The Keystone on the Rack.

If ever poor devils received a more beautiful scoring than the Editors of the Governor's hand-organ have in a reply of the Ledger to an abusive and vulgar attack upon it, we have not seen it. But it is richly deserved as it is scathing. It must make them *squirm* like magots on a hot shovel. Poor fellows. We pity them most sincerely. But it will have one good effect, for it will teach them, if they are not as unteachable as they are malignant, that men who can have such things said of them with truth should not be ready to pronounce others blackguards, liars, rogues &c. The following is an extract from the Ledger article:

And *how* were such numerous bodies of citizens excited against Mr. Biddle, who, since our call for fair play, have discovered that they were under a delusion, and that he was not responsible for the sins upon which they were preparing to hang him? We answer, by such ruffian appeals to ruffian passions and blind prejudices as those which we *now* notice in the Keystone. With a mendacity of a thief, the ferocity of an assassin, and the syle of a maniac, it appeals to the lowest malignities of the most rancorous hearts, against the Ledger, "Nicholas Biddle," and the other bank plunderers. Precisely by *such* appeals were mobs instigated to burn "Pennsylvania Hall," to break into the Capitol, assemble round our office, and to commit various other outrages upon personal rights, by which our Commonwealth has been disgraced. And the instigators of such lawless outrages call themselves "democrats"!! And these "democrats" of the Keystone, in their mendacious appeal to ruffian feelings against us, say that we "have been paid with the gold that has left thousands houseless and homeless, for defending the guilty." To say that the two editors and proprietors of the Keystone know this to be false, is saying no more than is known by every citizen of Philadelphia; and to add that men capable of publishing such wicked fabrication against us, would hang us without even the *form* of trial, if they had a chance, is saying no more than every honest man in this community believes.

We have no taste for an interchange of vituperation with blackguards, but shall not study any courtesy of phrase in denying the charge of *bribery*, and bribery to the crime of misleading the public. When thus infamously assailed, we feel bound to speak plainly; and therefore we say that the authors and publishers of this charge against us in the Keystone, whether the ostensible editors and proprietors, of that paper, or any other person or persons, are the prototypes of *Ferdinand Mendez Pinto*, "LIARS OF THE FIRST MAGNITUDE."

And what has elicited this burst of invective against the Ledger from a press whose pretensions to honesty are equal to those of a highwayman? Our remarks upon the Governor's extraordinary message, extraordinary, because unnecessary, and directly fitted to defeat its professed object. We say that the tendency of the message is to prevent further disclosures, by intimidating Mr. Handy the witness of the State: and the Keystone calls this a "false, dishonest and infamous conclusion." The Keystone says *we know* that Mr. Handy had solemnly sworn that he knew nothing to impeach the Governor; that he had told *all*, and that his testimony fully vindicated the Governor; that our knowledge of these facts stamp our attack upon the Governor as one of "double and damning hypocrisy and outrage." First, how would we or any body else know that the witness had told all? *But* waiving this, and taking these admissions of [the Keystone, where, we ask, was the necessity of prosecuting Handy? According to this, the Governor assumes that the legislative protection is void unless he tells *all*, that he has told *all*, and this *all* exonerates and vindicates the Executive.

Then in the name of common sense, what has the Governor to gain by the prosecution? That is the pretence.— But, according to the Keystone, the *whole* story has been told, and that *whole* furnishes *nothing* from which to vindicate himself. If the Keystone speaks for the Governor, we must consider its article *executive*; and if so, we must say that "His Excellency" has demolished his only pretence for persecution. The Governor prosecutes Handy to vindicate himself from Handy's testimony, and that testimony does not impeach him! And the Governor prosecutes Handy because he has not complied with the condition to tell *all* and Handy *has* told *all*. Though you make yourselves knaves, Messieurs Keystone, we beg, for the honor of the Commonwealth, that you will not make the Governor a fool, which you certainly do by such logic as this.

The Keystone proceeds, and says if Handy has told the whole truth, and nothing but the truth, he is in no peril; but if it should appear that he has suppressed important testimony, and thus committed perjury before the committee, then the *vengeance* of the law should be satisfied; and that the only effect of the message will be "*to induce him to tell all*." Such cowardly ruffians always talk about the *vengeance*, not the *justice* of the law, and merely because they aim, not at *right*, but the gratification of some fiendish passion. But waiving this, we ask the Keystone to remember that in a sentence above this, it charges us with *knowing* that Handy *had* told all." Then if he *has* told *all*, a message *to induce him to tell all* is an absurdity, and its author must be insane or idiotic. Putting the whole story of the

Keystone together, we find it thus:— Handy has told *all* and *exonerates* the Governor. To vindicate himself from the *impeachment* of Handy's testimony, the Governor prosecutes him, and tells him he can defend himself by telling *all.* If he tells any more after the prosecution, he may criminate himself, and the Governor's message will induce him to keep silence for fear of criminating himself.— And as the prosecution involves all parties implicated, none of them can testify, and *they only* know the facts. And the Governor's object in the prosecution is to elicit the truth!!!

This is very much like the defence of Joseph Surface, "a full and clear account of the whole matter." And no doubt the public will say with Sir Peter Teazle, that it is "a very clear account truly."

If we are to judge the Governor by the logic of the Keystone, he is positively convicted of an attempt to suppress the truth in these transactions. But if he does not speak through the Keystone, we advise him to silence it, for it will, at this rate, blast his reputation.

And these prevaricating ruffians talk of "*outraged virtue!* such pretensions are, to use their own language, "double damning hypocrisy and outrage."

RHODE ISLAND, April 11.

Perhaps to some of your readers at a distance, who, for the first time, are beginning to take notice of the troubles in this little State, a brief account of the rise and progress of them may not be uninteresting. The Colony of Rhode Island received its first charter from Parliament in the year 1643. A second charter, conceding and securing to the people the right of self-government was granted by Charles II in 1663. Under this charter the number of Representatives from the towns was fixed without reference to the increase of population. Of course, in the lapse of nearly two hundred years, there has been an equality in the increase of population in different parts of the State, and hence an unequal representation in the Legislature. Besides this, the right of suffrage was only allowed to those persons possessing a freehold. In 1824 the discontent of the people with this inequality and limitation of rights led to an attempt at a change, but it was not effected for want of a majority. In 1834 the attempt was again made, and then failed because the Convention could not agree upon a new Constitution. The desire to extend the right of suffrage was not favorably entertained by the Conventions of either of these periods. In January, 1841, in consequence of a popular movement, the General Assembly again took the subject into consideration, and requested the voters to elect delegates to a Convention, to be held in November last, to frame a new constitution. The Assembly at the same time expressly limited the voters to that class of citizens who enjoyed the privilege under the old charter. In consequence of this act, a popular movement was commenced in open disrespect of the Legislative decision, which resulted in the formation of a Convention in October last, being a month previous to the time fixed for the authorized legal Convention. The party forming and sustaining the acts of the October Convention is called the "Suffrage party." This Convention formed a constitution extending the right of suffrage to all white male persons of the age of twenty-one years who had resided in the State ONE year and in the town six months previous to voting. This instrument was submitted to the people, and three days appointed to vote upon it, when that class to whom the appeal was made, and with whom it originated, decided to adopt it.— Meanwhile the legal Convention, called by the Legislature, met in November, and the Delegates, being unable to agree respecting a proper qualification, adjourned to February last, when they met again, and adopted a constitution extending the right of suffrage to every white male person who had resided two years in the State and six months in the town prior to the time of an election. The Convention and constitution of the Suffrage party were thus treated as nullities by the legal Convention, and the constitution framed by the latter was accordingly submitted to the decision of the voters in the same manner as if the former had never been passed upon. The result was, that the constitution of the legal Convention was defeated at the polls. The serious question, and that which now agitates the State, then arose, namely, the latter instrument being rejected, what should constitute the fundamental law of the land? The Suffrage party claim their constitution, formed by their October convention, as a fundamental law, under which, of course, the whole Government of the State must be created and directed. Their opponents on the other hand, finding the constitution of the legal Convention of February rejected, declare that the State falls back under the old charter of Charles, which is therefore the fundamental law. In favor of this are the Governor, a great majority of the Legislature, and also the judges of the higher courts, who, of course, sustain the existing Government and laws. The Suffrage party, determined to make their constitution operative, have nominated candidates for the State offices, and design to hold a formal election. The Governor declares this proceeding treason, forbids citizens to accept nominations, summons the militia, and menaces force in order to put down all attempts to recognise practically this new instrument. The Suffrage party, disregarding legislative enactments and Executive menaces,

nominate their candidates and resolve, if need be, to oppose force to force, and to carry their point. They have the advantage of being a majority of the people.— Hence the difficulty of coercing them, and of adjusting the dispute. Both parties have applied to the Federal Government for assistance. Both claim to be right. In order to show the interest excited in this question, I may mention that, among the candidates for the Senate on the old charter ticket are James Fenner, for many years Governor of the State, and Elisha Mathewson, thirty years ago a Senator in Congress—veterans, who would not again enter into the strife of public affairs unless impelled by a strong sense of duty. After all, there seems to be nothing in the quarrel which a spirit of concession might not readily settle. If it is carried much further the world may be reminded of the wars of Lilliputians about the propriety of breaking eggs at the point or the butt.

THE CASE OF HANDY AND OTHERS.

Judge Barton's Opinion.

Commonwealth
vs.
Geo. Handy, Jos. Solms, } Conspiracy, &c
and Daniel M. Brodhead

The warrant against these parties was issued at the instance of the Attorney General, by whom affidavit was made that he had good reason to believe, and did believe, that they "confederated and conspired together, with divers other persons, to him unknown, to procure and obtain legislation by corrupt means, and to obtain from the Bank of the United States large sums of money, to be applied to the corrupt purposes aforesaid," &c.

Joseph Solms was not arrested, in consequence of the return of the officer, that he was confined to his bed by severe indisposition. The other parties were held to bail, and the hearing, at their application was fixed on the 28th ult. Subsequently the counsel of George Handy appeared to me for an earlier hearing, than the present, in his behalf, that a preliminary question, which they propose to raise, might be determined.

The right to institute this proceeding against Mr. Handy is denied, and his discharge claimed, because of the passage of a resolution, at the recent session of the Legislature.

A certificate from the Joint Committee of the Legislature, contemplated in this resolution, has been received in evidence, no objection having been made to its reception, and is as follows:—

CERTIFICATE.

"We, the undersigned, members of Joint Committee of Investigation, of the Senate and House of Representatives of the Commonwealth of Pennsylvania, appointed to investigate and report whether corrupt means have been at any time employed by the Bank or its agents, or any of them, directly or indirectly, for the purpose of influencing any other Department of this commonwealth, in regard to any legislation for their benefit, do Certify that George Handy appeared before them, was duly sworn, and testified fully before said committee, answering all questions put to him.

Signed,
GEORGE SHARSWOOD,
J. H. DEFORD,
E. A. PENNIMAN,
J. H. EWING.

Harrisburg, April 6, 1842."

His discharge is nevertheless opposed by the Attorney General, upon the ground that this certificate is insufficient to prove its compliance with the conditions of the Resolution. My duty is an obvious and simple one. Admitting for the purposes of this application, the authority of the Legislature to pass a law which would seem to encroach upon that provision of the Constitution, by which the pardoning power is confided solely to the Executive, this resolution being, in effect, a conditional previous pardon, it is not at this stage of the proceeding, if at all, that I can enforce the obedience of the Attorney General to its direction; or, in his default thereof, cut short the proceedings by the unconditional discharge of the party.

The Attorney General is an officer liable to impeachment, and if the act of the Legislature be binding upon him, his refusal to comply subjects him to the penalties pointed out by the 4th article of the Constitution. But if, doubting the Constitutionality of the Resolution, or denying the compliance of Mr. Handy with its conditions, he chooses to incur the responsibility to which he may thus subject himself by the institution of this proceeding, I do not conceive that I, entertaining this matter merely as a Justice of the Peace, have any present power to interfere. This prosecution, after Mr. Handy has testified to the Joint Committee his knowledge to the transactions to which the resolution refers to trusting to the observance to the good faith of the Commonwealth, I need not hesitate to say would be a violation of the good faith, were the Attorney General satisfied that the party had honestly lived up to the conditions which he had embraced. But if believing that he has not so done, that he has testified falsely in any particular, or that he has withheld testimony, it was not only the right, but the duty of that officer to institute this proceeding.

The presumption is, that Mr. Handy, in availing himself of this indemnifying law, has testified fully and truly. This it is not his business to show, if the fact be disputed, that he has *not* done. The *onus probandi* rests with the Commonwealth; by whom if the constitutionality of the resolution be conceded, it must be established that he has failed to comply with its conditions. But I cannot discharge the party, because I am to infer, from the very fact that a prosecution has been commenced, that it is contemplated to prove such failure on his part.

If, upon the hearing of all the parties whom this proceeding embraces, the prosecution fails to established that Mr. Handy has not complied with the conditions of the resolution, it will then be for me to consider how far I may have the power to discharge him as a party; and, should there be "probable cause," upon which to bind over any of the defendants, direct him to enter into recognizance to appear and testify in behalf of the Commonwealth.

Another Scheme Hatching!

The Keystone runs on so fast with its interminable falshoods that we must cut across lots and head them! otherwise we shall never be able to answer one half of their groundless assertions. But there is, or rather, there will be, one lie of theirs which we will try to head, before it gets the start. Last week, the Governor, through his Kickapoo organ, put out a feeler, on the subject of the Attorney General's address to the Handy prosecution. He said:

"So far from stifling investigation, the Attorney General informs the public that he is *instructed* to depart from the usual course in the parliminary investigation, and to throw the door wide open to all that may know any thing calculated to implicate the Executive, or any officer of the Government. Here, then, is a bold challenge to all the calumniators of the Executive, to come forward and give testimony against him, and if they do not voluntarily avail themselves of this opportunity of producing their proofs, if they have any, we trust the Attorney General may summon those reckless political scoundrels, who published the $99,000 slander against the executive, and compel them to testify their knowledge on the subject. We should like to hear what the Richardses, the Finns and the Middletons would say in regard to this matter, upon *their* solemn oaths in a Court of Justice, and we hope they will be brought up, so that they may either verify their own publications, or stand before the world branded as the wilful and malicious calumniators of a great and good" man."

'Coming events cast their shadows before,' and as soon as we read this paragraph, we knew that another GRAND HUMBUG was calculated upon; that every editor who had boldly charged the truth home to Gov. Porter, would be subpenaed on the Handy trial. Our anticipations have been realized, we have been summoned as well as others. The shouts of locofocoism will now resound over the state, in praise of this pure and honest Attorney General to throw the door wide open to all investigation! After all the mouths are closed which can utter *legal evidence*; after Brodhead and Solms, as well as Handy are arrested for conspiracy, and therefore silenced in defence, then it is that these wretches, festering with crimes and steeped to the eye lids in iniquity, want to see others brought up to testify on the subject, who have never charged any thing but by implication and circumstantial evidence, more connected than that which has brought many a felon to the gibbet!

The Keystone editors of 1840—the Attorney General, and the Governor knew well enough whom to subpena and whom to pass over! They know that the locofocos only were privy to the heavy lumber transactions, and therefore, we have been compelled to follow up circumstances and matters which lead to the door of truth, and arriving there, we find it closed by these legal proceedings which have been instituted ! Let any man look at the manner in which this trial against Handy, Brodhead and Solms has been commenced and judge what degree of justice can be expected! The proceedings and their issue are entirely in the hands of those who are themselves implicated! The names of Ovid F. Johnson, and Judge Barton figure largely in the Handy and Brodhead letters; and yet the former is the prosecutor and the latter "in his capacity as Justice of the Peace," the tribunal before which the investigation is commenced! IS IT CUSTOMARY TO INITIATE BUSINESS BEFORE JUDGE BARTON? Is he not rather a Judge to preside over Jury trials, than a committing magistrate! If so by what strange accident was he selected by the Attorney General! Was it chance or preconcert! The scheme is laid shrewdly but it will yet be baffled, and the attempt to gag investigation will be foiled. Every effort will *apparently* be made by the Attorney General to bring out the truth, but rest assured no single witness will be summoned, who knows any thing of the transaction! The prosecution dare not, and the defendants cannot without implicating themselves—the "*hands that gave*" are on trial, not the "*hands that received the bribes*"! This the Governor and his tools knew full well and therefore they summon all those editors as witnesses, who never pretended to have *direct* evidence of their guilty participation; but have brought forward cumulative circumstantial proof, not a single link of which is broken until it reaches the bosoms of Solms and Brodhead, and there the Attorney General would bury it by these proceedings! Had there been direct evidence, there would have been no necessity for the Investigating Committee. It

was only to unravel the mystery, in which guilt had cloaked itself, and bring together circumstances to aid in explaining certain facts and conduct, that the Legislature took the novel step it did. It was to tear the mask from a conspiracy, not to follow up an even chain of open guilt!

We are prepared to hear the locos endeavour to make the most of these flimsy pretexts—they catch at every straw in their struggles! But can, or will, such open and barefaced attempts to impose on the good sense of community, have any effect, other than to produce a deeper indignation against those who would endeavor to blind their judgments and throw difficulties in the path way of truth! We think not; and shall therefore look to the result of this deep laid, crafty and wicked conspiracy, with full confidence that the people, who desire but simple justice, will never permit their servants to impede its administration, directly or indirectly.

THE JOURNAL.

One country, one constitution one destiny

Huntingdon, May 4, 1842.

The Case of George Handy.

In consequence of Mr. Handy's refusal to testify when brought before the Investigating Committee of the Legislature, on the ground that civil and criminal suits were then pending in which he was defendant, the Legislature, by a large majority, passed a resolution, which was signed by the Governor, *authorizing* and *directing* the Attorney General to enter a *nolle prosequi* in any criminal proceedings had or to be had in any court of this Commonwealth against George Handy for any act or participation by him in obtaining any money from the United States Bank of Pennsylvania, or conspiring with other persons to influence the Legislature or the Executive in the year 1840 in regard to the Banks &c. The resolution contains a proviso that before the Attorney General shall enter a *nolle prosequi*, Handy shall appear before the joint Committee of the Legislature, and then and there testify all his knowledge in relation to said transaction.

This resolution, having passed the Senate and the House of Representatives, and having received the Governor's signature, is a law —a law as binding upon the Attorney General and all persons concerned, as any other law upon our statute book. Now, let us see how the Attorney General has *disregarded* the said law—in what sovereign CONTEMPT he has held it. In pursuance of the orders of the Governor, the Attorney General made oath *in propria persona,* against George Handy, had him arrested, and put under bail. Sometime aftewards, an application was made by the counsel of Mr. Handy to the Court of Criminal Sessions of Philadelphia, (before whom he was bound to appear, for trial,) to have him discharged from arrest. He produced the resolution of the Legislature, signed by the Governor, directing the entry of a *nolle prosequi* in any criminal proceedings had or to be had; and also a certificate under the hands of Messrs Sharswood, Deford, Penniman and Ewing, of the Investigating Committee, certifying *that he had appeared before them, was duly sworn,* and TESTIFIED FULLY BEFORE THE SAID COMMITTEE, *answering all questions put to him*. It is manifest from this certificate that Mr. Handy had complied fully with the provisions of the law, and was clearly entitled to its protection.— Yet notwithstanding this, the Attorney General subsequently dragged him, upon his own charge, before the Court. Judge BARTON refused to discharge him, and intimated very strongly his doubts as to the constitutionality of the resolution referred to.

The opinion of Judge BARTON is given in another part of this paper. Read it, and judge of its correctness for yourselves.

To us it seems that the opinion of the Judge shows neither wisdom nor fairness, and can gain no honor for its author.

It was, however, never expected by any one that Judge BARTON would discharge Mr. Handy. The *Judge*, as well as the Governor, is implicated by Mr. Handy and the numerous letters produced and exhibited before the committee. The Judge who manifests a *willingness* and an ANXIETY to sit and *adjudge a case of conspiracy in which he is himself implicated*, IS RIPE FOR ANY THING. It is usual for Judges, in similar cases, to leave the bench,

and submit the case to those who are, like Cæsar's wife, not only pure, but *unsuspected*. Judge BARTON's opinion cannot have much force when people know the relation in which he stands to the parties. And his course is well calculated to bring reproach upon our Judiciary. We dislike to censure Judges for any reason whatever;—reluctant are we to insinuate any thing that is calculated to diminish confidence in the Judiciary, the very channel through which the streams of justice should flow pure and unadulterated; and we should regret exceedingly to *charge a Judge with* CORRUPTION. But when Judges, of their own free will, place themselves in positions that *must necessarily attach suspicion to them*, it is then the duty of the Press to speak out against it, trumpet toned, to *check*, if not *correct*, the evil.

We said it was never expected that Judge BARTON would take any other course than the one he did take. It is but *carrying out the scheme*. The refusal to discharge cannot affect George Handy seriously, for he can avail himself of the benefit of the law directing the entry of a *nolle prosequi* at the trial, if the case is ever brought to trial, which we at present doubt. But we say that this step too, is taken to *conceal and suppress the truth*, and to *intimidate other witnesses.* George Handy has TESTIFIED HIS KNOWLEDGE FULLY. So say the investigating committee. He could testify *no more* if he were discharged. He has testified that the money that was got from the bank went into the hands of DANIEL M. BRODHEAD. There his testimony ends.— In order to enable the Committee to ascertain whether that money was employed to influence the action of the Legislature or the Executive, it would perhaps be necessary to subpena Brodhead to appear before the Committee, and procure his testimony by directing the entry of a *nolle prosequi* in all criminal proceedings had or to be had against him for or on account of his participation in the bribery and corruption. Then it would be that he would be *intimidated* by the illegal and high-handed proceedings had against Handy before Judge Barton. Well might Brodhead and all others who have any knowledge of the facts, say I *will not testify* and *criminate myself; and notwithstanding you have given me every assurance of protection—yet look at the VIOLATION of the PLEDGED FAITH of the LEGISLATURE, Handy! Thus would they still smother* investigation.

By this article it will be seen that the Attorney General has *disregarded* and *trampled* upon a law which it was his sworn duty to observe and maintain. He no doubt considers the behest of our "immaculate" Governor superior to the law of the land. Now, in the name of all that is just and patriotic, will the *people* of Pennsylvania submit to conduct like this? Will they patiently suffer their Governors, their Attorney Generals and their Judges to place themselves *above the law*, and treat it with contempt? The *people*, the real sovereigns of the State, have already impeached the Governor and the Attorney General. Will not the proper tribunal (the House of Representatives) impeach them formally and Constitutionally? Such a step is greatly required. If they are guilty it should be known to the people, and condign punishment inflicted. If they are innocent the impeached have nothing to fear from the tribunal who are to try all impeachments, (the Senate,) as it takes two thirds to convict. Let them be *impeached*. Let there be a chance to show their *guilt* or their *innocence!*

Trial of Holmes.

The case of the United States vs. Alexander Holmes was tried in the U. S. Circuit Court at Philadelphia, last week, before Judges Baldwin and Randall. It was a trial that excited much interest.

Our readers no doubt all remember the fate of the ship William Brown. On the 12th day of March 1841, she left the port of Liverpool for Philadelphia, under the most favorable auspices; but on the night of the ill-fated 19th of April, within some two or three hundred miles of Newfoundland, the ship struck, as was supposed, an iceberg, or an island of ice, which stove in her bows, and in about an hour she sunk, head foremost, with thirty-one persons on board, and was seen no more. After the ship had struck, and before she sunk, forty-two, men, women and children, including sailors, got into the long boat while the captain, with eight of the crew and passengers, took to the jolly boat, determined to make the best of their way to land. The long boat, leaking through the bottom, and rain falling in from above, required constant bailing. At length came