

WEDNESDAY, AUGUST 8, 1864.

The idea of that excellent poet, Cowper, on the subject of dueling, are worthy of being universally and generally read; and the mode of combat which he proposes as a substitute for the present fashionable appeal to the "court of honor," would be at least as satisfactory, and certainly less fatal to the combatants.

THE point of honor has been deemed of use, To teach good manners and to curb abuse. Admit it true, the consequence is clear, Our polished manners are a mask we wear, And at the bottom barb'rous still and rude; We are restrained, indeed, but not subdued. The very remedy, however sure, Springs in the mischief it intends to cure, And savage as its principle appears, Tried as it should be, by the fruits it bears, 'Tis hard, indeed, if nothing will defend Mankind from quarrels but their fatal end; That no man and no hero may decrease, That the surviving world may live in peace, Perhaps the best of us may show The practice of avarice, and mean and low; That men engage in it, compelled by force; And fear, not courage, is its proper source. The fear of tyrant custom, and the fear Lest Epith should censure us and fools should

At least to trample on our Maker's laws, And hazard life for any or no cause; To rush into a wild and fatal state, Out of a very flame of rage and hate, Or send another shivering to the bar With all the guilt of such unnatural war, Whatever use may urge, or honor plead, On such a theme it is a madman's deed. Am I to set my life upon a throw, Because a bear is rude and surly? No— A word, sensible, and well bred man Will not affront me, and no other can. Were I empowered to regulate the lists, They should encounter with well loaded fists; A Trojan combat would be something new; Let DARK as beat ENTELLUS black and blue; Then each might show to his admiring friends, In honourable bumps his rich amends, And carry in confusions of his skull, A satisfactory receipt in full.

FRANCE.

ORGANICK SENAT'S CONSULTUM.
Extract from the Registers of the Conservative Senate, Floreal, year 12.
Concluded from last Saturday's American.

OF THE HIGH IMPERIAL COURT.

TITLE XIII.—OF THE IMPERIAL COURT.
105. There is belonging to the high imperial court an attorney-general, nominated for life by the emperor.

He exercises the public ministry, being assisted by three tribunals appointed every year by the legislative body, from a list of nine candidates presented by the tribunate, and by three magistrates whom the emperor also appoints every year from among the officers of the court of appeals or of criminal justice.

106. There is belonging to the high imperial court a greffier in chief, nominated for life by the emperor.

107. The president of the high imperial court can never be accused; he may refrain for legitimate causes.

108. The high imperial court cannot act, but upon the prosecutions of the public ministry. In the offences committed by those whom their quality renders amenable to the imperial court, if there is a complainant, the public ministry necessarily becomes a joint party and prosecutor, and proceeds as is regulated hereafter.

The public ministry is in like manner a joint party and prosecutor in cases of forgery or party quarrels.

109. The magistrates of safety and the directors of juries are holden to stop, and to send, within eight days, to the attorney-general belonging to the high imperial court, all the papers of the proceedings, when, in the offences they prosecute for a reparation of their results, either from the quality of the persons, or from the title of the accusation, or from the circumstances, that the fact is of the competency of the high imperial court.

The magistrates of safety continue notwithstanding to collect the proofs and traces of the offence.

110. The ministers or counsellors of state charged with any part whatever of the public administration, may be denounced by the legislative body, if they have given orders contrary to the constitutions and laws of the empire.

111. The following persons may be denounced by the legislative body, to wit:

The captains-Generals of the colonies, the colonial prefects; the commandants of French establishments beyond the continent, the administrators-generals, when they have prevailed or abused their power;

The generals or admirals, who have disobeyed their instructions;

The prefects of the interior who

have been guilty of dilapidation or of concussion.

112. The legislative body in like manner denounces the ministers or agents of the authority, when there is, on the part of the senate, a declaration of strong presumptions, or arbitrary detention or of violation of the liberty of press.

113. The denunciation of the legislative body cannot be decreed, but upon the demand of the tribunate, and upon the reclamation of fifty members of the legislative body, who required a secret committee in order to get designated, by election, ten from among them to draw up the project of denunciation.

114. In both cases, the demand or reclamation must be made in writings, signed by the president and secretaries of the tribunate, or by the ten members of the legislative body.

If it is directed against a minister or against a counsellor of state, charged with a part of the public administration, it is communicated to them within the space of a month.

115. The minister or the counsellor of state denounced, does not appear for the purpose of answering the charge.

The emperor nominates three counsellors of state to repair to the legislative body on the day appointed, and to give information upon the facts of the denunciation.

116. The legislative body discusses in a secret committee the facts comprised in the reclamation, and it determines by the way of election.

117. The act of denunciation must be circumstanced, and signed by the president and secretaries of the legislative body.

It is addressed by a message to the arch-chancellor of the empire, who transmits it to the attorney-general belonging to the high imperial court.

118. The prevarications or abuses of power of the captains-generals of the colonies, of the colonial prefects, of the commandants of establishments beyond the continent, of the administrators-generals, the facts of dilapidation on the part of general or admirals to the instructions which have been given to them, the dilapidations and concussions of the prefects, are also denounced by the ministers, each in his attributions, to the officers charged with the public ministry.

If the denunciation is made by the grand judge, minister of justice, he cannot assist or take part in the judgment which intervenes upon his denunciation.

119. In the cases determined by the articles 110, 111, 112 and 113, the attorney-general informs the arch-chancellor of the empire within three days, that there is cause for uniting the high imperial court.

The arch-chancellor, after having taken the orders of the emperor, fixes within eight days the opening of the sittings.

120. In the first sitting of the high imperial court, it must judge of its competency.

121. When there is a denunciation or complaint, the attorney-general, in concert with the tribunes and the three magistrates, officers of the parquet, examine whether there is cause for prosecution.

The decision belongs to him; one of the magistrates of the parquet may be charged by the attorney-general to direct the prosecution.

If the public ministry deems that the complaint or the denunciation should not be admitted, he assigns a motive for this conclusion, upon which the high imperial court pronounces, after having heard the magistrate charged with the report.

122. When the conclusions are adopted, the high imperial court terminates the affair by a definitive judgment.

When they are rejected, the public ministry is holden to continue the prosecution.

123. In the second of the cases provided for in the preceding articles, and also when the public ministry deems that the complaint or the denunciation should be admitted, he is holden to draw up the act within eight days, and to communicate it to the commissary and substitutes whom the arch-chancellor of the empire nominates from among the judges of the court of cassation who are members of the high imperial court. The functions of this commissary, and, in his default, of the substitute, consist in drawing up the statement and the report.

124. The reporter or his substitute submits the act of cassation to twelve commissaries of the high imperial court, chosen by the arch-chancellor of the empire, six from among the senators, and six from among the other members of the high imperial court. The members chosen do not concur in the judgment of the high imperial court.

125. If the twelve commissaries judge that there is cause for accusation, the commissary reporter makes an order conformably, issues the warrants of arrest and proceeds to the statement.

126. If the commissaries deem on the contrary, that there is no cause for accusation, it is referred by the reporter to the high imperial court, which pronounces definitively.

127. The high imperial court cannot judge unless it be assembled to the number of sixty members. Ten of the whole of the members who are called to compose it may be challenged peremptorily by the accused, and ten by the public party. The decree is issued by the absolute majority of votes.

128. The trial and sentence take place in public.

129. The accused have counsel; if they have none, the arch-chancellor of the empire gives them some *ex officio*.

130. The high imperial court can only pronounce penalties awarded by the penal code.

It pronounces, if there is cause, the condemnation to damages and interest.

131. When it acquits, it can place those who are absolved under the inspection or at the disposal of the high police of the state, for the time it determines.

132. The decrees issued by the high imperial court are not submitted to any recourse;

Those which pronounce a condemnation to an afflictive or ignominious penalty, cannot be executed but when they have been signed by the emperor.

133. A particular senatus consultum contains the surplus of the dispositions relative to the organization and action of the high imperial court.

TITLE XIV.—OF THE JUDICIARY ORDER.

134. The judgements of the courts of justice are tried *in cassation*.

135. The presidents of the courts of cassation, the courts of appeal and criminal justice, are appointed for life by the emperor, and may be chosen out of the courts over which they are to preside.

136. The tribunal of cassation takes the denomination of court of cassation; the tribunals of appeal that of appeal, the criminal tribunals that of criminal justice; the president of the court of cassation and the president of the courts of appeal divided into sections, take the title of first president, the vice-president that of president; the commissaries of government, near the court of cassation, the courts of appeal and of criminal justice, take the title of imperial attorney-generals; and the commissaries near the other tribunals that of imperial attorneys.

TITLE XV.—OF THE PROMULGATION.

137. The emperor causes to be sealed and promulgated, the organic senatus consulta, the senatus consulta, the acts of the senate, and the law. The organic senatus consulta, and the acts of the senate are promulgated on the tenth day after their emission, at farthest.

138. Two originals are drawn up of each of the acts mentioned in the preceding article. Both are signed by the emperor, revised by one of the titularies of the high dignities, each according to their rights and attributes, countersigned by the secretary of state and the ministers of justice, and sealed with the great seal of the state.

139. One of these originals is deposited among the records of the seal, and the other is transmitted to the archives of the public authority from which the act emanates.

140, 141. The promulgation is thus conceived: "N (the first name of the emperor) by the grace of God and the constitutions of the republic, emperor of the French, to all to whom these presents may come, greeting: The senate, after having heard the orators of the council of state, has decreed, and we order as follows: (and if of a law) the legislative body has rendered on the following decree, conformably to the proposition made in the name of the emperor, and after having heard the orators of the council of state and the sections of the tribunal, the

We order and command that these presents, sealed with the seals of the state, inserted in the bulletin of the laws, be addressed to the courts, tribunals, and administrative authorities, that they may be inscribed on their registers, to observe them and cause them to be observed; and the grand judge, minister of justice, is charged with superintending the publication thereof.

TITLE XVI.—AND THE LAST.

142. The following proposition shall be offered for the acceptance of the people, in the forms determined by the article of the 9 Floreal, year 10:—"The people will the hereditament of the imperial dignity in the direct descent, natural, legitimate & adoptive of Napoleon Bonaparte, and the direct descent, natural and legitimate of Joseph and Louis Bonaparte, as it is thus regulated by the organic senatus consultum of the 28 Floreal, year 12.

(Signed,) CAMBACERES,
Second Consul, President.
MORARD DE GALLES,
JOSEPH CORNUDET,
Secretaries.

Approved and sealed.
The chancellor of the senate.

LAPLACE.
We order and command that these presents, sealed with the seal of the state inserted in the bulletin of the laws—be addressed to the courts, tribunals, and administrative authorities—that they may be inscribed on their registers, &c. Given at the palace of Saint Cloud, the 28 Floreal, year 12, and of our reign the first.

(Signed,) NAPOLEON.
By the emperor,
The secretary of state,
H. B. MARTE.
Seen by us, arch-chancellor of the empire.
CAMBACERES.

American.

BALTIMORE
WEDNESDAY, AUGUST 8, 1864.

For the AMERICAN.

Messrs. Peckin & Frailey,
GENTLEMEN,

AS it is pretty well known in this city that I am one of the "GRACELESS," clerical band, who attended Leaman's gardens on a late certain occasion; I presume you will have no objection to insert what I now send you for publication; in which case, there may, perhaps, be a propriety in prefixing thereto the rev. Mr. Dashiell's letter, published in the Federal Gazette of the 1st instant. I am, gentlemen, yours, &c.
JNO. HARGROVE.

Copy of a letter from the Rev. Geo. Dashiell to the Rev.

REV. SIR,
YOUR letter excites my surprise. You say a report prevails that I was one of the clerical band who attended the war dance on last Wednesday night. For the propagation of this evil report I cannot account. You know I have uniformly borne testimony, both in private companies and from the pulpit, against such places. Were there then no other inducements for me to abstain from such follies, the preservation of consistency of character would be sufficient. But there are other more powerful considerations which, I trust in God, will ever prevent my frequenting such a place. By so doing I should violate the canons of that church of which I have the happiness of being a member, trample upon my own conscience and the whole tenor of the gospel of Jesus Christ.

From the matured reflections I am thoroughly convinced that *private* christians cannot innocently partake of such sports and amusements; that they are derogatory to the dignity and incomparable with the spirit of our holy vocation; much less can a minister of the holy Jesus indulge in such silly vanities without tarnishing his sacred character and bringing a blot upon his profession. A minister, who has imbibed the spirit of his master, has not a learned Christ. No clergyman who possesses grace, or thinks any thing of his character, would presume, in this day of gospel light, to frequent the theatre; which is now generally considered by pious people to be a regular battery against virtue and religion. How then can he be found in a place where less order and decency are preserved, and more licentiousness prevails? Is he an ambassador from God to a lost world, a world in the most imminent danger of eternal destruction? Is he sent to preach the holy doctrines of self-denial and heavenly-mindedness, of crucifixion and deadness to the world? Does he urge his flock to renounce the vanities of life and to live as citizens of Heaven? Does he address them in the language of St. Paul, "Be ye followers of me, as I am of Christ," and then lead them to the haunts of dissipation and vice? Oh how preposterous! Such conduct in my opinion, would be almost as inconsistent with the sanctity of the clerical character, as carousing in the drunkenness of the most licentious tavern, or partaking in the obscene orgies of a bottle.

I hope, sir, you and I will never so far forget our high calling, be so lost to all sense of propriety, as to be found so much out of place. After so frequently warning my flock to flee such sports and follies, as destructive of all religious seriousness, should I but once indulge in them, how could I again appear in St. Peter's? I should so fall under a load of shame, that I never could again ascend the pulpit. I should expect the very boys in the streets would hiss me and from every quarter would be pointed the finger of scorn.

I am, sir, with affection and respect,
Your obt. servt.

GO. DASHIELL.

To the Rev.
July 31, 1864.

To the reverend George Dashiell.

REV. SIR,

I BEG leave to inform you, I am much surprised your very extraordinary letter, published in the Federal Gazette of the 1st instant has not yet been replied to, by any of the clerical band, therein censured and condemned. Certainly self-justification is not only lawful, but even necessary, where charges of deep guilt are made, provided these charges are evidently unjust; I wish indeed that some abler pen had taken up the subject; had the chief object of your severe censures condescended to reply, I am confident the impropriety of your conduct would more evidently appear.

The enemies of Divine Revelation have too frequently, and too justly remarked, on the illiberal and bitter censures, which one sect of christians bestow upon such others, as may chuse to differ from them in their views of christian faith and practice; and though they "despise prophecies" in general, yet they have often, themselves, predicted the consummation of the christian church, by applying to its contentious state, the

well known declaration of its founder, viz. "a house divided against itself cannot stand."

The real christian, lives under the daily influence of that charity described by St. Paul in the XIII. ch. of his first Epistle to the Corinthians; which, "thinketh no evil;" but in particular "the minister, who has imbibed the spirit of his master," will avoid imitating the conduct of the boasting, self-righteous pharisee, whose language to God, was, "I thank thee, that I am not like other men;"—and to his fellow sinner, "stand by thyself, I am holier than thou." He will, if he is a man of sense and of reading, make due allowances for the differences in the intellect, and education of his fellow-citizens, and be cautious in particular, how he condemns any man as utterly "graceless," seeing God alone can search the hearts of the sons of men.

Permit me to ask you, sir, in the name of christian charity, what could have induced you to consent to the publication of the letter alluded to?

Is it possible that you could wish or intend that this letter should have the effect you insinuate, viz. to cause "the very boys in the streets to hiss your reverend brethren, and point at them from every quarter with the finger of scorn?" I presume, sir, that you are not yet acquainted with some of the revd. characters, you have so wantonly condemned.—Characters, which I believe the foul breath of calumny never before tainted, and whose amiable manners, and unaffected piety, will prove their ample and invulnerable shield against all your unfriendly censures.

Had you first sat down, sir, before you wrote this letter, or at least before you published it, and read a few pages in the Sacred Directory of christian faith and practice, you would certainly have checked your pen. How different your language from that of St. Paul, who received the finishing stroke to his ministerial accomplishments in the third heavens; and also from the language of St. James! The former remarks, that, "to the pure all things are pure"—The latter, that "he who speaketh evil of his brother, and judgeth his brother, speaketh evil of the law, and judgeth the law, and is therefore a more a deser of the law than a judge." Our language runs thus:—"No clergyman who possesses GRACE or thinks any thing of his character, would presume, in this day of Gospel light, to frequent the theatre, which is now generally considered, by pious people, to be a regular battery against virtue and religion; how then can he be found in a place where less order and decency are preserved, and more licentiousness prevails?" I doubt, sir, when you wrote this, you did not duly consider the caution of your Divine Master, viz. "judge not, that ye be not judged; for with what measure ye mete, it shall be measured to you again." Would it not imitate the ancient prophet more, if on the occasion you allude to, (admitting for argument sake—that your reverend brethren were imprudent,) you had retired to weep, "between the porch and the altar," rather than publish their indiscretion "on the house top?"

But let us for a moment examine into the nature of the "high crimes and misdemeanors," which the "clerical band" (as you term them) were lately guilty of.

A few days ago, the king and chief warriors of the Osage nation of Indians, passed through this city on their way to the northward; and our worthy and judicious Mayor, after paying these respectable aborigines every mark of attention and respect, prevailed on them to gratify the curiosity of the citizens by a representation of their grand national War Dance: This singular and bloodless scene was exhibited at Mr. Leaman's Rural Gardens, in the presence of near 2000 spectators of both sexes, among whom most of the principal characters in the city were recognized; and it can be truly added that the utmost order and decorum prevailed during the whole scene, in which, the rude affections of savage nature were displayed to the life; and were worthy the attention of the Historian, the Philosopher and the Divine;—Nor can I conceive any more criminality ought to be attached to those clergymen who attended the gardens on that occasion, than if they had staid at home to read "Carver's Travels," or indeed any other history of the manners and customs of other nations; for it is oft-times more instructive to read *men's* than *books*, in order to form general and just ideas on such subjects.

But, your reasons assigned, for not attending, appear to be weighty indeed; for you tell us, it would not only be "a breach of the canons of your church," but it would also "defile your conscience." Nay, you further affirm, that such conduct would be "contrary to the whole tenor of the Gospel." To this I answer,

1st. I have really heard it doubted, sir, that there can be such prohibited canon in the discipline of your church,—else the amiable and learned associate rector of Christ's church and St. Paul's would not have so wantonly transgressed it.

2d. Conscience is generally formed by education, and is also subject to daily mutations, hence, the conscience of a Christian permits him to eat what a Jew refuses, and the conscience of a Quaker will not suffer him to join in the outward celebration of the Lord's Supper.

3d. It is to the present moment matter of doubt with me, whether there be one solitary passage in all the sacred