# The Lancaster Intelligencer.

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TERMS.

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Lancaster Intelligencer. trict Attorney Eshleman instituted a TUESDAY EVENING, APRIL 6, 1880. Judge Patterson's Performance. RIGHTS OF THE BAR AND THE PRESS.

The Relations of Newspapers and the Courts.

#### The Subject Discussed by Leading Journals.

#### A Flagrant Judicial Crime. Philadelphia Times.

In the bill of rights guaranteed to the people by the fundamental law of the commonwealth, it is written that "the printing press shall be free to every perprinting press shall be free to every per-son who may undertake to examine the proceedings of the Legislature or any branch of the government, and no law shall ever be made to restrain the right thereof." Such has been the supreme law of Pennsylvania since the organization of our civil government; but the enlightened progress of the are way fairly reflected in progress of the age was fairly reflected in the additional clause that emanated from the late constitutional convention, providing that there could be no conviction for libel in a criminal prosecution for the publication of matter proper for the pub-lic information, even if unwarranted by the truth, unless "maliciously or negli-gently made." There was an old-time be lief cherished by some of our judicial dignitaries that they were a privileged class, and that they were too sacred in their office to be criticised by public journals, however conspicuously they might display the infirmities from which none, high or the infirmities from which hole, high or low, can claim exemption; but nearly half a century ago that judicial delusion was dissipated by a statute that so taught the judiciary the necessity of the wholesome restraints of the press. In the act of 16th June, 1836, it is provided as follows:

"No publication out of court, respecting the conduct of the judges, officers of the court, jurors, witnesses, parties, or any of them, of, in or concerning any cause de-pending in such court, shall be construed into a contempt of the said court, so as to render the author, printer, publisher or either of them, liable to attachment and summary punishment for the same."

There is no mistaking the spirit and plain intent of the foregoing statute and its letter could not more clearly express the severe limitations within which the nccessary power of courts to inflict summary punishment for contempt of its authority shall be exercised ; yet in the face of these safeguards to the citizen given

variety of suits against the New Era for libel. One of the suits came up for trial heel. One of the suits came up for trial before Judge Patterson, and he heard the testimony in open court, from his own sworn officers, establishing the fact that the administration of justice had been subordinated to promote political ends. Had he desired to maintain the integrity of the channels of instice he would then of the channels of justice, he would, then and there, have had abundant employ-ment for rules for contempt and misbehavior in office; but he was silent under the shame that was flung into the his judicial face, and never attempted to vindicate the dignity and majesty of the law from pollution in its own sanctuary, although called upon to do so by leading journals at home and abroad. So positive were the protests from the press and public that the mockery of a second indictment was played before Judge Patterson, and he ruled, as the law directed, that the former acquittal entitled the defendant to discharge. It was then that Messrs. Steinman and Hensel reverted to the fact that nobody had been called to account for the palpable pervision of justice, and they offended in the following paragraph : "Logically, the last acquital, like the first, was secured by a prostitution of the machinery of justice to serve the exigencies of the Republican party. But as all the parties implicated, as well as the

judges, belong to that party, the court is unanimous-for once-that it need take no cognizance of the imposition practiced upon it and the disgrace attaching to it." The complaint of the lawyer-editors was that Judge Patterson failed to take cognizance of "a prostitution of the machinery of justice" in his own court; and the judge, instead of purging the polluted temple of the law wherein he was master, passed the guilty parties by and visited the vengeance of perverted authority upon the officers of the court who had demanded that justice should know no distinction between parties. In short, Judge Patterson was himself the offender by plain dereliction of duty, and his attempt to inflict summary and disgraceful punishment upon the respondents, under circumstances entirely without precedent in our judicial history, shows, to use his own language, that his folly was equalled only by his criminality. A judge who thus hides his own disregard of the integrity of justice behind the feeblest technicalities must of necessity misquote the law. His extracts from the Austin case are ingeniously garbled, but they omit the stubborn English of Chief Justice Gibson, instructing him that attorneys "hold their offices during good behavior, and are not answerable for a scru-tiny into the official conduct of the

judges," and the later mandate to him in the Dickens case declares that "an act, though highly discreditable, if not infamous, and unconnected with an attorney's duties, will not give the court jurisdiction



GRAND OPENING.

CALL AND SEE!

[apr3-lyd

predetermined miscarriage of justice was | would not convince any man of common commented upon by Messrs Steinman and sense that the expulsion of these two law-Hensel in the Lancaster INTELLIGENCER, of yers was not a high-handed outrage. The which they are the editors, after the case day has long passed when the bench could has been disposed of and the offices of the law had ended. As editors of a public elaim immunity from criticism. Since the eight-to-seven decision of the electoral journal, they reflected what the sworn commission, three years ago, the people have had their eyes opened to the fact testimony before the court had taught the community, and for thus criticising a there is such a thing as partisanship legal proceeding with which they had no professional connection and after its final disposition by the court, Judge Patterson tors and executive officers. The judihas declared himself to be above the Cons- cial department of the government, both titution and the law by striking editors state and national, ought of course to be from the roll of attorneys for daring to question his judicial acts. If Judge Pat-prepossession ; but this ideal standard of terson has acted within the legitimate purity is not always and everywhere realpowers of the courts in this case, then is ized in these degenerate days. It is true the boasted freedom of the press, so clearly that judges act under the sanction of an defined in our fundamental law, a mockery oath, but so do congressmen, members of and a lie; and every journalist who hap- the Legislature, governors and presidents.



pens to be a member of the bar is the mere plaything of the ignorance or malice that Mrs. D. Morrison, Farnham Centre, P. O., writing about Dr. Thomas' Electric Oil, says: "George Bell used it on his son, and it cured sometimes crawls or climbs to the bench. Its Imagination Falls It. him of Rheumatism with only a few applica-tions. The balance of the bottle was used by an old gentleman for Asthma with the best ro-sults. It acts like a charm." Address all orders Philadelphia Press.

Judge Patterson's decision in the Lancaster court of common pleas on Saturday, disbarring Messrs. Hensel and Steinman, Queen street, Lancaster. the editors of the INTELEIGENCER, for an article in that journal which he says, " impeached the integrity of the court,' will decide nothing, as these gentlemen, who combine the profession of the law with that of journalism, will appeal to a higher court; and the judge evidently knew that it would decide nothing, since he discharged the rule for contempt which had been entered, and punished the offenders for what he pronounces a libel. If Messrs, Steinman and Hensel were guilty the misjudged law and of the prerogatives of libel as journalists the court has gone about the wrong way of punishing them, and if they were not guilty of contempt as

members of his court, it is difficult to imagine what they were guilty of. Philadelphia Inquirer. Judge Patterson, of the Lancaster court, by striking the names of the editors of the

are also lawyers, felt compelled to criticise

legal proceedings, which, in their vocation

editors into court, and then, without disproving their criticism, but, arrogating to himself the various offices of public prose-

cutor, judge and jury, arraigned, tried, convicted and sentenced them as attorneys

for an act which, as attorneys, they had not done. We are inclined to believe,

upon the ground that law is both common

sense of justice, that Judge Patterson's law is as defective as it is original, and

that the supreme court, before which the

disbarred attorneys propose to carry it, will not confirm it as a precedent, for,

should it be so confirmed, no attorney

and with the understanding that, no mat-

About two months ago Messrs. Hensel

and Steinman, two lawyers, who happened

to be editors of the Lancaster INTELLI-

GENCER-or two editors who happened to

be lawyers-charged Judge Patterson in

Philadelphia Record.

JEWELERS. **IOUIS WEBER,** WATCHMAKER. No. 1594 NORTH QUEEN STREET, near P. R. R. Depot, Lancaster, Pa. Gold, Silver and Nickel-cased Watches, Chains, Clocks, &c. Agent for the celebrated Pantascopic Specta-cles and Eye-Glasses. Repairing a specialty. april-lyd



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of the deaths in our larger cities are caused by

consumption, and when we reflect that this

terrible disease in its worst stage will yield to

a bottle of Locher's Renowned Cough Syrup,

shall we condemn the sufferers for their neg-

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ligence, or pity them for their ignorance?

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as journalists, they had not only a right to do, but which, if the criticisms were E.F. BOWMAN, just, it was their bounden duty to do. But, as their adverse comments affected Judge Patterton, he dragged the

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could hereafter pursue the profession of a AUGUSTUS RHOADS, journalist without a license from every petty, wrong, or irascible country judge,

JEWELER,

ter how corrupt or ignorant the judge might be, no proceedings of his court should be criticised. The sooner the No. 20 EAST KING ST.

supreme court acts upon this case the bet-French Marble Clocks, French Marit will be for the community, for it cannot ble Side Ornaments, Fine too promptly rebuke the vindictiveness or Bronze Figures,

blunders of a petty official, whose peculiar law, if not set aside, would soon set aside Bronze Card Tables and Jardaniers, altogether our boasted liberty of the press.

-AT-

AUGUSTUS RHOADS,

No. 20 East King St.,

LANCASTER, PA.

GROCERIES. WHOLESALE AND RETAIL. LEVAN'S FLOUR -47lication referred to and to show cause No. 227 NORTH PRINCE STREET why they should not be disbarred for misbehavior in their office of attorney. They d17-1yd appeared in answer to the summons, but TRY THE FAHNESTOCK declined to purge themselves by disclaimer or apology of the alleged contempt. Judge FARINA FLOUR. Patterson finally announced his opinion on Saturday, dismissing the charge of con-tempt but disbarring the two attorneys for professional misbehavior in impeaching A Very Superior Article, at BURSK'S. THE BEST COFFEES. Always Fresh Roasted, at the official integrity of the court. The BURSK'S

**CARRIAGES OF EVERY DESCRIPTION!** MICHNER'S EXCELSIOR HAMS were the best workers in the ward," and among the most flagrant. It attempts to The "contempt was evidentiv the 14 dishonor two reputable members of the gravamen of these two men's offence, BURSK'S. BOILER MANUFACTORY, that they should not be convicted. Mr. Brown did not examine the witnesses, but reported to District Attorney Eshleman that there was no case against the defendthat they should not be convicted. Mr. Office and Warerooms, 430 and 432 North Queen Street. Factory, FULL LINE OF SHOP ON PLUM STREET. 431 and 433 Market Street, Lancaster, Pa. CANNED FRUITS AND VEGETABLES. OPPOSITE THE LOCONOTIVE WORKS. that there was no case against the defendoutside the court. A legal trial that had however, proceeds to create a new offense without trial. This was before Judge Liv-ingston, who, of course, had no knowledge of the dollarse by the testimony of its own after wading through three columns of AT BURSK'S. The subscriber continues to manufacture We are now ready for SPRING TRADE, with a Fine Assortment of BOILERS AND STEAM ENGINES. SHUMAKER'S AKRON OAT MEAL, ALWAYS FRESH, AT BURSK'S. the deliberate miscarriage of justice. The sanctuary by the testimony of its own verbiage concludes by firing Messrs. Stein-For Tanning and other purposes ; Carriages, Phaetons, Market sworn officers; that had dragged the ad- man and Hensel out of the bar. The disresult provoked free criticism and ear-nest protest from two of the leading jour-nals of Lancaster, one of each party, and so direct were the accusations against the management of the prosecution that Dis-Furnace Twiers, Bellows Pipes, Having purchased our stock for cash, before the recent advance, we are enabled to offer Sheet-iron Work, and Blacksmithing generally. SPECIAL INDUCEMENTS IN PRICE. We will keep in stock BUGGIES OF ALL GRADES and PRICES to suit all classes of customers . SPECIAL BARGAINS IN MARKET WACONS. For Jobbing promptly attended to aug18-1yd] JOHN BEST. Give us a call. All work fully warranted one your.