

ance of Old Rye, forgot all their perils and and fatigue.

"How near the rocks did we go," said I to one of the master's mates, the next morning. He made no reply, but taking down his chart, showed me a pencil line between the outside shoal and the Light House Island which must have been a small strait for a fisherman to run his smack through in good weather by day light.

For what is the noble and dear old frigate reserved!

I went upon deck; the sea was calm, a gentle breeze was swelling our canvases from our mainsail to royal, the isles of Scilly had sunk in the eastern waters, and the clouds of the dying storm were rolling off in broken masses to the northward and westward, like the flying columns of a beaten army.

I have been in many a gale of wind, and have passed through scenes of great danger but never before nor since, have I experienced an hour so terrific, as that when the Constitution was laboring with the lives of five hundred men hanging on a single small iron bolt, to weather Scilly on the night of the 11th of May, 1835.

NOTE.—During the gale, Mrs. Livingston inquired of the captain if we were not in great danger, to which he replied as soon as we passed Scilly; "you are as safe as you would be in the aisle of a church." It is singular that the frigate Boston, Capt. McNeal, about the close of the Revolution escaped a similar danger while employed in carrying out to France, Chancellor Livingston, a relative of Edward's and also Minister to the Court of St. Cloud. He likewise had his wife on board, and while the vessel was weathering a lee shore, Mrs. Livingston asked the Captain—a rough but gallant old fire-eater—if they were not in great danger; to which he replied—"You had better, Madam get down upon your knees, and pray to your God to forgive your numerous sins for if we don't carry by this point, we shall all be in h—ll in five minutes."

From the Lehigh Bulletin.

#### PROCEEDINGS OF COURT.

Commonwealth

vs.

Gustavus Adolphus Sage.

The defendant in this case was indicted for publishing a Libel upon the Character of David R. Porter, previous to the late election. The Libel charged Gov. Porter, with being a "perjured knave," and with "fraudulent Insolvency." The indictment contained but two counts embracing these charges. As the case is to be fully reported, we shall not attempt now, neither have we time, to detail the facts, as given in evidence to the jury. We will however state

behind the 7th section of the 9th article of our constitution which permits, "in prosecutions for the publication of papers investigating the official conduct of officers or men in a public capacity, or when the matter published is proper for public information, the truth thereof, to be given in evidence." To this the counsel for the Commonwealth did not object, but cheerfully invited the defendant to the enjoyment of every right of defence, afforded him by the constitution and the Laws. The doors being therefore thrown wide open and nothing intentionally left to impede or resist a full and free investigation of the truth of the charges, the defendant commenced by producing the notorious John Stonebraker as the first witness. From the undecided and equivocating manner in which he testified in chief, a jury could have scarcely placed any reliance upon his testimony, and before he had undergone a thorough cross examination, it was easily to be perceived that his affidavits, which were the original foundation of the Libel, could not be supported. After his examination had closed, his son Samuel Stonebraker (*Stevens' Boss*) was called, whose testimony contributed but little to the support of his Father. To complete the *trio*, Robert Campbell the late Prothonotary of Huntingdon County succeeded; and the wretched manner in which this man testified, was sufficient to make one doubt the effect which the sanctions of an oath have upon the consciences of some men, and to shudder at the depravity of human nature. We shall not give the details of the testimony of these men, but content ourselves with saying, that if they can with quiet consciences there may indeed be on earth peace to the wicked.

The character of John Stonebraker for truth and veracity was most awfully impeached by six of his most respectable neighbors, who testified, that they would not believe him under oath. Neither did the character of Robert Campbell stand in a better light. For the witness who succeeded him, and called to by defendant, testified that he (Campbell) has sworn to a positive falsehood. Upon the testimony of such witnesses as these had the defendant the shameless audacity to ground his defence and justification of his conduct. Gov. Porter was present during the trial. His noble and dignified deportment was marked by no agitation nor fearful apprehensions of the result. But seemed rather to be laboring under feelings, of pity and contempt for the wretched miscreants who was attempting to rob him of his character. And when called to the stand as a witness for the Commonwealth, the mild and modest, yet firm and convincing manner, in which he gave his testimony, excited the sympathy, and at the same time the admiration of every

spectator, and left upon all but one, deep impression, that he was a much injured and abused man. Wishing to have every *business transaction* of his life investigated, and to give his enemies no grounds of complaint, he went much further in detail than was even necessary for a triumphant vindication of his character. And after his testimony was closed, every shade of suspicion that malice and calumny had brought upon him, was removed, and he stood forth with an integrity as pure and unsullied, as the new fallen snow. Such has been the glorious termination of a trial, which not only involved the character of the first officer of the Commonwealth, but the liberty and licentiousness of the press. His honor Judge Banks in a very clear and lucid charge to the jury, drew a line of distinction between them, and plainly defined the rights of the press. They may canvass the political measures, or creed of a man, but cannot vilify and abuse. His charge was able eloquent and conclusive. So clearly did the evidence enable him to sweep away every matter, that may once have been doubtful, there was nothing left for the jury to do, not a solitary fact remained unexplained or required their deliberation. The cloud of suspicion which the lying affidavits of the Stonebrakers had hovering around the character of Gov. Porter, was swept away, and it shone forth clear as the sun in his meridian glory. Under such circumstances the jury could not but return a verdict of guilty against the defendant, which was done. Thereby declaring that the character of Gov. Porter is free from the foul charges made against him by his political enemies.

Bridges, Barton, of Phila. and Gibbons for Commonwealth; Brown, of Easton, for defendant.

#### VETO MESSAGE OF THE GOVERNOR UPON THE LOCAL APPROPRIATION BILL.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania.

GENTLEMEN.—The bill entitled "an act making appropriations to certain turnpikes, state roads, &c. within this Commonwealth, and for other purposes" has been presented to me for executive approbation, but as I cannot give that approbation to this bill consistently with my own sense of duty, I return it to the House of Representatives, in which it originated, with my objections.

It makes large appropriations to the payment of the debts of several incorporated companies: to the building of bridges, the improvement of streams; the repair of various turnpike roads; and the building of a hall in the city of Lancaster—many or all of which objects might be perfectly proper and right had the Commonwealth a superabundance of funds. But at a time when we are laboring under an existing state debt of upwards of thirty millions of dollars, it does not appear to me that it would be either prudent or proper to borrow money, or tax the people to raise funds to give away, with so profuse a hand on improvements, many of which are secondary at least in character and general importance. If it were even advisable to increase the state debt for this purpose, under any circumstances, the present is not a propitious time, as there is difficulty in procuring money for existing responsibilities on favorable terms, and that difficulty would no doubt be increased by increasing the amount required.

This bill makes the following appropriations to the objects named.

[Here follows a list of 125 incorporated Road and Bridge companies, to which are given about 275,000 dollars which we omit for want of room.]

In the message which I submitted to the legislature on the 26th day of January last, I took occasion to communicate at some length, my views relative to the system of internal improvements in which this Commonwealth is so deeply embarked.

I will again state in a few words the general principles that in my judgement ought to regulate the action of our government in carrying that system into effect, so far as the same have a direct bearing on the subject under consideration.

The primary object avowed by all departments of the government in the commencement of our system of internal improvements was to secure to our commercial emporium a due portion of the increasing Western trade or commerce, and to develop the immense mineral resources of this Commonwealth, distributed throughout the coal and iron fields in such exhaustless abundance, and the agricultural productions of her fertile valleys in her interior, northern and western counties. To carry this design into operation, the main lines between Philadelphia and Pittsburgh and the lakes were first undertaken and the coal and iron fields on the north and northwest penetrated by the Susquehanna canals.

The immediate tributaries of the main lines, opening into rich mineral deposits, of course form a part of the system, and are necessary to its entire completion. To secure the trade of the western states, and of the northwestern portion of New York was also an essential object of the founders of our improvement system.

Experience clearly demonstrates the wisdom and sound policy of the undertaking. Had all the energy and means of the Commonwealth been devoted to the vigorous prosecution of this system, in its original simplicity, the state would now be reaping

the full fruits of her expenditures, and the public debt, would not have been swelled to its present enormous amount. Influenced, however, by unfortunate causes & councils, the legislation of the state, has recently tended to distract the attention, and divide the means of the public by the prosecution of various undertakings, unconnected with the main lines, and in many instances, wholly for the benefit of private companies; thus placing the public means under their unlimited control, when the faith of the Commonwealth was already pledged, to apply its resources to the completion of its own works, and to the payment of its own liabilities. It is manifest at a glance, that just so far as the original system has been departed from, so far has the system itself been retarded, and the public money been squandered upon unproductive objects. I do not mean to say, these objects may not have been of great value to particular sections, and particular individuals, but the public at large, had not the same interest in them, nor could their commencement, or even completion, materially contribute to the prosecution of the main design. I rank them accordingly, among that class of secondary improvements which should not be undertaken by the Commonwealth, while others of much greater importance, remain unfinished and unprofitable.

It has only been within the few last years, that this infraction of the internal improvement system has been carried to the greatest extent. The drains upon the treasury of the Commonwealth, through a thousand unseen channels, have frittered down her resources, crippled her energies and involved her in the most inextricable difficulties. To a person not intimately acquainted with the facts, it would be a question not easily to solve, from an examination of the recent appropriation bills, whether the main lines of our improvements were prosecuted on account of their own intrinsic importance, or merely as pretexes for lavishing upon numberless other subordinate objects, millions of dollars of the money of the people. In some instances, as in that of the bill under consideration, the appropriations to secondary objects have been made first, while the appropriations to the main lines have thus far failed entirely. It will be but one step further in the departure from the original system, to drop the main lines altogether and henceforth disperse the treasure of the Commonwealth, among incorporated companies local prejudices, local interests, and expert bargaining to secure in the general scramble, the largest share of the public money.

It is far from my intention to attribute to any of these motives, or to the influence of any of these causes, the formation of the present bill. I am speaking of the direct tendency of this course of legislation—to what consequences it must inevitably lead, and to what result it has already reached in its progressive influence on the legislation of the Commonwealth.

Unless a radical change of my opinion should take place I can never yield my sanction to the predominance of this innovation on our internal improvement system. I conceive it to be at open variance with judicious economy, sound policy and enlightened legislation.

Thus viewing it, I should be recreant to my duty, were I to sanction this bill. No man can be more reluctant than I am to exert the veto power. I shall never do it on light or trivial occasions; still less shall I claim to set up my opinion in opposition to that of the two houses of assembly; but when the completion of the main lines of improvement and the interest of the people are all involved in a measure, I cannot hesitate in the adoption of my course.

It is highly desirable, no doubt, to those concerned, that the debts of all turnpike companies, and in fact all other companies in the Commonwealth, should be paid. But the question is at this time, shall we borrow money to pay them, when it requires the joint exertion of every branch of the government to sustain its credit which has been already stretched to its utmost limit to satisfy existing liabilities, and to defray the expenses incident to the management of the public affairs. I cannot believe the people of Pennsylvania are prepared to answer this question in the affirmative. If I have misconceived my duty, or misunderstood the public sentiment, it is a gratifying consideration that an ample remedy is provided by the constitution. Claiming only the merit of rectitude of intention, I cheerfully commit this bill to the action of the legislature, and to the final judgement of the people satisfied that on this as on all other subjects they are the best judges of their own interests, and of the fidelity of their public servants.

Although not necessarily connected with the main subject of this communication, it seems to me not to be improper, to call the attention of the legislature again to the means of increasing the credit of the state, and of rendering it at all times more certainly available. During the existence of our present currency, mainly composed as it is of paper, fluctuations in our pecuniary affairs to a greater or less degree, are perhaps unavoidable. Apprehensions of this state of things, frequently operate to deter capitalists from advancing money to the state when required for public purposes. It is believed that this evil would be principally removed if provision were made by law, for paying the loan-holders the interest on the loans, at all times, in gold or silver or in equivalent funds at their own discretion. This would be right and just, because the

money loaned to the Commonwealth was of the same kind, and the interest on it should be paid in a medium as valuable to the creditors, as the original advancement. I respectfully suggest to the legislature the propriety of enquiring into the subject and of adopting such measures as are compatible with sound policy and enlightened justice. No occasion should be spared either on the part of the executive or of the legislature to impart to the credit and standing of this great Commonwealth, all the strength and stability to which they are entitled by her native resources, and the industry, enterprise and integrity of her citizens.

DAVID R. PORTER.

EXECUTIVE CHAMBER,  
May 9, 1839

#### THE BRAGANZA TRAGEDY.

An Appalling Narrative.

Several of the New York papers contain detailed reports of the trial of the Braganza Pirates and murderers. It is unnecessary to publish the testimony at length, but the following story of the dreadful scene, as related by Robert Moir, the second mate will be read with interest.

In the months of July and August, I was second mate on board the brig Braganza. She sailed from the port of Philadelphia on the 7th July, 1838. The captain was Arnel F. Turley—1st mate Thomas Vanderslice—myself second mate—there were four able seamen, and two boys as ordinary seamen. The prisoners were on board as seamen. Wilhelm was known on board as Bill, Van Bruggen was called Joe and a man named Adams on board was called Harry. There was a colored man on board named Thomas Brown who was cook. Mr. and Mrs. Diehl and the captain's wife were on board as passengers. Mr. Diehl was the owner of the brig. On Saturday night 5th August, I left the deck a quarter after 12 o'clock, and Mr. Vanderslice took charge of the deck, as it was his watch. I cannot say which of the sailors were on deck after I left; I retired to my berth in the state room in the cabin. The captain and his wife were asleep in the starboard berth, and Mr. and Mrs. Diehl in the larboard berth. There was a door from my state room into the cabin. I fell asleep—I was awakened about 2 o'clock by the cry of murder, which I took to be the chief mate's voice and so still I believe; I heard them twice after I awoke, and also heard a scuffle on deck. I at once jumped out of my berth and went into the cabin, and found the captain and Mr. Diehl getting out of their berths. I went on deck, preceded by the captain, who, I think was not armed, I was at the bottom of the steps when the captain was at the top. On the deck was Mr. Vanderslice first mate lying on deck wounded and bloody, his head hanging down the companion way. He spoke to me; I found the four sailors, including the two prisoners, Knudson and Adams on deck. I found Joe engaged with the captain. Bill also engaged in the attack. Joe was armed with a pump brake or handspike. Wilhelms had a sheath knife in his hand; Hans and Adams had no weapons as I saw. Seeing Joe engaged with the captain, I struck at him with a belaying pin I had in my hand, and hit Hans on the temple. Hans being nearest to me, I got hold of him and tried to force him down. In the scuffle I was tripped, and fell on the top of Hans when Van Bruggen, or Joe struck me with a handspike on the shoulder. Adams then cut me on the head with a knife, and wounded my fingers severely. The captain then returned to the cabin to get a cutlass, and said he would fix them. While he was there Wilhelms unshipped the gung-way amidships, and kicked it overboard leaving an open place in the bulwarks of the vessel, so that a person could be thrown overboard. Hans and me were still scuffling, and while we were, Wilhelms and Adams took hold of me, and tried to throw me overboard. I went overboard through their means; I held on to Hans and took him overboard with me and caught upon the after guy to which we both clung. Hans then let go of me, and a rope was let down to Hans, who got hold of it, and I did also. Van Bruggen or Joe then got a handspike, and struck me on the arm, fracturing one of the small bones, while I held on the rope. Meanwhile the captain came on deck with a cutlass, and the attention of the men was turned from me to the captain and I got on deck and crawled to the companion way of the cabin much injured by the blows. When I got into the cabin, I found Mr. Vanderslice lying at the foot of the cabin, the captain was lying on the deck held down by Van Bruggen or Joe, and Wilhelm or Bill. The captain begged for mercy, and prayed that they would spare his life for the sake of his poor wife, saying he would forgive them all they had ever done. When I got into the cabin they fastened the door with spikes, to prevent any of us from going to the assistance of the captain. While there I continued to hear cries of the captain on deck they were cries for mercy. They continued some time, then there was a stillness of about five minutes; then I heard a splash in the water. I then heard a cry from the captain in the water exclaiming, "Oh, my God, I am dying." I could see the captain from the cabin window in the water.—I observed the captain trying to swim in the water until he was out of sight. It was night time, and I did not see him sink.

I came on deck the 7th day. Before I came on deck, I was confined by the crew, with whom I communicated every day.—

The crew had command of the vessel; Wilhelm having the chief command. The crew said it was very well known what they had done with the captain, and they should consider it their duty to put us out of the way in like manner, for their own protection and safety. The course of the vessel was changed in about six hours after the murder of the captain; the whole of the crew spoke to me and asked for various things out of the cabin which we refused to give them, until they would tell what they meant to do with us. At the time of the murder the vessel was off the Western Islands, in a right direction for the Strait of Gibraltar, bound to Genoa. I asked them why they changed the course of the vessel; they said we should find out soon enough; they said afterwards, they were bound to the British Channel. After this, Adams said that he would take the brig to within a few feet of his father's door, or to Hamburg. We requested them to permit us to come on deck, they said they would think of it. The first three days we were in the cabin they treated us very badly, the next three not so bad. They required us to give up the arms; we at first refused, but finally as we had no ammunition, we agreed to throw them overboard. They demanded also the chronometer, and the jewelry, specie, and other valuables in the cabin. On our refusing to give them up they prepared to darken the cabin windows, and shut out all light. We gave them up; they then attempted to suffocate us by smoking us, unless we would give up more money; we were smoked 15 minutes. I went and begged them to remove the smoke. They came and asked what I wanted; I told them and promised to look for some more money if they would remove the smoke; they did so and the smoke ceased. The first persons they allowed to come on deck were Mr. Diehl and his wife. He would not go without his wife. They proposed to give us the jolly boat, said there was a sail in sight, if we wished to save ourselves now was the time. Some time after this we came on deck; Joe was at the wheel, and the others standing round near him. They were all armed, except the boy, with knives or hatchets. Wilhelm called himself captain and Adams was 1st mate. We made a proposition to them to let us have the long boat; they at first refused but finally consented, and suffered Mr. and Mrs. Diehl, Mrs. Turley, myself and the cook to go into the boat, at 2 o'clock in the afternoon. When we left the vessel, Mr. Vanderslice was alone, lying on the cabin floor languishing under his wounds. We were taken up the next day by the brig Edwin, bound to Greenock. I arrived in this city on the 26th of October. I have not seen the prisoners since I left the vessel before this morning.

#### MR. STEVENS.

It will be seen by the proceedings of the House of Representatives that Mr. Stevens presented himself to that body on Thursday, and claimed admission as a member, and that a resolution was offered to appoint a committee to enquire into the right upon which that claim was founded. Some of the opposition affect to be furious at this course, and are endeavoring to twist it into an outrage upon the people of Adams. The right of the House however to appoint a committee for the purpose indicated in the resolution is undeniable, being one of its inherent as well as constitutional powers. That the case of Mr. Stevens is one in which that power may be properly exercised is equally undeniable, and we shall be much mistaken if the result of the investigation, which he and his friends so much dread, if gone into, will not prove that he has forfeited his right to a seat. Engaged in a black conspiracy against the rights of the people, setting himself up above the laws and the Constitution, and defeated in his unholy object, he has for five months refused to discharge his duty as a representative denied the validity and the constitutionality of the House to which he now seeks to gain admission and heaped upon its members and the people who they represent the grossest indignities. Nay, even up to the very hour of presenting himself before the house, he declared it to be an illegal body, and that consequently he would not be bound to observe either the oath imposed upon him, if admitted, or the rules and regulations which govern the body. With these facts staring them in the face, the members of the House of representatives would have been false to their duty if they had not paused before admitting a man who in acting upon the great interests of people, would not, by his own declarations, be governed by the usual oaths to discharge his duties as a member of the house with fidelity.—Reporter.

Let the people have time to become thoroughly and soberly grounded in the doctrine of equality, and there is no danger of oppression either from Government or from anarchy. Very little instruction is necessary to teach a man his rights; and there is no person of common intellect in the most ignorant corner of Europe but receives lessons if they were of the proper kind. The strength of Government does not consist in anything within itself, but in the attachment of a nation and the interest which the people felt in supporting it. When this is lost, Government is but a child in power.

There is a man living in Ireland who is so large that it takes his dog all day to trot around him.