

sired to affect a separation in life. At length the medical man, having left Lady Falkland took Sir Edgar under his care, and immediately silenced his transports by a composing draught; fire engines arrived from the country town, and in a few hours the house had ceased to blaze; presenting, however a lamentable spectacle of blackened and smoking ruins.

"Morning came, the father and mother of Lady Falkland were expected, and I rode to meet them with the happy change in the prospects of their daughter; they were astonished that I should greet them with a smile, still more so when I described the tremendous scene of the preceding night; which seemed little calculated to excite such a token of pleasure; but most grateful were they when I had finished my story, and frequently did they return thanks to the gracious Lord, who had thus wonderfully and mysteriously wrought good out of evil.

"I led them to the farm, where they fondly embraced their beloved daughter; she was sitting by the bedside of her husband who, when no longer supported by temporary excitement, was suffering severely from the effects from his hurts, and a tender and affecting scene ensued. When I left the room, I encountered Mr. Chambers, the lawyer.

"I am exceedingly sorry," he said to me, with a look of doleful apology, "but I have reason to fear that the deed of separation has been destroyed in the flames." "So much the better," I replied, cheerfully; "Sir Edgar and Lady Falkland are now happily reconciled, and the deed of separation; even if recovered, would be no better than waste paper."

"Pardon me Major," said he, with a provoking curve of the lip; "you can only conjecture that point—we lawyers are not to be satisfied except with proofs, and time alone can prove that the deed will not be again required."

"I was glad to escape from this doubting gentleman to the clamorous rejoicings and congratulations of Dennis O'Flaherty I gave him a sum of money, which Sir Edgar afterwards trebled, and I resolved in my own mind never to laugh at his blunders again, since he had so happily refrained from blundering in a case of life and death. Lady Falkland attended her husband with the most unremitting tenderness and assiduity during an illness of several weeks; on his recovery they passed some months in travel, & neither of them made any complaints of want of attention on the part of the other. The house was rebuilt exactly in the same form but it was more attractive to my eyes than it had ever been, for it now became a "Mansion of Peace."

"And do you really think it possible, uncle," said Emma, "that a couple who were once on the verge of separation, could be thoroughly happy afterwards?"

"It is not only possible, but it is true," said Major Hervey; "they are as happy Emma, as your own dear father and mother."

"Now, uncle, I cannot believe you I shall be like your sceptical friend, Mr. Chambers, only satisfied with proofs."

"Then I will give you a proof, Emma, which will be quite satisfactory even to the sceptical Mr. Chambers, it is of your own dear father and mother I have been speaking."

Emma cast a wondering, incredulous glance towards her mother.

"Surely my uncle is jesting?" said she.

"No, my love," answered Lady Wilmet "he has given you, under imaginary names, a narrative of facts. The awful scene took place twenty years ago on this very site; and the room where we are now sitting answers to the one in which I stood, momentarily expecting a painful and violent death, and shrinking from the idea of appearing before my Creator with a spirit irritated by angry pride and a conscience burdened with the neglect and defiance of my duties as a wife and as a christian. I trust that by the assistance of Providence I have been enabled to correct the faults of my temper, and most happy my dear Emma, am I to say, that I have never observed any indications of the same imperious and exulting disposition in you but in case any future alteration in your situation should bring to light defects in your temper hitherto unknown I am glad that your uncle has told you these particulars of the early wedded life of myself and your father. Your choice, I trust, will be cautious and prudent; but that choice once made, consider that it is equally your duty and interest to bear patiently with the foibles of the object of it, and ever remember that the bonds you assume are not merely light and temporary ties, but are to be worn by yourself, and by the husband of your selection, in fidelity and constancy as long ye both shall live."

The rain which fell during the latter part of last week, and the melting of the snow near the head waters of the river Delaware, caused it on Saturday and Sunday to rise to an unusual height, and was several feet higher than at the late freshet. The loss to individuals along the banks of the Delaware has been very considerable, and to lumber merchants in particular, as in one or two instances, we have learnt that several thousand dollars worth was taken down the stream. We learn, also, from an individual who was near the stream a part of the time, that the whole surface of the water appeared covered with floating logs, boards, shingles, &c.—*Doylestown Democrat.*

Every man should singly consider himself a guardian of the liberty of the press; and as far as his influence can extend, should endeavor to prevent its encroachments becoming the grave of its freedom.

From the Reporter.

### PRETENDED "RIOT" CASES.

The prosecution commenced by Stevens, Burrows and Penrose, against several gentlemen who had been selected as the objects of their party vengeance, on an alleged charge of riot in December last, when the schemes of these conspirators against the laws and the constitution of Pennsylvania, were so signally defeated by the calm determination of an insulted people, came on yesterday before the court of this county. The known efforts of the conspirators to procure a conviction in this case, in the vain hope of producing a re-action in public opinion, which they feel has placed the seal of everlasting infamy upon their foul plot, gave to this trial peculiar interest, and attracted to the court house a large crowd.

The court having ordered the trial to proceed, Mr. Fisher, for the prosecution, stated his intention to try but two or three, or one of the individuals at a time as the case might be.

When Mr. Pray was called on to plead, Mr. Barton rose and stated, that he had certain affidavits to present to the court, preliminary to a motion which, as one of the defendants, and as one of their counsel, he was about to make in their behalf.

Mr. Fisher strongly resisted the right of the defendant to have any affidavits presented until they should have been submitted to the private inspection of the counsel for the prosecution, in order that they might judge of their pertinence and relevancy!!

The court promptly decided against him, and directed Mr. Barton to proceed and read the affidavits; notwithstanding the decision of Judge Blythe, Mr. Fisher persisted in his objections, evincing the utmost perturbation, which was evidently shared in by Mr. Stevens, who sat by his side, whispering in his ear, and prompting his course.

Judge Blythe, reiterating his decision, directed Mr. Barton to proceed and read the affidavits, which he did as follows:

DAUPHIN COUNTY, ss.—Charles Pray, member of the house of representatives from the county of Philadelphia, and one of the defendants in the indictment for riot and conspiracy, found by the grand inquest of Dauphin county at the January term of the quarter sessions of the present year, being duly sworn, in open court, before the Hon. Calvin Blythe, deposed and said:—That sometimes after the hour of ten, one evening, about the middle of March, A. D. 1839, he was in the bar room of Mr. Wilson's hotel, in the borough of Harrisburg, at which house he boarded; that John Adams Fisher, Esq. attorney at law, of the said borough, entered the bar room—Mr. Fisher being the principal counsel retained to prosecute the said case, and by whom, (as defendant hath been informed and believes,) the bill of indictment was prepared, and on whose motion, and at whose instance, the trial was postponed at the January term of the court.

Mr. Fisher commenced a conversation respecting the trial of the said case, at the approaching April term of the court; in the course of which he remarked, among other things, that the defendants were a set of damned rebels; that he would pack an anti-masonic jury, and he would be God, damned if he could not make them do as he pleased, right or wrong, and that, guilty or not guilty, by God the defendants should be convicted and sent to prison.—These remarks, with others of a similar character, were repeated several times by Mr. Fisher, in an angry tone of voice, and under the evident influence of highly excited feelings. Deponent immediately requested the bar-keeper, Christian S. Kendrick, to remember the names of the gentlemen present. Among them were Alderman John R. Walker, of the city of Philadelphia, editor of the Herald and Sentinel; John Naglee, of the county of Philadelphia; James R. Tomplin and David Pool, of Harrisburg; Gen. Wm. T. Rogers and William Field, members of the legislature from Bucks county, and several others. And further deponent saith not.

Sworn and subscribed before me, in open court, this 18th day of April, A. D. 1839. CALVIN BLYTHE.

[Here follows the depositions of Christian S. Kendrick and James R. Tomplin, to the same conversation, which we omit.]

After the affidavits had been severally read, Mr. Barton proceeded to remark:—That in bringing forward the affidavits which had just been submitted to the court, he was actuated by no spirit of resentment of hostility towards the individual whom they implicated. His motives had their origin in a solemn conviction of duty—of duty towards the defendants of whom he was one and for whom he was counsel—of duty to the court, and the honest yeomanry of Dauphin county, of whom so foul and shameful a libel had been proclaimed by the leading counsel for this prosecution.—The defendants were well aware that no stone had been left unturned to prejudice and affect their case in the public eye; but they had not thought so badly of human nature as to believe that direct exertions would be used to tamper with the integrity of the very jury box itself, until this unguarded avowal of the prosecutors' mouth-piece had informed them of it so fully, that there was no room left for doubt. They had intended to plant their defence on the naked merits of the case; rejecting all technicalities, waiving all defects of form or substance, and relying on the intrinsic value of the evidence which could be adduced

in their behalf. But when the most unequivocal evidence had been discovered and presented, as not merely a desire, but a boast, that the stream of justice had been, or would be polluted at the very fountain head and source, he could not, in the conscientious discharge of his duty as one of the counsel for the defendants, but take advantage of the manifold defects of both form and substance which had marked the whole proceedings of the prosecution, from the commencement to the present time. In an hour of unwonted or unsuspecting frankness, the rule had been sounded, and it was not for the defendants to rush into the thicket where, self-avowed, the serpent lay coiled, when they could choose their own track. He would move therefore, that the indictment be quashed, for the following reasons:

The Commonwealth vs. Charles Pray, et al. In the court of quarter sessions of Dauphin county Bill found January sessions, 1839.

The court are respectfully asked to squash the above name bill of indictment, for the following reasons, to wit:

1. The persons who acted as grand jurors and by whom the said bill was found, at the January sessions, A. D. 1839, had no authority by law to act in that capacity, not having been selected and returned according to the provisions of the several acts of assembly, directing the mode of selecting and returning jurors.

2. The sheriff and commissioners had no authority to select and return, as grand jurors, the persons who acted as such at the said January Sessions, A. D. 1839, no precept having been issued by the court, to them, for that purpose, without which the whole proceedings were erroneous and illegal.

3. The Sheriff and Commissioners have not complied with the indispensable requisitions of the several acts of assembly, in drawing and returning the persons who undertook to discharge the functions of grand jurors at the said Sessions of January, 1839.

4. The persons who acted as grand jurors, and found the bill of indictment above mentioned, were incompetent in law to perform any such act, not having been summoned according to law, and under the authority of the court; no writ of venire facias, under the seal of the court of Quarter Sessions, having been issued to the Sheriff and Commissioners for that purpose.

5. The several provisions of the acts of assembly have not been complied with, either in drawing, selecting, summoning, or returning the persons who acted as grand jurors, and found the said bill of indictment; consequently, all their acts are null and void, and the defendants cannot be called on to answer, but the bill must be quashed, the whole process having been defective, irregular, and illegal.

6. The bill of indictment is in itself defective, in the requisites of sufficient and substantial averments.

7. It is defective and insufficient in the fact that it does not set forth the addition of the several defendants, but mentions merely their names; a want of certainty, at utter variance with the well established and long settled rules of criminal pleading, and in non-compliance with the explicit provisions of the Statute of first Henry 5th, which said statute is in full force in this commonwealth, and so declared to be by the judges of the Supreme Court of Pennsylvania, in their report of 1808, to the legislature of the State.

G. W. BARTON, HAMILTON ALRICKS, } Counsel for def'ts. CHARLES C. RAWN, } Harrisburg, April, 18, 1839.

After reading the foregoing reasons, Mr. Barton remarked: That he would not, at that time, offer any arguments in their support. The defendants were entitled to the commencement and conclusion, and Messrs. Alricks and Rawn, who were associated with him in the defence, would proceed to put the court in possession of the various authorities, upon which the defendants relied; and when the prosecution had replied to their remarks, he (Mr. B.) would have the closing word, and enter into the argument at length, should he deem it necessary.

Mr. Alricks then proceeded in a powerful and conclusive address to the court, in the course of which, he adduced many authorities, showing that no such body as a grand jury had existed at the January sessions; and that the persons by whom the bill was found, had no power or right to act upon it. He had not concluded, when the court interrupted him, stating that the time of adjournment had arrived, and directed an adjournment till half past two.

#### AFTERNOON SESSION.

Mr. Alricks was about to resume his remarks, when Mr. Fisher rose and said, that since the adjournment of the court, the counsel for the prosecution had satisfied themselves that the indictment could not be sustained; that it had been prepared in a hurry, and they, themselves, had never been perfectly satisfied of its sufficiency; that the want of a seal to the venire they conceded to be defective; and, as the defendants had applied to have the indictment quashed, he would not urge any objections; but that, at the August term of the court, they would send up a new bill, or bills, as might be deemed proper. Mr. Fisher went on to say that certain affidavits had been read to the court in the morning, which had no bear-

ing on the exceptions filed to quash the indictment, but had evidently been introduced from personal motives towards himself.—The person by whom they had been introduced had disclaimed any feelings of hostility; but there were resident in and about Harrisburg, certain yelping curs who were continually barking at his heels, and for whom he felt the utmost sovereign contempt—who had, no doubt, furnished the information with a view to suggest the course which had been taken, for the purpose of injuring him in the estimation of the community.

Mr. Barton replied: that the indictment having been abandoned, his present purpose was accomplished; and if Mr. Fisher had contented himself with simply stating that the prosecutors could not reply to the objections of the defendants' counsel, and had stopped short at that point, he would have had nothing more to say. But as the learned counsel had gone on to make an elaborate statement in reference to the affidavits which had been filed and read in the morning, something of reply might not be considered superfluous. It did appear to him, that, instead of deprecating the effect which the affidavits in question might have upon his interests or standing or inquiring into the motives of those who prompted or prepared them, the learned counsel would have better consulted propriety and vindicated his character, by denying or explaining the statements therein set forth on solemn oath. On that head, the gentleman had been unaccountably silent. As to the "yelping curs" to whom he had referred, of Harrisburg origin location, he (Mr. B.) knew nothing of and cared nothing for them, and would leave the settlement of such canine quarrels to the parties concerned. He desired the gentleman to understand that the affidavits which appeared to have so irritating an effect upon his sensitiveness, had been prepared exclusively by him; without consultation with any person or persons as to the expediency of so using the facts which those affidavits disclosed; and that if the gentleman had aught of vengeance to visit on the head of any one, on his should it fall, for he avowed, felt, and held himself fully responsible, there and every where. But, he repeated, aught of malignity or hostility to Mr. Fisher he disclaimed.

A sense of justice only had prompted him to the course which had been pursued; and though not desirous of wounding the counsel's feelings he had not paused to calculate the possibility of such a contingency. He gave the gentleman full notice, that he intended to take good care that these affidavits should be published to the world; that the public might pause and ponder upon the motives which prompted the prosecution, and the extraordinary manner in which it had been carried on. Mr. Fisher had spoken unguardedly—he had, in a paroxysm of candor, revealed the truth, and there was not wanting an abundance of circumstances to confirm it. Nothing had been spared to affect the public mind. Inflammatory appeals to prejudice had been published under the signatures of men, who had been bound over to testify in behalf of the prosecution, filled with scandalous and perverted details of the occurrences at the seat of government in December; which had been circulated most industriously in the presses of the very county where the trial was to be had; after the finding too, of the bill of indictment. The very bill of indictment, as soon as found, and before the defendants had been called on to plead, was thrust into the anti-masonic prints of Dauphin county; and obtruded upon the gaze of those by whom the cause was to be tried. Nay, that renowned political Grimaldi, the Speaker of the Senate, who had just returned from a sort of pilgrimage in the state of New York, where he had been roaming,

"The wandering out law of his own drerk mind," in the somewhat ominous vicinity of Auburn or Sing Sing, had, this very week, while the trial was pending, published in the Harrisburg papers, the conclusion of a statement in relation to those occurrences, filled with all manner of foulness and falsehood, and referring directly in that address to the "judicial investigation," which was just about to take place. All this, coupled with the declarations of Mr. Fisher, was sufficient to expose to the eye of the most incredulous, the glaring deformity and unhallowed character of this prosecution.

Mr. Barton continued in the same strain, for a considerable length of time, to reply to the remarks of Mr. Fisher.

After which, a few further observations were made by Mr. Fisher, without, however, venturing to deny, in the most distant manner, the truth of the affidavits.

The court then directed five of the defendants to enter into recognisances, to appear at the next term to answer such charge as might then be alleged against them.

On Friday morning, an application was made by Mr. Fisher, that the affidavits which had been filed on the day preceding, should be withdrawn. He said, that they had nothing to do with the case, and tended to injure him in the estimation of the community. He was an officer of the court, and had a right to its protection; and he called on the court to extend to him its protection.

Mr. Barton objected to any withdrawal of the affidavits. They had been duly filed, and were a part of the records of the court. As to their tendency to injure the gentleman, he could not help that; he had explained his motives yesterday, and should not do so again.

The Court stated, that it would take no

action on the subject; the affidavits had been filed of record, and there they must be permitted to remain. Those who had introduced them, were persons of responsibility, and if Mr. Fisher was offended, he must seek his remedy.

Mr. Barton: Certainly, may it please the court; those affidavits were introduced by him, and he held himself strictly accountable.

From the St. Albans (Vt.) Messenger, April 4. More Burnings on the Frontier.

Last week we spoke briefly of the burning on the other side of the lake and at Alburgh. But it appears now to have assumed a more serious aspect and caused no little excitement among us, inasmuch as there have been several fires on this side of the lake within a week past.

On Friday night last, the 29th ult., a large barn and shed, the property of Capt. Charles Miller, of St. Armands West, were destroyed by fire, together with all their contents consisting of eight horses, ten cows, one yoke of oxen, five calves, and a considerable quantity of hay. On the night following a large house belonging to John Barr, Esq. in Highgate, containing forty tons of hay, was burnt. And on the night after, a large barn, belonging to John Stimits, Esq., in Highgate, containing 12 tons of hay was destroyed. Thus making three fires, in three successive nights, and two of them on this side of the line.

The citizens of Highgate, being alarmed at the burning of Mr. Barr's barn, have kept a watch over their property every night since. On the same night that Mr. Stimits's barn was burnt, attempts were made by the incendiaries upon several others on this side of the line; but finding them guarded they did not accomplish so much as they otherwise would. A Mr. Brewer, who was on the lookout about his buildings, was fired upon by three men with the Loyal volunteers caps on, upon whom he returned the fire, all without effect. At another place a gang were seen approaching by some men who were watching inside a barn, and were well prepared to give the assailants a warm reception; the women from the house, however, perceiving them approaching, vociferated loudly, "There they come, there they come!" when the marauders took to their heels.

The people of Highgate are well armed, and keep up a strict watch, and will not intermitted while danger is supposed to exist. They are assisted to some extent by volunteers from neighboring towns. A special messenger has been sent to Governor Jenison, and also to the commanding officer at Plattsburgh.

Another Steam Boat fired into by Canadians.

OGDENSBURG, April 14, 1839.

At 5 o'clock this afternoon, the steamer United States started upward on her first trip, having on board a great number of passengers, among whom were several women and children. On striking out into the river, being then nearly opposite Prescott, five or six cannon were discharged at her from the wharf at Prescott, loaded as is averred with ball, three of which were plainly seen by more than fifty to strike the water near her. As she did not turn about we cannot tell whether any of the shot struck her, but it is supposed they did not.

The cause of the outrage is well known. The Canadians are incensed against the boat on account of the part she took in towing the Patriots to Prescott last fall—which was done without the knowledge or consent of the owners. The officers then in charge of the boat have been discharged, and yet to gratify a silly rage they have conceived against the boat, they fired on her, and thus endangered the lives of the unoffending passengers, in the hope of destroying the boat.

Anecdote of Madison.—When the debates for the adoption of the federal constitution were occupying the attention of our patriotic fathers, and when wisdom, like a daily visitant, hovered over the hall where genius and virtue breathed fire into the hearts of the sages who were there assembled, Mr. Madison wished to speak, but was almost afraid from his great physical debility to make the attempt. However, he begged a gentleman who was sitting near him to pull him by the coat when he perceived that he was becoming exhausted.

Mr. Madison rose and opened his speech—his voice was feeble at first, it became, stronger as progressed—passage of brilliant illuminating thought came from his almost insipid lips; every point of the great subject he touched, he left for men of all future time to look upon as if he had thrown the clouds from the summit of the hills—he went on and concluded.

"Why," said he, as he sunk back exhausted in his chair, "why did you not pull me when you saw me go on as I did!"

"I would rather have laid my finger upon lightning," was the answer.

This anecdote we have obtained from a gentleman who was present.

Real Estate in St. Louis.—A public sale of ten building lots took place in St. Louis on the 29th of March. The lots were 22 front on Maine street. The highest sold for \$500, and the lowest at \$340 per foot front.