

REPORTER

Wednesday, May 22, 1844.

For President in 1844,
MARTIN VAN BUREN,
OF NEW YORK.
For Vice President,
COL. RICHARD M. JOHNSON,
OF KENTUCKY.

(Subject to decision of a National Convention.)

Electors for President and Vice President.

WILSON McCANDLISH, Senatorial.
Asa Driscoll,
1. George F. Lehman, 13. George Schnabel.
2. Christian Kneass, 14. Nath'l B. Eldred.
3. William H. Smith, 15. M. N. Irvine.
4. John Hill, (Phila.) 16. James Woodburn.
5. Samuel E. Leech, 17. Hugh Montgomery.
6. Samuel Camp, 18. Isaac Ankney.
7. Jesse Sharpe, 19. John Matthews.
8. N. W. Sample, 20. William Patterson.
9. Wm. Heidenrich, 21. Andrew Burke.
10. Conrad Shimer, 22. John M'Gill.
11. Stephen Baldy, 23. Christian Meyers.
12. Jonah Brewster, 24. Robert Orr.

DEMOCRATIC NOMINATIONS.

For Governor,
HON. HENRY A. MUILENBURG,
OF BERKE.
For Canal Commissioner,
JOSHUA HARTSHORNE,
OF CHESTER.

HAIL STORM AT ATHENS.—A letter received from Athens, dated May 13, gives the following account of a hail storm at that place.

"Saturday afternoon last, we had quite a hail-storm. The morning was quite cool, the afternoon quite warm, and about 6 P. M., a sudden squall from the West was accompanied by torrents of rain, and hail-stones as large as hickory nuts. Probably 1500 panes of glass were broken in this village, and many valuable and beautiful trees blown down or otherwise injured. The hail fell but 10 or 15 minutes. I have heard of no damage done above or below us."

PICTURE GALLERY.—We have received the two first numbers of a beautiful pictorial work entitled the "Picture Gallery of the Old and New World," printed at the "Republic" establishment, New York city. It is issued weekly, contains 16 large and closely printed pages, and is altogether a credit to the Fine Arts. Price 12 cents a number, or \$6.25 per year. James Mowatt, sole agent, 174 Broadway, N. Y. A specimen may be seen at this office.

THE TARIFF BILL DEFEATED.—The new Tariff bill reported in Congress by Mr. McKay, was defeated, on Friday, 10th inst., in the House. Mr. Elmer of New Jersey, (dem.) moved to lay it upon the table which was carried by a vote of 105 to 99. The entire delegation from Pennsylvania, democrat and whig, voted for Mr. Elmer's motion. His vote puts the matter at rest.

Wool.—The attention of Farmers is called to an advertisement in our columns by the Messrs. Grant's of Ithaca, wanting all the wool produced in the regions round about. Wool growers are offered a ready and profitable exchange of cloth for their wool, which, we have no doubt will be found far preferable to the usual process of manufacturing by manual labor.

PHILADELPHIA.—The riots, of which we gave an account last week, have entirely ceased, and peace and quiet have once more resumed their reign in that city. The Governor was sent for; who ordered troops from Harrisburg and Lancaster, who arrived too late to be efficient. The entire loss is estimated at 250,000.

SURGEON DENTIST.—Dr. Sumner, may now be found at Mr. Cross', and we would advise every one desirous of having operations performed upon their teeth, to improve his limited stay in town.

U. S. SENATOR.—The Connecticut House of Representative have chosen Hon. Jabez Huntington, as United States Senator for six years commencing from the 4th of March next. He is a whig.

New Paper.—A new paper has been established at Lancaster, edited by Col. Carter, in his best manner. It is called the "Lancaster Democrat." We wish the Col. success, and "all that."

DEATH OF DAVID BARNUM.—David Barnum proprietor of the City Hotel, Baltimore, died in that city on the 10th inst.

PERILOUS ADVENTURE.—Mr. John Wise, the intrepid aeronaut, made an excursion from Hollidaysburg, on Saturday 4th inst., and met with a most thrilling and perilous adventure. The ascension was made in the midst of a storm. It was with the greater difficulty that the process of inflation could be performed and the net-work, during the process, gave way about the top of the balloon. At the time Mr. Wise cut the rope, a bulb as large as a hog's head protruded through the rupture of the netting. The balloon took a Northerly direction, and ascended 4000 feet, when it encountered a violent gale from the West, swinging it to and fro, and cracking the net-work at every surge. Mr. Wise, in his account, says his heart began to sicken at the idea of his falling away from the balloon at that height. He resorted to the expedient of throwing the weight of his body upon the valve-rope. This necessarily opened the valve to its full extent, and must soon bring the machine to the ground. But the velocity of the wind (being at the rate of about fifty miles per hour) carried him 16 miles before he reached terra firma. Mr. W. threw out his anchor, but it caught against a fence and broke the rail. Mr. W. then attempted to jump from the car into a ploughed field, but the balloon rose with a violent surge, and he was caught by one of his legs in a hitch of the rope. He grasped the drag-rope and held on, in an inverted position, until the balloon dashed him into a high tree. He took a hitch to a limb of the tree, and then endeavored to extricate his leg, the tree bending ready to break by the tossing of the balloon, and he only succeeded in getting clear by drawing off his boot, which he lost in the car. The squalls increased in violence, snapped the rope which held the balloon to the tree, and in a few moments it dashed out of sight, the car keeping it in tolerable trim. Mr. W. says:—

"I discovered, in viewing the machinery, that I had taken unnecessary alarm in the breaking of the net-work, as it plainly proved itself sufficiently strong to have borne itself to any desired distance. My regret was enhanced by the favorable opportunity that was before me of reaching Philadelphia by early candle light. After soliloquizing in the tree top upon the day's adventure for a while, I began to clamber down its trunk, leaving the end of the drag-rope dangling in its top, ready for a port of entry to touch at in my contemplated trip from Pittsburgh across the mountains to the eastern cities, as soon as I can rig up a new machine."

The Catskill, (N. Y.) Recorder contains a notice a balloon being found in that county, on the evening of the same day on which it was lost, which shows the incredible rapidity with which it travelled.

STATE SABBATH CONVENTION.—A convention is to be held in Harrisburg on the 30th of this month, by the friends of the Christian sabbath, for the purpose of devising means for promoting a faithful observance of this sacred day.

It is recommended that public meetings be held in the various towns of the State to appoint delegates; and to suggest topics of general interest for the consideration of the Convention. Where such may not be held, Churches are invited to make the appointments.

Will not our citizens, or at least our Churches take measures to be represented? No time should be lost.

CONNECTICUT.—Roger S. Baldwin was elected Governor of Connecticut by the legislature of that State, on Thursday, by a majority of 23 on joint ballot, and took the oath of office. The message of the new Governor was then presented to the two Houses. The State is out of debt, and ready to meet all its responsibilities. Governor Baldwin takes occasion to say a few words against "annexation." He also refers to the probability that the Legislature may be called on to appoint a Senator in the place of Hon. J. M. Niles.

MONEY FOUND IN A JAIL YARD.—Several hundred dollars in gold were found last week, buried under a heap of coal ashes, in the yard of the county jail at Reading. When and by whom the money was there hidden, is a mystery. The Gazette says, it has been conjectured that it may have been concealed by Oshman or Rinehart, who were tried and the latter convicted and executed, for the murder of Christ, a few years ago; but this is hardly probable.

Bradford County Court.

Friday, May 10, 1844.

BENJAMIN BENNETT vs. THOMAS ELLIOTT.—Assumpsit for money had and received. Verdict for the defendant.

ANON GREEN TO USE OF HARRY STEVENS vs. WM. MYER'S ADMINISTRATORS. Issue directed by the Court. Verdict for the defendant by consent.

In the case of the Commonwealth vs. Simmons' a motion was made, by Dr. Bullock for a new trial, and reasons filed therefor, and in arrest of judgment. The defendants were both bound over to appear at the next sessions, and wait the result of their application for a new trial.

Saturday, May 11, 1844.

WILLIAM B. CLYMER vs. MYRON C. DRINKWATER. Ejectment for a tract of land situate in the township of Rome. Verdict for the plaintiff.

Monday, May 13, 1844.

The Court, this morning, sentenced Wm. S. Miller, convicted of arson last week, to an imprisonment of three years in the Eastern Penitentiary.

Tuesday, May 14, 1844.

ANN E. BULL EXECUTRIX OF JAMES P. BULL DEC'D vs. WM. PLATT, STELLA AVERY AND GEO. W. AVERY. This was an action of foreign attachment in assumpsit, for money paid, laid out and expended at the special instance and request of the defendant.

James P. Bull and Myron Ballard were sureties for the plaintiff's in two actions of ejectment brought in the United States District Court for the western district of Pennsylvania, one of which was by Stella Avery, William Platt and Geo. W. Avery against John Decker, Isaac Jones, and Edward Herrick, and the other by the same plaintiff's against Niel McDuffie and Edward Herrick, both which resulted in favor of the defendants.—James P. Bull, having paid the costs, then instituted the present suit to recover of Platt and the Avery's the amount of costs, which he, as surety for them, had been compelled to pay. The evidence disclosed on the trial tended to show, that there was an arrangement between Bull and the Avery's to defray jointly the expenses of carrying on the suit against Herrick &c.; and the Court intimating, that proper form of action would be account render, and not assumpsit, the plaintiff took a non-suit, with leave to move to take it off.

CALEB CUMMINGS vs. ANSON WEBB. This was an action brought to recover of the defendant, acting constable of Ridgbery township at the time the alleged offence was committed, the penalty of fifty dollars each for two charges of illegal fees made by him for executing certain process in favor of the plaintiff. The law in relation to this subject is thus laid down very particularly in 17 Sergeant and Rawle, page 81.

"Ignorance of the law will not excuse in any case; and this principle is applicable, and with irresistible force to the case of an officer selected for his capacity, and in whom ignorance is unpardonable. The very acceptance of the office carries with it an assertion of a sufficient share of intelligence to enable the party to follow a guide provided for him, with an unusual attention to clearness and precision. On any other principle, a conviction would seldom take place, even in cases of the most flagrant abuse; for pretext would never be wanting. Sound policy, therefore requires that the officer should be held to act at his peril, and we are of the opinion that the absence of a corrupt motive, or the existence of an agreement by the party injured furnishes no justification for doing what the law forbids."

Wednesday, May 15, 1844.

In the case of Cummins vs. Webb, the jury to day, returned a verdict of one hundred dollars in favor of plaintiff.

GEORGE DECKER, THOMAS DECKER, LYMAN DECKER, HORACE KELSEY, JOHN COURTRIGHT, SCHUYLER GATES, SAM'L BALDWIN AND WILBER PETERS vs. STEPHEN STILES.

This was an action against the constable of South Creek township, for charging an illegal fee of four dollars for assistance in arresting the plaintiffs by virtue of a warrant issued on complaint of J. R. Coolbaugh. Previous to the trial, Schuyler Gates sent to the Justice in writing a request to discontinue the action, so far as he was concerned; which was accordingly done by the Justice. Afterwards the Justice rendered judgment in favor of the plaintiff's for fifty dollars, from which decision the plaintiff appealed. After the Jury had been sworn the Court, after examining the transcript of the Justice, and finding that one of the plaintiff's

had discontinued, expressed an opinion that the action being joint, for a penalty accruing to the whole, the action as it then was could not be sustained. The plaintiff took a nonsuit.

In the course of remarks made in reference to this case the Court gave the following dictum. That it is the duty of every good citizen, when called upon by the constable to render assistance in the arrest of an offender against the laws, and if any one refuses to lend his aid, he would be liable to an indictment.

ETHAN BALDWIN vs. DAVID CASH.—This was an action brought to recover of the defendant, late prothonotary of Bradford county, the penalty of fifty dollars, imposed by the Act of Assembly for taking illegal fees in the case of the School Directors of Towanda Borough against Daniel Vandercook collector of school taxes. The Court charged the Jury that they must find for the defendant. The jury however went out, and after remaining some time, having procured by means of the constable a pamphlet containing a compilation of the school laws, sent him into Court with a question in reference to the law for the Court to answer. The Court thereupon after having informed the constable of the impropriety of doing as he had, directed him to bring in the Jury; and on their appearance, the Court addressed them in nearly the following words:

"We have sent for you gentlemen because the constable came into court bringing a book and a question for the Court to answer. It is strange indeed, that the constable who is sworn to keep you without separating and not to speak to you unless it be for the purpose of asking whether you have agreed on your verdict, should yet think, that he would have the privilege of procuring books and writings and handing them into the jury. It is a matter important to the purity of the administration of justice, that the jury receive no evidence or information of any kind after they have retired to their room, unless it be given publicly by the Court in the presence of both parties. And whenever such a course of proceeding occurs, the Court would set aside the verdict, let it go which way it might, and grant a new trial, on the application of either party. If the Jury were permitted to receive information privately, the constable, at their request might go to a witness, and obtain his statement in writing and bring it before the jury; such a proceeding would be a bad precedent; and both the constable and yourselves would be liable to be fined. Under the circumstances, however, we have no doubt that you acted inadvertently in the matter, and you are now discharged from any further consideration of this case."

HEZEKIAH BAILY vs. STEPHEN VROKIAN. Trespass for taking and carrying away three hundred and fifteen rails. Verdict for the plaintiff three dollars and fifty cents.

Thursday, May 16, 1844.

ABIGAIL SWARTOUT vs. FREDERICK FISHER. This was an action of replevin in the detinet brought by the plaintiff to recover the value of a certain bay colt alleged to be her property, and damages for its unjust detention. The colt had been levied upon and sold by virtue of two executions as the property of James Swartout and bid off by Mr. Fisher.—The property, as appeared from the return of the sheriff, being *eloigned*, that is, removed so as not to be found, the issue in the present case was tried to ascertain the right to the colt described in the writ. It was contended on the part of the plaintiff, that she had in fact, purchased this colt of James, sometime previous to any execution issuing against him.

The defence set up was that the alleged transfer was a family matter; and that if there was anything about a sale at all, it was all mere talk, and a *freside* transaction; that in fact, no change of possession took place at the time of the pretended sale; and that the constable, when he went to levy on the colt, was informed by her that it had been sold by James to Wesley, a minor child of hers.

Friday, May 17, 1844.

LYDIA SMITH vs. BENJAMIN F. UNDERWOOD. In this action, the plaintiff sought to recover two thousand dollars damages for breach of promise of marriage. It appeared that at the time Mr. U. paid his addresses to Miss Smith, he was a student of medicine residing in Roxbury, Delaware Co., N. Y. she residing there at the same time likewise with her father. After he had paid his addresses to Miss Smith for some time, Mr. U. informed her father that he had agreed to marry his daughter, provided

he would give his consent; that he expected soon to get into business, and would then marry Lydia. Consent was given, but, instead of fulfilling those solemn engagements into which he had entered, he sadly disappointed her who had reposed such implicit confidence in him, and subsequently married another lady. Having left Roxbury he was found and arrested in Bradford county, in February 1843, and was afterwards held to bail.

The jury found a verdict of one thousand dollars for the plaintiff.

BALDWIN vs. CASH. Several cases penalty in taking illegal fees were tried yesterday and to-day and decided in favor of the defendant. The grounds on which some of them were decided, were, that the plaintiff was not in contemplation of law, the injured party, and in others that there was no act of assembly imposing a penalty. Those which were decided on the ground that the plaintiff was not the party injured, were, where Dr. B. had acted merely as attorney or agent in paying the fees. The ground on which the plaintiff relied in one case was, that the legal fee for a writ of replevin was only fifty cents. The defendant contended that replevin in the fee bill was included the words, "every other writ 75 cts"; that there was no specific mention any where in the fee bill of this writ. The Court decided for the defendant. Another case was, where the Prot. had received the fee for making entry in the judgment docket, before the service performed, and when, in fact, as the Dr. alleged there was no judgment docket kept by Mr. Cash, at all. It was decided that he had voluntarily paid the fee being a legal one and that the Act for keeping a judgment docket was passed in 1827, after the act giving a penalty was passed.

In the case of Swartout vs. Fisher, the jury could not agree, and were to-day discharged.

DEATH IN THE MINES.—On Wednesday week a miner named Thomas Brown, residing at Beaver Meadow, in the employ of the Beaver Meadow Coal Co. was killed instantly, while passing down the slope of one of the mines, by two loaded coal cars, which broke from the chain when near the top of the slope, and descending with fearful rapidity, struck him as he was walking down, and mangled him in a most shocking manner.

SINGULAR DEATH.—A citizen of Mohawk, Ohio, came to his death on Monday in a most singular manner. He was engaged in writing a letter, and accidentally pricked his finger under the nail with a steel pen; he paid no attention to the wound at the time, but in a few days afterward the finger began to inflame and swell—on Monday he was seized with lock-jaw, with which terrible disease he died. His name was Madeiras.

FOREIGN NEWS.—The steam ship *Hibernia* arrived at Boston, on Sunday 5th, bringing fifteen days' later intelligence.

O'Connell has not been sentenced, but him and all his co-conspirators are struggling for a new trial, with what success, we shall be better able to state by the next arrival.

The Texas question of Annexation had reached England, and produced a very great sensation in political circles.

BLOCKADE OF VERA CRUZ.—The New York Republic says it has private letters from London stating that the French Government have ordered all their vessels of war round the West India coast to proceed to Vera Cruz, for the purpose of blockading that port.—This step is supposed to have been taken in consequence of the decree issued by Santa Anna, prohibiting foreigners from retailing goods in Mexico. The news had produced an effect on the Mexico stocks.

DELEGATE DEAD.—Mr. Billings, a delegate to the State Whig Convention, from Vermont, died at Baltimore, on Thursday 8th inst., after a short illness.

SENATOR RESIGNED.—F. W. Hughes Senator from Schuylkill county, has resigned his seat in the Senate of this Commonwealth. Mr. H. was elected last fall, and had yet two years to serve. Private business was the cause.

FASHION LEADS THE WORLD.—The horse Fashion has again conquered upon the turf. The competitor was the horse Colonel. Time, 4 miles in 7 minutes, and 61 seconds.

News from all Nations.

The great Elm Tree on Boston Common is 175 years old. It was cut in the year 1670, by Captain De Henchman. Forty-five years ago a great elm had a large hollow in it, which was rapidly decaying, but was preserved in the mode recommended by Ford by clearing the cavity of rotten wood and filling it with a composition composed principally of lime, rubbish of old buildings, and clay; and thus stored, it is now apparently as flourishing as ever, without any appearance of the hollow, which was once large enough for a boy to hide himself in.

Joe Smith is to be the candidate the Mormons for President of the United States at the next election—so the western papers say.

A steam plough has been introduced in Scotland, for ploughing in moor and boggy land, where horses could be employed.

An armed highwayman, named Jah Strand, robbed a countryman of a wallet at Lowell. He was arrested in Boston, and two loaded pistols and a knife found on his person.

A young lady of great personal beauty, entered the Nunnery of the Most Holy of Mercy last Thursday in Philadelphia. She is the daughter of a merchant.

An upright tree ten feet high, was found in the coal mines of St. Helens near Liverpool.

The great western locomotive, from London to Bristol, 118 miles in one hour and a half! Too fast for Joseph Bartlet, Captain of one of the canal boats on the Union Transportation Line, Phil., for robbing his employers, convicted at Lancaster, sentenced to two years and six months confinement in the Penitentiary.

A breach of promise case was lately at Dayton, Ohio. Sarah heart prosecuted one Sebastian for not coming up to the wedding he had said he would. It being the affair of the heart, the jury held that it would take \$400 to heal it.

Rosanna Keen, the colored girl murdered Mr. Seely by poisoning him, at Bridgeton, N. J. We understand she made a confession to the reverend gentlemen who were her keeper; and on one occasion nearly effected her escape. The execution took place in the jail about 2½ o'clock, P. M., and the was cut down about 4 o'clock.

J. W. Webb, editor of the New York Courier, and now a leading member of the high office of President of the United States to John Q. Adams, and receiving in return the appointment Secretary of State, consummated the greatest honor to the country, adds: "All the waters of the world will never wash that stain from the character of Henry Clay."

Mr. Ellsworth, Commissioner of Patents, says the experiment of a cottage erected by himself at Washington, in view of the Capitol, and which is two stories in height, stands as a brick house; and is warm in winter and cool in summer. Some have doubted the policy of erecting such buildings in cold climates, but in Canada buildings have been successfully erected.

We see it stated that Col. Bro of Madison county, N. Y., is on his way to Washington with a petition, which he has invested with the motive power of which is almost air.

Mrs. Elizabeth Chase, of Boston was born in 1739 and consequently in her 105th year. The oldest son now living in that city.

The bill providing for the election of Canal Commissioners, by the State Assembly, which passed the New York State Assembly on Monday, by the vote of ayes 86 to noes 22.

Millard Fillmore of New York written a letter, in which he says he is decidedly, unqualifiedly and promisingly opposed to the annexation of Texas to the United States.

A portable gas-light has been invented at Lyons, which is applicable to the smallest candlesticks, and is carried about with the greatest facility. O. A. Brownson, the celebrated oculist, has come out in favor of Tyler.