

Lancaster Intelligencer.

THURSDAY EVENING, JAN. 22, 1880.

Manufacturing His Case.

Judge Patterson read to us this morning, in open court, a rule which he has drawn up requiring us to answer for contempt of court, in which he embodied his version of what occurred yesterday morning in court. Upon that affecting the judge seemed to base his rule, affecting to treat what we then said as a re-affirmation of what we had said in the INTELLIGENCER. We said there nothing but what we believed to be true, but we neither affirmed nor denied its truth when called upon yesterday to answer for it as attorneys, because we did not propose to give Judge Patterson an opportunity to exercise his summary power over members of the bar for contempt of court manifested in its presence. When we are to be tried for the truth of what we say as editors, we want it to be before a jury, with all the rights the law gives us to maintain our innocence, and not before a judge who is prosecutor, judge, jury and executioner all in one. We prefer to have a little more chance for life and liberty than any such tribunal will be apt to furnish us. And therefore it was that we carefully avoided giving Judge Patterson the chance he sought, with such cunning and malice, to secure an excuse to lay his hand upon us.

Yet he has had the unblushing effrontery to put into our mouths what we did not say and to seek to found his rule upon his own invention. He has bungled the job. While he was about it he might better have made a more complete invention and have written down that we had called him an ignorant and unfit judge, who secured his place on the bench by low devices, and who has disgraced it ever since he ascended it by a manifestation of a lack of judicial learning, temper and bearing, which has been wholly without precedent in this county and we believe has never been matched in any other.

Judge Patterson, while he is a clever and agreeable gentleman, with many qualities to attract the esteem and affection of his fellow man in his private life, has none of the talents or qualifications of a good judge, and is not esteemed as one by the bar over which he presides. He might rule all its members, without exception, to answer for contempt of court, as readily as he might, so rule us, if they would be guilty because of their thought, unuttered in the judicial presence. Judge Patterson has, in his present flagrant exhibition of himself, fully demonstrated even to his warmest friends that the public interests and his own fair name can in no way be so served by him as they would be by his resignation from an office which nature has not fitted him to fill. Most fortunately the law has made him impotent against the just accusers of his judicial conduct, who use the legitimate channels of public discussion outside his court in which to criticize it. We do not fear him, because we know we are fully panoplied by the constitution and laws of our state in the freest expression of our opinion as to the method and manner of his discharge of his public duty. To his rule we answer that in his court we give him the deference which the law secures to his dignity; that outside of it we give him the consideration, as a judge, which in our opinion he earns by the manner of his discharge of his official duties; and that as a man we will judge him as we read his private life. In each relation he is entitled to a different treatment; and he will learn too, ere long we trust, that to us as lawyers in, and as editors without his court, different rules apply.

Another Judge's Judgment Upset.

Nothing is more natural than the feeling of the average citizen that the judge of a court is the fountain of wisdom and justice, invested with dignity that is to be respected, authority that is to be feared, knowledge that is to be revered, and inspired with a zeal for the right that should command for him the confidence and support of the whole community. One who sits upon the bench is popularly regarded with something of the adoration that makes the Hindoo admit that though he knows his god is ugly he feels that he is great. Consequently the average beholder looks upon the judge not as a schoolmaster to keep his bar in order, nor as a mere preliminary trier of cases, whose rulings if erroneous can be reversed by a higher and wiser court, but as a vindicator of all rights and punisher of all wrongs that are connected with the administration of the law and the dispensation of justice. Every judge can bear witness to the many times he is beset by simple-minded people who mean no harm in presenting him with their grievances and appealing to him for what they conceive to be their rights. They can easily be admonished by a righteous judge and shown, without resort to harsh means, the impropriety of their conduct—which at most is far less than that of some intelligent and sworn attorneys who tamper with courts in various devious ways, or than even that of judges themselves who stoop from their high estate to peddle their opinions among those who have a mercantile interest in them, or seek judicial inspiration in private conferences with one of two sides to a pending issue.

For which reason it seems to us that Judge Elocck, of Philadelphia, has been quite unnecessarily disturbed over a very natural letter addressed to him by a poor and apparently ignorant man, with a sick family, who has been denied his witness fees, on technical grounds, for enforced attendance in court during which and owing to which he lost his situation and the means to earn bread for the living and comforts for the dying members of his household. This man was dragged from his daily work by the process of the court, and he incurred, by no fault of his, the loss of his situation. He knows that the court was paid for not hearing the case, that the district attorney got his fees for not trying it, that all the counsel were handsomely compensated for getting it settled, and

MINOR TOPICS.

In Southern Louisiana the orange, peach and plum trees are budding, and the strawberries are in bloom. The crop report of the board of agriculture of Illinois shows that the wheat acreage of that state is 2,638,826 acres, or 25 per cent. more than last year, and considerably larger than the average of any previous year. By a most singular condition of affairs, every judge upon the bench of the supreme court of Rhode Island found himself disqualified from sitting on the case of the People's saving bank against Zachariah Chafee as agent or trustee of the Messrs. Sprague.

The Viscount Ferdinand de Lesseps has been received with great cordiality at Panama, and has set on foot the surveys for the proposed canal. He speaks with confidence of the enterprise, and considers that the cost will not exceed the estimate announced at Paris. He says he will have only a tide-level canal, and declares that he could raise twice the amount of money needed for the project in France.

The New York Herald admits that Grant parted with Belknap "with regret," thought Delano a white-souled man; appointed Williams to the chief justiceship, and made Boss Shepherd governor of the District of Columbia. All of which, it thinks, "might prove embarrassing to a party which should nominate him for a third term." But at present Grant is only a private citizen and the Herald seems to want his faults condoned until nominated and then whacked into him.

There is trouble brewing in Erie among the Republicans. They are generally opposed to the nomination of Grant. Knowing this fact the Cameron managers are determined not to trust a county convention to select the delegates to the coming state convention, but to have them appointed by the county committee, who are simple tools of the Cameron ring. The blood of Blaine's friends is up and they threaten that if Grant's nomination is secured by tricks of this kind, the county, which usually goes heavily Republican, shall give an overwhelming majority against Grant next fall.

PERSONAL.

A complimentary dinner has been given to General GARFIELD by Congressman Townsend, of Ohio. Ex-Governor BAILEY, of Michigan, has just celebrated his silver wedding in a pleasing manner. He distributed \$300 in silver coin among five charitable institutions. The Springfield (Mass.) Republican says: "JOHN SHEERMAN is the passive obstacle, the rock on which the leading and the most dangerous Republican candidates are likely to wreck before or during the convention." Rev. H. S. McMurdie, for many years director of the seminary and professor of moral philosophy and theology in Mount St. Mary's college, at Emmitsburg, Md., died on Tuesday afternoon, in the 56th year of his age. He was born in London, England. LOUIS W. HALL, of counsel for the defense in the legislative bribery cases, entertained, last night, counsel on both sides, and Governor Hoyt and Judges Pearson and Henderson. Among the lawyers present were Messrs. Gowen, Mann and Cassidy. It is affirmed in European diplomatic circles that the ex-Khedive, ISMAIL PASHA, has suspended all relations with his son, the present Khedive, on account of the course pursued by the latter in depriving his father of the enjoyment of his private fortune. The ex-Khedive continues his negotiations with a view to prove the injustice of his son's conduct towards him. Mrs. MARY KYLE DALLAS, whose profile writings thus far have been confined to short stories, sketches and essays in the newspapers but who is now engaged on a novel, is not yet 40 years of age, having been married between the ages of 16 and 17, and left a widow before she is graduated from school. She is of medium height and of slender, but not thin, figure. She has speaking gray eyes, delicately fair skin and bright color. Her hair is her crown of glory. Time, forgetting that she is yet on the sunny side of life, has hastened to make it snow-white, and she dresses with exquisite taste and beauty. Her yearly income from the work of her pen is about \$6,000. Miss HARRIET LANE, who, in the days of James Buchanan, was mistress of the White House, is the wife of Robert Johnson, a wealthy banker of Baltimore. Mrs. Johnson has recently purchased the place where her uncle was born in Pennsylvania, and will there erect a memorial worthy of him. Mrs. Johnson is expected to visit old friends here this winter. I have been told by those who have known all the ladies who have presided at the White House, from Mrs. Madison to the present, that Mrs. Johnson was the most elegant and high-bred lady of them all. Her charms of manner were irresistibly winning.—Washington Letter.

Except that Miss Lane is the wife of Mr. HENRY E. JOHNSON; she has not yet purchased the birthplace of her uncle because of the attempted extortion of its owners; and the so-called "Wheatlands," which has been figuring in a newspaper item, as this birthplace, is the old home of the ex-president, and has been the property of Mrs. Johnston ever since his death.

Fifteen practicing physicians at Johnston occupy over six columns of space in the Tribune with replies to the circular letter addressed to the medical fraternity of that place by Hon. D. J. Morrill, general manager of the Cambria works, requesting their opinions regarding the prevalence of diphtheria in the community; its causes, the best preventive means to abate its virulence, etc. In every instance the doctors agree upon the point that filth surrounding the water supply, and the use of hydrant water instead of hydrant water are prime factors in spreading the ailment and in rendering it more generally fatal in its consequences.

The Cambria county Democrats instruct for Hancock.

AMUSEMENT NOTES.

What the Players are Doing. Haverly's Mastodons are in Boston. There are only two shows booked at the Columbia opera house. Barlow, with his Harbinger and West's minstrels were in Harrisburg last night. James Melville will be equestrian director of Coup's circus the coming season. Gotthold's "Octoroon" company is performing in Albany this week. Barney Macaulay is in his second week at the Broad street theatre, Phila. Kivalry will present "Enchantment" here, and not "Black Crook," as before reported. Billy Glen, the comedian, who is well-known here, performing at Tooker's variety theatre, Norfolk, Va. Clara Morris is under an eight weeks' engagement with Manager Maguire of San Francisco—\$3,000. A new play is announced as written by Mr. John Habberton, author of "Helen's Babies," and entitled "Deadwood Chimney."

It is said that Lester Wallack's terms at the Grand opera house, New York, are \$200 per week. McKee Rankin and "The Danites" open in London at Sadler's Wells theatre, on the 28th of May. E. Sloucum is writing a burlesque on the "Pirates of Penzance" for Carcross's minstrels. J. H. Haverly has leased the Fifth Avenue theatre, New York, for a term of years. Prof. Parker and his troupe of educated dogs have been engaged for a year to travel with Haverly's minstrels. Mrs. Tony Pastor, aided by other ladies, is preparing to give a matinee at her husband's theatre for the benefit of Ireland's poor. Tom Jefferson, son of Joseph, has made a very favorable impression as Anabelle, in "A Scrap of Paper," at Wallack's, New York.

Three miners, residing at Alpine, Col., on Monday night, were shot by Constable Stanton. One was killed, and the others were fatally wounded. Harry Bernard, the female minstrel manager, will be business and stage manager of the International Comique, Philadelphia, which will shortly reopen. A Chicago paper truthfully remarks: It has become an easy matter, during the current season, to leave New York as the leading man in a play, and return, unexpectedly, as a walking gentleman. Charlie Ellis, the Dutch comedian, has now separated from his partner, Harry Watson, for good. He has left the Watson-Ellis-Kernell company, and he and his wife, who is known as Clara Moore, will travel together, doing sketches.

Mr. W. E. Sheridan, prior to sailing for Europe with Mr. Rankin's company, will star for a week at the Philadelphia Arch street theatre as Louis XI., Shylock and Richard III. The plays will be mounted on Monday evening, and a great engagement in Philadelphia, a large engagement is anticipated. Recently Tony Denier, the "Humpty Dumpty" manager, purchased a fierce ring-tailed monkey in Mobile, Ala. One could go near him but Frank Hill, the manager of the company, would not allow it. When the troupe arrived in Charleston, and while Messrs. Denier, Hildreth and George H. Adams were sitting in their room talking, the monkey suddenly sprang at the throat of Mr. Hildreth and bit severely. He was so badly bitten that he could not see the animal loose. The monkey is now subdued and does whatever he is told.

THE ABUSE OF JUSTICE.

Lawyer Warfel's Paper Has a Say. New Era. A correspondent wants to know what defence he can make in a case in which the defendant escaped justice, means anyhow. Antefris acquit simply means that when the district attorney and his acting deputy in October, 1878, took a verdict of guilty in the Sawyer factor case, without having previously examined the witnesses on whose testimony the indictment had been found, for the purpose of screening "the best workers in the ward," thereby prostituting the machinery of justice to the base ends of party bias, they should be held guilty of perjury. After the plea of antefris acquit the defendant could not be convicted of the original offense, the evidence of which by the admission of this court has been entered on the record, and have been reviewed and reopened. Hence the precaution to take a verdict of not guilty, to make sure that not only "the best workers of the ward," but also the fellows who profited by their labors, should be saved from the legal consequences of their lawlessness and official malfeasance. Antefris acquit is not a "primal law," but, in this case, it was certainly a prime evil law, to which court and jury "bowed submissively," because it is the law. And thus was concluded the case begun by the district attorney, Eshleman and Hay Brown in October, 1878, in behalf of "the best workers of the ward" and those for whom they labored so efficiently in June of that year.

How It Averted.

After the defense had closed their case the court asked District Attorney Eshleman whether it would not be competent for him to call witnesses in rebuttal to show that the witnesses on whose testimony the indictment had been found in August, 1878, and on which a verdict of guilty was returned by the jury, had not been examined under oath before that verdict was taken. Here was a grand opportunity for the district attorney to show that the very foundation of the case was a lie, and that the charges upon which the indictment was based were untrue. But the district attorney could not avail the defendant, because he had not shown that he had previously been placed in jeopardy. Of course, this was as bad law as it was in fact, and it was a downright violation of the kind offer of the court, the district attorney argued that the plea of antefris acquit could not avail the defendant, because he had not shown that he had previously been placed in jeopardy. 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