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REV. SAMUEL I. PRIME, D.D.

REV. SAMUEL IRENEUS PRIME, D.D., is well known from his long and successful editorship of the *New York Observer*. In this position his name has been frequently before the world, and also on the pages of a number of popular works of travels as well as of general literature, which he has from time to time published.

He is now in the prime of life, having been born at Ballston, in this State, on the 4th of November, 1812, and consequently at present is forty-five years of age.

His ancestry were men of note, whose names are found in the history of the Presbyterian Church in America. His great-grandfather, Rev. Ebenezer Prime, was a Presbyterian clergyman of ante-Revolutionary times, a graduate of Yale, and a distinguished scholar and divine. His grandfather was Dr. Benjamin Y. Prime, whose patriotic songs form part of the preserved poetry of the Revolution, an accomplished physician, a graduate of Princeton, and a man of varied learning, who wrote freely in Greek, Latin, French, and English, both poetry and prose.

His father, Rev. Nathaniel S. Prime, D.D., deceased about two years ago, was also a graduate of Princeton, and well known for his scholarly abilities and pulpit eloquence, as well as for his published works. His recent life and death are remembered with affectionate veneration by a large circle of acquaintances and friends.

While he was yet in his infancy, the parents of Dr. Prime removed to Cambridge, Washington County, New York. It was here that his boyhood was spent. His rapid progress in study gave promise of future distinction. At eleven years of age he was fitted for college, but on account of his youth he was detained at home. Here he had, and improved, that opportunity of observation which he has turned to rare account in that little volume "The Old White Meeting-house," in which the pastor is his own father, and the roguish Richard is the portrait of his own boyhood. Few volumes descriptive of rural life possess a sweeter charm than these quaint pictures, in which the features of frolicsome but innocent youth, and of patriarchal grace, are so beautifully blended.

He was not yet fourteen years of age when he entered Williams College. Before he was seventeen he was graduated with one of the highest honors of his class.

He studied theology at Princeton, and before he was twenty-one years of age he entered upon the duties of the ministry. The first scene of his

labors was at Ballston Spa, but a single year's service so affected his health that he was compelled to retire from active labors. After a while he resumed his efforts in the pulpit. His place of labor was on the Hudson, opposite Newburgh. For three years he was enabled to sustain the burden, but again his health failed. Constrained to relinquish his chosen field, he turned his attention to literature in connection with the press. In 1840 he became connected with the *New York Observer*, of which, with a slight interval, he has ever since been the efficient editor. This interval was that during which he was Secretary of the American Bible Society. To this post he was elected in 1849, but the public speaking which the duties of the office required affected his health and compelled his resignation.

In 1853 the repeated failure of his health in-

duced him to try the advantages of foreign travel. He spent some time in Europe, visiting its principal cities, and its scenes of historical interest; thence passing to Egypt and the Holy Land. The incidents of his travels, with accompanying observations, appeared first in a series of letters in the columns of the *Observer*, and were afterward collected and published in two volumes by the Harpers. Few books of travels make the reader as thoroughly the companion of the author. He directs our attention to just those objects which would be most apt to interest our own minds, and in an easy and familiar style presents them before us.

Dr. Prime is the author of several works which have enjoyed a high degree of popularity. To some of these we have already adverted. His "Old White Meeting-house" will always be a favorite. It has something of that same tenderness

and genial pathos which characterize Goldsmith's "Deserted Village." Strokes of playful humor alternate with the breathings of a reverent spirit, and we have many a picture that would almost invite the pencil of the old painters.

Several smaller works have appeared from his pen, and have enjoyed extensive popularity. Their evident design is simply to do good. His "Thoughts on the Death of Children" has had a large sale, and has carried consolation and comfort to thousands of afflicted hearts. The reader needs no other assurance than what he finds in reading it, that its language of consolation to the mourner comes from one who has wept himself.

Dr. Prime is eminently if not ultra conservative, and has little faith in those more violent reformers who, like Mohammed, present their creed in one hand and the sword of vituperation in the other, and force a choice. His whole nature revolts at the imperious attitude of men who would revolutionize Church and State to execute their plans, and who would carry the fortress by storm. He has little sympathy with those who are so eager to "bear testimony" against the sins of their neighbor as to forget their own. He is willing to trust far more to the slow but steady progress of Christian truth and Gospel influence. These, in the eyes of some, are mortal sins, and in the case of Dr. Prime we believe them to be both original and actual, nor do we imagine that he would shrink from the imputation. Flash reform, flash preaching, flash any thing, is his especial abhorrence. We can scarce conceive of him as having any sympathy with quackery in medicine, pettifoggery at the bar, or empiricism in the pulpit or the senate. He is a sentinel to let no kind of pretense pass till it can give the watch-word. Rash intermeddling with established institutions finds no favor at his hands. If you wish to rouse all the chivalry of his nature, denounce them. Impugn the wisdom of the fathers by the substitution of your own; commend the Emersonian or Theodore Parker school; vent your transcendentalism about the absolute religion or universal conscience; insinuate your skepticism under a scientific or any other guise, put in a plea for Puseyism, Neology, or rampant Abolitionism, and if your stupidity or ignorance is not beneath contempt, you will find that you have a serious account to settle. Prompt as Knightly Paladin for the defense of the Holy Sepulchre, he is ready to do battle for what he deems sacred, and the mask of any pretended liberality is mercilessly torn off.

In controversy he is earnest. He speaks direct and to the point. You feel that he is not playing a game of fence. Every word strikes home. With quick sagacity he sees the vulnerable point of his antagonist, and rarely misses his aim. If you have any doubt of it, you have only to see his victims squirm. Right or wrong, the blow has told. He has not been demolishing scarecrows or wind-mills. What he has said is sure to provoke an answer, if that be possible. Yet he is by no means bent on prolonging controversy. He has no disposition to make a martyr of his victim. He knows just when enough has been said, and is not anxious to have the last word. When a subject has been sufficiently discussed, he is content to let it alone severely. Indeed, one would be surprised to find in a year's review so small a bulk of controversial matter in his columns. Much even of this is due to the merciless manner in which his views are handled by opponents. It would be strange if the provocation to which he is subjected did not sometimes induce, on his part, some asperity of language scarcely in keeping with the tone of his other writings or his private character. As little as this is to be commended, there are few of his opponents that would be authorized to cast the first stone, nor do we believe that even among them



REV. SAMUEL I. PRIME, D.D.—[PHOTOGRAPHED BY BRADY.]

would be found a severer critic of what escaped him in the heat of dispute than himself.

Meet him at the dinner-table or in the social circle, and you would scarcely recognize the man on whom fanatical reformers have heaped the odium of an Ishmael. You would see nothing indicative of the tomahawk or scalping-knife. You would meet no frowning brow; you would hear no biting speech or latent sarcasm; you would see a man, perfectly self-possessed indeed, but withal a gentleman of almost chivalrous courtesy. There would be no *hauteur* of manner, no affected condescension, but a cordial affability, an almost feminine gentleness of manner that would leave no room for your preconceived ideal of the unrelenting controversialist. If you have a good story to tell, you may be sure he will listen to it, enjoy it with a hearty laugh, and pay back your silver with gold. His conversational resources are ample and promptly at command. He abounds in anecdote; is ready at repartee; and never prosers or flags. Few men have seen more of the world, or have had better opportunities for observation. There is scarce a nativity of the day, scarce a scene of history or of nature, with which he has not in some way come in contact. His acquaintance with the Old World is from personal inspection, and his scrutiny of passing events is keen and sagacious. All these acquisitions are at the call of a ready memory, and a disposition eminently social. He is thus fitted to grace those scenes in which he delights to mingle. Few men have warmer admirers or more devoted friends. Indeed, the seething contrast between the character occasionally assumed in controversy, and the more appropriate and natural one which belongs to him in social life, reminds us of Homer's hero, who terrifies his child by his "glittering helmet," but wins the young heart again by a father's smile when the helmet is laid aside.

Dr. Prime's style varies, of course, with the subject discussed. But, except in controversy, it is characterized by an unstudied ease and simplicity, often blending the tender or pathetic. An occasional stroke of playful humor relieves the gravity of the subject, or invests it with new attraction.

As a speaker, Dr. Prime is easy, graceful, and impassioned. Unassuming in manner, he is yet perfectly self-possessed, and speaks directly to the point in hand. His person is of about medium height, his head bald on the front and top, but intelligence is strongly stamped upon his whole aspect, and the quick movement of his eye as he sweeps his audience with its penetrating glance, indicates his perfect readiness to meet the emergency, and his clear apprehension of what the occasion demands.

In the pulpit he has great and remarkable power in absorbing the attention of his audience, and carrying them with him. His style of sermonizing is that which appeals to the heart, and his power of pathos is always irresistible. Few clergymen are so successful in winning tears from eyes "unused to weep." There is no denunciation, no clap-trap, no catching illustration in his style, but there is a thrilling and engrossing power which leads the hearer to fix his eyes on the preacher, and his heart on the subject, until he is melted to the tenderness which all men know best befits the man who would know what to do for his soul.

Few men have ever manifested a deeper interest in whatever conduces to the moral and social improvement of the community than Dr. Prime. Institutions of benevolence, charity, moral reform, and general intelligence, receive his warm sympathy and ready advocacy. For ten years he was a resident of the city of Newark, and to him probably more than any other the "Newark Library Association" owes its existence and prosperity. "His course during his residence in Newark," says one of a different ecclesiastical connection from himself, "was characterized by never-failing interest in all things promotive of the well-being of society, as well as by that consistent walk in public and private life, and active participation 'in every good word and work,' which are among the chief credentials of the Christian gentleman."

Few men can be found whose labors with the pen occupy so many hours of each successive day, and fewer thus engaged find so much leisure for varied literary and social recreation. Yet instead of sinking under his burden or becoming crushed by its weight, his spirits are ever elastic and fresh for renewed effort. Applications for addresses and discourses, which others in similar circumstances would feel themselves forced to decline, are frequently met with great promptitude, indicating the sprightly energy of a mental constitution incapable of indolence, and to which the highest activity is welcome and congenial.

In the full maturity of his intellectual powers, with renovated constitution, and a leader of the conservative religious press of the country, his career of usefulness seems to be only just begun, and the religious world looks to him as one of its great hopes in the war with infidelity and error which now seems to lie before us.

HARPER'S WEEKLY.

SATURDAY, SEPTEMBER 25, 1858.

THE CONVENTION.

WE have referred, in one or two previous articles, to the subject of the approaching Convention to reform our State Constitution. We have spoken of the effects produced by the Constitution of 1846 upon the Central Power of the State, and upon the Judiciary. Let us now look a little at the *Administration of the Law*.

Pope has somewhere a famous couplet to the effect that only fools dispute about a form of government; that the proper administration of the ruling power is the only thing that sensible men should look after. However this proposi-

tion may be in regard to government generally, it certainly contains a world of wisdom in regard to the matter of Public Justice, and especially of Civil Justice.

Whether the system be the Common Law of the time of Mansfield, or of to-day, the Civil Code of France, the organization of Massachusetts or of New York, it is undeniable that results substantially good can be produced under either of them, if honestly and intelligently administered; and that neither can produce any thing but confusion, vexation, and distress, unless fairly and ably carried out.

What we call the Law is, to a great extent, a collection of abstract rules; and it is not half so important what the rule is, as that it should be promptly, intelligently, and honestly applied.

Now, what we want is a proper administration of justice. We have had innumerable reformers of the law—enough for half a dozen centuries. We have had change after change alike of our law and of our judicial system. We have had Chancery abolished, and the Common Law so metamorphosed that its own father would not know it. We have had a Commission to alter the Criminal Law; and, even now, a Commission is sitting which, with stupendous boldness, proposes, for nothing, to revolutionize the entire legislation of the State; the most obstreperous child of Young America is beginning to be sick of the very phrase, Law-Reform.

Now, in all this, there is no small danger that we shall lose sight of the fact that what we want is, above all things, a proper administration of justice. As we have said, the rule is not half so important as the application of the rule. Whether a demand shall be enforced in a court called a Court of Chancery, or before a tribunal called a Court of Law; whether a claim shall be presented by a thing called a bill, a complaint, or a declaration; whether the party who brings a suit shall call himself a plaintiff or a complainant, is not near so essential as that, when the claim is presented or the suit brought, it shall be decided honestly, intelligently, and promptly.

This will hardly be disputed; and yet we pay as little regard to this self-evident truth as if it had nothing on earth to do with the subject.

But if the Convention of 1859, or any other Convention, shall ever take hold of this great subject in the spirit which alone can produce any good results, the first thing they will do will be to pause for a while from our eternal tampering with the rule of right, and look a little after the application of the rule.

There are two things without which a judicial system in this State can never be any thing but a mortification and a failure. These are, first, such an arrangement of the system as shall insure to the people an able, and, above all, an independent Judiciary; and, secondly, a provision for reasonable modifications of the system from time to time without perpetual alterations of the Constitution.

How are these objects to be secured?

First, as to the Judiciary. In no way in the world can a really able or a really independent Judiciary be secured without a radical change in the tenure of judicial office. We may cut off districts, and annex districts, and gerrymander forever—we may contrive Supreme Courts and Courts of Appeal—we may elect, or appoint, or create Judges by tossing up coppers—we may do what we please, we shall never have a competent Judiciary until we make them feel strong in their seats—till they are strong in their seats.

The bar is now an undisciplined mob—full of talent, of energy, of learning; but nine-tenths of it is thrown away because the Judges have no real control. There is no check on bad manners—none on bad morals. There is no restraint—no order—no discipline.

And this check, restraint, or discipline, if it ever come, must come from the Judges. No crowd of equals can ever marshal or direct itself. What the bar want are competent magistrates to control, guide, and order them. Are the bar ready for this? Are they willing to submit to such control? On this the whole matter turns. If the bar of the State of New York feel this, they can settle the matter without the smallest difficulty. If they are not—if they prefer the present state of things—if they think it is good—if they are even lukewarm to its evils—better not go through the farce of holding a Convention.

Again, it is indispensable that, in some way, a mode be provided of making temporary or gradual changes in the system as pressure of business or the growth of the State shall require. In fact, New York grows so rapidly that any system you may make to-day will to-morrow be inadequate. In vulgar but expressive phrase, the State is always too big for its breeches.

Now this is well provided for in the practical little island of England in regard to the trial of causes: and it is in regard to the trial of causes that the difficulty most seriously presents itself; for with, or before the first trial, a large majority of cases end. Now in England the *Nisi Prius* Courts are all held by special Commissioners—the Judges always head the Commission, and usually hold the Courts; but the names of some leading lawyers are also always inserted, and whenever a pressure occurs the lawyer takes an extra jury and helps to clear the calendar. Why not try something of this kind here?

We have indeed attempted to reach the evil by references; but references are dilatory, expensive, and unsatisfactory, and it might have been known that they would so prove. They are deprived of all publicity, and without publicity judicial proceedings will forever be infected with some abuse or another. There is no check, no stimulant, no corrective so potent as the simple spell of publicity. Wisely do our Constitutions declare that the proceedings of Courts of Justice shall always be open to the public.

Once and again—What does the bar of the State of New York desire? What do the lawyers wish? Do they wish, do they intend, a real reform of our administration of justice? If they do, they can have it. If not, they had better stay at home, and leave the Convention to the sapient discussion of Temperance laws and Personal Liberty bills.

MARTIAL LAW IN RICHMOND COUNTY.

FOR the first time in the history of this State, one of the counties—Richmond—has been placed under martial law. The statute under which this extraordinary proceeding has been had, empowers the Governor, in the event of insurrection or rebellion—that is to say, in the event of incapacity or unwillingness in the county officials to serve process or keep the peace and have the laws obeyed, to pronounce said county in a state of insurrection, and to order the militia of the State to the spot to afford *main force* to the authorities. A State or a county can only be said to be in insurrection when the civil instruments of the law are, by popular violence, prevented from performing their duty; when the sheriffs will not or can not serve process or effect arrests, when the coroners refuse to arrest the sheriffs, and when the posse comitatus, after due summons, refuses to come to the aid of the officers of the law. To such a case as this, and to no other, the statute applies.

In view of this clear exposition of the law, the country will be amazed to learn that there has been no resistance whatever to the administration of the law in Richmond county. The Sheriff has never refused to serve any writ or perform any other official function. He has never needed to call on the posse, nor is there any reason to believe that, had he done so, his appeal would have been in vain. Last year when he called on the county militia, they were on foot and in marching order at an hour's notice, though the appeal to them was made at midnight. The Sheriff of the county declares himself able and willing to do his duty, whenever he shall be called upon to do so. It is true that a mob lately destroyed an hospital in the county; but there was no resistance to the county authorities, for they had not time to interfere. New York might as well have been placed under martial law in consequence of the Astor Place or the Dead Rabbit riots as Richmond county in consequence of the burning of the hospitals.

The consequences of this terrible blunder of Governor John A. King will be more widely felt than is at present generally foreseen. In the first place, it entails a heavy expense on the State. At present 300 militiamen are on duty in Richmond county for no earthly purpose except to annoy the inhabitants. They cost about \$600 a day. It is intended to keep them there till the Legislature meets, say four months; by which time they will have cost the State (for the whole thing being illegal, the State will of course have to pay) about \$75,000. Secondly, the precedent is a bad one. It is well known that at bottom politics had much to do with the burning of the hospitals. They had become a centre of political attack and defense; their continuance was a source of pecuniary gain to the political party to which Governor King belongs, and their abatement a cardinal point with the democracy. Now if the Governor may, without legal evidence of insurrection, send down 300 troops to restore the balance to the side of his political party, of course every future governor may do the like. Whenever party feeling runs high, an unscrupulous governor may overawe his opponents by declaring them in a state of insurrection, and quartering troops on them. It is easy to see whether this practice would lead. It is doubtful whether, under "martial law," the citizens of Richmond county have any civil or political rights. It is not certain that they are not disfranchised. How admirable a plan to dispose of a hostile county, to take advantage of a casual riot to declare it in insurrection and disfranchise it! Let no one say these hypotheses are far-fetched; the experience of the past two years shows that no limits can be set to the insanity of political partisanship.

There is one other result which may flow from this high-handed and blundering measure of Governor King's—and that is, his impeachment. We have reason to believe that preliminary measures to that end are already being taken. There can be but one objection to such a procedure—namely, that it would give the culprit too much importance. Two years governorship have earned for John A. King the good-natured contempt of some, and the bitter derision of the others among his fellow-citizens; every one will be so glad when he retires to private life that many would regret to see his public career protracted even by his impeachment.

THE END OF THE ASTRONOMICAL QUARREL.

WE referred, some weeks ago, to the quarrel which had arisen between the Trustees of the Dudley Observatory, of Albany, and the astronomers of that institution. We showed that the pretension of Messrs. Pierce, Bache, and Henry to force their protégé, Dr. Gould, on the authorities of the Observatory, and to retain control of that establishment in defiance of the Trustees, in whom its ownership and direction are vested by law, was one of those delusions to which men of high scientific attainments and limited intercourse with the world are naturally liable. And we expressed the hope that the Trustees would not allow themselves to be overborne by the newspaper clamor which Dr. Gould's friends had created on his behalf, but that they would persevere in the course which seemed best calculated to make the Observatory practically useful, independently of distinguished persons and high-sounding names.

For thus espousing the side which seemed to us to be the side of common sense and science, we have been vehemently assailed, both in public and private, by Dr. Gould's friends. We have made no reply to our assailants, confident that, when the facts were fairly set forth, they would justify our position. At length, after a lapse of several weeks, the Trustees of the Dudley Observatory have just published an account of their stewardship.

We are using no exaggeration when we say that this document absolutely overwhelms Dr. Gould and his protectors, Professors Bache, Pierce, and Henry. Its character may be inferred from the simple fact, that, though several days have elapsed since it appeared, no reply has been attempted; in fact, it is unanswerable. It convicts Dr. Gould of something very like meanness and treachery, as a man; it shows him to have been, if not intentionally, at least in effect, hostile to the practical usefulness of the Observatory, as an astronomer. It proves that the aim of Dr. Gould and his learned friends was to make the Observatory a sort of tender to that magnificent institution, the Coast Survey, which, as every one knows, is the private preserve of a select circle of exclusive scientists. It shows that their deliberate purpose was to make the one as exclusive as the other; to carry out at Albany the tyrannical policy which has well-nigh ruined the American Association for the Advancement of Science; and not only to allow none of the donors to, or Trustees of, the Observatory to reap any glory, or derive any advantage from that establishment, but likewise to exclude from such glory and advantage every scientific man who was not prepared to lay his neck under the foot of the magnates of the Coast Survey. It proves, that so far from devoting himself, soul and spirit, to the Observatory—as Dr. Gould's friends claim he did—that gentleman could hardly be induced by the repeated appeals of the Trustees even to visit Albany; that he would not have gone thither at all had he not failed in his attempt to win a professorial chair in Columbia College; that when he was at Albany no appeals could induce him to put up the magnificent and costly astronomical instruments which the Trustees had bought at his request; that several instruments which the Trustees, under his dictation, had authorized him to order and pay for, have never yet been furnished; that when, under his directions, more than twice as much money had been spent as Professor Mitchell considered sufficient for a beginning, he still insisted that the establishment was not prepared for real work. As to the "Scientific Council," it establishes that, famous as its members deservedly are in the world of science, they are children in business; that, with no more legal right to control the Observatory than the editor of this journal, they nevertheless assumed to do so, and actually hired ex-policemen to guard the premises against encroachments from the Trustees, the legal guardians and possessors of the property. This is perhaps, the most painful part of the statement. One is not so much shocked to learn that Dr. Gould, who is quite young, should have proved himself indolent, querulous, impracticable, and even fatally remiss and careless of the aims of the institution. Young men are often liable to these faults; but that men of the age of Professors Henry, Bache, and Pierce should have thrust themselves into an institution where they had no rights whatever, and assumed to control it in defiance of its rightful managers, and actually hired bullies to defend their outrageous intrusion, is very shameful indeed.

But it is even so. These facts are all substantiated by conclusive evidence—letters from Dr. Gould and his friends, and official minutes of the Trustees. None of the allegations of the Statement can be successfully controverted.

It is always sad to see great and honored names brought into contempt. Every lover of science will grieve that Bache and Pierce should have been misled into so false a position. Every one would be glad to hear that, having gone so far—too far, alas!—in defense of their friend, they had seized this opportunity to leave him to his fate. But whatever they may do to retrieve themselves in public estimation, people will now expect that something should be done in earnest to render the Dudley Observatory worthy of