

From the Richmond Esquire.

THE RAINBOW.—NO. II.

ON THE CONDITION OF WOMEN.

IT has been said that the civilization of a country may be fairly estimated by the degree of respect which is paid to its women. The sentiment is not more gallant than it is just. Its truth has been demonstrated by Messrs. Alexander, Thomas, Russell, and various other writers; who, for this purpose, have resorted, not to any abstract enquiries into the characters of the sexes; but, to a direct appeal to the experience of nations. They have shewn, by a curious and most interesting investigation, that from the benighted and sensual savage of New-Zealand, or of Nootka Sound, through very gradation, up to the polished gentleman of Europe or America, the deference and veneration for the female part of society, is exactly in proportion to the degrees of refinement which each nation has attained. In a national point of view, Virginia need not shrink from this test of her refinement. In every social circle in which the sexes are blended, we may observe a sanctity as well as a tenderness of attention to the fair, which would not disgrace a knight in the proudest days of chivalry. But the merchant, who aims at the culture of the virtues, will direct his attention not so much to the mimes of the drawing room, as to those which may be observed in still more private life. He will look through the ceremonies which men may act in deference to their company, and by which indeed, they recognize and bow obedience to the sentiment above expressed; he will look through the blinds of flattery into the bosom of the private family, and watch the manners of the husband and the father when every restraint is removed. It will be by the discoveries which he shall make here, that he will direct his admonitions; and on this ground, I fear that the majority, not of Virginia only but of all these States, which boast of their refinement, will find too much room for censure and admonition.

What is true of nations, in this case, is, I presume, equally true of individuals; for in other words the civilization of the man, like that of the nation, may be fairly estimated by the degree of respect which he pays to the fair. When I speak of civilization I do not mean science; since we have sometimes seen a very highly illuminated mind, connected with a cold, a malignant, or a treacherous heart; but by civilization, I mean that change which is wrought upon the savage man by the humanizing, softening, refining power of social virtues. Neutral, by respect to the fair, do I mean the bows and graces of a *petit maître*, which a monkey might learn; nor the mill more impure, extraneous of elegance and sensibility which a Zulu could assume; but, by respect to the fair, I mean a genuine and tender deference, which has not merely glanced upon the surface, but penetrated and pervaded every portion of the heart; I mean not an occasional flow, but a fit and perennial, an habitual respect and affection, which renders a man invariably attentive to her wants, and sympathetic with the minutest sufferings of the latter and gentle sex. With these explanations I refrain any position, and I beg my male reader to assure himself that whatever figure he may make in other respects, however brilliantly he may shine as a man of erudition, genius, wit, or humor, is, nevertheless, civilized, in proportion as he has acquired respect for the fair; and more particularly that portion of them which perfection he may have assumed.

It is a mournful truth, that the life of the female sex among us, is too often a series of suffering and of sorrow. Too many of them pass on to death, without having once known the "sunny slope" of tranquility, on which they could repose, and secure themselves, for a moment, at ease. Their sufferings begin often with life. The restraints of their childhood, even when they are salutary, are sources of trouble; because their motive is, or yet perceived, by the young and inexperienced mind. They are not infrequently the victims of childhood instead of being prompted by parental wisdom and tenderness, are the monetary dictates of headlong passion & brutal cruelty. This tyranny, commenced in their childhood is extended even to their maturer years; and it becomes the more severe as it is then inflicted on a mind capable of estimating its wrongs, & often exerted on those sensibilities of the heart which can least brook the curb and lack of authority. Marriage itself is, too frequently, little more than a change of tyrants; and the idol of the fighting and sloping lover, dwindled down into the neglected oppressor, insulted drudge of an unprincipled and profligate husband. If the poor, lonely mourner, gives birth to sons, she looks on with remorse to the time when they, in their turn, armed with the authority of a husband, shall "pay such fantastic tricks before high heaven as will make even angels weep"; if she gives birth to daughters—it would not be a sub-

ject of great wonder, if like the miser ble others on the banks of the Oroonoko, she should slay them, out of compassion, and smother them in the hour of their birth.— How many women have here their history recorded? Look closely into the domestic movements of our people, and you will find that this sombre picture has too many originals. I am not accusing parents or husbands with the practice of savage violence on their daughters or their wives; to a generous woman there are many wrongs infinitely more humiliating and agonizing than the infliction of actual violence.

The destiny of poor MARIA differed in some respects from the preceding. Maria was among the fairest and sweetest girls that I have ever known. If the love of the fondest and best of parents—if the most enchanting grace and beauty—if the pure spirit and dispositions of a French could have saved her from misery, Maria had been saved. My heart bleeds at the recollection of her. But let me try to command myself while I tell this tale of joy turned into sorrow; of the fairest hopes reversed and blasted—of the brightest lustre and beauty extinguished forever.

Her parents were not rich; but they were good. Although they had lived much in the world, they retained a simplicity of character which is now rare & endeared except in the description of poets. Their benevolent breasts were fraught with a tenderness of feeling whose luxury is known only to the poor and humble. The rich and the prosperous know it only by name. Their simplicity, their benevolence, their sensibility were centered in the bosom of the young Maria.—They gave an emphasis to her opening beauty—furnished her cheek with a richer hue—and rode, in triumph on the beams of her eyes, through the heart of every beholder. I remember Maria at her first appearance in the ball room. She was then about fourteen years of age. The enquiry ran—"what role had beauty in this?" The epithet was applied with peculiar propriety: it depicted in one word, her youth, her beauty, her innocence and sweetness. She danced; when light and ethereal as a sylph, she tripped whatever we have read of the wild, the striking, the captivating graces displayed by the rural beauties on the flowery side of Achaia. It was easy to read in her countenance of this gay and artless young creature the exulting expectations with which she was entering in life. Her childhood had passed away amid the blandishments and caresses of her fond parents; all had been ease, indulgence and gratification; admired, applauded and beloved by every body who saw or knew her, every day, every hour, every minute had been filled with animation, joy and rapture. As yet she had frolicked only on "life's velvet lawn," covered with a canopy of blooming amaranth; and her young fancy was teeming with visions of bliss in bright and boundless prospects. Alas! poor Maria! How soon was this serene & joyous morning to be overcast! A lover professed himself. Like Maria, he was in the bloom of youth, and had every advantage of person and address; but his breast was not like Maria's, the residence of pure and exalted virtue. He loved her indeed; or rather he was infatuated by her beauty; but he was incapable of forming a correct estimate of the treasure which was lodged in her bosom; of that heart whose purity, delicacy, fidelity, generosity and sensibility, an angel might have avowed without a blush. The dupe, however, of fervent and pathetic professions, he accepted this man; and Maria, who was formed to crown the happiness of a sensible and virtuous man, became the miserable wife of a weak and vicious one. Merciful God! Must I remember the contrast which I so often witnessed, in agony! Poor Maria! Her velvet lawn was exchanged for a wilderness of briars and brambles; her amaranthine canopy for the keen and cutting blasts of a winter's sky. I have seen Maria in the thronged assembly-room when every eye was fixed upon her with delight, and followed her in speechless admiration thro' the mazes of the graceful dance; and I have seen the same Maria far removed from the world's society, and wending in the bloom of youth, all lonely and drooping like a wounded flower. I have seen the lovely girl, presiding, like a bright propitious planet, at her father's hospitable board; and I have seen her the solitary and desolate drudge of her own gloomy and forsaken household. I have beheld her the animating soul of the polished circle, dispelling light and life by her smiles;—and my own soul has sunk with me, to see her insulated from the world, and pierced and languishing under the neglect of her once ardent and assiduous husband. She had seen the time when every transitory dejection of countenance had been watched by him, its cause sedulously explored, and consolation administered with a tenderness which could not fail of its effect. But now without a single enquiry, without one touch of pity, he could see her face pale with sorrow, and her once radiant eyes dim with weeping. At such a moment, instead of bending before her as he had once done, and pressing her hand to his sympathetic heart, he could cast on her a look so cold and chilling as to freeze the vital stream of life even in its fountain, fling out of his house with contempt and disgust, and lavish on the vicious and impure those affectionate attentions which he had solemnly vowed to her alone. He might have been happy; and might have

realized to his beautiful wife all those dreams of conjugal innocence and bliss with which her youthful fancy was wont to regale her. But just as of their pure and calm joys, whose recollection might have gilded even the moment of death, he chose riot, debauchery and guilt; to his own virtuous and celestial bed, he preferred habitual impurity and prostitution; & instead of the perpetual spring which he had fondly anticipated, poor Maria experienced only perpetual winter. The blast was too keen for her tender frame. She is gone; and, with her sister angels, she has found that peace which her unfeeling husband refused to her on earth. Her death stung him into his senses. In vain he endeavoured to recall her fleeting breath; in vain he promised and vowed if she could be restored to him, to atone for his past neglect by future tenderness. To him the resolution of amendment came too late; may it come in time to a portion of my readers.

Congress

OF THE
United States of America.

HOUSE OF REPRESENTATIVES.

Debate in Committee of the whole,
ON THE
IMPEACHMENT

OF
JUDGE CHASE.

(Continued from our List.)

TUESDAY, DECEMBER 4.

The house proceeded to consider the report of the committee of the whole made yesterday, on the articles of impeachment against Samuel Chase.

Mr. Rodney had not been convinced of the necessity or propriety of the amendments adopted yesterday in committee of the whole. For his part he was inclined to believe the articles for every material purpose correct as they first stood. It will be remembered that in cases of impeachment by a legislative body we are not tied down to those forms and that technical precision, which in courts of law are so essential. The maxim is that they may express themselves in the common language of the country, in common parlance, or *leguendum ut vulgus* as it is stated in the books. Therefore the words of the trial of a person include every relative to the trial, it is so laid down by lord Hale, and he is followed in the opinion by all the able writers who have treated on this subject to the present day. All arrangements previous to the testimony, and argument, are as much a part of the trial as the arguments of counsel. So that were even technical phraseology required on this occasion, the language of the articles comes up to it in this particular. He hoped the house would refuse its concurrence to the amendments reported from the committee of the whole.

On the question for concurring with the committee, it passed in the negative, so that article first remains unaltered, and the like fate attended the amendment proposed to article fourth.

Mr. Nicholson meant to require that the yeas and nays be taken upon each article separately.

Mr. R. Griswold would cheerfully join in the call, as he wished to record his vote against every part of this very extraordinary proceeding.

The first article before the house.

Mr. Lucas wished to ask if it would be at this time in order to propose an amendment to the first article. He was informed by the speaker that such a motion was in order.

He thereupon proceeded to move to strike out what related to the conduct of judge Chase, in saying "to the disgrace of the character of the American bench." He moved this amendment from an impression that the improper conduct of one judge could not be a reflection upon the proper conduct of another judge. If he was one he should not consider himself disgraced because his colleague had acted improperly—if then one cannot be disgraced by another, much less can the whole be disgraced by the improper conduct of one. The word bench extends to the whole courts of the United States. He did not like either to use a figurative word for a legal one, such as the word bench for court; he did not rely much upon this, but he thought so serious a matter as that of impeachment ought to be cautiously expressed. Should judge Chase be convicted on this impeachment, he will be disgraced, but that disgrace will entirely rest upon his own head. He trusted that if his motion succeeded, there would still remain enough in the charge to make him highly reprehensible, if found guilty; for it is stated that his conduct was in manifest violation of law and justice, and in open contempt of the rights of juries.

Mr. Elliot was pleased with the ingenuity of the gentleman, but he hoped the motion would not prevail, and

observed that if they were to have a discussion on every rhetorical flourish, on every trope or figure introduced in the report, they would not get through the business in an age. But the objection against the word bench did not apply, for he considered it one of the most chaste in the whole composition.

On the question the amendment was not carried.

The question on agreeing to the first article was taken by Ayes and Noes, which are as follow:

YEAS.—Messrs. Alston, jun. Anderson, Archer, Bard, Bedinger, Bishop, Blackledge, Boyd, Boyle, Brown, Bryan, Butler, G. W. Campbell, Casey, Claiborne, Clark, J. Clay, M. Clay, Conrad, Crowninshield, Cutts, Dawson, Earle, Early, Elmer, Epps, Findley, Gillespie, Goodwin, Gray, Gregg, Hasbrouck, Heister, Holland, Holmes, Jackson, Jones, Kennedy, Knight, Larned, Leib, Lucas, M'Cord, M'Creery, Merriwether, N. R. Moore, T. Moore, Morrow, Mott, Nelson, New, Newton, jun. Nicholson, Olin, Palmer, Patterson, J. Randolph, T. M. Randolph, J. Rea, of Pen. J. Rhea, of Ten. Riker, Rodney, Root, Sammons, Sandford, Seaver, Sloan, Smilie, Southard, Stanford, Stanton, Thomas, Thompson, Trigg, Van Horne, Varnum, Whitehill, Williams, Wilson, Winn, Winston, and Wynns, 82.

NAYS.—Messrs. Baldwin, Bitton, J. Campbell, Chamberlain, Chittenden, Clagett, Cutler, Dana, Davenport, Dwight, Elliot, Goddard, Griffin, G. Griswold, R. Griswold, Hastings, Hough, Hunt, Lewis, jun. Livingston, Lowndes, Mitchell, Plater, Purviance, J. C. Smith, J. Smith, Steadman, Stephenson, Taggart, Tallmage, Tenny, Thatcher, Tibbits, and Wadsworth.—34.

The question on agreeing to the second article was taken by Ayes & Noes, and were Yeas 83—Nays 35.

[The yeas were the same as on the first article except Mr. Mott and the addition of Messrs. Dickson and Stewart.]

[The yeas were also the same as on the first article with the addition of Mr. Mott.]

The question on agreeing to the third article was taken by Ayes and noes, and were yeas 83—Nays 35.

[The yeas were the same as on the first article except Mr. Patterson and the addition of Messrs. Dixon and Stewart.]

[The yeas were the same as on the first article.]

The fourth article being under consideration.

Mr. Elmer was not satisfied with that part of the article which charges the judge with criminal conduct in his choice of words in confining with the prisoner's counsel; the expressions in both articles might have been usual and proper from the statement of the trial it appears that there was some considerable altercation, and he could not see from the evidence how far the conduct of the counsel for the prisoner was correct; perhaps they might have furnished some cause for reprehension or have excited such a sentiment in the mind of the judge. The other parts of the article he considered of the highest moment, and should give them his hearty approbation.

Mr. J. Randolph observed to the gentleman that he might attain his object by moving to strike out the part he disliked.

Mr. Elmer believed he could reach his object in that way, and thereupon moved to strike out the third and fourth sections of the article.

Mr. Jackson hoped the gentleman would not persist in his motion, and requested him to cast his eye over the 6th article of the amendment to the constitution, where he would find that the accused person has a right secured to him on his trial to be assisted by counsel in his defence.—If the course are deterred from rendering the assistance by the rude and insolent conduct of a judge, such judge may say peremptorily that counsel shall not be heard.—It is the same thing in the end, and whatever way it is brought about it is a heinous crime on the part of the judge, who may in this way become paramount to both the law and the constitution if such things are permitted with impunity. In the present case he deemed the third and fourth sections to be of importance, and trusted that if the mover persisted, he would be defeated.

Mr. Elmer acknowledged that indubitably every man had a right to be heard by counsel in his defence, but a constitutional declaration on that point did not go to authorize counsel to insult the court; he did not say what was the aggravation or who gave it, but he observed in the testimony that much altercation had taken place between them.

Mr. Jackson called for the reading of Mr. Hay's testimony already quoted in committee of the whole.—It was read again.

Mr. J. Randolph hoped the House would not agree to strike out the paragraphs in question. To those gentlemen of the House who have the pleasure of knowing Mr. Hay, it will be deemed just that he had made the statement just read, in order to be fully impressed with its truth. To those gentlemen who are not acquainted

with him, an additional reason may be given for its truth. The fact is, that the conduct of the judge on the occasion here referred to in the article, was such as to excite universal indignation throughout Virginia, and it is believed throughout the United States. To allay this indignation and defend the judge's conduct, it has been supposed that the trial of Callender was published, but he the motives for publication what they may, it is a matter of great notoriety, that the gentleman who reported it, was a violent political partisan for the party then in power—and it was generally understood that the printed report of the cause tended to foment the public feelings, which had been excited against the judge by the relation of those who had been present at the trial; and on the point of treating the counsel rudely and contemptuously, it ought to be noticed that the reporter acknowledges he was not present on the first days of the trial. That it was not an unfavorable detail of judge Chase's conduct might be inferred from the circumstance, that the committee sent for this testimony, on the suggestion of a gentleman from Connecticut.—But even this report of the trial establishes beyond a doubt all the allegations in the party moved to be stricken out; and when you recollect the time it was published, and the appearances at that time, it cannot be supposed it was meant to criminate him. No; it was meant to rescue him from popular damn. Mr. Witt one of the counsel on addressing the court was interrupted by judge Chase in these words, "take your seat, if you please." Is this the usual language in the bench to the bar? Let the clerk read an account of the trial, and you will find it a tissue of damning evidence of every fact set forth in the article.

The question on the amendment was taken as usual.

The question was taken on the fourth article by yeas and nays, and were yeas 84—Nays 34.

[The yeas were the same as on the first article except Messrs. Jackson and Stewart.]

[The yeas were the same as on the first article.]

The fifth article under consideration.

Mr. Kennedy declared himself opposed to this article, and asserted that the testimony did not support it. He had read and investigated the act of the Assembly of Virginia, and found that the section relied upon was false, and another construction. He quoted the words of the act, and added that he would that the court may order the clerk to issue a summons, or other proper process. These words are supplied in the article under consideration. It is a known maxim in courts of confidence, that the suppression of a truth, or the suggestion of a falsehood are equally weak and wicked. It ought to be deemed equally improper for us to suppress a truth, or allege a falsehood, in order to induce a transaction as that of an impeachment. If after the word summons in the article we were to insert the words or other proper process it might, on a future day, come before the opinion of members. What other process can issue besides a summons? If you will not trust a summons you will take the body; this is a capias. If there be no other than these two writs it was in the discretion of the judge to order a capias. If a person commits a great crime, though not capital, a capias may be the proper process; for a summons will only be a notice to the party to appear. He therefore could not agree to the first part of the article, and the latter part was left unopposed, if the other failed. If the court had a right to award a capias, it necessarily followed that the party must be arrested if found, and if arrested, he must be committed to close custody, or give bail for his appearance; there is no other mode of avoiding imprisonment upon arrest. Has there appeared any proof that Callender made an application to be bailed? If he did not, he could not be refused by the judge. Nothing of this kind has been heard in proof, and until then we ought to withhold our assent to the latter part of the article.

Mr. Nicholson. The laws of Virginia relative to this point, if he recollected rightly, were that in capital cases a capias is ordered to issue for the apprehension of the offender; but in cases of crimes less than capital, a summons or other proper process shall issue. What is the practice in that State? He had never understood that it was the practice there to issue a capias for the apprehension of small offences, but a summons to answer at the next court after the presentment.

Mr. J. Randolph. My friend (Mr. N.) is not mistaken in the law, and the practice so far as he knew it was that every reasonable man would suppose it ought to be, that is consonant with the law itself. There are two distinct species of crimes, one capital, the other non-capital. The first species is divided into treasons and felonies.—The second contains all other lesser crimes. For the first it is mentioned in the law itself, that a capias is the proper process; but in the second it is to be by summons, or other proper process to the next court. By confining the writ of capias to capital cases it also infers that a capias is not a proper process in cases under capital. If the court awarded a capias then in Callender's case, they did what the law did not authorize them to do, and which the practice in our State courts did not warrant. Instead of this defence of the judge, he suspected the defence would be exonerating the judge at the expense of the clerk who issued the writ; that being the act of the clerk they would not hold the judge responsible therefor. It will be recollected that the capias issued after the indictment was found, and that the prisoner was tried in the same term. Mr. Hay in his testimony sets this matter in a very clear point of view. The capias was issued by the clerk on the award of the court, at the instance of the prosecuting officer. If concluded Mr. R. there