Miners' Journal.

POTTSVILLE, PA.

SATURDAY, MARCH 13, 1858.

A LIBEL TRIAL.

Imprisonment of an Editor.

On Wednesday last, Thomas G. Price, one of the editors and publishers of "The Workman's Advocate," issued at Minersville, this County, was convicted of a libel on David P. Brown and Claude White, Coal operators of this Region, and sentenced to pay a fine of 6 cents, the costs of prosecution, and undergo an imprisonment in the County Prison of four calendar months. There was an array of able counsel on either side. For the prosecution, Messrs. B. M. Palmer, F. W. Hughes and Cumming. For the defence, Messrs. Campbell, Bartholomew, Sr., and Bancroft. The trial of the case occupied two and a half days, during which period, the Court Room was thronged with workmen and others, interested in the issue. The libel consisted in sundry epithets applied to Brown & White, and published in the *Advocate*, calculated to lead to breaches of the peace, and impair the credit of those gentlemen. Considerable evidence was offered on both sides; but Mr. Price failed to prove the absence of malice in the publication, or the truth of the charges alleged. On Wednesday morning Judge Hegins charged the jury in a fair and able manner; the jury brought in a verdict of guilty, and the Judge after some wholesome advice to Mr. Price, sentenced him as above stated. These are the facts of the case briefly stated.

Although it is a painful spectacle to witness the imprisonment of a man, who might with the exercise of judgment, work through the medium of a well conducted paper, much good with the miners and workmen of this County, yet the verdict of this community must agree with that which issued from the jury box on Wednesday. The sentence of the Court must be approved by every man jealous of his reputation, who feeling that if his good name is filched from him, he loses that which, does not enrich the purloiner, and makes him poor indeed. Our most irreproachable business men were exposed week after week, to the assaults of the *Workman's Advocate*, in articles devoid of judgment, and teeming with malice. But a short time since, Mr. Price was convicted of libel, and sentenced to pay a fine. Regardless of conviction, unimpressed by the advice given by the Court to him, he continued to offend, until "forbearance ceasing to be a virtue," Brown & White were compelled to defend themselves from his attacks. It will be useless for his friends to attempt to place him in the position of a martyr. Warned in time of the consequences of his mad, illegal course, by us and others, he persisted until he found himself a convict. If the blow he aimed at others has recoiled upon himself, he has but himself to blame. Mr. Price may be zealous in the cause of the workingman; but it is a zeal exercised in such an insane manner, that so far it has compassed but evil for the working classes and himself. If he wishes in the future to conduct his paper with benefit to himself, let him do so with judgment, eschewing malice in his charges, and when he makes them, let him be certain of their truth. If he wishes to benefit the working classes, let him teach them the necessity of voting for Protection to American Industry, whereby the interests of both employed and employee will be fostered. Let that great principle be instilled firmly into their minds; then he can labor for minor reforms in the business economy of this County, and we know that no set of men would more gladly see errors connected with the trade of this Region corrected, than the Coal operators themselves. Mr. Price would have a fine field for the prosecution of such labors; but centuries would not advance him or the workingman a step forward in the work of reform, by pursuing the course he has been proper to adopt while conducting the *Workman's Advocate*. The press in honest, intelligent, manly hands, is the lever which can move the world; it is the conservator of public morals; the preserver of the public peace; the terror of the wicked; the defender of the weak and oppressed. Its value cannot be overestimated. In bad hands, it is the box of Pandora, from which emanates every evil to humanity. In short, it is a nuisance. While we regret in this instance the necessity of condemning Mr. Price to imprisonment, yet we feel that his rash and ill-advised course as a journalist, could have been checked in no other way. Every interest of the County was jeopardized by his incendiary publications, and called loudly for protection at the hands of justice. We hope Mr. Price will issue from his prison house next Summer, a wiser man.

The charge of Judge Hegins to the jury in this case, we have characterized as fair and able. It was eminently so. But we must, respectfully, differ from the Judge in regard to the necessity and importance of the amended libel act of 1855. Before the amendment referred to was adopted by the Legislature, the law which shackled the press was, as is well known, the old English enactment, tyrannical in its provisions,—the greater the truth the greater the libel. The amended libel law however, of Pennsylvania, permits in all prosecutions for libel, the offering in evidence of the truth of the matter published. This extends to matters which might be supposed to be entirely private in their character, but which upon being traced, in their progress, will be found to affect public morals.—Brutality, wrong or oppression, cannot be covered by the cloak of privacy with impunity, else the press is recreant in its duty as sentinel at the outposts of a community's interests. The Judge expresses the opinion that the tendency of the amendment is rather mischievous. We think not. With every editor worthy of the cognomen, these questions arise in penning editorials or inspecting communications,—is the matter under consideration, of public importance—is it true? Convinced by ample evidence, that both are answered in the affirmative, and that their publication will subserve the public interest, he can proceed in the discharge of his duty to the public, without fear of the legal rod, held above him but a few years since, *in terrorem*, that the truth will militate against him in a court of justice. If an editor makes false and malicious statements, the injured party has his remedy.—The bane carries the antidote with it. There is nothing dangerous in the amendment of 1855. It is the "thief that fears each bush an officer;" but the upright, honest, Christian citizen who loveth his neighbor as himself, can fear no publication, even if it touches his private transactions as far as they enter into the economy of the common weal, when that publication has for its basis, truth, and nothing but truth. We think that the additional freedom granted to the press, must be beneficial to the public welfare, enlarging as it does the power of that press to expose corruption, thus enabling the people intelligently to apply proper remedies.

It is an error to suppose that the duty of the press is confined entirely to a discussion of matters entirely public, and that stepping beyond that point, renders it amenable to the law. For instance, the system of store orders which has grown up with the trade of the County, and affecting as it does a wide circle of business, while burdening the operator with an onerous addition to his business, is a matter which may be termed private, yet it is a system of public importance, one that might with propriety, be considered by the press, in connection with its discontinuance, in the proper spirit of course. There are undoubtedly, some cases of wrong, in connection with the system; but many operators keep the colliery stores in isolated districts solely for the accommodation of the miners, and not for the sake of profit. The evidence in the Price trial, proves this fact conclusively, as far as Brown & White are concerned. Many others are actuated by the same motives. The fact is, when times improve, and the operators of this Region are enabled once more to feel themselves firmly on their legs, we believe that nine-tenths would be willing to give up their colliery stores and pay their men in cash. Their business would be less complicated, and they would have less difficulty with their men. At present it is folly to urge such change in the system of paying miners, for the poor workman is satisfied to have his bread, even if it is not buttered. The store order system cannot now be changed, but the operator will yet perceive the advantage of its abolition, as far as the Region is concerned.

But interesting as this matter is, we have no wish at this time to discuss its merits or demerits. Our desire is to show that it is an error to suppose that the press can be restricted alone to public matters, while private affairs—so esteemed—running through a community, and of importance to the public welfare, cannot be discussed with proper language, and in a spirit looking alone to the general prosperity. Incendiary publications, and malicious personal libels, such as those which appeared weekly in the *Workman's Advocate*, we deplore and unhesitatingly condemn. We have done so since the proprietors first adopted that disgraceful course.—The libels were unjustifiable, and Mr. Price is suffering for his temerity. But a free, untrameled press, conducted with courtesy, searching in its scrutiny of the administration of public affairs, quick to expose departures from the path of rectitude on the part of officials, and unsparing in its denunciation of wrong and oppression in any shape, is the best bulwark of a free people. Destroy its usefulness; shackle its limbs, and we inaugurate an era, similar to that of France at this moment. In proportion to the amount of muzzling to which the press is subjected by tyranny, in that ratio the liberties of the people are attacked.

THE following *significant* article is from Forney's *Press* of Tuesday last:

The Duty of All Candidates for Popular Favor in the Present Crisis.

On the 25th of February last we made the following, upon declaration in this journal:

"But the State Convention will not commit us to this great outrage. Forty such Conventions will not compel us to support what we believe to be wrong. No Convention, no great name, no friend, however dear or near to us, will make us stultify ourselves by supporting the Lecompton fraud. We are the friend of William A. Porter for the nomination at Harrisburg, and in all probability will vote for him; but the attempt to put him upon a platform which recognises a piece of injustice like that perpetrated at Lecompton, and by threats and tests, attempted to be committed at Washington, will if successful, do him no good, and may do him a fatal injury. We wash our hands of all responsibility for the transaction."

Since that Convention has nominated Mr. Porter, we are more than ever convinced of the justice of this declaration, and of the great and deliberate injury it has inflicted, alike upon him, and upon the Democratic party.

And should the candidates nominated by this Convention agree to support the Lecompton fraud, or accept that part of the platform adopted by the majority of the Convention, nothing will save them from an overwhelming defeat. Fairly as they have been nominated, the acceptance by them of doctrines so revolting to the public sentiment will blow *all party usages into the air*. It is notorious that the men who were most active in putting the Lecompton poison into the Democratic creed at this very Convention, were in nearly every case, the bitter opponents of Justice Porter, because he was shown to be the bosom friend of Governor Packer, who is at this day as openly opposed to the Lecompton fraud, and as unreservedly against the Kansas policy of the State Convention, as either Douglas, or Wise, or Walker. The officers of the Federal Administration were a unit against Porter. They swarmed to the State capital against him. And when they found they could not defeat his nomination, they determined to adopt a platform, which they knew would utterly defeat him if he accepted it. This is notorious. Should he now yield to their importunities and swallow the dose they have drugged for him, he will be left in a hopeless minority in October. The crisis is at hand, and we to those who suppose it will pass over with the adoption of the Lecompton Constitution by the Congress of the United States.

Peace in Kansas is promised by all the organs of this fraud upon justice and law. *There will be, there can be no peace.* And when the dreadful hour of civil war and universal desolation in that Territory shall come, as come it will and must, should Lecompton be driven through the National Legislature, those who have made this Lecompton fraud a test, and have agreed to make it their shibboleth in the Northern elections, will reap the whirlwind they have sown. When we see the army of the United States shooting down the people of Kansas for resisting the Lecompton Constitution, and when the relatives and friends of the victims of that fraud, all over the North and West, are fired with resentment and revenge, how will the authors and the endorsers of Lecompton sustain themselves? The cry of peace will then be in vain, for there will be no peace. As a native Pennsylvanian, now a resident and a voter in Kansas, where indeed he has voted the pro-slavery ticket, says in a letter now before us, under date of February 16, "*Nothing but the army can present a civil war if Lecompton goes through.*" He adds:

"God bless you forever for your manly championship of the people!

"You have doubtless seen the exposé of the frauds by which Calhoun has elected our (for I voted for them out of party allegiance, on local grounds, and as the least of evils) State and Legislative tickets. After that it is in vain to hope the people will receive the yoke again from a mere handful of oppressors.

"In view of the civil war, which must follow in the event of commissioning those men, and in view of the vote of the people legally expressed against the Lecompton Constitution, I don't see how the President can still hold out.

"I have implored Bigler, with all the emphasis I can command, to have the army distributed among us if the Lecompton is to pass. When it receives the sanction of Congress, of course the minority will take sides against the insurgent people. Our only salvation is the army.

"Night and day, since I last wrote to you, I have been doing nothing but trying to prevent civil war. A blow or pistol shot would set the Territory on fire. Judge Williams is actually worn out trying to keep the ultras apart. They thirst for blood like hyenas.

"They threaten that these free State men shall be driven out in the night. They may bring in Missouri and kill us—they cannot do it themselves—but they cannot make us run. We are innocent and hence we are brave. We have hundreds of men in the Territory ready to die in our defence; but so much do I fear the importance of prudence and patience, that if the worst should come I want no man to avenge my death. It would only involve thousands of women, and children, and brave men."

We repeat that the public men, candidates or otherwise, in the free States, who endorse the policy that has brought and will bring about such a state of things, are forever lost. *The only safety for the nominees of the Democratic party of this State is at once to repudiate the Kansas declarations of the Harrisburg State Convention.* This is the bold, honest and patriotic course.

"GEORGE" sends us the following, with a request that we publish them. They are decidedly rich:

MODEST RESOLUTIONS.

Pelea Ollapad, a correspondent of the Marshall (Mich.) *Statesman*, reports that he went to a "dimmecratick" meeting, at which the following, among other resolutions, were passed:

Resolved; that the dimmecratic papers ort to maik more political kapitol out of that Canass seed wheat.

Resolved, that wheat reseets bot with western bank rags at a ded shaiv, is not a part of the dimmecratic policy.

Resolved, that niggers, with their long heals, thik lippps and wully heds, wer maid by natur fur slaivs.

Resolved, that we ort to redeam Michigan at an early da, so that we kin get a chance at the publik krib, at which the blak republikins have bin knawin so long.

Resolved, that the editor of the Jacksing Patriot be pinted General Smellor of the dimmecratic party in order to diskivur the lokality of the suns of Ham.

Resolved, that ther detoyt frepres and ther grand Rhapids inqirer, be requested to poar out a more abundant amount of dimmecratic truths wonkiy.

Resolved, that Lois Kass is our fust choys for the guernor of this slait.

Resolved; that the republikins are usin the publik funds to buy wul with.

Resolved, that we will du jist as the southerners want us to du, askin no questions and makin no replies.

Resolved, that we don't kair enything about the spiles of offis, we only kontend for the gloriious principles of the dimmecratic party.

Resolved, that we don't respect the rites of the south as much as we ort.

Resolved, that we tender to Fernandur Wud our kondolence and on account of recent defeet, and that he be requested to pik his phlut and try agin.

IN the State Senate on Wednesday, a bill was read to regulate the weighing of anthracite and bituminous coal in Philadelphia.

EDITOR'S TABLE.

BLACKWOOD'S EDINBURGH MAGAZINE.—The American edition for February, is on our table, filled with matter of the most interesting character. No man's reading is well up to the spirit of the time, if he fails to read Blackwood regularly. Published by Leonard Scott & Co., 79 Fulton street, New York.

THE JOURNAL OF THE FRANKLIN INSTITUTE for March is on our table. The number contains interesting papers under the heads of Civil Engineering, Mechanics, Physics, Chemistry, &c. A useful publication. The *Journal* is published by the Franklin Institute at their Hall in Philadelphia, at five dollars for one copy, eight dollars for *two copies*, or ten dollars for *three copies*.

THE MINING MAGAZINE.—This invaluable monthly is now published by Thomas McElrath at No. 1 Spruce street, New York, with Robert G. Rankin, Esq., as Scientific Collaborator. In Mr. McElrath's hands the Magazine will be conducted with energy and ability, and we heartily commend it to the patronage of every person interested in mines, mining operations, metallurgy, &c. Price, five dollars per annum, in advance. Subscriptions to the *Mining Magazine* will be received at this office.

"AMERICAN INDUSTRY."—On the First Page of to-day's "JOURNAL" will be found a practical discourse on this important Subject, delivered before the Silver Creek Literary Society on the 11th ult., by Henry Carey Baird, Esq. It abounds in facts, and we urge every reader to peruse it attentively. There is no subject now before the working men of this country, of more vital interest to their prosperity, than this, of adequate Protection to the Products of their Industry. We say then earnestly, read Mr. Baird's Address.

GRAHAM'S MAGAZINE for April is on our table, sparkling with good things, from the artist to the editor, with his incomparable "Easy Talk." We admire the tint engravings "Graham" is publishing monthly. They are artistic and beautiful. The one in the April number is entitled, "The Burning Glass." The literary matter is from the pens of the editor, friend Leland, and numerous clever contributors. Long may "Graham" wave, for it is indeed, a credit to American magazine literature. Copies of the April number can be obtained at Bannan's.

Local Affairs.

New Freight Depot.—The Managers of the Philadelphia & Reading Railroad have commenced the new Depot in our Borough. Workmen are busy in filling up for the foundation, a short distance below the present Passenger Depot.

The 2nd. Presbyterian Church, lately organized in this place, has secured the ministerial services of the Rev. Samuel F. Colt, late Principal of the Susquehanna Collegiate Institute, who has entered upon his Pastoral duties. The congregation will worship to-morrow morning and evening in the Baptist Church Building, Mahantango corner of Seventh Street.

Crowds continue to pour into the New Cash, Grocery, Flour and Provision store of R. J. Schoener, Murphy's Buildings, Centre street, for the purpose of inspecting and buying the superior articles offered to customers by Mr. S. He will, we understand, before the Spring trade fairly opens, refit his store, for the purpose of making it a pleasant place of resort for those wishing to purchase an A. No. 1 article at reasonable rates, for cash only. Goods purchased of Mr. Schoener will be delivered at the door of buyers.

Bread Baked by Steam.—Mr. Richard D. Schoener has purchased Crum & Paul's Steam Patent Bread Baking Machine, and has engaged a competent New York baker to manage it. The first bread from it can be had this morning at Mr. R. D. Schoener's store, Norwegian street; R. J. Schoener's store, Murphy's Building, and at Mrs. Epting's confectionary, Centre street; and for the future at the places named. So prepare for good bread, large loaves at cheap rates, and a portion of that good time coming, as the poet says.

During the past two days the weather has been warm and spring like. Yesterday was really delightful. If the present pleasant weather continues, our farmers will prepare soon for active operations. Our meteorological record for the week is as follows:

P. R. R. & P. TELEGRAPH OFFICE, *Pennsylvania Hall, Pottsville.*

		8 A. M.	2 P. M.	7 P. M.	
Sat.,	March 6,	19°	29°	20°	cloudy.
Mon.,	" 8,	26	34	24	"
Tues.,	" 9,	22	28	26	"
Wed.,	" 10,	32	43	36	clear.
Thur.,	" 11,	10	38	44	cloudy.
Fri.,	" 12,	34	43	36	clear.

The Silver Creek Choral Society will give a concert in the Church at New Philadelphia on Wednesday evening next. The proceeds being for the benefit of the Rev. Mr. Beach, who is blind, it is to be hoped the building will be crowded on the occasion. The programme of the Concert consists of choice selections of vocal and instrumental music, which will be interspersed with addresses from able speakers. Altogether, the exercises will be well worth the price of admission, fifty cents a ticket. Books of the programme can be had at the door on the evening of the Concert. Doors open at 6½ o'clock, P. M.

Tremont Literary Society.—On Tuesday evening last the exercises were as follows: reading by Mr. W. D. Williams entitled "Order and beauty," after which the question—"Does England, in her proceedings with India, deserve the sympathy of civilized nations?" was debated in the affirmative by Messrs. Williams and Seibert; and in the negative by Messrs. Foley and H. Gruber.

On next Tuesday evening the same question will be again discussed. Affirmative—J. Gruber, W. D. Williams, C. L. Pinkerton Esq. and W. H. Seibert. Negative J. R. Bailey, J. Foley, H. Gruber and H. W. Pinkerton.

Reader—Jno. R. Bailey.

Lecturer—Mr. Henry Gruber.

Silver Creek Literary Association.—The exercises of last Tuesday evening were, reading by Richard Winlack. Subject, "Man was made to Mourn." The question for the evening's discussion, "which is best for the development of character, Poverty or Riches?" was participated in by Wm. Winlack and John J. Dovey for the affi., and Griffith T. Jones and Richard Winlack, Neg. Decision in the Neg.

The exercises for next Tuesday evening are, reading by Griffith T. Jones. Subject for discussion, "Is the Assassination of Tyrants Justifiable?" Aff., Griffith T. Jones, R. Winlack and W. Rannis; Neg., Wm. Winlack, J. J. Dovey, and C. Taylor.

Pottsville Literary Society.—The exercises of the Society will soon draw to a close for the season. On Tuesday evening last in the presence of an appreciative audience, Dr. John T. Carpenter delivered a lecture. Subject, "Milton." It was a creditable production, eliciting the warmest approbation. After a reading by Mr. Poole, (an article on English Grammar by "Professor John Phœnix," Lieut. Derby of the U. S. Top. Engineers, author,) a debate ensued on the question, "Does a nation derive more benefit from the wisdom of its old, than from the energy of its young men," with Messrs. Wren and Little in the affirmative, and Messrs. Thompson and Green in the negative. The question was decided in the affirmative.

On next Tuesday evening a Lecture will be delivered by John T. Boyle, Esq.; Reading by Henry Pleasants; Lecture—"Should the Elective Franchise be extended to Females?" Affirmative, George M. Dallas, Jr., and F. Dawess; Negative, Harry Edmondsand Lin Bartholomew.

The annexed lines, "on the death of a lady," need no eulogy at our hands. They breathe the heart-felt grief of a mourner over the tomb of "the loved and early lost." Touching in their simplicity, they ask and not in vain, a sympathizing tear for the fate of one, than whom the icy dart of Death ne'er struck down a purer, lovelier being:

Spirit of bright intelligence! that beam'd
Through the quick-darting eye—and set enthron'd
On that pure smile, which seem'd not of the earth;
Spirit of mild benevolence!—that sung
O'er the wan sufferer's couch, soothing his pangs,
Forgetful of thine own; spirit! that lov'd
To rove among the scenes of other days,
Whither art thou flown?
Why am I answered by the rushing sigh?
Alas! I know it all. I marked the sign
In that deep hectic flush,—which stain'd thy cheek
When thou did'st part from us, I knew that Death
Sent this brief beauty—ere he set his seal
Of icy paleness. Thou did'st not go to seek
Hygeia o'er the wave—and in those climes
Where she delights to revel But her gifts
Were not for thee. Her fountain was close-seal'd
To thy parched lip. Her garden bad for thee
A sepulchre. And did'st thou fall alone,
Unwept, unchertish'd! No.
Affection met thee, and a universal voice
In holiest accents bade thee rest in peace.
Thy God forsook thee not, and thy meek soul
Commoning with its Savior saw the earth
Recede unmov'd. Thy mouldering ashes fill
The common tomb; but thou hast found a home
From whence is no departure: where thy heart,
No more vibrating on the arrow's point
Of this unpitying world, expands to taste
The fullness of eternal bliss.

The Palo Alto Bridge.—A Palo Alto communicant, "P. D. B.," complains in no measured terms, of the condition of the bridge which spans the Schuylkill between that place and this Borough. He says, that on Saturday last, a man and horse had a narrow escape from injury, in consequence of one of the legs of the horse getting through an opening in the floor of the bridge. It is certainly inexcusable on the part of the Palo Alto Council, to neglect keeping that thoroughfare in repair. The worthy Fathers of our sister Borough would feel unpleasant, were they mulcted in damages, incase an accident should happen.—On the principle that "a stitch in time saves nine," we think they had better apply a simple remedy now, thereby avoiding all danger of accidents, and saving themselves the annoyance of being indicted.

Interesting Presentation.—On Thursday evening Mr. George W. Slater presented to the Washington Artillery Company, a Roll, well designed and neatly executed, with pen and ink, the work of his own hands. It contains a faithful representation of the Company under arms, an eagle, camp scene, a brief history of the Company, neatly lettered, and a full list of the names of the commissioned and non-commissioned officers, and privates of the Company. The Roll is framed. The work is exceedingly creditable to the skill of Mr. Slater, and the presentation exhibits his appreciation of the corps. The Roll was presented by J. T. Schoener, Esq., and received in behalf of the Company, by Mr. Seibert, in a neat speech. The following resolutions were then offered by F. B. Wallace, Esq., and unanimously adopted by the Company:

Wheras, Mr. George W. Slater in an appreciative spirit of the efforts of the officers and privates of the Washington Artillery Company, to maintain an organization which shall be an honor to the country, and whose motto is that of the "Father of his Country," "in time of peace prepare for war," has presented the Company with a beautiful Roll, the work of his own hands, therefore,

Resolved, That the Washington Artillery Company returns its sincere and hearty thanks to Mr. Slater for the gift which is appreciated not alone for its intrinsic value, but because its fostered princes towards the Company a fraternal feeling which should ever mark the intercourse of the citizen soldier and the civilian.

Resolved, That such marks of esteem and consideration, hold a warm place in the affection and memory of the citizen soldier, and that while this Company exists, no testimonial can take precedence of that bestowed by Mr. Slater.

Resolved, That a copy of these Resolutions be presented to Mr. Slater, and that they be published in the papers of the Borough.

The Artillerists, we are pleased to state, are adding still, new members to their list. This is right. The Company should be sustained with spirit, and thus be enabled on parade to exhibit full ranks.

St. Patrick's Day.—On Wednesday next "the sons of the Emerald Isle," residing in this County, will observe this Anniversary. It is an old proverb that

"Potatoes and fishes are very good dishes,
St. Patrick's Day in the morning;"

and as long as Paddy confines himself to that diet on that day, he gets along very well. A slight infusion of whiskey however, to "shrink his Saintship's hilth," takes him again in imagination, to Donnybrook Fair, and in fanncying that he is to cudgel his way through that interesting assemblage, Patrick ends the day by either beating or being beaten. We hope the coming anniversary may be relieved of any such demoralizing exhibitions, and that St. Patrick for once, may be honored in soberness.

Our poetical friend, "The Buckwhile Blacksmith," gives in the following effusion, which we received a day or two since, a humorous account of

THE PROTESTANT COW.

A Recitation for St. Patrick's Day.

Near a bog in old Ireland, in a cabin of clay,
Lived Teddy Mulroooney, so chronicles say:
He had one cow, and about half a score
Of ymthful Mulroooneys, perhaps there was more:
But that's a mere nothing, suppose there was twenty,
Or twenty or thirty—more less, let it be plenty.
Mischievous young wretches, bare-headed, bare footed,
With features by smoke all begrim'd and besmutted,
For Lady, good creature, a notion did hold,
That the washing off dirt was the way to catch cold,
So Barney and Bridget, Big Mike and the rest,
With too much clean water had ne'er been oppress.

Now Ted was a farmer, you must understand,
He owned half an acre of Irish bog land,
Which was planted in potatoes—the best kind of seed,
Of live stock he'd six grunters of real Irish breed;
He had raised them himself from his father's old sow,
So Ted, understand, had a vast regard for the cow;
But he was not exempt from misfortunes, no more,
Than other folks are, for they called at his door.
He had lost a good cow, of starvation 'twas said—
She could not live on nothing, and so she went dead.
Now Judy had plagued him near out of his senses,
To buy her another—for to make consequences,
Of his refusal, herself up in his bed-room
The crown had been broke in at *Donnybrook Fair*,
Which left a big hole, where his long matted hair
Used to cover the skull like a sentinel set,
To watch for the foe ever some high parapet.
Her other accoutrements, cost, shoes and vest,
(I need not describe) they were much like the rest.

Thus fully equipped—without more delay,
He took his shillaih and started away;
He did not go far (for dame fortune was kind)
Till he met with a cow that just suited his mind,
And bought her at last with a deal of palaver,
For Ted at a trade was a regular shaver;
Then he took his shillaih and the dream vanished he started,
He'd made a good bargain and felt merry-hearted.
Arriving near home all his brats came to meet him,
And Judy, all smiles at the door stood to greet him.
"Och Teddy, acushla, now, and are ye come back?"
"Don't ye see it?" said Ted, as he gave her a smack;
"And I've bought you a cow, look at her my honey;
You'll agree I've done better than I did for the money."
"*Arrah yes*," replied Judy, "*by faith she looks well*,
Now where did ye get her? *mavourneen* come tell!"
"Why old Barney Higgins"—"Oh Lord, what a start!
"Now Teddy you *spoiposa*, you've broken my heart;
Holy virgin protect us!—oh, what shall we do?
Didn't ye given our gold to a Protestant cow?"
"Arrah Judy, dear Judy, that's nothing to mather,
I'll soon make her Catholic—we've got holy water.
Go fetch it to me—and away Judy hurried,
But made a mistake for he said it was married.
She got the wrong bottle—the vitriol she brought,
But did it, poor soul, for the want of a thought.
The cow ate a little, but soon left it on,
And had no idea of what he had done
Till he saw skin and hair peeling off in big patches
And the cow running at once—kicking fences and ditches,
While Judy cried out in a deuce of a fret,
"*Arrah isn't she strong of the Protestant yet?*"

THE BUCKWHILE BLACKSMITH.

March 8, 1858.

PROCEEDINGS OF COURT.

REPORTED FOR THE MINERS' JOURNAL.

Com. vs. James Katen, Wm. Ryan.—Assault and Battery. Defendants plead guilty. Katen was sentenced to 20 days, and Ryan to 10 days' imprisonment, and the costs.

Com. vs. Augustus Warner.—There were a number of indictments against the defendant for larcenies it was alleged he had committed. He had stolen a lot of clothing and money. On three of the indictments he was found guilty. The offence was committed at the house of Joseph Reber in South Manheim. The defendant appeared to be a simple-minded man. He was sentenced to 30 days' imprisonment on one indictment, and to a shorter time on the others.

Com. vs. Moses Brown.—The defendant was charged with the larceny of a coat, the property of a Mr. Schloss. On the trial, it appeared that the coat was the property of E. Abrams, and the jury found a verdict of not guilty. A second indictment, in which the coat was laid as the property of Abrams, was found, but on closer examination of the circumstances, it appeared that the first indictment was properly drawn. The jury found him guilty of the charge, but a motion in arrest of judgment was made, and defendant will probably be discharged.

Com. vs. Henry Bankes.—Surety of the Peace, on oath of George Berger. After hearing, the defendant was sentenced to pay the costs, and give security in $200 for his good behavior for one year.

Com. vs. Cyrus Cormaney.—Assault and Battery, on oath of Lavina Cormaney. The defendant plead guilty, and was sentenced to pay a fine of 6 cents and the costs.

Com. vs. John Werrington alias John Herrington.—Larceny of the goods of Jos. J. Hellner. Defendant plead guilty. He was sentenced to 30 days' imprisonment and the costs.

Com. vs. Reuben Wilson.—Assault and Battery with intent to kill Daniel Roach. The defendant is a colored man, and was living with Roach when they got into a dispute. It was during the night. The defendant shot Roach, wounding him slightly. He was found guilty, and was sentenced to 13 months imprisonment.

Com. vs. Charles Westley.—This was a young colored boy from Connecticut, who it appears had got into bad company and committed a larceny. He was discharged and sent back to his friends.

Com. vs. Michael Doacy.—Assault and Battery on Mich. Kelley. Guilty. Sentenced to pay a fine of $1 and the costs.

Com. vs. Patrick Broderick.—The defendant was charged with selling Liquor, without license, to which he plead guilty, and with Assault and Battery on Michael Kelley, on which he was found guilty. On the first he was fined $50 and the costs; and second, $5 and the costs.

Com vs. William Yost.—Wm Yost was charged with the larceny of a lot of money belonging to Mrs. George Schlots. He was found guilty, and sentenced to one years' imprisonment.

Com. vs. Jas. McIlntyre, Patrick O'Donnell, Thomas McGovern, Michael Stevens, Jno. Carry, Michael Scanlon and Jas. Gruner.—The defendants who compose the Borough Council of Palo Alto, were prosecuted by P. D. Barnett, for not keeping the roads in proper repair. They were found not guilty, but sentenced to pay the costs.

Com. vs. James Dougherty.—The defendant was charged with an Assault and Battery on Jno. N. Zeigner. The parties got into an altercation in the Pennsylvania Hall cellar, when the defendant struck the prosecutor. Defendant plead guilty, and was sentenced to pay a fine of $5 and the costs.

Com. vs. John N. Zeigner.—This was a Surety of the Peace, and grew out of the preceding case. After hearing, the case was dismissed, and James Dougherty, the prosecutor, was sentenced to pay the costs.

Com. vs. Hannah Tarr.—Larceny of some chickens the property of Sebastian Shafer. Not guilty.

Our Court of Quarter Sessions was occupied until Wednesday last in finishing the criminal business which had not been disposed of last week. The prosecution against Henry L. Acker, editor of the Pottsville Standard, for libel instituted by Col. Cake, was continued on the urgent application of the defendant, and the Court fixed upon the third Monday of April for the trial of the case. The defendant is charged with having published an article in his paper in which it was in substance, alleged that the prosecutor had sworn to a false statement of the condition of the Farmers' Bank of this place, in January last. The prosecution against Thomas G. Price for libel was tried, and we give a report of the case.

Com. vs. Thomas G. Price and James M. Seitzinger.—The defendants are editors of the Workman's Advocate published in Minersville, and were indicted for publishing a number of libels on David P. Brown and J. Claude White, a well known Coal firm of the County. They charged the prosecutors with failing to pay their hands the wages due them at the times promised, with compelling them to take their wages out in store goods, and then asking extortionate prices for the same, and further, used very inflammatory language towards them, calling down vengeance upon them, and stigmatizing them as rogues and villains. As Spellissey, one of the defendants, left the county very suddenly, he could not be arrested, and the jury were sworn as to Price alone.—The case for the defence was very ably conducted by Messrs. Bartholomew, Campbell and Bancroft—the commonwealth being represented by Messrs. Palmer, F. W. Hughes and Cummins. The defence relied mainly in attempting to prove that the charges made against the prosecutors were true. In this they utterly failed. We give the substance of the charge of the Court to the jury, which contains all the points presented, and will be found interesting. After stating that the jury were sworn as to Price alone, because Spellissey had not been arrested, the Court proceeded as follows:

The indictment has three counts; each one containing a distinct charge of libel. The first on Brown & White, published the 20th of February last; the second on Brown alone, the 19th September last, and the 3d on Brown & White on the 23d January last. The evidence before us shows that the defendants are publishers of the Workman's Advocate containing the libels in question.

The first inquiry is, whether the matter published is libellous. Libel consists in any malicious publication which tends to blacken any one's reputation, or to expose him to public hatred, contempt or ridicule. Is such the tendency of these publications? It is not necessary that we should read them to show that such must be the result. The charge that the prosecutors practised extortion on their workmen, that they had not been paid for three months, that the men were obliged to take goods out of the store, and that extortionate prices were asked, must subject them to public scorn and contempt. Every man in the community would condemn those who were guilty of such conduct towards their workmen. But the article goes further. It not only utters these charges, but in as many words calls the prosecutors rogues and villains, and calls down public vengeance upon them. (The Court here read an extract from the article.) We think you can have very little doubt about these matters being libellous. We have no doubt on the subject.

The next question presented is, are these libels malicious? Malice is an ingredient in the offence of libel, without which the offence would not be complete.—When a libellous matter is published, malice is presumed. As every man intends the natural consequences of his acts, and the publishing a libel tends to bring one into public scorn, hatred and contempt, malice is therefore presumed, where the matter published is libellous. A party may rebut this presumption by showing the truth of the matter charged, and that it was published with proper motives, but in the first instance malice is presumed. We think there can be no doubt about the presumption of malice in this case.

As the law stood previous to '56, the truth of a matter charged as libellous could not be given in evidence unless in cases where the official conduct of public officers, the proceedings of the Legislature, &c., was concerned, or when the matter published was necessary for public information. But the Act of Assembly, passed upon the 15th May, 1856, has changed the law in that respect and allows the truth to be given in evidence in all cases. Some think this change in the law beneficial; we think otherwise. The Press was as free before as it should be. Our ancestors were anxious to secure the liberty of the Press, and provided amply for it in the Constitution of the State. In Sec. 7th of the declaration of rights under the Constitution, it is thus contained concerning libels: "In prosecutions for the publication of papers investigating the official conduct of officers or men in a public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence." So you will see that before the law of '56 the truth could be given in evidence where the official conduct of public officers or men in a public capacity was concerned, or where the matter published was proper for public information.—What could have been asked for more? Why publish to the world matters with which the public have no business? Why parade in public the private affairs and business of our citizens and attempt to justify it because of its alleged truth? Where these matters published are necessary for public information, there it is different, and the truth may be given in evidence. But the Legislature imbued upon the law in this respect. This law will work mischief. In this County what was before the liberty of the Press, now threatens to become the licentiousness of the Press.

A point has been suggested, though not strongly urged, in the course of the trial, with which we are disposed to agree, and that is, that notwithstanding the law of '56 allows the truth to be given in evidence in all cases, yet it can only be done where the official conduct of public officers is concerned, or where the matter published is proper for public information, as contemplated by the Constitution itself. A slight examination of this position will show it to be well founded. No law can contravene or transcend the Constitution of the State. The Bill of Rights which is part of the Constitution, fixes the liberty of the Press, and declares in what cases the truth may be given in evidence, thereby prohibiting it by necessary implication in all other cases. But the law of 1856 goes further, and allows it to be given in evidence in all cases. It is an alteration of the Bill of Rights, and therefore, to be constitutional. It is not necessary to examine it further here, as the question scarcely arises in this case.

But take the law to be constitutional, and the next inquiry is whether the libels charged, were published with good motives and for justifiable ends. We will first consider whether they were published for justifiable ends; and the truth of the matters charged is material in this aspect of the case. Is the matter published, true? Have they made out the truth of all their charges, for the proof of the truth must be as broad as the charges themselves, and unless the defendants have proved the truth of every libellous matter charged, they have failed. It is a matter to be taken into account by us. We have looked in vain for the proof of any of the charges which were made. The defendant has charged Brown & White with extortion, but has not proved it.—The evidence of the chief clerk of the prosecutors, who fixed the prices for the goods sold, goes to show that but moderate profits were charged. No extortion was said—she could not live on nothing, and so she went dead. Now Judy had plagued him near out of his senses, To buy her another—for to make consequences. To fetch herself up in his bed-room. There was no proof of any such charge. The defendant in charging that Brown & White had paid their men together and informed them that in future they would not be able to pay them in cash, but that if they were willing to take their wages out in store goods they might go on, otherwise, they must stop, as in the condition of the coal trade it was impossible to get any money. The men went on and worked. It was a fair agreement on their part. They expressed no complaint. Due bills which Brown & White had given for labor done previously by the men, were paid in cash in January according to the agreement, and the evidence satisfies us that when that Brown & White paid over $8000 in cash to the men in January when they were not bound to pay them cash. But the defendant proceeded to go into the details. We must say that we think the libelous matter entirely unstudied. There is no proof of any intention on the part of Brown & White to extort, and no proof that they did. If you come to the conclusion that the libels charged are untrue, then it is your duty to convict, but if you think them true, then you must examine further whether they were published with good motives, and for justifiable ends.

We have said before, that where the matters charged are libellous, there malice is presumed, and it is for the defendants to rebut that presumption. Has the defendant satisfied you of his good motives, and that his ends were justifiable? His counsel alleged that friendship for the workmen is the sole motive by which he is actuated. If he is, he takes a singular way of showing it. How could it benefit the workmen to publish that Brown & White had made but three pays in eighteen months? a charge which has no foundation whatever. Now,