceive that the enrollment is to be made of the whole body of citizens residing within their respective districts, that all citizens are to be enrolled, and not a portion; and that no new regiment is to be organized, until after due enrollment having been made, the precinct in which its membership dwell shall be found to contain not less than 1,500 men, which number is therefore to be the minimum strength of such regiment. Secondly, if the enrollment shall have been entirely neglected at the proper season, then the commanding officer of the division may cause the omission to be repaired, and the whole body of citizens enrolled; or if a part only has been enrolled, then he may have the omitted part also enrolled.

The act plainly declares that the whole mass of citizens shall be enrolled and shall constitute the militia of Baltimore, the force which is to be employed in repelling foreign invasion or quelling civil disturbance; yet, gentlemen learned in the law are not ashamed to quote an act which authorizes the local Generals to enroll the whole body of citizens and nothing less, and to form no new regiment less than 1,500 men strong, as justifying the Governor in directing an enrollment for a specific purpose of six regiments of 600 men each, to be chosen by military officers out of the citizens without regard to residence, while they are to leave the general mass of citizens unenrolled and unarmed.

I have read somewhere that during the last war between England and China, the imperial Generals brought out a huge paper dragon on a pole, under the expectation that the sight of this formidable monster would frighten the English into an immediate surrender; and they were much surprised and mortified to find that the ingenious manoeuvre excited a smile instead of fear. The Governor's advisers seem to have imitated them, and apparently with about the same success. TRUS.

VOTE EARLY.

or threat relating to <sup>the parties</sup> escape from the charge <sup>relating from a party having some controul over him</sup> the constable making the arrest, the prosecutor, &c include the confession?

of the confession must be taken together, that is to say, must be admitted in evidence before the jury, shown into the general mass of evidence. But its <sup>truth</sup> or the credibility of any portion will admit of <sup>and the jury are to discover the truth from the</sup> testimony, and may reject such parts of the <sup>shown as may seem incompatible with the truth.</sup>

but it is the freedom of an intellectual being having reason to <sup>ins;</sup> when a proposition for action arises in my mind, the <sup>loss it as to its justice, expediency, &c, and I decide on the value</sup> I suffer it to become motive, it is not motive until <sup>after that, the will is the mere gearing between</sup> toward action.

has buried his meaning under his learning; in proving <sup>action he gathers all that has been said on the</sup> <sup>ther for or against it with continual digressions on</sup> matters in which he proceeds in the same fashion, <sup>at last lost in the labyrinth and cannot find</sup> to his object.

It is but fair to select a specimen of Evangelical preaching, from one of its most celebrated & popular champions. He will propose it with the solemn & awful communication of the Evangelist John, in order to shew how exactly they accord, how clearly the doctrines of the one are deduced from the Revelation of the other, and how justly therefore it assumes the exclusive title of evangelical. "And I saw the dead, & the dead were ~~judged~~ out of those things which were written in the books, according to their works. And the sea gave up the dead, & the sea were judged every man according to his works." Rev. XX. 12. 13. Let us recall to mind the urgent caution conveyed in the writings of Paul, "Be not deceived; God is not mocked, for whatsoever a man soweth, that he shall also reap." And let us further add the confirmation of the Savior himself - "When the Son of Man shall come in his glory, & but the righteous unto life eternal." Math. XXV. 31. ad finem. Let us now attend to the Evangelical preacher (Toplady), "The religion of Jesus Christ stands eminently distinguished and essentially differenced from every other religion, by this remarkable peculiarity, that look abroad in the world & you will find that every religion, except one, puts you upon doing something in order to recommend yourself to God. A Mahometan, & Papist, & It is only the religion of Jesus Christ that runs counter to all the rest, by affirming that we are saved and called with a holy calling, not according to our works, but according to the Father's own purpose & grace which was not sold to us on certain conditions to be fulfilled by ourselves, but was given us in Christ before the world began. Toplady's Works, Sermon on James 2. 18.

#### Notes of A Barrister's Hints.

*Si sic omnia*, All this is just & forcible, and surely nothing can be easier than to confute the Methodist by shewing that his very "no-doing", when he comes to explain it, is not only an act, a work, but even a very severe & perseverant energy of the will. He is therefore to be arraigned of nonsense & abuse of words, rather than of immoral doctrines. This is Coleridge's commentary on the above Vol. V. page 468

The Methodist, instead of striving on the supposed ~~buttle~~ battle-field, would reply "you may spare yourself the labor of bringing your two-handed sword to hew down a shadow, we uphold no such doctrine as this of "no-doing"; neither we nor any other Christian men believe that a perverse abstinence from good works would be meritorious; you privately set an idol in our temple dedicated to the true God, and then charge us with worshipping it. The good works of the regenerate man are the fruits & evidences of his spiritual estate, its necessary inevitable results, its effects and not its causes; the works of the unregenerate man, although they may be a blessing to his neighbour, are still evil, for they proceed from some unrighteous motive, & can earn no favor from heaven; it is the free grace of God alone, given & not bought with a price, for what has the sinner to offer, that tells him he is the slave of sin & calls him to freedom & salvation - It is hard to discover any nonsense or immorality in this.

The Calvinistic Methodists hold no such doctrine of "no-doing" any more than the Arminian ones.

Toplady, by the bye, was no Methodist; it is not surprising that a dunce like the Barrister should not have known this.

No. 7.

I have justly earned displeasure,  
 But do not bid me part,  
 Even anger should have measure  
 Not loving a trusting heart.  
 For a light word lightly spoken,  
 At random idly thrown,  
 Must our plighted vows be broken  
 And I be left alone?

Now still hearken to my pleading  
 Before you thus decide,  
 With my love all succour needing,  
 I cast away my pride,  
 I would strive not to dissemble  
 As if from sorrow free,  
 For the bravest heart might tremble  
 To lose a prize like thee.

I am like the storm-vexed roe  
 Who sees the beacon fire  
 As he ~~sees~~ thinks all danger over,  
 Amidst the gloom exire,  
 Just as cheerful hopes awaken  
 And gladness seemed secure,  
 But my guiding light forsaken  
 I am helpless as before.

I would fain not speak upbraiding  
 Although by passion tossed,  
 Yett will thou remain unaiding  
 And see the unhappy lost?  
 For a light word lightly spoken,  
 At random idly thrown,  
 Must our plighted vows be broken  
 And I be left alone?

1840.

October 14<sup>th</sup> 1853. My birthday, and I have now completed my 29<sup>th</sup> year. Gray hair & infirmity tell me how rapidly time is passing away & that in a brief space I shall be done with this world. I have passed it in sorrow and despondency. My last ~~dearest~~ brother is probably on his death bed. The strong and the healthy will in a short time have all sunk down into the grave, & I, ~~the~~ whose life has been nothing but sickness, survive them all. What life for me has few pleasures, except the feeling that for many years I have striven to do the Lord's bidding in faith; my labor has met with little earthly requital & I am struggling with poverty, unfriended & hopeless, and with a family for whom my anxiety is intense. Yet let me still remember the mercies of God & the assurances of his Gospel, the word that is eternal though earth shall pass away: "I have been young & now am old yet never saw I the righteous forsaken or the seed of the righteous begging their bread. And thus, though I am a sinner, yet I am one trusting in the blood of a redeeming Lord, and seeking to serve him obediently. Even this lesser measure of grace, this maimed and halting service, will find favor before him, & he will bless & protect the objects of my solicitude. Blessed be his name that I now do see: that I know that his chastisements are mercies, and that he is of long suffering and great goodness; in calamity, in depression, I can betake myself to the Gospel, as the wanderer in the desert, when his limbs tremble and sense is reeling with exhaustion and thirst, repairs to the well-known spring & drinks & lives.....

October 15<sup>th</sup> 1853. My eldest and last surviving brother Col. William Pinkney departed this life at 9 minutes before 8 o'clock P.M. at the house of my sister Mrs Emily P. Jones, Mc Cullough street, Baltimore, of typhoid pneumonia in the 64<sup>th</sup> year of his age.

En ego met somnum et geniale secutus  
 Lettus, ubi Ausonio se condidit hospitas protha  
 Patthenope, tenues ignavo pollicis chordas  
 Pulso, Minoreique sedens in margine templi,  
 Sumo animum et magnis tumulis adcaute magistro  
 Haec ego Chalcidias, ad te, Maecelle sonabam  
 Lyttonibus ubi fractas ubi Ves luis egerit iras,  
 Hemula Trinacris volvens incendia flammis  
 Mira fides, creditur vivam ventura profraga  
 Cum segetes iterum, cum jam haec deserta vinebant  
 Infusa volbes populosque premi, praevitantes toto  
 Rura ab hisse mari  
 Statius, lib. 4 Sylv. 4

Linger not long, although my heart is stoned  
 By hope's assurances and naught beside  
 Yet when its promised gifts are <sup>far</sup> ~~lost~~ <sup>deprived</sup>  
 Such hope to misery closely is allied;

Linger not long, all memory can bring  
 Its hoarded tribute from a since lost land,  
 Whose very preciousness reminds its king  
 Of daily wealth he can no more command;

Linger not long, to me thou art at aid  
 Unto the foundering seaman, sight restored  
 Unto the blind, the well-spring and the shade  
 Unto the fainting traveller, mine adored

1840.

### Col. Talbot in his cave.

I am here beneath my cavern's ledge,  
 The hunter draws not nigh,  
 By the broad, deep rivers craggy edge,  
 No sail has e'er passed by,  
 On its low, wide heaps of stranded sedge  
 Hath no one trod but I.

2

Does aught in <sup>its</sup> rocky solitude  
 Bestow a feeble cheer?  
 Can hope or dream of kindly mood  
 Bestow its presence here?  
 Where human step does not intrude  
 Have I visitings of fear?

3

I start at the acorn's plashing fall  
 On the withered leaves below,  
 The sudden clear and lengthened call  
 Breathed by the wandering crow,  
 The serpent's stealthy, rustling crawl  
 Where the matted bushes grow.



I deem my long-sought haunt betrayed;  
 The avenger close at hand,  
 And every sound a signal made  
 To his relentless band,  
 Who in their eager ambuscade  
 Around me closely stand.

5.

Right well if man my path could trace  
 My fearful doom I know,  
~~For frowns~~ For frowns does each familiar face  
 Its former smiles forego,  
 In kinsman, country man, or race  
 I meet a deadly foe.

6

And forth reviling shouts would break  
 At the hang man's brief delay,  
 When through the scowling press I take  
 To the gibbet's foot my way,  
 And my death-pangs to the rabble make  
 A gleesome holiday.

7.

Once forth my careless bosom poured  
 Its mirth without a pause,  
 My future seemed with blessings stored  
 And reason gave me laws,  
 The blood upon my well-tried sword  
 Was in my country's cause.

8.

Now dwell I in the wilds confined,  
 Life objectless and vain,  
 Only unto my palsied mind  
 Remorse and fear remain,  
 The fear that I may meet my kind,  
 In fate a second Cain.

To him who from his youth has known  
 Misfortunes jealous rule alone,  
 Whom each new effort leads to meet  
 New and calamitous defeat  
 And every wellformed project crossed,  
 The power of happiness is lost,  
 Hope seems but the restorative  
 That torturers to their victims give  
 To rouse the fainting wretch again  
 To sensibility of pain.

Bowed down by sufferings and reverse  
 He thinks the future must be worse,  
 In midst the dreariness and gloom  
 Between the present and the tomb  
 Glimpses of joy he can descry,  
 Danger and grief are lurking nigh,  
 Like lions fierce and eager eyed  
 In cautious stillness couched beside  
 The fount that thirsting pilgrims bless  
 Within the howling wilderness.

X

yet though thine aim has wandered wide 36

Cast not the unstrung bow aside,  
 In each kind feeling in thy breast  
 Thou nourishest an angel guest,  
 If thine own venture bring no gains  
 Thy masters' work undone remains,  
 By many a pilgrim may be sought  
 The desert well thy hands have wrought,  
 Each one, however desolate,  
 May influence another's fate  
 Succor or counsel may recall  
 His failing strength, prevent his fall,  
 And he who uncomplaining bears  
 In patience strong, his load of cares,

Firm in his faith in him above,  
 Well knowing this, that God is love,  
 That the bruised need he will not break,  
 May chasten but will not forsake,  
 Becomes however undesigned  
 The benefactor of his kind,  
 And has by his example taught  
 Where real solace may be sought.

T. P.

The nudity of a Greek statue was intended to represent the undisguised revelation of the deity of a being incapable of the human emotion of shame, there was no stream of indecency or abhorrence, <sup>it was</sup> though they intended that its beauty should excite reverence as for the divine assuming a mortal type, but yet a type worthy of that it figured, and an assemblage of all those excellencies of form that are scattered among the human race. The deified emperor or the hero, the god or demigod ~~was~~ represented naked, as having put off the mere man, it was not mere likeness, as of the lost and regretted, that was sought for but an object of fear and worship, the image of one who ~~has~~ been adopted into heaven.

Do you remember that when first we parted  
 The future rose in brightness to our eyes,  
 All things as were the youthful and lighthearted  
 Of coming good to gladden and surprise.

2.

Then did misfortune bear a gentle meaning,  
 Lost children we who in the forest roam,  
 Tears that we chide with laughter intervening,  
 The path regained and joyous welcome home.

3.

Now every day threatens a darker morrow,  
 Between our paths a gulph is yawning wide,  
 Ours is the heart that breaks in silent sorrow  
 And gathering tears whose flow is stanch'd by pride;

4.

Farewell, I leave thee sadly and unwilling,  
 And oft return ~~but~~ and still make vain delay,  
 Deep in my breast the fatal dart is thrilling,  
 And life departs when it is wrenched away.

Thurston &amp; Nesbitt,

Le Blaye.

I still live although life has naught to bestow  
 I strive but tis only to meet overthrow,  
 Hope greets me to prove but a treacherous guide  
 Who promises freely to lead me aside.  
 The things that I covet I cannot attain  
 Or grasped they are found unsubstantial and vain,  
 I strive with hard toil for the glittering ore  
 But when tis assayed I can prize it no more. +  
 My memory wears <sup>3.</sup> not the stain of a crime  
 But yet tis the story of much abused time,  
 Dis ~~free~~ <sup>from</sup> ~~from~~ all thought or action, but yet  
 Theres' much that is sinless we fain would forget.  
 I am like the uncary <sup>4.</sup> ~~but~~ observing the seas  
 Certake his lost footsteps and ride by degrees  
 He may cling to the rock but knows that the wave  
 Though slowly increasing at last is his grave.  
 Disgusted with labour, disgusted with strife,  
 Disgusted with pleasure, disgusted with life,  
 The sun seems a mocker of sorrow and pain—  
 I would I might never behold him again

1835.

Much that I fondly loved is past,  
 Or of brief life, or insecure,  
 But should the rest be from me cut,  
 Or seldom viewed, or prized no more.

X  
 Nature is hidden from the blind,  
 His timid footsteps may be wrong;  
 Should every pleasure be resigned,  
 Why should he hush the voice of song?

True wisdom gathers all it may,  
 Gleans after it has reaped the corn,  
 Throws not the smallest bliss away,  
 Nor holds ~~the smallest~~ <sup>a slender</sup> gain in scorn.

*This is the end*

In my eyes the tear drops tremble  
 Which I study to repress,  
 Fain would I my grief dissemble  
 That thine own may be the less.  
 Heeding nought that may befall me,  
 Sick in heart, in spirit tame,  
 I must go where chance shall call me,  
 Casting from me choice and aim.  
 I have wrecked my bark swift sailing  
 To the spot where I would guide,  
 And upon a raft despairing,  
 Drift the sport of wind and tide.  
 Henceforth lonely and forsaken,  
 Hope and pleasure at an end,  
 Joy no more I strive to waken  
 Nor with evil dare contend.  
 Why with thankless toil rekindle  
 The cold fragments of a fire,  
 But to view its splendour dwindle  
 And with quick decay expire,

1870.

To me the Corinthian is the perfection of architecture, the capital gently swelling up from the shaft with its delicate leafy veil seems an integral part of the pillar, in the other orders they seem an addition,

On life's long journey, as I fare  
 My ~~path~~<sup>road</sup> is ~~steepest~~ steep and rude,  
 And labour may exhaust, and care  
 Become disquietude;

But will the ravening lion mark  
 The wailings of <sup>his</sup> prey;  
 What boots complaint? The night is dark  
 But ~~sun~~<sup>yet</sup> will break the day.

2.  
 The bird from dim December's snows  
 Leaps up ~~with~~<sup>with</sup> hurried wing  
 And gains in other lands repose  
 Amidst the bloom of spring;  
 Within the reef the seaman still  
 As sheltered basin finds,  
 And o'er the rugged, beetling hill  
 Some pleasant pathway winds.

3.  
 If fortune's threats must be believed  
 And dark my lot must be,  
 I turn in hope that ne'er deceived,  
 I turn beloved to thee.  
 Still am I of thy smile secure  
 That sorrows cannot dim,  
 And gentle ~~thoughts~~<sup>thoughts</sup> heart and ~~mind~~<sup>mind</sup> as pure  
 As hermit's midnight hymn.

4.  
 Thou art to me, when ill befall  
 Or when the tempter's strong,  
 As to the darkened ~~soul~~<sup>mind</sup> of Saul  
 The shepherd-minstrel's song;  
 'Tis thine, when evil thoughts invade  
 And virtue pleads in vain,  
 To warn, to counsel, to persuade,  
 To guide me and restrain.

5.  
 When shall my heart with grief be wrong  
 Though fate withholds her gifts?  
 I find a sparkling gem among  
 The mountains frozen rifts;  
 Expected boon I may not share,  
 The few I grasp resign,  
 But shall I feel unjust despair?  
 Still, dearest, thou art mine - 1848 Jan 30<sup>th</sup>

"We call, but they answer not again"  
"Do they love, do they love us yet?"

132

In the gloom ye stretch an ungrasped hand  
And ye call without reply,  
Ye would trace the path of a vanished band  
And would fain believe them nigh;

Ye are hushed to hear the distant fall  
Of their long expected feet,  
And ye wonder in the lonely hall  
That they come not forth to greet.

Ye start when the gentle south wind blows,  
Did ye dream its playful breath  
Was a sudden whisper that arose  
From the long since cold in death,

Then dark eclipse o'er the spirit comes,  
And ye feel that a gulf is spread  
Between your cheerless and silent homes  
And the unreturning dead.

Though ye seek around and seek in vain  
For the converse ye once enjoyed  
Yet the parted soul must still retain  
Its affections undestroyed.

The hurried wanderer made delay  
And her household gods she bore  
As with dazzled eyes she turned away  
From scenes she must tread no more.

And though love within the dreary heart  
With a slow faint dawn may break  
Of our very being tis a part  
And it springs not to forsake.

1840.

Feb. 13<sup>th</sup> 1858. The first snow of this remarkably mild winter,  
it is only 3 or 4 inches deep. This winter is in remarkable contrast  
with the last which had its snow 2 feet deep piled by the wind  
into all the regularity of fortifications.

The winter of 1858-9 was even more mild than its predecessor, we had one  
bitter cold day (about 60<sup>th</sup> degree above zero, & a week of cold weather, but  
generally it was very warm & the harbor was never frozen



Number  
 My watch. Gold, marked on the inside of the case 18 (carats)  
 "Marked on the inside "No. 4178," has the numbers only "4178" very small on  
 the inside of the case. A regulating scale inside with the words "Slow" "Fast"  
 divided by a star. Winds up on the inside, <sup>and has the figure of a harness horse at</sup> "White face" with the hours <sup>the winding plain</sup>  
 in Roman numerals, the inside of the case indented to receive the axle  
 by which it is wound up. Sept 16/1849.  
 Makers name marked on the inside "J. A. Brown, Pall Mall, London"



Scan the past; Thus one long absent  
 Views the scenes of childhood's years,  
 By the graves of friends and kindred  
 Stands he blinded by his tears.

2.

The present; Wakes the shipwrecked sailor  
 As in troubled sleep lies he,  
 There he sees the trackless desert,  
 There extends the raging sea.

3.

Scan the future; Thus the doomed one  
 Bowed by fetters to the ground,  
 Shuddering hears the busy hammers  
 On the fatal scaffold sound,

4.

And in fancy forth he staggers  
 Midst unheeded prayer and hymn,  
 With his reeling glance averted  
 From the block and headsman grin,

5.

When thine earthly lot is darkest  
 Let thy trust be fixed on high,  
 Thou hast gained sure hope and refuge  
 And the joys that cannot die.

Mills' statue of Jackson has been much praised, because the horse stands  
 on the pedestal without support. As if a petty mechanical feat (which is  
 not even a novelty) were a great merit. In the horse of Peter the Great  
 which is in high career and trampling on an expiring serpent, that vainly writhes  
 around the feet but with no entangling folds, there is not only expressive  
 allegory, but as the artist designed, a sense of <sup>its</sup> security is produced in  
 the spectator

I gather not the wreck of dreams,  
 I mourn not for their perished freight,  
 I feed no hopes, I frame no schemes  
 To make my lot less desolate,  
 Give me the apathy I prize,  
 The cold of heart are truly wise.

Then every ill that time can bring  
 Will lose the power to harm me more,  
 'Tis but the billows angry spring  
 Upon a bleak and frozen shore,  
 The raging waves may seek a prey  
 There's nought to harm or rend away.

My mind no more its strength renews,  
 The untended fire its force has spent,  
 Upon my coming years to muse  
 'Tis but to nourish discontent,  
 Knowing that I am evil-starred  
 Let me all future care discard.

Let me endure — all is not lost  
 When we without a cry sustain  
 Be mine the tortured Indians' boast,  
 My fortitude exceeds the pain.  
 'Tis best the smarting wound to hide  
 Which none will heal and most deride.

A few short steps on life's dull road  
 And then my journey finds its close,  
 The weary may cast down his load  
 And unrebuked enjoy repose;  
 Let me press on without complaint,  
 When near the goal I will not faint.

Luke Ch. 17. v. 12.

Hopeless of aid from human skill  
 They to the Hebrews kneel,  
 He spake his bidding and his will  
 Had power their ills to heal.

Then foul and ghastly things were they,  
 To touch and sight abhorred,  
 Yet nine have thankless turned away  
 Nor owned their sovereign Lord.

Yet one, the stranger, comes again  
 Before Messiah there,  
 His tears of joy fall down like rain,  
 His voice is praise and prayer.

Made whole through faith, made known to peace,  
 Let me like him adore  
 The God who caused my griefs to cease  
 And bade me sin no more.

1841.

The story of the man who promised to get into a pint bottle & filled the theatre by the promise, has been quoted as an instance of credulity; it proves nothing of the sort; such an announcement would always collect a crowd, though without receiving them. some to enjoy the joke, some find out ~~what~~ the purpose of the trick, some to take part in the riot that would be sure to ensue.

Newman argues the non-existence of the Pentateuch during the early Jewish Kingdom, from the worship of Baal &c. A goodly argument truly; Thus there never been heresy or national apostasy, and do men break the bonds of true religion as too severe to be endured, & receive a more complaisant faith?

For manslaughter with a brickbat.

1st Count. By throwing a brickbat.

2d. By striking with a brickbat.

3d.

And the Jurors aforesaid, upon their oath aforesaid, do further present that the said AB, not having the fear of God before his eyes but being moved and seduced by the instigation of the devil, on &c. with force and arms, at &c. in and upon one CD, ~~the~~ ~~face~~ ~~of~~ ~~God~~ ~~and~~ ~~of~~ ~~the~~ ~~said~~ ~~AB~~ ~~then~~ ~~and~~ ~~there~~ ~~feloniously~~ ~~and~~ ~~wilfully~~ ~~did~~ ~~make~~ ~~an~~ ~~assault~~, and that the said AB, with both the hands of him the said AB, the right side of the head of him the said CD, upon and against a certain brickbat, of the value of one cent, which said brickbat was then and there lying upon the ground, ~~did~~ ~~then~~ ~~and~~ ~~there~~ ~~feloniously~~ ~~and~~ ~~wilfully~~ ~~strike~~, ~~cast~~, ~~and~~ ~~throw~~, giving unto him the said CD then and there by the striking, casting, and throwing aforesaid of the said right side of the head of him the said CD upon and against the said brickbat so as aforesaid then and there lying upon the ground, <sup>there</sup> in manner aforesaid, in and upon the said right side of <sup>the</sup> <sup>head</sup> of him the said CD one mortal wound, of the length of one of inch and of the depth of two inches, of which said mortal wound he the said CD then and there instantly died, and so the Jurors aforesaid, upon their oath aforesaid, do say that the said AB him the said CD, in manner and form last aforesaid, feloniously and wilfully did kill and slay, contrary to the forms of the act of Assembly in such case made and provided, and against the peace, government, and dignity of the State.

Why should it be thought that the thorn in the flesh of which Paul complains was some physical disease, Would he who was ready to endure all that he might gain Christ a who won the martyr's crown by that hopeful resignation which requires more courage than the soldier's strife, have shrank from mere bodily pain? To conjecture on the subject is to shoot an arrow in the dark when we cannot tell if it has struck the aim or not; but may it not have been anguished feeling from the reflection that he had shed innocent blood & that too in striving to quench the truth, And the answer was my grace is sufficient for thee, enough that thou art forgiven & a chosen vessel to convey the tidings of salvation to man.



3. Anne Pinkney  
 Born September 1st,  
 N. 101, Sunset Street, Balto
4. Sophia Pinkney  
 Born Nov 8th, a few  
 minutes before 6. P. M. near  
 of Baltimore, by St. Balto

pedigree from the Herald's college but I was unable to find it at his death. We meet the South Carolina Pinckneys about the time of Charles 2<sup>nd</sup> of England. My grandfather John then Pinkney & his 2 brothers came to America about 100 years ago, but I cannot give the exact date. The name is variously spelt. Pinkney, Pinckney, and formerly Dinkeni &c. & in one copy of Battle's History Roll Diqueni; but Pinkney is the most frequent & correct.

(A.D. 1852)

Dear Uncle Frederick

I am overcome with the sad announcement this morning of dear Aunt Sarah's departure. Last evening, when I was out there, she seemed much composed & they thought her better, but this morning she quietly passed away.

I am just going out to the house and am compelled to write this hurried note

Yours most truly  
 Wm. Parker (W. P.)  
 December 24<sup>th</sup> 1858

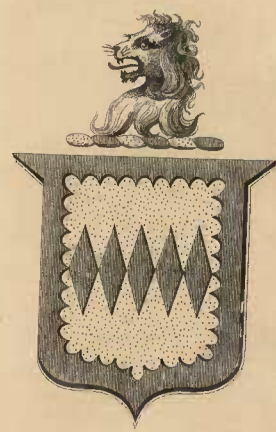


Memoranda to be hereafter entered in Family Bible. (entered) except as to births of F & S. P.

born 14 Oct. 1804. Frederick Pinkney, Married by the Revd Mr Lunan  
<sup>4th Son of the father of this Hon. William Pinkney</sup> }  
born 13 Oct. 1809. Sophia Pinkney } 13th October 1840, at the house of  
<sup>youngest daughter of the late Alexander Rodgers</sup> }  
A. Mather, Esq, Front St, Baltimore  
Children.

1. William Schley Pinkney, born 25 October 1842

2. Delia Pinkney,



The arms of the Pinkney family are, or, five fusils fess gules, an engrailed bordure gules.

The engrailed bordure was added by my father & is no part of our proper original coat.


The Crest is a lion erased, proper,

Fth Pinkney, 4th son, 8th Child of William Pinkney & Ann Pinkney (Rodgers)  
Sophia Pinkney (Rodgers) youngest daughter of Alex Rodgers & Delia Rodgers (Christie)

The Pinkneys are a very ancient family and our pedigree reaches to the Norman Conquest of England. It seems to have been powerful until the reign of Edward the 2nd when they forfeited apparently great part of their lands, an extinct branch of it however claimed the crown of Scotland in Edward the 3rd's reign. It always continued to be highly respectable. My father had the whole

Specimens of counterfeit notes  
of the Olden times.

10 D N<sup>o</sup> 473 **TEN**



THE President Directors & Company OF THE  
Merchants Bank in the City of New York promise  
to pay **TEN** dollars to J. Baruel or bearer on demand.  
New-York 10 Dec 1811

J. Baruel Cashier Rich Barick Pres

**TEN**

FIVE N<sup>o</sup> 7262 E 23 **FIVE**




The PHILADELPHIA BANK  
promise to pay Five Dollars, to  
M. Mantle or Bearer, on demand.  
Philad. 19 of Dec 1811.

Campbell Cashier Almon Pres

**FIVE**

N<sup>o</sup> 387 **5** Baltimore 22 May 1812 B



The President Directors and Company of the Bank  
of BALTIMORE promise to pay De Witt Clinton or bearer  
on demand **FIVE** Dollars

Samuel Cox Cashier Wm Nelson President

**FIVE**



Indictment on Registry Law.

\*\*\*\* \* that AB, late of the City of Baltimore aforesaid, yeoman, on &c, with force and arms, at &c, at a certain election then and there held, to wit, an election for (set out the election) in and upon one CD, who was then and there a legal voter within the City of Baltimore aforesaid, and who was then and there also in the peace of God and of the said State, did make an assault, and him the said CD did then and there beat, bruise, wound, and illtreat, and did thereby then and there attempt to obstruct the said CD, so being then and there such legal voter as aforesaid, within the City of Baltimore aforesaid, in the peaceful exercise of his right of suffrage at the said election, contrary to the form of the act of &c

2<sup>d</sup>. Omitting the description of the election.

3<sup>d</sup>. Did attempt to obstruct & without setting out the mode, (setting out the election)

4<sup>th</sup>. Like the third, ~~but~~ omitting to set out the election.

5<sup>th</sup> Common assault.

George M<sup>c</sup>Cruchy was convicted and sentenced at October terms 1838 in Balt. City Court upon an indictment containing only the 2<sup>d</sup> and fifth counts. —

October 2<sup>nd</sup> 1853. I went this evening to Church & partook of the sacrament. I was sick & feeble & my spirits depressed. The thought of my own unworthiness was strongly upon me, but it immediately called up the reflection that salvation is not a debt but a boon. how great a boon the ~~renewals~~ before my sight assured me. How different is Christianity from all other systems. It teaches us humility but not despair; while it lays bare our diseases it points out the waters of healing; in every spiritual gain it inculcates our poverty; it makes true virtue by quenching pride; our good works are fruits that we have neither tended nor planted; the Lord is the giver of all good. As I knelt in prayer, ~~these~~ tears of gratitude were in my eyes. for I felt Christian faith and hope, and knew that although I had nought to offer, that I was an unprofitable & disobedient servant, who had even cast away the talent entrusted to him, yet the mercies of God are infinite and he has so loved me that his only begotten son was the ransom of my life. Lord, let me not be as him who betrayed thee. Let me not crucify my Lord again; thou art the way and the guide; lead me through the vanities & snares of life, and let me part from time in the assurance of eternal life. Amen.

Jack Langan, the  
Irish Champion.  
Drawn by Harvey,  
engraved by N. Johnson.

"Still more absurd is the attempt to trace the origin of religions to allegory. It is contrary to all experience of human nature. There may be allegory; but the fable comes first & the allegory afterwards."

Diary of a dutiful son.

There must of course be something pre-existing to which the allegory relates; but in process of time an allegory may lose all connection with its subject and demand literal faith as the simple enunciation of a thing actually existing & occurring, while its symbolical meaning has perished; it then may become the staple of a religion.

It is the fashion of the present day to insist on the preservation of the exact costume of the age in sculpture. The caprices of fashion are often, may generally, ill adapted to the art. The skirts of a modern coat, become in statuary an unsightly rock, stuck to the figure. A literal adherence to costume merely shews us to what unsightly habits a great man is obliged to conform and our reverence for him is abated by the sense of the ludicrous which any thing at once ungraceful & antiquated is sure to excite. If a statue were intended to perpetuate the merits of a hero's tailor and barber and not to honor the hero himself, if it be only a leaf in the perpetual calendar of fashion, then coats on which every button has been sewn with poring exactness and ~~on~~ which are carefully ribbed with lustrous embroidery, & the hair taking eternal buckle in marble, would be correct and proper.

Though ~~our~~ happiness, in childhood  
Frankly shewn and freely told,  
Does not struggle forth to notice  
It has strength when life is old.

Though the fountain's gayer splendor  
May be broken or decayed,  
Yet its gentle waters nestle  
Midst the verdure they have made.

If the hours our memory treasures  
With the present we compare—  
Both will yield us the same causes  
Of delight to temper care.

Joys, that bring us no repentance,  
All along our <sup>road</sup> ~~path~~ are strewn,  
Lest we, unrefreshed and fainting,  
Be by evil overthrown.

Whether we be young or aged—  
In our prime or in decay—  
We unearthly light may mingle  
With the light of common day;

All alike may claim the promise,  
All the same reward secure,  
Which our God vouchsafes to proffer  
Those who to the end endure.

1842.



Καὶ τῇ ἐπαύριον ἐξελθόντων αὐτῶν ἀπὸ Βηθανίας, ἐπέλυσεν· καὶ ἰδὼν σύκην  
μακροθεν, ἔχουσαν φύλλα, ἦλθεν, εἰ ἄρα εὗρησει τι ἐν αὐτῇ· καὶ ἔλθὼν ἐπ' αὐτῇ,  
οὐδὲν εὗρεν εἰμὴ φύλλα· οὐ γὰρ ἦν καιρὸς σύκων·. Ματθ. x. 11. 13.

"Now it was not the season to gather figs." The Evangelist is not assigning a reason why the tree was bare of fruit, but why fruit might possibly be found on it. The harvest time of figs had not yet quite arrived, when the whole produce would be ripe and be then gathered, but some ripe figs might be fit for food on a bearing tree.

The leafless tree again may bear  
 Its mellow stores of fruit,  
 Some skilful hand may yet repair  
 The warped and stringless lute;  
 But fortunes that are once overthrown  
 We seldom can restore,  
 And if our happiness be flown  
 It visits us no more.

2.

By some old tree we yet may trace  
 Where feres to cast their shade,  
 By broken shaft and crumbling base  
 The stately colonnade.  
 But not a token shall appear  
 Of joys that once depart,  
 And bootless is the task to cheer  
 The crushed and gloomy heart.

3.

The pagan might his idols hide  
 Beneath the ravaged fane  
 And hope in victory and pride  
 To bring them forth again.  
 Still might he view in hope and prayer  
 Where once they stood enshrined,  
 But vain our dream and vain our care  
 A vanished joy to find.

Ἀπὸ δὲ ἑκτῆς ὥρας σκότος ἐγένετο ἐπὶ πᾶσαν τὴν γῆν, ἕως ὥρας ἑβδόμης.

Matth. K. 27. 45

The miraculous darkness has perplexed some persons, for if it had extended over the earth, they think it would have made a durable impression on the minds of all and history would have preserved some other record of it. Some would translate the word γῆ "land of Judea", and observe that the darkness may not have been intense, not what Dr. Johnson calls "inspissated gloom". There seems to be no necessity for this. The Evangelist is relating what occurred in Jerusalem. There was darkness upon earth there, not like the shadow of a cloud, but generally diffused; it may have extended over Judea & the whole earth; he does not mean to give its geographical limits but to say that it was spread like night.

By a strange retribution, the legions which defeated Hannibal at the battle of Zama were the gleanings of the battles of Cannae and Herdonia, the remnants of the armies that Varro and Blacius had led to misfortune and ruin. They were banished to Sicily and visited with disgrace and hardship by the Roman government, but they learned the arts of warfare during their adversity, and under Scipio they overturned forever the power of Carthage, and defeated Hannibal their former conqueror. The fact is expressly mentioned by Livy, but has hardly drawn the attention of modern historians.

The phrenologists commit the mistake of supposing convenient metaphysical terms to be an actual and distinct quality, what is benevolence for instance or what is veneration. Are they any thing more than terms contrived to embrace many estates & qualities of the mind, which so far from being simple are indissolubly united, with memory, judgment, &c.

*Proteritum tempus, fallacis optes perquirat  
 Quae dabat officio tristi, quae periret ipse*

Valeria lex, quum cum, qui provocasset, virgis caedi securi necari vetuisset, si quis advenire ea fecisset, nihil ultra quam improbi factum, adiecit. Id, qui tum pudor hominum erat, visum, credo, vinculum satis validum legis, nunc ~~non~~ serio ita minetur quisquam. Livii. lib. 10. c. 9.

In times of too great refinement & moral decay men love to place in the distant part a state of imaginary purity in which it is sufficient that the law should merely intimate its wishes like a beloved mother to her children. in which it instructs mankind in justice & they harken readily, obeying in love unmixed with fear. Yet we do so neither believing nor expecting faith, we know that our work is an expression of discontent at the present, an exercise of ingenuity, and nothing more; it is one of those pictures on irregular surfaces which become mere patches of bright colors as we approach to examine them carefully. Livy must be well aware that the offence, at which the Valerian law was aimed, met with heavier penalties than the mere reproach of being an evil action. no specific punishment was provided because the degrees of guilt might be various, and it was necessary to proportion the punishment to the crime.

August 27<sup>th</sup> 1853. Engaged with Mr Addison, District Atty. U.S. as his deputy at 80% a year. Bargain dissolved by consent <sup>March 1854</sup>

Mr Gwinin, Criminal Court - 900% to be 1000% from 1 July 1854

Mr Williams C.C. Balto County - 50%

U.S. District Court, Septor Term 1853. Indicted

Alex C. Ace, fraudulently getting letters from Post Office Not guilty  
Samuel Merritt - coining. Not guilty

Caswell & Co. Fraudulent Invoice, <sup>non proo</sup> Sailors for revolt, <sup>guilty</sup> &c &c.

Williams Gardner - mail robbery - Not guilty

Balto Criminal Court...

Many indictments for assaults at night on 1853 ch. 99 & 206.

George Bassinger, assault with intent to commit rape.

Ames & Green for nuisance of a noisy steam whistle - removed to County & acquitted

Henry Lehn - Perjury before Commr of Ins. Debtors - <sup>rem</sup> acquitted

Carson Goddy - for an assault committed in a steamboat on the Chesapeake Bay

Thomas Finley, rape on Catharine Brookrick - prosecutrix ran off

Nov 14<sup>th</sup>. Was appointed by Judge Knebs

Commissioner to take testimony in the Circuit Court for Baltimore City.

Circuit Court for Balto County Decr 1853.

Three men for nuisance in constructing a fish weir in Balto County - not guilty

A man for arson & murdering 2 children who were burnt in the house. not guilty

Balto Criminal Court. January Term 1854.

Luke, alias Luther Burns, murder of Wm Miller Feb 18<sup>th</sup> guilty of murder in 1<sup>st</sup> degree. Sentence commuted to imprisonment for life

A negro <sup>John Powell</sup> for rape on a white woman. } Removed to Circuit Court D.C. guilty, Penitentiary

Charles Bowen for aiding & abetting him } backed out & absconded

Wm Hemming, attempt to murder, guilty & sent back to Penitentiary where he should never have been released.

2 or 3 cases for keeping gambling house. guilty (on the law of 1853)

All the sun, Clapper &c. for obscene medical advertisements (contrary to my own opinion) removed to Ann Arundel. (No evidence of publication)

many sales of liquor on Sunday.

Martin Shaw for murder of John Murphy. March 18<sup>th</sup> guilty of murder in the 2<sup>nd</sup> Degree.  
John Bliskcoat alias Chas De Vos for robbing John Francis Ardin; he exigited what a clock it was & on the prosecutor drawing out his watch, snatched it from him breaking the watchribbon that passed round the prosecutor's neck a very heavy term. Guilty.

1<sup>st</sup> conviction on gambling law of 1853.

Circuit Court for Balto County March 1854.  
A case from Balto City for bigamy removed guilty

April 16 (Easter Sunday) & 17<sup>th</sup> 1854. A continual fall of snow which would have probably 18 inches deep, if the ground had not been very warm & melted <sup>been</sup> much of it away as it fell, so that it was never more than 2 or 3 inches deep. A large number of robins & other birds came into the City & ~~the~~ streets were full of them - 18 April. Pleasant weather - We had a heavy snow previously this winter, it was nearly 2 feet deep, the deepest since that of March 1843, which was ~~1 1/2~~ 2 foot deep.

STANZAS.

Is life that dial, where the shade  
Falls on the present hour alone?  
Will aught the burthened mind persuade  
Its former evils to disown?  
Or can we painful thoughts collect,  
To mark our triumphs o'er their harms,  
As fields of victory were decked  
With trophies framed of broken arms.

O, no, in memory still will lower  
The storm fraught-cloud which first we see,  
When others gain the fatal power,  
To make their will our destiny:  
The records of life's weary dream,  
Unchanged their gloomy leaves unfold:  
Time is not like the fabled stream  
That turned whate'er it touched to gold. F.

146A  
I know, even here, where waves around  
Whisper groves where I have bowed,  
hope and peace at length be found  
paradise here pronounced aloud.

Life has been but shame and guilt  
tempters that were not withstood,  
at Christ for me his blood has spilled,  
All earth is covered with his blood.

If in our need we meet with sudden help we feel overwhelmed with our sense of the divine mercy. but we do not feel <sup>thankful</sup> the continuous flow of blessings which covers our daily life and ministers to our wants. we are ungrateful because God is ever good.

Outrageous Murder. About two o'clock yesterday morning a most outrageous case of murder occurred on Poca street, opposite the Howard engine house. It appears that Mr. John Murphy, a driver of one of the Old Line of omnibuses, and two other gentlemen, were going along Poca street, from Baltimore, and when opposite the Howard engine house, one of the gentlemen, seeing three persons in front of the engine house, remarked that there might be danger of some one of the party throwing a brick at them. The words had scarcely died from his lips when a pistol was discharged at them, the ball from which entered the back of the neck of Mr. John Murphy, who walked but a few steps further and then fell upon the pavement. His friends had him conveyed to his residence, where, upon examination, it was found that the ball had torn away a portion of the spinal bone, and ruptured the windpipe to such a degree as to cause strangulation. He lingered until between 1 and 2 o'clock yesterday afternoon when death terminated his sufferings. Shortly after the shooting, Lieut. Tibbels, with a party of gentlemen entered the engine house and arrested Martin Shaw and several others, who were taken to the Western District Station. Justice Ringgold committed Shaw to jail for a further examination, and released the remainder as witnesses in the case. Mr. Murphy was a kind and amiable man, beloved by all who knew him, and was the only support of a mother and sisters. No palliation can be urged in behalf of the heartless murderer. Previous to his death he sent for Justice Ringgold, who took his dying deposition, in which he unhesitatingly charged Martin Shaw with his death. Coroner Miller held an inquest upon the body and jury returned a verdict in accordance with the above facts.

use the first instance of a democratic Country, the public were Cities or districts in which a democratic form of it might prevail, but if the God Terminus advanced & they their dominions, it was not with the design of fusing the with themselves, the object was not adoption but subjugation, democrat to his fellow citizens was an aristocrat to tenants of the annexed provinces.

we may add something to human advancement, to al. knowledge or prosperity. we may do as the poorer who hoarded to contribute a single grape, leaf or to the golden vine that glittered over the temple gate as each separate offering might be, yet the aggregate mass of almost priceless treasure.

Baltimore Criminal Court, May Term, 1854.

Francis Conolly, alias Cutting Rob, assault with intent to murder - Guilty; 4 year Penitentiary. (one of the greatest scoundrels left unhung.)  
 Wm G. Davis, inspecting ~~of~~ <sup>through</sup> black oak bark without license; he is one of the Governorees appointees. a case to test some points under 1837, ch. 10.  
 Jas White, 2 rapes of his sister in law. Not guilty, Sept 1854  
 Englbert Schada 2 more for murder. <sup>all acquitted.</sup> Englbert Schada not guilty  
 Covington Watts, for murder. Nov 1854 guilty of Murder in 2nd degree  
 Minna Sumnerwell, murder of her child - not guilty  
 bigamy. guilty, Sept 1854.  
 Charles R. Pearce, not having Quans inspected  
 J. Heston, passing counterfeit note - guilty

Baltimore Criminal Court, Sept Term 1854. Many cases, but little of importance.

Henry Weighorst for the murder of his wife Elizabeth Weighorst by throwing a camphine lamp at her & burning her to death.  
 Tom Tit, alias Beck, for burglary - guilty  
 Oct. 1854 Guilty of murder in the 2nd degree sent to Court of Appeals - because the verdict was merely "guilty of murder in the 2nd degree" & judgment affirmed

Circuit Court for Balto County, Dec Term 1854.

Martin Coughlan for murder by beating his daughter Merry, a child 11 years old, to death. - Guilty of manslaughter.

May Term 1855.

Criminal Court of Balto. Little of importance. Adam & Peter Buckheit, perjury near away.

John W. Williams, Rape & vagabond (Removed to St. Anndel Co.) Guilty  
 Meyer Singerwall, rape (stet)  
 Ann Wards (colored) Murder  
 (Chas Rapp) A man for firing untenanted dwelling house - Guilty.

There was no March Term of the Circuit Court for Balto County but Mr Wood as special judge tried many <sup>removed</sup> cases by consent.

Richd Bassett, Perjury - Guilty



Alas my lord we are too delicate  
 I des'ir eto see you if at leisure  
 Vg r f v e r g f r g l b h r s n g y r f h e r .

After the clamor against the text of the 3 heavenly witnesses has past away, so that reasoning, <sup>can be heard,</sup> I suspect that men will be astonished at the easy abandonment of so defensible a position; there is Greek authority for it of the eleventh century beyond a question & Latin authority of the 4<sup>th</sup>. Remove however the suspected words & the Trinity is still plainly to be found in the passage —



The representation of solid ornament in architecture by painting, if it be sparingly done, is not unpleasant; it is a mere trick not affecting the general details of the building, and provokes a smile. But where it is done largely, it becomes unworthy artifice ostentatious and dishonest poverty pretending to be rich. A moment's glance detects it, and creates the suspicion that all around is meanness and penury endeavoring to disguise itself. In architecture as in morals there should be severe truth and not flimsy pretence, a recorded & self-detected lie.

Christmas 1854. I have past this day in suffering and despondency, although the only emotions befitting it are worship and gratitude; even my prayers partook of repining.

O God, on my defenceless head  
 The angry tempests pour,  
 Around the swelling floods are spread  
 And hope sustains no more.

Send down thy grace, an angel-guide  
 To lead me and uphold  
 To turn each threatened harm aside  
 And lead me to the fold.

## Col. Talbot in his cave.

I am here beneath my cavern's ledge,  
 The hunter draws not nigh,  
 By the broad, deep rivers craggy ~~edge~~ edge,  
 No sail has e'er passed by;  
 On its low, wide belt of stranded sedge  
 Hath no one trod but I.

2.  
 Does aught in my rocky solitude  
 Bestow a feeble cheer?  
 Can hope or dream of kindly mood,  
 Reveal its presence here?  
 Where <sup>a</sup> human step does not intrude  
 Have I visitings of fear?

3.  
 For I start at the acorn's plashing fall  
 On the withered leaves below,  
 At the sudden clear and lengthened call  
 Breathed by the wandering crow,  
 The serpents stealthy, rustling ~~and~~ crawl  
 Where the matted bushes grow.

4.  
 For I deem my long-sought haunt betrayed,  
 The avenger close at hand,  
 And every sound <sup>each</sup> a signal made <sup>appears</sup>  
 To his <sup>relentless</sup> band,  
 That <sup>impatience</sup> in their eager ambushade  
 Around me closely stand.

5.  
 Right well, if man my path could trace  
 My fearful doom I know,  
 For frown <sup>would</sup> ~~does~~ each <sup>only</sup> familiar face  
 Its former smiles forego;  
 In kinsman, countryman, or race,  
 I meet a deadly foe.

6.  
 And forth a reviling shout would break  
 At the hangman's brief delay;  
 When through the scowling press I take  
 To the gibbet's foot my way,  
 And my death-pangs to the rabble make  
 A glee some holiday.

7.  
 Once, forth my careless bosom poured  
 Its mirth without a pause,  
 My future seemed with blessings stored,  
 And reason gave me laws;  
 The blood upon my well tried sword  
 Was ~~set~~ in my Country's cause.

8.  
 Now dwell I in the wilds confined,  
 Life objectless and vain,  
 Only unto my palsied mind  
 Remorse and fear remain,  
 The fear that I may meet my kind,  
 In fate a second Cain.

Have not Sir Christopher Wren's merits as an ecclesiastical architect been overpraised, The steeples of St Mary le Bow & of St Bride's and the greater part of St Paul's cathedral are indeed perfection, they produced that instantaneous impression of beauty which disables us from criticising portions.

Sir John Vanbrugh's has been much admired, but it is hard to say why; his invention is but uncouth eccentricity —

The statue of the Athlete discovered at Rome a few years since has thin though muscular legs, & the Roman antiquaries say that it is intended to represent a man as distinguished for his feats of speed as for those of strength. This is all error; it is merely the statue of a strong man of giantly proportions, and any one who has looked at a heavy weight prizefighter must have noticed that ~~his~~ legs are in general slight though strong. The statue is the work of a dull unimaginative artist whose work is a mere cast of his living model; imperfections and all; it is truth, but it is vulgar, unrefined ~~truth~~.

All by Carlton Neelands before 1825.

The whirling drift of the Storm cloud.  
 Do the dust upon the path  
 The stunning burst of the thunder.  
 Do thy whispered voice of wrath.  
 Yet amidst the shattering terrors.  
 Do we lift our eyes above  
 In a holy calm confiding,  
 For we know that God is love.

2.

The blast upon ocean rushes,  
 From its might we fear no ill,  
 Thou sayest to the maddened tempest  
 In its raging "Peace, be still."  
 And the hurricane has perished.  
 As amidst the strife it sweeps  
 And in silence fast is fettered  
 The rebuked and tranquil.

3.

The angel of desolation  
 At thy bidding lifts his hand,  
 The dead like corn by the reapers  
 Have been strewn upon the land.  
 Thou canst grant unto thy people  
 Even to draw a purer breath  
 When the pale and voiceless City  
 Is the charnel-house of death.

4.

And even if death should beckon  
 Yet his terrors are away.  
 A dawn on the soul has broken  
 And shall shine to perfect day.

Let our faith be still unshaken

Drawn by Thureston, as <sup>one</sup> would say on first sight,  
 And the tempter's snares be vain,  
 Still in life be thou our guidance  
 At its parting still sustain.

F. P.

For disturbing Camp-meeting.

1st. That John V. Price, late of D.C. and Christopher C. Love, late of D.C. ~~and~~ being evil disposed persons, on D.C. with force and arms, at D.C. at a certain camp meeting of the Methodist Episcopal Church then and there held, unlawfully, wilfully, maliciously, unjustly, and irreverently did disturb and interrupt certain liege inhabitants of the said State then and there peaceably assembled at the said camp meeting for the purpose of divine worship then and there, in the performance of such divine worships aforesaid then and there, in contempt of divine worship and of religion, to the evil example D.C. and against the peace D.C.

2d. at a certain camp-meeting of the Methodist Episcopal Church then and there held, unlawfully, wilfully, maliciously, unjustly, and irreverently did disturb and interrupt certain liege inhabitants of the said State then and there peaceably assembled for the purpose of divine worship then and there at a certain prayer-meeting at the said camp-meeting so as aforesaid then and there held, in the performance of such divine worship then and there, in contempt of D.C. D.C. D.C.

3d. at a certain camp meeting of the Methodist Episcopal Church then and there held, unlawfully, wilfully, maliciously, unjustly and irreverently did disturb and interrupt a certain congregation of the Methodist Episcopal Church then and there ~~held~~ peaceably assembled at the said camp meeting for the purpose of divine worship then and there, in the performance of such divine worship then and there, in contempt of D.C. D.C.

Turn Over.

By Luke Clouel before 1820 as I think; & both, allowing for the then state of the art, very beautiful.

4<sup>th</sup> together with divers, to wit, five other evil disposed persons, whose names are to the jurors aforesaid as yet unknown, being rioters, ruters, and disturbers of the peace of the said State, on Dec. with force and arms, at Dec. unlawfully, riotously, routously, and tumultuously did assemble and gather together to disturb the peace of the said State; and being then and there so assembled and gathered together, did then and unlawfully, riotously, routously, and tumultuously disturb certain liege inhabitants of the said State then and there peaceably assembled <sup>for the purpose of divine worship</sup> at a certain camp meeting of the Methodist Episcopal Church then and there held, by then and there unlawfully, riotously, routously, and tumultuously making great noises, riot, tumult, and disturbance, whereby the said divine worship was greatly interrupted, and then and there unlawfully, riotously, routously, and tumultuously remained and continued together, making such noises, riot, tumult, and disturbance for a long space of time, to wit, for the space of two hours and more then next following, to in contempt of divine worship and of religion, to the great terror and disturbance not only of all the liege inhabitants of the said State then and there abouts inhabiting, residing, and being, but also of all the other liege inhabitants of the said State then passing and repassing, in and along the ~~the~~ common highways there, and against Dec.

5<sup>th</sup> Common riot.

6. Assault on an unknown white female

7. on an unknown negro.

The Roman constitution from its very birth-day contained a principle which finally destroyed the people. The plebeians were restricted to the cultivation of their little farms just sufficient to provide them with sustenance, and a foreign invasion, pestilence or any domestic calamity cast them into indigence and debt; yet when a man failed unprosperously in agriculture he might not resort to any other method of life unless he had the courage to brave legal degradation and disgrace. This class furnished almost the entire military force of the nation, ~~it~~ was subject to the most ghastly ravages of war, and when those wars were conducted at a distance, the neglect of their property, the habit and <sup>various</sup> consequences of dwelling in a camp for years, all tended to diminish their numbers most fearfully. To afford them temporary relief it was necessary to uproot the surrounding nations in order to procure the means for a distribution of land, but this was a brief palliative and bought at the cost of destroying those who might have been converted into allies or citizens. Accordingly the census tells us that notwithstanding the continual adoption of strangers into the franchise, the number of citizens either increased but slowly or else actually declined. In modern times the population of a country will, under favorable circumstances, double in 25 years, under all circumstances it will increase, ~~on the~~

The true object of government is the enforcement of general liberty by the suppression of wrong; mankind are unequal in intellect & strength, and the will of the powerful would become the law of many did not society interfere to prevent its enforcement; thus far subordination is a blessing; but if in turn passes out of its legitimate dominions to make conquests, if it intrenches on general liberty, it is turn an evil.

Cruelty to animals. 1828. ch. 186.

x+ did unlawfully, wickedly, and wilfully commit an act of cruelty upon a certain domestic animal, to wit, a gelding, within the limits of the City of Baltimore aforesaid, by then and there wilfully and wickedly striking and beating the said gelding in a cruel and immoderate manner, within the limits of the City of Baltimore aforesaid; contrary to the form of the act &c.

I can look at a Gothic church & say it is beautiful, but with all its colored lights & elaborate quaintnesses, the fancies of a gorgeous dream turned into a reality, can it compare with the glorious symmetry of a Greek temple? I do not speak of those modern parodies where the ornamental portions are stuck on to the building & form no integral part of it, which make it look like a Quaker with his coat embroidered against his will, but of an edifice constructed according to the rules of ancient art, standing forth in its simple but full and stately beauty, where nothing can be taken away without exciting regret and nothing added without appearing an excrescence....

When we are once convinced of the truth of Christianity each of its doctrines and ~~prophecies~~ becomes a prophecy which our own ~~own~~ consciences can interpret. When we read "believe in the Lord Jesus and thou shalt be saved" if the heart can answer with reverent joy "this I do according to the spirit & not the letter," the precept ~~is~~ then the gracious prophecy "thou shalt inherit eternal life;" it is one of crushing menace when the heart shrinkingly replies I know him but I have no part in him —

Neville Johnson & Carlton Nesbitt about 1825,

The Etruscan element in Roman history was certainly of greater magnitude than common history declared; the whole religion of Rome was Etruscan being the conqueror of a former faith, and it was intermixed with the entire civil & religious polity; we find from Livy lib 9. c 36, that the Roman youth during several centuries were habitually instructed in the Etruscan language; all this is utterly inconsistent with the received legend. Can the following be the true state of the case, The Etruscians conquered Rome & established there a powerful monarchy which spread its power as well over Latium as over parts of Etruria, & they introduced their usual institutions, a numerous aristocracy with a subject population of scope, like the feudal system, much of their manners & religious beliefs would be Pelasgic <sup>received</sup> from their subject races, & would be welcome to a large part at least of the Romans from the beginning. The Tarquinii were Kings of the conquering Etruscan race and ruling their acquisitions as cruel taskmasters and oppressors; Servius Tullius was one of the ~~subdued~~ Pelasgic races which had been reduced to vassalage, a soldier of fortune who had borne his part in the various wars & revolutions Town of Shields which had shaken Etruria, & after the death of Coles Vienna, and the decline of his party, had removed to Rome with C. Nesbitt, the relics of his army, of Pelasgic descent chiefly but perhaps with Etruscan exiles & intermixed, there with his help the people rise up successfully overthrow the arbitrary and aristocratical forms, and establish what is called the Servian constitution, of which the greater part was a revival and not an innovation. Another revolution restores the Etruscan rule exasperated by defeat & more savage than ever. A third revolution spreading over great <sup>part</sup> of Latium & including the territory of Rome proper then takes place & the Etruscan king & a great part of his aristocracy are banished some retiring into their native country others into those ~~parts~~ Latin towns whose fidelity was still unshaken. This last revolution was not wrought by the revoltors in concert but each town as it broke away from its chains went back to its old government & alliances, so that the monarchy of Rome was broken into fragments. The sufferings of the common people <sup>of Rome</sup> in these vicissitudes & in the subsequent conquest by Porsena weakened them so much that hundreds of years elapsed before they were fully able to reassent their privileges.



For a bear bait.

+ that J. W. late of Leon Co. with force and arms, &c at, unlawfully, wilfully and injuriously did cause and procure certain, idle, evil disposed, and disorderly persons to assemble and meet together in a certain messuage of him the said J. W. there situate and also then and there being near unto a certain public and common highway of the said State there situate, and then and there for his own hire and gain, unlawfully, wilfully, and injuriously did permit and suffer the said persons, so being then and there assembled and met together in the said messuage, to make then and there in the said messuage to make great noises and disturbance and to bait a certain bear with dogs, to the great encouragement of idleness and dissipation, to the great damage and common nuisance of all the liege inhabitants of the said State there and thereabouts inhabiting, residing, passing, and being, to the evil example &c and against &c

2. That unlawfully, wilfully, and injuriously did cause and procure certain idle, evil disposed, and disorderly persons to assemble and meet together in a certain messuage of him the said J. W. there situate and also being then and there near unto a certain public and common highway of the said State there situate, to bait a certain bear with dogs in the said messuage, and that the said ~~idle~~ idle, evil disposed and disorderly persons, so being then and there assembled and met together in the said messuage did actually then and there bait the said bear with dogs in the said messuage, and that the said J. W. then and there unlawfully, wilfully, and injuriously did cause and occasion, and permit and suffer, certain other idle, evil disposed and disorderly persons to assemble and meet together then and there in the said messuage to witness then and there the said baiting of the said dogs bear with the said dogs then and there in the said messuage, and that the said idle &c in this count first mentioned so baiting then and there the said bear with dogs as in this count aforesaid, together with the said other idle &c did then and there make great noises and disturbance in the said messuage, to the great &c  
(as in 1st count.

3. unlawfully, wilfully, and injuriously did cause and procure for his own lucre and gain, certain vile, evildisposed & disorderly persons, to assemble and meet together then and there in a certain messuage of him the said J. W. then situate & <sup>also being then & there</sup> near unto a certain public and common highway of the said State then situate, to ~~bait~~ witness a certain unlawful sport called bearbaiting, in the said messuage then and there, and the said persons so being and then and there in the said messuage did actually bait a certain bear with dogs; <sup>whereby and that</sup> the said persons so being then and there so assembled and met together for the said messuage, did then and there make great noises and disturbance in the said messuage; to the great & (as in 1st count.

4. being a person of a cruel disposition & unlawfully, wilfully, cruelly & wickedly, did bait a certain bear with dogs, in violation of the laws of this State, to the great scandal of humanity, to the evil & against &

5. Riot & bear bait.

Drawn by Bewick about 1808.

Engraved by Charlton Nesbit.

Such was the difference of construction between the war galleys & the merchant vessels of the ancients, that an old and expert sailor from a merchant vessel became almost useless when put on board a galley; this may lessen our wonder at the maritime victories of the Romans over the Carthaginians, see the following passage from Caesar:

Nostris, quod minus exercitatus remigibus minusque peritis gubernatoribus utebantur, qui repente ex onerariis navibus erant producti, neque dum etiam vocabulis armorum cognitis tum etiam gravitate et tarditate navium impediabantur."

Caesar de bello civili lib. 1. c. 58

Sir Joshua Reynolds considers beauty to consist in the aggregation of the most common forms of nature, which we admire merely because they are common, but this definition excludes symmetry or the manner in which those particulars are united; and it would make admiration of the Hottentot Venus as reasonable as admiration of the Venus de Medicis—

Dr Durbin's travels.

What if Judah now appears  
 As captive, desolate, all tears,  
 Her emblem palm below,  
 Alien taskmasters, stern and rude,  
 Lord o'er her grinding servitude  
 And triumph in her woe,  
 Her sons, of all but hope forlorn,  
 Helpless, subdued, the Gentiles' scorn,  
 Brought out, assailed in their distress,  
 Like harts that wander pastureless  
 Without the strength to fly,  
 Weep as they wept by Babel's streams,  
 Till the sure day of prophecy  
 When the bright day star from on high  
 The chosen race redeems.  
 Gaze we upon an earlier time,  
 Even upon her withering prime,  
 E'er dark idolatry or crime  
 Its utmost measure fills,  
 Not then was hushed her minstrelsy,  
 And Judah's lion bounded free  
 Among his native hills,  
 Then midst his old paternal field  
 In its close harvest half concealed  
 The warrior peasant stood,  
 Resolved of heart and strong of hand,  
 And wondering strangers viewed the land  
 And saw that it was good.  
 Not then her prophecy was dumb,  
 Though to the weeping seer  
 Did crowds of dark forebodings come  
 And visioned things of fear,  
 A widowed queen, Jerusalem  
 Still wore her gorgeous diadem,  
 Although of faded port,  
 Still did her temple's glorious court  
 Even as a heaven born glory there  
 Moriah's brows unfold,  
 Spire, roof and tower high in air,  
 One flame of burnished gold.

+

Encircled by a cloudless sky  
 Were hill and mountain terraced high,  
 A verdant pyramid,  
 For o'er each rocky stair the vine  
 Clambered and fell in matted twine  
 And all its surfaces hid;  
 The burthened fig scarce raised its head  
 Its scanty leaves the olives spread,  
 That twinkled in the breeze  
 Which lightly tossed the palm-trees plumes  
 Or snatched the delicate perfumes  
 Of incense laden trees;  
 The forest spread its shady cool  
 Trembled in light the stainless pool  
 The ancient rock-hewn garner where  
 Hoarded with avaricious care  
 The babbling runnels fell,  
 The sunny upland lemons along  
 The short-stemmed oak cast shadows strong  
 Beside some patriarchs well;  
 The massive castles' sullen mien  
 O'er mountain pass and long ravine  
 In jealous ward was bent,  
 Sprinkled upon the plain below,  
 Like patches of unmelted snow,  
 Glittered the hamlet and the town,  
 That proudly wore its lofty crown  
 Of tower and battlement,  
 And sight of shame, though passing fair,  
 Temple and altar stone  
 Relief and statues sculptured rare  
 Amid the verdure ~~shone~~ shone;  
 There stretched the long drawn colonnade,  
 There in wide avenues arrayed  
 Stood Egypt's idols grim,  
 Sphinx and Anubis, forms that seem  
 The types of a disordered dream,  
 Misshapen faces and limb—  
 The newly planted groves waved round  
 And circled the unholy ground,  
 The veil a guilty thing has wound  
 In beautiful calamity

(With a mixt thought of shame and pride  
 That its frail texture will not hide)  
 Above each dangerous charm,  
 Through sandy heaps and narrow vale  
 Struggling between its willow pale  
 Jordan's discolored wave  
 Dashed, as impatient to be free,  
 Down to the bitter, stirless sea,  
 The guilty cities graves,  
 Stirless ~~within it~~ in its unfathomed bed  
 The desolation lay,  
 As serpents torpid and outspread  
 When they have gorged their prey,  
 Nature, as if in fear, was dumb  
 And horror brooded round,  
 The very insects' tiny hum  
 Had been a welcome sound,  
 Its quiet surface not a bird  
 With flickering pinions swept,  
 No oary feet had dimpling stirred -  
 No finny darter leapt.  
 Then 'twas strange contrast now has hung  
 A fearful curse to all,  
 O'er breathless nature now is flung  
 A dark funereal pall;  
 Say, are Judea's glories gone  
 Or is it but eclipse,  
 Nay think upon the promise shewn  
 By sure prophetic lips:  
 Already on the burning skies  
 Gazes the thirsty land  
 And sees the little cloud arise  
 No bigger than a hand,  
 Already it rejoicing hears  
 A sound of coming rain,  
 And certain hope has mastered fears -  
 Judea breathes again,  
 And ~~now~~ ~~upon~~ ~~her~~ ~~coming~~  
 And o'er her does the King of Kings  
 Extend the shadow of his wings.

Tell me not the gay dissemble,  
Boasters midst the ills of life,  
And the boldest really tremble  
As they mingle in its strife.

Where exertion must succeed  
To despond is almost guilt,  
Usefulness and praise thy meed  
Thou art conqueror if thou wilt.

Thought on earth thy doom be labor  
To the wise tis not unblest,  
For content may be its neighbour  
And at eve its host be rest.

That which accident has told  
Yields a profit to design,  
By the scattered grains of gold  
We may trace the precious mine;

Let the toil and risk be counted  
Then upon adventure fare,  
Every ill may be surmounted  
If we yield not to despair.

Do thou thirsting stand where meet  
Barren ~~strand~~ shore and bitter sea,  
I scoop the sand beneath thy feet  
There the untainted wave will be.

Or the changing wild-fowl follow  
Till it drops with closing wing,  
There within the needy hollow  
Is the splash or icy spring.

Even if mischance should foil  
Better fortune soon succeeds,  
Flowers are born upon the soil  
That is framed of mouldered weeds.

Onwards, for me  
The ~~brave~~ ~~warrior~~ strive not vainly  
Though resistance may be long

Prudence, reason, tell us plainly  
"Act with courage, be ye strong,"

1849,

When old age is on us stealing,  
While gray hair and bending frame  
Teeter mind and saddened feeling,  
Each the mortal change proclaim,

2

And the kind, familiar faces  
All have vanished one by one,  
And we miss what time displaces,  
Even be it stock or stone,

3

Then is death, ere long arriving,  
Often in our thoughts portrayed.  
And we see the sexton striving  
To force down his jarring spade,

4

At the ripened corn the reapers  
Aim with whetted scythes the blow,  
And the plumed hearse and weepers  
Forth in dark procession go,

5

Trancy the short space abridges  
Yet between us and lifes' bound,  
In the church yards grassy ridges  
Thems a new and turfless mound,

6

Life has dwindled into hours,  
Let our wishes heavenwards fare  
As through dungeon rifts the flowers  
Struggle into light and air.

7

Is the grave a darksome prison  
Binding fast our mouldering clay?  
From its vain embrace arisen  
We shall look on perfect day.

8

This vile flesh, with sins polluted,  
Shall become a ~~massive~~ loathsome clod,  
Then shall glorified, transmuted,  
Stand before a pardoning God.

9

Staggering through life's weary error,  
 Both with toil and care oppress,  
 Should we view the grave with terror  
 If it merely offered rest?

10

Consciousness gives full assurance  
 That we may not wholly die,  
 Earth can give us but endurance,  
 Perfect bliss awaits on high.

11

Knowing this, can death be bitter,  
 Eoyous let us fix our sight  
 Where the City's portals glitter  
 In eternal sunless light.

T. P.

*Ille nihilo secius exercitii postea praefuit resque in Africa gessit, itaque  
 Mago, frater ejus, iugue ad P. Sulpicium et C. Aurelium, Consules. xxx itaque  
 fratrem Magonem. Hoc responso, Carthaginienses, cognito Hannibalem  
 domum Magonemque revocarunt. Corn. Nep. Hannibalis vita.*

Who is this Mago, the brother of Hannibal, The brother of  
 Hannibal so named, died according to Livy of the wounds he  
 had received in Liguria at the close of the 2<sup>nd</sup> Punic war.  
 Either Cornelius Nepos is in error or he has followed careless  
 authorities, he is in error as to the date of Hannibal's flight,  
 as well as with regard to Mago.

The head of a statue is smaller in proportion than that of a man; one reason  
 of this is that the hair, which is so slight an object in real life is a heavy  
 mass of marble in sculpture & would make the head seem too big if its size  
 were not diminished.

"Dorset, the grace of courts, the muses' pride,"

"Patron of arts and judge of nature, died." Pope's epitaph on Dorset.

Dr Johnson blames this distich as merely conveying <sup>the</sup> superfluous information  
 that the person for whom the tomb was erected died. But is the language  
 of lamentation not of information and the criticism is therefore erroneous.

She finds great fault, it is hard to say why, with the epithet,  
 "judge of nature" in the same epitaph and treats it as unmeaning,  
 if in nature there is much that delights there is also much that  
 revolts, and we may surely judge what part of nature may be  
 chosen or rejected.



Form of Report of sale of real property.  
by Permanent Trustee of Insolvent Debtor.

To the Honorable the Judges of Baltimore County Court,

The report of Jacob Cronmiller, permanent trustee of John Cronmiller, an insolvent debtor of Baltimore County, respectfully sheweth that the undersigned having given bond with security conditioned as required by law, which bond was filed and approved then offered ~~at private sale~~ the property hereinafter described for sale at private sale, and that he hath sold the said property, to wit,

(Set it out.)

And he further reports that Margaret Woodward became the purchaser of said property for the sum of \$550 payable in cash on the ratification of this sale.

And he prays that

the said sale may be ratified &c

Signed (Jacob Cronmiller)

State of Maryland.  
City of Baltimore, to wit,

On this 9<sup>th</sup> day of September 1842 before the subscriber, a Justice of the Peace of the State of Maryland in and for the City of Baltimore personally appeared Jacob Cronmiller above named, and made oath on the Holy Evangelist of Almighty God that the matters and facts set forth and stated in the foregoing report are true and that the said sale was fair and bona fide, and that the said property was sold for the best price he could obtain.

Order nisi thereon.

In Baltimore County Court,

Ordered this 9<sup>th</sup> day of September 1842, that the sale of the leasehold estate of John Cronmiller, an insolvent debtor, as made and reported by Jacob Cronmiller, his trustee, be finally ratified and confirmed unless cause to the contrary be shown on or before the 3<sup>d</sup> day of October next, provided a copy of this order be published once a week for three successive weeks before that day in some daily newspaper printed and published in the City of Baltimore. The report states

the amount of sales to be \$550.

(John Purviance)

Final order thereon.

In darkness I the strife prolong,  
The dust with ~~him~~ him who gave it breath,  
By evil passions rendered strong,  
Although my victory is death.

Repulsing when I should adore  
And struggling while I wish defeat,  
My stubborn efforts I deplore  
And fain would worship at thy feet.

For me I know that thou hast died,  
For me the atoning blood was spilt,  
Repentance has not vanquished pride;  
Though loathing, still I cling to guilt.

The rocks were rent, light rushed away,  
The grieving earth was veiled in gloom,  
The dead resumed their mortal clay,  
All nature trembled at thy doom.

Yet I, its object and its cause,  
With beating heart and faltering will,  
Although thy pity towards me draws,  
Reject the proffered mercy still.

I yield at length; Creator, Lord,  
And crucified Redeemer thou,  
Godhead and Man, Incarnate Word,  
All suppliant I before thee bow.

From all delusion I am free,  
None can oppress when thou art nigh,  
And he who shall believe in thee  
Thy word has said shall never die.

By faith instructed, let me found  
My mansion firmly on the rock,  
The swollen floods may rage around  
Unshaken it abides the shock. '71 P.

Probate in Bankruptcy.

State of New York,  
City of New York, to wit.

Be it remembered, and it is hereby certified, that on this day of \_\_\_\_\_ in the year 1842, before the undersigned, a Judge of \_\_\_\_\_ (the same being a Court of Record of the State of New York,) (and the undersigned being disinterested,) personally appeared George Hastings, of the City and State of New York, aforesaid, one of the firm of George Hastings and Company Warren Hastings, trading under the name, style, and firm of George Hastings and Company, the payee in the four promissory notes hereto annexed, (and both residing in the City and State of New York,) and made oath on the Holy Evangelij of Almighty God that no part

"Ἀπεξίβηθι Θωμάς καὶ εἶπεν αὐτῷ ὁ κύριός μου καὶ ὁ θεός μου. 20 Joh. 28.

These words, which are a plain acknowledgment of the divinity of our Lord have been distorted by controversialists in their despair into an exclamation of surprise ~~into~~ the part of St Thomas.

This is contrary to the obvious meaning of the passage. If it had been mere words of surprise, a mere interjectional exclamation it would have been addressed to no one in particular, but here it is expressly stated that St Thomas "answered and said ~~it~~ it to him," (our Lord) no pious Jew would have been guilty of such irreverence and profanity as such words would be if used in mere surprise, but in this case, he who had said as his positive commandment "swear not at all" had arisen from the dead and confirmed to St Thomas by his visible resurrection & triumph over death the truth of his doctrine, is it probable or even conceivable that in such a moment the first words of St Thomas would have been in transgression of those doctrines, or that he would have done so without rebuke,

Particulars as to the action of the Wasp & Frolic in the war of 1572.

Commodore Jones told me that after he had put to sea he selected one of his smartest marines & ordered him to fire as fast as he could, the cartridges being made up with a ball & 3 buckshot; after firing about 6 rounds, the man turned round and excused himself from firing again as his shoulder was knocked to pieces. He immediately had cartridges made up with  $\frac{1}{3}$  less powder, some with a single ball for long ranges & the others with 12 buck shot. The action of the Wasp & Frolic was fought in a gale, & commenced at a short distance, the vessels at last closing, the roll of the vessels showed the English down to their waists & the effect of the Wasp's musquetry was terrific; after the capture of the Wasp & recapture of the Frolic by the Portico 74, Captain Beresford, who commanded the last vessel, went round the sick-bay of the Frolic and looked at her wounded, & exclaimed to Commr. Jones "Why your goose-shot, (as he called the buck-shot) have cut our men all to pieces." The Wasp made but little use of grape using round-shot almost altogether; she hulled the Frolic 45 times; the Frolic employed grape and canister freely but not with much effect; many of them struck the standing rigging of the Wasp & fell on the deck & the men's hats, without apparently giving them any concern; the Wasp was struck by only 5 round shot.

I doubt the story which has obtained some vogue that the American ship fired only when the muzzles of the guns were depressed by the roll of the vessel, while the English did just the contrary. when I was clerk of the board of naval examiners of midshipman, I often heard Commodore Jones tell the midshipman under examination, that it was proper to fire whenever there was a good chance of hitting the enemy any where.

The portrait of our Lord has been thought to represent the mild Jupiter. I think otherwise, the notion may be fanciful, but it has ~~always~~ seemed to me, that although the artist, whoever he may be who first framed it had his thoughts full of the Greek ideal of beauty, yet he endeavored to alter it by a mixture of ~~forms~~ from real life, and to picture the Man-God, the humanised divinity, perfect man; and God in

<sup>Macedonian</sup>  
Why did the Greek phalanx show such a terror of cavalry in the battles of Antipater against the confederate Greeks. Was it that the phalanx from the unyieldingness of the sarissa or ~~the~~ from defective tactics was unable immediately to present a line of spears against the charge if attacked in flank or the rear?

There are some eight or ten men in a century who make its history with posterity, while those who claimed the chief portion of attention in their time are no more regarded, like actors who have put off their trappings.

For letting out a house for a bawdy house.

That AB, late of & being yeoman, being an evil disposed person, on &c, with force and arms, at &c. unlawfully, wilfully, and knowingly, did let out a certain house of his the said AB these situate, to one CD, with intent that the said CD should keep and maintain the same house as a common bawdy house, and that ~~the~~ afterwards and during the continuance of such lease as aforesaid, to wit, on the day and year ~~first~~ aforesaid, and on divers other days and times between that day and the day of taking this inquisition, at &c the said CD did keep and maintain the said house as a common bawdy house, to the evil example &c and against the peace &c.

Indictment against John Walter & James Shelly  
June term 1840

This order said to have been given by Fabius & others to the Roman cavalry in the early ages of the republic, to take ~~the~~ the bridles of their horses ~~in~~ that they might charge more desperately, I suspect to have been nothing more than directions to do what has been repeatedly done, to charge "a bride abbattue" as I think the French express it; Sir Walter Scott describes it in two lines of a ballad in the Antiquary, "My spur should be in my horses' side And my bridle on his mane."

Sydney Smith ridicules the Methodist minister who in a fit of indolence left a town to avoid preaching, but was overtaken by a thunder storm and returned conscience stricken and discharged his duty. If I am at sea in a hurricane which destroys whole navies am I weak if I repent of my sins, The storm which slays its thousands was not bidden by him who holds the winds in the hollow of his hand for the sole purpose of quickening penitence in my heart, but would not that be its natural effect, and may I not without arrogance or impiety suppose it to be one of its incidental objects. By every act of God the greatest possible good is effected. According to Sydney Smith I ought not to thank

To 5.

Uncheered and dejected, in darkness I muse  
 O'er the splendor of long-vanished day,  
 Requiring the bright and the cherished we lose  
 But the hated and painful delay,  
 The rose in its delicate beauty may spread  
 Yet its glory endure but a morn,  
 Its tints and its sweetness have speedily fled  
 And they leave but the treacherous thorn.

2.  
 I know that the ill which at present I find  
 Can be only the van of the fight,  
 The first fitful gush of the eddying wind  
 Which heralds the storm in its might.  
 I do not shrink back from those who assail  
 Yet my blows are but nerveless and tame,  
 I strive, though my hopes and courage may fail  
 And my struggles are only from shame.

3.  
 A light upon darkness, a voice to the weak  
 And it bids me be bold in the fight,  
 And the tears which this moment drop fast on my cheek  
 They are less from my fears than delight.  
 It calls to exertion, to bravely sustain  
 Nor to yield to unmanly alarms,  
 It tells me that imminent danger will wane  
 If the resolute meet it in arms.

4.  
 One blush for my weakness, and least the heart  
 Which so lately was wrung with despair  
 At thy summons has felt all its terrors depart  
 And with haughty composure can dare,  
 I think not of danger, despond not at toil  
 And I fear not resistance or wiles  
 The world cannot sadden although it may foil  
 For my life will be bright in thy smile,  
 F.P.

heaven for my daily bread; he might with as much propriety ask me  
 insultingly if I supposed the laws of nature were foamed and the earth yielded  
 its fatness & abundance that I might dine.

I am sitting in my once glad home,  
My children sport around -  
Their witless games and merry laugh  
Were welcome sight and sound -

But still I view the blinding dash  
Of wildly - drifting spray,  
And hear the breakers angry roar  
In Tuspan's fatal bay.

Thou art gone from us, my brother,  
Even in strong manhood's prime,  
While I survive, the worn and bowed  
And old before my time,

And that noble heart lies pulseless  
Beneath the treacherous waves,  
And even the solace is denied  
To weep upon thy grave.

But alas for the survivor  
Who sadly lingers here,  
When hope is gone and memory  
Becomes a thing of fear,

And the heart, decayed and darkened,  
Of all it loved bereft,  
Is like the tottering ruin  
The spoiler's hand has left,

And with quivering hand I labor  
And reeling eye and brain,  
And idly dream exhausting toil  
Will banish fiercer pain.

Yet comfort blends with sorrow,  
The unfailling word has said  
That the tomb will surely open  
And the sea give up its dead -

Let me prove the true disciple  
Of him who came to save,  
Who broke from death's vain bondage,

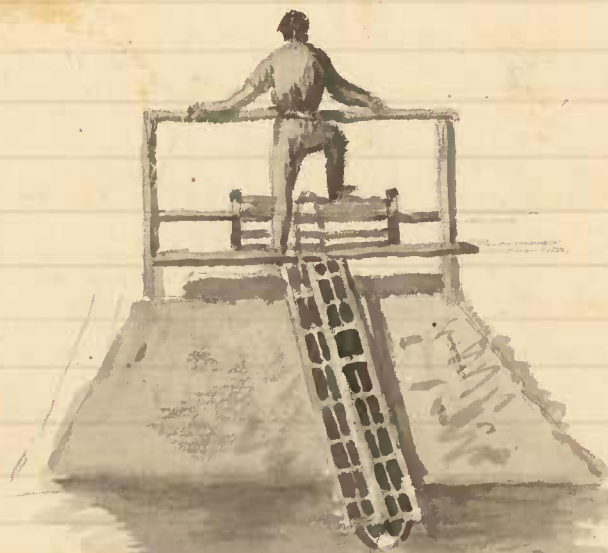
The first fruits of the grave,

And we meet in glad reunion

In that eternal home,

Where grief ~~can~~ never enter

And wight can never come.



"Watering by the foot" - This expression in the Bible has perplexed the commentators. It probably alludes to a method of irrigation still practiced in China, & as most things in the East are of ancient contrivance, it is probably of great antiquity; Barrow gives an engraving of it in his travels & I make the above sketch from memory of it, for I have not seen the book for more than 30 years. It is a rude double barrelled stalk with an endless strap with floatboards passing over a pulley wheel below & a foot wheel above; the laborer is supported by a hand rail & plank & can work the foot wheel with one foot.



I may visit the scenes of my childhood again  
 With the sun streaming fair over valley and plain.  
 But I gaze on them coldly and turn to depart  
 With a smile on the lip but a shade on the heart.

II.  
 For the landscape is ~~nowhere~~<sup>widely</sup> in loveliness spread,  
 But the breath and the ~~soul~~<sup>soul</sup> of its beauty have fled,  
 Forest, river and mountain, the whole are unchanged,  
 All still is familiar, but thou art estranged.

III.  
 We have met in the crowd and I seemed not to grieve,  
 But yet there was one whom I could not deceive,  
 If the ice glittered brightly, yet well didst thou know  
 That the dark, angry river was raging below.

IV.  
 The content ~~that~~<sup>which</sup> grew up for the bliss I enjoyed,  
 Like the hut that we build when our homes are destroyed  
 Disappeared like a dream as I gazed passion-tossed  
 In hopeless regret on the loved and the lost.

V.  
 Though the flower midst the death-throbs of autumn may blow  
 Yet the night-wind sweeps by from the regions of snow,  
 And ~~its~~ its leaves shrink <sup>and crumble</sup> in yellow decay  
 And its comeliness withers and passes away.

VI.  
 Put away with all sorrows, away with regret,  
 In the tumult of life I may learn to forget,  
 If the prize should be missed that ~~was~~ <sup>was</sup> claimed at before,  
 We may choose among others that still are in store.

H.P.  
 I love sculpture, for it is not only the beautiful in form & proportion,  
 but the beautiful intended to delight the pure, it excites no sensual or  
 evil thought.

There is a Latin inscription in the Fitzwilliam Museum at Cambridge  
 on which much conjecture has been wasted; it states that a father  
 and a daughter, a brother & a sister, a father in law, & a daughter  
 in law are buried there & yet there are but 2 bodies laid there.  
 the meaning is very simple, the man was a father, a brother, &  
 a father in law though bearing none of those relations to the  
 woman buried beside him, & the woman in like manner was  
 a daughter &c. the solution of the riddle is overlooked because  
 it lies right under ones nose —

## The Venus de Medicis.

What were the dreams that dawned upon his mind  
 Who framed this wonder, What the mental type  
 Framed with enthusiastic zeal and patient thought,  
 The obscurely beautiful through heedful toil  
 Ripening to full-blown loveliness, 'er yet  
 His skilful hand had fashioned these and given  
 Undying life unto the senseless stone,  
 Even in the darkness of idolatry  
 A light shone on him, and a single ray,  
 Heaven-born and pure, shot through surrounding gloom.  
 His was no sensual fancy, well he knew  
 That faultless features kindled into love  
 Or showing or expressing fond desire,  
 Whether sublimed or gross, might not express  
 The god-head, though they spread around delight  
 As the harp flings its music, he conceived  
 Justly that the immortal cannot feel  
 The heady passions which pollute our dust  
 Or those of brighter nature yet alloyed  
 And tainted by admixture with the foul.  
 Around her radiant limbs, no vesture clings,  
 Emblem of human frailty and shame,  
 To veil their beauty with its dull eclipse.  
 Upon her lips there dwells a gracious smile  
 Not of allurements or consenting love  
 Or earthly feeling, but of deity  
 Unto its votarist suddenly revealed  
 Revealed and not incarnate, still insphered  
 In its own blinding glory, though its might  
 Is mercifully tempered, lest the sense  
 Of the believer, overtaxed and pained,  
 Even by the blessing, fail beyond repair.  
 No cloud of warning modesty of shame  
 Grooms on her sunny features, there she stands  
 In conscious, self-possessed divinity  
 With knowledge that the eye which drinks her charms  
 Gazes in dazzled reverence, with no thought  
 Save of a mighty presence, giving joy  
 But mingled with ~~humility~~ <sup>humility</sup> and awe.

Reason, the word that reason tells is true,  
 Adoring where it may not comprehend,  
 Have banished the belief which taught the art  
 To change the rugged and unsightly block  
 Into a revelation; yet we still  
 Linger before it, giddy and entranced  
 By the full sense of grace and loveliness.  
 Yet sterner thoughts upon our raptures crowd  
 And turn the soul to sadness; midst the fount  
 Gushes the bitterness; we cannot choose  
 But to remember that a multitude  
 Once quick and sentient, but whose very names,  
 Alas, not written on the book of life,  
 Are torn from memory, darkling and beguiled  
 Have knelt to thee in dark idolatry,  
 Their very piety a fearful crime.  
 They built their homes upon the unstable sand  
 Not on the rock of ages; and their prayers  
 Rose not to heaven like breath of incense burnt  
 On a pure altar, but to earth they fell  
 Empty, unheeded sounds addressed to one  
 Who had no power to benefit or save.  
 Either thou couldst not hearken or thy power  
 Was only to deceive and lead astray,  
 Venus or Aphrodite, by what name  
 Thou mayst be rightly called, and whether thou  
 Wert but a quality or appetite  
 On which a riot fancy had bestowed  
 As separates life and godlike attributes,  
 Or airy nothing, or a figure changed  
 Into the real, or a demon thou,  
 As fallen star lost to the firmament  
 And in revengeful anguish all thine aim  
 To make mankind partakers of thy crime  
 And rebel to their maker, alienate  
 From the true worship of the living God.  
 Light upon chaos sprang, and light was good;  
 As the bright sun arising in his might  
 First shews the unwholesome mist it next dispels  
 Truth has exposed and baffled and destroyed  
 The guilty rites and creed that were the trust  
 Of error; they must dwell on ransomed earth

No longer, God hath said it and they fell.

To us, who dwell beneath the noontide rays  
Of the unclouded gospel, much is given  
And from us much required, we must not waste  
Or hide the entrusted wealth, but occupy  
Till the Lord cometh: happy he who hears,  
His labor done, these words of peace and love,  
Well done, thou faithful servant, Enter thou  
Into thy masters' joy, thy toil is o'er,

F. P. 1850

What aileth thee, The bread is spent,  
The water skins are riven and dry,  
The yellow deserts flat extent  
Is girdled by a burning sky,

2

Around, to the horizon's verge,  
My dizzy glances vainly roam  
To see the impatient Arab urge  
His weary courses to his home,

3.

Even the fierce wanderer would guide  
Or pause in his career to tell  
Where dromedary flocks are couched beside  
His household tent and sparkling well.

4.

Fear not, beneath this sandy floor  
A slender fountain buried lies  
Let beckoning hope thy strength restore,  
From dread to certain life arise.

5.

Scoop out its shallow bowl and drink,  
But lest the sun its sources drain  
Heap back the sand above its brink,  
Then shall it aid in need again.

6.

When evil fortunes shall betide  
Still battle with despair and fear,  
Stumbly in Providence confide  
And deem that sudden help is near.

F. P.

October 17<sup>th</sup> 1852. My birth day; I am now 48 years old. Life is ebbing away rapidly & my earthly future fast dwindling to a narrow span. I have passed the day, when not professionally busy, in pain and stupor and almost without the ability or wish to review the past year; as we grow old the intellect and relish for enjoyment seem to dull like the senses, and we adopt a joyless acquiescence in circumstances without a desire to strive against evil fortune, or pleasure in aught of prosperity that may befall us, we tread the path with languid step and incurious eye, whether it lead through the green spot or the desert. The past year has been full of anxiety, ~~and~~ for me, overcome indeed for the present, but not finally subdued, and the assurance that any hope of doing more than earning my bread by obscure yet severe labor will be probably vain. Yet good may be extracted from evil. The perishableness & deceit of earthly hope, the incapacity for earthly pleasure, should teach to keep my eyes fixed upon that future estate where joys are sinless and pleasure never fades and hope becomes fruition. Let me arm myself against adversity with that fortitude which consists not in the suppression of signs of pain, but in cheerful submission to his will who does all in love. The Stoic vainly attempted to strengthen us by denying pain to be an evil, by disparaging the value of human possessions, and by a continual war with sense, he represented life as a wilderness, but left us weary & bewildered with no other support than the pride which he mis-called philosophy; the Christian can by faith look to things above sense as his stay, his scope & his reward. Lord, increase my faith; Let ~~me~~ pass through life in the fulfilment of its duties and charities, repenting of the evil that I do and meditate, and when I shall do some feeble good, knowing still how negligently and imperfectly I have obeyed thee and that I am but an unprofitable servant; in forbearance, and good will & love; in meditation on thy holy laws & in striving to fulfil them; sensible of my own guilty nature, yet trusting for salvation in our Lord & Savior Jesus Christ, my redeemer & advocate with thee. Amen.

Domine, ne in fervente ira tua arguas me, aut in excandescencia tua castiges me - Ne derelinquas me; Domine, Deus mi, ne longè absis er me. - Vistina ad auxilium meum, Domine, salus mea. -



Bulwer, in the notes to his Harold, denies the identity of Minerva with the Egyptian goddess Neith, & observes that the color of Minerva's eyes & hair shows that she has not an Egyptian origin. I cannot see this. When a nation naturalized a foreign deity, they would transhape its semblance into its own forms of beauty, all men paint that which partakes of or is connected with divinity according to their own ideas of excellence. The heathen proselytes to Christianity, & their descendants have exceeded the Jewish in number; and the portraits of our Lord and the Virgin Mary have always been painted according to the Greek & not the Jewish type of personal beauty.

Christmas 1852. I have passed this day in considerable bodily suffering but happily, for strong though quiet religious feeling has been with me & lightened up my soul. God is indeed mercy. Amidst the sufferings & casualties of life faith comes to strengthen us, the storm has its rainbow and the deluge its returning dove bearing the olive-leaf. It is impossible to review any portion of our existence without a sensation of fear and self-aborrence even when the world does not blame, for even when our actions are outwardly good, we are conscious of dark thoughts and evil motives; and no one but must feel how much he falls short of virtue, how infinitely short of the requirements of the gospel; what would be our portion were we left without aid to struggle with sin, or to pay the due penalties of our guilt? But this day there was born to us a Savior who is Christ the Lord; he has assumed the punishment of our sins & his grace purifies our nature to render us worthy recipients of his mercies. Were it the sole object of Christianity to assure us of a future state with reward or punishment for our deeds done here, to turn conjecture on that subject into conviction, I should listen to its tidings in terror not in joy, I should say to the mountains fall upon me & to the hills cover me; it would be the herald of despair. But this truth is but a subordinate teaching of the Gospel; it tells me also that I have a Redeemer whose goodness like his ability is immeasurable, and that in him & by him, deep as the condemnation may be that I pronounce on myself, I ~~nevertheless~~ may have hope of eternal life. In hoc apparuit caritas Dei in nobis, quoniam Filium suum unigenitum misit Deus in mundum ut vivamus per illum. In hoc est caritas; non quasi dilexerimus Deum, sed quoniam ipse prior dilexit nos, et misit Filium suum propitiationem pro peccatis nostris.

Epist. Joann. Prima IV. v. 9 & 10

THE WEAPONS OF OUR WARFARE ARE NOT CAR-NAL.

It has been the fashion among the opponents of Christianity, to malign it as being of a persecuting nature, to insist that instead of inculcating doctrines of peace and charity, it really narrows benevolence, and teaches intolerance and inhumanity to all who profess a different faith. The persecutions by which the Roman magistracy sought to extinguish its propagation, with a contemptuous indifference to the truth of its doctrines, and with little inquiry as to their moral tendency, have been ostentatiously contrasted with the excesses of christian bigotry, and pronounced comparatively bloodless and innocent. Voltaire has added to these assertions, that no deist was ever guilty of forcible interference with the belief of others, and that the natural consequence of his opinions is universal benevolence.

In considering these objections, it should be noticed, that charity to all mankind is among the very rudiments of christianity, and inseparably connected with its existence; it is declared, expounded, and enforced continually in the Scripture. If a text has been occasionally quoted by a persecutor as an authority for his conduct, it has been wrested from its true meaning and designation, as instruments of peaceful husbandry are sometimes turned into the means of warfare and cruelty. Christianity owed its diffusion to argument and evidence alone; it waxed great, until at length it bestrode the earth like the angel of Revelation, without seeking aid from violence. So far from seeking advancement, it never even sought protection from the sword against wanton bloodthirstiness and unscrupulous avarice, (for both these motives may be detected in the Roman persecutions,) when the number of its members made success in such a struggle most probable. If, then, men acquainted with neither its letter or its spirit, and tolerance belongs to both, have, in despite of its positive and anxiously-repeated injunctions, indulged their own passions under the pretence of advancing its cause, have used its name as a watchword of strife, and avoided appealing to its authority, which would at once have rebuked their designs, Christianity is not answerable. Every sanguinary religious enactment has been proclaimed, every religious war has been waged in defiance of its mandates, either by the misjudging, or by the designing, who sought to gratify ambition and the hope of temporal advancement under the mask of allegiance to its cause; whose professions were insincere, like the manifesto of a sovereign about to wage a politic war for the extension of his own territories, who veils his unjust aims by a feigned zeal for the common good. Indeed, the idea of persecution could hardly find entrance into the mind of a true christian; it is not only forbidden by the Bible, which he professes, but where it does not arise from worldly motives, is the resource of one otherwise helpless—of one who destroys a troublesome antagonist, from consciousness of his own inability to silence him, or to convert him into a friend. All good men would prefer using argument, when they judge it likely to prevail, to force, in every case, both from humanity and the desire of spreading instruction; and among others, vanity would lead to the same result. Let it be added, that honest persecution proceeds from fear—the most degrading of all human passions, which every one essays to subdue and to conceal. Now, among the multitudes whom wilfulness, ignorance, or selfishness have armed against christianity, and endeavored, by reasoning, to establish a disbelief in its tenets, none have been found such dangerous enemies as to suggest a wish to silence them by any other weapons than their own. The animosity and resolution of the attack has only provoked a more signal defeat; argument has been confronted and overthrown by stronger argument; the arrows of the satirist have been broken, and he has been pierced by others of keener temper than his own; in all cases, the divine has triumphed over the self-styled philosopher.

The believer has always witnessed the triumph of his cause, the more gratifying because it was bloodless. It is to the scepticks, whose outward contempt of christianity, and confidence in the correctness of their own positions, are but assumed; who have been taught the weakness of their cause by every controversy, that we must look for persecution in its most savage and unmitigated form. The atrocities which disgraced the French revolution, establish this position, and the emptiness of the boast of Voltaire. They show that those who owed their escape with impunity to the forbearance of the Christian, whom they ridiculed and denounced as a persecutor, feigned themselves to be tolerant, only from a sense of weakness; that when power was added to the will, no men were less scrupulous in quenching all opposition to their opinions, with the blood of their opponents. The methods by which the severities of the Roman persecutions of the early christians have been palliated, need no very careful scrutiny to detect their flimsiness. It is idle to assert that the Roman government punished them, or exposed them to the fury of the populace, as criminals, and not on account of religion. The charges against them, which were occasionally urged, for in most instances their religion was professedly the sole cause of their condemnation, were too absurd to have obtained credit, save among the most depraved and ignorant. A government which thus sought to extenuate its cruelty, added hypocrisy to injustice. It has been said, that perhaps the authorities were deceived by malignant accusations and false testimony.—This defence rests upon naked conjecture, of an improbable kind, and is, after all, a very indifferent excuse.

The number of martyrs is so great, that the larger portion could not have perished from private enmity or interested perjury; and any tribunal, willing to administer justice, if it dispassionately examined and fairly weighed the circumstances, must, in the majority of the cases, have detected the falsehood. The acquittal of the guilty, says Publius Syrus, is the condemnation of the judge; the punishment of the innocent is much more so. One persecution, at least—that of Decius, is known to have been instigated by the hope of plundering the supposed wealth of the church; another arose from the sanguinary disposition of Nero, who was perhaps desirous of diverting the public indignation from himself; the result is somewhat at variance with the theory, that the persecutions were caused by an honest delusion. The christians perished unpitied at the mandate of a tyrant, although believed to be innocent; and, although popular suspicion pointed, with unabated constancy, at Nero himself, as the author of the crime for which they suffered. Nor can the Roman government be alone blamed for

the persecutions, and the people held guiltless; had they shown any desire to save the christians, or felt any compassion for their sufferings, the amphitheatres would hardly have been selected as the place of execution, and the agonies of the martyrs, dying under every refinement of torture, offered, with the supposition that they would swell the pleasures of a holiday, to the spectators. Idolatry, it has been said, is tolerant, and to some extent this is true. The believer in a crowd of divinities, with limited powers, has no objection to engraft the superstitions of other countries upon his own; to receive into his worship new divinities, with strange attributes, and thus increase the number of his fancied protectors; but he is tolerant to idolatry only. His adhesion to his religion may be slight, but while that endures, he will defend it with a bitterness and violence which its very absurdity and the impossibility of maintaining it by mere argument, render more intense. The Roman populace would be affected in this manner. The upper classes, among whom knowledge and penetration as a distinct Church, would have been the first to have seen the error of the system, and to have endeavored to reform it. Now, Mr. Editor, after only nine years' experience as a distinct Church, if that should extend to the end of the world, continue a Missionary plan, until the end of the world, with the representative government to make and determine the Church at its organization, had determined

Claudius Marcellus had other merits than those of the brave rash soldier which are commonly ascribed to him. Lucius Ampelius is an author of no merit, but he must have taken the materials for the following passage from good sources.

Claudius Marcellus, qui Annibalem primus in Campania proelis vicit, idemque docuit in bello quomodo equites sine fuga cederent. Caput 18. "Clarissimi duces Romanorum..... His victorias over Hannibal seem to be genuine though exaggerated. The superiority of the Carthaginian cavalry prevented them from being decisive.

It is the modern fashion to refer the originals of all fictions to the East. why? Is there no fancy in the West? May there not have been a barter of fiction?

"Ut potui huc veni musis et fratres relicto." Inscription by Bembo on the base of the statue of Bacchus at Florence. An inscription says Addison, which I must confess I know not what to make of. It signifies I should say that it is the Bacchus of elegant festivity, though carried to some excess, and not of coarse debauchery he has been in company with his brother Apollo & the Muses, wine has been mingled with music & song, that it has been too freely used is shewn by the expression "ut potui." Bacchus however should never be represented as affected with drunkenness, that is to make the god subdued by his own creation & subject.

The Doric order is very unsuitable for modern architecture, where columns are either used for mere ornament or are scantily employed for a front portico, and support a bald and naked pediment. To enjoy it in its real simple and symmetrical beauty the colonnade with its grooved shafts must surround the whole building as in a Grecian temple, with the pediment fretted with sculpture, it must be the most important part of the building, with a modern edifice the pillars almost represent defeated stragglers who have retreated for protection under a wall instead of furnishing any support. For a mere front portico the order is too massive & reduces the rest of the building to insignificance or else conceals it, while from being of no greater breadth than the cell it is itself insignificant. Look at the old U. S. Bank at Phila or M<sup>r</sup> King's free school in Balt<sup>o</sup>; they are both architectural failures.



It was a burning summer day, and Aladdin sat at the door of his hut and gazed over the objectless desert that stretched around him. A cloud of dust arose at a distance and poured rapidly towards him, and occasionally he marked banners and armor flashing through its obscurity. A single horseman rode forth rapidly and drew nigh and said to Aladdin in tones of contemptuous authority "slave, my lord the vizir lodges in thy hut to day." And Aladdin bowed himself with a reverent air and gladdened heart, for he deemed the visit of his unbidden guest to be high honor, and said "to hear is to obey." As the vizir rode up Aladdin advanced, abashed and trembling, to hold his stirrup as he dismounted and to bid him welcome, but the vizir who was in angry mood, waved to him with an impatient gesture to stand back, and before he could comply in his confusion the grooms thrust him roughly away. And he was forced to toil that day in bringing wood and water and in every painful and servile office at the bidding of the lowest menial, he staggered from fatigue, and they charged him with sullenness and indolence, and urged him to his task with blows. Morning came and they departed. Aladdin looked around and his home was a wreck, the trees which had sheltered the little island of verdure in which he dwelt had been hewn down for firewood; the turf was trampled and ~~defaced~~, his garden had been plundered, and its fruits and vegetables taken away or destroyed either for food or in wantonness, and the ~~spring~~ spring that had bubbled up clear and untainted between the roots of the wide-spreading sycamore that it nourished, was a defiled, ~~and~~ muddy pool. Months passed away, and his incessant labor had in some measure repaired the sudden desolation, the hut was restored, the garden again enclosed and brought him scanty food, and the unprotected spring sparkled in the sunshine. ~~But~~ but the scene was base and forbidding to one who remembered its former beauty. And Aladdin sat out his door and looked sorrowfully about. A traveller <sup>fatigued</sup> ~~traveller~~ <sup>and</sup> ~~traveller~~ <sup>infirmity</sup>, approached, and said, let me, I pray thee, drink of the fountain in thy garden and rest on its banks, for I have <sup>travelled</sup> ~~travelled~~ far." Aladdin was about to refuse, for ~~he~~ <sup>he</sup> was soured by the recollection of his misfortune, but he looked upon the thin grey hair and feeble frame of the stranger until his heart was softened, and he consented. The old man went to the garden with slow, untrusting steps, and sat down beside the spring and drank greedily of its waters, and he pulled forth some dried fruits from a sash and ate, and when

Blessed his host and  
 he had reposed for a space, he departed ~~with~~ as one who had been strong there,  
 And some days afterwards Aladdin went to the spring, and young plants  
 grew around it; he examined them narrowly, and saw that a grove of  
 fruit-trees was springing up from the seeds ~~which~~ and kernels which  
 the old man had cast away ~~at~~ <sup>during</sup> his repast, and ~~in the morning~~  
~~amusement~~ they thrive, and in time the ~~fruit~~ <sup>instead of</sup> trees that had once stood  
 there was a multitude heavy-laden with fruits or shining with their  
 blossoms of promise.

When the siege is most earnest and famine is sore  
 And the fast-crumbling wall yields protection no more,  
 And the foe thinks the prey is enmeshed in the toils  
 And dreams of the speedy surrender and spoils.

2  
 When the watcher beholds as resistance is vain  
 Spreading clouds of white dust drifting fast o'er the plain,  
 And beneath them the succor in hurry appears  
 Midst the flashing of banners and glitter of spears.

3  
 Scarcely a pause in the onset, a moment's delay  
 And the fierce host is gathered & shouts for the fray  
 Then the trumpets' loud warcry invites to the close  
 And the red tide of battle rolls over the foe.

4  
 There are times when we gaze on our fortunes dismayed,  
 Too weak for the combat & hopeless of aid  
 When all comfort & help are as lights on the beach  
 Which the shipwrecked may view but they never can reach;

5  
 Yet not then yield despairing, in patience be strong,  
 For we yet may be safe if the strife we prolong,  
 At the worst in defiance the resolute die  
 And the enemy slaughters but cannot despise.

Song of the 3. Magi

Bright star, thou hast guided through distance and danger  
O'er mountains and valley through forest and wild,  
Thou hast passed by the palace to pause o'er a manger  
And sheddest a glory on mother and child.

Though faith be unshaken and doubt were unholy  
Shall royalty's scepter be swayed by that hand,  
Shall rule be bestowed on the feeble and lowly  
And this be a monarch whom none may withstand?

3.

As sudden revealing the future confesses  
The light of his fame is not hid by a cloud  
The loud voice of nations subjection confesses  
Before him each knee is in reverence bowed.

4.

The metal and gems in our treasures are glowing  
Our long hoarded wealth in profusion we bring,  
The gift to our master in homage bestowing  
We kneel and we proffer this gold to the King.

5.

Rejoicing is changed to the hearts' desolation,  
The storm gathers darkly and spreads o'er the sky,  
And crowds gather round in fierce exultation  
The torturing cross that is glooming on high.

6.

Who wail'st in his agony sad and forsaken  
Who sinks amidst hatred and scorn in the tomb,  
It is finished the sleeper shall never awaken -  
Here's myrror for the mortal enduring his doom.

7.

Who died but to rescue, who lives for salvation,  
The Redeemer on death has in victory trod,  
With tears of rejoicing in deep adoration  
We kneel and we offer this incense to God.

H. P.

There is a kind of flattery which is not criminal, for it in fact suggests virtues and is advice delicately conveyed, if it intended to reform & not to serve a selfish purpose.

June 31<sup>th</sup> 1852. Read the Epitome of L. Annaeus Florus, he is a mere superficial sophist, who has played the history of Rome to the very bone & then flung over it a garb of conceited phrases, there is nothing to repay the labor of perusal but a happy expression here & there.

Dualism is a necessary adjunct to a false religion; its disappointments would otherwise speedily produce disbelief.

It is strange that the literature of England should be so strongly Jacobite, instead of admiring the fidelity of the Jacobites, I think it humiliating to human nature that such puzzleheaded blockheads ever existed, men who for the sake of a few wretched old saws were willing to suppress liberty of action and conscience...

There are many rules for moral government in the Pentateuch which are either simply laid down or else confirmed by national promises or denunciations only, no advantage or loss is held out to the individual for their observance or breach, it seems plain from this that a future state of rewards and punishments was well known to the Jews, that it was understood that a breach of moral law would meet with punishment in another estate of life. Moses would not otherwise have left any portion of his laws so slightly guarded.

Prodigies are events arising from natural causes which have not been traced or are unknown; miracles are a suspension of the laws of nature.

Few writers advert to the fact that at the time when the Mahometan religion burst forth on the world, the Roman or rather Greek empire was exhausted by war, misgovernment, and taxation, & the despairing inhabitants welcomed the Arabs as deliverers —

I believe that the cases in which architecture & sculpture were painted among the ancients are mere instances of individual bad taste, to imitate them is pure absurdity.

Most controversial books are like fortified towns, the works are strongly built & imposing but the interior is mean

The fidelity of Arabs to their word when pledged for the security of a stranger has been praised, but it is an evidence of their general proneness to violence & depredation, unless there were some safeguard on peculiar occasions when their own interest invited intercourse with others, they would be universally avoided; they are at war with all other of mankind, but selfishness induces them to respect such truces as they may make

There is something within me controlling body, welcoming pain and subduing appetite; I may be famishing and yet refuse food; this power cannot arise from bodily organization; it tells me that spirit informs the body.

Instead of setting the steeple astride the roof of the church, or of setting it on the ground against the front and ~~be~~ in the same line thus giving the building an appearance of lowness, why not setting it at a little distance & unite it by a colonnade or gallery receding some feet from the face of the front, thus giving variety of outline & mass of shade



A person at Naples discovered the secret of preserving flesh either with its natural appearance or petrified as he chose: he died of the cholera without imparting his secret, but said that he had learned it from carefully noting the unburied corpses of travellers in the African desert. This year (1854) a dead body was exhibited in Baltimore which seemed petrified & which had been exhumed from a grave in the quano on the island of Ichaboe; did the secret of the Italian consist in the use of sal ammoniac, a gentle heat, sal ammoniac must abound in the deserts of Egypt.

It is sufficient (and the custom) to describe the party indicted as late of a particular place, and the place where he is conversant is sufficient though he be neither commorant nor inhabitant. Chitty, 1. st \* 209. And it is usual to state the defendant's addition of the place where the offence is committed. Do \* 210. This addition should be placed after the first surname not after the "alias dictus. Do. Do. And no addition need be subjoined to the name after the alias dictus." Do. Do. But a mistake in placing the addition can be taken advantage of by plea in abatement only. Leach C.C. p 420, case 195. The method of stating the addition is as follows, "A.B. late of the City of Baltimore, yeoman, otherwise called A.C." When several are jointly indicted, the addition should be placed after each name.

Additions of degree.

"Sergeant at law."

\* Esquire.

"Knight"

\* Gentleman.

yeoman,

Labourer.

Widow.

Single woman

Gentlewoman.



Additions of mystery.

All lawful trades and professions.

And in the State of Maryland "negro" is a good addition in an indictment against either male or female.

\* Gentleman and Esquire are convertible terms and may be used for each other without variance Chitty, 1. p \* 207.

The offence must be stated with time and place. An impossible date will render the indictment vicious. And an uncertain date will be equally fatal. But although time must be alleged in pleading to every material fact yet it is never necessary to prove the allegation, unless time be a material ingredient of the offence, Starkes C. P. 66. And its misdemeanours less nicely is observed, and the time and place mentioned in the beginning refer to all subsequent averments, without the words then and there. 1 Chitty C. L. \* 222. And it is unnecessary to put time and place to a conclusion of law.

Began to draw indictments for City Court. June 1837.  
 Mr Cole prosecuted in the County Court for ill<sup>l</sup> Wilson  
 off. nov. 1837, ap 1838,  
 Mr Wilson nov 1839.

October 22<sup>nd</sup> 1852. Attended for the State at the Coroner's inquest on the body of Capt W<sup>m</sup> Hutchinson murdered yesterday by a lad named Thomas Connor, by stabbing him to the heart. The contrast between the murderer & his victim was very striking. The deceased, who had been a man of exemplary character, lay before me in his death garb with a smile fixed upon the face, and he was of sinewy make and gigantic proportions, the murderer was about 18 years old, stunted in his growth, and ~~his~~ expression of his countenance vicious & brutal, he shewed the utmost callousness as to his crime, and the probable consequences to himself, and never spoke except to give ~~me~~ his name sullenly. Just after the inquest & examination, the coroner & myself passed through a dozen men, being George H. Zimmerman <sup>the principal</sup> & his friends, the Coroner observed to me that they were a "hard party," and I replied that ~~some~~ of them would require either his or my professional services before long. In a few minutes Mr Gwin (the State's Attorney) the Coroner & myself were sent for, Zimmerman had got into an affray with two men named Hugh & Edward Shudder, and ~~lay on the table~~ <sup>lay on the table up stairs</sup> of his house, had been stabbed to the heart by Edward Shudder, he lay on the table up stairs in his house, at the door of which I had left him standing a few minutes before in the savage pride of health and strength, & he was now a bloody corpse. He was stabbed slightly in the back & then so desperately to the heart that I saw the Doctor thrust his finger up to the socket in the wound, on receiving the fatal blow he ran from opposite the

Hark to the sudden music of those bells  
 Now rising clear and then with welcome change  
 Sinking into a low-voiced melody  
 To which we listen with delighted heed  
 As to a loved one's whisper, does it tell  
 Of sinless festival or faith and prayer,  
 Or silent morn and darker thoughts succeed  
 To short-lived pleasure, I recall the hour  
 Of happy youth when first I heard those chimes,  
 And years of memory stream upon my soul  
 Waking regret and bitter self-rebuke,  
 Grief for the lost alike and for the gained,  
 The contrast 'twixt the promise and the deed.  
 Alas for pleasure, From the unsightly stump  
 Of the felled tree but weakly shoots may spring,  
 And even if our destiny should be  
 To march from strength to strength, our step through life  
 A conqueror's, while our evening portends  
 A cloudless sunset, still we sigh for joys  
 Long vanished and which never may return.  
 The swollen, discolored mountain brook leaps down  
 Into the smiling vale and tears away  
 Thicket and tree and verdure, though the loss  
 Kind nature soon repairs with liberal hand,  
 Yet the enquiring eye looks coldly on  
 And we lament the old familiar things.  
 True that when gloom enshrouds and fortune fades  
 We are not all forsaken, hope remains  
 And still we dream that happy accident  
 Will bring us succor in our sorest need.  
 As one who shipwrecked on a desert isle  
 Paces by dawn's gray light the pebbly beach  
 Amidst the chill, damp winds and showery spray,  
 And gazes anxiously along the wave  
 And deems the tossing fragments of his wreck  
 Or sea-bird cruising o'er the restless brine  
 To be the distant ship that comes to save.  
 When kindness comes, such as the world will give,  
 We feel as one on the last battle-field  
 Stricken to death, o'er whom the foe may bend  
 Curious but hardly pitying, in their zeal  
 Upholding emblems of a hostile Creed.  
 And bidding him to worship; yet again



Another sudden hope, some fair deceit,  
 Will blossom its brief hour and fade away,  
 And midst our feeble energies will dwell  
 A shadowy fear, a dark presentiment,  
 Born of misfortune and of evils past,  
 And like the rushing of the Northern wind  
 Shall shake our frames and send our strength away,  
 While memory, if it tells of former good,  
 Will only taunt the hapless prodigal  
 With squandered wealth that shall not be regained,  
 Yet there is comfort, thought and circumstance  
 That brought us joy, enfeebled and decayed,  
 By grievous change may yield us nought but pain,  
 Like shattered arches of the aqueduct  
 Which spanned in countless strides the vale and plain,  
 That keep no more their trust but give the way  
 To form the wide and pestiferous fen.  
 All earthly blessings may contract or fail,  
 Yet an all-wise benevolence doth watch  
 Our every step and chastens us in love,  
 Let sufferings strengthen faith, we yet may gain  
 The peace that earthly blessings cannot yield.

H. P.

sessions house of Puccas' church until opposite Mr. Ings' office in Fayette Street a distance of 80 or 100 feet & then dropt; he was carried to his home in Holiday street & died in about 10 minutes after he had been wounded. His features for about 2 hours after death were placid and almost smiling. Captain Hutchinson on being stabbed, retreated on board his own vessel & tried to pick up an oar, but let it fall immediately, he died in about 5 minutes. I saw nothing of the agony or ferocity which some have said is printed on the face of one who dies by a stab.

(Connor was executed for the murder of Capt. Hutchinson Aug. 5<sup>th</sup> 1853; the rope broke, & he fell to the ground without injury, after tearing away the noose from his neck, which they could not do without difficulty as it had become much tightened, he spoke of having seen the Lord & that it was so pretty a sight that he wished to see it again, this fancy of course arose from the pressure of blood on the brain. He remounted the scaffold with the utmost composure. I went to hear his death warrant read to him, he listened very composedly & observed at the close "good lick" - He increased in weight some 40 or 50 pounds while in jail.

No. 5.

With quailing heart and saddened brow  
 I cease to struggle on,  
 To strive were idle effort now  
 and every hope is gone,  
 The tiring swimmer if he know  
 That none will come to save  
 Unnerved by fear will sink below  
 The deep engulfing wave.

2.

If sometimes weary and dismayed  
 Not yet to ill resigned  
 I may by peevish glance upbraid  
 Or breathe a word unkind  
 Yet do not blame me for the wrong  
 From very love will be  
 and if disquietude be strong  
 'Tis not for self but thee.

3.

Yet rather let me imitate  
 Thy calm unflinching will  
 Thy mind in every grief sedate  
 But bold and watchful still.  
 Thy trust that spreads o'er life its cheer  
 Yet from above is given  
 Its sparkling fountains bless us here  
 But draw their stores from heaven.

P.P.

Jan'y 1<sup>st</sup> 1853. Another year has passed away into among the things that were & life is with me fast approaching its consummation. It leaves but little in my memory for it has been spent in obscure professional toil furnishing bread but little — more & with but little leisure for thought. It is perhaps well, for I have not the energy to execute any of those literary schemes in projecting which I once delighted but delayed their execution. I did not plough and sow and now it is too late. There is comfort in the thought however that the year, so far as action is concerned, has been spent innocently & leaves no stains upon my conscience, & that if I have made no advance in religion, yet it has not declined, & has sufficient activity to be my motive & guide in life.

Never if thou hast found but evil days  
Hearken to hope; its promises are wiles,  
To all that most is dreaded it betrays  
E'en ~~while~~ it smiles.

If with unwise impatience thou wouldst know  
The future undisguised by festive mask,  
Disquiet the stern past and bid it show  
What thou wouldst ask.

'Tis a diviner who can well explain  
By thine own story led in sad review,  
That every former sorrow comes again  
And heralds new.

If hapless love be lingering in the heart,  
The desolate within a ruined home,  
Dost thou believe that misery will depart  
And gladness come?

Is e'en the startled spoiler who forsakes  
The scene his ravages changed into a waste,  
Not so, within the wilderness it makes  
Its seat is placed.

Let expectation from the future cease,  
With sullen fortitude thy lot sustain,  
Struggles can only add to the increase  
Of coming pain.

1835.



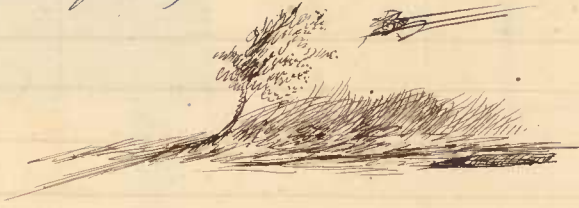
## Forgery

Forgery may be committed by assuming the name and credit of some person actually existing, and carrying the fraud into effect by means of the credit attached thereto. 2 Russ. 327. Or by the fraudulent making of an instrument in the forger's own name, as if a man makes a deed of gift to J. S. and afterwards a deed of gift of the same lands to J. D. bearing an earlier date than the first. Hawk. P.C. b. 1. c. 70. s. 2. And the offence would be the same if the first deed conveyed only an equitable interest for good consideration. Id. Or if he signs his own name and fraudulently represents himself to be a person bearing the same name. Or makes an instrument in a fictitious name. And it is not necessary that any additional credit should be gained by the forgery of the fictitious name. Thus if a person endorses a fictitious name upon a bill as the name of a person whom he represents as a mere previous holder of the bill, he is guilty of forgery, although the endorsement was not necessary for obtaining the money. (The principle is beyond controversy. Vide. East's P.C. 2<sup>d</sup> Vol. 960. But in Toft's case. 2 East. 959. an additional credit seems to have been obtained.) But the use of a false addition and description where no person exists who can be represented by such addition or description, and no false name is used, does not constitute forgery. Wells' case. Russ. & Ry. And it makes no difference if the party has previously assumed and been known by the fictitious name, even if the credit were given to the person and not to the name, if the name were assumed with a fraudulent intent to commit that particular forgery. Unless the forged instrument be illegal in its very premises it is ~~not~~ material that it would be of no validity. And it is sufficient if it bear a substantial resemblance to the real instrument although too unskillfully executed to deceive an adept in such matters. But if a blank be left for the name of the payee it is not forgery. Merely shewing a false instrument with the purpose of gaining credit is not punishable by the Statute. An intent to defraud must be laid and proven. But it is sufficient if the forgery would have the legal effect of defrauding the party named in the indictment although the prisoner had <sup>not</sup> that party in his view. The intent must be to defraud a third party. Where the prisoner erased the word "pounds" and inserted "marks", (a mark being of less value by  $\frac{1}{3}$  than a pound) in his own bond, he was acquitted, the alteration being to his own damage only.

The nature of the forged instrument must be shewn in the indictment.

"Tenour," "words and figures following" and "as follows" are the same.

If the indictment lay on intent to defraud A, proof of an intent to defraud A and B will sustain the indictment *Neazie's case*. 7. Greenl. 131. Quoted in *Ames' Ed. notes to Roscoe* 401. (See queries)



For setting a dog on a person,

that J. M. late of Dc on Dc, with force and arms at Dc, in and upon one C. O. in the peace of God and of the said State then and there being, did make an assault; and that the said J. M. did then and there unlawfully incite, provoke, and encourage a certain dog then and there being, then and there to bite him the said C. O. by means whereof the same dog did then and there grievously bite him the said C. O. and the said C. O. was thereby <sup>then and there</sup> grievously hurt and wounded, to the great damage of him the said C. O. and against Dc.  
2d. Common assault.

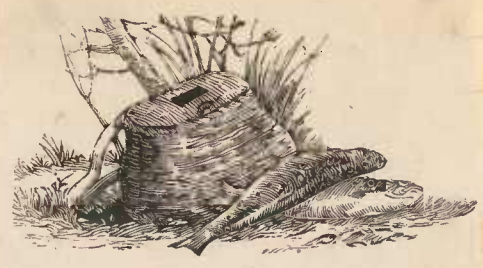
\* See Russell on crimes vol. 605,

Gibson, who colors his statues, justifies the practice by quoting ancient precedent, I am persuaded that where traces of painting remain on a Greek statue they denote a wrong done by some tasteless possessor to the artist. One great cause of pleasure in a statue is that the human form can be imaged in a hard & colourless substance; another is in the perception of the great labor and ingenuity that must have been employed in producing it. Both these sources are dried up the moment color is employed, and is the loss requited by the miserable and unsuccessful mimicry of life. In what is it better than a wax doll except in durability? The statues which the Greeks painted were colossal representations of divinities, whose very bulk prevented any illusion as to being a representation of humanity. ivory, gold, wrought into every form of profuse ornament, and color softened by its extent and distance, beauty, and magnitude denoting super-human power, were all bound in union to represent the divinity, such a work was a joint offering of the sister arts, in producing which painting was the sisterly rival of sculpture, and not her awkward tiring-maid.



Aug<sup>t</sup> 3/1849 My first woodcut, at least the 1<sup>st</sup> which would pass muster. Rude as it is, and with the knowledge that I am too old to learn the art thoroughly, for sight and hand are both weak, yet I have found great pleasure in executing it, I am weary of study, & am glad to find something to claim the attention. The face, as may be supposed, owes something to Dr. Johnson's grocer, he goodnaturedly helping efforts at which as an eminent artist he must have smiled.







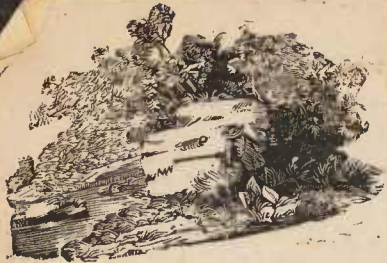
Arson.

xx that H. S. late of Dc, negro, not having the fear of God before her eyes but being moved and seduced by the instigation of the devil on Dc, with force and arms, at Dc, being then and there a slave, a certain stable of one H. C. B. there situate being then and there parcel of the dwelling house of the said H. C. B. there situate then and there feloniously, wilfully, and maliciously did set fire to, and the same stable of the said H. C. B. there situate so being then and there parcel of the same dwelling house of the said H. C. B. there situate as aforesaid, then and there by such firing then and there as aforesaid, feloniously, wilfully, and maliciously did burn and consume, contrary to the form of the act Dc,

For burning a stable not parcel of any dwellinghouse.

that H. S. late of Dc, negro, not having the fear of God before her eyes but being moved and seduced by the instigation of the devil on Dc, with force and arms, at Dc, being then and there a slave, a certain outhouse, to wit, a stable, of one Ann C. Bond there situate, not being then and there parcel of any dwelling house, and then and there having therein certain country produce, to wit, half a ton of hay, of the value of Dc, of the goods and chattels of the said H. C. B. then and there being found then and there feloniously, wilfully, and maliciously did set fire to, and the same <sup>outhouse to wit</sup> stable of the said H. C. B. there situate so as aforesaid not being then and there parcel of any dwelling house, and so as aforesaid then and there having therein the said country produce, to wit, the said half a ton of hay, of the goods and chattels of the said H. C. B. then and there being found, then and there, by such firing then and there as aforesaid, feloniously, wilfully, and maliciously did burn and consume, contrary to the form of the act Dc,





Balto Criminal Court May Term 1852. Indicted

William Gault for the murder of Chas Rasch, case removed on affidavit of prisoner to Circuit Court for Balto County  
Wm Atkinson, murder, acquitted as insane } Guilty of murder  
- Forestel, for bigamy - acquitted } in 2nd degree  
15 years Penitentiary  
Feb. '52

Balto Criminal Court Sept 1852

Michael Rock & John Judge for rape & robbery of Elizabeth Black Rock tried & verdict not guilty, sets as to the other indictments  
James Kerr, murder of John Fisch, Manslaughter  
- Lee for assault with intent to murder John Frederick - Guilty 10 years Penitentiary  
A firm for exporting ground black oak bark in bags -  
E. J Richardson & others for Foreign Insurance without license -  
- breach of pilotage laws -  
- Williams for murder of his wife - Not guilty -

Nov 1852

1st Court Balto County - Little of importance

Balto Criminal Court for January Term 1853.

Thomas Connor for murder of Wm Hutchinson. Guilty of murder in first degree, Feb. 1853, sentenced to be hanged on 15th July 1853. <sup>repleved 7th July</sup> Executed July 5, 1853.  
- ~~Hamberry~~ - Receiving stolen goods. Moved to other trial (O.P.)  
Peter Burke for manslaughter of Peter Schmitt a child by carelessly throwing wood from a 3 story window into the street

Daniel Hinton for assault with intent to murder - guilty (Penitentiary)

Circuit Court Balto County - March Term 1853. Little of importance

A man for nuisance in letting filth run from his cowyard on the road

Balto Criminal Court May Term 1853 N.B. The May term now begins on the 2nd Monday in May.

- Johnson (colored) murder of his wife by shooting her with a pistol loaded with dried peas. Guilty of manslaughter  
Richard Hinton (brother of Dan, & almost as great a rascal) guilty Penitentiary.  
Elwood Scott larceny, guilty, the property was stolen by a 'id in Pennsylvania, & brought to Baltimore & there stolen by Scott from the thief - the indictment of course laid the property in the 1st count in the original owner.

1 Acts of Assembly, relating to or affecting the general administration of justice or right of property, not to be in force until the first of June next ensuing their passage. 1837. ch. 261.

Attempt to poison, murder, commit rape on white woman, arson & by a slave.  
Attempt to poison 1840. ch. 222. (1757. chapter 14. (1809 ch. 138. 11.)  
Ann Arundel County, Court

may allow Attorney General or his deputy, additional compensation in criminal cases removed from Baltimore City, and County Courts 1831. chapt. 100.

Attorney General, may insist upon jury trial. 1835. chs. 75-76. (N.B. This applies only to Balt. City Court.)

repealed & reenacted, 1839.  
+ + + + + shall not prefer an indictment to the Grand Jury without presentments or an order of the Court. 1715. ch. 48. -

x x x x x to conduct suits for Treasurers 1829 ch 90. 1831. c 68.

+ + + + + may object to trial of trav. by magistrates court, and stop the proceedings unless all 3 judges concur in proceeding. 1835. v 201. s. 5.

Auctions 1827 ch. 111.  
1828. ch. 148  
1831. ch. 261.

Bail 1780. ch. 10. Persons committed for treason or felony and not indicted the first term (unless witnesses be absent) to be bailed. 1809 ch. 145. s. 7.

Clergy benefit of abolished. 1809 c. 138. s. 11.  
Conviction & Attainder, no forfeiture of estate upon, except in cases of murder or treason against the State. Decl. of Rights, 24.  
in no case whatever. 1809. ch. 138. s. 10.

Challenges of jurors 1802 c 69. 13<sup>th</sup> sect. of 1809. c 136. rep by 1816 c 45

Elections, betting upon, 1838. chapt. 392.

Assessment law

offences against

1840 ch. 23. s. 63.

march session



Apprentices, not recording indentures of 1793 chapter 45 s. 4.  
\*\*\*\*\* harbourers of 1793 chapt. 45 s. 8 (1715 ch. 47 s. 4. 1748, ch. 19. s. 2.) 1821 ch. 219\*  
Arson. 1809. chapter 138. section. 5. slaves attempting to commit, 1757. c. 14. s. 3. 1809 (c. 138. s. 11.)

Assaults, compromised before indictment found. 1831. chapter 208.  
\*\*\*\*\* with intent to rob, murder, or commit a rape. 1809. chapter 138. s. 4  
persons apprehended having upon them an offensive weapon  
with an intent to commit a felonious assault. 1809. c. 138. s. 6.

Bastards. 1781. c. 13. 1785. c. 47. 1796. c. 34. (on firemen 1837 ch. 190. (1825 c. 93))

Bigamy. 1809. c. 138. s. 7. (1704.)

Bribery. Constitution. s. 54.  
\*\*\*\*\* at elections. 1811. c. 57. (1805. c. 204.)

\*\*\*\*\* of jurors. 1809. c. 138. s. 8  
\*\*\*\*\* of persons concerned in the administration of justice. 1809. c. 138. s. 8.

Burning  
\*\*\*\*\* untenanted dwelling house. 1831. chapter 208.

\*\*\*\*\* mills, distilleries, manufactories, barns &c. 1809. c. 138. s. 5.

\*\*\*\*\* or attempting, or conspiring to burn any courthouse, prison, church,  
house of worship &c. 1809. c. 138. s. 8

\*\*\*\*\* any publick arsenal, military stores &c. 1809. c. 138. s. 8.

\*\*\*\*\* ships or vessels of seventeen feet keel or upwards. 1809. c. 138. s. 5.

Burglary. 1809. c. 138. s. 5

Breaking  
\*\*\*\*\* a dwelling house with felonious intent by day. 1809. c. 138. s. 5 (1729 c. 4)

\*\*\*\*\* storehouse, warehouse, or other outhouse by night with a felonious  
intent, 1809. c. 138. (1729. 64. 1737. ch. 2.)

\*\*\*\*\* shop, storehouse &c. and stealing therefrom to the value of one dollar, 1809. c. 138.  
under the value of one dollar. 1809. c. 138.

Being found in a dwelling house, with lecherous intent 1809. c. 138. s. 7 (1825 c. 93)

Being apprehended with an implement to break a dwelling house 1809. c. 138. s. 7 (1825 c. 93)

Camp meetings in Baltimore County  
\*\*\*\*\* erecting booths for the sale of spirituous  
liquors near, (1818, c. 26.) spirituous liquors &c. 1822, c. 76.

Counterfeiting  
\*\*\*\*\* publick seals &c. 1809. c. 138. s. 2.

\*\*\*\*\* gold and silver money 1809. c. 138. s. 2 uttering do. 1809. c. 138. s. 2.

\*\*\*\*\* stamp for silver plate. 1813. c. 131. 1814. c. 106.

Cruelty to animals in the City of Baltimore. 1817. c. 190. (second section  
repealed by 1818 c. 186.) 1828. ch. 186.

Duelling. 1816. c. 219.

Elections. 1799. c. 50. 1805. c. 204. (vide "Bribery at") in Baltimore 1837 ch. 333.

Embezzlement,  
\*\*\*\*\* of wills, deeds &c. 1809. c. 138.

\*\*\*\*\* by presidents, directors, cashiers, &c. of a chartered bank,  
1819. c. 145. Repealed.

Embezzlement, &c of will, testament &c. 1809. chapter 138 section 8, clause 2.  
 \*\*\*\*\* of money, goods, bills, bond &c. by presidents or directors of  
 a chartered bank. 1820. c. 162. s. 1. by clerks, servants &c. Do. s. 2. vide. Pag  
 Abuse of trust by president &c. 1819. c. 145. repealed by 1820. c. 162. s. 3.  
 Entering dwelling house with intent to maim, hair and feathers, to  
 destroy the same &c. 1835. c. 200.

Executions

\*\*\*\*\* improper levy by 1715. c. 40. s. 5.  
 Felonies, (not specifically named in the act of 1809. c. 138.) 1809. c. 138. s. 11.  
 False Pretences. 1835. c. 319.

Forgery

\*\*\*\*\* of deeds, wills, bonds &c. 1809. c. 138. s. 6.  
 \*\*\*\*\* on banks out of the State. 1793. c. 35. s. 3.  
 \*\*\*\*\* of brand on tobacco hog heads. 1827. c. 91. s. 4.  
 \*\*\*\*\* of orders for the payment of money, delivery of goods &c. 1822. c. 169  
 \*\*\*\*\* of requests for do. 1830. c. 208.  
 \*\*\*\*\* of acceptances 1799 c. 75. s. 2. 1809. c. 138. s. 11.  
 \*\*\*\*\* of commissions, patent, pardon &c. 1809. chapter 138. s. 8.  
 Passing forged bank notes 1809. c. 138. 1827. c. 62.  
 \*\*\*\*\* notes of fictitious bank. 1809. c. 138. s. 6.

Fees.

\*\*\*\*\* Attorney Generals. 1722. c. 5. Baltimore City Court, additional 1835. c. 200 s. 4.  
 Fines. when surety is given for, no execution to issue for 60 days. 1828. c. 11.  
 \*\*\*\*\* must be proceeded for by action of debt or indictment where the amount  
 exceeds five pounds. Feb. 1774, chapter 6.  
 \*\*\*\*\* must be proceeded for within one year. Do.  
 \*\*\*\*\* where court may discharge 1830 c. 145. Offensive felons. 1809. c. 138. s. 6.

Frauds

\*\*\*\*\* under the act of limited partnerships. 1836.

Felons,

\*\*\*\*\* importing. 1809. c. 138. s. 7. Fugitive do. 1809 ch. 138. s. 6. 1809 c. 125. s. 5.  
 Gaming. (1809. c. 138) 1826. chapter 88. 1829. c. 136. 1830. s. 3. 1797. c. 110.  
 Habeas Corpus 1798. Chapt. 106. 1809. Chapt. 125. 1813. Chapt. 175. 1826. c. 110.  
 Infants indicted. 1831. Chapter 208.  
 Insurrection, and conspiring to raise do. 1809. chapt. 138. section 2.  
 Kidnapping, and carrying out of the State, or imprisoning with  
 such intent any free person. 1809. chapter 138. section 4.  
 \*\*\*\*\* white children. 1819. chapt. 132. (1796. c. 67. s. 12.)

Justices of the peace

of Baltimore City and County, how compensated in criminal  
 cases 1831. chapter 208 section 6.

Contempts before 1799 ch 4.

1826. c. 110.  
 Baltimore City  
 on 2 July  
 1826

Fort M<sup>o</sup> Henry, Resolution Dec 23 1793. Act. 1837 ch. 279.  
 (Constitution of the United States section 8. clause 16.)

Forgery of bank notes. 1793. ch. 35. Passing do. Do. Do.  
 of checks, orders & drawn on a bank. 1797. ch. 96.  
 (1809. ch. 138. s 11.) NB. It is necessary to indict on  
 this when the intent to defraud an individual  
 cannot be laid in the indictment.  
endorsement of promissory note. 1799. c. 75. s 1.  
 (with intent to defraud a person.)

Fines

for misdemeanour shall not carry costs unless they exceed  
 one shilling currency (~~1s.~~ 15 cents) 1781. c 11.

Ground black oak bark

\* \* \* \* \* resisting inspector of 1821. ch. 75.

Jurors, must be 25 years old. 1797 ch. 87.



- licensed retailers, to sell by sealed measure. 1784. ch. 7. s. 10. (ch. 37. s. 27.)
- Licenses, suppression of ordinary keepers 1780, ch. 24. s. 7 & 8.  
not to be granted without the special direction of the  
Court, if the Grand Jury, objects. 1827. c. 117.
- xxxx Grand Jury, to present for neglecting to renew  
licenses upon Sheriff's information. 1837. c. 233.  
(other proof required) 1839
- xxxx Court may exercise discretion as to withdrawal or  
continuance of <sup>to sell liquor</sup> 1831. c. 323. s. 11.
- xxx not to be granted to free negroes without authority  
of Court 1831. c. 323. s. 11.
- persons may be licensed to sell merch. and liquors also 1821. c. 246.
- Minors, encouraging disobedience in, harbouring. &c. 1821. ch. 219.

Notes, small, illegal, 1820 ch. 150.

Negroes free not to come into State 1839 ch. 58, children may be bound  
apprentices, duties such to runaway 1839 ch. 35.

Negroes free, sale of liquor to &c. &c. 1831. c. 323.

Negroes free may be banished <sup>on conviction</sup> 1831 c. 323.

Negroes

importing free negroes into the State and selling them  
for slaves, 1796. chapter 67. section 16.

importing slaves 1831. chapter 323.

Ordinary

Ordinary keepers, to provide beds, stabling &c. 1780. ch. 24.

Licenses

504A

Milliners & other females (not selling spirituous liquors)  
whose capital is less than \$500 to pay but \$6

1831. ch. 262. s. 2.

Ordinary keepers

\* to pay from \$18.00 to \$100.00  
which shall include the 3 per cent on their annual rent  
exceeding \$500.00 imposed by 1831. ch. ~~275~~ 262. s. 3.

1831. ch. 298.

in the City of Baltimore to  
pay \$5 additional to City for paving tax.

1782. ch. 17. s. 1.

\* rates of licenses to traders. 1831. ch. 17 s. 1.

\* Sheriff's fee to be paid by party in addition

1831. ch. 262. s. 1.

N.B. Neither the Sheriff's fee nor the City tax attaches  
to sales at militia musters &c. The clerk is entitled  
to a fee of 75 cents by 1826. ch. 267.

Punishment for sales without license.

Fine of from \$10 to \$100 by 1832 ch. 273.

Fine & imprisonment or either at the discretion  
of the Court 1834 ch. 283.

Negroes

204B

Free negroes wishing to visit Trinidad &c. and return, shall apply  
to Baltimore City Court for license 1840 ch. 208. in the Counties  
to Orphans' Court 1839, ch 5.

Killing horses &c 1809. chapter 138. section 6. clause 4.

Larceny.

Grand. 1809. chapter 138. section 6. clause 1.

Petty. 1809. chapter 138. section 6. clause 6.

xxxxxxx of horses &c 1809. chapter 138. section 6. clause 3.

xxxxxxx of vessels of 17 feet keel or upwards 1809. chapter 138 section 6. clause 5.

xxxxxxx of slaves. 1809. chapter 138. section 6. clause 5.

xxxxxxx of choses in action. 1809. chapter 138. section 6. clause 7.

xxxxxxx of buoys in the Chesapeake or Patuxent. 1817. chapter 138. section

xxxxxxx of growing tobacco plants. 1819 chapter 88.

xxxxxxx of will, testament, codicil, deed &c. 1809. chapter 138. section 8 clause 2.

xxxxxxx of corn from the stalk. 1837 ch. 361.

Libel. 1803. 52.

Licenses. 1827. chapter 117. 1828. chapter 85. 1832. chapter 273. 1834.

xxxxxxx for sales at militia musters, horse races, and fisheries. 1828. chapter 95.

Lunatics. 1826. chapter. 197. 1828. ch. 201. 1834. ch. 194.

Lime,

xxxx putting into streams in Baltimore County. 1810. chapter 46.  
(punishable by a magistrate.)

Magistrates Courts. 1835 chapter. 201. 1835. chapter 397.

Magistrates

xxxxxxxx acting in taverns in Baltimore County. 1834. chapter 13.

xxxxxxxx granting blank warrants. 1818 chapter 166.

Ord 1840. Misdemeanours, speedy trial of in Balt. C. C. 1835. Ch. 753. (this repeals  
1821 c 229.)  
1839.  
of period 1840.

Manslaughter. 1809. chapter 138. section 4. clause 3.

Meal mixing with wheaten flour for the purpose of selling the same as  
wheaten flour. 1805. chapter 82.

Murder 1809. chapter 138. section 4. clauses 1 and 2.

xxxxxxx by killing in attempting to kidnap and remove from the States  
any free person. 1824. chapter 144.

Mayhem 1809. Chapter 138 section 4.

Cutting out ~~any~~ the tongue, putting out an eye &c with an  
intent to disfigure. 180. chapter 138 section 4.

Negroes,

xxxxxx testimony of 1717. chapter 13. 1808. chapter 81.

xxxxxx circulating inflammatory pamphlets among 1835. chapter 325.  
writing such pamphlets. Do. Do.

xxxxxx dealing with 1831. chapter 223. 1715. chapter 44. s. 11.

xxxxxx free, may be sold out of the State on second conviction. 1835. ch. 200.

xxxxxx begetting a child on a white woman 1715. chapter 44. s. 25. 1835. 269.

Process. 1722. Chapter 15. 1715 chapter 48.

Perjury. 1809. chapter 138. section 8. clause 1. (by governor &c. receiving profits & against  
 by voters at elections. 1819. chapter 174. his oath constitution. 253.)  
 concerning <sup>actions</sup> ~~actions~~. 1827. chapter 111.

± x Penitentiary, escape from (1809. chapter 138. Repealed. 1837) c 320.5.  
 concerning sentence to, 1836, chapter 156.

Prosecution to be by action of debt or indictment where it was  
 formerly directed to be by bill, plaint, &c 1792. chapter 22.

Protection of public worship. 1827. chapter 29. 1824. chapter 53.

Rape. 1809. chapter 138. section 4. clause 5. (1839 ch. 32 -  
 Carnal knowledge of woman child under ten years of age, &c.)

Robbery 1809 chapter 138. section 6. clause 2.

of choses in action 1809 chapter 138 section 6. clause 7.

Riot. 1835. chapter 137.

Removal of trial 1804. chapter 55. 1805. chapter 16. 1805 chapter 66. s 49. 1809. chapter  
 138. section 20. (1840. ch 211 for Baltimore City Court.

Slaves,

enticing to runaway. 1827. chapter 15. 1796. chapter 67.

dealing with, 1715 chapter 44. section 11. 1831. chapter 323. 1817. 287.

entitled to freedom after a term of years, unlawful sale of, 1817. c 112. 1834. c 266.

where action of replevin is brought for, unlawful sale of, 1833. chapter 274.

permitting them to act as free. 1817. chapter 104.

attempt to poison by 1757. chapter 14. 1809. chapter 138. section 111.

for terms of years may be sold out of the State for gross misconduct &  
 by laws of Court. 1833.

Stolen goods, receiving, 1809. chapter 138. section 6.

Submission of case to the Court 1793. c 57. s 19. 1809. c 144.

Sabbath breaking. 1723. chapter 16.

Sabbath, sale of liquor on 1834. chapter 244.

\* Swine trespassing within 5 miles of Baltimore City. 1828. chapter 149.

Tanning and feathering 1809. chapter 138 section 4. 1835 chapter 109.

Testimony

of convicts in the Penitentiary 1817 chapter 72.

of neg. recs.

Tobacco plants

destroying, 1744. chapter 5.

stealing, 1819. chapter 88.

Treason 1809. chapter 138.

x vide page 24.

\* vide trespass done by Hacks in Baltimore County 1837 ch. 278.

± Penitentiary confinement in 1839 ch. 37

205 A

CATHOLIC LOVE.

BY THE LATE REV. CHARLES WESLEY, A. M.

Weary of all this worldly strife,  
These notions, forms, and modes, and names,  
To Thee, the Way, the Truth, the Life,  
Whose love my simple heart inflames,  
Divinely taught, at last I fly,  
With thee and thine to live and die.  
Forth from the midst of Babel brought,  
Parties and sects I cast behind;  
Enlarged my heart, and free my thought,  
Where'er the latent truth I find,  
The latent truth with joy to own,  
And bow to Jesus' name alone.  
Redeem'd by thine almighty grace,  
I taste my glorious liberty,  
With open arms the world embrace,  
And cleave to those that cleave to thee:  
But only in thy saints' delight,  
Who walk with God in purest white.  
One with the little flock I rest,  
The members sound who hold the Head;  
The chosen few with pardon blest,  
And by th' anointing Spirit led  
Into the mind that was in thee,  
Into the depths of Deity.  
My brethren, friends, and kinsmen, these,  
Who do my heavenly Father's will;  
Who aim at perfect holiness,  
And all thy counsels to fulfil;  
Athirst to be whate'er thou art,  
And love their God with all their heart.  
From these, howe'er in flesh disjoind,  
Where'er dispersed o'er earth abroad,  
Unfign'd, unbounded love I find,  
And constant as the life of God;  
Fountain of life, from thence is sprung,  
As pure, as even, and as strong.  
Join'd to the hidden church unknown,  
In this sure bond of perfectness,  
Obscurely sa'te I dwell alone,  
And glory in th' uniting grace,  
To me, to each believer given,  
To all thy saints in earth and heaven.

*Cent. Wes. Meth., p. 139.*

205 B

Where a party has made a will & appointed an executor the  
property ownership should be laid in the executor, <sup>even before probate</sup> but  
if he renounces the will, it must be laid in the  
ordinary even if administration be afterwards granted  
and where a man dies intestate the property must  
be laid in the ordinary.

2 Russell, 98

1 Hale P.C. 514

2 East, ch. 16. 1799 page 652

Roscoe, C. Ev. 640.

By the 4<sup>th</sup> article of the charter to Lord Baltimore  
he acquired all the royalties, rights &c of the Bishop  
of Durham in his county palatine —

The King had a right to the goods of an intestate's  
general trustee (of course the Bishop of Durham had  
the same power in his county palatine) 2 Blackst.

Comm. 494 marg) afterwards the King passed this power  
over to the Bishops, <sup>as ordinaries</sup> (same passage) In Durham  
the Bishop is at once sovereign, Bishop & ordinary.

The powers of Lord Baltimore passed to the  
State by the Revolution, & the State has never  
given away this power of Trustee to any of the  
Courts. This power being a legal provision is not abrogated  
by the change of sovereignty. I consider the ownership  
as being in the State of Md. both from the above  
& from its rights as sovereign; it owns all unclaimed  
property of intestates.

2 more Courts — Orphans Court which may  
appoint a collector; 4<sup>th</sup> Person unknown.

These beautiful verses of Statius have been quoted by  
 Cluverius in proof that the tomb of Virgil stood  
 at the foot of Mount Vesuvius, though they prove  
 precisely the contrary; the expressions *Ubi Ausonio*  
*se condidit hospita portu, Parthenope, & Hæc ego*  
*Chalcidicis* (alluding to the Cumean origin of Parthenope),  
 sufficiently show that the tomb was in Naples  
 the mention of Vesuvius is in description of the  
 scenery of the bay, and the passage would  
 as much justify the ludicrous <sup>& anachronistic</sup> assertion that  
 Virgil's tomb stood on the ~~ruined~~ "cities of  
 Herculaneum or Pompeii, which would move  
 every one to laughter, as that it stood at the  
 foot of ~~the~~ Mount Vesuvius. The passage  
 contains a curious evidence of the change  
<sup>& upheaval</sup> of the beach & retirement of the sea  
 from its old line all round the bay.  
 Another proof is in the epithet "*geniale litus*"  
 which certainly does not describe the shattered  
 & smouldering desolation which then lay at the  
 foot of Vesuvius, but the fair & unharmed  
 beauty of *Pausippis* & its vicinity —



0		
1	x	+
0		

0		
1	x	x
0		

+	x	x
0	0	+
0	0	x

0	0	+
+	+	+
0	+	0

0	+
+	
+	

Prosecution, expenses of in Baltimore City, Court to be paid by complainant where the traverser is acquitted, unless the Court certify probable cause. 1823.c.210.s.1.

Registrations of voters in the City of Baltimore 1837 chapter 333.

Swearing falsely as to qualification deemed perjury. sect. 11.

Judges allowing persons whose names are not registered to vote. sect. 13.

Repealed

Attempt to vote in the name of another. sect. 15.

Obstructing a voter, making noise or disturbance <sup>at</sup> the place of holding the registry or election, or near, sect. 17.

Sheriff, constables &c. to assist the registers, judges of election. sect. 21.

Registers betting &c exhibiting their books, or giving copy of sect. 23.

xxxxxxx guilty of fraud. sect. 25.

Act of 1837 chapter 149. repealed, by 1837 chapter 333. sect. 30.

Runaway slaves,

commitment of, to Balt. jail. 1824. chapt. 171. Repealed, 1828. ch. 87.

Servants and slaves,

harboring 1715 chapter 44 sect. 4. 1746. ch. 19. sect 2.

Slaves, not to be confined in Penitentiary 1818. chapt.

Trespass done by stock in Baltimore County 1837 chapt. 278.

Trespass certain made felony. 1826. c. 260. (Repealed as to Baltimore & Calvert 1827. c. 51.)

Venue in cases of murder on the Chesapeake. &c 1809. c. 138. s. 17 & 18.

in cases of any crime on the Chesapeake. Do. Do. s. 19.

in cases of murder on a river dividing two counties. 1789 chapter 23.

Trespass by hunting in enclosed grounds. 1728. c. 7. (a magistrate has jurisdiction)

Vagrants 1804. ch. 96.

1811. c. 212 rep by 1818 ch 189.

1765 ch. 24.

Witnesses living out of State to be paid 1808. ch 113.

Petition for freedom; City Court's power to try, is from the old Court of Oyer & Terminer. Vide 1810, ch. 63.

Recognizances forfeited 1782. Chapter 42.  
costs on do. 1820, chapter 120.

Slaves &c. transported out of the State by masters of vessels, 1824. c. 85.

Slaves running away, declared guilty of felony, 1838. ch. 63.

Slaves may be confined in jail by master at his expense, 1878. ch. 208.

Private Banking 1831.

Pardons

persons pardoned on condition of leaving the  
State 1787 ch. 14. s. 6.

Rail Roads putting any obstruction on 1839 ch. 10.

tertiary,

Solitary confinement abolished, 1838, ch, 400 s. 2.  
also, escaping from the almshouse, 1822, ch 167.

Indictment for an attempt to poison by a slave.

The Jurors of the State of Maryland for the body of all that part of Baltimore County  
 sit included within the limits of the City of Baltimore do on their oath present  
 that H. J. late of the aforesaid part of the County aforesaid, negro, on the <sup>xxx</sup> day of  
<sup>xxx</sup> in the year <sup>xxx</sup> with force and arms, at the aforesaid part of the County  
 aforesaid, being then and there a slave, then and there feloniously attempting  
 a certain J. C. then and there feloniously, wilfully, and of her malice aforethought,  
 to poison, kill, and murder, a large quantity of a certain deadly poison called  
 tartar emetic, to wit, the quantity of one ounce of the said tartar emetic,  
 did then and there feloniously put, mix, and mingle into and with a  
 certain quantity of milk which the said J. C. was then and there about to  
 drink, [she the said H. J. then and there well knowing that the said J. C.  
 intended and was about then and there to drink the said milk, and she  
 the said H. J. then and there also well knowing the said tartar emetic,  
 so as aforesaid by her the said H. J. put, mixed, and mingled into and with  
 the said milk, to be a deadly poison,) and that the said J. C. did then  
 and there take, drink, and swallow down a large quantity, to wit,  
 one half of a gill, of the said milk into and with which the said  
 tartar emetic was so put, mixed, and mingled by her the said H. J.  
 as aforesaid, (he the said J. C. at the time he so took, drank, and  
 swallowed down the said milk, ~~mistaken~~ then and there not knowing  
 that there was any tartar emetic, or any other poisonous or hurtful  
 ingredient put, mixed, and mingled into and with the said milk)  
 by means whereof he the said J. C. then and there became sick and  
 distempred in his body, and was then and there in great danger of  
 losing his life, and so the Jurors aforesaid, upon their oath aforesaid,  
 do say that the said H. J. being then and there a slave as aforesaid,  
 did then and there feloniously attempt him the said J. C. in manner  
 and form aforesaid then and there feloniously, wilfully, and of her  
 malice aforethought, to poison, kill, and murder, contrary to the  
 form of the acts of Assembly in such case made and provided, and  
 against the peace, government, and dignity of the State.

And the Jurors aforesaid, upon their oath aforesaid, do further  
 present that the said H. J. on the <sup>xxx</sup> day of <sup>xxx</sup> in the year <sup>xxx</sup>  
 with force and arms at the aforesaid part of the County aforesaid,  
 being then and there a slave,  
 feloniously did attempt a certain J. C. then and there feloniously,  
 wilfully, and of her malice aforethought, to poison, kill, and murder,  
 contrary to the form of the acts of Assembly in such case made  
 and provided, and against the peace, government, and dignity  
 of the State.

Acts. 1751. c. 14. 1809. c. 138. s. 11. void also the act for selling  
 slaves out of the State instead of confining them in the penitentiary.

N.B. Hezekiah Jackson was convicted upon 2 such indictments in Baltimore County Court. Nov. term 1837.

For enticing slaves to runaway.

\*\*\*\*\* that AB, late of &c yoman, on the \*\*\* day of \*\*\*\*\* in the year \*\*\*\*\* with force and arms, at &c, being then and there a free person, a certain negro named C.D, who was then and there the slave of one E.F, did entice to runaway from his lawful owner the said E.F, he the said AB then and there knowing the said negro named C.D to be then and there a slave, [and the said negro named C.D, who was then and there the slave of the said E.F as aforesaid, being then and there so enticed by him the said AB to runaway from his lawful owner the said E.F, did then and there actually runaway from his lawful owner the said E.F,] contrary to the form of the act of Assembly &c.

2<sup>d</sup> Count. For persuading.

3<sup>d</sup>. For assisting.

4<sup>th</sup>. For enticing, persuading, and assisting.

Act of Assembly. 1827. c. 77.

Instead of the underscored words say  
"by such enticement as aforesaid"

False Pretences.

vide page 24.

xxxx that AB, late of &c. on the xxxx day of xxxxx in the year xxxxxxxxxx  
 with force and arms, at &c. by a certain false pretence, (the same not  
 being then and there a mere promise for future payment, and not  
 being then and there a mere promise for future payment not intended  
 to be performed) did obtain from one C. D. certain chattels, to wit, xxxxx  
 of the value of xxxxx, with intent then and there to defraud and cheat  
 them and there to defraud and cheat of the same chattels, contrary  
 to the form of the act of Assembly &c.

"If any person shall by any false pretence" "any chattel, money, or valuable  
 security."

The false pretence need not be set out in the indictment. Vide act.  
 1835. Chapter 319..

For passing a counterfeit note.

xxx  
 xxxxx that AB, late of &c. on &c. at &c. <sup>with force and arms</sup> within the ~~State~~ of Maryland,  
 feloniously did pass <sup>as true</sup> ~~as true~~ <sup>as false</sup> certain forged and counterfeit notes  
 them and there purporting to be the genuine notes of a bank  
 regularly constituted by the State of Maryland, to wit, of the  
 bank of xxxxxx <sup>as of the said bank of false</sup> the tenour of which said forged and counterfeit  
 note is as follows, that is to say,

(set out the note.)

with intent then and there to defraud the President and  
 Directors of the said Bank of xxxxxx he the said AB, at the time  
 of his so feloniously passing <sup>as true</sup> the said forged and counterfeit note,  
 then and there <sup>as of the said</sup> to wit, on the xxxx day of xxxxx in the year xxx at &c.  
~~within the State of Maryland~~ knowing the said note to be forged and counterfeit, contrary to  
 the form of the act of Assembly &c.

2d Count. Laying an intent to defraud an individual.

" and one other forged and counterfeit note purporting to be of the tenour &c."  
 " the tenour of which said last mentioned forged and counterfeit note is as follows, that is to say,"

Any person who may pass within this State any forged or counterfeit note or notes, knowing them to be such, purporting to be the genuine note or notes of a bank which has been or may be regularly constituted by this State, or any of the United States, or by the United States, shall be deemed a felon.

Act 1827. c 62.



*For selling liquor on Sunday.*

The Jurors of the State of Maryland for the body of the City of Baltimore do on their oath present that AB, late of &c. on the ~~xxxx~~ day of ~~xxx~~ in the year ~~xxxx~~ being the ~~xxx~~ with force and arms, at the City of Baltimore of aforesaid, did sell spirituous liquor to one ~~xxxxx~~ [ he the said AB n

*For selling liquor on Sunday.*

~~xxx~~ that AB, late of &c. on the ~~xxxx~~ day of ~~xxxxx~~ in the year ~~xxx~~ being the Sabbath day, commonly called Sunday, with force and arms, at &c. did sell spirituous liquor to one CD, [ he the said AB not being then and there a bona fide tavern-keeper or inn-keeper, regularly licensed, and whose business then and there mainly consisted in entertaining travellers and others with board and lodging, ] contrary to the form of the act of Assembly &c

Act 1834. Chapter 244.

Section 1. Be it enacted by the General Assembly of Maryland, That from and after the first day of May, next ensuing the passage of this act, it shall not be lawful for any person or persons, within this State, to sell, dispose of or barter, any spirituous or fermented liquor, or cordials of any kind, in any quantity whatever, on the Sabbath day, commonly called Sunday; and that any person or persons, who shall offend against the provisions of this act, shall be liable to indictment in any Court of this State, having criminal jurisdiction, and upon conviction thereof, shall be fined a sum not less than twenty dollars, nor more than one hundred dollars, at the discretion of the Court; Provided nevertheless, that the prohibitions in this act shall not be construed to apply to any bona fide tavern or innkeeper, regularly licensed, and whose business shall or may <sup>mainly</sup> consist in entertaining travellers and others with board and lodging.

21  
11

For voting twice at any election.

The Jurors of the State of Maryland for the body of the City of Baltimore do on their oath present that A.B, late of the City of Baltimore aforesaid, of com. an, on the twenty sixth day of July, in the year one thousand eight hundred and thirty seven, with force and arms, at the City of Baltimore aforesaid, [ he the said A.B then and there residing in the City of Baltimore aforesaid, ] did vote twice at one election, to wit, a certain election of representatives of the State of Maryland in the Congress of the United States then and there held, to wit, that he the said A.B did then and there vote at the said election at the ~~xxx~~ ward and election district in the City of Baltimore aforesaid, and did also then and there vote at the said election at the ~~xxx~~ ward and election district in the City of Baltimore aforesaid, contrary to the form of the act &c.

Act 1805. chapter 94.

"If any person shall vote twice at one election he shall be liable to a presentment  
"in the County Court of the County where he may reside and may be  
"fined not exceeding forty dollars and imprisoned not exceeding one  
"month in the discretion of the Court." 1805. chapter 94.

Number of wards and election districts in the City of Baltimore made the same. 1817. Chapter 51.

Court of Crier and Jurmen established for Baltimore County. 1793. ch. 57.

Baltimore City Court 1817. chapter 193.

As the liability to indictment arises at the very moment of the offence the venue should evidently be the place of the traverser's residence on the day of election.

For stealing a slave.

xxx one negro boy named Alfred, who was then and there the slave of one R.D., of the value of two hundred dollars current money, of the goods and chattels of the said R.D. then and there being found, feloniously did steal, take, and carry away, contrary to the form of the act of Assembly &c.

Act. 1809. chapter 138 section 6. Clause 5.

For robbing a shop.

xxx the shop of one A.B. there situate, the same not being <sup>then and there</sup> contiguous to any mansion house, feloniously did break and enter, and (set out goods and values) of the goods and chattels of the said A.B. in the said shop then and there being found, from the said shop did then and there feloniously steal, take and carry away, contrary to the form of the act &c.

Act 1809. chapter 138.

2d Count. A shop not used with any <sup>mansion</sup> ~~house~~ house.

3d Count. Punitive.

For stealing bank notes.

xxx one bank note for the payment of twenty dollars, and of the value of twenty dollars, one other bank note for the payment of &c. and divers other bank notes for the payment of divers ~~sums~~ sums of money, in the whole amounting to a large sum of money, to wit, the sum of eighty dollars, and of the value of eighty dollars, of the bank notes and property of one Owen D Crane then and there being found &c.

State, vs. Cassel.

Harris and Gill. Vol 2. Page 408.

For an assault with intent to murder.

xxxxxx in and upon one C.D in the peace of God and of the said State then and there being did make an assault with intent then and there him the said C.D then and there feloniously, wilfully, and of his malice aforethought, to kill and murder, contrary to the form of the act of Assembly &c.

2d Count for a common assault.

The instrument and means used need not be stated.

Harris and Gill, Vol. 3. Page 8.

If there be but one count sensible that the defendant may be convicted of a common assault. Starkie C.P. Page 388. Stark. Ev. Titled Assault. (Baltimore County Court decided differently in Cator's case. April term 1838.) The "alia enormia" should of course be omitted; they would however be surplusages.

Act 1809, chapter 138. section 4.

For an assault with intent to rob.

xxxxxxx in and upon one C.D in the peace of God and of the said State then and there being did make an assault with intent then and there the monies, goods, and chattels of him the said C.D, from the person and against the will of him the said C.D, then and there feloniously and violently to steal, ~~take~~, take, and carry away, contrary to the form of the act of Assembly &c.

Act of Assembly 1809 chapter 138. section 4.

2d Count. Common assault.

October 14<sup>th</sup> 1838. My birth-day; I am now 54 years old and life fast draws near the shadow of death. it is strange that one of such frail constitution has endured so long, but ill health seems to have been allotted to me as the monitor that I might be summoned hence in a moment, while the destroying angel has stayed his hand and struck not. With this merciful warning have I lived as I should have done. Wouldst that I could say yes. But with all my strivings is not my whole history but annals of rebellion against God. Desperately wicked indeed is the human heart. Well it is me for me, that in my self guiltiness and remorse, in my prison-house of sin, I am still able to offer the inestimable ransom of the blood of the Lord. Grant ~~it~~ oh God, thy mercies for his sake who died for me upon the cross. In the evening of life when the night is fast coming & earthly light will soon be quenched to me, give me light from heaven to guide me; forsake me not, guilty as I am, in old age.

Arraignment for forgery where the instrument forged remained in the possession of the prisoner and could not be produced.

State Trials. Vol 5. Page 233. Oct 12. 1699. Will<sup>3</sup>. 11th.

xxx by the name of Mary Butler, alias Strickland, late of London, widow, for that you endeavouring to deceive and oppress Sir Robert Clayton, Knight, and Alderman of London, the first day of december, in the seventh year of his now Majesty's reign, at London aforesaid, in the parish of St Mary Woolnoth, in the ward of Langborne, a certain false writing, sealed in form of a bond, bearing date the fourteenth day of april, sixteen hundred and eighty seven, in the name of the said Sir Robert Clayton, for the payment of the penal sum of forty thousand pounds, to be made by the said Sir Robert Clayton to you Mary Butler, alias Strickland, after with condition there underwritten, concerning among other things, the payment of twenty thousand pounds, to be made to you Mary Butler, alias Strickland, after the death of the said Sir Robert Clayton, by his heirs, executors, and administrators, falsely, knowingly, unlawfully, and subtilly, did make, counterfeit, and write, and cause to be made counterfeited, and written; And further that you Mary Butler, alias Strickland, afterwards, viz, the first day of december, in the seventh year aforesaid, at London aforesaid, in the parish and ward aforesaid, a certain false and forged writing, sealed in form of a bond, in the name of the said Sir Robert Clayton, for the payment of the penal sum of forty thousand pounds by the said Sir Robert Clayton, to you Mary Butler, alias Strickland with condition underwritten, concerning among other things, the payment of twenty thousand pounds, to be made to you Mary Butler, alias Strickland, after the death of the said Sir Robert Clayton, by his heirs, executors, and administrators, as a true bond of the said Sir Robert Clayton, as if really made by him, falsely, subtilly, and deceitfully did publish, you Mary Butler, alias Strickland, well knowing the said writing to be false, forged, and counterfeited, and not the deed of the said Sir Robert Clayton, to the great damage of the said Sir Robert Clayton, to the evil example of all others in the like case offending, against the peace of our Sovereign Lord the King, his crown, and dignity.

Copy of the forged bond taken by a witness from the original but not afterwards examined by him.

Poverint universi per presentes me Robertum Clayton, militem et decurionem, Anglie<sup>3</sup> St & Alderman de London, heredi et firmiter obligare Mary Butler alias Strickland de South Street, in parochia de Edmonton, in Comitatu Middlesex, videlicet, Quadraginta millibus libris bone et legales monet Anglie, solvend eidem Mary Butler alias Strickland, aut suo certo Alternat, Executor vel Administrato<sup>r</sup> suis, ad quam quidem solutionem bene et fideliter faciendam,

obligationes, heredes, Executors, et Administratores meos, firmiter per ~~se~~  
presentes sigillatim dat' decimo quarto die Aprilis, Anno regni  
Domini Jacobi Secundi, Dei Gratia Anglie & Regis tertio, Anno  
Domini 1687.

The condition of this obligation is such that if the above bounden  
Sir Robert Clayton or his assigns do, and shall well and truly pay,  
or cause to be paid unto the said Mary Butler, alias Strickland, her  
executors, administrators, or assigns, or any of them, yearly and every  
year during the term of his natural life, the full and just sum of 1200 £,  
of lawful money of England, by four equal quarterly payments, being the  
just and legal interest to grow due of and for the principal sum of twenty  
thousand pounds herein after mentioned, in manner and form following,  
that is to say 300 £ on the fourteenth of july next ensuing the date of these  
presents, 300 £ on the fourteenth of october next following, 300 £ on the fourteenth  
of january which shall be in the year 1688, and 300 £ on the fourteenth of  
april following, and so on every fourteenth day of the said months in  
every year, one next and consequently coming after another, the like sum  
of 300 £ during the time and term of the natural life of the said Sir  
Robert Clayton, And also if the heirs, executors, and administrators of the  
said Sir Robert Clayton, do and shall, on or before the expiration of six  
months, next after the death or decease of <sup>his</sup> the said Sir Robert Clayton, not  
only well and truly pay, or cause to be paid unto the said Mary Butler,  
alias Strickland, her executors, administrators, or assigns, the full and  
just sum of twenty thousand pounds of lawful money of England, above  
expressed, but also such interest thereof after the rate aforesaid as shall be  
in arrears and unpaid, at the death of the aforesaid Sir Robert Clayton,  
and also such as shall grow due to be paid for the same, for so long a time  
of the said six months as the said sum of twenty thousand pounds shall  
be unsatisfied and unpaid after the death or decease of the said Sir  
Robert Clayton, without cover, fraud, or deceit, nor shall commence any suit,  
either in law or equity, ~~for~~ against the said Mary Butler, alias Strickland,  
her heirs, executors, or administrators, for, concerning, or in respect of the  
said twenty thousand pounds, and interest, or any part thereof, and  
shall not do any act or thing to obstruct, ~~hinder~~, molest, or hinder her  
them, or any of them, from receiving, <sup>having</sup> enjoying the same, then this  
obligation to be void; and of none effect, ~~otherwise~~ or else to remain  
in full force.

The prisoner was convicted.

Against the father of an illegitimate child.

That AB, late of &c on &c with force and arms, at &c. in and upon the body of one CD, did beget a certain illegitimate female child, which said illegitimate female child, on &c, at &c, was born alive of the body of her the said CD, and is still alive upon the day of taking this inquisition, to wit, at &c, contrary to the form of &c.

Against the father of an illegitimate child which is born in a different county from that where the father resides.

The Jurors of the State of Maryland for the body of all that part of Baltimore County not included within the limits of the City of Baltimore do on their oath present that JS, late of the aforesaid part of the County aforesaid, yeoman, on the first day of January, in the year one thousand eight hundred and thirty four, with force and arms, at Frederick County within the State of Maryland, in and upon the body of one AK did beget a certain illegitimate male child, which said illegitimate male child, on the first day of October, in the year one thousand eight hundred and thirty four, at Frederick County aforesaid within the State of Maryland aforesaid, was born alive of the body of her the said AK, and is still alive upon the day of taking this inquisition, at Frederick County aforesaid within the State of Maryland aforesaid, [he the said JS. on and from the said first day of October, in the year one thousand eight hundred and thirty four, until and upon the day of taking this inquisition, being a resident of a certain County within the State of Maryland other than Frederick County aforesaid, to wit, of the aforesaid part of Baltimore County first aforesaid, to wit at the aforesaid part of the County aforesaid,] contrary to the form of the act &c.

State vs Josiah Shilling. The traverser was convicted.  
The date of the child's birth is the commencement of the father's liability to prosecution.

Denton Mass  
July 21<sup>st</sup>

8

John Stevens Esq  
Easton.

210 C



At a County Court of the State of Maryland  
 for Caroline County at Denton in the said County on the  
 second Monday of October in the year of our Lord one thousand  
 eight hundred and ten being the eighth day of the same  
 month in virtue of an act of Assembly entitled "An act  
 to provide for the organization and regulation of the County of  
 Common Law within this State and for the administration  
 of Justice therein" before the Honble William Polk Esquire  
 and his associates the said States Judges of the said County  
 Court duly Commissioned and qualified.

of whom were Present

The Honble James B. Robins associate Judge.  
 Tho. Saubrey Esq. Tho. Richardson Esq.

The following Judgment amongst other proceedings was  
 duly given and pronounced viz

State of Maryland Caroline County to wit  
 Do it remembered that at a County  
 Court of the State of Maryland begun  
 and held at Denton in and for Caroline County on the  
 second Monday of October in the year of our Lord one thousand  
 eight hundred and ten by the Oath of twelve jurymen good  
 and lawfull men of the County and State aforesaid, who were then  
 and there empanelled, sworn and charged to enquire for  
 said State and the body of Caroline County, it was shown  
 that a certain negro man named John Grisham late of  
 Caroline County labourer the Slave of a certain Jacob Lockhart  
 of Talbot County on the twentieth day of July in the year aforesaid  
 hundred and ten with force and arms at Caroline County  
 and the Smoke House of a certain Thomas Hickey of the same  
 County of the said Smoke House being then and there an out House  
 and being then and there well boarded and substantially built  
 and the Door of the said House being also then and there secured  
 with a Lock feloniously did break and enter and senty pound  
 of Bacon of the Value of thirty Shillings Sterling Money of Great  
 Britain, ten pound of Lard of the Value of ten Shillings Sterling  
 Money of Great Britain and eight pound of Soap of the Value

... and there did steal, take and carry away, and in  
the peace, Government and dignity of the State, and contrary  
to the form of the Act of Assembly in such case made and provided  
and of Act" Whereupon cometh into Court the said  
Negro Slave John Grisham under the Custody of Thomas South-  
by Erquire Sheriff of the County and in whose Custody in the  
Goal of the County of for the cause of he had been committed  
and being put to the Law in his proper person and being asked  
how he of the premises and above charged upon will be acquitted  
he saith that he is not guilty thereof and for trial puts  
himself upon the Country, and John Leed Neer Attorney for  
the said State who doth prosecute for the body of Justice Court  
like manner of. Wherefore let a Jury thereon appear, by  
John J. who neither do to recognize of because as will J. who  
being called come that is to say Thomas B Daffin, George  
Pawley, Abel Gowty, Jacob Clements, Seth Godwin, Daniel  
Levertow, Nathaniel Russell, John Humbold, Charles Jones, William  
Potter, Philemon Plummer, and Thomas Pearson, who being  
elected, tried and sworn to say the truth of and upon the swearing  
upon their Oaths do say that the said Negro John Grisham  
is guilty of the Felony and above upon him charged in  
pursue and form of as by the indictment and is supposed  
against him. Therefore it is considered by the Court  
that the said John Grisham Negro, serve and labour  
two years for the said crime on the publick Road of Baltimore  
County according to the Act of Assembly in such case made  
and provided, and the Court do now here value the said Negro  
John Grisham to the sum of one hundred Dollars Current  
Money, and the Court do now here order the Sheriff of  
Caroline County and to convey the said Negro John Grisham  
and deliver him to the person or persons appointed to take  
care of the Criminals in Baltimore County agreeably to the  
Act of Assembly and thereupon the said Negro John  
Grisham is committed to the Custody of the said Sheriff.

Thos. Richard Jones

216B

State of Maryland's Caroline County to  
I hereby Certify that the foregoing is true  
and faithfully taken from the Record of Caroline County

In Testimony whereof I have  
heretofore set my hand and affixed the  
Public Seal of my Office this twenty  
first day of July in the year of our Lord  
one thousand eight hundred and fourteen

Thos. Richardson Clerk  
Caroline County Court

A singular specimen of  
Criminal Pleading -

Denton 23 July 1814

Sir

At the request of Capt J. Saffin I transmit  
you the above Record.

Yours respectfully  
H. Cullerth

J. Stevens Esq

State of Maryland.  
City of Baltimore, to wit.

The Jurors of the State of Maryland for the body of the City of Baltimore  
do on their oath present that <sup>late of the City</sup>  
of Baltimore aforesaid, on the <sup>day of</sup> in the  
year one thousand eight hundred and thirty eight, with force and arms,  
at the City of Baltimore aforesaid, in a certain common and publick  
street there, called North Calvert street, (the same street being then and  
there a common highway of the said State there used for all the liege  
inhabitants of the said State to go, return, pass, repass, ride, and labour,  
on foot, on horseback, and with their coaches, carts, carriages, and horses,  
in, along and through the same  
at their free will and pleasure,) unlawfully and injuriously did  
drive and cause to be driven and then and there continue to drive  
and cause to be driven, for a long space of time, to wit, the space of  
two hours then next following, a certain hackney coach, then and there  
drawn by two horses, up and down the same street, being then and  
there such common highway of the said State as aforesaid, and thereby  
then, during all the time aforesaid, there, unlawfully and injuriously  
greatly obstructed the same street, being <sup>then and there</sup> such common highway of  
the said State as aforesaid, so that the liege inhabitants of the said  
State could not then, during all the time aforesaid, there, go, return,  
pass, repass, ride, and labour, on foot, on horseback, and with their coaches,  
carts, carriages, and horses, in, along, and through the same street, being  
~~the same street and there~~  
such common highway of the said State as aforesaid, as they ought  
and were accustomed to do, but were then, during all the time aforesaid,  
there, greatly hindered and obstructed in the use and enjoyment of  
the same street, being <sup>then and there</sup> such common highway of the said State as  
aforesaid, to the great damage and common nuisance of all the liege  
inhabitants of the said State going, returning, passing, repassing,  
riding, and labouring in, along, and through the same street being  
such common highway of the said State as aforesaid, to the evil  
example of all others in the like case offending, and against the  
peace, government, and dignity of the State.

\* 17.

And the jurors aforesaid, upon their oath aforesaid, do further present that the said \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ in the year one thousand eight hundred and thirty eight, with force and arms, at the City of Baltimore aforesaid, in a certain common and publick street there, ~~the same street~~ called North Calvert street, (the same street being then and there a common highway of the said State there used for all the liege inhabitants of the said State to go, return, pass, repass, ride, and labour, on foot, on horseback, and with their coaches, carts, carriages, and horses, at their free will and pleasure) unlawfully and injuriously did drive and cause to be driven, and then and <sup>there</sup> continued to drive and cause to be driven for a long space of time, to wit, the space of two hours then next following, a certain hackney coach then and there drawn by two horses, and thereby, then, during all the time aforesaid, there, unlawfully and injuriously made and cause to be made great noises, and ~~thereby~~ <sup>by such making and expressing to be</sup> then, during all the time aforesaid, there, unlawfully and injuriously annoyed, disturbed, and incommoded the liege inhabitants of the said State, there, during the time aforesaid, there, going, returning, passing, repassing, riding, and labouring, in, along, and through the ~~same~~ same street, being such common highway of the said State as aforesaid, and other liege inhabitants of the said State dwelling, inhabiting, residing, passing, and being near the same street, to the great damage and common nuisance of all the liege inhabitants of the said State going, returning, passing, repassing, riding, and labouring, in, along, and through the same Street, being such common highway of the said State as aforesaid, and of all the other liege inhabitants of the said State dwelling, inhabiting, residing, passing, and being near the same street, to the evil example of all others in the like case offending, and against the peace, government, and dignity of the State.

made of the ~~same~~ said noises,

Trial of John Stevenson. State Trials. Vol. X. Page 462.

xxxx of which said mortal wound the said Francis Elcock, on the aforesaid twenty first day of march, in the year aforesaid, for the space of ten hours, at Bickerton aforesaid, in the County aforesaid, did languish, and languishing did live, on which said twenty first day of march, in the year aforesaid, the said Francis Elcock, at Bickerton aforesaid, in the County aforesaid, of the mortal wound aforesaid, died. And so &c.

Trial of Col. James Turner. State Trials. Vol. 2. Page 503.

xxxx one gold ring, and diamonds set therein, of the value of thirty pounds, one other gold ring and nine diamonds fixed in the same ring, called an agar ring, of the value of five pounds, xxx another gold ring and a jacinth stone fastened therein, and two diamonds set in either of them, of the value of three pounds, xxxxxx

cruelty to animals.

and with force and arms, at the City of Baltimore aforesaid, did wilfully and wickedly commit an act of cruelty upon a certain domestick animal to wit, a gelding, within the limits of the City of Baltimore aforesaid, by then and there wilfully, and wickedly, striking and beating the said gelding in a cruel and unmoderate manner within the limits of the City of Baltimore aforesaid, contrary to the form of the act &c.

218  
18  
State of Maryland.

City of Baltimore, to wit.

The Jurors of the State of Maryland for the body of the City of Baltimore do upon their oath present that A.B, late of the City aforesaid, together with &c. being all evil disposed persons, rioters, ruters, ruters, and disturbers of the peace of the said State, on the seventh day of August, in the year eighteen hundred and thirty five, and on divers other days and times between that day and the tenth day of August, in the year aforesaid, with force and arms, at the City aforesaid, unlawfully, riotously, and routously, did assemble and meet together to disturb the peace of the said State, and being so assembled and met together, ~~to disturb the peace~~ did, during the days and times aforesaid, unlawfully, riotously, and routously, remain and continue together, making great noise, riot and confusion, and did during the days and times aforesaid, and while they, so as aforesaid, unlawfully remained together, unlawfully, riotously, and routously, did break and enter the dwelling houses of various citizens there situate, to wit, of John B. Morris, Reverdy Johnson, John Glenn, Jesse Hunt, and Evan T. Ellicott, and from the dwelling houses aforesaid, did then and there unlawfully, riotously and routously, cast, fling, and throw out divers goods, and chattels, and furniture, being there found, and did then and there burn and destroy the said goods, chattels, and furniture, and greatly damaged and injured the said dwelling houses, to the great damage of the said John B. Morris, Reverdy Johnson, John Glenn, and Jesse Hunt, and Evan T. Ellicott, to the evil example of all others in like cases offending, ~~and~~ ~~to~~ ~~the~~ ~~common~~ ~~terror~~ ~~of~~ ~~all~~ ~~good~~ ~~and~~ ~~peaceable~~ ~~inhabitants~~ ~~of~~ ~~this~~ ~~State~~, and against the peace, government, and dignity of the State.

And the Jurors aforesaid, upon their oath aforesaid, do further present that the said A.B, together with &c, being all evil disposed persons, and rioters, ~~and~~ ruters, and disturbers of the peace of the said State, on the eighth day of August, in the year eighteen hundred and thirty five, with force and arms, at the City aforesaid, unlawfully, riotously, and routously, did assemble and meet together to disturb the peace of the said State, and being so assembled and met together, did then and there unlawfully, riotously, and routously remain and continue together for a long space of time, to wit, for the space of ten hours, making great noise, riot, and confusion, and while they so as aforesaid unlawfully remained together, unlawfully, riotously, and routously, did then and there break and enter the dwelling house of a certain John Glenn, there situate, and from the said dwelling house did then and there unlawfully, riotously, and routously, cast, and fling, and throw



out divers goods and chattels, books, and furniture therein being found, and did then and there burn and destroy the same goods and chattels, and did then and there greatly damage and injure the said dwelling house, to the injury of the said John Glenn, to the evil example &c and against the peace &c

3<sup>d</sup> Count. like the second in form for breaking and entering the house of Mess<sup>rs</sup> Johnson, Morris &c. on the month of August.

*For assaulting a Fireman*

*State of Maryland  
City of Baltimore, to wit.*

*The Jurors of the State of Maryland for the body of the City of Baltimore do on their oath present that A.B, late of the City of Baltimore aforesaid, yeoman, on the 20. with force and arms, at the in and upon one C.D, who was then and there a fireman of the City of Baltimore aforesaid, being then and there engaged in the discharge of his duties as a fireman, and in the peace of God and of the said State then and there also being, did make an assault (the same not being in self defence) and him the said C.D then and there beat, (the same not being in self defence) so that his life was greatly despaired of; contrary to the form of the act of &c*

*2d Count for a common assault.  
Act of Assembly 1837. Chapter*

*"Shall assault, beat, or otherwise intentionally hurt or injure."*

*Counts should be framed on this clause according to circumstances.*

*or three.*

*1 count*

*for assault*

*2 for assaulting and beating.*

*3 common*

*assault.*



AN ACT for the protection of Firemen, and of the property of the Fire Companies in the City of Baltimore:

Sec. 1. Be it enacted by the General Assembly of Maryland, That from and after the passage of this act, any person or persons who shall willfully destroy or injure any Engine, Hose, Reel, or other apparatus whatever, for the extinguishment of fires belonging to any Fire Company in the City of Baltimore, shall be guilty of felony, and upon conviction thereof shall be sentenced to confinement in the Penitentiary for a period not less than two years, nor more than five years.

Sec. 2. And be it enacted, That any person or persons who shall assault, beat or otherwise intentionally hurt or injure any fireman of the City of Baltimore, except in self defence, whilst engaged in the discharge of his duties as a fireman, upon conviction thereof shall be sentenced to imprisonment in Baltimore County jail for a period not less than one month, and to the payment of a fine of not less than ten dollars, nor more than one hundred dollars.

Sec. 3. And be it enacted, That the Standing Committee of the Baltimore United Fire Department in the City of Baltimore, and the Presidents of the several fire companies now being, and who shall hereafter be, shall severally by virtue of their respective offices, be vested with, and have, and exercise all the powers and jurisdiction of a justice of the peace, whilst accompanying any engine or other apparatus for the extinguishment of fire, and whilst attending at, going to, or returning from any fire.

Sec. 4. And be it enacted, That it shall not be lawful for any person to remove any engine or other apparatus for the extinguishment of fire from the house or other place where the same shall be kept or deposited, unless properly authorised so to do by the President and Directors of the Company to whom the same shall belong, or their duly authorised agent, and any person offending against the provisions of this section shall forfeit and pay a sum not less than five dollars nor more than twenty dollars, to be sued for and recovered in the name of the Company, and for the use of the Company, before a single magistrate, in the same way that small debts are by law recoverable.

Sec. 5. And be it enacted, That it shall not be lawful for any person to enter or to remain in any engine house of any fire company unless authorised so to do by the President and Directors of said Company, or by their duly authorised agent, and any person offending against the provisions of this section shall forfeit and pay a sum not less than five dollars nor more than twenty dollars, to be sued for and recovered in the name of the Company, and for the use of the Company, before a single magistrate in the same way that small debts are by law recoverable.

Sec. 6. And be it enacted, That it shall be the duty of the President and Directors of each fire company to appoint and order some appropriate designation or badge to be worn by the members of said company in front of their hats or caps at all times when attending their engine, and if any person not a member of said Company, shall assume or wear said badge or any imitation thereof at any time when the Company shall be engaged in their appropriate duties he shall be fined in a sum not exceeding five dollars, to be sued for and recovered in the name and for the use of the said Company before a single magistrate in the way that small debts are by law recoverable.

Sec. 7. And be it enacted, That any member or members of a fire Company notwithstanding his or their being a member of the Company seeking to recover the penalty imposed by this act shall be and they are hereby declared to be competent witnesses in any case wherein the penalties imposed by this act are sought to be recovered.

We hereby certify that the foregoing is a true copy from the original which passed both branches of the Legislature at December session 1837.

Given under our hands at the City of Annapolis this 5th day of April 1838.

GEORGE G. BREWER,  
Clk. House Del. Md.  
JOS. H. NICHOLSON,  
Clk. Senate Md.

State of Maryland.

City of Baltimore, to wit.

The Jurors of the State of Maryland for the body of the City of Baltimore do on their oath present that late of the City of Baltimore aforesaid, yeoman, on the day of in the year one thousand eight hundred and thirty eight, with force and arms, at the City of Baltimore aforesaid, in and upon one who was then and there a fireman of the City of Baltimore, and then and there engaged in the discharge of his duties as a fireman, and in the peace of God and of the said State then and there also being, did make an assault, [the same not being then and there in self defence], contrary to the form of the act of Assembly in such case made and provided, and against the peace, government, and dignity of the State.

And the Jurors aforesaid, upon their oath aforesaid, do further present that the said on the day of in the year one thousand eight hundred and thirty eight, with force and arms, at the City of Baltimore aforesaid, in and upon one who was then and there a fireman of the City of Baltimore, and then and there engaged in the discharge of his duties as a fireman, and in the peace of God and of the said State then and there also being, did make an assault, [the same not being then and there in self defence], and him the said then and there did beat, [the same not being then and there in self defence], contrary to the form of the act of Assembly in such case made and provided, and against the peace, government, and dignity of the State.

And the Jurors aforesaid, upon their oath aforesaid, do further present that the said on the day of in the year one thousand eight hundred and thirty eight, with force and arms, at the City of Baltimore aforesaid, in and upon one who was then and there a fireman of the City of Baltimore, and then and there engaged in the discharge of his duties as a fireman

and in the peace of God and of the said State then and there also being,  
 did make an assault, [the same not being then and there in self  
 defence], and him the said \_\_\_\_\_ then and there did beat  
 intentionally hurt, and injure, [the same not being then and there  
 in self defence], contrary to the form of the act of Assembly in such  
 case made and provided, and against the peace, government, and  
 dignity of the State.

And the Jurors aforesaid, upon their oath aforesaid, do further present  
 that the said \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_  
 in the year one thousand eight hundred and thirty eight, with force  
 and arms, at the City of Baltimore aforesaid, in and upon one \_\_\_\_\_  
 in the peace of God and of the said State  
 then and there being, did make an assault, and him the said \_\_\_\_\_  
 did then and there beat, bruise, wound, and  
 illtreat, so that his life was greatly despaired of, and other  
 wrongs to him the said \_\_\_\_\_ then and there did  
 to the great damage of him the said \_\_\_\_\_ and of  
 the peace, government, and dignity of the State.

George P. Richardson, Deputy of the Attorney General of the  
 State of Maryland for the City of Baltimore.

"Deinde post hoc versus Apollinis, qui non stante metro Latine  
 interpretati sunt subjunxit, atque ait, &c."  
 St. August. de Civ. Dei.

Lardner, Vol 7, p. 461 erroneously translates this "Then, after  
 these verses of Apollo, which are not translated into good Latin  
 metre, he subjoins & says, &c."

It should be "Which are translated from Greek verse into  
 Latin prose."

Against a rogue and vagabond. 1809 chapter 138 sect. 4. cl. 4.

that AB, late of &c, on the &c. at the &c. then and there having upon him a certain key ("picklock, key, crow, jack, bit, or other implement,") was apprehended by one CD, who was then and there a constable of the City of Baltimore and in the due execution of his office as such constable as aforesaid; he the said AB, at the said time of his apprehension aforesaid, and of his having upon him the key aforesaid, then and there intending feloniously to break and enter then and there with the key aforesaid, into a certain warehouse of one OP there situate; and so the Jurors aforesaid, upon their oath aforesaid, do say and present that the said AB then and there was and shall be deemed a rogue and vagabond; <sup>to wit, of</sup> contrary to the form of the acts of &c and Count.

"then and there intending feloniously to break and enter then and there with the key aforesaid, into a certain outhouse, to wit, a storehouse, of one OP there situate; and so the Jurors aforesaid &c.  
The indictment may conclude contrary to the form of the act."

that A B, the wife of C B, late of the City of Baltimore aforesaid,  
 woman, on the 19<sup>th</sup> day of <sup>February</sup> ~~April~~, in the year 1839, with force  
 and arms, at the City of Baltimore aforesaid, being then  
 and there a person of wicked mind and disposition, and  
 then and there unlawfully and maliciously, contriving  
 and intending the said C B, her husband, then and  
 there feloniously, wilfully, and of her malice aforethought  
 to poison, kill, and murder did then and there unlawfully,  
 knowingly, wilfully, and maliciously, put, mix, and  
 mingle a large quantity of deadly poison, to wit, the quantity  
 of ~~four~~ <sup>three</sup> drachms of <sup>the said</sup> opium, into and with a certain quantity  
 of whiskey, which the said C B was then and there about  
 to drink, (she the said A B then and there well knowing  
 that the said C B then and there intended and was  
 then and there about to drink the said whiskey, and  
 the said A B also then and there well knowing the said  
 opium, so as aforesaid by her then and there put, mixed  
 and mingled into and with the said whiskey, to be  
 a deadly poison then and there) and that the said  
 C B, did then and there take drink and swallow down  
 into his body a large quantity, to wit, one gill of the said  
 whiskey, with which the said opium was then and there  
 so aforesaid put, mixed and mingled by her the said  
 A B (he the said C B, ~~at the time he so took drink, and~~  
~~swallow down into his body, the said whiskey, not~~  
 knowing then and there that there was any deadly  
 opium or other poisonous or hurtful ingredient, <sup>of the</sup> ~~put,~~ <sup>then and there</sup>

mixed, and mingled into and with the said whiskey  
 by means whereof he the said C. B. then and there became  
 and was sick and greatly distempered in his body, and  
 in extreme danger of losing his life; to the great damage  
 of him the said C. B., to the evil example of all others in  
 the like case offending and against the peace, govern-  
 ament, and dignity of the State.

2<sup>d</sup> Count. <sup>white</sup> Arsenick.

3<sup>d</sup>. being then and there a mixture of opium and white  
 arsenick.

4<sup>th</sup>. A certain deadly poison the name whereof is to  
 the Jurors aforesaid unknown.

State of Maryland.

vs.

Wright Allen.

Indictment. Baltimore City Court. Feb. Term. 1839.

Name of witness.

James F. Purvis.

It is intended to give in evidence upon the trial of this case, under the first count of the indictment, that the said Wright Allen, together with Mary Ridley, on the sixteenth day of December, in the year one thousand eight hundred and thirty eight, with force and arms, at the City of Baltimore, did obtain from James F. Purvis the valuable securities in the said indictment specified, <sup>and of the value therein mentioned</sup> being then and there of the valuable securities and property of the said James F. Purvis, by the false pretence (the same not being then and there as mere promise for future payment, and not being then and there as mere promise for future payment not intended to be performed,) that the said Mary Ridley was then and there the slave of the said Wright Allen and ~~the~~ by the said Wright Allen then and there by and in pursuance of the said false pretence mortgaging the said Mary Ridley as such slave as aforesaid to the said James F. Purvis. Whereas in truth and in fact the said Mary Ridley was not then and there the slave of the said Wright Allen, And whereas in truth and in fact the said Mary Ridley was not then and there the slave of the said Wright Allen but was then and there a free person. With intent <sup>then and there</sup> to defraud and cheat the said James F. Purvis of the same valuable securities. &c

George R. Richardson, Deputy of the Attorney General of the State of Maryland for the City of Baltimore.



~~Declarations of the names  
of witnesses and of the  
evidence intended to be  
given and the part of the  
State in the case of the  
State of Maryland vs Wright  
Allen, under the indictment  
of the indictment.~~

State of Maryland

vs

Wright Allen.

State vs Allen.

False Pretences.

Form of Statement to be given if demanded by ~~prosecutor~~  
State of Maryland.

vs.

William Cochrane.

Names of witnesses.

John R. Digges.

It is intended to give in evidence upon the trial of this case that the said William Cochrane obtained the chattels mentioned in the indictment, to wit, two cards of steel pens, of the value of thirty one cents, from John R. Digges (the said chattels being of one Jacob Trust) <sup>by</sup> ~~considering~~ the false pretence <sup>that</sup> <sub>the same not being then and there a mere promise for future time as in indictment</sub>

(Here set out the false pretence)

(with proper traverses as in an indict at common law)

with intent to defraud and cheat the said Jacob Trust of the same chattels.

By R. R. Deputy of the Attorney General & Clerk



For voting Twice at one election.

xx that John Hack, late of Dc, on the 2<sup>d</sup> day of October, in the year 1839, (the same day being the first Wednesday in October in the year aforesaid) with force and arms, at the City Dc, (he the said John Hack, then, and until and upon the day of taking this inquisition, there, residing in the City of Baltimore) did vote twice at one election, to wit, a certain election then & there held in due form of law for 2 representatives in the Congress of the United States for the 4<sup>th</sup> Congressional district of the State of Maryland, 5 delegates to the General Assembly of Maryland, <sup>for the City of Balt</sup> and Sheriff of Baltimore City & County, to wit, that he the said John Hack did then & there vote at the said election in the 2<sup>d</sup> ward & election district in the City of Baltimore and did also then and there vote a second time at the said election in the said 2<sup>d</sup> ward & election district in the City of Baltimore, contrary to the form of the act Dc.

2<sup>d</sup> Count "a certain election then and there held in due form of law, to wit, that he the said John Hack Dc

3<sup>d</sup> Count, to wit, a certain election then and there held in due form of law; contrary to the form of the act Dc.

Gaming, 1794. c. 110.

~~That AB, late of Dc, on Dc, with force and arms, at Dc, being then and there a tavernkeeper, did~~  
~~did permit a certain device for the purpose of gaming for money, (other than a billiard~~  
~~table), to wit, thionbles, to be then and there set up in a certain place there situate and~~  
~~then and there occupied by him the said AB; contrary to the form of the act Dc.~~

xxx That AB, late of Dc, on Dc, with force and arms, at Dc, being then and there a tavernkeeper, did  
permit a certain device for the purpose of gaming for money, (other than a billiard  
table,) to wit, thionbles, to be then and there set up in a certain place there situate and  
then and <sup>there</sup> occupied by him the said AB; contrary to the form of the act Dc.

2d count. For permitting Dc. to be kept.

3d Count. For permitting Dc. to be maintained.

4th Count. At the common law for keeping a common gaming house.

5th Count. Dc, for keeping a common gaming room and places

6th Count. For keeping a disorderly house.

Section 2.

"That after the passage of this act, no E.O.A.B.C.I.S.D. or faro table, or other device (except billiard  
tables) for the purpose of gaming for money, shall be set up, kept, or maintained in any dwelling  
house, out house, or place occupied by any tavernkeeper, retailer of wine, spirituous liquors, beer,  
or cider, whether such person have a license or not, on pain of forfeiting such E.O.A.B.C.I.S.D. table,  
or other device, and of forfeiting moreover, for every offence the sum of fifty pounds current money,  
upon conviction thereof by indictment or confession in the County Court of the County  
wherein the offence shall be committed.

3d. Annuls the tavernkeepers license



Col. W. H. Watson  
1840

Against a Justice for official misconduct.

xxx that a certain G. S. late of the City of Baltimore aforesaid, yeoman, on the first day of December, in the year one thousand eight hundred and thirty six, with force and arms, at the City of Baltimore aforesaid, in and upon one T. S. in the peace of God and of the said State then and there being, did make an assault with an intent him the said T. S. then and there feloniously, wilfully, and of his malice aforethought, to kill and murder. And the Jurors aforesaid, upon their oath aforesaid, do further present that J. W. B. late of the City of Baltimore aforesaid, Esquire, afterwards, to wit, on the third day of January, in the year one thousand eight hundred and thirty seven, with force and arms, at the City of Baltimore aforesaid, being a Justice of the Peace of the State of Maryland in and for the City of Baltimore aforesaid, upon the information and oath of the said T. S. of and concerning the said assault, did make and issue his warrant in writing under his hand and seal, directed to one J. C. K. one of the City Bailiffs of the City of Baltimore aforesaid, whereby the said J. C. K. was directed to take and arrest the said G. S. to be dealt with for the said assault in due form of law, and then and there delivered the same to the said J. C. K. And the Jurors aforesaid, upon their oath aforesaid, do further present that the said J. W. B. late of the City of Baltimore aforesaid, Esquire, on the eighth day of February, in the year one thousand eight hundred and thirty seven, with force and arms, at the City of Baltimore aforesaid, <sup>while the said warrant was still in force and before the return thereof</sup> being then and there a Justice of the Peace of the State of Maryland in and for the City of Baltimore aforesaid, well knowing the premises, and also well knowing that the said G. S. was then, to wit, on the day and year last aforesaid, there, within the limits of the City of Baltimore aforesaid, so that he the said G. S. might then, to wit, on the day and year last aforesaid, there, be arrested and taken by the said J. C. K. by virtue and in pursuance of the said warrant, but devising <sup>designing</sup> contriving, and intending to prevent the due execution, course

# State of Maryland,

City of Baltimore, wit :

At a Baltimore City Court begun and held at the Court House in the City of Baltimore, in and for the city aforesaid, on the *first* Monday of *October* in the year of our Lord one thousand eight hundred and *thirty eight* for the trial of all felonies, and other crimes, offences, and misdemeanors, committed in said city :

PRESENT,

The Honorable

*Nicholas Bacon*

Chief Judge,

*Alexander Smith*

*Wm D. Washington*

} Associate Judges.

*John W. Walker* Esquire, Sheriff.

*William Medley* Clerk.

Among other were the following proceedings—to wit :

and administration of law and justice, and to make the same subservient to his own lucre and gain, and to his own private wicked purposes and intentions, and to prevent the said J. C. H. from taking and arresting the said G. S. by virtue and in pursuance of the said warrant, did under colour and pretence of his authority as a justice of the peace of the State of Maryland in and for the City of Baltimore aforesaid, unlawfully, wilfully, unjustly, and corruptly, cause and procure the said J. C. H. there, to wit, on the day and year last aforesaid, there, to give and deliver up the said warrant to him the said J. W. D. and then, to wit, on the day and year aforesaid, there, unlawfully, wilfully, unjustly, and corruptly, destroyed the said warrant, in manifest breach and violation of his duty as a justice of the peace of the State of Maryland in and for the City of Baltimore aforesaid, to the great hindrance and mockery of the publick justice of the said State, in contempt of the said State and of its laws, to the evil example of all others in the like case offending, and against the peace, government, and dignity of the State.

2<sup>d</sup> Count. Founded on a writ of capias.

3<sup>d</sup> For conniving at escape of G. S.

The traverser was convicted and the indictment held good upon motion in arrest of judgment. Feb. Term 1837. Balt. City Court.

Ἐκκοῦως δὲ τὰ καὶ τῶν νεῶν φιλοσοφῶν διαφανῆς γεγονῶς Ἀμελίου - εἰ καὶ μὴ ἐπ' ὀνομαστος ἤξειωσεν τὴν εὐαγγελιστῆ Ἰωάννη μὴ μὴν ποιήσασθαι ἐπιμαρτορεῖ δὲν ὅμοιος ταῖς αὐτῆ φωναῖς, αὐτὰ δὲ ταῦτα πρὸς ῥῆμα γραφῶν. ~~ἐπιμαρτορεῖ~~  
 "Καὶ ἅτος ἀρα ἦν ὁ λόγος, καθ' ὃν ἀεὶ ὄντα τὰ γινόμενα ἐγένετο, ὡς ἀν καὶ ὁ Ἡρακλείτος ἀξίωσει. καὶ τὸ Δι' ὃν ὁ βαρβαρὸς ἀξίως ἐν τῇ τῆς ἀρχῆς ταῦζει τε καὶ ἀξία καθεστηκότα πρὸς Θεὸν εἶναι· δι' ἃ πανθ' ἀπλῶς γεγενῆσθαι ἐν ᾧ τὸ γινόμενον ζῶν καὶ ζῶν, καὶ οὐ πεφικέναι· καὶ εἰς σῶματα πίπτειν, καὶ σαρκα ἐνδυσάμενον, φαντασθαι ἀνθρώπον· μετὰ καὶ τὴ τῆνικαυτὰ δεικνύειν τῆς φύσεως το μεγαλειῶν· ἀμελεῖ καὶ ἀναδοθέντα πάλιν ἀναθεσθαι καὶ Θεὸν εἶναι. οἷος ἦν πρὸ το εἰς σῶμα, καὶ τὴν σαρκα, καὶ τὸν ἀνθρώπον καταχθῆναι. "

Quoted by Eusebius from Amelius or Amerius, the Platonic philosopher of the 3<sup>rd</sup> century, and to be found in Lardner, Vol. 7. p. 373. He undoubtedly is speaking of the Gospel of St. John, and who with such evidence of the sense in which the beginning of that gospel was understood in the 3<sup>rd</sup> century, can avoid a smile at the futile attempts of the Unitarians of this day, to torture it into a confession favorable to their own views,

State of Maryland.

City of Baltimore, to wit.

The Jurors of the State of Maryland for the body of the City of Baltimore do on their oath present that James Johnson, late of the City of Baltimore aforesaid, negro, on the \_\_\_\_\_ day of December, in the year one thousand eight hundred and thirty eight, with force and arms, at the City of Baltimore aforesaid, being then and there a slave, then and there feloniously attempting a certain Thomas Gibson then and there feloniously, wilfully, and of his malice aforethought, to kill and murder, in and upon the said Thomas Gibson, in the peace of God and of the said State then and there being, then and there feloniously did make an assault, and that the said James Johnson a certain brickbat, which said brickbat he the said James Johnson in his right hand then and there ~~in his hand~~ had and held, to, against, and upon the said Thomas Gibson then and there feloniously did cast and throw, with an intent then and there him the said Thomas Gibson then and there feloniously, wilfully, and of his malice aforethought, to kill and murder; and so the Jurors aforesaid, upon their oath aforesaid, do say that the said James Johnson, being then and there a slave, did then and there feloniously attempt him the said Thomas Gibson, in manner and form aforesaid, then and there feloniously, wilfully, and of his malice aforethought, to kill and murder, contrary to the form of the acts of Assembly in such case made and provided, and against the peace, government, and dignity of the State.

And the Jurors aforesaid, upon their oath aforesaid, do further present that the said James Johnson, on the \_\_\_\_\_ day of December, in the year one thousand eight hundred and thirty eight, with force and arms, at the City of Baltimore aforesaid, being then and there a slave, did then and there feloniously attempt a certain Thomas Gibson, in the peace of God and of the said State then and there being, then and there feloniously, wilfully, and of his malice aforethought, to kill and murder, contrary to the form of the acts of Assembly in such case made and provided, and against the peace, government, and dignity of the State.

And the Jurors aforesaid, upon their oath aforesaid, do further present that



the said James Johnson, on the \_\_\_\_\_ day of December, in the year one thousand eight hundred and thirty eight, with force and arms, at the City of Baltimore aforesaid, in and upon one Thomas Gibson, in the peace of God and of the said State then and there being, did make an assault, and him the said Thomas Gibson did then and there beat, bruise, wound, and illtreat, so that his life was then and there greatly despaired of, and other wrongs to him the said Thomas Gibson then and there did, to the great damage of him the said Thomas Gibson, and against the peace, government, and dignity of the State.

George R. Richardson, Deputy of the Attorney General of the State of Maryland for the City of Baltimore.

# Penitentiary

Persons escaping from 1837. c. 30. s. 18.  
 Keeper &c. aiding escape. Do. Do. Do.  
 money &c employed in rescuing persons from  
 penitentiary. Do. Do. s. 23. (to be forfeited).  
 Keepers receiving gifts from convicts. &c. s. 25.  
 Misconduct of officers. s. 9.  
 Grand jury to enquire into management of  
 and present officers for misbehaviour. s. 13.

no person to be confined in for less than 2 years. 1825 chapter 93.

Solitary confinement in abolished 1839. c. 400, s. 2.  
 Acts repealed by 1837 c. 320.

1809. c. 138 sections 28 to 51 inclusive?  
 — c. 200.

1811. c. 145.

June 18<sup>th</sup>. 1812 ch. 4.

1812 ch. 148.

1813. ch. 69. s. 1.

1817. ch. 72.

1821. ch. 193.

1822. ch. 134.

1823. ch. 206.

1826. ch. 229. s. 3. 10. 7. 11.

1827. ch. 37. s. 4. 5. 6.

1827. ch. 154. s. 5.

1828. ch. 65.

1830. ch. 12.

1831. ch. 208. s. 7.

1831. ch. 285.

Penitentiary confinement in  
 1839 ch. 11

For Embryment. 1st Count.

*[Faint, mostly illegible handwritten text, possibly a list or account, with a large diagonal line drawn through it.]*

*Acquiescence*



For disturbing divine service

xxx that A.B, late of, &c, on &c the same day being Sunday, with force and arms, at the &c in a certain church there situate, to wit, at the corner of Hanover street and Montgomery street in the City of Baltimore aforesaid, unlawfully, unjustly, and irreverently, did disturb and obstruct the celebration of divine service in the said church then and there, in contempt of the laws of the said State, to the evil &c and against the peace &c

2d count in a certain church there situate, unlawfully, unjustly, and irreverently, &c.

The traverser was found guilty.

Against A roguer and vagabond found secreted in a warehouse with intent to steal.

xxxx that A.B, late of &c negro, on &c, at &c, was then and there found <sup>by one &</sup> on a certain warehouse of one C.D there situate, he the said A.B, [at the <sup>said</sup> time of his being, so found in the same warehouse as aforesaid] then and there intending the goods and chattels of the said C.D in the same warehouse then and there being, then and there feloniously, to steal, take and carry away; and so the Jurors aforesaid, upon their oath aforesaid, do say that the said A.B then and there was, and shall be deemed, a roguer and vagabond; to wit, at <sup>contrary</sup> to the form of the acts of &c.

The detection of the automaton chess-player in Baltimore has been forgotten. It was exhibited here when I was young by Mr Maelzel in a large room in the Fountain Inn in Light street. some boys belonging to a hatter's shop were on the flat roof of their work house which commanded a view of the room, & after the performance they saw Mr Maelzel open the back of the figure & a man come forth, the story was noised about & finally appeared in the Federal Gazette, & the automaton chess player was exhibited in Baltimore no longer 1854.



one of my first attempts. G. P.

For harbouring a runaway, 1824.

xxx that AB, late of &c on &c with force and arms, at &c. being then and there a free person  
a certain negro named CD, who was then and there the slave of one I.M., and who  
then and there had actually runaway from his lawful owner the said I.M.; ~~he~~  
~~said AB~~ did harbour then and there; he the said AB then and there knowing  
the said negro named CD to be then and there a slave who then and there had  
actually runaway from his lawful owner; contrary to the form of the act &c.

2d xxx

xxx that the said AB, on &c, with force and arms, ~~at~~, being then and there a  
free person, a certain negro named CD, who was then and there the ~~servant~~  
~~servant~~ ~~of~~ ~~one~~ ~~I.M.~~ ~~and~~ ~~who~~ ~~then~~ ~~and~~ ~~there~~ ~~had~~ ~~actually~~  
runaway from his lawful ~~owner~~ ~~possessor~~ the said I.M., did  
harbour then and there; he the said AB then and there knowing the  
said negro named CD to be then and there a slave who then and there  
had actually runaway from his lawful possessor; contrary to the form  
of the act &c.

Forig ambling...

that AB, late of &c, yeoman, on the &c, with force and arms, at the &c, did keep a certain common gaming table, (not being a billiard table,) called a pharo table, at which said common gaming table, a certain game of chance, called pharo, was then and there by divers persons, whose names are to the Jurors aforesaid unknown, played for money, contrary to the form of the act &c.

2d. did keep a certain bank for common gaming, called a pharo bank, and did then and there permit divers persons, whose names are to the Jurors aforesaid unknown, to bet against the said bank, contrary to the form of the act &c.

3d. did keep a certain common gaming table (not being a billiard table) the name whereof is to the Jurors aforesaid unknown, at which said common gaming table a certain game of chance, the name whereof is to the Jurors aforesaid unknown, was then and there by divers persons, whose names are to the Jurors aforesaid unknown, played for money, contrary to the form of the act &c.

4th. did permit a certain common gaming table (not being a billiard table) called a pharo table, to be kept <sup>then and there</sup> in a certain house there situate, of which said house he the said AB was then and there the proprietor, at which said common gaming table, so as aforesaid kept then and there in the house aforesaid, a certain game of chance, called pharo, was then and there by divers persons, whose names are to the Jurors aforesaid unknown, played for money; contrary to the form of the act &c.

5th. did permit a certain bank for common gaming, called a pharo bank, to be kept then and there in ~~the~~ a certain house there situate, of which said house he the said AB was then and there the proprietor, ~~substantive~~ against which said bank, ~~divers persons, whose names are to the Jurors aforesaid unknown,~~ so as aforesaid kept then and there in the house aforesaid, divers persons &c. were then and there permitted to bet; contrary to the form of the act &c.

(not being a billiard table)

6<sup>th</sup>. did permit a certain common gaming table the name whereof is to the jurors aforesaid unknown, to be kept then and there in a certain house the situation of which said house he the said AB was then and there the proprietor, at which said common gaming table so as aforesaid kept then and there in the house aforesaid, ~~some~~ a certain game of chance, the name whereof is to the jurors aforesaid unknown, was then and there by divers persons, whose names &c, played for money, contrary to the form of the act &c.

{ 7<sup>th</sup>  
8<sup>th</sup> Against the occupant of the house for permitting &c.  
9<sup>th</sup>

{ 10<sup>th</sup>  
11 Against the keeper of a tavern for permitting &c.  
12

13<sup>th</sup>. At common law for keeping a gaming house.

14. At common law for keeping a common gaming room & place.

The printed form in this book (concluding however in the singular, "contrary to the form of the act" was held good by the Court of Appeals, a plural conclusion would be good also. The divers other days and times" in the 3<sup>d</sup> count of that form are useless,

The United States are the first instance of a real despotism. The ancient republics consisted of cities or small states, whose citizens were desirous of extending their territories for their own benefit, but unwilling to cheapen the elective franchise or impair their own advantages by sharing them with others; their aim was to make subjects and not political partners; the subdued paid dearly for life and protection & their rights were few and begrudged. With us conquest is the precursor and herald of adoption into freedom and the loss of a mere name is paid for by the gift of rational freedom, and equality, it is a forcible transmutation into something better, the victors & the conquered are fused into one mass with common interests & privileges. With the ancients the conquerors became the governors the more exacting and oppressive from their numbers; the despotism of an emperor was welcomed as a relief by the Roman provinces —

State of Maryland.

City of Baltimore, ~~appra~~ to wit.

The Jurors of the State of Maryland for the body of the City of Baltimore do on their oath presents that John H. Kaff, late of D. C. on D. C. with force and arms, at the D. C. did sell by <sup>way of</sup> publick auction and vendue in the City of Baltimore aforesaid; certain goods and chattels, to wit; (set out goods and chattels, price, and purchaser) he the said John H. Kaff not being then and there appointed and authorised in the manner directed by the laws of the said State so to do then and there; he the said John H. Kaff not selling the goods and chattels aforesaid, by way aforesaid, then and there, in pursuance of a distress for rent; he the said John H. Kaff not selling the goods and chattels aforesaid, by way aforesaid, then and there, in virtue of any writ of execution issued out of any Court of the said State, and not selling the goods and chattels aforesaid, by way aforesaid, <sup>then and there,</sup> in virtue of any writ of execution issued out of any Court of the United States, he the said John H. Kaff not selling the goods and chattels aforesaid, by way aforesaid, then and there in virtue of any decree in chancery of any Court of the said State; he the said John H. Kaff not selling the goods and chattels aforesaid, by way aforesaid, then and there in virtue of any decree in Chancery of any Court of the United States; contrary to the form of the acts &c



Indictment against Freeman,

State of Maryland.

City of Baltimore, to wit.

The Jurors of the State of Maryland for the body of the City of Baltimore do ~~swear~~  
 upon their oath present that James Freeman, late of the City aforesaid, yeoman, otherwise  
 called William Freeman, on the first day of november, in the year eighteen hundred  
 and thirty five, at the City aforesaid, then and there having upon him a certain  
 key, was apprehended by one of the watchmen of the said City, to wit, a certain  
 Joseph Gordon, then and there being in the execution of his duty as such  
 watchman, he the said James Freeman, otherwise called William Freeman,  
 at the <sup>said</sup> time of his apprehension aforesaid and his having upon him the  
 key aforesaid, then and feloniously intending to break and enter into the  
 storehouse of the Merchants' Bank of Baltimore there situate, and so the  
 Jurors aforesaid, upon their oath aforesaid, do say and present that <sup>he</sup> the said  
~~William~~ <sup>James</sup> Freeman, otherwise called William Freeman, then and there  
 was and shall be deemed <sup>to be</sup> a rogue and vagabond; contrary to the forms  
 of the acts of Assembly &c.

And the Jurors aforesaid &c that the said &c. on &c. <sup>with force and arms,</sup> at &c. did have  
 upon him a certain offensive weapon, to wit, a bludgeon, with the intent  
 then and there feloniously to assault a certain Archibald Mc Allister  
 then and there being in the peace of God and of the said State; and  
 so the Jurors aforesaid, upon their oath aforesaid, do say and present  
 that <sup>he</sup> the said James &c then and there was and shall be deemed  
 to be a rogue & vagabond; contrary to the form of the act &c  
 &c was found in a certain storehouse of the Maryland Insurance  
 Company, there situate with intent then and there feloniously to steal, take  
 and carry away the goods and chattels money and property of the  
 said Maryland Insurance Company then and there being found  
 and so the Jurors &c. do say and present that <sup>he</sup> the said James &c  
 then and there was and shall be deemed to be a rogue and  
 vagabond; contrary to the form of the act &c.

Gill & Jennings

For dealing with a slave. 1715. ch. 44. 3. 11.

x. that AB, late of Dc on D. with force and arms, at Dc. did deal with a certain negro named N. O. who was then and there a slave servant belonging to one CD, [he the CD then ~~assumed~~ being an inhabitant within this State, to wit, at Dc.] without leave or license first had and obtained from the said slave servants' masters, mistress, Lame, or oversees for his so doing; contrary to the form of the act Dc.

Sabbath breaking. 1723 c. 16.

~~that AB late of Dc on D. with force and arms, at Dc.~~

x. that AB, late of Dc, on the Dc. the same day being Sunday, with force and arms, at Dc. being then and there a housekeeper, did suffer gaming in his house there ~~sitate~~, contrary to the form of the act Dc.  
2 d count. "a certain unlawful recreation, to wit, playing at cards."

## Against Constable,

xxx that J. S. late of & yeoman, on &c, with force and arms, at the &c being then a constable of the City of Baltimore aforesaid, seized then and there by colour of his office as such constable as aforesaid, ~~and~~ a certain man to the jurors aforesaid unknown, unlawfully, unjustly, and against the will of the said man to the jurors aforesaid unknown, and without any legal warrant, authority, or cause whatsoever, have and detain in his custody; and that the said J. S. afterwards, to wit, on the day and year aforesaid, ~~with force and arms, at & while~~ at the City of Baltimore aforesaid, and while he so had and detained the said man to the & ~~with~~ in his custody, with force and arms, by colour of his office as such constable as aforesaid, unlawfully, unjustly, corruptly, and by extortion, for the sake of gain, and contrary to the duty of his office as such constable as aforesaid did extort, receive and have from the said man to the &c a certain sum of money, to wit, the sum of fifty dollars <sup>of this money of the said man</sup> for ~~then and there~~ discharging the said man &c out of the custody of him the said J. S.; no sum of money whatever being then due to the said J. S. in that behalf, in manifest breach and gross violation of his duty, as such constable as aforesaid, to the great scandal and mockery of the publick justice of the said State, to the evil example &c, and against the peace &c

2<sup>d</sup> Count. setting out particulars more fully.

3<sup>d</sup> Assault and false imprisonment and taking \$50 for discharge

4<sup>th</sup> Assault & false imprisonment.



'Tis not from action that we may discern  
 The heart's true purpose, save by scrutiny  
 And painful study; then thou mayst perceive  
 In casual word or in the trivial deed  
 High thoughts long cherished and a will resolved,  
 By the long flowings of mysterious Nile  
 The temples huge and caverned sepulchres  
 Are fretted o'er with sculptures quaint and strange  
 Which the incurious deem but idle scrolls,  
 In their incouthness may the learned read  
 A noble meaning, worship, holiness,  
 Deeds of high enterprise and charity,  
 And records of overflowing wealth and power,  
 Misdoubt thy judgment when in bitterness  
 Thou dost condemn thy neighbour, with him still  
 Religion dwells, though crushed perchance and maimed,  
 The wounded warrior in his lurking-place  
 Helpless and silent, while around are heard  
 The uproar and the triumph of his foes;  
 Yet meditates he by surprise or force  
 To repossess the lost, repair defeat,  
 And bless the enslaved with future victory,  
 And evil seeds, they are perhaps but wounds  
 By shafts ill-aimed or else which glanced aside,  
 Not meditated wrong, or even done  
 With final kindly purpose not perceived,  
 And man, though soiled with misery and crime,  
 Mourns his lost paradise, and nourishes  
 The eager wish and hope to be restored  
 To favor and communion with his God,  
 The limpid spring is choked with ooze and slime  
 And weeds, but yet slight labor may renew  
 The obstructed channel and restore the wave,  
 Though tainted now to purity and use,  
 Still to the very worst does sin appear  
 Not as the welcome, but as something foul  
 In fettering tangles wreathed around our will,  
 The serpent that embraces in its folds  
 Its conscious prey, whose cries may succor gain,  
 Though manacled within its lightning clasp,  
 Is there no healing, Is there none to save,  
 Is knowledge but the sense of present guilt,  
 And shuddering prescience of eternal woe?

Who comes from Edom, glorious in attire,  
 Who travels in the greatness of his strength  
 Mighty to save, In him, Redeemer, King,  
 Repose thy trust and live, in earnest faith  
 Seek and his love and mercy shall bestow.  
 The light that on the prophet dawned afar,  
 A promise and a view of distant joy,  
 With us is consummation, Sin and Death  
 May not detain the captive, in his name  
 Ask and receive, the gift eternal life!

September 3<sup>rd</sup> 1854. Took the sacrament at Exeter street church. I partook  
 of it with a deep sense of my own unworthiness, for who can do otherwise  
 when he considers the immensity of the sacrifice, but at the same time  
 with a quiet joy, a full and humble gratitude that I ~~was~~ <sup>was</sup> not altogether  
 a castaway. Evil passions may struggle with better thoughts and the cares  
 and temptations of the world may beset us, but we need not look on  
 the mercies of God ~~like~~ the shipwrecked seaman drifting in his  
 helpless boat gazes on his scanty and decreasing store of water  
 with the feeling that it is his all. the bounties of God multiply  
 with our needs; his grace is without stint, and by it, however sore  
 our trials, we may finally prevail. Conscience may condemn, but its  
 sentence is not despair though it accuses us of sin; for we may  
 cry for succor and heaven born faith is with us. Lord, increase my  
 faith

For passing note of a fictitious bank.

xxx that C. C. late of &c, yeoman, on &c, with force and arms, at &c, feloniously did pass a certain false, forged, and counterfeited note then and there purporting to be the note of a bank, which said ~~with~~ bank did not then exist, as a genuine <sup>then and there</sup> note of a bank which did then exist, which said false, forged, and counterfeited note is as follows, that is to say,

(set out the note.)

with intention then and there, to wit, on the day and year first aforesaid, at the City of Baltimore aforesaid, to defraud one E. H. <sup>the said</sup> to wit, on the day and year first aforesaid, at the City of Baltimore aforesaid (he the said C. C. at the said time he so feloniously passed the said false, forged, and counterfeited note as aforesaid, then and there, to wit, on the day and year first aforesaid, at the City of Baltimore aforesaid, well knowing the same to be false, forged, and counterfeited, and also then and there, to wit, on the day and year first aforesaid, at the City of Baltimore aforesaid, well knowing the same not to be then and there, to wit, on the day and year first aforesaid, at the City of Baltimore aforesaid, the genuine note of a bank which did then, to wit, on the day and year first aforesaid, exist,) contrary to the form of the act &c.



Bloomerism.



The Grand Jury having got through with the business before them were finally discharged, with the thanks of the court. The Grand Jury acknowledge the prompt and efficient discharge of the duties of the deputy attorney for the State, Fred. Pinkney, Esq., in his connection with the duties of the jury, enabling them to get through their business with promptness and dispatch.

The Grand Jury during the present term have found 313 indictments for felonies, assaults, murders, &c.; 120 indictments for violating the liquor license laws, and 219 indictments for violations of the State revenue laws, in not taking but the merchandise licenses in due time. Total indictments during the term, 652.

So far, no less than 33 persons have been convicted of felonies, &c., and sentenced to the penitentiary—the largest number for many years past.

If one person should counterfeit the public seal of the State and another should make use of it neither is punishable by the act 1809. c. 138.

"Or who shall be convicted of having in his possession or custody such counterfeited instrument (counterfeited public seal &c) and shall wilfully conceal the same" 1809. c. 138.

It would be impossible to succeed in a prosecution on this clause.

Καὶ ἔλεγεν αὐτοῖς· Ὁ κύριος ἐστὶν ὁ υἱὸς τοῦ ἀνθρώπου καὶ τοῦ σαββάτου. Ἐν τῇ αὐτῇ ἡμέρᾳ θεασάμενός τινα ἐργαζόμενον ἐν σαββάτῳ, εἶπεν αὐτῷ· Ἄνθρωπε, εἰ μὲν οἶδας τὴν ποιῆς, μακάριος εἶ· εἰ δὲ μὴ οἶδας, ἐπικατάρατος καὶ παραβίαστος εἶ τοῦ νόμου.

And on the same day beholding a man working on the Sabbath, he said unto him "O man, blessed art thou if thou knowest what thou doest; but if thou knowest it not, thou art accursed and a transgressor of the law (Alexandrian M.S. & Luke v. 5, & some are willing to admit it as genuine, even if there were more than slight extrinsic evidence, <sup>for its antiquity</sup> the passage would be condemned by the internal evidence; our Lord spoke not in such riddles.

Two persons cannot be convicted of larceny upon an indictment charging a joint larceny, unless it be proved that they were concerned in a joint taking.

2 Starkie's Ev. 449.

And against two for receiving stolen goods a joint receiving must be proved.

Messingham's case. Do. Do.

If there be no evidence in larceny cases of possession of the stolen goods three months after the theft, he will be acquitted. 14 Serg. & Towns.

And if the possession be 10 months after the theft he will be acquitted without putting him on his defence. Do. 12 Vol. p. 216.

Where goods were taken by the prisoner acting jointly with the prosecutor's wife, it was held to be larceny, for it must be considered as invito domino.

Dolgren's case. 1. Prig. & No. 243. Stark. Ev. 2<sup>d</sup> Vol. p. 1061.

Burglary may take place by breaking open a shop built close to a dwelling-house although it has no internal communication with the dwelling-house, and no one sleeps in it. Chitty C. L. Vol. 2. 2 p. 196\*

~~Καὶ ἴσως ἄρα οὐκ ἔστιν ὁμοίως~~



If two men are indicted, and one of them appears to be innocent and the other guilty, but the prosecutor cannot identify them respectively, both must be acquitted.

*Revs vs Richardson and another. Leach. C.C. Page 387.*

If the addition be placed in an indictment after the "alias dictus" and the prisoner pleads to the indictment, the defect is cured.

*Leach C.C. Page 420. case 195.*

If a man be indicted for an assault with intent to carnally know and abuse, an assault with intent to abuse may be proved. *14<sup>th</sup> Serg. & Lowb.*

In an indictment for an assault the words "contrary to the form of the Statute" would be surplusage. *Harrison's Index.* And the general rule on the subject is that if an indictment for a common law offence concludes contra formam statuti, such conclusion may be rejected as surplusage. *Warkie C.P. p. 274.*

In civil actions for assault and battery no provocation can be offered in evidence, unless it be recent, for the purpose of mitigating damages,  *Avery vs. M'Kay. 1. Mass. Rep. 12. Lee vs Woolsey. 19 Johnson. 319. Waters vs Brown. 3 Marsh. 559.* And the same rule prevails in criminal cases. *Seigh's Rep. 1. Vol. p. 581.*

(I have been unable to find any English authorities on the subject; the decision in the above cases seems improper and founded on very false reasoning.) *see sine Frazer vs Berkley. 8 Ex P. 638.*

In an indictment may charge the prisoner with burning a house; it must be shown by the evidence to be a dwelling house. *vide Chitty C.L. Title Arson.* So decided by *Baltimore County Court. April Term 1836. State vs Frances Young.*

Insanity caused by drunkenness is a legal excuse for crimes, though drunkenness is not. *United States vs. Drew. 5 Mason. 28.*



State vs Gurno. Baltimore City Court. June 1836.

Indictment for keeping a store without license. The traverser produced a license. The evidence showed that he had sold spirituous liquors on Sunday, which kind of sales is forbidden in the license itself. The Attorney General contended that the traverser was liable as the license did not protect such sales. The Court, before whom the traverser elected to be tried, acquitted him. (Collins for traverser.)

State vs Charles Carroll. Indictment for murder by throwing a brick or stone, (these two last words were officiously inserted by the Grand Jury,) set aside on motion in arrest of judgment. New indictment found. Tried a second time October, 1836. Motion in arrest of judgment on the ground that the indictment did not contain time or place in the clause alleging a mortal wound. (Pardoned by the Governor before argument.)

And a new trial may be granted for the misbehaviour of the jury, as if they cast lots for their verdict, or refresh themselves at the cost of the prosecutor, though such misdemeanours must be proved by extrinsic evidence, and the affidavit of the jurors themselves cannot be received on the occasion. Nor can a juror be allowed to make oath as to what he thought or intended in opposition to what he found.

\* 1 Chetty's C. L. \* 655, who quotes 3 Burr. 1696. 5 Burr. 2667. Com. Digest.

Indictment IV

Bishop, May, and Williams were indicted for the murder of Carlo Ferris in one count, and for the murder of a person unknown in another. Annual Register for 1832.

For a strange fancy of the District Attorney that cases of forgery under the U.S. laws are subject to limitation, vide Dashiels case, U.S. Circuit Court. 1836. May.

\* The affidavits of the jury as to what they intended by their verdict were received in support of a motion for a new trial in the case of Pica vs Henry Simons for a misdemeanour, and a new trial was granted A.D. 1752.

State Trials, Vol X. p 714.

A motion for a new trial grounded on the affidavits of jurymen as to what they thought was filed in Frances Young's case but afterwards <sup>abandoned</sup> ~~was abandoned~~ by the counsel Balt. County Court Apr. 1836.



Regularly too the length and depth of the wound should be shown, but this is not necessary in all cases as where a limb is cut off, or the death is effected by bruises. East P. C. Vol 1. p 342. C. 5 § 10.

In an indictment the omission of the Attorney General's signature is of no consequence. American Common Law Digest, Title Indictment. F. Page 17. Statutes Vincent. 1. N. Car. Rep. 493. also 6 Call's V. 247.

If two persons are jointly indicted for obstructing a highway, and on the evidence no joint act of obstructions appears, the Judge, as soon as the case for the prosecution is closed, will put the prosecutor to elect which of them he will proceed against, and then take an acquittal for the other. Rex vs Lynn and Debney. 11 Serg. and Lowber. 327.

If two defendants are jointly indicted for making a corrupt contract with a third person for the procuring an East Indian cadetship, one of the defendants may be convicted though the other is acquitted.

(Carr. and Payne 202) Serg. and Lowb. Vol 11. P. 368.

The words of the act of Assembly concerning false pretences are "a mere promise for future payment though not intended to be performed," this would seemingly require the exception to be divided into two clauses in the indictment.

The City Court has decided that where there are several traversers, indictments with a simul cum prevent their appearance as witnesses in each others behalf.

Magistrates Courts have only concurrent jurisdiction with the County Courts in assaults. Court of Appeals. Feb. Gaz. July 1st. 1837.

The City Court considers that where the property of two distinct owners is stolen at the same time and place, that two distinct felonies have been committed for each of which a separate indictment may be framed. And it is the practice to frame separate indictments.

In Sarah Cooper vs. negro Tom, an appeal for murder, the appellee is called "Negro Tom, late of Frederick County, labourer,"

1st Harris & McHenry. P 227.

In cases of felony the defendant in pleading in abatement should plead over to the felony, but in misdemeanors the defendant risks ~~it~~ all upon a plea in abatement and cannot unite the general issue with it. ~~Abatement is~~  
~~by pleading in abatement the defendant risks all upon a plea in abatement and cannot unite the general issue with it.~~  
 Vide Starkie's C.P. 346.

State vs William Martin, June 28, 1837. City Court. Indictment for manslaughter. The Court decided that the Attorney General was not bound to examine all the witnesses endorsed on the indictment. Motion for a new trial because the verdict is against evidence. Granted with the consent of the Attorney General. Convicted a second time. Pardoned.

He was indicted for the manslaughter of P.B. by a blow with a hammer. No proof was given of the striking of any blow, only of a scuffle between the parties. The appearance of the injury was consistent with the supposition either of a blow with a hammer or of a push against the lock or key of a door. Held that if it was occasioned by a blow with a hammer or any other hard substance held in the hands, it was sufficient to support the indictment, otherwise if it was the result of a push against the door.

Revs vs Martin. 5 Bond P. 128.

This case was quoted by the defendant's counsel upon the trial of William Martin. It is plain that the opinion of the English judges must not be literally construed, all he meant to say was that an indictment alleging that the violence offered by the prisoner to the deceased was the immediate cause of his death could not be supported by evidence showing that it was the secondary cause. Evidence of a blow with the fist would be sufficient.

The County Court has decided that a slave for a term of years is not a slave ~~within the meaning of the act of 1827 c15~~ but must be termed a servant &c in the indictment. Nov. Term, 1837. \*

Although the counsel in a prosecution for felony is not bound to call every witness whose name is on the back of the indictment, yet the judge may do so, to allow the prisoners counsel an opportunity of cross examining them. Revs vs Simmons. 1 Carr. and Payne 84.

\* This decision is not to be easily acquiesced in - The decision rather was that the indictment must show whether he was a slave for a term of years or for life -

City Court, October 10, 1837. Felix Sebastian Guyson was convicted of Larceny. The original taking of the goods was at Pernambuco in Brazil, he afterwards brought them to Baltimore. The Court mentioned a similar case where a man named Rhodes had been convicted before them, some years previously.

"It is enough for the prosecutor to bring the case within the general purview of the Statute upon which the indictment is founded, if that statute has general prohibitory remarks in it, for where an indictment is brought upon a statute which has general prohibitory remarks in it, it is sufficient to charge the offence generally in the words of the Statute."

2 Burr. 1036.

The act of Assembly 1809, chapter 138, against feloniously taking and carrying away slaves, omits the word "steal"; it should however be introduced into the indictment, as a felonious taking and carrying away is stealing. In England, the words feloniously did steal, take, and carry away are used in indictments on 39 Eliz. Chapter 15, for the felonious taking of goods in a dwelling house during the day time. And on indictments founded on 3 and 4 William and Mary, Chapter 9, for feloniously taking away goods from a dwelling house, the practice is the same. Vide Chitty C. L. 3<sup>d</sup> Vol. 990 \* 941, \* 943 \*

It has been repeatedly decided in Baltimore County and City Courts that a variance between the presentment and indictment is of no consequence. The party accused must look to the indictment alone for the charge. The presentment is only instructions for the Attorney General to frame the indictment, and an indictment is valid even without a presentment at all.

The County Court has decided that sabbath breaking by employing labourers in a harvest field is an indictable offence.

But if the indictment charges habitual sabbath breaking such must be strictly proved and evidence of one offence is insufficient.

Shaw vs Jno T Randall Nov. 1837

46  
Although the counsel in a prosecution for felony is not bound to call every witness whose name is on the back of the indictment, yet the judge may do so, to allow the prisoner's counsel an opportunity of cross examining them.

*Rea vs Dimmonds. 1 Carrington and Payne. 84.*

If counsel for the prosecution call a witness whose name is on the back of an indictment but do not examine him, and such witness be examined by the prisoner's counsel, the rule is that any question put by the prosecutor's counsel after this must be considered as a re-examination, and therefore the prosecutor's counsel cannot ask any thing that does not arise out of the previous examination by the prisoner's counsel.

*Rea vs Beazley. 4 Carrington and Payne. 220.*

If the counsel for the prosecution decline calling a witness whose name is on the back of the indictment, it is in the discretion of the Court whether the witness shall or shall not be called for the prisoner's counsel to examine him, before the prisoner is called on for his defence.

*Rea vs Bodley. 6 Carrington and Payne. 186.*

If the witness be so called, the judge will allow the examination of the witness to assume the form of a cross-examination, but will not allow the prisoner's counsel to call any witnesses to contradict him.

*Do. Do.*

In Maryland, where the method of prosecution is always by presentment, the Attorney General should have the power of refusing to call a witness, whose name is endorsed on the indictment, and if the counsel for the defence call him, the Attorney General should have the right of cross-examination in its fullest extent. And the Court so decided in *W<sup>m</sup> Martin's case*. June term 1834.

In an indictment the "scilicet" in the marginal venue may it seems be omitted. *United States vs Gresham 5 Mason. 295.*

It is said that persons who oppose the apprehending of a felon, are guilty as accessories after the fact. 1 Russel. 34. Hawk P.C. c. 29. s. 27.

In trying cases submitted to the Court for trial, greater latitude of evidence is allowed, the Court being able to separate the legal from the illegal testimony. George H. High bought a watch and ring, of the value of thirty six dollars from Jacob Walters and paid for them with an order upon Isaac McKim drawn in his own name, upon which McKim's acceptance was forged. The note was lost. A prosecution for the forgery being almost hopeless, an indictment was preferred against him for obtaining goods under false pretences, to which he pleaded guilty. There was another indictment against him for obtaining a coat under false pretences to which he pleaded guilty likewise. Balt. City Court, Oct. Term. At quere.

Where a man obtained goods and money for a forged note of hand for ten shillings and six pence, the judges held it a false pretence within the meaning of the act. Rex vs Treeth. R & C. 460. 127.

The act of Assembly was passed on account of frauds committed by the same George H. High.

If a man and woman be jointly indicted for larceny it is not sufficient to entitle the woman to an acquittal on the ground of coercion, <sup>to prove</sup> that they jointly committed the offence, and that she had lived with the man two years and was reputed his wife, but such evidence must be given as to satisfy the jury that ~~she was in fact his wife~~ the prisoners are in point of fact married persons, although an actual marriage need not be proved.

Rex vs Hassel 12 Serg & Lawber.

The Court will not upon motion quash a plea in abatement.

Rex vs Cooke 2 R. & C. 618, 871.

City Court. Jan 11 27. 1838. Petition to release one Mary Anne Law who had been taken in execution upon costs, [having prosecuted without cause Haslam et al. for an assault] upon the ground that she was a married woman. Rejected.

Upon an indictment against an officer for neglect of duty it is sufficient to state that he was such officer, and it is not necessary to state his appointment 1 Russ. 142. Rex vs Holland 5 T. R. 607.



City Court Feb term 1838. Henry Sneckleberger was indicted for a rape upon Mary Lochbecker. The prisoner was at first mistaken by the prosecutrix for her husband; she discovered her error before the completion (seminis emissio) of the offence, but the prisoner forcibly held her. The Court instructed the jury that if the prosecutrix made any resistance before the completion of the felony, <sup>causal of the offence</sup> then the prisoner was guilty, but if he had succeeded by personating the husband without using force, to acquit him. (Judge Nisbett thought it doubtful whether such personation would, <sup>or not</sup> render the prisoner guilty of rape, but considered the prisoner entitled to the benefit of such doubt, and coincided with Judge Worthington in instructing the jury as above. Brice Justice was absent. According to Mr Pitts such a fraud had been held in Frederick County Court to supply the place of violence. Verdict guilty. Sentence 5 years and 2 months in the Penitentiary.

1838. Feb 20. Balt. City Court. A woman who had stolen a horse was indicted according to the form recommended in Archbold P. 27. *Rea vs - R and R* as a woman whose name is to the jurors unknown but who is personally brought before them by the Warden of Baltimore County jail. She pleaded guilty.

D<sup>o</sup>. 1838 Feb. 22. Hetty Howard a slave was indicted for feloniously attempting to burn a dwelling house. 1757. C. 14. s. 3. 1809. c. 138 s. 11. pleaded guilty.

D<sup>o</sup>. 1838. Feb 27. Motion for a new trial in the case of William Matthews who had been convicted of murder in the first degree; it was founded upon the separation of the jury, a jurymen having stepped out into the yard before a minute before they retired to their room. Overruled.

A person keeps a house without personally residing it, lets the different apartments to persons of ill fame, knowing that they rent them for the purpose of prostitution; here the apartment of each lodger would be a separate dwellinghouse in cases of burglary &c, can there be any doubt of ~~them~~<sup>his</sup> being ~~being~~ found guilty of keeping a bawdy house.

Why is a distinction made between proprietor and occupant in the law unless the legislature meant to punish the holder of the reversion as well as of the particular estate.

A person renting a house, uses the first floor as a shop, he himself residing in a different part of the town; he permits the rest of the house to be used by prostitutes; he acts as the keeper of the house; this is not in criminal law his dwellinghouse; yet he would be convicted of keeping a bawdy house.

A party who rents an apartment for <sup>to another,</sup> the purpose of prostitution is guilty of a misdemeanour? State vs Harrington. 3 Pick. Mass. 26-29.

There are no accessories to a misdemeanour all are principals; the conduct of Gorman would make him <sup>an accessory</sup> ~~a principal~~ in felony; will it not make him a principal in misdemeanour; Are not Cantor and himself both liable?

N.B. With regard to the objection to the gambling indictments that gambling is

*Ingeminat voces, aëditaque verba reportat.*

Obtaining money for goods by a false warranty is not obtaining them by false pretences. *Vide* 11 Serg and Leach. 251

Letting a part of a house to a woman of ill fame, knowing her to be such, with the intent that it shall be used for the purpose of prostitution, is an indictable offence at common law.

Commonwealth vs Harrington.

3 Pickering's Mass. Rep. 26. 29.

In larceny property stolen may be laid as the absolute property of an administrator who is entitled to it only as such. *State vs Joseph Picolls*. Balt. County Court April term 1838. And the Court considered that property taken from the dead body of the intestate (who was drowned and drifted on shore) was the property of the administrator and should be laid as such in the indictment although letters of administration were not taken out for five months after. Same case sed quare.

The form of indictment in 3<sup>d</sup> Chitty for stealing promissory notes is clearly bad.

The City Court will not permit a person to be bailed except by the committing magistrate or the Court itself.

Saturday May 26, 1838.

with the possession only, leaving the ownership unattested, or where the goods are obtained from a person having no power over the ownership, it is larceny.

252

The second section of the act of Assembly 1820, chapter is almost a literal transcript of the English Statute 39. George 3. chapter. 85. (The preamble of the English statute is omitted.) Of course all the decisions on this Statute apply to our act of Assembly. A conviction is almost impossible.

William Pfaff was convicted of a libel in the German language upon a clergyman, it was printed in New York, but a publication proved in Baltimore.

City Court, July. 1838.

There are no authorities to show that in cases of a printed libel, the indictment ought to charge a printing, "compose, write and publish," seem to be sufficient and the safer comment,

Husband and wife cannot both be convicted of the same conspiracy, the husband being found guilty, the wife must be acquitted. State vs Barney Crocker, Ely Crocker, (his wife) et al. Balt. City Court. Oct. term 1838.

Highways. vide also Chitty Ct. 2d Vol.

A highway is infinite it has no terminus a quo nor ad quem. 10 Mod. 383.  
And although modern precedents continue to mention the termini a quo and ad quem, yet there are many authorities to shew that such a description may be dispensed with. Thus where there was an omission of this kind, the answer was, that the highway is infinite, having neither terminus a quo nor ad quem. [g] and thus the mode of pleading it differs from the case of a private way "because private ways are given for particular purposes, and the justification must shew that they are used for those purposes. (h)

(g) 10 Mod. 382. Rex vs Hammond. 1 Str. 44. sc. \ Woolrych on ways. 222\*  
Andrews 145 sc cited in Rex vs. Studdock. SP. 10 Mod. 328. Rex vs Thompson cited there. Andrews 145 sc cited SP 3 Feb 89. Rex vs. Hale. 2 Feb. 728. Rex vs Glaston Inhabitants. Idem 7 15. Rex vs Rawlins. see Latch 183. 2 Rol. Ab 80. 12 Mod. 409.  
(h) vide Woolrych.

Turnpike roads are highways. Woolrych \* 3.  
Railroads belonging to an incorporated company and used by the public as such, are highways. 2 B & A. 646.

So keeping coaches at a stand, plying for a fare is a nuisance.  
Cross' case 3 Camp. 226.

And it lies for setting a person in the footway of the public streets in London to deliver out bills of defendants occupation, whereby the footway was greatly obstructed.  
Rex vs. Harmon. 1 Burr. 516.

An indictment lies for keeping stage coaches in the street beyond a reasonable time for loading and unloading.  
Cross' Case 3 Camp. 224.

John Cunningham, Alex. Cunningham, Pace Thompson, Michel King, Thos. Vandy, Joseph Wetchell, Cornelius Preston, and Will. Wilson, were convicted of a nuisance in obstructing N. Calvert St, by plying up and down it with hackney coaches. Form of indictment the first count only of indictment \* 16.  
Balt City Court. July 2. 1838.

\* Apparently a mistake of Harrison's Digest; vide however Russell on crimes and authorities there quoted chapter nuisance.

Journals' case,  
Baltimore County Court Nov term 1838.

It was decided by Judge Magruder, who tried the case, after consultation with the other Judges, that a sale of liquor to a negro slave without permission first obtained from his master, is dealing with such slave under the act of 1715, chapter 44 and that an indictment lies for such offence notwithstanding the act of 1831. His written opinion was filed.

N.B. Stafford County Court had before made a similar decision.

Reversed by Baltimore County Court in Josiah Penny's case Nov. 1840.

There is some inconsistency in the proposal of Blackstone to make the least talionis the measure of punishment in cases of conspiracy which have not been carried into effect, and to inflict on the criminal the very evil which he designed for another, while he advises in another part of his commentaries to lessen the punishment of accessories even in cases of murder. An accessory <sup>to a murder</sup>, who is to all intents and purposes a party to an executed conspiracy, a more grievous offence than where the crime consists of mere intention, would in this case be relieved from the penalty of death, which he would be liable to suffer who had barely conspired to commit murder. The design would be more heavily punished than the design united to the commission of the act.

Where a statute makes a second offence felony or subject to a heavier punishment than the first, it is always implied that such a second offence ought to be committed after a conviction for the first; whence it follows that if not so laid in the indictment, it shall be punished as a first offence. 1 Russell 42.

A person who succeeds in passing <sup>forged</sup> shopkeepers may be indicted for obtaining money under false pretences. Vide 2 Russell x 304.

Court Oyer & Terminer Nov Term 1798. The following indictments for Sabbath breaking were set aside on general demurrer.

1. State vs Alexander Ferguson.
2. — vs Henry Rose
3. — vs John Egg.
5. — vs John O'Neal
6. — vs Benjamin Cooke.

The giving of any person unwholesome victuals not fit for man to eat <sup>by</sup> ~~caused~~ or from malice and deceit, is undoubtedly in itself an indictable offence. 2 Russ x 286. East. P.C. c 18. s 4. p 822.

If a man's friend be assaulted by another, or engaged in a quarrel that comes to blows, and he, in vindication of his friend, shall on a sudden take up a mischievous instrument and kill his friend's adversary, this is but manslaughter, so was the case 12 Rep. 87. If two be fighting together, and a friend of the one takes up a bowl on the sudden, and with it breaks the skull of his friend's adversary, of which he died, this is no more than manslaughter. So it is if two be fighting a duel, though upon malice preposed and one comes and takes part with him that he thinks may have the disadvantage in the combat, or it may, so that he is most affected to, not knowing of the malice, that is but manslaughter.

Maugridge's Case. State trial  
vol 9. P. 64. m

"Here is express malice that appears by the nature of the action. Some have been led into a mistake by not well considering what the passion of malice is, they have construed it to be a rancour of mind lodged in the person killing for some considerable time before the commission of the fact, which is a mistake arising



from the not well distinguishing between hatred  
& malice? Envy, hatred, and malice are three  
distinct states of the mind.

1. Envy properly is a refining, or being grieved at  
the happiness of another. *Invidius alterius rebus macrescit  
opimis,*

2. Hatred, which is odium, is as Gully saith, *Ira  
inveterata*, a rancour fixed and settled in the  
mind of one towards another, which admits of  
several degrees. It may arrive to so high a degree  
and may carry a man so far as to wish the  
hurt of him though not to perpetrate it himself

3. Malice is a design formed of doing mischief to  
another; *cum quis data opera male agit*, he that designs  
and useth the means to do ill is malicious. *2 Ins. 42.*

Odium signifies hatred, *Atia*, malice, because it is  
eager sharp and cruel. He that doth a cruel act  
voluntarily doth it of malice prepensed. *3 Inst. 62.*  
By the statute of 5 Hen IV. if any one out of malice  
prepensed shall cut out the tongue, or put out the

eyes of another he shall incur the pain of felony. If any one doth such mischief on a sudden, that is malice prepensed; for says my Lord Coke "if it be voluntarily, the law will imply malice." Therefore when a man shall without any provocation, stab another with a dagger, or knock out his brains with a bottle this is express malice for he designedly and purposely did him the mischief. This is such an act ~~as~~ that is malicious in the nature of the act itself if it be found by a jury, though it be sudden and the words *ex malitia preconceptata* be not in the verdict.

Same. Page 63.

The indictment for stealing bills of exchange & Chitty C.L. although technically correct is a very dangerous form to use from the quantity of superfluous proof which it requires. An indictment for the larceny of a bill or note may describe it generally as a bill of exchange or promissory note for the payment of <sup>(c)</sup> the sum therein mentioned without setting out the instrument. But if it be alleged in the indictment to have been signed or made by any person, the signature must be proved. (d) Byles on Bills.

(c) ~~Revised~~

(c) 3 B & P. p 145. East. P.C. 602

(d) Rex vs Craven, R & R. cc 14.

There was a verdict of guilty in Rex vs Bingley & Law. Indictment for robbing John Atkinsons of a memorandum of the value of 1d. It was merely a pencil memorandum of some money transactions of no intrinsic value. 5 Carrington & Payne, where the following case is to be found in a note. Indictment for stealing pieces of stamped paper of the value of 4d. It was contended that the paper and stamps were not worth any thing and would not sell for a farthing. The conviction was held good on the ground that the paper and stamps were valuable to the owner though to no one else.

R & R. cc 14.

State vs Peter Campbell et alios. Indictments for gambling, found in Baltimore City Court, Feb 4 term 1838, removed to Annapolis and set aside ~~as~~ upon demurrer by Annapolis County Court in Oct. 1838 upon the ground that they concluded contrary to the form of the act &c. instead of the acts. carried upon writ of error to the Court of Appeals. Feb 16, 1839. judgment of Annapolis County Court reversed and procedendo awarded.

Perry Armstrong convicted of disturbing divine service in a Methodist church  
 Salt City Court. Feb. 1839.

xxx Fitzgerald for the same offence. Do Do, fined 20 \$.

xxx William Joyce, Do. Do. fined 10 \$.

The act of 1834. ch. 319. against obtaining goods by false pretences only notices the cases where the intent is to defraud some persons. As in many other acts of assembly, corporations have been forgotten.

The City Court have decided that evidence of keeping a bawdy house does not sustain an indictment for keeping a disorderly house.

The City Court have decided (State vs Daniel Crozier, Feb. Term 1839) that the condition of a negro indicted, whether free or slave must be mentioned in the indictment!!! The decision is too absurd for serious commentary.

It would be good. See 1st Carr & Kirwan. —

Query whether a party who steals corporation certificates can be indicted for stealing the paper on which they are printed; I should think not, in spite of the case of *Rea vs Bingley & Law*, 5 C & P. Vide 2 East. P.C. c. 16. § 34. & 36. No indictment framed in this way for stealing bonds &c. before the statute of 2. George 2. c. 25. was that I am aware of ever found in England.

The only indictment thus drawn which was ~~was~~ found in the City Court was never brought to trial the party not being taken. All the others were a rather desperate attempt to draw them on 1809 & 1838. and failed of course.

\* An indictment under the statute 33. H. 8. c. 23. for a murder committed abroad need not conclude against the form of the statute. *Sawyer's case*. Easter T. 55. G. 3.

Starkie's C. P. page 257.

In *Clarke's case*. E. P. C. 600. the indictment charging the prisoner with stealing money, goods, and bank notes, (the stealing of the two first being an offence at the common law and of the last an offence exclusively statutory,) concluded generally against the form of the statute.

Starkie C. P. page 257.

Where a Court decides in favour of the traverser upon demurrers to the indictment, the recognizance is vacated.

*State vs. Jesse D. Murphy*. Court of Appeals. June 1839.

(It is very strange that this should have ever been doubted.)

Balt. City Court. Oct. 15, 1839. John Heck was convicted of having voted twice at one election. Form of indictment P. 22.

XXXXXXXXXX

Query? If a party should entice <sup>and go</sup> a negro to runaway from his master out of the State and the negro did so, the enticer would not be punishable. It would be useless to indict under the act of 1827 ch. 16 for the misdemeanour is merged in the felony as accessory to the felony created by 1838. c. 63, it would be useless to indict on this last act as the principal would be at large. But then it would be necessary to prove that the negro actually left the State and in consequence of such enticement; otherwise the act of 1827 would be applicable.

It would be perfectly good & Balt County Court so decided in 1845 —

In apprentices cases in the City Court it is necessary to show the existence of an actual written contract of apprenticeship, and the Court will then enforce it. + although defective in form, but it will not consider a mere verbal arrangement although partly executed, as sufficient.

In Breckinridge's case (the C. Judge dissenting) the Court decided that the traverser might give in evidence that he heard the subject matter of the libel from credible persons, in order to disprove malice. The decision seems to me very erroneous. Feb term, 1840. on more careful review I dissent to it

Baltimore County Court, April term '840.

State vs Isaac Woods for manslaughter of Basil Bell. The prisoner, the deceased, who was a negro, and many others were, according to the evidence, fighting together. It was offered in evidence by the State that the deceased cried out "Oh Mr Woods blout." He was afterwards found to have been stabbed twice. The Court admitted this as part of the res gestae, but instructed the jury that it was no evidence of the truth of the accusation...

+ I misunderstood the opinion of the Court here; an actual contract, either verbal or written, is sufficient if partly executed, but the existence of an actual contract must be shown.

June term, 1840.

Samuel Magar's was indicted for a misdemeanor in attempting to fire an outhouse and found guilty. Indictment 4 counts.

Indicted Robert Jackson June term 1840, on the act 1789, ch. 17. No. 1 for returning to the State contrary to the conditions of his pardon. The original offence being felony this indictment laid the return as felonious, it concluded contrary to the form of the acts. He was convicted.

John Walter & James Shelly for letting out a house for a bawdy house. Same term

Ann Arundel County Court held that this was not indictable.

Oct term 1840, Indicted Madison Jeffers et al, for a conspiracy to introduce 500 illegal voters into Baltimore not guilty

Oct term, 1840. Indicted Eben H. Cook & Thomas Pennington for a conspiracy to cheat and to circulate an unlawful currency.

County Court. Nov<sup>r</sup> term 1840. In the case of James Brown indicted for rape, Mr<sup>r</sup> Heshell, a Grand Juror, was examined to show that a witness produced on trial upon the part of the prosecution had sworn differently before the Grand Jury. This was done <sup>with</sup> the consent of Mr<sup>r</sup> Steele, the <sup>deputy</sup> Attorney General; Judge Purviance, who was alone on the bench, expressing strong doubts as to the legality of the evidence and only admitting it upon the ground of the consent of the Attorney General.

He was found guilty of an assault with intent to commit a rape (on the 3<sup>d</sup> count of the indictment,) and a new trial granted on the ground of the discovery of new & material evidence on his part.

In the case of Elijah Roberts, indicted for stealing, his counsel offered a man who was indicted for receiving the goods stolen by Roberts, as a witness for the defence; he was rejected by the Court as incompetent.

Feb term 1841.

Feb term 1841. Indicted Eliza Spies, negro for the murder of Rachael Stewart by setting fire to her clothes. Not Guilty.  
Do Do. Indicted James L. Hawkins for embezzlement from the Franklin Bank

Do Do. Edward H. Carter for embezzlement from the Farmers & Merchants Bank. Not taken.

County Court April term 1841. At the second trial of James Brown for rape, Mr<sup>r</sup> Heshell and 3 other Grand Jurors were examined to prove that the prosecutrix and another witness had sworn differently before the G. Jury. (Judge Purviance dissented) Acquitted.

Same term. Indicted negro Susan for felony in escaping out of the State from her owner, Elizabeth Lemmon. Guilty.

Same term. Indicted Johnathan Oedfilter for a riot with others in a meeting house, indictment in three counts, 2 for riot, the last for disturbing Christian worship.

Same term. State vs John Price. A transcript from Stun Stranell County Court for gambling. Indictment in one count did not state that the table was not a billiard table. Demurrer sustained the indictment was nothing but errors.

It was notwithstanding supported by the Court of Appeals !!!

Disturbance of divine worship.

The People vs. John Degey N. York. 1823.

Wheeler's Cases 1.<sup>st</sup> 49

It is indictable at Common Law notwithstanding a statute prescribing a penalty & the method of its recovery.

The report contains the indictment.

Special Court of Oyer & Terminer for Baltimore County.

February, 1772.

Lord Proprietary

Burglary.

vs.  
Elizabeth Kerr, alias Doyle.

P. S. Bill found. The prisoner being set to the bar and being arraigned and being required to plead to the indictment contumaciously, obstinately, and wilfully declared to the Court that she would not plead to the indictment, and obstinately refused to take her trial for the offence alledged against her. Thereupon the Court directed the sheriff to tie the thumbs of the prisoner together with whipcord in a forcible manner in order to induce her to plead to the indictment. Copy order signed and deliv'd Sheriff. The prisoner then plead not guilty to the indictment, and issue, and thereupon came a jury, throit James Colquhoun &c. all sworn, bailiff sworn, copy plannell deliv'd, verdict guilty. Prays her clergy, sentenced to be burnt in the brawn of her left thumb, and sentence ordered to be executed in open Court. Judgment executed.

Game

vs.  
Elizabeth Bradford a white woman for having three mulatto bastards, the eldest then being 9 years old. She was sold for 3 years for fees and the children sold to Freeborn Brown for 20 shillings each until they should respectively reach the age of 31 years. There is another conviction in the same calendar for this offence.

Baltimore City Court June 1741. In an indictment for an assault with intent to murder upon an officer, it is necessary to notice the fact of his being an officer. —

I do not agree with the Court. State vs. Torrick.

Indicted John Mincher for setting a dog on Corbin Orion indictment in 2 counts. Guilty fine \$20 & 3 months imprisonment. Balt. City Court, Oct term 1741.

Baltimore County Court. Nov. term. Indicted W<sup>m</sup> Preston for stealing 20 tame live fowls. "Guilty. Motion in arrest of judgment on the ground of the insufficient description of the property stolen. After argument motion overruled & indictment sustained.

N.B. Mr Jennings in the Court of Oyer & Terminer indicted several persons for stealing fowls & they were found guilty see the Record book in Baltimore City Court.



Baltimore County Court, Nov. term 1841. Indicted Bradley under the act of 1835 for maliciously destroying furniture. Indictment in 2 counts. Not guilty, on the ground of insanity

Baltimore City Court Oct term 1841. Indicted Jefferson Griffith, alias John Alexander, Alexander Curran, William Hanna, Frederick, alias Boss King, Jacob Gettler, Patrick McDevitt, and Peter McCollum for the murder of John Bigham. The indictments were in 2 counts the first for striking with a swingl-tree, the second for throwing a stone. The 4 first were found guilty.

Baltimore City Court, Oct. term 1841. Elijah Peacock & Rosanna Herbert indicted at June term for the murder of Daniel Bosley were found not guilty.

D. D. D. Robert Young for arson - guilty.

Baltimore County Court. Nov term 1841. Hester Snow for burning a stable not parcel of a dwelling house guilty. D. D. D. Banney Gallagher for the murder of his wife Barbara Gallagher. guilty of murder in second degree

Jan'y 1, 1842. Resigned my employment with Mr Steet in the County Court, and also the Saturday Courts with Mr Richardson

April 1842. With Mr Schley's permission renewed my engagement with Mr Steet

Feb 1842 Indicted John Price, William W Stewart, and Alexander Thompson under the act 1835 for ~~was~~ entering the dwelling house of malicious Elizabeth Thompson <sup>rebourne</sup> with intent to do malicious mischief therein 2 counts, and also by intentional misjoinder, 2 counts for riot. The last one was tried & the state put to its election & chose the two counts on the act. guilty.

B. County April term 1842. Indicted Joseph Whipple for allowing a bear bait on his premises - not guilty -

June 1842. B. City Court. Indicted Perpus, Dintons and Hines for robbery all B found guilty.

same term. An indictment by consent against Johnston & Leow the Brokers law - guilty

Indicted G. W. Dixon for published in a petty newspaper an article in praise of a prostitute.

## Rape.

If a person succeeds with a married woman by personating the husband, & she consenting under the belief that it is her husband, this is not rape, but it is an assault, notwithstanding she makes no resistance, the fraud sufficing to make it an assault.

Regina vs. Saunders & Carr & Payne  
Regina vs W. Williams. Id. p 286 <sup>265</sup>

A boy under the age of 14 years cannot be convicted of a rape.

Rex vs Eldershaw. 3 Carr & Payne. p 376.

Rex vs Groombridge. 7 Carr & Payne p 582.

A boy under 14 years of age cannot by law be convicted of carnally knowing and abusing a girl under 10 years of age, although it be proved that he had arrived at the full state of puberty.

Regina vs Jordan & Colmeadow 9 C & P. p 118.

In order to convict on a charge of assault with intent to commit a rape, the jury must be satisfied that not only the prisoner intended to gratify his passions on the person of the prosecutrix, but that he intended to do so at all events and notwithstanding any resistance on her part. Rex vs Lloyd. 4 C & P.

Upon the trial of an indictment for rape, it appears that the prisoner was under 14 years of age, at the time he committed the offence, he must be acquitted of the rape, but the jury may convict him of an assault under the statute 1 Vict. c 85. s. 11. which enacts that on the trial of any person for any felony whatever, where the crime charged shall include an assault, the jury may acquit of the felony, and find the party guilty of an assault, if the evidence warrants such finding. Reg. vs Brimlow. 9 C & P. p 366

The offence of carnally knowing and abusing a female child under 10 years old is not a felony which includes an assault within this statute, though in the indictment for the felony it be stated that the prisoner made an assault on the child. Regina vs Banks & Co. 9 C & P. p 574.

Now is an attempt to carnally know and abuse a female child between 10 & 12 years old (which if the offence were completed would be but a misdemeanour) an assault, because of the consent. J. Carrington & Payne.

Feb term 1843. Balt. City Court. Indicted Isaac Goodkop for obtaining goods from Baltimore Merchants under false pretences. The false pretence consisted in representing himself as selling \$40,000 worth of goods a year and clearing 15 per cent, when and thus obtaining the goods on a short credit, when he was in fact insolvent. Guilty - Motion in arrest of judgment and for a new trial overruled. & sentenced.

Jan term 1843. Indicted Stephen Cumphor & others for body snatching. guilty.

Thomas Moffett for passing counterfeit notes. not guilty Sept term 1845.  
Adrian Posey for letting out houses to be used as bawdy houses. guilty. The form differed from that against Shelly & Walters.

Oct. 1843.

Indicted George M. Cutcher & 3 others for huckstering firewood without licence - guilty.

Indicted Patrick Graham for malicious mischief on the act of 1826 "the hoop-pole law," the first indictment ever prepared on that law, though I have repeatedly tried persons for that offence on the recognizance, the bill was ignored.

Indicted — for cruelty to a horse, guilty.

Indicted P. Jackson for beating out an eye, first count on the act of Assembly - 2<sup>d</sup> attempt to murder - 3<sup>d</sup> assault - guilty on the last.

Indicted 4 tailors for conspiracy forcibly to prevent others from working - also for riot & assault. stet.

Indicted Thomas Burges, alias John Sands for stealing 12 silk cravats; the cravats were all in one piece, but designated from each other by the pattern. guilty. see Rex vs Nibbs  
1 Moody C.C.

County Court. Nov term 1843.

Indicted,

Adam Horn, alias Andrew Hillman, for the murder of his wife Malinda Horn,

1st Count. Murder with a hatchet.

2d \_\_\_\_\_ a knife.

3d \_\_\_\_\_ a club.

4th \_\_\_\_\_ a stone.

5th \_\_\_\_\_ the fist.

6th \_\_\_\_\_ throwing against the ground.

7th \_\_\_\_\_ strangling.

8th \_\_\_\_\_ choking with the hands.

9th \_\_\_\_\_ shooting with a pistol.

Found guilty of murder in the first degree, & executed 12 June 1844.

Same term

Alexander Jackson & John Mills for robbing John Hartzell. On the trial of Jackson, <sup>Mills</sup> his identity was positively sworn to by the prosecutor, but notwithstanding an alibi was most satisfactorily shewn. Both the prisoners were acquitted.

Balt. City Court Feb term 1844.

Indicted Amy Moore for attempting to poison 4 persons on the act of 1840 ch. 222. guilty —

A Jury may be discharged where the ownership is incorrectly laid in an indictment for robbery & a new bill preferred.

Reg vs Rudick & others & Carr & Payne, 239,

Baltimore City Court, June term 1844.

Indicted John Gaines for passing the note of a fictitious bank - guilty.

John Murray & Augustus Stiltz for burglary, guilty.

Robert Curtain & George, alias Semi Semi, Clark, for larceny, - guilty.

A man named Reynolds for forging a power of attorney with a blank for the name of the attorney, a very elaborate indictment without any possibility of success. The Court decided that it was no felony.

William & George Treuburger & 4 others for the murder of Alexander Mac Intosh by beating him with a spontoon.

N.B. In this case, the Court admitted Thomas Evans, one of the parties charged, to bail in \$2000. 3 were convicted of murder in 2d degree.



In Feb term 1844, indicted 25 persons for huckstering wood without license; after indictment, the act of assembly was repealed, and another substituted, without any notice of the prosecutions then existing. This of course, destroyed them; - and a stet was entered by the Attorney General.

In June term 1844, ~~Indicted Henry, Clark & Co for burglary &c. Guilty~~

Octr Term 1844. Indicted David Miller for a conspiracy, to practice frauds at the Governor's election. Guilty.

Elijah Peacock & Rosanna Herbert for murder

Guilty of Murder in second degree.

David Andrews for murder, Guilty of Murder in 2<sup>d</sup> Degree.

Myers & Mc Donald for misconduct in office as constables.

Absalom Bostick for false pretences. ~~not taken~~

Othello Johns for arson, burning a stable & entering lumber yard with intent to do malicious mischief therein. Guilty.

Geo. J. Turner for breaking Wm Houlton's store. Guilty.

County Court, Novr 1844. James Proton for murder. not guilty

negro \_\_\_\_\_ for murder. not guilty

George Tracy for selling liquor suffering liquor to be drunk on his premises being a retailer. <sup>guilty next term.</sup>

Charles J. Torrey, for enticing slaves, found guilty; an error in the indictment luckily not fatal

In the Circuit Court April term 1844. A long indictment against a Captain & mate for manslaughter in frightening & mistreating a sailor so that he jumped overboard. Acquitted.

Another against them for mesusage

to the sailor under the act of Congress. acquitted

A few terms before in same court. An indictment for mail robbery. Guilty.

City Court, Feb term 1845

Indicted Henry M<sup>c</sup>Curry for the murder of Paul Roux.

1<sup>st</sup> Count, killing with an axe. 2<sup>d</sup> with an <sup>knife</sup> axe. 3<sup>d</sup>. Cumulative.

Guilty, sentenced to death 18 March 1845. Transcript sent same day. Executed 28 June 1845.

Joseph Wilson for murder of Frances M<sup>c</sup>Dowell. not guilty May 1845

William Tingo for Bigamy. Guilty

Milly Queen, for exposing her new born child - not guilty

Venceslav Narvez & 2 more for murder of Henry Stenshall not guilty

Captn Richards & 2 more for conspiracy, ignored

County Court April Term 1845.

Robert Ramsay for keeping a cockpit, guilty on 1st Count.  
George Tracy (Nov 1844.) a retailer, for suffering the liquor sold to be drunk on his premises, tried this term. Guilty.

Geo. R. Richardson, Esq, was appointed Attorney General during the recess.  
City Court, June Term 1845

4 Indictments against Cecilus Jamison &c. brought by agreement to settle questions under the Stamp Act, a verdict, upon demurrer, of respondeas ouster, in favour of the State, & the cases removed to the Court of Appeals. ~~Judges assented~~  
S. Johnson, a negro, for indecent exposure of his person, guilty  
Martin Duff for perjury before the Commissioners of Insolvent Debtors. guilty  
Alexander Harden, <sup>negro</sup> for murder of Clara Ellen Hamilton by driving a carriage over her, 2 counts, guilty of manslaughter  
Albert Coaster, junior, a minor, for running with fire apparatus, guilty ) new trial & acquitted )  
Alexander Thomson & others for larceny. They persuaded the prosecutor to place his money in the hands of a confederate as a bet upon a swindling trick called the box game. Upon his becoming alarmed and demanding his money, it was refused, the box opened, & the money handed over to Thompson &c, who immediately decamped with it.  
1. guilty. New trial granted.

A man for refusing to assist an officer, guilty.

Octo Term 1845

Indictment against Edward Pelham Roberts & 4 other young men for rape upon Margaretta Cheman, 5 counts charging each one successively as principal in 1st degree & the others as aiding and abetting, 6th, a person unknown as principal in 1st degree and all 5 as aiding & abetting, 5 more counts, attempt to commit a rape, charging the assault as made by all with intent that 1 of them (naming them in succession in the different counts,) should ravish her. A very elaborate indictment.

Roberts - guilty on 7th Count (assault with intent ~~&c~~ pardoned June 1847)  
Macgrane. The Jury could not agree  
Stirling acquitted

Mc Intosh acquitted. The other cases removed to Arraignment.  
A case which made a great noise, but in reality only remarkable for the effrontery of the prosecutrix -  
(She had a child afterwards, which was begotten in the jail during the pendency of the cases.)

Joseph Alexander (negro) with the murder of Washington Sheppard. <sup>1 count with pen axe</sup>  
Died Oct 27<sup>th</sup> 1846. Guilty of murder in the 1st degree. sentenced to be executed <sup>executed 26<sup>th</sup> Nov 1847.</sup> 4<sup>th</sup> Monday in Feb. 1847.  
La James Gale with manslaughter in killing Louis Gorman. <sup>guilty - motion for new trial overruled</sup>

Gideon Gross with enticing, persuading & assisting slaves to runaway. <sup>he enticed them to run away & then betrayed them</sup> guilty.

he enticed them to runaway & then betrayed them for a reward

George Campbell & 3 more <sup>guilty</sup> <sup>Jan'y Term, 1847.</sup> in a conspiracy to cheat by gaming also on the new gaming law, five indictments against each; the 1st indictments under this act. <sup>guilty on one indictment</sup>

Henry G. Miller, a magistrate for letting another person make out his warrants. <sup>not guilty</sup>

Martin Smith for letting out a house to be used as a brothel.

<sup>judgment affirmed by Court of Appeals January 1849.</sup> <sup>guilty & case sent to the Court of Appeals</sup> County Court, Nov Term, 1845. Mr Bayart for State.

Semi Demi Clark (heretofore indicted for burglary in the house of Guppy,) was brought to trial this term & convicted. <sup>He died in the Penitentiary</sup> Sutton for rape. 2 counts. 1st for rape - 2d. Assault with intent to commit a rape - Guilty on 2nd Count. motion in arrest of judgment, because the verdict took no notice of the 1st Count. Judgment arrested & prisoner discharged. Case sent to

Court of Appeals. Jan'y Term 1847. Judgment reversed & pro cedendo awarded.

The City Court, in this <sup>Oct</sup> term, 1845, altered its terms to the 2nd Mondays of January, May, & September.

City Court, Jan'y Term 1846. Very little of interest.

Indicted John N. Fisher & 2 others for stealing dead bodies - guilty.

Jones & others for letting out houses for bawdy houses.

A negro named Johnson (I think) for an attempt to murder & setting a dog on an officer. Guilty of a common assault.

Cole & Smith for robbery.

111 bills only.

W. S. Circuit Court. April Term 1846

Indicted Edward P. King for forgery. I drew one indictment Mr Marshall & others. a very elaborate indictment - guilty on 2 last counts for transmitting knowing it to be forged - motion in arrest of judgment - overruled - sentenced to the penitentiary for 5 years May 2, 1846.

A mandamus in the County against the Farmers & Planters BK to try the question of collecting the State taxes by the agency of the cashier &c. Judgment in favor of the State pro forma & case sent to Court of Appeals where judgment was in favor of State.....

Baltimore County Court April term 1846. Mr Jagout prosecuted.

Indicted John Wesley Flynn for the murder of Thomas Digby, 9 counts.

1. Murder with an axe
- 2 " " a club.
- 3 " " " stone.
- 4 " " the fist.
- 5 " by throwing to the ground.
- 6 " with a gun.
- 7 " " a knife.
- 8 " " choking.
- 9 " " setting fire to his bedding.

Verdict evidently a compromise. Manslaughter  
 Indicted Charles Stewart for a misdemeanor in wounding a mare  
 2 counts at common law. 1st For attempting to commit the statutory  
 misdemeanor of attempting to kill it. <sup>1809 ch. 185</sup> 2d Wounding it  
 a retailer for suffering liquor to be drunk on his premises.

Baltimore City Court, May term 1846. very little of importance.

John Nantz for perjury before Justice Wright. Ran away.

Patrick Burns. guilty of manslaughter May 28/1846 pardoned

Michael Flaherty } not guilty  
Wm G. Bangs. }

for the murder of Chadrach Woodling 1 Count, throwing a woodhorse 2nd, striking with it.

John Dull, for the murder of 1 Count with a knife. not guilty

Olive Norris for acting as a merchandise broker, a colored man for rape, guilty of assault, <sup>ignored</sup> new trial & acquitted  
 Dan. Clark for bigamy. The 2nd wife swore she was not married to him - not guilty.

The time for taking out licenses is to the 11th May at 12 P.M. This matter was examined very carefully by Mr Collins & myself.

Left Mr Schley about 3rd July 1846.

Baltimore City Court Septm Term 1846.

Indicted Richard Edwards, negro, for attempting to abuse a female child 6 years old - not guilty, there being no evidence but the child's.

Wm Myer, negro, for indecent exposure of his person. not guilty.

Lewis Cummins for murder of Lefflet Jerome Carter (ran away) <sup>tried January 1848 - verdict manslaughter</sup>

James Kelly for murder by kicking a girl in the stomach. <sup>Oct 26/1846</sup> guilty of manslaughter

A white man & a free negro for poisoning the negro on <sup>at ill 1849</sup> Slaker for a slave. Eli Otway ran away forfeiting rec. The negro set



William H. Handy & Nicholas E. Parker for stealing pigeons... guilty.  
 Mary E. Whately for a libel on John V. Roberts. In this case, Roberts  
 was unquestionably married by Revd Mr White of St Vincent de Paul,  
 to the traverser under the name of John Robert. He afterwards  
 persuaded her to make oath before W. Patton Gray, a Justice, that she was  
 not married to him but to another man named John Robert; an  
 extra-judicial oath; she subsequently published a statement of the  
 matter in the "Sun". He went before the Grand Jury. Bill found  
 to test the matter. He disappeared as soon as the bill was found.  
 Michael Flaherty & Wm H. Bangs for robbery - Not guilty -

B. County Court Nov Term 1846. Nothing of consequence.  
 A retailer for allowing liquor to be drunk on his premises..

U. S. Circuit Court. Nov Term 1846..  
 Indicted Francis Bassach alias Wm Mallet, for attempting to murder  
 Wash Galt. Guilty on 3<sup>rd</sup> Count, & with 2 more for an endeavor to  
 make a revolt on board the barque Louisa - Not guilty.

Baltimore City Court Jan Term 1846 (A very small term)  
 Adams Klappenburger for murder of his infant daughter by throwing her into  
 the docket - acquitted as insane.  
 Frederick H. Holtz & Enoch Young for forging requests for delivery of  
 goods. 1 Count for false pretences & others on 1531 ch. 205. Holtz guilty -

Richard J. Turner for embezzlement (he being a clerk of the Mechs  
 BK) larceny of a check 17 97 ch 96, & for stealing the paper on which  
 the check was written, acquitted by a rascally jury -

Richard J. Turner & ~~Enoch Young~~ William J. Birch for a  
 conspiracy to cheat & defraud Mechs BK.  
 They were both convicted on this indictment - Turner in Annapolis  
 County Court at April Term 1848 & Birch in the City Court Jan Term, 1848.

Ed. Fisher for the murder of Stoper Johnson  
 Ranaway -

State of Maryland.

City Court, September Term 1847  
 Indicted Sarah Cooke for enticing a slave to runaway - the 1st indictment under the act of 1844. (N.B. This indictment defective) Not guilty, from defect of proof.  
 " John Pulley, free negro, for being in possession of abolition papers - a very cruel case - Stet  
 " James Benson, 6 indictments for forgery - the 1st since the stamp act - pleaded guilty  
 " Thompson & Goves & other auctioneers for selling beyond their license  
 " Many fire-riot-cases. 5 guilty. Henry Bull, &c.  
 Isaac Grooms - negro, for forgery - not guilty  
 Andrew J. Scott, for manslaughter - not guilty  
 John Gray - houseburning & larceny - not guilty  
 And William Downes - larceny - guilty  
 John Mince - larceny - not guilty (a great acquittal)  
 October 13/1847 Election for First Branch of City Council, I was elected from 13th Ward - Majority 64.

**FIRST BRANCH CITY COUNCIL.**

Wds.	1st	2d	3d	4th	5th	6th	7th	8th	9th	10th	11th	12th	13th	14th	15th	16th	17th	18th	19th	20th
Dem.	338	418	381	351	325	319	284	281	275	268	261	254	247	240	233	226	219	212	205	198
Whig	432	418	381	351	325	319	284	281	275	268	261	254	247	240	233	226	219	212	205	198

Independent candidates:  
 Carson Golly, an independent candidate in the Fifteenth ward, received 8 votes.  
 The following is a list of the members elect of the First Branch of the City Council:  
 Democrats - Wm. Colton, H. A. Cooper, D. W. Hudson, James Lucas, W. Bishop, Jr., B. German, J. F. Connolly, Charles Soran, Jacob I. Cohen, Geo. F. Mayer, Levi Taylor, Dennis Terry, S. Winter, Wm. A. Hack and N. T. Dushane.  
 Whigs - Wm. H. Stewart, C. Farquharson, F. Pinkney, G. A. Davis and C. W. White.  
 It will be seen that the whole number of votes cast in the city yesterday was, Democratic 7,904 - Whig 5,382 - total 10,992. At the recent Governor's election the vote cast was, Democratic 10,301 - Whig 8,733 - total 19,036. This shows that there was 8,110 voters in the city who failed to take part in the election yesterday.

*C.F. White had not the requisite property qualification & resigned, as he must have lost his seat at a party*

**Whig Ticket.**  
**13th WARD.**

For First Branch City Council.  
**Frederick Pinkney.**

*Ioco Peco, 16, Whigs 4.*

Same day made application to become a member of the Sons of Temperance, Division No 50.

20 October, 1847, was admitted

Almighty God, whose mercies are tender and sure, and who doest not turn away from those who implore thee, so visit me with thy grace that I may have strength to keep and perform all that I have promised as a member of this Temperance Society, not trusting in my own resolution as one who feareth not to fall, but seeking for steadfastness in sobriety and fidelity to my pledged word in thy goodness to a sinner for whose sake thyne only son, our Lord and Saviour Jesus Christ has shed his blood upon the cross - amen..

County Court Nov Term 1847

Indicted Isaiah Shaw for assisting 2 negroes to runaway &c. not guilty.

" Daniel Conley Do.

" William Y. Day for obstructing the Gunpowder river. removed to Howard District & acquitted

City Court, January Term, 1848.

Indicted Francis Winter for several assaults on his pregnant wife, whereby her child was still born. Guilty

Two brothers named Hopkins for passing counterfeit notes - not guilty.

A negro named Johnson (I think) for stealing three 10 guilder pieces - first count describing them as money, second as so many pennyweights of gold - Guilty.

Bartholomew Burke for manslaughter. - Guilty

A negro girl for attempting to fire a dwelling house - not guilty

I examined a witness as Chancery Commissioner, who was 86 years old, he was a pilot & had probably piloted on her way up to Baltimore the very brig I was born in. He told me that years previously he had been confined to his bed by the rheumatism, for 11 years. The doctors prescribed laudanum and he began with 10 drops for a daily dose, & in the last times of his sickness used 5 gills a day.

Wm J. Birch convicted of conspiracy - Turner's case removed on suggestion by Atty Genl.

Otho Oliver for enticing Mr Glenns negroes to runaway, they not actually doing so. Not guilty.

Two loads, Moe Lee & Peter for burning John Thiney's stable - Guilty.

Ann Egan & another for selling goods in the market house without license - Guilty

1st April 1848. Was elected W. Ab. of Phoenix Division, No 50 S. of V. St of old County Court, April 1848

A man named Blufford for carnally knowing and abusing a girl 5 years old - Guilty - 21 years in the Penitentiary

3 negroes for holding religious meeting without the presence of a white person -

A constable for extortion, guilty

City Court May Term 1848

Robert Curtain for larceny - guilty, & this notorious thief at last meets his deserts in the Penitentiary -

A man for forging a request - guilty

Philip G. Hopkins for passing a counterfeit bank note - ignored

John & James Cochran & Wm H. Stunt for a conspiracy falsely to accuse George Warner of perjury. John Cochran, guilty - Jas Cochran guilty May Term 1850

Frederick Kriskriel, alias Henry Costello, for the murder of Anthony Hughes in one of the firemen's riots - Guilty of murder in 2nd degree

An unusually great number of cases this term.

**MAYOR'S OFFICE,***Baltimore, May 11, 1848.***SIR,**

You are respectfully requested to attend a meeting of the City Council, in the Council Chamber, City Hall, on *Monday next, 15<sup>th</sup> inst.* at *3 1/2* o'clock. *P. M.*

*J.*  
*Frank Pinkney, Esq.*  
*13<sup>d</sup> Ward.*

*Jacobs Davis*  
Mayor of the City of Baltimore.

Morgan's Office

To J. H. P. Smith, Esq.  
13 & 14

May 15/1848 My dear brother Henry, was drowned in attempting to cross the bar of the harbor of Tuspan, Mexico. It is needless that I should endeavor to set down here his virtues or my own grief - I have no need of any record to awaken his remembrance hereafter. Years of fraternal love on both our parts, undimmed and unimpaired, a mutual reliance on each other, affection from childhood gathering strength with our growth, and continuing through manhood without an unkind word or thought to disturb it, all this will keep his memory alive with me. The golden bowl is broken at the fountain, but I can remember the purity of the waters though I shall taste them no more. He is gone in the prime of health and manhood, to whom a long life of usefulness and honor seemed promised - and I, who am old before my time, and older than he by birth, and have been for years bowed down with ill-health and exhausting labor, have survived him - the oak has fallen & the bruis'd reed yet stands. Let me admit my tears, and although I aim at outward composure, they have been many & bitter, remember the duty of a Christian who is not forbidden to grieve but ~~may~~ not murmur at the judgments of the Lord - "the Lord gave, the Lord hath taken away - blessed be the name of the Lord" - let me cultivate faith and strive by his grace, who loves while he chastens, to make the Gospel my consolation and my guide, and our separation is not eternal - the night has come but the morning will come also. I believe in the day when the sea shall give up its dead, and the graves of the earth shall be opened; blessed be his name who has vouchsafed this rejoicing promise. Vale, carissime frater, - lachrymans spero -

Honble William Pinkney, <sup>born</sup> March 7, 1764 married <sup>in 1789</sup> to Anne Rodgers born March 7 1769

5th son, 9th child Henry Pinkney,

Master and Commander U. S. N.

born at June 25/1807 at No 4 Great Cumberland Place, London died May 15/1848.

4th son, 8th child Frederick Pinkney, born at sea October 14, 1804. on board of the brig Mary on her passage from England (where my father had been the American minister) to Baltimore.

District Court, U. S. - A sailor named James Lucas for an assault with a dangerous weapon on Benjamin F. Green, at Port, Porto Rico. acquitted

Poor Henry, this very book was his gift.

July. Heard of the arrival of the dead body of poor Henry at Norfolk; it was recovered a few days after he perished and buried at Tuspan, & on the conclusion of the peace with Mexico transported to the U. S. It is not the office of religion to chill the heart into indifference & miscall it submission; and I have been deeply shaken with grief for him whom I shall see no more on earth, although supported by the consciousness that God is merciful even when he chastises and that his word promises a futurity when every tear shall be wiped away. For my self, who am of frail health, let me remember that no man knows the hour when he shall be summoned to his account. ~~He~~ he who might, according to the ordinary chances of mortality, have expected a long life has been snatched away. I, who am infirm and feeble, must be prepared to follow. I have much that binds me to life, although any thing but a sensualist or seeker of earthly pleasures, and many duties to fulfil here; may I be enabled to discharge them with the knowledge that when I have done all I am but an unprofitable servant, & that my only hope is in the blood of our Lord Jesus Christ, and may his grace shine upon my deathbed when earthly light grows dim. The grave may be fearful to the unbeliever but not to him who knows that it is as the gates of the City of God, through which we must pass to reach eternal splendor; that mortality shall put on incorruption and become incapable of sorrow or suffering, or decay.

July 5, 1848 Was installed W. P. of Phoenix Division, Sons of Temperance, Wt. of Md. & took my seat in the Grand Division a fortnight afterwards. I look on this dignity with more satisfaction than perhaps its importance justifies, although nothing should be lightly esteemed which is a token of honor & confidence from our fellow men. But when I consider the excess of earlier days, although it is wiped away and forgotten by the world, for 14 years ~~years~~ of total abstinence have taken away all remembrance of it, I feel so humbled at my own weakness that I needed this to redeem me in my own opinion; I feel that I am forgiven by the world, & in the pride of recognised victory over evil habits can almost forgive myself. I do not however put faith in my own resolution but have a better refuge in an humble reliance in the mercies of heaven. God give me grace to persevere in the right path; it is narrow & I need & implore his guidance.

July 1848. A person arrested under the license law of ~~March~~ 1848 ch 248 got a habeas corpus issued by Balto County Court before Judge Legrand. It was fully argued by Messrs Pitts & Steele for the state & Zeackle for the party. It was finally withdrawn & the party yielded. Judge Legrand however intimated that the law was perfectly constitutional which indeed, after the license case in 5th Howard's Repts S. C. could hardly be doubted.

I have been reviewing the events of the past year, a task which is seldom gratifying and often dangerous, for we often in so doing feed vanity while we dream that we are hearken to conscience, we tax ourselves with misusing or burying treasures that were never confided to our guardianship, and indulge in grief and self-blame because a ~~success~~ <sup>success</sup> of impossibilities of which we make ourselves the hero has not been accomplished.

For myself, the experience of many years has taught me to be moderate in my hopes and desires, and to frame a very low estimate of my own abilities, or at least of the benefits that I shall draw from them. Some talents I have, but with my constitution of body and mind, they are almost unavailing, they are like the mines in Iceland and other cold countries, which remain unworked & obscure because there is no fuel to smelt the ore. In some respects, I can perceive a gratifying improvement, my worldly circumstances have improved, for there is a long scale of degrees even in poverty, but the day yields nothing more than its daily bread, and with my feeble health upon which toil and time are both acting fearfully, and with a family of young children & no provision made for them in case of my death, there is some room for disquietude. Even here however as I have said there is improvement, and the faith in him who provides for the wants of all that his bidding has created, has grown I trust no weaker. In the world's esteem, & in its kindly feelings towards me, I have made some advances, helping hands have been held out to me, & I have heard words of encouragement & good nature, & find myself befriended unexpectedly. The expression "the world's esteem" is perhaps too magnificent, but all men, save the few who make the history of their generation in the future, so style the limited number of persons with whom they are conversant or their members of their own profession, and like young children, soon contract the limits of the world within the range of their own motions & sight. I can feel too that my personal character is respected, and that although my father's wonderful abilities have not fallen to my inheritance, yet I have done his name no wrong, and my own children will not fear to own me. I am happy as a husband and a father, and am so honest & without self-delusion. One event indeed, the death of poor Henry, the brother whom I loved so truly, and who loved me in return - but I will not dwell upon it. Voltaire has spoken of Time the comforter, but he forgets that grief which is thus effaced is like an ~~effaced~~ <sup>obliterated</sup> inscription in a ruined tower, it has perished in universal wreck, the word of God furnishes a more true & sure ~~solace~~ <sup>solace</sup>...  
Lord increase my faith, & let thy grace be upon me not only to comfort but to guide & to rule.

Sept 9. 1848.



Baltimore City Court, Sept 17/1848. The Term began this day.

Indicted 2 free negroes named Stewart for enticing slaves to runaway. <sup>It mistakes</sup> <sup>in the names</sup>  
 Wm H. Cole (guilty) & John H. Day for several assaults on a <sup>maid</sup> named Carman (guilty)  
 " James Coulson for a nuisance in boiling dead horses on. Guilty & sentenced suspended  
 on promise to abate the nuisance.

Patrick O'Brien the 1<sup>st</sup> case under the sale of liquor on Sunday law.

Many cases for letting out houses for bawdy houses —

William G. Fish & John Link for attempting to persuade a witness to commit perjury.

A person for keeping quans on his premises.

J. Link guilty, Oct 13/1848.

U. S. District Court, Sept 1848. Indicted John Jones, alias Green, John  
 Johnson & John Paulsen, for endeavoring to make a revolt &c. they were all  
 found guilty on some of the counts of the indictments which held 12 counts  
 each. also indicted John Jones alias Green for assaulting the Captain &  
 Mate with a dangerous weapon. Plea not guilty confessed by District Atty  
 Also a steward of a vessel for assaulting the captain of the — with a  
 dangerous weapon — he picked up a knife ~~with~~ but did not offer  
 to use it & threw some scalding water out of a dipper at the Captain  
 & mate, scalding the mate's arm — he had first threatened to scald any  
 one's eyes out who should enter the cabin to seize him. He was  
 acquitted after 2 trials — Judge Heath intimated that <sup>throwing the hot water</sup> ~~this~~ was not  
 an assault with a dangerous weapon — and I should say very correctly —  
 a dangerous weapon in this statute, if the words have any meaning  
 at all, signifies a weapon dangerous to life, which can hardly be  
 said of a gill of hot water. (Boiling water a "destructive" thing Reg vs Comford  
 2 Carr & Kirman 125 The parties eye were scalded out &  
 his head)

Left Phoenix Division being then P. W. D. with brothers Neville Johnson & Leguin,  
 being all most unworthily treated in consequence of our opposition to the Temple  
 funds; Oct 9/1848 we were all 3 admitted into Annapolis Division, No 10, &  
 elected representatives to the G. D. +

City Court, a woman named Ann Matthews, indicted for enticing slaves  
 to runaway under the act of 1844, was found guilty; the indictment had been  
 depending for some time. Pardon'd —

+ The Grand Division refused to recognise this election as legal, under the pretext that  
 I had signed the constitution of Annapolis Division by proxy only.  
 Withdrew from the order & the Temple also forthwith. October 30/1848.  
 A brief and idle fit of anger —

October 11/1846 the Charter election took place for Mayor & City Council. I was the Whig nominee for the 1st Branch in the 13th Ward, and was elected by 177 majority.

**WHIG TICKET.  
13th WARD.**



**For Mayor.**  
**ELIAS T. GRIFFIN.**  
**For City Council,**  
**FIRST BRANCH.**  
**FREDERICK PINKNEY.**  
**SECOND BRANCH.**  
**13th and 14th WARDS.**  
**JOHN R. KELSO.**

*Arms of the Pinkney Family. The engraving is another instance of Bro Johnson's kindness.*

VOTE FOR MAYOR.		Gov'r. '47.	
Mayor '48.		Thomas.	Goldsbore.
Stansbury	Griffin	(D.)	(W.)
1st ward.....	573	429	601
2d "	602	514	632
3d "	592	569	562
4th "	489	626	460
5th "	369	325	579
6th "	297	475	635
7th "	546	364	524
8th "	644	326	636
9th "	503	391	574
10th "	276	516	313
11th "	427	480	444
12th "	550	637	607
13th "	287	471	334
14th "	347	583	380
15th "	608	662	655
16th "	347	373	384
17th "	494	274	503
18th "	305	582	737
19th "	490	483	513
20th "	429	264	428
	9962	9064	10301

The majority for Col. Stansbury, it will be seen, is 698 over Mr. Griffin. The entire number of votes cast was 19,225.

FIRST BRANCH CITY COUNCIL.		Majorities.	
Wards.	Whigs.	D.	W.
1st.	R. McAlister. 491	E. Horney. 561	130
2d.	L. Audoun. 310	J. E. Stansbury. 593	208
3d.	David Evans. 556	R. C. Wells. 449	175
4th.	W. H. Stewart. 624	W. H. Hiss. 354	28
5th.	Wm. Bayley. 326	C. B. Green. 556	64
6th.	C. G. Ridgely. 492	E. M. Foreman. 534	170
7th.	Jas. McNabb. 364	Benj. German. 602	318
8th.	A. Denmead. 234	T. J. Spilman. 530	126
9th.	C. McComas. 374	Chas. S. ran. 237	100
10th.	C. Farquharson. 518	J. W. Bloomer. 468	35
11th.	T. H. Belt. 433	J. I. Cohen, Jr. 587	177
12th.	G. C. Frailey. 598	L. G. Quinlan. 284	210
13th.	F. Pinkney. 461	Jos. G. Johnson. 356	42
14th.	G. A. Davis. 506	F. Davies, Sr. 605	90
15th.	M. G. Hinds. 617	Levi Taylor. 409	182
16th.	P. A. Ripby. 310	John Disney, Sr. 731	115
17th.	W. Addison. 296	Chas. A. Leloup. 492	94
18th.	M. Clark. 616	J. J. Grindall. 587	128
19th.	J. Dryden. 398	J. S. Shipley. 492	94
20th.	T. Symington. 253	Nat. T. Dushane. 587	128

The members elect to the First Branch, are Messrs. E. Horney, J. E. Stansbury, R. C. Wells, C. B. Green, E. M. Foreman, B. German, T. J. Spilman, C. Soran, J. I. Cohen, J. Disney, Sen., C. A. Leloup, J. J. Grindall, J. S. Shipley and N. T. Dushane, democrats.  
And Messrs. Wm. H. Stewart, C. Farquharson, G. C. Frailey, F. Pinkney, G. A. Davies, and M. G. Hinds, whigs.

SECOND BRANCH CITY COUNCIL.		Majorities.	
Wards.	Whigs.	D.	W.
1st.	John Wells. 697	J. T. Farlow. 602	1181
2d.	F. L. Shaffer. 324	S. Boyd, Sr. 589	1061
3d.	J. L. Yeates. 544	J. J. Stewart. 602	940
4th.	S. Thomas. 636	J. W. Willson. 533	940
5th.	A. E. Waner. 467	John H. Ing. 541	1179
6th.	D. Taylor. 315	J. McColgan. 496	757
7th.	J. R. Kelso. 388	J. Essender. 496	963
8th.	J. L. Reese. 645	J. Dukehart. 584	633
9th.	J. Murray. 446	E. Ware, Jr. 607	991
10th.	J. Keyser. 615	W. A. Hack. 584	1273
11th.			
12th.			
13th.			
14th.			
15th.			
16th.			
17th.			
18th.			
19th.			
20th.			

In the second branch, the members elect are Messrs. J. T. Farlow, J. J. Stewart, J. W. Williams, J. Dukehart, E. Ware, Jr., and W. A. Hack, democrats. And Messrs. F. L. Shaffer, A. E. Warner, Sr., David Taylor and J. R. Kelso, whigs.

In the 12<sup>th</sup> Ward, on re-counting the vote G. C. Frailey was found to have but 587 votes and I. G. Quinlan 588, just reversing the votes as at first counted.

349  
378  
494  
744  
875  
362  
478  
480  
429  
264  
1382

October 14/1848 My birth-day. I am now 44 years old. I have passed the day too busily in professional engagements to have much room for thought other than those labors demanded, and it is perhaps well, in the few minutes of leisure, my thoughts have been back to childhood and with the dead. If I have looked at the past with discomposure, let me strive to look on the future in hope. I may if the grace of God be given me, (and when was it denied to the penitent sinner?) so live that nothing earthly can terrify or harm, and death be welcomed as the summons to a better existence.

19.



The above engraving is an instance not only of Bro. N. Johnson's skill and facility of execution (it was engraved in about  $1\frac{1}{2}$  hours) but of his good nature; it was done by him from my drawing merely to please me, Oct 16/1848. It is still some weeks to the Presidential election; I hope for the sake of the Country that this engraving is prophecy made visible.

The parable in <sup>apparently</sup> refers to a practice well known to the Greeks and Romans, and which may have been original with the Hebrews or engrafted upon their manners by Herod who shewed little scruple in adulterating their customs, of sending to a portion of the feast to an invited <sup>person</sup> ~~person~~ who did not attend. The guests excused themselves not from any unwillingness to share the banquet or indifference on the subject, but from the expectation that they would severally receive their share without the fatigue of attendance & doing reverence to the son. The Jews considered that they were the chosen nation, and that salvation was their national inheritance, and not to be earned by individual faith; they were the invited ones who were to ~~raise~~ win heaven while they neglected the only son of its King. It would be difficult otherwise to understand the declaration of the King that none of those who were invited & refused to attend the nuptial banquet should taste his supper.

Arnold thinks that the victory of the phalans of Pyrrhus at Asculum must have been almost bloodless because the Roman swordsmen could not close with the Greek spearmen so as to use his weapon with effect. He forgets that tremendous missile the pilum, to the efficacious employment of which the discipline and tactics of the legion seem chiefly adapted. The sword was like the bayonet of modern infantry, it completed a victory, and may have occasionally won it almost altogether; but generally the discharge of missile weapons must, like the fire of troops at present, have shaken the enemy before coming to closer combat. The formation of the legion some 10 deep, in new order, shews this; the front ranks after discharging their javelins must have made room for the rear ranks to do likewise.

# Taylor Ticket.



*For Electors of President and Vice  
President of the United States.*

WILLIAM L. GAITHER,  
JOSEPH S. COTTMAN,  
JOHN M. S. CAUSIN,  
ANDREW G. EGE,  
JACOB PHILIP ROMAN,  
JAMES MORRISON HARRIS,  
BENJAMIN CHAMBERS WICKES,  
JOHN C. DIRICKSON.

Day of Election—Tuesday, 7th of November.

*Victoria !!!!!!*

County Court, Nov Term 1848.

Indicted negro slave Caroline Lucib, alias Cockey, for escaping from the service of her owner Geo. M. Ellis. 1847 ch 309.

Conrad Winter, alias Vender, & Paul Hunkle for the murder of Margaret Cooper. Both tried at the next April term, Paul Hunkle was found not guilty, Conrad Vender guilty, & sentence of death passed on him April 29/1849. (A frightful case). Executed July 20/1849.

Smith Rose & 2 others shooting ducks in Gunpowder River 1841 ch 260.

Many cases selling liquor on Sundays. The indictments were declared defective in the Court of Appeals, and were notwithstanding very plainly right.

To live under a despotism is to leave the best part of one's mind torpid; it is to do away with the power of reasoning & free will on the most important subjects.

Dec 8/48 was appointed District Deputy Grand Worthy Patriarch for the 1st District of Md. Sons of Temperance.

It is not strange when we consider all which the Old Testament prefigures or declares, all of which it is either the type or the oracle, that every portion of its contents has been ~~examined~~ examined with anxious curiosity, and that men have endeavored to assign purpose and cause even to those of its laws which seem trivial or are known to have been revoked. Its dietetic laws & those which regulate the manners of the Jews are of this nature, and upon these learning & conjecture have labored, and if we may judge by the common solutions, have generally gathered no fruit. The dietetic laws have been only medically considered, and in order to give them meaning and a useful object we have been forced to accept as truth very uncertain positions, we are for instance required to believe that pork was prohibited food because in Palestine it was unwholesome & occasioned leprosy. Those parts of the Mosaic code which concern dress, manners, &c. have been dealt with in a similar manner, or else treated as purely arbitrary.

My own explanation of their object is very different. The belief in the one living God was confided to the Jewish nation; and the true light was to burn on that altar while all around was darkness. In order that they <sup>should</sup> keep the faith, of which they were the depositaries, pure and unmingled with idolatry, it was necessary to prevent any fusion with the surrounding nations, impure heathens, whose very ritual was sensuality and vice. It is to me a strong evidence that these laws ~~were~~ are of no human invention but were indeed traced by the fingers of God, that if man had endeavored thus as it were to insulate

the Jews, to render them a peculiar people; he would have done so by injunctions of hate and bloodshed, ~~which~~ and would have indeed made them that which they have been falsely accused of being, the enemies of the human race. The Old Testament on the contrary, separated them to the needful extent without estranging them from their kind, by harmless and no doubt beneficial customs. It carefully nourished all the better feelings of our nature, ~~Kindness~~ Kindness to the stranger was enjoined, for the Jew had himself been a stranger in the land of Egypt, & had needed sympathy and the helping hand; and if he was bidden to remember the oppression & contumely of his bondage, it was only to stamp more deeply his feelings of gratitude and devotion to him who had triumphed gloriously in the miraculous deliverance of the oppressed, & not for retaliation or vengeance. He could intermingle with idolaters for commercial <sup>purpose</sup> and the ordinary intercourse and charities of life. But manners and customs interposed as a strong wall of partition, to prevent any intimate union or identity of feeling to the peril of their distinct national existence or religion. A heathen banquet was ~~not only~~ polluted with heathen worship, and the neighbouring nations had defied vice and sensuality, they degraded themselves to the brute and fancied that they exalted their gods. No Jew could share it without violence to his religious purity & the risk of incurring the taint of idolatry, and ~~without~~ lowering the standards of morals which the Mosaic law had established. If we consider how revolting is the sight of food which we have been taught to consider unusual or impure, and that custom here becomes to us as nature, it is plain what complete security on the subject was provided by the laws on the subject of forbidden meats, when any violation of them was at once a sin against habit & against conscience. The laws in question in like manner rendered intermarriage, or indeed any close intercourse or familiarity with the heathens almost impossible. (There are other regulations in the Pentateuch ~~on~~ the subject of the sexual intercourse, for which it would be difficult to assign any adequate medical cause, but which were no doubt intended to prevent such intermarriages.) In addition, the piety of the Jew was kept alive by intermingling religion with every common duty and household act of life; he could hardly put on his raiment or partake of food without being strongly reminded of the law which had been revealed on Sinai to his fathers. But as Providence accumulates good, there may have been, in many cases, ~~perhaps~~ human reasons for those laws, but it does not follow that they were purely medical ones. For instance, in a populous & ill-wooded country, the hog would be injurious to agriculture; the purpose of the Jewish polity was to establish a pacific republic of husbandmen, and it shewed little favor to either conquest or commerce;

N.B. To all this may be added ~~the~~ ~~distinct~~ case of considering pork an unclean food the dislike which the Jews would contract against it among the Egyptians

the prohibition against keeping horses may be thus explained: a people surrounded by deserts would less frequently undertake either offensive war or trade, when debarred of the services of the camel; and an animal that could not be generally kept, whose its whole value consisted in its use as a beast of burthen, and its flesh must be refused as food even in the desperate emergencies which surrounded a traveller in the wilderness.

It is <sup>in</sup> confirmation of these opinions that when the fulness of the Gentiles had come, when God said to the discord & confusion that pervaded the moral world "let there be light, and there was light" & Christianity dawned upon mankind; the whole Mosaic law, ~~was~~ <sup>supplanted</sup> ~~abrogated~~, the Gentiles & the Jew had become joint heirs in Christ & there was no cause why they should be kept any more as under.

December 15/1848. Had the honor of presiding for one night, as G. W. P. in the Grand Division of the Sons of Temperance. Dr Murphy did this in kindness to give me some distinction in the order, and from the good nature & partiality which have induced kings to set their crown for a moment on the head of some favored individual in order that he may boast that his brows have borne the golden circlet of royalty. I made good however the truisms concerning the uneasiness of royalty; I was right on all important points but deplorably ignorant of the parliamentary rules of the body; and the villains, some in malicious sport annoyed me with points of order &c, till I was in a cold perspiration. Kept my temper however, which is more than I should have once done.

The same week, visited officially Divisions No 1 & 31, as D. D. G. W. P. for the 1st District, & was received with more than kindness, I owe this more to the friendship of Dr Murphy than to my own merit, but it was not the less, I ought to say it was the more grateful on that account. As I sat in the chair of the P. W. P. the intemperance of my youth seemed a hideous dream, & that, it was a fearful reality; I have, by means of that grace which is the well-spring of all true virtues, overthrown the habit & the appetite, but can I silence remorse? & I have overcome the reproach of man on the subject, & am even considered as an example of one who has ~~propolately~~ <sup>propolately</sup> subdued his besetting sin, the Spirit bears witness with my spirit & tells me that I am forgiven; but my own recollections are like the hidden penance-belt of a blinded devotee, which inflicts tortures that no one conjectures. Let every pang that I feel but awaken emotions of thanksgiving to him who spared me for amendment, & thoughts of prayer for perseverance in well doing; and let the knowledge of my own weakness teach me charity to my fellow sinners - Domine, miserere mei;

U. S. District Court Dec 1848  
 Indicted Richard H. Key for robbing the Baltimore Post Office.  
 Not guilty.

It might be used as an argument for understanding literally the traditions of the advanced ages of the patriarchs and of man in the book of Genesis, that an extended existence was necessary for the discovery of ~~the~~ many useful arts. In the later parts of that book human life is as brief as it is now; Jacob is evidently an object of great curiosity to Pharaoh as one of unusual age. The time for literalism on such subjects is however past.

The oldest manuscript in arbitrary characters, (by which I mean those which are not hieroglyphical) is said to be about 1000 years A.C. This would ill consort with the pretensions of the Egyptians to their antiquity of 5000 or 6000 years A.C. The hieroglyphical must needs be rapidly transformed into the arbitrary, the pictorial figure into the positive. Want of skill or carelessness in the artist or the authority economy of labour or time would soon lead to a mere careless outline, and a few marks denoting the figure to be represented; what was alterations would soon become usage, and in a little time the picture would become the letter according to the usual meaning of the term. Good taste or the progress of the fine arts would not prevent this, for they would have no power over the hieroglyphics in which accurate drawing would be thought of no more importance, (as Humboldt has observed) than is now attached to a fine handwriting.

Christmas 1848. A lowering, rainy day, & a windy night; one of the disagreeable days of this singular winter or rather anticipated spring. I passed a large part of it at the police office, for it was remarkable for drunkenness & crime; it seemed as if men sought to desecrate the festival when the host of heaven proclaimed glory to God in the highest & on earth peace and good will towards men, by profaneness, excess, and riot. I passed the rest of it in pain & sadness, which I hid under a fair cloak enough, for I would not disturb the harmless mirth of those who were with me; and I had too my moments of strong spiritual feeling, when, if my own unworthiness was set plainly before me, I felt inclined to embrace the cross of Christ more closely.

Winter threw off his disguise & shewed himself in earnest in the last of January. The drift ice at the mouth of the Susquehanna was piled up cake on cake & froze together & formed at last a solid mass 15 feet thick across the river.



Took my seat in the City Council for the second time, January 12/1849. Was made chairman of the committee on police & of the special committee on Mr. Vatterman's interchange of books, & was on the committee on internal improvements & committee on the jail. Last year I was chairman of the committee on education, & was on the committees on police & on school ~~and~~ commissioners <sup>also</sup>, besides being of the committee on elections in both years -

City Court January 1849.

A man named Geo. Kraft for forging requests, guilty

Some men for disturbing divine worship in the Bethel Church - guilty

The Court of Appeals decided against the goodness of my indictment in the case of selling liquor on Sunday - it is correct notwithstanding.

Made a report as chairman of the joint committee on police in the City Council on the proposition of Mr. Stansbury the Mayor to prevent the fire-riots, by giving a medal to the best behaved fire company, he at the same time declaring that the firemen were not concerned in the riots. I wrote it hastily enough, supposing that it would meet the usual fate of reports, i.e. be printed on the journal & be read by none who could help it. It got however into the newspapers, & was praised & made a sensation. I had 2 answers in the Argus, one of which was civil enough but taxed me with bad writing, which is most probably true; the other abused me viciously, but threw his weapons very wide of the mark, I only laughed at his want of skill

In the convention to confirm the Mayors appointments, the Whigs, only 9 in number kept together, several appointments were at first rejected but confirmed subsequently. We ranged up & down the enemy's camp, by night, throwing it into uproar & giving them a taste of the bayonet, though without any expectation of defeating them.

Baltimore County Court, April term, 1849. Nothing worthy of note.

Charles Watts for an attempt to murder - guilty - Penitentiary.

April 18<sup>th</sup> / 1849. The Temple of the Sons of Temperance was dedicated to day, and notwithstanding the unpropitious weather, which was cold & showery, the procession was large & imposing. I took my part in it, as a District Deputy G. W. P. These physiologists tell us that the body undergoes a complete change in ~~several~~ years, and as I moved along, such was the alteration that 15 years, (for that is the period of my total abstinence) have wrought in my thoughts and feelings, that it almost seemed as if time produced a similar ~~alteration~~ revolution in mind, and that "identity" ~~is~~ a mere unmeaning phrase of the metaphysical schools. I am outwardly but little of an enthusiast but the fire is not quenched though it may be undiscovers. No one has more reason for gratitude to Temperance than I. I owe to it the continuance of life, and although I am far from wealthy or even possessing a competency, yet I owe to it the means of decent livelihood, a redeemed name, ~~the~~ respect of my acquaintances and almost self-pardon. If I feel humbled and remorseful for the excesses of earlier years, yet it is not unmingled with <sup>to reverse the damage of the past,</sup> comfort; a drop of sweetness ~~flows~~ <sup>is</sup> up in the bitter fountain; I feel that remorse to be something more than impatience at an evil habit; I have, by the grace of heaven, overcome it. The celebration was a more than Roman triumph, it was for a victory that cost no tears, but is on the contrary welcomed with unmingled blessings; we had risen in the strength and dignity of a righteous cause against a tyrannous conqueror who corrupted and abused those whom he subdued, and God fought with us against him. (There was snow to day)

District Court, March 1849. A sailor for an assault with a dangerous weapon, & a mate for inflicting cruel & unusual punishment. Both guilty.

April 20 / 1849. The City Council adjourned sine die, & thus end for the present at least, my legislative labours, for I shall not soon ask a recollection. I have passed through 2 terms of service respectably, and perhaps with higher reputation than this, & although the fitting discharge of such an office in its possession is no great ~~prize~~ honor for one whose father's name is mingled with the history of the Country, yet still it was gratifying. I am now contented, & must employ myself in more profitable tasks.

**MAYOR'S OFFICE,**

Baltimore, *May 22,* 18 *49.*

**SIR,**

You are respectfully requested to attend a meeting of the City Council, in the Council Chamber, City Hall, on *next Thursday afternoon (24<sup>th</sup>)* at *3 1/2* o'clock, *on important business.*

*E. John Hanson*  
Mayor of the City of Baltimore.

Mayor's Office

To Fr & H Pinkney, Esq  
13<sup>th</sup> Ward

It has been used as an argument against the genuineness of St John's gospel that the language of our Lord is different from that which he uses in the 3 other Evangelists; in them he uses parables profusely, in St John, but infrequently, although his language is often metaphorical. I can see no difficulty in the matter, large portions of the 3 synoptical gospels are gathered from various sources. The sayings and actions of our Lord were undoubtedly written down very early, & from these records the 3 first Evangelists selected such portions as might be suitably woven into their narratives. The parables of our Lord would undoubtedly make a strong impression among those who listened to his public discourses; their novelty, eloquence, and the striking truths which they conveyed so appositely, their ingenuity, if the expression may be decently used, the very efforts to solve them, all would fix them on the memory, & they would circulate generally, far more generally than the matters dressed in a more simple garb; the multitude gathered the gems which sparkled & passed the others by. They are the memorials of the public discourses of the Saviour, the fragmentary recollections of his audience, gathered & preserved as already stated. St John, the disciple whom Jesus loved, familiar with his doctrines and with his ordinary method of discourse would of course differ greatly in relating his words and revelations from those who had only heard his public speeches; they would merely keep that which strongly excited their attention, he would mingle with it all that could explain the character or elucidate the doctrines. <sup>the gospel of</sup> If St John be not genuine & received from the 1st as such, if it be the fabrication of a later time, how could it have gained belief & where could it have found faith? The other Evangelists would have fixed the public opinion unalterably as to the ~~exclusive~~ <sup>not</sup> manner in which our Lord delivered revelation to man; and any variance from their style would at once have been thought to be fatal evidence of spuriousness. No forger strikes his base money in imitation of the current coin and gilds it; a religious theological imposture in like manner counterfeit received models that his lie may pass, and interweaves with it acknowledged truths and actual portions of existing works. The independence & unity of St John's gospel is full proof that we are not deceived, but that it is indeed the testimony of an eye witness, conscious of his own veracity and not seeking to obtain credit by anxious artifices.

1st May 1849 Almost a spring day.

I do not join in the outcry against the Sybilline leaves, &c. as wilful impostures intended to promote Christianity; they seem rather to be vehicles by which the authors conveyed to the world their opinions & expectations, without proposing to themselves any fraud or expecting or compassing to deceive. Every age has its fictions, steeped in truth, & where the fiction is not meant to be considered other than it is. In progress of time as obscurity closes round ~~them~~ <sup>them</sup>, they may if they have good fortune gain entire belief, or they may be considered meditated fraud. Allegory becomes literal, threats or hopes change into prophecy; or in the other case they are all ~~demanded~~ as if born of deceit. Who can say that some of the historical novels of our present literature will not hereafter become history or be thought a cheat.

Looked over Headley's trash about Napoleon & his Marshalls, something valuable can be got from it, but not without both nausea & difficulty, it is like the chemical feat of making sugar from old rags; it is said to be pure enough, but the labor & expense are enormous & ~~the~~ we are disgusted when we think of the filth from which it was extracted.

What is popularity? It is something like walking down a crowded street, and supposing that the persons behind us are following us in admiration or the wish to be guided; if we take another path we soon find ourselves deserted.

What a difference between Niebuhr & Michelet. The first by his strong sagacity has swept away the idle romance of Roman History and has reconstructed it from the buried fragments of the truth and almost infallible conjecture to supply the lost; he is like the skilful architect who from his knowledge of symmetry and design can trace out perfectly the original building from a few shattered pillars. Michelet too or ten has presumptions for learning, & his great delight is paradox; he is delighted if he can substitute his own absurdity for the absurdity of the old story, he has added very little to our knowledge, but he is often striking & very often amusing.

"Excuse my bad spelling for I have a bad pen" - We laugh at this as an absurdity & yet it is a very reasonable excuse. The whole attention of an unpracticed writer is absorbed in such a case in forming the characters legibly, & he would have none to spare for the spelling; of course that of <sup>any but a lettered person</sup> ~~any~~ person would then abound with errors.

City Council reassembled at a call from the Mayor, to consider about the means of warding off the Cholera.

Resolved by the Mayor & City Council of Baltimore

That every one who sells a melon  
shall be held & deemed a felon,  
and the pigs of every size  
must evacuate their styes  
and officers ~~shall~~ <sup>be</sup> in charge  
to catch them all if found at large

And lest this wise precaution  
The owners must not soap  
their tails.

Magallia

To Fred K Pinkney, Esq.  
13<sup>th</sup> Ward

**MAYOR'S OFFICE,**

Baltimore, *August 11,* 18*49.*

**SIR,**

You are respectfully requested to attend a meeting of the City Council, in the Council Chamber, City Hall, on *Monday the 13<sup>th</sup> August inst.* at *3 1/2* o'clock. *P. M.*

*Elijah Stanley*  
Mayor of the City of Baltimore.



Near 750 indictments

Baltimore City Court, May Term 1849. One of the heaviest calendars I ever knew.  
May 22<sup>nd</sup> Indicted John Drum for the murder of John Thomas Brown by shooting him with a pistol loaded with leaden shot.

June 16/1849 Guilty of manslaughter  
Solomon Downs & - Johnson, passing counterfeit money - not guilty !!!  
" " G. Benson for larceny of a check, pleaded guilty

John Price for the murder of Geo. W. Campbell.

John W. Williams for the murder of And. Jackson Smith.  
Oct. 12/49 - Guilty of murder in the 2<sup>nd</sup> degree

Williams Riston (negro) for the murder of Edward Harris.

John Whitlock for keeping quans. Guilty. 3 July 1849 Guilty of murder in the 1<sup>st</sup> degree.  
Sent by Governor to the Penitentiary for life

Solomon Downs for passing a counterfeit note.

John Flynn for murder. (Escaped)

Abraham G. Cole & Cagle Works for nuisance. Plead guilty

Nathaniel Sardo and Thomas M. Busk for libel

Edward Gould, a constable, for mis conduct in office. Guilty

A great many cases for selling liquor on Sunday (a long form of indictment,) they all pleaded guilty.

James Campbell & Ellick Mason for breaking a shop & stealing therein. both guilty (2 notorious counsels)

Augusta Vitz for burglary - guilty - for arson - not guilty !!!

\* Nathaniel Boyles (up lane) for arson. Guilty

A negro girl for burning a sawmill - guilty

Many cases for letting houses for lawdy houses, gambling, lawdy houses, disorderly houses.

James Rothbird & al. for conspiracy to cheat. Guilty

\* Leathe Digg as accessory before the fact to Nath. Boyles.

District Court June 1849. Indicted Charles O'Connell, James Bradshaw and Louis de Goullon for endeavoring to make a revolt on board the brig Quina in the harbor of Baltimore. Guilty

John Slaney & son for conspiracy to cheat.

Arthur McCafferty for nuisance in bleaching bonnets.

Lewis Sapp for receiving stolen goods - Guilty.

William Fuller - perjury

June 7/1849. My dear mother, Ann Pinkney, widow of the Hon. William Pinkney departed this life, aged exactly 80 years & 3 months. Her health had been declining for some years and of late alarmingly so, but her dissolution was sudden & unexpected. She died placidly and without pain, in the fulness of years, honored and loved by all who knew her. She was a wife worthy of her distinguished husband, and a widow who never ceased to sorrow for his death, a kind and indulgent mother, and a pattern in every duty and relation of life. For myself, I feel deep remorse when I think that I must often have grieved her and given her pain; but on the evening before her death, she spoke of me not only ~~but~~ with affection but even pride, and predicted that providence would never forsake me; she spoke of me in the language of praise and blessing. My dear mother, I am unworthy of you, and yet you have more than forgiven me. Every unkind word that I have spoken or act that I have done rises in rebuke before me. Enter not into judgment with me, oh God, nor visit upon me as a father my own faults as a child — Ann Pinkney, My dear Mother, was born March 7/1769. She was generally called Anna Maria Pinkney and so signed her name, having been married by it.

Drunkenness is kept up more by the force of habit than any thing else, we feel the disgrace, but cannot reform; we have built with our own hands the very citadel which holds us in subjection.

The public works of Appius Claudius, the blind, would render him popular with the Plebeians & odious to the Patricians for many causes, but particularly because ~~it~~ <sup>it</sup> would be necessary, in order to defray their cost, to resume possession of large portions of the public lands, which the Patricians must have held in occupancy: these lands were disposed of by sale, & I suppose that any person might become the purchaser. The quantity would lower the price; and if we remember the rugged manner in which allotments of land were occasionally dealt out to Plebeian settlers, & the large quantities excepted from their right of ownership, such an opportunity of purchase must have been welcome indeed. Ambition & the love of fame were here public benefactors . . . .

The steel-pen was first made in Baltimore. I have written with them in 1818. They were manufactured by a man named Williamson, in South-st if I remember rightly, & had a bone handle & a cover to screw over them. He charged  $\frac{1}{2}$  a dollar a piece for them & they were serviceable although clumsily made, but it was impossible to write a very fine hand with them. They disappeared with him, and I never saw them afterwards till they were manufactured in England.

Rembrandt Peale told me in 1825 that he carried the 1<sup>st</sup> screw auger to England that ever was seen there,

In the spurious gospels, as the infancy, &c, collected by Stone, the fraud is plainly betrayed by the internal evidence. They were written after Christianity and Judaism had been widely sundered, and when the changes which time and the accidents of war had introduced into the forms & circumstances of Jewish worship were no longer noticed; the ark, the mercy seat & the urn of thummim are all described as existing in the days of Mary's mother & later;

Charles Lamb has endeavored not indeed to justify, but to palliate the hideous immorality which prevails in the comedies of Wycherly & his compeers, by pleading that the poet had created a world of his own in which rigid morals were unknown, a misthful illusion which deceived no one. The whole defence has been struck to the ground by Macaulay with a few vigorous blows, he shows from their works that their purpose was really corrupt, a premeditated design to promote vice and to degrade & insult virtue. My own answer would be that no one of ordinary sense could have proposed to himself such an absurdity; there is no room for it in the world. the great principles of morality extend ~~every~~ every breath & reason are to be found and enter into all our notions of human nature & existence. Such an endeavor would be like a description which peoples a well known country with pygmies and cannibals. When an author describes his heroine as married he at once reminds us of the duties of the married estate, which are the necessary conditions of its being; we know that it would not exist at all if female chastity were of no importance Lamb's world of comedy is a revolting impossibility; it is not a mere gay deceit, an air-brown painting; we must annihilate the actual world to make room for it.

U. S. District Court, Sept 2<sup>o</sup> Term 1849  
 Indicted the 2 mates of the schooner — for stealing money belonging to the St Pedro Mining Company — acquitted  
 The captain of a vessel for leaving a sailor in a foreign port — acquitted  
 A mate for cruel punishment of the same sailor — acquitted

July 20/1849 Was present at the execution of Conrad Winter, alias Vender, I had not witnessed an execution for many years before, although I have been at the jail when they took place. The barbarous character of the murder and the profligate behavior & levity of the prisoner after his arrest took away from me all feelings like compassion, but it was notwithstanding a painful spectacle. The sufferer was unmannered by fear, and as he passed me with a livid, ghastly face and ~~slow~~ <sup>staggering</sup> and faltering steps, his agony made a strong contrast with the triumphant hymn which the Methodist ministers sung around him, a hymn which they had often sung by the deathbed of the departing Christian who had fought the good fight and kept the faith, & was impatient to leave the weariness and sorrows of this world for the fulfilment of the promises of God in a blessed hereafter. It is impossible to witness any execution without emotion, to behold a fellow being led to a death of violence and ignominy, his dying struggles looked on as a matter of curiosity & not of sympathy, and to feel that an immortal being has plunged into the gloom of futurity and has left us forever & is withdrawn from our knowledge to an assured destiny of eternal good or ill, no one can pronounce which. The most fearful picture that we can paint to ourselves is of that moment when the soul is severed from the body and is conscious that it is lost forever, and that its doom is endless torment and alienation from the favor of God, it is almost too frightful to endeavor to imagine it.

Why should the commentators all insist upon a lineal rather than a national descent of the Jews from Abraham, Abraham was the chief of a tribe sufficiently numerous to decide the fate of a war, and so must his son & grandsons have been, & the sons of Jacob likewise, they migrated into Egypt not as a family but as the heads of a colony, from which sprung the 12 tribes, their rulers & chief men of the blood of Abraham, and by intermarriage & the accidents of fortune, many of the others also. This is the only plausible way of accounting for the great numbers who <sup>emigrated</sup> joined in the exodus, exaggerated as they are in the corrupted text of the bible.

What is the meaning of the story of the whale in the book of Jonah. It is impossible to receive the common belief which treats it as the literal narrative of a fact, but it is equally impossible to decypher the allegory, if such it be. The whole book seems designed to shew the efficacy of repentance, probably to the Jews nationally, and it is <sup>worthy</sup> in this view that our Saviour alludes to it, an evil & adulterous generation seeks for a sign, but none shall be given to it, save that of one publicly calling on them to repent like Jonah, whom he also represents as typifying his own descent into Hades, this shews that the popular belief was then the same as now.

I reluctantly consented to run for the City Council this year again but was swindled out of the nomination in the Whig Caucus, in consequence the Whigs of the ward, in disgust at the trick, refused to support Mr J. Morris Cochrane, the nominee, & he was beaten, receiving only 172 votes

B. City Court September Term 1849 - The smallest docket ever known.  
 Reindicted John Price for the murder of George Washington  
 Campbell - The most villainous petty jury I ever knew partly  
 empanelled when the petty Atty Genl foreseeing the result of a  
 packed jury removed the case to Annapolis. vide next page.  
 Indicted - Leroyson & - Case for a conspiracy to cheat a  
 man by pretending that a ticket which had drawn a  
 large prize was a blank.

A man named Shae for robbery - the indictment tapered down  
 to an assault & battery. He pleaded guilty to the assault.

A man named Cavender for an assault with an intent to  
 commit a rape - guilty - ~~Not tried & argued~~  
~~At the same time of the same term the King got a string of the same~~  
~~plains & was in the habit of going to the King's plantation & the~~  
~~habit of going to the King's plantation & the King's plantation & the~~  
~~King's plantation & the King's plantation & the King's plantation & the~~  
 The early Plebeians  
 were agriculturists with very small allotments of lands which  
 were evidently merely sufficient to maintain the owner & were  
 incapable of division - If there were many sons what became  
 of them? They could not adopt a trade without forfeiting  
 their condition - the quantity of land which could be held by a  
 plebeian tenure was very limited, so that such land when for sale  
 must have borne an inordinate price; The necessity and the difficulty  
 of purchasing such lands as a provision for a family may have  
 been one cause of the embarrassed condition of the plebeians.

October 13, 1849. The 9th anniversary of my marriage - I am still a proud & a happy husband.  
 Sunday, October 14, 1849 - My birthday - I am 45 years old, and the winter of life  
 is at hand. Friends and kindred are fast disappearing, and I have  
 reached that age when we do not easily form new acquaintances or  
 adopt new pursuits; the enthusiasm of youth, which with me was  
 never very strong, has now failed altogether, and my only object is  
 to pass through life harmlessly and without dishonor, to educate  
 my children in the hope that they may fare better in the world  
 than I have done, and I trust so to live that I may have hope of  
 eternal life through the merits of our Lord Jesus Christ. Would  
 that I had known his word sooner. The world can do us little harm  
 when we have faith in him. When its griefs press upon us  
 the sorest, we are like the beleaguered town, that before for  
 convenience drank of the muddy rivers and brooks that flow  
 by, but which has within it the pure and unfailing waters  
 of the deep - he who well that abundantly supplies it in its  
 extreme need.



*Dokey*

289 A



289 B

B. County Court, Nov Term 1849.

Mrs Levin & her servant for assaulting Henry J. Fite. Guilty  
Joseph Eaton for the murder of Andrew Barnes. Guilty of murder in 2<sup>nd</sup> degree April 1850.  
Many cases for selling liquor on Sunday. they generally pleaded guilty.

John Price tried at Annapolis Nov 1849 & found guilty of murder in the  
2<sup>nd</sup> degree. Penitentiary for 14 years & 6 months. Case sent up to  
the Court of Appeals January Term 1850. Judgment affirmed

It should look on slavery as a result rather than as a cause of the decline of the  
free population of Rome. The early plebeians were owners of very small farms or  
rather lots of land barely sufficient for their support in ordinary years but which  
could enable them to make but little provision for evil days, for famine or  
hostile devastations. They were doomed as a condition of political existence to  
one avocation, & could not abandon it however fortune might tempt them with  
the promise of success in other pursuits. Every page of history shows their  
embarrassed & declining condition. Their very victories brought them some temporary  
relief, but they destroyed the surrounding nations; not by the mere carnage of  
battle, which a few years might have repaired, but by the confiscation of the  
lands of the conquered, who were to be thus weakened into a disability for future  
resistance while a reward was to be provided for the conquerors. These lands  
became for the most part into the occupancy of the chief patricians & gave them  
more ample means of gorging their avarice at the expense of the plebeians.

Add to this the ravages of Hannibal, who really accomplished his purpose  
of destroying Rome; another people indeed, and politically of far greater might  
& renown, arose wearing the same name & wielding the rule of the world. but the  
Roman constitution perished; and the people either perished in battle or became  
regular soldiers without any relish for labor, instead of the peasant militia they  
had once been. The necessity of supplying the armies compelled the Romans  
to deal most severely with the cities which they took, and often to sell the  
whole population into slavery. The multitudes of slaves, mostly foreigners, must  
offered for sale at one time must have made their price very low, and so it  
must have been with the lands of Italy, where the ~~lack~~ decrease in the number  
of proprietors & the general distress must have brought large tracts into  
market.

1849 Nov Term 1849 of Balt County Court. Mr Steele resigned as Deputy  
Atty Gen. & ~~Wm~~ having been appointed chargé d'affaires  
to Venezuela, & Wm H. Young, Esq, was appointed in  
his place.



Dear  
District Court Nov 1849

George H. Hickman, for transmitting forgeries as to land warrants  
&c to Washington &c. Not Guilty

A sailor for endeavoring to make a revolt. Not guilty.

John Herman for counterfeiting quarter dollars - Guilty -  
He was evidently a thorough scoundrel.

March 4/50 Mr Marshall was removed & Mr Lee appointed.

B. City Court, January Term 1850.

Many cases of selling liquor on Sunday - they were all indicted as for a  
first offence.

James Kelly, for larceny, guilty.

David Boggs & Joseph Schnats for breach of the lottery laws & keeping  
a gaming establishment. They kept a stock of goods which were disposed of  
by tickets drawn from a lottery, & in some cases the prizes were redeemed  
in money. The Jury could not agree. Convicted afterwards.

N.B. This term there was the most villainous & corrupt petty jury I ever  
saw.

John Herman, for stealing - guilty.

J. Hamilton Goll, guilty of larceny. A melancholy case - I  
knew him well in his days of prosperity.

Mrs Lacey Barry (a most notorious thief whom I first  
indicted 13 years ago) guilty.

County David Paine, manslaughter, guilty

County Court April Term 1850

very little of importance.

Indicted Mr J. J. Donaldson for suffering his bridge over the  
Potapoco to fall into ruin (1824 ch 165)

The 2 Lookinglands for assault on John Turner. Not guilty.

John Turner for assy one of the Lookinglands. Not Guilty.

Luther Stross for obstructing a highway. Not guilty.

The County Court decided this term that it is quite correct to indict  
for a second offence after a first conviction under the act against selling  
liquor on Sunday, as if it were a first offence.

State vs Fairbanks

January 12/50 Demanded my withdrawal card from Annapolis Division with the purpose of leaving the order. With the design of good doing good, I have assumed patience for a long time & endured much offensive to me in every way; but patience has its limits, & I have withdrawn —

I have passed my time since Christmas last in pain & sadness, with a feeble body and a confused mind — *Hyrie's* *cession* —

Those who are astonished that the Romans, at their first attempt, contended successfully with the Carthaginians, then the first maritime nation in the world, do not remember that the military and commercial marines of the ancients were altogether different. The old and experienced sailor of the merchant ship would have been of little value as an oarsman on board the galley where a sinewy arm was the great requisite.

The seafaring men moreover could have never sufficed numerically for the crews of an ancient fleet. 200 quinquiremes required a complement of 60,000 men, <sup>besides the soldiers in board</sup> and of course the greater part at least must have consisted of landmen. A few weeks training, so as to enable them to row with some regularity, was probably all that could be allowed. Where any remarkable dexterity was shown, it was by small squadrons, probably choice vessels & manned by picked men.

I should account for the variant relations of the death of Judas Iscariot in the bible in this way. The fact that Judas had committed suicide in his agony of guilt and remorse would, if <sup>made generally</sup> known, have been injurious to those who had welcomed and encouraged his crime, and strong evidence that they had indeed shed innocent blood; and even those who are callous to the commission of crime are by no means indifferent to reputation. They and their supporters would then be anxious to conceal his selfmurder and impute his death to accident. The account <sup>quoted by Peter</sup> in the acts of the Apostles, that Judas had perished by a fall in the field which he purchased with his hire, would be the report which these men had circulated, and the apostles, who were at first compelled to look in fear of popular and judicial violence, and were afterwards absorbed in those fervent feelings which ~~are~~ better entangled to imagination than to description, when they found that the Lord had indeed arisen, had no opportunity of learning its falsehood. Very probably they had little desire to do so, when one has fallen with whom we have been familiar, who has shared our bread and drunk of our cup, we would drive the whole subject from our minds; we ~~would~~ draw a veil over it, and do not willingly raise it. It ~~would~~ moreover contains nothing strikingly improbable in its particulars and they would easily acquiesce in its truth, for to them it would relate the swift and visible punishment of the wicked and mercenary

betrayers of his master. Inquiry or dissent on the subject would also be dangerous; for either would seem to impugn the ~~truth~~ conduct of the rulers. Truth however, though hidden or overruled for a season, at last prevailed; the very fact indeed, that the very field which was represented as the property of Judas ~~was under~~ really belonged to the priesthood & was used under their control as a burial-place, would destroy the ~~first~~ story at first receipt, and introduce the real circumstances of the case, which are contained in the gospels.

There is a kind of fancied Christianity which carries the minute observances of Pharisaism into morals while the heart is really untouched; it shrinks from avenging an insult or settling a quarrel by violence as a breach of scripture. but it watches its hour of retribution with patient malignity that strengthens by delay, and uses for its weapon shander or any thing else which may be serviceable for ~~its~~ *its* ~~own~~ *own*. it is like the fighting bishop who would not strike with the sword, because it is an instrument of bloodshed; while he shivers the skulls of his enemies with a wooden mallet with a placid conscience.

Could ~~the~~ converts to Christianity from the doctrines of Epicurus, whose deities are wrapped up in their divinity & have not the attribute of providence so far as the creation of ~~the~~ and government of the world is concerned have had any share in spreading the dreams of Gnosticism, Did chance become an ~~evil~~, or the principles of evil, or whatever the sect might choose as the frames of the present world, and did they reject pure Christianity with its Word by whom all things were made, and compound with their former infidelity by adopting some oriental fable which makes the Universe the work of some inferior or wicked intelligence, a demon or an <sup>allegory or any</sup> attribute torn away from divinity & invested with life & being. They of course were not the inventors, but might they not have been converts,

One often meets with books whose whole value consists in the quotations & references which they contain, the authors own words are the dirty sack that holds the corn.

County "Take away nature or give as thou wilt" says the emperor Marcus Aurelius; this is his purport if not his exact words. And this surly austerity, <sup>which</sup> ~~arising~~ <sup>but</sup> from the sense of helplessness would become resistance, is the language of one who attributes Christian fortitude to evil motives; how differently does that religion teach which destroys all selfishness, whether when we gain or when we suffer.

The story that Robinson Crusoe contains the real adventures of Selkirk ought not to have obtained belief for a moment. With all its minuteness of detail & minuteness of narrative, with all that makes it seem reality and not an imposture of fancy, Robinson Crusoe is full of impossibilities & is moreover the work of one upon whom the comforts of civilization & the forms of English life are continually intruding. He encloses & cultivates several acres of land & digs a canal for the purpose of launching a boat for which he has no absolute need of such dimensions that no solitary man would have ventured to undertake it; he digs a cavern, fences it & constructs fortifications upon a scale far beyond the labor of one man, though a cavern would have been the worst of dwellings in a climate where the rains fall heavily for weeks. He is for years desirous of smoking but cannot compass it, because he is unable to make a pipe of burnt clay, although he has lived for years in the Brazil where cigars are common, and if he could have made indeed a pipe in a few minutes with a bowl of wood or sundried clay & a stalk of straw or any hollow-jointed plant. He never thinks of wine though he has abundance of grapes, while he almost undertakes to brew beer, a liquor which he could not have tasted for years. It is needless to multiply instances. One great reason why the book is so plausible and delightful, and in grey haired manhood we read it with the uninquiring acquiescence of infancy, is the skill with which the character author has given individuality & character to the hero, as a man heedless & rash in undertaking adventures, yet energetic and fertile in expedients when carrying them into execution, the very improbabilities seem the <sup>inconceivable</sup> projects of ~~some~~ a whimsical man, which he forces to succeed by ingenuity & perseverance, while he passes by more useful things of easy attainments, whose view is so earnestly fixed upon some things that all else is unheeded.

Persecution is often religious belief seeking its reward in this world.

The numerals called Roman are in reality, says Niebuhr, Etruscan. They seem to have been formed in this wise; the 5 is the tally-mark,  $V$ ,  $IIII$ , the  $X$  is nothing but two  $V$ 's with their points coinciding, the  $L$  or 50 is the tally-mark again, with a different arrangement, the lines having each of the value of 10 & being placed with a horizontal instead of vertical arrangement, by way of distinction, thus  $\text{E}$ , the Etruscan cycle consisted of 110, and 100 is denoted by a  $C$  which forms almost a circle; the 1000 is made by  $CI$  which signify a complete term of centuries to be considered by itself, a separate term, or the next term in the progression,  $100 \times 10$ ; one of the  $C$ 's is inverted for the purpose of separating the term from any thing else.

The so called Arabic numerals are <sup>mostly</sup> the small letters of the Greek Alphabet which shew the late period of their introduction.

1 is made by a simple line

2 " B

3 " Y

4 4 is probably the  $\Delta$  or perhaps  $\delta$  & the numeral mark ' is thrown across the line

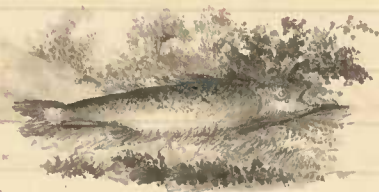
5 is  $\epsilon$  inverted.

6 is  $\varsigma$  vau,

7 is  $\zeta$ .

8 is probably H

9 " I.



The pagans must have indeed looked with astonishment on the Christians as they did on the Jews. Paganism had its victims but not its martyrs, while the Christians & Jews endured death, and that too inflicted with the most frightful ingenuity, rather than surrender their faith. Christianity too, in the decline of all ~~religion~~ & personal & political freedom, when the will of the ruler however wanton or arbitrary guided all & had taken the place of conscience & patriotism, alone ventured to disobey when reason made compliance guilt, while it revered the temporal authorities & taught submission to all lawful commands, it required that the word of man should not contravene the word of God, and when wrongfully persecuted on that account it subdued cruelly by fortitude. It taught freedom to the degenerate civilized man, while it educated the barbarian to mildness.

We have American satires, which show labor but nothing more, it is like the labor of a savage who passes hours in painting an arrow with a fishbone, he must be defenceless indeed whom such a weapon harms.

The Roman historians would make the commotions of early Rome as merely the fruits of plebeian insolence & levity, they were in fact not only the efforts of men contending for their just rights but the struggles of despair.

How many persons in reading the bible, ask the question what is inspiration, & what portions of the bible are in any sense inspired, which are mere history and which the guidance of the divinity to weak or hesitating human reason, Looked over Procrates to Democritus with such Greek as I could muster. To me it is a hateful book, it inculcates all through a sort of moral selfishness, a practice of virtue a study only for temporal advantage, he in fact would stifle every kindly feeling along with our most notorious vices. A man who practised his precepts would be a living lie—

The objection to the <sup>clinical</sup> baptism of Novatian that it was <sup>in-</sup>sufficient for one ~~that~~ who sought to enter into the ministry, seems to have been not so much to the method of its administration, as to its time; he had deferred receiving the rite as he had adopted him into Christianity, until he was supposed to be on his death-bed and was accordingly held to be a Christian rather from fear than faith.

Population, says Malthus, has a tendency to increase in a geometrical <sup>and</sup> food only in an arithmetical progression; a proposition which seems to have found acceptance from its air of mathematical definition. I can observe no difference between the laws which govern the increase of either; they both have a tendency to multiply in a geometrical progression; human and animal increase are evidently alike, & if a grain of corn be planted & produce thirty, twenty, or ten fold, each grain thus produced has the same power of being multiplied, and all the means of human subsistence whether employed to raise or purchase food, are evidently under the same rule. There are matters which check or destroy the tendency in both cases, and vice, <sup>and</sup> idleness, instead of keeping down population to the number than can be fed, are often the reason why food does not abound; they are at work for evil on both the series.

On looking at the book of Jonah again, I should suppose it to be a figurative manner of setting forth the inestimable value of repentance, <sup>& confidence in God,</sup> whether individual or national; the whale which swallows Jonah is the type of affliction or calamity which seizes upon him, unassisted by his fellow men; he is delivered by penitence and trust in him who is able to save.

Ἐπεὶ τὶ ποιοῦσιν οἱ βαπτίζονταὶ ὑπὲρ τῶν νεκρῶν. &c. Eke what shall they do who are baptized for the dead &c. 1 Cor. XV. 29. What shall <sup>they</sup> do who are baptized in the trust that they shall enter into eternal fellowship with the Lord and those who have died in the faith? If the doctrine of the resurrection be but a gratifying dream, if the Lord has not arisen & his promises & revelations of a blessed hereafter be of none effect, and those who have departed trusting and believing in their efficacy & truth are but dust and ashes, how vain is their conduct & hope who become engrafted on the Christian church, in hopes of enjoying eternal life & communion with the departed, and why should they dare persecution & death for a delusion? This is Storr's interpretation & is the best that has been given; that of Parkhurst & Doddridge who translate ὑπὲρ "in the place of" ~~is very~~ "succeeding to" is very unsatisfactory.

The ideal, so far as it has any connection with the visible & material, is <sup>composed of</sup> the averages of the various forms or qualities of the individuals, the ideal of the human figure is the mean of every <sup>shape of</sup> feature & limb found in the race. The General selects only a few of the most striking parts. The General is an abstraction, the ideal is not.

The confusion of times & manners in ~~theory~~ of the modern historical novels is very amusing; they remind one of Queen Elizabeth's effigy in the Tower, which wore her father's breech-piece for a breastplate.

Baltimore City Court May Term 1850.

Began to labour this term with reluctance & a feeling of mental & bodily exhaustion. Domine succurre mihi.

Abraham Eldred, passing notes of non-existing banks - guilty 15 years <sup>penit.</sup>

William Armstrong, assault with intent to murder, guilty. 4 years <sup>penit.</sup>

Abraham G. Cole, William Davidson for nuisance

William H. Hall, forgery of 2nd endorsement - Run off.

Samuel Hall - passing forged request -

- Waugh - false pretences - guilty

Thomas Richardson & John Rodgers, for breaking into the Bell Point Savings Institution of Baltimore (Removed to Howard District) Not guilty June 1851.

Emily Jones, col<sup>d</sup>. for murdering her brother in law Robert Jones,

Guilty of manslaughter. 5 years Penitentiary.

James Cochran, indicted at May Term 1848 for conspiracy was tried this term & found guilty - he tried his own case - I never knew such a compound of folly, impudence, and villainy -

- Tidings & another for an assault with intent to murder on the Chesapeake bay. Guilty of a common assault.

Might not a strong argument be drawn against the supposition that the King in Mary had children by her husband, and that the expression "the brother of the Lord" is to be thus understood, from the recommendation of her by our Lord upon the cross to the care of St. John? What need of this adoption if she had children of her own, & those penetrated & imbued with the principles of Christianity.

The pagans, for the panegyric by an uncertain author, ~~seem~~ to be the work of a pagan, had their tales of miraculous help given to Constantine, the army of divine warriors going to help him, & for ~~the~~ truth of which story the orators appeals to all Gaul, shews the impudent flattery offered to him & the credulity or gross servility of the time; I should put little faith in the veracity of him who could receive such adulation and suffer it to be spread as truth, & upon Constantine's veracity depends the story of the miraculous cross - the miraculous cross of Constantine also shews how easily ~~and~~ credulously such stories were circulated & perhaps believed. (So called in the Delphin Edition it is I believe by Evagrius)

William Downs, as a rovers & vagabond - Guilty. Penitentiary

Isaac Turner, - arson - not guilty -

Henry Kimberly, bastardy, not guilty; the prosecutrix was a common prostitute named Peacock -

1 Cor. Chapt. 6 v. 4. If then ye have judgments of things pertaining to this life, do ye set them to judge who are least esteemed in the Church. This is the proper & indeed the only sensible translation of the passage; it is in conformity with Griesbach & all the later editions; I know not if it be older than Griesbach. The note of Clarke is the veriest trash ever written. The apostle is not exhorting but rebuking.

Might not the Latin origin of the Tarquins, which Niebuhr certainly supports by very strong arguments, and their Etruscan origin be reconciled & the 2 theories blended. The Etruscans had certainly been a nation of conquerors, and even Servius Tullius appears in the story preserved by Claudius as an Etruscan soldier of fortune, strong enough, after every reverse of fortune, to obtain and grasp the sovereignty of Rome. The Tarquins, may in the same manner have occupied Tuscanum & have there dwelt until they became to be considered as Latins until they sought a wider field for their ambition in Rome. In the beginning of the republic we again find Porsenna first subduing Rome & then proceeding to subdue Latium though his defeat at Aricia made his conquests of no permanency. If Tullius was indeed identical with Mastarna, he may indeed have been one whose only title to nobility or power was in his merits & his sword; & if the Tarquins were of prouder descent and of the same nation, they would feel as impatient of his rule as they are represented to be in the usual fable.

It is a sufficient evidence of the divinity of our Lord that the scriptures declare him to have been without sin; this shows that its authors would believe him to be God; the self-knowledge, which sufficiently teaches the corruption of human nature would silence any one who attempted to affirm this of a fellow mortal.

Eheu, quanto minus est cum reliquis versari quam tui meminisse. A pretty epitaph by Shenstone which Byron has spread widely by quoting it. Something like it, though the resemblance is not very strong perhaps, is to be found in these verses of Ode, one of the smaller poets whom Pope has hung in chains; they are to be found in the "State Poems"

Bornieres, for whose beloved sake  
My thoughts are at a noble strife;  
This my fantastic landscape takes  
Which I have copied to the life;  
I only seek the deserts rough  
When all alone I love to walk,  
And with discourse refined enough  
My genius and the Muses talk;  
But the discourse most truly mine  
Is the dear memory of thine.



The efforts of some temperance men, who bring into their society every drunken & degraded wretch whom the want of money and not repentance or a wish for repentance, leads to a few hours sobriety is about as reasonable as the Turkish practice of picking up every dirty scrap of paper in the kennels because the name of God may be written upon it.

We sometimes make an idol of truth, for truth without charity is not of God; so says Pascal & rightly; it is mutilated & perverted truth.

Walton & Cotton are sorely puzzled for a derivation for the name of the river Trent; it is not from the same source as the verb to "trend."

Why are epitaphs so tamely written and bearing so strong a resemblance to each other. One reason is, that in our grief we think but little of the abilities of the deceased or of those qualities which distinguished him from other men, our thoughts are absorbed in the task of painting to ourselves his virtues, his social affections, and those qualities which he shared with the meanest of mankind & which are almost the conditions of social existence, our regret is for the kind father, the dutiful son, the faithful friend, and not for the man of talents; the noise of his fame is not heard in the chamber of mourning.

2 Corinthians, Ch. 7 v. 12. "Wherefore, though I wrote unto <sup>you</sup>, I did it not for his cause that had done nor for his cause that suffered wrong, but that our care for you in the sight of God might appear unto you". This verse seems to have baffled commentators & given rise to endless conjectures; they seem to refer it to the case of the unlawful marriage mentioned in 1<sup>st</sup> Corinthians, & enquire who it was that suffered wrong. My own method of cutting the knot is very simple. The previous epistle or epistles of St Paul, concern many ill practices of the Christian community at Corinth, not only the incestuous marriage but the going to law before heathen tribunals, and wrong and fraudulent practices even to each other, &c. "nay, ye do wrong, and defraud, & that your brethren"; his meaning then is, I wrote not merely to redress some particular injury, to punish some one evil doer or to procure redress for some one sufferer, but from my desire for your general benefit & reformation of the government of your community, in love for all, & not as the judge or advocate of one person.

Some of the early reputed <sup>Roman</sup> victories which Arnold rejects, because their national annals, such as they were, do not show that the commanders obtained a triumph, may notwithstanding be true: the army may have been under the command of a Latin general, and the officer commanding the Roman forces would then have been in a subordinate capacity, <sup>and</sup> although his funeral panegyric or family records might ascribe the success entirely to him, yet there would be no public evidence of it.

I should answer Newman's trash about developments, which he has stolen from the Germans, & like most thieves tried to turn to dishonest purposes, in this way. what do you mean by a development? If it be a full disclosure of something that is to be found in the bible less fully expressed, then you have done nothing; you are like the squirrel in its whirling cage, which bustles but does not advance. show me the traces of the dogma in the bible & satisfy me that such traces are there, do not point to the perishable leaves and tell me that you think them very beautiful, but show me the root firmly fixed in the words of God. If it is not to be found there, then it is not a development, but an addition, and I have a right to reject it as an arbitrary invention, as of human device, unless you can furnish some evidence of its divine nature; convince me that like the truths of Christianity, it purifies the law of nature, that it has been heralded by prophecy & confirmed by revelation, and not merely that the dark ages embraced it as a savage would grasp a toy.

The Penny Magazine does not understand the cry at the Billingsgate fish market of "Bomaree"; it is a corruption of "bonne maree", fine sea-fish.

We often cast out one vice only to substitute another of an opposite nature, as people have dethroned a tyrant, and directly chosen another not more virtuous or mild but sinful only in a different manner; thus we abandon prodigality and become avaricious.

"In pache" for "in pace" is to be found in an inscription in the Roman catacombs; showing the early prevalence of the Italian pronunciation; it was probably a vulgarism of the metropolis; a cockneyism of those days.

The arts of reading and writing must have been rare among the ancients; in the absence of printing and from the cost of writing materials, the means of acquiring them must have been in the compass of few, and from their method of writing without pauses or stops they must have been of far more difficult acquirement than now. The inscriptions in the catacombs, shew this: the orthography is hardly ever correct and in one case the whole inscription is inverted, shewing that it was carved by a person unable to read or write. The sculptor must have got the inscription written for him & laid it face downwards on the stone, & transferred it as a modern engraver transfers a print, he could not have discovered his error nor could his employers have done so. There are other instances where the inscription is turned top-sy-turvy. There is no reason to suppose the Christians, whose burial places the catacombs were, more ignorant than their pagan contemporaries, although their tombs may be far more rude, this last would be for ~~more~~ a very plain reason. In the days when the church worshipped by stealth amidst watchful persecution, a monument which spoke of Christian hope and faith, must have been carved in secrecy and by one who had but little skill in sculpture, a sculptor who turned Christian must indeed have renounced his art, and no one already a Christian could learn it, he might not carve the statue of a heathen divinity or any thing which would have repaid him in a worldly sense. Those of his own creed, had no churches or religious edifices to decorate, even if conscience had not forbidden the introduction of any image; they met in the gloom of caverns and in solitudes. The grave was closed by a slab, often a fragment of wreck from some Pagan sepulchre, and on it the artist, if any addition were made to the epitaph, carved hastily & unskilfully some device or allegory which spoke of him by whom salvation comes. It might be destitute of grace and beauty, but its meaning was eloquent.

2<sup>nd</sup> Timothy ch. 2. vs. 25-26. ~~In meekness~~ In meekness instructing gainsayers; perchance God may give them repentance to acknowledging the truth. And they may recover themselves ~~from~~ <sup>the</sup> snare of the devil, by whom they have been taken alive, to perform his (God's) will. This would make ~~vs 28~~ refer to the devil and ~~vs 28~~ to God.

Arnold is perplexed to frame a cause for the failure of Hannibal, and at last assigns for it his want of warlike machinery & siege artillery such as was known to the Greeks. This conjecture faints away the moment it is touched. Hannibal was well skilled in Greek, and must have acquired it rather by conversation than by reading, he must not only have been acquainted with Greek soldiers and artists but was the ally of Philip and Syracuse and the master of many cities of Grecian Italy, nothing that Grecian military science could furnish but must have been ready at his call. The true cause of his final defeat was his want of ~~money~~ troops and money. Carthage was not a nation but a city whose empire even in Africa was but of little extent and struggled to escape from her whenever her grasp was at all relaxed, and from a suicidal economy or jealousy of the Barcine family, she seems to have husbanded her powers, instead of, as did the Romans, adventuring all. The Italians after the battle of Cannae seem rather (with the questionable exception of Capua) to have revolted against Rome than to have allied themselves with Hannibal. They had no true heartiness in his cause, willing to escape the ravage of their territory and the siege of their towns, and the enlistment of their citizens in the Roman armies, where the generalship of Hannibal swept them away like some sudden and fearful visitation, they had no desires of making a stranger differing from them on every subject of thought or interest, finally triumphant and their master. The carnage of Thraymene & Cannae spread mourning and desolation among them also, & if it cured them into alliances it forbade friendship; a defeated enemy is never the cordial adherent or a sudden of his conqueror. We find accordingly that Hannibal had never a large army. He had no troops to spend on sieges that must be undertaken in the presence of superior forces, and was obliged to reserve them for pitched battles, to be fought only when he was sure of success; and with all his care, the perils of war abated his means, until the remains of his army became as it were only the garrison of a corner of Italy, and whose formidable weapon and best safeguard was the fame of its general.

Balt. City Court, Septe Term 1850. A small term & little of importance;  
 Major Harrod (colored) for the murder of Young Mr Watkins, not guilty  
 Mr Gove for breach of the auction laws - guilty.  
 — Schaeffer for manslaughter not guilty —  
 Michael Conolly - bigamy - not guilty.  
 Simon, Emerick for an assault with intent to commit a rape. Guilty. Pardoned  
 as he ought to have been —

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There is a strange adherence among the Romans to old forms and usages after faith in their value had ceased; a man might dissolve the public assemblies by declaring that he heard thunder, after ~~that~~ evil augury really ceased to inspire fear; instead of repealing the custom they intimidated any one who might try to take advantage of it; when the political enemies of Saturninus endeavored to obstruct the passage of one of his measures by pretending to hear thunder, he answered "it will hail presently if you are not quiet."

When earthquakes were so frequent that their expiation was troublesome the Senate passed an order which prevented a large number from being reported to the authorities. The mockery which represented the old meetings of the populus seems to be have long continued.

The more beautiful a statue, the less possible is it that it can be tainted with any indecency save that of posture; for ~~the~~ very excellence shows us most strongly that it is an illusion; our sense of pleasure in it arises: not only from beauty of form but from surprize that the living human figure can be so exquisitely mimicked in a substance which is hard and colourless. A naked waxen doll which <sup>is any</sup> endeavor to imitate ~~exactly~~ is indelicate; the Venus de Medici is not.

Recipe to transfer an engraving to a wood-block.

Take 1/2 pint of spirits of wine 1/2 a pound of American potash & an ounce or less of good brown soap. let the mixture stand for at least 12 hours, then strain it through muslin, and bottle it for use. The block of wood is to be prepared as usual by rubbing it with wetted pumice stones & colouring it with flake-white; wet the engraving with the transfer fluid, lay it with the face downwards on the block, & put a piece of <sup>paper</sup> over it, and then rub it with a burnisher.

"Μετανοεῖν", do penance is the Romish translation, which it would be hard to justify by any authorities. The authorities against it are conclusive, see those collected by Parkhurst as an specimen, and also the account of the martyrdom of Polycarp; it is the very verb used by ~~Polycarp~~ the Roman magistrate ~~to~~ <sup>to</sup> Polycarp exhorting Polycarp to recant or change his opinion; and the answer of Polycarp fully shows the meaning of the word.

There was really no good officer or tactician among the Romans in the 2<sup>nd</sup> Punic war until Scipio Africanus arose. The victories of Hannibal were due to his cavalry & the inability of either the Roman infantry or cavalry to resist them, yet no one thought of any improvement in the defective arms of the horsemen or in the drill or disposition of the infantry so as to countervail the superiority of the enemy; for we may either reject or greatly qualify the story of the velites at Capua, who mounted behind the horsemen, & just before the enemy charged, dismounted and harassed them as skirmishers. if this had been of the advantage which Livy represents, it would have been continued, & Hannibal would not have remained so many years in Italy either a conqueror or unassailed from the terrors of his fame.

There is a passage among the fragments of Sallust which in quaint but forcible language shews the brutal oppression practiced by the Patricians on the Plebeians during the first ages of the Roman republic. Instead of accusing the Plebeians, as Livy does, of turbulence & love of innovation, I should blame their patience & almost call it servility. In some respects the crime brought its own punishment. The reverses of Rome in war were occasioned by the impoverished and miserable condition of the Plebeians who furnished the infantry of the Roman army, the ill armed, dejected, and perhaps disaffected mass could offer little resistance to a resolute enemy like the Gauls at the Allia; and the cavalry was always indifferent. The efficiency of the Roman troops, while they continued to be militia, rose with the fortunes of the Plebeians —

The very centurion ~~the~~ leader of those who shed the blood of our Lord exclaimed as he looked around upon saddened and trembling nature, truly this man was the son of God; and shall we, for whom that blood was shed, deny him?

That strange confusion in the human mind which make us invest the dead body with perception and a sense of decay and pain is noticed at length by Lucretius in the 3<sup>rd</sup> book of his magnificent poem from which so many beauties have been privily transplanted by other writers, verses 882 &c.

I hate that unscriptural virtue which looks timidly around for the approbation of man when about to act and either shrinks back if it sees blame at hand, or must be fed on praise before it has strength to perform, in fact it is not virtue at all but vanity setting itself on high as something excellent and yet abjectly seeking for worshippers.

October 17, 1850. My 46<sup>th</sup> birthday. The year has passed by, in dreaminess & pain for the most part. Body and mind seem both decaying in strength, and every day to withdraw some unit from the sum of pleasure; as the joints stiffen with time, so also the soul becomes more tardy in its perceptions and less capable of sudden or intense emotions. Feeble as I am, yet my life may be yet prolonged for many years, for I have many duties to perform here and much of my masters work remains undone; he is gracious and will spare me, if his will should be otherwise, I am prepared, and death and futurity have no terrors for me. Christ has died for me. I can put no faith in the efficacy of my own good works, for this were to venture over a sheer and fearful precipice with a rope of rotten and filthy shreds, but I can look in hope and faith upon his cross and remember that my sins are washed away in his blood. Philosophy may teach us to disguise pain, and pride to deny or seemingly to triumph over it, like the Indian at the death-stroke, but he has said unto us, truly "come unto me all ye that labor and are heavy laden, and I will give you rest," his grace will guide and defend me here, amidst temptation and suffering, and in my last hour will I trust deprive death of its sting and the grave of its victory. To the fearful question of the hymn

Quid sum miser tunc dicturus,  
 Quam patremum rogaturus  
 Durum sit justis vix securus,  
 Answer  
 Crucifixi vices mei  
 Pariterque, Fili Dei,  
 Caeli Rex, memento mei,"

John 3. ch. v. 5, "verily, verily, I say unto thee, unless a man be born of water & the spirit, he cannot enter into the kingdom of God. The phrase "be born of water" is generally received with the same literal acceptation and incomprehensive mind with which Nicodemus received the declarations of our Lord; and with this difference to our disadvantage that Nicodemus sought for a solution of difficulties while we do otherwise. We must receive the phrases "be born" and "spirit" as figures, & why not the word "water"? Why should we suppose it to signify baptism, No one receives the analogous passage in Matth. 3 ch. 11 v. literally, "he shall baptize you with the Holy Ghost & with fire". The expression water must be metaphor, and probably signifies the forgiveness of God which purifies us from sin.

The reformers, says Johnson in his conversation with Mayo, were not burned alive for denying transubstantiation but for insulting those who did believe in it. <sup>Mayo might have answered,</sup> Can we call those Christians who revenged an insult about a dogma with death and such a death, Were those who did so fit to teach others? In the same way those who taunted the early Protestants with drawing the sword in self defence, might have been asked "if it be unlawful to resist persecution, what is it to persecute?"



I have sometimes done actions which the world called good, after a severe struggle with my own inclinations to the contrary, and felt a momentary satisfaction at the victory over self; but a feeling of terror comes over me lest those very acts will be written against me at the last day. Am I indeed a Christian, regenerate and with a new heart, when evil inclinations thus strive with the bidding of God, and when I feel a triumph as if the victory were my own work, & not the act good but am not I myself still evil, thankful I should be that I was not utterly disobedient, but deeply humbled that temptation has wrestled with me and almost prevailed; fearful, almost certain indeed, that my heart is not right.

I can hardly believe that the apostasy of Julian arose from any religious convictions. Of vital Christianity he had known nothing, and the austerities which had taken its place <sup>among his predecessors</sup> had disgusted him. The Pagan literature had given him the most intense delight, and for its sake he was willing to receive and foster the ingenious but absurd attempt to adapt its mythology for something like rational belief; his was a literary rather than a religious idolatry. Something like this is to be found among the Ciceroians of Italy, though of course to a less extent; they despised the Scriptures because of its rudeness of style, as they said in their idle pedantry, and found Pagan equivalents for its mysteries and expressions. Cardinal Bembo, substituted for the "Christ the son of God", "Minerva springing from the brows of Jupiter" & thought that St. Paul's epistle to the Romans was a childish production. I suspect Julian's devotion to Paganism was somewhat like the Cardinals'. He may also have wished to conciliate large portions of his soldiery by his profession of religion. I know however of few characters who have met so much praise with so little desert. He never gave much evidence either of military or political skill; the opponents of Christianity exalt his character because of his apostasy & not his merits.

*Uedem Jov. Opt. Max. quam non Porsenna dedita urbe, neque Galli capta, temerare potuissent.* Tac. Hist. III. 72. Taken strictly, the meaning of Tacitus would be, that Porsenna had been unable to violate it, and consequently that he was not master of the Capitol; it is likely however that *potuissent* refers only to the Gauls. Niebuhr Note 1213 to 1<sup>st</sup> vol. The conjecture seems to me very improbable; according to all the laws of construction, *potuissent* refers to Porsenna also. Nor is there any difficulty in the passage in that case; it matters not what was the restraining force on Porsenna, whether it was magnanimity, religious reverence, or inability to storm the Capitol; it merely means that he did not destroy it.

The trash concerning chemical affinity, elective affinity &c. in vogue some years ago was about of equal merit with the maxim that "Nature abhorred a vacuum" — the one gave about as satisfactory an explanation of a chemical fact as the other.

We cannot act without a motive, says the necessitarian, and the motive controls the will by as unfeeling laws as those of matter. But does motive thus act as if it were destiny, or is it merely the servant executing the behest of the will and intellect? Does not the mind determine at its pleasure the value of the object before it is suffered to become motive?

The aim of Christianity is a change of heart & not merely the performance of a few good actions. The Christian is not the knight of romance vowed to some particular adventures and in the interval amusing himself as he would, but the Roman soldier whose whole life was a preparation for combat, who by sobriety, exercise, and the continual proof of his weapons had so tempered his constitution that he was ~~always~~ ready to brave any danger or fatigue.

The appearance of Italy when dawning history first sheds a feeble light upon it is very singular; it is as if its people had been scattered before some mighty invasion or calamity which still pressed sorely upon them, they are as men clinging to the drifting planks of a mighty shipwreck. Every little defensible hill or other point of vantage holds a petty town, where the fortifications, considering the probable means of the builders, are stupendous; liberty and life must have been daily indebted to them, or they would not have been constructed in the massive form which defies both violence and time. The immediate territory is divided into petty allotments just sufficient to support the proprietor, while the more distant lands remain the common property for pasture, or for lease. I cannot account for the enormous works and labors in draining lakes and reclaiming lands in those days except on the supposition that they were in the immediate neighbourhood of a town or in a secure situation, where the needs of the people gave a most inordinate value to every foot of ground however valueless remoter parcels might be.

"Religion was established among the Romans neither by fear, nor piety, but by that necessity of having one which exists among all nations". Montesquieu. I do not understand how any religion can be originally established without belief, that seems to be its foundation stone. It may linger a while after faith has entirely perished, but not long, it is then like a rotten thing which retains for a time its outward semblance, but falls into dust at the first rude touch. It is very plain that it must find belief somewhere, or it cannot be used as an engine of State policy. The chiefs of the Patrician party certainly abused it as such ~~among~~ in the early ages of Rome, but then it had not fallen into entire discredit with the multitude, but in later times when some of the Patricians attempted to dissolve the assembly by declaring that they heard thunder, Saturninus replied "it will hail presently if you are not quiet."

The Romans had national pride but no national vanity, and hence their success in war; they were always ready to change their own military institutions for those of other nations which might be found superior to their own. They never attempted to disguise their practice on this subject, & even exaggerated their obligations; their manner of encamping was their own & yet their authors state that it was taught them by Cyrus.

Baltimore County Court, April November Term 1850. Little of importance though a large term.  
 Fleming for attempting to murder Mr Hooper (with Chas Watts tried April 1549)  
 Guilty. (A great scoundrel who has thus got his dues at last)  
 2 men for shooting ducks on Gunpowder river - not guilty.  
 - Nantz for nuisance in obstructing a road - guilty  
 - Epi & Loader for an attempt to murder, not guilty  
 J. J. Wallis in his book on Spain, amidst much admirable criticism, remarks on the impossibility of representing the divinity in painting without offending propriety. In this he is perfectly right. When the Godhead is painted with outstretched hands forcing the disorder of chaos into form and regularity, he is a God no longer but only a mighty being striving with conflicting powers; if he were a God then nature is a rebel capable of resisting him, and he is unable to take away the laws which he has given her; for the attributes and qualities of matter, weight, or hardness, or extension, are merely properties which his bidding has fixed upon it when he called it into existence. When in the attempt to present him visibly as the ancient of days, he is painted as an old man, though all the beauty and majesty of which the human figure is capable be there, and let it even seem transfigured by something supernatural, still when he who can know no change or shadow of turning, is drawn with the features of old age, he at once reminds us not only of change, but of decrepitude, decay & death.


A Greek statue represents the purely intellectual divinity, the revealed & not the incarnate; when ~~the~~ Venus in the Hymn of Homer appears to Anchises it is in the likeness of a Nymph; with mortal passions she assumes a mortal form

Paley objects to the law maxim "it is better that ten criminals should escape than that one innocent man should perish"; strangely enough, he does not perceive that if justice strikes blindly and destroys a guiltless man, it affords an additional hope of impunity to one who meditates a crime, he thinks it highly probable that suspicion will be diverted from himself upon some other.

It is a bad taste which would exile the fine arts from the forms & needs of common life & turn them into a luxury. I would have <sup>them</sup> rule every where and impart beauty to the meanest things; they should be a solace & impart delight to every one. Is it necessary that beauty should be forced upon the attention by contrast & surrounding it with the homely & unsightly. When homeliness becomes familiar does it not also become acceptable.

Does not a naked statue of the highest merit, instead of strengthening loose appetites, have a favorable effect on morals, by giving nicer and fastidious ideas of beauty and raising the standard of temptation.

Whatever conveys the attention to the one great object which it is desirable should be impressed on the mind, is the natural whether in style or in a work of art; all that diverts it to accessories is the artificial.

There is much dispute about the meaning of the dollar, mark \$; is it any thing more than the figure 8 marked so as to show that it is not to be considered as a mere number, the dollar is sometimes called "a piece of eight" even yet. Some suppose it to represent the two pillars & the fillet on the dollar; but these are found on all the other Spanish silver coins.  The £ which denotes the Pound sterling is also thus marked

It is an evidence of the fondness of the ancients for finding a unity of design in legislation, making it of one grand ~~purpose~~ and the product of one mind, that they thought the laws of Lycurgus to have been his sole contrivance and forced by him upon a people who revolted at their austerity and only received them as men take a harsh though wholesome medicine partly by compulsion and partly from a sense of the necessity. The groundwork of those laws is evidently the code of a savage tribe of conquerors, too rude too proud and too indolent to labor, living by the forced industry of the enslaved, and unwilling to mix either with the vanquished or neighboring nations.

December 31<sup>st</sup> 1850 At night. This is the close of the half century, and we are looking on one of the milestones on our path as we journey through time, and it reminds me that I have not much farther to travel. My whole life has been passed in sickness & infirmity, and I have never stood by the graves of one of my family without feeling that the next would probably be dug for me, yet they are disappearing one by one, and <sup>my</sup> little boy is the only one who will bear our name in the next generation may he do so more worthily than I have done, who have bowed under the weight of my father's reputation & done nothing to show that I am his son. I am now 46 years old, and feeble in frame & health, with all ambition either quenched or despairing, and my earthly desires sobered into the hope of bread, and even that hope at times as doubtful one, yet life is dear to me, though it brings me little pleasure, for my family depend on my labor. Even faith at times ebbs low and it does so now; give me, Oh, Lord that compassed abiding in the promises of the Gospel which looks on the storms of the world without fear; thou has spared me hitherto & thou wilt spare me still; let me take no heed of earthly things but implore thy grace, in submission to thy will, with confidence in thy mercy; if temporal poverty presses upon me, let me remember ~~them~~ those who feed the multitudes of the desert; and when I have done with time, let my lot be with them who have found mercy in thy sight. amen.

My name and fortunes are obscure,  
On the forgetful water traced,  
Or written on the sandy shore  
And by the rising tide effaced.

Yet though it here be unrenowned,  
No war, or cruel earthly strife,  
Lord, let that humble name be found  
Recorded in the book of life.

The natural whether in style or in the arts, is where every thing tends to explain the one great purpose, the artificial or affected is where the attention is continually withdrawn to something subordinate and the accessory things are exaggerated with that design.

The fault of modern sculpture consists in trying to embody that which should be left to the inscription, the result is a dull allegory hewn in marble. We crowd monuments with virtues & sciences ~~with~~ classic attire, or no attire at all, crowning some figure in stiff modern attire & in ludicrous contrast with them. One would suppose a modern monument to be the work of savages who could neither read or write.

I need no arguments to prove the immortality of the soul, <sup>and a future state</sup> for the doctrine is implanted in human nature and is a part of the mind itself. Whenever the human race is found, whether the savage or the civilized man there is the belief also; and whenever universal <sup>certainty</sup> ~~existence~~ exists that a <sup>quality</sup> is or assurance that it shall be, it will be either now or hereafter, it is the voice of nature speaking within us, and it were as reasonable to deny that we think or move or that the child will mature into the adult....

Baltimore City Court, Jan'y Term 1851.

Bernard Kane, for receiving stolen goods. ~~The~~ Jury could not agree  
 — Some of them being packed to acquit him  
 — by me for manslaughter — not guilty.

George Stewart for the murder of Thomas Moody (continued)  
 Removed to ~~from~~ Howard County - Guilty of murder in the 2nd degree  
 Volger P. Lovegrove (poor fellow) for forgery & (Sept 1851. —

larceny. Found guilty of forgery Sept 1851. Penitentiary 4 1/2 years

Charles Donnellan, forgery. Run off

Wesley Foote, as a rogue & vagabond — guilty

Several men for robbery of a Mr. Mozier, 1 was found guilty  
 1 acquitted, in another case the Jury could not agree, in these  
 last cases a jury was packed & were the most villainous  
 scoundrels I ever set eyes on.

Walton Gray (Justice) & William Snyder for corrupt  
 conspiracy — Met

Metz & Graves for murder, 1st guilty of manslaughter, the other of  
 murder in the second degree

Cain for murder of Michael Stambach, acquitted by a packed

<sup>jury</sup>  
 It was the heaviest January Term I ever knew

Henry Symer - manslaughter - acquitted.

The war of Persenna may have produced the effect not only of diminishing the number of tribes but of enlarging the number of political importance of the clients. If portions of the tribes whose names perished with the conquest of the country beyond the Tiber by the Etruscans remained in their old settlements under foreign rule, yet multitudes must have been expelled or removed to Rome. These were agriculturists in their pursuits & knew no other means of livelihood, and would gladly or perforce accept portions of land from the patricians, they would readily barter a certain part of their independence for bread. These men could not be decently deprived of much of their civil rights, they would vote in the centuries, perhaps be in many cases allowed further privileges.

February 10<sup>th</sup> 1851. George B. Richardson, Attorney General of Maryland departed this life this morning, at 3 o'clock. At this moment I cannot but think less earnestly on his high talents, and with all his indolence they were indeed rare & commanding, than of our long friendship & professional association which have lasted for 14 years, & has been but seldom disturbed; I grieve for him truly, & without selfishness.

Reappointed by Mr Brent in the kindest manner, with increased salary. Reappointed also by Mr Addison in the County Court, with great kindness & increased salary. The name of Pinkney is spelt in one of the rolls of Battle abbey as Pictueneri in the other as Pinkney - The five fucils gules in our coat of arms, may be bloody spear or pike heads from the 1<sup>st</sup> manner of writing the name.

Abraham would seem to have visited Egypt under the reign of the Shepherd Kings, or the rule of some other foreign ~~monarch~~ <sup>monarch</sup>; he goes there without any doubt of his own reception under ordinary circumstances though with apprehensions on account of his wife. The violence occurs which he dreads, his wife is taken from him and carried to the monarch's seraglio, and when she is returned to him, he receives a peace offering of slaves, cattle & gold, "such as a barbarian would give from his plunder." Nothing of this would have occurred under a Pharaonic dynasty; they would have despised the alliance of a shepherd foreigner, & the whole narrative tells of a disorderly & troubled state of society such as might well befall under the rule of savage conquerors -

We may often injure a man ~~and~~ be forgiven, but beware of affronting his vanity.

Applies to me according to my deserts ~~and~~ <sup>prayed</sup> Apollonius of Tyana in the conceit of philosophy; God be merciful to me a sinner say the Christian.

If the history of the miraculous conception and birth of our Lord be not genuine whence could it have arisen? It revolts against all the Jewish notions of the Messiah who was to be a mere man until divine power descended upon him; the pagan notions of a divine origin were grossly sensual, <sup>with them</sup> it was generation and not the incarnation of a pre-existent being; their deities partook of human passions and frailties and their love was as the love of mortals.

Dr Johnson seems to disbelieve the story that Mrs Fermor was well pleased to be the heroine of the Rape of the Lock, and mentioned that one of her descendants who was likely to inherit the family feelings considered it as an insult; the difficulty may be reconciled by comparing the 1<sup>st</sup> & 2<sup>nd</sup> editions of the poem; the indecency which pollutes it was not to be found originally there.

Baltimore County Court April Term 1851. Wm M. Addison Esq. Dep. Atty Genl  
 Cheston Childs for stealing 5000 Mexican \$ from Adams' express.  
 Adam Las crosse for stealing property which had belonged to J. H. Fulton  
 on the night after Fulton's burial; 1st count - laid the property in one who had  
 been Fulton's clerk & still had the keys & remained in full possession, 2d in a person  
 unknown; 3rd in the administrator

Thompson in his Winter described the mill wheel as fixed by the  
 ice; "its wild torrents only seem to roar;" Cooper describes it as  
 revolving still, & has been praised for his accuracy, while Thompson  
 is accused of carelessness & exaggeration. Both the pictures however  
 are as true as they are beautifully drawn, as may be shewn by a  
 winter's walk among the mill sites of Jones Falls. Thompson  
 is painting a mill with the flood gate closed; on a cold day the  
 wheel sometimes becomes too much encumbered with ice to work  
 easily; or else the stream is low, and the floodgate is shut; the  
 shippings on the wheel through the crevices freeze in long icicles  
 & at last appear like a frozen waterfall. When the ice has been  
 cut away, or the day a little warmer, or the stream is fuller and  
 stronger, or there is an undershot wheel, the mill works as busily  
 as ever, & Cooper is correct.

Whom have we to match Descartes in metaphysics, In fact  
 we have no great metaphysician in English literature at all,  
 nor even any proper language in which a metaphysician could  
 write; all the terms which he could find being too vague &  
 confused; he would have to invent his tools before he could  
 do the work.

The defeats of the Gauls by the Romans under Camillus in the years  
 succeeding the retreat of Brennus, though exaggerated are perhaps not  
 altogether fabulous; private interest & the hope of plunder might lead  
 some portions of a tumultuary army like that of the Gauls to separate  
 from the main body & straggle even into the South of Italy & be  
 thus left behind on the retreat; these portions of the enemy might  
 afterwards at times appear in the Roman territory & be repulsed  
 or destroyed.

Cogito, ergo existo; it is the enunciation of a fact & not a scrap  
 of logic.

Lucullus when frugality could charm  
 Had roasted turnips on his Sabine farm.

So he might, but he would have called in the neighbours to witness it;  
 His luxury proceeded from ostentation and not from enjoyment.



Baltimore County Court April Term 1857.

Indicted Adam Lasocio for larceny; he robbed Mr Fulton's store on the night after Mr Fulton's death; the first count laid the property in Mr Fulton's clerk, who had the exclusive management of the store on a salary, Mr Fulton residing some miles off; in his employer's life, he would apparently have been in law the mere servant of Mr Fulton & the property could not have been laid in him; but after his employer's death, he of course ceased to be his servant, & had the exclusive custody of the property with the duty devolving upon him of preserving it for the administrator; the Court decided that this count was good, & the prisoner was convicted upon it; the second count laid the property in a person unknown; and the 3rd in the administrator subsequently appointed; this last count was of course insufficient. N. B. Hereafter to add a count laying the property in the State of Maryland; the Lord Proprietary was by the Charter of the Province its ordinary, & the State succeeded to his rights; this suggests Mr Hugh D. Evans, and his remark is ingenious & I think well founded.

Wm E. Jones for soliciting others to conspire with him to cheat Messrs Barnum, Lee & Rogers. not guilty Nov 1857.

Francis G. W. Wallmeyer, a magistrate, for extortion.

Elijah Bell, abusing female child (Ran away)

Chester Childs, for robbing Adams' Express of 5000 silver \$; the money was laid in the firm of Adams express & in the Phila R. R. Co. guilty on those counts laying the property in Adams Express; in this case the names of the owners could not be ascertained with sufficient legal precision; they were a firm in New York but the names of the partners were unknown; neither could the property in them have been proven.

Patrick Bayle, assault with intent to murder; - guilty.

Burnham, stealing the money before stolen from Adams' express. not guilty  
of ludo for riot - not guilty.

There is no picturesque in sculpture, although there is in painting.

In wood engraving in which it is impossible to cut an exquisitely fine line, a strong, Rembrandt-like effect should be aimed at; the thin wavy style which attempts to imitate the early wood-cuts, is all wrong.

Macaulay ridicules the English Country gentlemen for their attachment to the Church while ignorant of its evidences - It is a sorry, carnal pride which measures piety by the knowledge of theology, which admires historical belief & scorns faith. He moreover exaggerates their want of learning & often receives literally what is satire or distortion so gross that it is meant to amuse & not to gain belief; the faces & light literature which he quotes are not meant for paintings but for caricatures. He seems to think no library existed in any country-seat; he quotes Cotton's Angler, & says that he probably had few books but those in his parlor window; forgetting that he was the author of Virgil travesties & the translator of Lucian, Ausonius, Guarini, Montaigne, Montfaucon & others

It seems to have escaped the notice of antiquaries that the Basilica of Constantine, formerly called the Temple of Peace, was reduced to its present condition at the visit of Charles the 5<sup>th</sup> to Rome in 1535. the fact is mentioned by ~~Montu~~ Guillaume Du Bellay in his 5<sup>th</sup> book.

"Sur ces entrefaites estoit le S<sup>r</sup>. Empereur arrive' a Rome, ou avoient este' faits long-temps auparavant les preparatifs pour le recevoir solennellement. Pource qu'entre plusieurs edifices qui pour lui faire la voye plus large et droicte avoient este' abattus et demolis, fut aussi abbate le Temple de Paix, anciennement et de long-temps garde' pour la memoire des anciennes structures, ainsi que sont autres plusieurs edifices et ruines a Rome. gens curieux et superstitieux, sont au dit lieu il y a ordinairement grand nombre, interpreterent la chose a mauvais augure, &c."

Our word "Block-house" perhaps comes, not from the materials generally used in the construction of such a fortification, but from the French word "Blocus", which in old military French signified a bastion or fortress,



The Tabernacle signifying "in Christ" surrounded with a wreath.  
To the memory of Ann M. Pinkney, widow of the Hon. William Pinkney. She departed this life June 7<sup>th</sup> 1849 in the 81<sup>st</sup> year of her age.

Base 24 inches Square,	Abacus . . . . . 0 . 5
Shaft 18 " "	Moulding . . . . . 0 . 0 3/4
Abacus 22 " "	Cornice . . . . . 4 .
	Shaft . . . . . 2 . 0
	Base . . . . . 5
	Moulding . . . . . 1 1/4
	Stylabate . . . . . 8
	Total Height . . . . . Feet, 47 0

Green Mount Cemetery, Baltimore.

The Hon. Nicholas Price, Chief Judge of Balto City Court died this month, May 1851, being 82 years old; I have known him well for the last 30 years, & rarely met his equal in firmness mixed with charity, integrity, & true Christian feeling.

Baltimore City Court, May Term 1851. a very heavy term.

Indicted — Brown, manslaughter by killing Ezekiel Debow. Jury could not agree.  
 " John Henry Boon, . . . arson. Jury could not agree — <sup>tried again & acquitted in Crim. Court of Balto</sup> July 1852. <sup>& acquitted</sup>  
 " George Long for the murder of John Rumpf; the murderer is a colored boy about 12 years old, his victim a white child not more than 6.  
 George W. Graff, altering quagga marks — July 11<sup>th</sup> 1851. Guilty of murder in the 1<sup>st</sup> degree — sentence of death  
 Aaron R. Guy, issuing lottery policies — <sup>convicted by Govt to</sup> imprisonment for life  
 Perry Gibson, attempt to murder — <sup>sets</sup> guilty  
 James Murly, attempt to murder George König — <sup>Ran away</sup> subsequently <sup>tried</sup> sent to Penitentiary  
 Many lottery policy cases — sets  
 J. J. Hoffmeister — Perjury — guilty — New trial granted  
 John F. Sequin — forgery — guilty Sept 1851. Penitentiary

A great deal has been written on the subject of the cross sculptured on the walls of a house in Pompeii & evidently as a religious symbol, some even supposing that the master must have been a Christian. It may be easily explained. The cross was a religious emblem among the Egyptians, & their worship prevailed in Pompeii; a temple of Isis is to be found there.

The new constitution of Maryland is like a negro-woman's fetish, made out of scraps & trumpery & then set up as an object of fear & reverence.

I would spare much that is ancient, where it is not positively evil, not from any reverence for the wisdom of our ancestors, but because men are generally incapable of understanding new rules, & it is better to turn them by an easy & gradual flexure into new roads; but it is the height of absurdity to preserve laws because they are old although inconvenient & insupportable; it is compressing the limbs into a tight & painful dress which we may have inherited, & crippling ourselves & becoming ridiculous out of reverence to our great-grandfather.  
 Classical quotations are pleasant among scholars; but he who brings them into general discourse continually looks like Montbarrow with a sheathed Ancient sword thrust through the flap of his breeches-pocket mingling among men with modern arms & uniforms.

To some men memory is to malignity what the fly wheel is to machinery it gathers up all that would otherwise be casually lost & keeps it at a uniform pitch of strength.

It is singular that ghost stories should ever be received as evidence of the existence of spirit, in the first place, <sup>such appearances are</sup> ~~the~~ ~~contrary~~ to general experience, and moreover the belief shows a gross & vulgar materialism; the specter to be visible must not only have a body of however attenuated matter & it is always represented as clothed, it is represented as a visible thing - yet such trash is hearkened to as if it were gospel truth & not as merely denoting a disordered stomach or diseased brain.

The Egyptian monuments have been at last fully examined & their inscriptions decyphered. Old Egypt emerges ~~as~~ from time as from the inundations of its own mysterious Nile which have overturned and buried much but yet retire and leave much unharmed & even ready for improvement, untrammelled as we are by national pride and superstitious credulity, this age will perhaps construct a more trustworthy history of Egypt than the Egyptians could have done themselves. Of the long procession of Pharaohs which seemed so shadowy and indistinct, many have already become historical realities, and they "bear in glass, which shews us many more," we have another <sup>assurances</sup> to establish a belief in a large part of the dynasties of Manetho, & profane history extends to 3,500 years before our Lord, during which the art of writing and most of the blessings of human civilization have been known, and with undeniable evidence that life has had during all that time as narrow limits as at present, while an enormous space of time must be added for the birth & growth of knowledge, &c. Those who have been wise enough to distinguish between the inspired portions of the old testament, the law given in thunder from Sinai & the prophecies which cheered and strengthened the Jew with the promise that ~~his~~ nation should never be forsaken even in its fall, or the whole world with the fulfilled assurance of a divine Saviour, from the historical ~~and~~ the traditional, and allegorical, will feel no lessening of faith at this, it may injure the faith of some weak minds, but the injury will be transient.

Arnold is angry at Caesar for driving ~~the~~ <sup>the</sup> ~~treasury~~ <sup>the</sup> ~~treasury~~ away & seizing the treasury at Rome. It says much for the good nature of the great conqueror that he felt nothing but contempt for one of the vilest farces of liberty that was ever played, and that he did not punish the impudence of such a miserable imposture of laws.

There is a school arising which supposes that we draw all things from the Egyptians and that the doctrines <sup>of</sup> <sup>of</sup> Judaism & Christianity are like the Sphinx a battered & half buried monument of the race that dwelt on the Nile. This is to assert the chimera that the human mind has been passive for thousands of years, without enquiry or invention, feeding in its hunger on the decaying carcass of ancient knowledge & neither planting nor sowing; it is as untrue as the assertion would be that a modern Italian church is the work of the ancient Romans because a Roman inscription is to be found here ~~or~~ <sup>there</sup> on some stones in its walls, gathered from ruined buildings.

Burke objects to the application of the figure of the cross to building, because ~~the~~ entire extent of the edifice cannot be seen. But this seems to be hardly a fault for it leaves activity to the imagination; the ends of the transepts cannot be seen by one who stands at the foot of the cross, & they convey from that reason an idea of magnitude & indefinite extent to the mind.

June 5<sup>th</sup> 1851. The new constitution of Maryland has been adopted, & it removes me from office and my present means of livelihood, after by severe labor I had just attained the means of decent subsistence, with no other tokens than gray hair & a broken constitution. For a moment I have been disturbed, but confidence in the gospel if driven away for a brief space has flowed back & covered all again; if it should be his pleasure to afflict me, his chastiments are in love not in cruelty, & I ought to submit gladly; he will bless honest industry & will protect one who labors in faith, & most probably even the trial of temporal want will not befall me - in any event, let me be able to say "Fiat voluntas tua."

That is true foresight which schools us to cope with any change of fortune and not to prepare for any one event, which ~~produces~~ <sup>produces</sup> an humble but resolute Christianity ready to endure evil or good alike equally yet thankfully, and does not merely enable us to avoid or subdue one unwelcome thing, which teaches us to bear our part nobly through the whole conflict of ~~life~~ <sup>life</sup>, and not a trick to blunt or dodge a single arrow. One hour of meditation or prayer, aiming at rebuilding our ruined spiritual estate is worth years of schemes and contrivance.

The sour and unforgiving temper of Livius, the Consul, shows as it is, has been much exaggerated; misfortune had rather made him rash and bitter in speech than in action. When Fabius desired him to be cautious before he ventured an engagement, he replied that he would fight the moment he saw the enemy, so that he might either gain a victory or be revenged on his fellow citizens by defeat; when Hasdrubal however really approached, we find that Livius retreated cautiously before him until the junction of Nero's army ensured success.

I look on universal suffrage as a blessing, not so much because it secures wise laws or measures of government, as from its ennobling effect on the voter himself. The worst and the meanest man, is more thoughtful, happier and better when he has a share and interest in public affairs.

Arnold in his note on the constitution of the legion, Appendix 3 Hist. of Rome, quotes Livy 7. 23 & translates "pila omnia hastaeque", all the pila & spears, & on the strength of that passage says that either the pilum or the hasta, & by hasta he means the lance carried by the hastati, could be used as a missile, this is probable enough, but yet the quotation proves little for Livy uses "hasta" for the light javelin carried by the skirmishers; "et velites, emissis hastis cominus gladio rem gerebant" Livy 31. 35 "nam qui hastis sagittisque et rara lanceis vulnera facta velissent," L. 31, 34

I have read some where an inconsiderate proposal to translate the New Testament with a careful regard to the primitive meaning & derivations of the words. Nothing could be more unfortunate. When the New Testament was written the Greek language was even in its decline, and the secondary & figurative ~~part~~ part of many words had been firmly established, while the primitive purport was gone; to translate the New Testament correctly we must know what a Greek word signified in the first century of the Christian era and not at the birth of the language; the greater part too, if not all, of the New Testament was written by foreigners, who use words in the arbitrary sense which they have been taught & do not go back to the sources.

No knowledge of the duplicity and dishonesty of men, does not secure us from suffering by them, we are incautious from our very contempt; we see the attempt to injure us & are too scornful to ward it off.

In dreaming we do not believe its apparent events to be true, we merely acquiesce in them, as in those on the stage of a theatre; in many cases we are absolutely conscious that all is illusion; in every case the slight impressions of joy, grief, terror or other mental emotion which accompany them show how little they are credited, the very circumstances that we feel no surprise at their marvellous natures and fantastic changes declare the same thing. —

I do not believe in Clarke's observation on the text "take, eat, this is my body," that the Syriac had no power of expressing likeness; such a defect in any language is an utter impossibility.

Eloquence upon a political or transitory subject is like a pretty woman who is only admired while she is young; when employed upon a durable theme it is like a beautiful statue, which is at first perhaps an object of worship & always of admiration and interest.

I cannot relish the character of Bolingbroke notwithstanding the panegyric of Bulwer. True as Bulwer says he was not crafty, but then he had cunning of the meanest kind; he was at once passionate and vindictive, constant in nothing but his enmities, with no great aims of statesmanship, not desiring to leave us a monument of his power some measure of universal benefit, but to be the leader of a party; he seems to have been utterly incapable either of entertaining any of those honorable or religious feelings which teach us that our own advantage or human applause although not to be disdained is not the true object of life, or of conceiving that they could govern other men; even St Paul, whose mind would have been the most glorious that ever was known on earth without the inspiration that enlightened it, whom we should still reverence if we supposed him deluded, is according to Bolingbroke a lucky Simon Magus, ~~a false prophet~~ an imposter seeking for wealth & power; Appian Claudius, the blind, made some atonement for his political crimes by his road, his aqueduct and his preventing the peace with Pyrrhus, but what has Bolingbroke done to buy forgiveness for his political & religious guilt & his fearful moral character?

Every statue has a meaning, which absorbs the greater part of the attention not chained by beauty of form and execution; there is no room in the mind for indecent thought when we gaze on the Venus de Medici —

Hope is indestructible; the most wicked of men shivers at the thought of annihilation; he still hopes for being pardoned hereafter, though he may not seek the only means by which that pardon can be secured.

Early Christianity has been taxed with the destruction of literature & the arts; I did not literature (which by the by, was never spread among the masses of people in the ancient world) perish from its adherence to old forms, and lack of invention; Men thought only of style and not of matter; books became the mere shadows of their predecessors, till universal darkness set in & hid them. Christianity produced a literature which had thought, and ingenuity and eloquence; it is impossible to read St. Augustine without wonder.

Arnold contradicts Niebuhr's opinion that a relation of isopolity must have existed between Rome & Samnium at the time of the surrender of the Consul Spurius Postumius after the battle of Caudium. According to him the meaning of Postumius in offering insult to the Roman *fecialis* & his subsequent declarations was that ~~he~~ he belonged to the Samnites and that they were responsible for his actions, <sup>for</sup> those of their slaves. Arnold seems to be wrong. Postumius was surrendered to the Samnites as a prisoner and although by the severe law of nations then in force he might be subsequently reduced to slavery, he was not as yet a slave and no one ever supposed a nation responsible for the actions of a prisoner, provided they were ready to impose restraint or punishment upon him. in addition he had not even been accepted as a prisoner, and the Samnites had exercised no authority over him, either as captors or masters. If Livy is to be taken as a guide there can be no dispute on the matter for Postumius expressly declares that he is now a Samnite citizen, "se civem esse"

Bishop Huntington, and there is no novelty in his remark, observes that by analogy there must be as many orders of being above us as below us. Why however should we arbitrarily assume mankind to be the centre of the scale of created intelligence, and not a high or even the highest term; We are not reasoning at all when we do so, but claiming a postulate. The existence of angels may be affirmed on other evidence.



The great fault of the present age is said to be universally pervading selfishness; yet it is the principle from which the age derives its glories & its promises. The love of individual pleasure and advantage has made men determined to assert their rights & exert their ingenuity.

The fears which often disturb our minds are summoners to repentance and are for a wise purpose though they keep us for the time from happiness. ~~The~~ angel, and not a demon, guards the gate of paradise against us while we are ~~in~~ sin.

"Be ye approved money-changers". These words are attributed to our Lord in an apocryphal gospel, and are thought by Neander to be genuine, a fragment of truth embedded in falsehood. The meaning is perhaps this, all tribute & offerings to the temple were paid in the proper Jewish coin, & the dishonest money-changer exacted exorbitant profit for giving it in exchange for other money; our Lord exhorts his disciples to supply others with the means of acting acceptably to God and to do so without seeking their own temporal advantage!

The circumstances of the battle of Heraclea do not seem to shew as Arnold supposes, that the troops of Pyrrhus engaged were not the phalanx; it might well have been brought into action, and yet have advanced 6 or 7 times & have retreated as often. The Roman method of opposing it, was, as Polybius expressly states, to begin the attack with a small portion only of their troops; the phalanx could not remain stationary as it was then exposed to an incessant discharge of javelins without means of retaliating; and if it advanced, either in whole or in part, it was liable to be taken in flank or to fall in confusion from the inequalities of the ground, in either case the Roman swordsman would have a fearful advantage over the spearman, whose weapon then became a mere incumbrance. A wary tactician like Pyrrhus would repulse such an attack with a portion of his troops only, whom he would direct to retreat if endangered by the above emergencies, or if they were defeated the remnants retired into the protection of the rest. Such a battle would be a succession of partial combats with an alternation of advance & retreat on both sides, & not a general meleé.

There is a passage in Polyænus concerning Fabius Maximus, which shews the indifferent quality of his troops & illustrates his unwillingness to adventure a general battle & the subsequent defeat of Cernilius & Bassus at Cannæ; it seems to have escaped the attention of historians —

When a friend enquired why he did not engage in a pitched battle with Hannibal Fabius led him round the camp & showed him <sup>his</sup> men, and then enquired of him what he could be expected to do with such soldiers.

Faith is not in opposition to reason for it is the result of dispassionate reason; of reason purified from selfishness & guilt.

Ground in the City of Rome in the time of Vespasian was of so little value that sometimes the owners abandoned it when the house upon it was destroyed: "Deformem urbes veteribus incendiis ac ruinis; vacuas areas occupare et edificare, si possessores cessarent, cuiusque permisit." Suet. Vesp. 8. This cannot mean that owners were wanting because the original owners & all their relatives had perished. Rome must have been either then declining, or its area was greater than its population needed.

The Deists by way of shewing their scorn of the Jews, whose religion they hate from its connection with Christianity, attack them as fanatics who rose in Rebellion against Rome from impatience of foreign & idolatrous rule, - as if it were a crime, as if the love of national independence, a brave assertion of freedom were a crime, to say nothing of the exactions & cruelty to which they were exposed. They may be severely blamed for the discord and the atrocities & treachery which prevailed among their factions during the progress of the war; but even here there is some excuse. Trade and agriculture must have disappeared. Large bodies of men were driven from their homes & heaped together without employment and starving in the fortified towns; is it wonderful if amidst ruin & famine they became maddened.

Un homme chargé de dettes, accablé de procès, de pauvreté, de maladies, ne pense guère à ce que l'on peut dire de lui. La réalité de ses maux véritables ne lui permet pas de s'appliquer à ces maux imaginaires.  
Nicole.

He does not think them imaginary evils nor are they such. His social beings we love the praise and good opinion of our fellow men, and they are of value to us both as promises of assistance in our need and means of prosperity; woe betide us when every man's hand is against us. When we are in the condition of which Nicole speaks, we give little heed to the estimate which others may set on us, because we are desperate & think our fortunes fallen beyond recovery, we think that no one can give us any available help.

Originally the waters of the Jordan flowed into ~~the~~ Red Sea, an upheaving of its channel through the mountains dammed up its course, and formed the Dead Sea, ~~an~~ <sup>an</sup> ~~irrag~~ <sup>irrag</sup> near which in after ages the cities of Sodom & Gomorrhah were built, a subsequent convulsion of nature depressed the plain on which those cities stood, & the sea rolled over them. Lynch mentions that ~~for~~ <sup>for</sup> one part the Dead sea is almost fathomless, while another part is of trifling depth. The valley at the end opposite the Jordan show manifest traces of having been a water course, though now far above the level of the sea.

To compare any work of mere human intellect, however curiously and happily it may be fashioned, with the prophetic portions of the Bible where inspiration has flowed down from heaven to guide reason, is to liken a common garden to Paradise ~~with~~ <sup>with</sup> enclosing the trees of life & knowledge & where God walked familiar with man.

Why has Italy been so fertile in eminent painters & artists while England has been so sterile? Because, is the usual solution, the Catholic religion is kind to the arts, & furnishes abundant patronage & subjects. This is as much as to say that a great work of genius is like a yard of calico & can be produced whenever the demand will repay the cost of production. The great Italian artists dwelling amidst the brightness of their fame & proudly looking on their works as objects of wonder & reverence to generation after generation, considering themselves as endowed with a nobility far above that which the caprice of a sovereign might bestow or take away, did not ~~think~~ <sup>think</sup> of merely exercising a gainful handicraft. As it is in literature so it is in the arts, mighty men arise & make their day and their country famous, but we cannot assign the causes of their coming. Michael Angelo produced St. Peter's church the Church did not produce him, though the common notion is just to the contrary, the patron does not make the artist. Any catalogue too would show that not the 1/10 part of works of art are of a religious tendency.

It has been said "give me the making of the ballads of a nation, & let who will make its laws;" & this absurdity has been revered as an astute truth. Songs make no convertites, they are but the expression of preconceived opinions.

My own rule as a husband is to read the marriage service once a quarter or oftener; if an honorable man remembers what he has <sup>thus</sup> vowed before God, there is but little danger that he will be unkind to or forgetful of his wife.

Baltimore City Court, September Term 1857. (Its last term)

"And all the shrouds wherewith my life should sail"

"Are turned to one thread, one little hair!" King John.

Indicted Randolph Stubbs, forgery of request & false pretences -

" William Irwin assault with intent to ravish - <sup>equity</sup>

" John Forman, (negro) for the murder of George Rusk

" George Konig - attempt to murder - <sup>guilty of murder in 2<sup>nd</sup> degree.</sup>

Marsh - attempt to murder.

Caius Marius has been defrauded of his just fame. In his character indeed there are many dark spots, inspiring cruelty and ambition which had few scruples in its means of gratification, but these were in some measure the consequence of circumstances & the time. Of his military merits it is impossible to speak too highly. He has been blamed indeed for levying soldiers out of the lower classes, but it was a measure of necessity, for the independent husbandmen, who had furnished the legions of former times, had almost disappeared, and it is an evidence of his good sense that he set ~~at~~ nought the old laws on the subject. In disciplining those troops he was more than a general of ordinary merit, who merely uses existing institutions, he was an inventor, and his tactics are far superior to those which preceded them. The old legions were composed of the principes, hastati and triarii besides the light infantry. Its principal defect was its helplessness when attacked by cavalry, especially light cavalry, the light infantry in that case were immediately driven in being drawn up in a loose extended line, with no weapons fit to resist horse, being armed only with sword and buckler and with a few javelins which could not be thrown to any distance, the cavalry could then harass the heavy infantry with impunity, as the pilum, though a terrific weapon at close quarters, was of very limited range, and if they found an opportunity of charging on the flanks or any other favorable occasion, the three lines drawn up in maniples 10 deep, must have found resistance difficult and have been driven into a disorderedly mass unless their discipline was high indeed. Marius changed all this, He armed the infantry all alike, making them all heavy infantry, and ~~draw~~ instead of the old order of battle, drew up the cohort, which he made the military unit instead of the manipule, in one line 10 men deep, if a reserve was needed it was composed of ~~an~~ separate body of troops. The light infantry consisted of auxiliaries, carrying the bow, sling, &c, whose weapons carried to a considerable distance, and who, under the protection of the legionaries could retaliate on the cavalry with fearful effect. if the cavalry ventured to charge, the single flexible line threw back its wings till it formed an orb, the soldiers forming an impenetrable rampart.

with their shields, and the light infantry discharging their arrows over their heads and if a chance occurred the heavy infantry opening out, and using the pilum. This discipline has also the merit of simplicity and of being easily learned. The story which Plutarch tells of his pretended alteration in the frake of the pilum may be treated with the contempt it deserves —

It has been said that sacred paintings help devotion, yet the Virgin Marie of Raphael work no miracles, the miracle working pictures are always some wretched dandr which would terrify a connoisseur.

Something has existed from eternity no doubt besides matter, says the deist, but why may not this be the same chain of cause and effect which is still at work? I answer, that if this succession of cause and effect proceed from the mere qualities of matter it is impossible, it is requiring infinity of times to produce a limited result; Take the gaseous theory of some, the gas would remain as it was, unless some intelligence impressed different laws upon it or gave it some new arrangement, otherwise the change to solidity was going on through infinity.

There are men who cannot distinguish between the corruptions of Christianity and its truths, their church's creed came down from heaven, so did a duck puddle originally, but it has been sorely defiled since its waters touched the earth.

Begone, said the eagle to the lark, wouldst thou, insignificant as thou art, soar to the sun in rivalry of the Eagle? I rise from earth replied the lark, that I may gladden nature with my song, you soar to your highest flight only that you may gaze around and find new victims.....

There is an idle overestimate often set on the experience of old age, some think that a man's head is like a persimmon or a medlar, good for nothing unless the frost has touched it.

There is nothing surprizing in the abundance of heresies in the early Christian ages, it arose from no corruptness or wilfulness of purpose, or want of intelligence, but from the incomplete means of obtaining information. The bible as a book did could be in the possession of but few, though single gospels and other portions may have been common. St Augustin mentions with praise the piety of Martial who ~~was~~ continually repeated the dying exclamation of St Stephen though ~~unconscious~~ it was a coincidence and not a quotation, thus shewing that Martial had never read the acts of the apostles. Some single gospel would find its way into the possession of an individual and satisfy not only of the miraculous but of

the divine nature of our Lord, but would leave much to be filled up of faith or enquiry, which the bible as a whole would have satisfied. When this occurred, a convert would mix much of his former creed or the erroneous teachings of others with his new religion; he would do like men fortifying a town who build up in one mass the heavy marble of temples with rubbish & bricks hastily baked.

October 14<sup>th</sup> 1851. My birthday & I am 47 years old. Old age is upon me & I can feel a decline in health & elasticity of spirit. I have labored hard but unsuccessfully, & the battle of life, so far as temporal fortunes are concerned, has been fought and lost. My ability, and relish for labor are growing less, & I have made no provision for my family or infirmity. The new constitution renders my former means of subsistence doubtful & I may probably be forced to seek out new channels of employment. For myself I can but little, but then there are my children and family in whom my affections and duties are garnered up. Let me then grasp faith with a more earnest hold; man may deceive me but God will not, his promises are unfailing & sure, & any sufferings that may befall me are but the chastiments inflicted by one who deals with me in love & mercy. Lord, increase my faith.

I cannot relish Palladio, his productions are ingenious rather than beautiful; his columns & <sup>their</sup> architectural accessories are mere ornaments & not competent parts of the building; they are embroidery clapped on the wall, take them away & the building is as substantial though not so fine as before.

The obscurity of Tacitus may have been partly occasioned by the fearful times of his youth when virtue was a crime, he had learned to speak strong & eloquent hints against despotism & wickedness suggesting more than they openly avowed, where he dared not declaim fully against them. With all his faults he is the writer of writers.

Dec 14<sup>th</sup> 1851. The first very cold day. I visited my mother's grave, again, & saw her monument which has been recently erected. The severity of the weather secured me from interruption & I could indulge my feelings without impropriety or interruption. May God assist me to keep the resolutions I formed there.

Christmas day, 1851. I passed the day in sickness and pain, & worldly cares intruding themselves at times upon me for I have cause for solicitude; but the world did not triumph altogether, and there was heavenly rescue. The peace of God was with me though not continuously, which his angels proclaimed this day at Bethlehem, not the peace which arises from the promise or possession of temporal goods but from reliance in gospel promises; the assurance that the all-seeing eye is fixed upon us in love and mercy, and that even his chastiments are those of a gracious father to a ~~worshipping~~ child. I almost feel ashamed that I could have felt a desponding moment on Christmas, if there be joy in heaven over one sinner who repenteth, what joy should there not be on earth on the anniversary of that day which gave to our whole race, to sinful and fallen mankind, the means of grace & hope of redemption, victory over death & restoration to the favor of our maker. . . . .

The French revolution seems to have been finally crushed, & to have sunk into a despotism, it seems befitting that such a miserable parody of liberty should stop. With it apparently sets however all hope of freedom to other European nations. It would have fared very differently with the world had one great man arisen to direct the energies which have of late convulsed ~~the world~~ <sup>it</sup>, one who was a doer & not a talker. We have had extraordinary men, such as Kossuth on whom I look with surprise rather than veneration; men who can conjure up the spirit of revolution & are then powerless; but no great man has appeared.

Most authors treat luxury as if it were a question either of medicine or of mere profit & loss; the real evil is in the spread of that selfish feeling which disregards every thing for self-gratification, which disregards every duty and throws away every restraint for that purpose.

It is strange how very few improvements in an art or profession are made by those who follow it; they even adopt them repiningly.

Scripture only claims to represent form & nothing more.

Men talk of the Vulgate as if it were equal in value to a Greek manuscript of the 4<sup>th</sup> century; if we possessed a manuscript of the Vulgate of the 4<sup>th</sup> century it might approach in worth to a co-equal Greek M.S., but the Vulgate itself as we now have it is of much less authority; the translation of a book besides the errors occurring in its transfusion into another tongue is surely as liable as the original to corruption from fraud & negligence.

No talk of the value of tradition is idle; no truth was ever preserved thus for 2 generations, & the means of testing its truth is soon gone, when men tell me that a tradition has descended from the days of our Lord, what is it but an arbitrary assertion which there are no means of proving. the authenticity and uniform reception of the Gospels do not depend at all on tradition, besides the internal evidence, they are continually quoted & referred to by authors from their date downwards, there is thus a continual and visible stream of evidence flowing to us.

Dec 31<sup>st</sup> 1851. The year with all its stirring events, the last throes of the earthquake which has shaken nations, has passed away, to become a minute portion of history with a few names and a few circumstances emerging from oblivion... At this moment however when Time passes over into another period of his career, our thoughts turn with a natural selfishness to our own spiritual & temporal estate, to individual hopes and fears; we look to see whether our own raftree will stand the storm unshaken, & while thus interested we listen but coldly to the tale or forebodings of general calamity. How does it fare with me? Old age is approaching and finds me in poverty, the offices which were my main dependence have perished, I have toiled hard in their discharge, while others have mostly reaped the fruits, and just as I was beginning to receive a liberal compensation from the justice & generosity of the present Attorney General, the office has been destroyed by the new constitution, the new States Attorney indeed retains me, but my present needs are urgent & the benefits of my new engagements are remote & even indefinite, my place of commissioner in Chancery is lost with the Court. Those who should have befriended me have been my enemies. Such is my present condition. What then? If I am poor, I have not parted with my integrity, if I am sick and feeble, I am not incapable of labor, the world furnishes me thus much consolation. If I turn my view heavenwards I have that comfort which the world can neither bestow nor take away. That faith which sprang up in my mind like a sudden river in the desert as I felt that my sins were forgiven through him who died for me on the cross, has at times grown weak but has never wholly failed. I may call on him who always heareth, and even my temporal wants shall be supplied, if that gospel, whose words are truth, contain no promise of superfluities, yet it declares that the bread and water of the believer shall be sure. In him do I put my trust in humble



Reg. vs Eliz. Biss & C. P. 273.

Indictment against a married woman for the murder of her legitimate child stating that she "in and upon a certain infant male child of the tender age, of to wit, of the age of 6 weeks, and not baptized, feloniously, wilfully &c. held that the description was insufficient, as it neither stated the name of the child, nor stated it to be to the jurors unknown.

An illegitimate child was baptized on a Sunday and from that day to the following Tuesday called by its name of baptism and its mothers surname. Held to be sufficient to warrant the jury in finding that the deceased was properly described in an indictment for murder.

Reg vs Mary Evans & C. P.  
785

do so at all events, and notwithstanding any resistance on her part. Reg vs Lloyd & C. P.

## Rape.

If a person succeeds with a married woman by the personating the husband, she consenting under the belief that it is her husband, this is not rape, but it is an assault, notwithstanding she makes no resistance, the fraud sufficing to make it an assault.

Reg. vs Saunders  
8 C & P. p. 265

Reg. vs W. Williams  
Id. p. 286.

A boy under 14 years of age cannot by law be convicted of carnally knowing and abusing a girl under 10 years old, although it be proved that he has arrived at the full state of puberty.

Reg. vs Jordan & Cowmeadow  
9 C & P. p. 118

Nor can a boy under 14 years of age be convicted of a rape.

Rex vs Eldershaw 3 C & P. p. 396.

Rex vs Groombridge 4 C & P. p. 582.

In order to convict on a charge of assault with intent to commit a rape the Jury must be satisfied that not only that the prisoner intended to gratify his passions on the person of the prosecutrix but that he intended to

confidence in his mercy.

Almighty God, who hast so loved me that thine only Son has deigned to become man & endure sufferings & death for my sins, so visit me with thy grace that I may pass through time with my hopes fixed on Eternity, patient in suffering with the knowledge that thou dost chastise in mercy, and cheerful in the assured hope that ~~these~~ will not turn away even from the sinner who calls upon thee in the name of our Lord & Savior Jesus Christ; strengthen my faith & put from me the evil passions & corruptions of my own guilty nature; let me live in obedience to the commandments of the Gospel discharging my duty here ~~rightly~~ and not seeking my delight in earthly things; and let my redeemer & advocate our Lord and Savior Jesus Christ so plead for me that I may pass from life into the joys of thy heavenly Kingdom. Amen.

D<sup>r</sup> Johnson says that despotism is as good a government as any other because the people will not endure too great oppression, but will rise and cut off their monarch's head. that is to say, that it is a good form of government which exposes its subjects to the dangers of civil war & rebellion in addition to the miseries of capricious despotism. ~~in addition~~ it is to be remembered that as long as he pleases or gratifies the warlike classes he may oppress all others with impunity.

W<sup>o</sup> Gwin was sworn in to day as States Attorney Jan<sup>y</sup> 5<sup>th</sup> 1852.

The human mind will not be contented with the mere belief in a divinity, even a benevolent & protective one, it requires revelation, the Deity declaring himself to man & announcing his attributes of mercy & judgment. We require something positive on which to lean when we are faint & weary; something to which we may trust without misgiving..

The character of Augustus was not so unamiable as it is the custom to paint it; his great fault was cowardice, in the proscriptions, to say nothing of bad example, he was a timid man maddened by fear;

We have men who are not content with what good fortune would give them but pick her pocket into the bargain.

A free government is the most natural, because man is a thinking, reasoning being, and passive obedience quenches his best faculties; it turns him into a blind, un murmuring agent working out his prescribed task without enquiry instead of one relying on self & reasoning for himself.

Tiberius was one of the most fearful characters of antiquity. His principal feeling was contempt of mankind. He loved to shew them how weak were the safeguards of law, by committing cruelty & oppression in mockery of its spirit but in adherence to its letter. He was a gross voluptuary but his own weaknesses did not teach him charity to others; his very pleasures he sought to degrade & brutalize.

Caligula was a madman.

The Lacedaemonians were a detestable nation, men who practised an hypocrisy of self-restraint & sobriety at home while fretting & impatient at heart. when abroad they were sensualists & tyrants. They professed to practice but one art, and even in that they never sought improvement but lost nearly all their battles from Leuctra downwards by their obstinate adherence to the same discipline & tactics which earned their earlier victories. Yet there is much in their history which is interesting because it is mysterious; the common notions concerning them are perfectly childish, but it would require an eye like Nebuchadnezzar's to pierce the darkness.

Old prints of battles & sieges have been quoted as evidence of the severity of the old military laws, because a gibbet with bodies hanging from it is continually introduced in the foreground. This is a mistake. Every town had its place of public execution and it was generally the most commanding eminence near. if the town were besieged or a battle took place in its neighbourhood, such an eminence was naturally occupied as a spot of vantage, and it would of course be introduced into a picture or plan representing the occurrence. Pabutin & all the old French military historians make repeated mention of "besiegers opening their trenches at "la justice"

It is harmless if we do not notice it. few persons are of sufficient importance to occupy public attention long and any thing that may be said of us will soon die, if we do not keep it alive by complaint, and show others how we can be used.

1852. July 20<sup>th</sup> The thermometer before daybreak this morning was at seven degrees below zero of Fahrenheit; this is the coldest weather for 17 years. The drift ice in the Vusgichanna has gathered & been frozen into a mass 30 feet in thickness, & a rail road track has been laid on the ice from shore to shore.

July 25<sup>th</sup> Thermometer at 66 degrees, the ice & snow melting rapidly.

30. Raining & thawing.

July 31. Rather cold & snowing.

(1st Term)

Balto Criminal Court January Term 1852. Wm Pinkney foreman.  
 Indicted George Perry - false pretences. about 170 bills.

" Joshua Morgan - murder of James M'Govern. Feb 25/52. Guilty of murder in the 1st degree.

" Henry & Hunter (watchmen) false imprisonment

" Thomas M'Creery, falsely imprisoning a colored girl, Rachel Parker, whom he seized in Pennsylvania as the slave of Mr Schoolfield, she being however alleged to be & really being I think free. (She was afterwards declared to be free at Balto to Circuit Court)

" Reichenberger - arson <sup>not guilty</sup> - Meter, Owens, & Hunt burning untenanted dwelling -  
 hand laughs

Shadrach & Eliza Bias, murder of Lucinda Curtis by scalding her.

Francis Conolly alias Cutting Tale - murder. Feb 28/52 Not guilty

Picture by Giotto at Padua. Faith holding the creed and trampling on an horoscope, in the other hand she grasps the cross. When we recollect the trust which in the age of Giotto was placed in astrologers, the boldness of thought which this figure discloses will be appreciated. Bell's handbook for Northern Italy. page 305.

The picture does not denote any disbelief in astrology, but on the contrary, it represents Faith despising earthly fortunes & hearkening to nothing but religious hopes.

Jan 26/1852. Richard W. Gill, Clerk of the Court of Appeals and formerly Deputy Atty Gen. died to day at Annapolis. he was an old friend, and one whom from his kindly nature and pure character it was impossible not to reverence. Every day is removing some old acquaintance and I am almost dwelling among a new generation. "Dost thou look, oh mortal, upon the dying, Thou see'st the fellow traveller who outstrips thee," (Thomas A. Kempis) a few years at the farthest, and I must follow, let me be prepared.

D Aubigne's history of the reformation is a delightful book, it is written in sincerity and graphically. Its great error lies in the omission to notice the political causes of the reformation, men generally aimed more at the temporal power <sup>of the Church</sup> and the taxes which ~~it~~ levied, than at its doctrines, to overturn them was the means rather than the object.

When we are told that the Egyptians were the inventors of the arts and sciences, that the fire was kindled there which enlightens the whole world, I hesitate; they may have transmitted to us the wisdom which they themselves drew from perished nations, but nothing more. Their whole object seems to have been to reproduce the past and not to improve on it, this is not the character of an ingenious or inventive people. Some age far beyond the memory of history built a pyramid, its successors could do no more than erect pyramids too, of different magnitudes perhaps, but otherwise exact copies. sculpture, painting & all their arts of which we possess any traces, remain unchanged during thousands of years; no one endeavored to correct, as their fathers did so did they also.

" St Augustine permitted himself to doubt whether the account given by Apuleius of his change into an ass, was not a true relation, " aut indicavit, scijs be, aut fecerat." Dunlop's history of fiction Vol 1<sup>st</sup> 112.

In the *Lexiconia veterum auctorum* prefixed to the Delphin edition of Apuleius the passage is aut judicavit aut fecerat " which gives a very different meaning. St Augustine treats the magical powers ascribed to Apuleius with the greatest scorn, and could not have had the slightest faith in those which Apuleius related in his book; he means in fact to insinuate that Apuleius was an ass.

I could sometimes almost wish that the bishop of Exeter and theologians of his kind were put under a pump; it is disgusting to see men calling themselves scholars attempting to turn the hopes and promises of Christianity into a fool's paradise of which they are to be the keepers, and its mysteries into a juggle.

The pagan mythology is mostly an apotheosis of the powers of nature and of the human mind, but with this, in juxtaposition rather than uniting are the fragments of an older and deeper creed, the boulders lying on a plain but brought by some flood from distant and unknown creed. Such is the story of Prometheus.

I complain that I have not fared in worldly matters as well as I have deserved; is not this a repining after the worst and sensual necessity, and a casting off of all high motive?

Horace Walpole observes that poverty need prevent no one from writing, as ink & paper can always be readily found; and this remark has found approvers. True it is that Walpole in the possession of productive securities knew poverty only by conjecture; he could sit at ease at Strawberry Hill and commit his shrewd prettinesses to writing or acerbulous remarks on the fashionables of his day, or compose attacks on those whose politics he disliked with the intention to leave them ~~proprio~~proprio publication, in the belief that they had strength of bitterness enough to preserve them a long time. But any one who has endured poverty well knows how it cripples talent and how the necessities of the day, the petty wants and anxieties, and worse still, the mortifications it entails, intrude upon lofty or inventive thought.

We can almost <sup>forgive</sup> the ambition such as that of Caesar & Napoleon, which arises from the consciousness of superiority over all others, notwithstanding its devastating consequences, but we look with a mixture of contempt & hate upon that where the party draws no motive from the sense of his own powers, but acts merely from opportunity & the casual possession of sufficient strength for success.

A drunken Bacchus is a sin against good taste, it is a representation of a God made captive by his own subject and enduring his bondage willingly.

The story of Lazarus is alone sufficient to disprove the absurd notion of the Gnostic origin of the Gospel of St. John; instead of the present narrative which makes Lazarus merely the object of a miracle, we should in that case have a spiritual romance, the fanciful tenets of a sect, paraded as revelations by the mouth of Lazarus, as things seen and made known to him after death.

The laxity of Greek veracity in describing their wars with Barbarians may be seen by comparing with them those waged by the Romans with the same nations; the armies of Hannibal and Flaminius are few in number when put in contrast with the pretended force of those defeated by the Syracusans.

I look at a globe & my sight gives me the representation of a plane surface partly shaded and partly in light, yet I know its figure at once, I have a mind which reasons & is taught by experience & at once interprets the language of sense.

Korthcote, Mr. Johnson tells me, was unable to draw small figures however he might succeed in oil painting, & the illustrations of his fables were patched together from a number of engravings with additions & corrections by Harvey.

The English have had but one great artist, Flaxman; we should have been a Greek.

Truth is great & will prevail, says the old saw though characters encrusted with glittering falsehood so as to disguise the revolting reality have received the unsuspecting admiration of ages, and their real elements are known to few; the famous dish at Genoa is flawed & worthless glass yet it has passed for a priceless emerald with its legend of peculiar sanctity to increase the beholder's reverence. Cincinnatus has been held to be the model of a patriot, though his virtues are as apocryphal as his victories, and he was a detestable political bigot, ready to commit crime & murder for the interests of his faction or to destroy those who withstood it in defence of the right; to that faction he would have restricted liberty & would have it find indulgence for the most fearful license while it was rebellion; others revisited outrage & sedition if they complained.

I need no proofs of the existence of God; one minute of fervent prayer will assure me of his being, of his power & his mercy, better than whole volumes of natural theology or argument.

To make glass easy to write on with French chalk - rub it with tobacco-ashes -

The hero of a bad tragedy, so far from being a common-place person except in the meanness of his language and the absence of practical feeling, would in real life be a madman, he is the personification of a single passion, love, hatred, or ambition, with all other human emotions abstracted, the same continually without change or turning, with one continuous design, thought, and conversation.

Let us imagine 3 divine <sup>equal</sup> intelligences & we must ~~not~~ imagine them to be one God, for being all wise, all-benevolent, & all powerful, they must be indissolubly united by identity of energies, attributes, and will.

If we deny miracles, we must also believe that the world and the human race have existed from eternity, for the creation is a miracle...

If the doctrines of Moses and our Lords be not divine, whence were they drawn, Let the unbeliever answer if he can. They sprang up like sudden waters in the desert their purity & usefulness more remarkable from the surrounding desolation.

We love antithesis in history more than in style, and we have therefore created an imaginary age of chivalry, an imaginary period of courage, honor and virtue, which we set in contrast with our own matter of fact times with its mixture of good and evil, and to prove its existence we take the poetry and romance of the middle ages for their creed and history. If we look properly at the middle ages, we shall find but little to praise, the lower classes were oppressed into brutality, and the privileged orders, were embroiled by oppressing, invention was almost dead, science almost a nullity and religion superstition.

The knight, instead of being a mirror of valor and courtesy was savage but without conduct in war and did not exhibit too much bravery.

"Esquire", "esquier" is I presume derived from "escu", "scutum", a shield, he was a soldier next in rank to the knight, and after the devices of heraldry were known, wore a coat of arms; he was not the mere servant of the knight.

The explanations of the singular devices on the old signposts are all unfounded. The "bell savage inn" instead of deriving its name and sign from "la belle sauvage", according to the now popular legend, had the sign of the bell and belonged to the Savage family. The "bull and mouth" instead of being a corruption of "Boulogne mouth" (harbor) was the bull & mouth and nothing else. France had its heraldry, as well as chivalry, and as the gentleman quartered his arms so did the tradesman add the symbol of <sup>his predecessor</sup> another to his own. as the one charged his shield with fantastic devices so did the other with his sign. The simple forms of nature varied <sup>by colors</sup> by colors would have been all too few to furnish each with a device unlike those of others.



Philosophy by laborious effort taught some few men self-denial.  
 Christianity, has easily taught not only self-denial but charity to millions.

Civility is our acquiescence in the opinion of the world; esteem is our private opinion of characters.

*Et ne provincias novis oneribus turbarentur, utque vetera vicia avaritia aut crudelitate magistratuum tolerarent, providebatur, corporum verbera, ademptiores bonorum alienant. Taciti Ann. Lib 4. 6. (Speaking of Tiberius)*

This is one reason why the rule of the early Roman emperors, detestable as their personal characters might be, was so easily endured by the provinces, and was even welcome. In the last days of the republic, a province was not only an object of ambition, but the means of repairing broken fortresses and indulging avarice and every evil passion; the most shameful rapacity and injustice might be practiced by a governor, and almost with impunity. Under the empire, as this passage shews, it was far otherwise; an emperor, from prudence, ~~and~~ fear would restrain his officers, not only lest he might otherwise see causes of discontent and rebellion among his subjects but lest dangerous wealth and power might be restored to the decaying Roman nobility or accumulated in the hands of a few. The magnates of Rome were the scapegoats for the rest of the world; the vices of an emperor might be fearful, but they spread desolation in a narrow circle only; the volcano withers and burns all things immediately around it, but is the source of fertility to the plains at a greater distance.

There is a class of moralists who make light of the oppressions of a despot and say that most men are saved by their obscurity from the notice and injustice of their ruler. They forget that in such a government every petty officer partakes of the nature of his master and acts in humble rivalry of his deeds; if the lion does not catch mice yet the cats do.

The blank verse of Dr Johnson is detestable, he endeavors to close the sense with the <sup>2nd</sup> verse & loves to make the line 11 syllables long, with the last syllable of course unaccented; I do not remember a specimen, but the following is after his fashion;

The tyrant on his bloody throne is seated  
 And holds complaint and menace in derision,  
 His gaudy courtiers kneel in crowds before him  
 And mutter threats and curses while they flatter.

Even many who were skeptics as to the Gods of Paganism would yet support the existing religion with their whole force against Christianity; paganism was interwoven with the manners, the business and amusements of society, and the doctrines of Christianity would have interfered with ~~which~~ that they relished or were interested in

Circuit Court for Balto County April Term 1852.

Lloyd W. Williams Esq. Prosecutor.

Indicted John Dugan for murder of Wm Stewart  
 N.B. Judge Constable directed the venue to be "Baltimore County," I think he is right, if however the responsibility had been left with me in my present position I should have retained the old venue, as the rest of the description would I think have been superfluous at the worst..

— Freeman for murder, case removed to Harford — guilty of manslaughter, a new trial granted as it should have been.  
 Christian Scott — horsestealing — guilty April 26<sup>th</sup> 52.  
 The funeral orations from which a large part of Roman history has been drawn are corrupted by continual accretions of panegyric, they are the funeral orations pronounced on the descendants of great men, not on the great men themselves, and composed after the general memory of events had grown dim & it was difficult to contradict them...

There is a weakness of mind which may be accompanied with honesty of purpose but is as injurious as wickedness of heart; it is like a child with a loaded gun, who takes life without dreaming of mischief.  
 The laurel which grew on the tomb of Virgil had not entirely disappeared when I was at Naples in 1816; tourists had indeed almost cut it down to the roots, but I can remember one of our party cutting a shiver from it.

I observe that a dispute has been going on whether there was a box at Naples for collecting money for pious purposes on which there were figures of persons suffering in the flames of purgatory, some saying there was such a box others that there never was. It certainly existed & I saw it repeatedly at Naples in 1816 & were I there now, I think I could point out the very spot. It stood at the door of a tall, ugly, white church with pilasters on the way to Partici after passing the mole; it was a box about 2 feet long, with about 1/2 a dozen figures on the top seemingly cut out of thin wood & breast high in flames, and their hands raised up.



I should almost suspect that there was an Etruscan conquest not only of Rome but of Latium, sufficiently durable to effect a change in the religion ~~and~~ <sup>and</sup> many of the customs & institutions of the State. This would account for the Tarquinii removing upon their banishment from Rome into Latium. The Tarquinii were the Etruscan kings of Rome and a powerful monarchy by conquest according to this supposition, and Servius Tullius, descended from some of the conquered races which originally held Etruria.

Nature reveals the existence of God. Christianity who he is, so far as man may know.

If any thing professing to be revelation should contain an absurdity or expressly declare a palpable falsehood in sciences <sup>to be true</sup> we may of course reject it as spurious; but this by no means debars <sup>reputation</sup> from the ordinary right to use inaccurate language or adopting the common belief of its day on scientific subjects, <sup>although erroneous</sup> provided it does not incorporate the falsehood with itself as a divine truth. Were it otherwise, it could hardly be called revelation, for it would speak a language unintelligible to its age and to the great body of mankind. In addition, could there be a true revelation on scientific matters, the human mind cannot pierce into <sup>the</sup> <sup>last</sup> <sup>terms</sup> <sup>of</sup> <sup>the</sup> <sup>series</sup> <sup>of</sup> <sup>the</sup> <sup>causes</sup>, after certain steps it must stop short, and declare the limit to be the divine will, in accounting for the world turning round the sun, we may with perfect propriety talk of attraction and repulsion and all that Newton has disclosed, but there is much yet not discovered or discoverable where even conjecture is thrust back if it try to penetrate, and which our limited faculties could not receive if it were ~~disclosed~~ <sup>disclosed</sup> by revelation, the ~~all~~ <sup>farthest</sup> cause that science can ascertain, except of course the divine will, has other causes beyond it, and the laws of nature as we understand them are mutilated truth, what with us is <sup>the last scientific</sup> cause, is but an effect of other unknown causes.

Joined Independence Lodge No. 7, Independent Order of Odd Fellows <sup>of Md.</sup> & was initiated May 11<sup>th</sup> 1852, & was much pleased both with the institutions of the Order & the great kindness of my reception.

Took the five degrees & joined the Degree Lodge October 28<sup>th</sup> 1852,

Right Supporter of N. C. Independence Lodge from Jan'y to July 1853,

Left Supporter from July to Jan'y 1854,

One of the board of Managers of the Library I. O. O. F. July 1853 re-elected Jan'y 1854,

Jan'y 1854 Nominated without opposition D. G. but declined

July 4/1854 Elected & installed as Vice Grand.

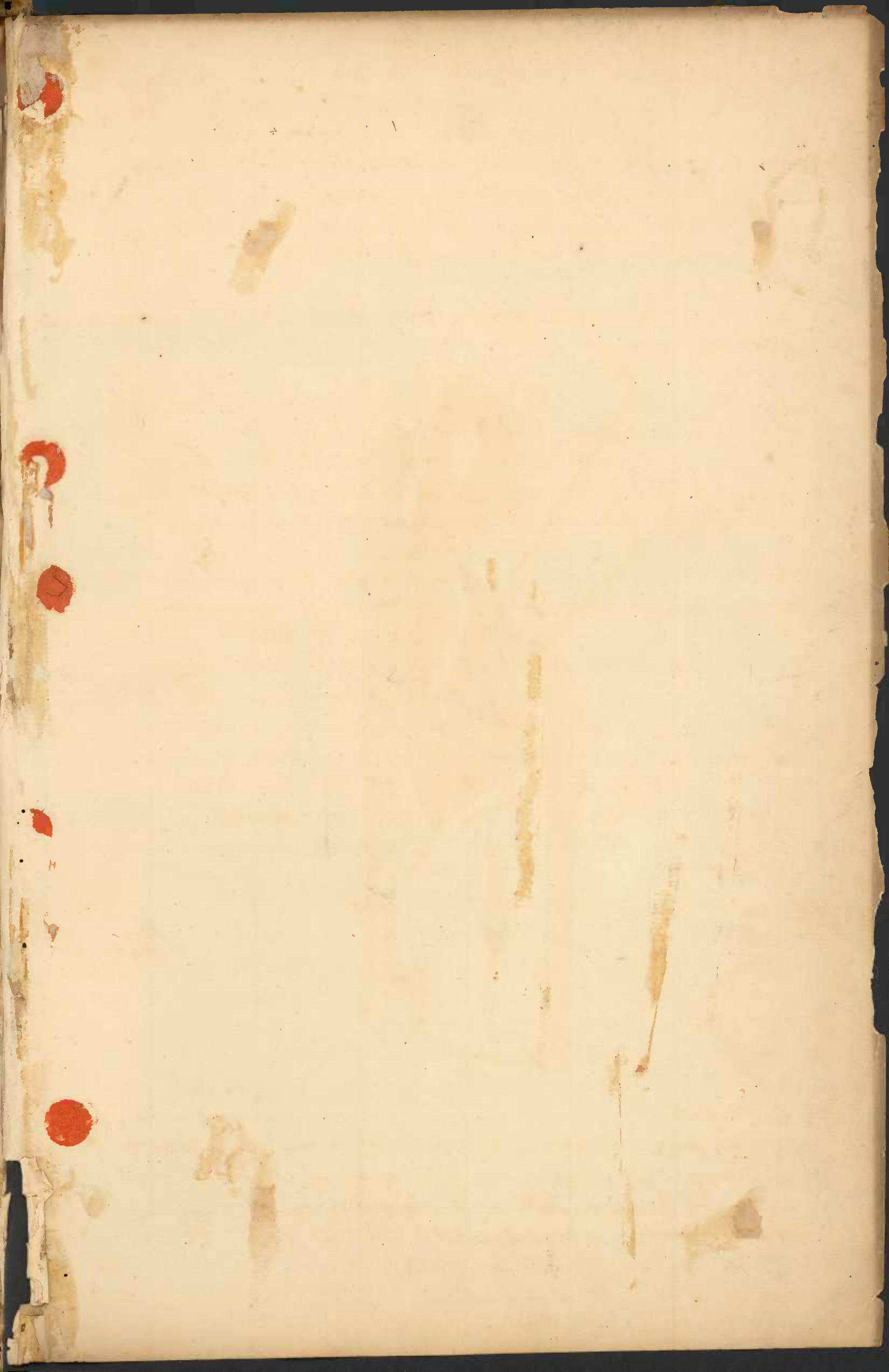
January 6<sup>th</sup> 1855 Noble Grand

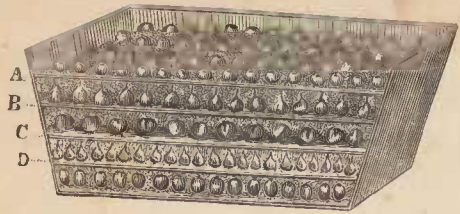
" 8<sup>th</sup> 1855 Degree Master.

July 3. 1853 Past Grand

" 5<sup>th</sup> " Secretary of Degree Lodge

" 11<sup>th</sup> " Member of committee on the State of the Order.

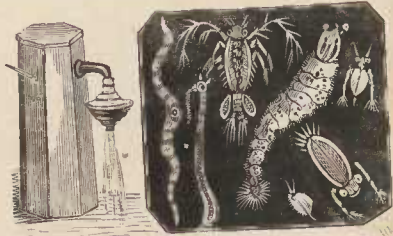




*W. Johnson*



*W. Johnson*



*Bought of*



State of Maryland,  
Baltimore County, to wit:

The Jurors of the State of Maryland for the body of Baltimore County do on their oath present that the Northern Central Railway Company, a Company incorporated under the laws of this State, heretofore, to wit, on the first day of May in the year of our Lord eighteen hundred and sixty three, and on divers other days and times between that day and the day of taking this inquisition, with force and arms, at Baltimore County aforesaid, across a certain public and common highway there of the said State called the York Town Turnpike Road, for all the liege inhabitants of the said State to go, return, pass, repass, ride, and labor, with their horses, coaches, carts, and carriages, in, along, and through the same, at their free will and pleasure, unlawfully and injuriously did put and place and cause to be put and placed divers, to wit, four, rail-road cars connected and fastened together, and did then and on the said other days and times, there, unlawfully and injuriously permit and suffer the said rail-road cars, so connected and fastened together as aforesaid and so put and placed as aforesaid, to be and remain across the said public and common highway there for long spaces of time, to wit, half an hour then and on each of the said other days and times, there, whereby the said public and common highway there then and on the said other days and times, there, for and during the several spaces of time aforesaid, was greatly obstructed so that the liege inhabitants of the said State could not then and on the said other days and times, there, during the several spaces of time aforesaid, go, return, pass, repass, ride, and labor, with their horses, coaches, carts, and carriages, in, along, and through the same <sup>so freely</sup> as they ought and were accustomed to do, to the great damage and common nuisance of all the liege inhabitants of the said State going, returning, passing, <sup>repassing</sup> riding, and laboring, in, through, and along the said public and common highway there, to the evil example of all others in the like case offending, and against the peace, government, and dignity of the State.

Second Count.

And the Jurors aforesaid, upon their oath aforesaid, do further present that the said Northern Central Railway Company, a Company

incorporated under the laws of this State, heretofore, to wit, on the said  
 first day of May in the year of our Lord eighteen hundred and  
 sixty three, ~~with force~~ and on divers other days and times between  
 that day and the day of taking this inquisition, with force and  
 arms, at Baltimore County aforesaid, at, in, and upon a certain  
 intersection and crossing there of a certain railway there of them  
 the said Northern Central Railway Company with ~~the said~~ a  
 certain public and common highway there of the said State,  
 called the York Town Turnpike Road, for all the liege inhabi-  
 tants of the said State to go, return, pass, repass, ride, and  
 labor, with their horses, coaches, carts and carriages, in, along,  
 and through the same, ~~public and common highway there~~  
 at their free will and pleasure,  
 unlawfully and injuriously did put and place and cause  
 to be put and placed divers, to wit, four, rail-road cars  
 connected and fastened together, and did then and on the  
 said lastmentioned other days and times, there, unlawfully  
 and injuriously permit and suffer the said lastmentioned  
 rail-road cars, so connected and fastened together as in this  
 count aforesaid and so put and placed as in this count  
 aforesaid, to be and remain at, in, and upon the said  
 intersection and crossing there, for long spaces of time, to wit,  
 half an hour then and on each of the said lastmentioned other  
 days and times, there, whereby the said public and common  
 highway there then and on the said <sup>lastmentioned</sup> other days and times,  
 there, for and during the several spaces of time in this  
 count aforesaid, was greatly obstructed at the said intersection  
 and crossing there, so that the liege inhabitants of the said  
 State could not then and on the said lastmentioned other  
 days and times there, during the several spaces of time in  
 this count aforesaid, go, return, pass, repass, ride, and  
 labor, with their horses, coaches, carts, and carriages, in,  
 along, and through the said public and common highway  
 there, <sup>so freely</sup> as they ought and were accustomed to do, to the great  
 damage and common nuisance of all the liege inhabitants  
 of the said State going, returning, passing, repassing, riding,

and laboring, in, through, and along the said public and common highway there, to the evil example of all others in the like case, offending, and against the peace, government, and dignity of the State.

Richard J. Gittings,  
The State's Attorney for Baltimore County.



State of Maryland

The Northern Central  
Railway Company,  
Protestants.

True Bill,

Stewart.

Witness.

John W. Coker,  
Richard B. Bost,  
Hugh H. H. H.,  
Francis B. B.

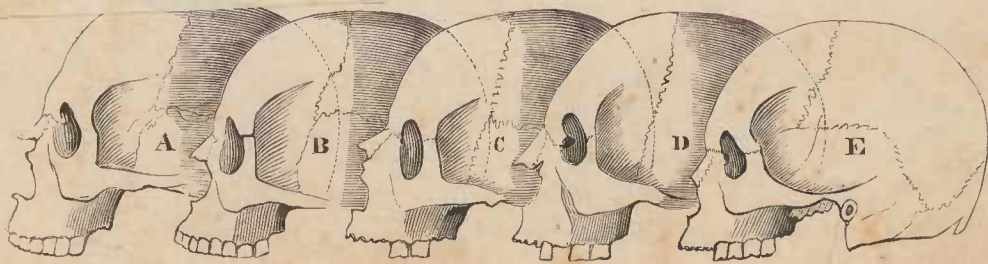
(Witness)

Turnpike Roads are Highways. Woolrych on Ways page 3\* (Land Lib.)  
and so are Rail Roads. 2 B. and Ad. 646.

York Town Turnpike Road Company incorporated 1854 ch 37.  
Northern Central Railway Company 1854 ch 250  
1824 ch 72.

This day I delivered All out with, Alexander  
 Mobery ~~the~~ and by Ther is a balance Due  
 To Peter Astor, the sum of seven Pounds six  
 Shillings & one Penny <sup>besides the charge of paper</sup> as Witness my hand  
 Oct 11<sup>th</sup> 1769 Alexander Mobery  
 Peter <sup>his</sup> mark

Thos. Jones Esq. Please to give this out to the Clerk  
 & Enter Samuel Jones as my Attorney  
~~Samuel Jones~~ Peter Astor



0061 107