THE RIOTERS LET LOOSE

Our readers may not be astonished to learn that Judge Porter and the Attorney General have quashed the indictment against certain of the ring-leaders of the 4th of December riot, and thus defeated the ends of justice, at least for the present, if not for all time to come, as the excuse urged in defence of this act, will be as valid hereafter as now.

The result proves that the rumors set afloat immediately upon the appointment of Jas. M. Porter, that the rioters would not be convicted, was not an idle speculation. The reality presents itself in all its appalling blackness. The sequel has shown that the conspirators were not mistaken in their man, while the felons stalk abroad "unwhipt of justice."

But the screening of the rioters from justice is not the only outrage visited upon the people of Dauphin county. The new judge has dissolved its present Court, upset the legal and constitutional acts of the County Commissioners, and declared them guilty of fraud, favoritism, political bias, and of "packing" the juries!

Are you astonished Farmers of Dauphin, that so atrocious a calumny should be uttered against your sworn officers—against men whose purity of life and integrity of character defies the shafts of malice or of slander? Does it arouse the blood of honest indignation?—does it excite the condemnation of an intelligen people? Why should it not. Had such outrages been committed by an Antimason upon the Bench, the mob—yea the locofoco rioters of the 4th of December, would have dragged him from his seat, and hung him to "a lamp post." Lynch law would have taken the place of the civil law, and our town would have witnessed another scene of outrage and bloodshed.

But we rejoice to say that such has not been the case in the present instance. Although highly excited at the outrageous violations of law and duty—although deeply implicated by the false charges of fraud and criminal connivance, they behaved with that moderation and circumspection that becomes men of principle and honor. Their confidence in the Court have vanished. They look upon it now, as alarming, corruptly and basely prostituted to sustain the locofoco party and put down its opponents; and they are resolved to express their condemnation in language that will be heard and felt. They will proclaim at the ballot box their deep and burning indignation at the outrages and insults of the modern *Jeffries* that is appointed to preside over this Judicial District.—*Har. Tel. & Intelligencer.*

Presentment

OF THE "IRON GRAY,"—THE ATTORNEY GENERAL'S ORGAN, AS A "PUBLIC NUISANCE."

The following presentment of one of the official organs of the State Administration as a "PUBLIC NUISANCE," by the Grand Jury of Dauphin county, is worthy of the attention of the public. It is a new and novel proceeding here, but one that meets with the unqualified approbation of every reputable citizen of whatever party, who has ever seen or heard of that infamous and polluted sheet. To those who know nothing of it, it may be proper to say that for the last three or four months, the paper presented by as respectable a Grand Jury as ever met in Dauphin county, as a "PUBLIC NUISANCE," has been printed at the OFFICE OF THE KEYSTONE, under the assumed responsibility of as great a beast as ever encumbered the earth; and has weekly vomited forth the filth and malignity of the evil, abandoned and despised spirits that compose that den, of which the Attorney General is honored with the title of Chief. In this organ public decency was outraged, until the people spontaneously arose and demanded its extermination. But this has not yet been done by the court to which the appeal was made. The Attorney General stepped in between it and public justice. He could not brook the idea of seeing his bantling consigned to non-existence. A life of infamy was preferred—and the "public nusance" without change or modification, is still weekly printed at the Keystone office, and sent forth as the organ of the present administration.

For the satisfaction of our readers we publish the indictment or presentment, as made to the court by the Grand Jury. It is as follows:

"The Grand Inquest of the Commonwealth of Pennsylvania inquiring in and for the body of the county of Dauphin upon their oaths and affirmations, respectfully DO PRESENT a certain newspaper published in the Borough of Harrisburg called the "*Iron Gray*" as a PUBLIC NUISANCE. This paper undoubtedly requires the attention of the public authorities and should be suppressed, inasmuch as the exceedingly gross and scurrilous language with which its columns are constantly filled, have a tendency to excite men to breaches of the peace, outrage and bloodshed. The Constitution, it is true, guarantees the liberty of the press, but not its licentiousness; and when this potent engine for evil or good gets into the hands of men of depraved morals, bad passions and licentious habits, it becomes the proper authorities to place "metes and bounds" to its infractions of the conventional order of society, and its outrages upon the feelings and private reputations of good citizens. The press under notice is *pre-eminently licentious*, and stoops to the *lowest abuse* and *scurrility*—its Editor, or nominal conductor, is an *irresponsible man of low habits*, and totally destitute of the finer feelings of humanity. He is irresponsible, rendering a resort to a civil suit for redress of the grievances of which the public complain, a fruitless undertaking. We, therefore, deem a suppression of an evil so flagrant and intolerable an object deserving the attention of the proper authorities, inasmuch as the morals of the community suffer from the promulgation of that low slang and billingsgate that constantly fills the columns of this infamous publication, and therefor this presentment is made.

In testimony whereof we have hereunto set our hands, this 21st day of August, 1839.

J. WALLACE, Foreman
MICHAEL STREER,
JACOB SNAVELY,
JOHN IMSCHOFFSTAL,
ISAAC UPDEGROVE,
DAVID SWEIGARD,
WM. H. DOLL,
WM. THOME,
JACOB ALBRIGHT,
JAMES W. GRIFFITH,
PAUL LINGLE,
JOHN MEILEY,
JOHN BUTT,
SIMON CASSEL,
JACOB EARLY, jr.
JOHN STONER,
ISAAC HERSHEY.

Filed of reord.
Har. Tel. & Intelligencer.

PRESENTMENT

By the Graud Jury of Dauphin County, relative to the conduct of Ovid F. Johnson, Attorney General of the Commonwealth of Pennsylvania.

August Sessions, 1839.

Dauphin County, ss.

The Grand Inquest of the Commonwealth of Pennsylvania, enquiring for the body of the county aforesaid, Do present: that they have fully examined the testimony of witnesses in support of a bill of indictment against Charles Pray, John J. McCahan and Aaron F. Coxe for a conspiracy and riot in the Senate chamber on the fourth day of December, A. D. 1838, while the Senate was in Session, which Ovid F. Johnson Esquire, Attorney General, when the inquest aforesaid were present in court, refused to sign, and the Inquest aforesaid, upon their oaths and affirmations, do say that the witnesses examined before them fully prove that the said Charles Pray, John J. McCahan and Aaron F. Coxe, together with a great many other individuals, to the number of one hundred and more, did commit the crime and outrages charged upon them in that bill, and from that testimony they do say that the offence committed was one of enormous turpitude, striking at the independence of the representatives of the people, and free government itself. If the offenders in such an offence escape public justice, the rights of the people will suffer by grievous example. The Grand Inquest aforesaid have found the aforesaid bill—they have so far done their duty. They think however, that their duty requires them to go farther, and to present the conduct of Ovid F. Johnson in refusing to comply with the ordinary form of putting his name as Attorney General to such a bill, as calculated to embarrass, and it may be, frustrate the administration of justice—as calculated not to promote the cause of the commonwealth, but to screen offenders from justice, to the prostration of all law, and the destruction of the dearest rights of the people.

The Attorney General refused in the beginning of this prosecution, it was alleged in court, and in presence of this inquest, to take any part in this prosecution, committing it to the management of private counsel, who were employed to prosecute. If the Attorney General refused to take a part in the prosecution and committed it to private counsel, the inquest aforesaid cannot but believe that he should not interfere to prevent the counsel for the commonwealth from taking the course which they thought it proper to pursue. The inquest aforesaid were surprised to hear the Attorney General say that he would not sign the bill, because he had the affidavits on which prosecution was instituted, and that he saw the witnesses in court who could prove the offence against four *other* individuals who were not named in the bill, and that he would not proceed against three persons and suffer the other four to escape. If the Attorney General truly desired the culprits should not escape, and for this reason rather than to screen the three who were included in the indictment offered for his signature, refused to sign it, the Grand Inquest cannot understand why he refused to take a part in this prosecution, and why he did not himself prepare and send to the Grand Inquest a bill.

The Inquest have learnt that while in this case the Attorney General refused to sign the bill because there were too few persons named in the bill, he refused to sign in the case of the commonwealth against Aaron F. Coxe, Packer, Barrett and Parke for a libel, because there were too many defendants iucluded in the indictment.

The Grand Inquest believe that it is their duty as guardians of public justice, to present such conduct as calculated to corrupt and destroy the best interests of the people and good government, and they therefore do, on their oaths and affirmations aforesaid, present the said Ovid F. Johnson, Esquire, for that he refused to sign his name as Attorney General to the indictment aforesaid.

In testimony whereof we have hereunto set our hands, this 21st day of August, 1839.—*Ibid.*

OPINION OF FREDERICK HUMMEL, ESQ., ASSOCIATE JUDGE.

I think this indictment should not be quashed, and I wish to say in a few words why I think so. I wish what I now say to go on record, that it may always be known why I do not agree to what the court has decided.

I do not think this or any other court have any right to quash an indictment, on the ground that the Grand Jury has been irregularly drawn, when all the evidence is that the selection and drawing was perfectly regular and honestly made by respectable citizens under oath.

The testimony before the court satisfies me that no corrupt or improper motive can be imputed to any one of the Commissioners or their Clerk, and I am very sorry on account of those who made it, that such a charge has been made. The three Commissioners and their Clerk are known to this community as men of honesty and fidelity. They have been proven so by the testimony.

I think it right, also to say, that I must strongly censure the attack made by the counsel for the defendants on Mr. Bishoff one of the Commissioners, who as an old and respectable citizen should have been spared such an attack. The citizens of Dauphin county, when they elected Mr. Bishoff, did not think the worse of him because he speaks English imperfectly; many of our best citizens labor under the same difficulty, and are quite competent to attend to their own business and the public too, though they speak with ease only their own native tongues. It was, in my opinion, very wrong for the counsel who comes as a stranger amongst us, to say or to intimate, that Mr. Bishoff was an incompetant public servant becanse he wished to give his testimony in German.

I agree with the President Judge, in saying it was very wrong in Mr. Barton to insinuate that Mr. Clark was other than a most respectable man. He is known to us all as such.

The affidavit on which this rule was granted charges the Commissioners and others with packing this jury, by causing it to contain a great majority of persons of one political party.

Of this there is not a particle of evidence, nor can it be inferred from the fact of there being more of one party than the other on the panel. It is proved that in the borough of Harrisburg, where owing to the floating nature of the population, there is a political majority one way—there is a majority of qualified jurors the other—sober, judicious, and intelligent resident taxables. It is proved that all the Commissioners and the Sheriff thought so when they drew this jury. Sheriff Cochran examined and marked the duplicates of the South *Ward*. first, before any one else looked at it, and examined and marked the North *Ward* afterwards. Mr. Whitley had a full opportunity of doing the same thing. It is not proved that any sober, judicious and intelligent citizens of the Masonic party were omitted, and if there was it is more the fault of the Sheriff and Mr. Whitley than of Mr. Hummel or Mr. Bishoff, as the former may be supposed to be better acquainted with their own party than the latter.

The Sheriff and Commissioners took an oath to select only sober, judicious, and intelligent men for jury-men. There is no evidence that they violated their oaths, and the result is what any experienced and impartial citizen would have anticipated—that a majority of such citizens are of a certain party.

I agree with the other judges in saying that Mr. Peffer was properly employed to copy the names marked on the duplicates, and Mr. Bombaguh properly employed to aid Mr. Peffer.

I think also, that there being no evidence and no pretence that the copies were not accurate, the court cannot infer that they are not accurate.

I think that Mr. Peffer showing these copies to the Sheriff and Commissioners, and asking them to compare them, and they all adopting them, renders them copies made in the presence of the Sheriff and Commissioners, as meant by the law.

The only irregularity that I can see in the whole matter, is the Sheriff objecting to Mr. Clark's name, though he admitted him to be a well qualified juror. His rejecting the names of Mr Ehrman and Mr Daniel Young, without giving reasons, who we know to be sober, judicious and intelligent citizens, and his putting in only the name of Mr. Urban, as is proved by Mr. Urban's having served as a juror at the last court.

If Mr. Bishoff thought Mr. Deibler an intemperate man, he was right in objecting to him, and the Board was right in rejecting him. A man that is intemperate, is certainly not the sober citizen required by law for jury-men. There is no evidence and no pretence that Mr Reem and his sons were not qualified in all respects. They are known to be so. There is no evidence that the Lattas' marked by Mr. Whitley were not both put in.

I think the law as to sealing the wheel was complied with, if two impressions were made upon the wax, in the presence of the Sheriff and Commissioners, and adopted by them, as it was in this instance. The laws of this State never required the Sheriff to own a seal for that purposes still less to own a seal with an inscription, or coat of arms on it. A plain seal would not answer, because it might be imitated. It is more natural to think the law meant what has always been the practice here and elsewhere—that the practice here and elsewhere—that the seal put on the wax by the Sheriff, or with his consent, was his seal.

There is no evidence that the lock is insufficient; it is an old lock, that has never been tampered with. It would be as unfair to quash the indictment because the lock of the wheel is plain and old, as it was to say that an old and plain man like Mr. Bishoff is stupid and incompetent, because he is old and can only speak German.

I think that the jury has been faithfully and regularly drawn, and so been proved. If it has, then I think we ought not to quash a bill of indictment found by them, for the reasons given.

The Grand Juror's oath, which I have often read, and sometimes taken myself, I am bound in the absence of all evidence to believe, is faithfully kept. That oath is not only to present no one for envy, hatred or malice, but to have no one unpresented for fear, favor or affection, or hope of reward. Where a Grand Jury, composed of eighteen respectable men, as this was, or any Grand Jury, presents or finds a true bill against three, I cannot infer or believe, till it is judiciously proved, that they have left others unpresented whom they are bound to present. I as a Judge, can only look at the bill as it is of record, which is a true bill, endorsed by the foreman, against Cox, Pray and M'Cahen, for an offence in relation to which the Grand Jury have heard evidence, but I have not, and which the court cannot connect with other offences charged against others, until we have heard the testimony.

I think, though I am no lawyer, and a plain man myself, I can understand the difference between what I know as a Judge and what I know as a man. As a man, I know that a riot and disturbance occurred in this my native and hitherto peaceful county, on and immediately after the 4th of December last. I do not know this judicially, till it is proved by witnesses before me.

As a man, I know that a great number of disorderly persons, principally strangers, came here and disturbed the peace, and overawed the Legislature; yet this, and who they were, I do not know as a Judge till it is proved before me.

This will explain what I mean when I say that I cannot as a Judge decide to quash an indictment on its face perfectly regular, because as Frederick Hummel, I have reason to believe or know without evidence, that some or all of the Grand Jury were in the court, and heard the President Judge say that he would not make the Attorney General sign a bill against these three, unless four others were included.

I think the act of 1805 was meant to prevent the increase of costs by the Attorney General and his Deputies, who I dare say are as apt as other men to have an eye to their own interest. It is so stated in its title. But it seems to me that it is time enough to decide any question of that kind when other bills are presented. I think it would be high-handed in the extreme to quash a bill regularly found against three, because two Judges think it ought to have been against four or five, or six or seven. If the court has the power, the Grand Jury should consult them always beforehand, to know whether they have the right number of defendants to their bill. An accidental leaving out of one man would be quite enough to destroy all their work. This the law never meant.

It has been said by the counsel that the reason his clients wished other names in the bill is, that they might have more challenges. The effect of this would be to exhaust the panel, and give the whole power of selecting jurymen to the Sheriff. This, I for one, never would favor, because I think justice is safer with jurors selected by a board equally divided in politics, than by a single Sheriff of very decided politics.—Each man charged with a riot has a right to four challenges; he has a right to his own challenges and no right to his neighbors. Twelve defendants would always exhaust a panel, and seven would come very near to it.

I think the Attorney General ought to have signed this bill, and I think that the Grand Jury had a perfect right to present him for not doing it. If they have done injustice they are responsible. But I must say that in this, as in all other instances, I am more inclined to think they have not done injustice to the Attorney General, than that eighteen well known respectable men of both parties, each signing his own name, would make such a presentment without reasons.—I see no cause for finding fault with it.

This is my opinion on these matters. I am sorry the other Judges cannot agree with me.—I give these as my views. They are the views of a Judge not learned in the law, but of an Associate Judge placed by the laws on the bench. I think they are right. Whether they are right or not, I want my fellow-citizens to hear them and read them.

FRED'K. HUMMEL.

FILED August 26, 1839.

"What do you think of my taste?" as the fly said ven he got into the man's mouth.

"Don't tickle me," as the rat said ven he was caught in a steel trap.

"She has given me a bag to hold," as the lover said, ven his darling jilted him.

'There's another blot on my escutcheon,' as the loafer said ven he was caught robbing a hen roost.

THE JOURNAL.

"One country, one constitution, one destiny"

Huntingdon, Sept., 4, 1839.

Democratic Antimasonic CANDIDATES.

FOR PRESIDENT,

GEN. WM. H. HARRISON

FOR VICE PRESIDENT

DANIEL WEBSTER.

FLAG OF THE PEOPLE!

☞ A single term for the Presidency, and the office administered for the whole PEOPLE, and not for a PARTY.

☞ A sound, uniform and convenient National CURRENCY, adapted to the wants of the whole COUNTRY, instead of the SHINPLASTERS brought about by our present RULERS.

☞ ECONOMY, RETRENCHMENT, and REFORM in the administration of public affairs.

☞ Tired of Experiments and Experimenters, Republican gratitude will reward unobstrusive merit, by elevating the subaltern of WASHINGTON and the desciple of JEFFERSON, and thus resuming the safe and beaten track of our Fathers,—L. *Gazette.*

Electorial Ticket.

		JOHN A. SHULZE, } Sen'to'l
		JOSEPH RITNER, } electors
1st	Disirict	LEVIS PASSMORE,
2d	do	CADWALLADER EVANS.
	do	CHARLES WATERS,
3d	do	JON. GILLINGHAM,
4th	do	AMOS ELLMAKER,
	do	JOHN K. ZELLIN,
	do	DAVID POTTS,
5th	do	ROBERT STINSON,
6th	do	WILLIAM S. HINDEU,
7th	do	J. JENKINS ROSS,
8th	do	PETER FILBERT,
9th	do	JOSEPH H. SPAYD,
10th	do	JOHN HARPER,
11th	do	WILLIAM M'ELVAINE,
12th	do	JOHN DICKSON,
13th	do	JOHN M'KEEHAN,
14th	do	JOHN REED,
15th	do	NATHAN BEACH,
16th	do	NER MIDDLESWARTH,
17th	do	GEORGE WALKER,
18th	do	BERNARD CONNELLY,
19th	do	GEN. JOSEPH MARKLE,
20th	do	JUSTICE G. FORDYCE,
21st	do	JOSEPH HENDERSON,
22d	do	HARMAR DENNY,
23d	do	JOSEPH BUFFINGTON,
24th	do	JAMES MONTGOMERY,
25th	do	JOHN DICK.

COUNTY TICKET.

FOR PROTHONOTARY

James Steel, of Huntingdon

FOR REGISTER AND RECORDER.

John Reed, of Morris tp.

ASSEMBLY.

John Morrison, of Shirley tp.

Joseph Higgins, of Hollidaysburg

SHERIFF.

John Brotherline, of Hollidaysburg

COMMISSIONER.

Joshua Roller, of Williamsburg.

AUDITOR.

John Sisler, of Warriorsmark tp.

CORONER.

James A. M'Cahan, of Blair tp.

Bad Memory.

The "Advocate" says, that the "editor who knowingly conceals matter in a professed statement of facts, the omission of which, is calculated to mislead its readers is guilty of wilful and deliberate falsehood," and proves it by showing that we have published the verdict of the jury in the Campbell suit, as "*not guilty,*" without saying that he *had the costs to pay.* He says we were in the court house, and heard the verdict pronounced by the jury—This part is palpably false. We have not been inside of the court house, since four o'clock of the day the verdict was rendered, which, was about sun-down. But to go back to this charge of deliberate falsehood—an editor who does these things is a *wilful liar,* so says that paper. Well let us see what kind of a character he makes for himself. In his report of the trial, he says, that "*a verdict was brought in saying, 'that Robert Campbell should pay all the costs, and otherwise go clear.*" Now in all this he says nothing about '*Not Guilty,*' which was in truth the verdict—we, he would like to make it appear, was guilty of a wilful falsehood, because we cut off the tail of the verdict, as he calls it; yet, he is a very honest truth-telling worthy, when he lops off the very *head;* we are willing he should be allowed to draw his own likeness.

The "*Advocate*" says, he is agoing to "remove the scales from the blinded eyes of our readers." He undoubtedly is an excellent optician; for he is frequently blind ——— & at other times, sees double.

The Campbell Suit.

It seems, that the publishing the indictment last week, in this case, and then giving the verdict, has vexed, no little, the sensitive nerves of the paper printed in the lower sreet; and nearly three columns are written and printed, to explain away the odium that the acquittal of Mr. Campbell has left upon the character of David R. Porter.

Again does that same print charge upon the jury base and wilful perjury; again does it say, that the jury box was polluted with the feelings of political opponents. It is wickedly untrue. The jury being the judges of the 'law and testimony;' acted conscientiously on their oaths. And now here is this parasite of power, in order to cover the damning stains which show like spots on the leper, openly assails the character of twelve as honest men as ever filled that jury box. That jury patiently and soberly sat and listened to all the evidence, all the arguments of the lawyers, and the "whole charge;" and then in a short time returned their verdict of acquittal for Robert Campbell. Need we argue the case as in the other print. Shall we attempt to show that Porter took the witnesses' stand for hours, and swore how innocent he was,—shall we say that the jury knew *the value of his oath, and passed it* by as an idle song—Shall we tell, how, with tears in his eyes (the hypocrite) he called on almighty God, to attest his innocence; and was not then believed,—Shall we tell what was proved on the oaths of respectable witnesses. If they want all this, we will continue our statements until they shall be satisfied.

The attempt of this print to spatter its filth upon the characters of Mr. Campbell's counsels, fails,—and his attempt to make the billingsgate slang of the bow & arrow gentleman cogent argument, may suit the taste of that print, but, we feel certain, that there are no charges in Mr. Campbell's letter, less susceptible of proof, than the charges of this same "Indian arrow" boy made against Mr. Campbell.—But as they are so anxious to take all, he did say, for truth, we will, by way of showing his opinion of the verdict, tell our readers, what he said about the verdict—While addressing the jury, he said, 'Gentlemen, acquit this Robert Campbell of this charge, let the guilty and blackhearted author of this letter roam at large, and you say in as plain terms as actions can speak that DAVID R. PORTER IS GUILTY; acquit him, and the Governor of Pennsylvania is disgraced, the chair of state polluted, and every Pennsylvania should mourn in sackcloth; the complete and utter degredation of his native state. Now this is what Mr. Barton thinks the acquittal of Mr. Campbell has done. Now we thought just so before—we then said he who could wrong his creditors out of their dues, he who could conceal his property; he who could swear by almight God that he had not done so; he who could re-take that property when he knew his oath was recorded in the heaven, swore that he never would re-take his property he who could do all these, aye, and more we thought would disgrace any chair, expect the chair of the prison cell. Mr. Barton thinks the chair of state is disgraced, we think so too. We think that the acquittal of Mr. Campbell, proves Mr. Porter's guilt. He thinks so too—Mr. Barton thought that if they acquitted Robert Campbell, they did not believe Mr. Porter on his oath. Very likely, for when a man gets a bad name, it is very apt to stick to him. Now as this print says he made such a powerful argument, we will admit a part of it, but when the Advocate says he *proved* the guilt of Campbell, can only say that the twelve honest men say he lies.

Well then, the Jury returned a verdict of "Not Guilty, defendant to pay the cost." This the Advocate say is the evidence of Campbell's guilt. That Campbell wrote the letter, no one denied, that he *proved some parts* of it was equally clear—that he could have brought circumstantial testimony to have convinced any honest man, that other charges were true, but the *Judge* ruled it out. So the facts appear to be these, accordingly to Barton Porter is guilty instead of Campbell; the chair of state disgraced.

The Jury being the judges of the "law and the facts," we were willing to let the verdict of the jury pass without assigning any particular cause for it, but it seems our opponents cannot be satisfied until we do take some particular position. If that is it, here then we can tell them where to look for us hereafter. The Jury we infer, acquitted Mr. Campbell because he proved the charges made