

The State Printer.
"OPINION" OF THE ATTORNEY GENERAL.
Attorney General's Office,
Pa., May 8th, 1843.

Charles McClure, Esq., Secretary of the Commonwealth—Dear Sir—I had the honor to receive yours of the 25th ultimo, in due time, submitting for my consideration the question, whether the election of I. G. McKinley as State Printer, to do the English Printing, on the 15th day of April was such a valid election, under the Act of the 24th March last entitled "An Act to create permanently the Office of State Printer," as will justify the approval of his bond by the Governor, preparatory to his entering upon the duties of his office? As the answer to this question involves the legality of a solemn act, performed by the joint concurrence of the members of the two Houses of the Legislature, I have given it a most careful examination, and have arrived at a conclusion upon what appears, to my own mind, to be the most clear and solid legal grounds.

The first section of the Act providing for the election of State Printers prescribes in general terms "that there shall hereafter be elected in the manner now provided by law for the election of State Treasurer, two State Printers," &c., &c. No time is fixed in this section for such election, nor is any authority given to the two Houses to fix the time. This section simply prescribes the manner or mode or form in which the State Printers are to be elected, to wit, as the State Treasurer is elected by law. And how is this? In the following "manner" each house of the Legislature shall choose one teller and furnish a minute of the choice to the other. At the hour of twelve, on some day to be designated, the Senate and House of Representatives shall meet in convention in the Chamber of the House of Representatives; the Speaker of the Senate, or in his absence the Speaker of the House of Representatives shall preside, and when the convention is organized, the members shall proceed to elect *en bloc*, and the ballots are to be conducted, and the result announced, in the mode prescribed. This is obviously all that is meant or provided for in the first section. We have not yet a word said in relation to the time in which the election is to take place. The manner is prescribed, but if no time be fixed, there can be no election. The Legislature was not so negligent of this duty as to leave this glaring defect in the law. Turn to the thirteenth section, which is drawn in these plain terms—"The first election of State Printers shall take place on the third day after the passage of this Act, unless that day be Sunday, in which case it shall take place on the Monday following, and they shall be elected on the first Monday in March in every third year thereafter, and their term of office shall commence on the first day of July next succeeding the election."

Here then we have the time clearly and unequivocally prescribed. No one can mistake it. The first election is to take place on the third day after the passage of the law unless that day be Sunday, and in such a case the election is to take place on the Monday following. No authority is given to the two Houses to adjourn from day to day. The law passed by the two Houses and sanctioned by the Executive has designated the day. The two Houses only, either in or out of Convention, cannot change the law by their bare resolution. If they could, the Executive is annihilated, and the constitution rendered the mere sport and mockery for the majority in them.

Against such legislative encroachments there could be neither safety or protection. But the absurdity of such a pretence is too plain to require argument for its exposure. The whole question here is, whether the provision in the first section, that the State Printer shall be elected "in the manner" the State Treasurer is elected, qualifies the day designated in the 13th section, so as to authorize the two Houses in Convention to adjourn from day to day and elect on the 15th day of April instead of the 27th of March, the third day after the passage of the law. I think it does not; for the first section has sole reference to the mode of organizing the Convention and conducting its operations, and not to the day on which it is to meet, and to which its power is limited and confined.

Nothing is clearer than that when the law has designated a day on which an act is to be done, without authority to perform it on another day, it is void if done on another day than that prescribed. Such I conceive to be the case in this instance.

The fact amounts to nothing that the State Treasurer, if not elected on the day designated, may be elected on such other day as the convention adjourns to. The law especially provides for this contingency; but in the election of State Printer it does not. It looks to no other day than the one named, and doubtless it is a wise and salutary provision. Surely it is no more impracticable for the Legislature to elect a State Printer in one day than it is for the people of Pennsylvania to elect a Governor and Members of the Legislature on one day. If the Members of the Legislature know it is their duty to elect on a particular day, they will unquestionably perform it. But let them understand they may adjourn from time to time, as whim, caprice or management happens to dictate, and there is a field open for combination, intrigue and bargaining, which may tend to produce the most disastrous results to the public interest. I say nothing of what has in fact or in allegation, characterized the present election; I am speaking in the abstract of the sound, wholesome policy of the law, as I interpret its meaning. It

is a principle of construction not to be overlooked; it is one of the fundamental canons of statutory construction in doubtful cases, if this be so, to advance right and repress wrong. It cannot be too rigidly applied.

In this view of the case, the election of Mr. McKinley was invalid, and the Governor ought not to approve of his bond.—Fortunately, little, if any inconvenience can result from this construction of law, for no public printing to any considerable amount will be required to be done before the meeting of the next Legislature, and it will rest with that body to correct the interpretation of the law which I have given, if it be deemed wrong. I feel much less reluctance in expressing the opinion I have formed on this subject, while there is an appeal open to the representatives of the people, elected with this question fresh before them, for all parties who may be dissatisfied, than I would if it were to be final and conclusive upon their right. I do not of course expect to convince those whose interests may be deeply affected by this opinion, but entertaining not the slightest doubt as to the entire soundness of every position maintained, I commit it with confidence to the judgment of the enlightened and impartial, regarding with perfect indifference whatever course others may see fit to pursue.

Yours &c.,
Very respectfully,
OVID F. JOHNSON.

Arrest of the Suspected Treasury Note Thieves.

The Baltimore Sun of Monday, (22nd inst.) has a full account of the arrest of the three men, Breedlove, Jewell and Rennis, in that city, on suspicion of having stolen at New Orleans about one hundred thousand dollars of Treasury notes, alleged to have been cancelled, a brief notice of which, we have already published. A bench warrant, it appears, issued by the Hon. Theodore A. McCaleb, U. S. Judge at New Orleans, accompanied by the affidavits of Thomas Gibbs Morgan, Charles Lee Carpenter, and J. Decourman, of that city, was received at the Treasury Department. This warrant charges three individuals, John M. Breedlove, (a nephew of the late Collector at New Orleans,) Joseph W. Jewell, and Sawyer Rennis, with having, on or about the 26th day of July, 1842, stolen a large amount of money, in Treasury notes of the United States, to wit: the sum of ninety thousand dollars, (90,000) or thereabouts; and further charged them with altering, uttering, and publishing said amount of Treasury notes. This warrant was put in the hands of a magistrate at Washington, and the persons were arrested, the first at a house of ill-fame. On examination of the persons of the prisoners in the jail, nothing of importance was found except \$100 in notes, in Breedlove's pocket. The examination of Breedlove's trunk at the hotel, brought to light \$50 in bank notes, 5 eagles, 3 half-eagles, 29 sovereigns, \$1000 in American gold, one large gold stud breast-pin, one gold watch chain and key, and a splendid assortment of wearing apparel. Jewell's trunk contained nothing worthy of notice, and the examination of Rennis' trunk was deferred.

The prisoners had scarcely reached the prison, when Capt. H. S. Harper, Deputy U. S. Marshall for New Orleans, accompanied by a police officer, reached the city with a United States warrant, to obtain the prisoners, and convey them back to New Orleans.

The Sun's correspondent of the 4th inst. says:—"From the Deputy Marshall, I learn that Breedlove was, for six or seven years, a clerk in the Custom House at New Orleans, and was highly esteemed by a large circle of acquaintances. Upon the back of every note the word 'cancelled,' was written; this was obliterated by some chemical process, in such a manner as to leave a faint yellow stain thereon."

"He further states, that abundant evidence can be adduced there, to prove that Breedlove and his associates succeeded in passing off some \$15,000 of these notes in New Orleans, and that the amount circulated cannot be correctly ascertained for a long time, if ever."

"He says the guilt of Jewell, in circulating the notes, can also be fully established. He is the same man who killed a watchman in New York, some six or seven years ago, by ripping him open."

"There appears to be doubts as to the amount of evidence against Rennis, who, I learn, was not in New Orleans at the time of the robbery."

"But little further has transpired in the case of Mr. Dowden, the clerk charged with robbing the treasury of a number of Treasury notes. Mrs. Augustus A. Dorsey, of Baltimore, and Mr. Broome of Washington, were examined yesterday, and afterwards Mr. D. was held to bail for his appearance at court to answer the charge. Suspicion has not pointed out any other clerk as being connected with him. There was a rumor that James E. Hurvey was an accomplice, but in this there is no truth."

The Governor of Maryland has refused, for the present, to comply with the requisition of the Governor of Ohio for Adam Horn. He will first undergo a trial in Maryland for the murder of his wife, Malinda Horn, and in case of a failure to convict him there of the crime laid to his charge, he will be delivered up to the authorities of Ohio, for a trial there on a charge of having murdered his first wife.

The West India Mail steamer Trent, recently arrived at Havana from Vera Cruz, with \$342,000 in specie.



THE HUNTINGDON JOURNAL.

Huntingdon, May 31, 1843.

"One country, one constitution, one destiny."

V. H. PALMER, Esq. (No. 104 S. 3rd St. Philadelphia) is authorized to act as Agent for this paper, to procure subscriptions and advertisements.

Democratic State Convention.

Whereas, the General Assembly of Pennsylvania, at its late session, enacted a law by which the Free-men of the State are required, at the general election in October next, to elect, by a popular vote, a Board of Canal Commissioners: And whereas, it is important that the democratic Harrison party should preserve a full and complete organization of all its forces by the presentation of honest, faithful and competent candidates, distinguished for their integrity, in favor of a prudent and economical management of the public works, and opposed to the wasteful expenditures and flagrant abuses of the present administration, to the free and independent voters of the State, for their support:—The undersigned State Committee, therefore, call upon the members of said party, in the different counties to elect at such times and places as they may think proper, in conformity with the usages of the party, Delegates from each Senatorial and Representative District, pursuant to the provisions of the Senatorial and Representative Apportionment Act, passed at the recent session of the Legislature, and equal to the number of Senators and Representatives from such county or district, to meet in General Convention, at Harrisburg, on WEDNESDAY, THE 6th DAY OF SEPTEMBER, NEXT, at 12 o'clock, M., to nominate suitable candidates for CANAL COMMISSIONERS, to be supported by the Harrison Democratic party of the State, at the ensuing general election.

GEORGE FORD, Lancaster, HENRY MONTGOMERY, Harrisburg, WILLIAM M. WAITS, Erie, WM. F. HUGHES, Philadelphia co., JOHN G. MILES, Huntingdon, JOHN TAGGART, Northumberland, HARMER DENNY, Pittsburg, JOHN S. RICHARDS, Reading, JACOB WEYGANDT, Easton, May 17, 1843.

New Type--An Improvement.

Having purchased new type for our paper, (of a smaller size than those now used,) we hope to present next week's number in a new dress. Hereafter we will be able to furnish more matter in the same space, by which our readers will find themselves benefitted.

We have gone to a very considerable expense to improve and beautify the Journal; and we intend to be out shortly with a new prospectus. Of course we hope to meet with liberality enough on the part of our fellow citizens to compensate us—in new subscribers—for our outlay. Our efforts shall be to publish a newspaper worthy of our county; and we trust to meet with that encouragement which is essentially requisite to the undertaking. As soon as we meet with encouragement enough to warrant us in doing so, we intend to enlarge the paper.

We have also provided ourself with a new font of job type, and are prepared to do job work in good style, and on short notice.

The Crops.

In our recent journey from this place to the lower end of our county, and through the counties of Franklin, Cumberland, York, Lancaster &c., we observed that the crops, generally, give promise of an abundant harvest. In some parts of Cumberland and Franklin, however, the winter grain looks as if it had suffered from the severity of the winter, the snow having greatly drifted and left some fields bare. Fruit of every description, from the apple down to the huckle-berry, will be abundant, if permitted to escape injury and ripe.

Our exchange papers from different parts of the country furnish us the pleasing intelligence that the labors of the husbandman will be rewarded by a plentiful harvest.

Hail Storm.

On Monday the 15th inst., Gettysburg was visited by a severe hail storm which extended but a few miles in width and reached in length as far as York, though not with the same degree of destructiveness. In Gettysburg and vicinity the hail stones were unusually large, injuring cattle and killing birds &c. The amount of window glass destroyed in Gettysburg, as nearly as could be ascertained by a committee of gentlemen who took the trouble of counting, is 10,500, at a cost of at least \$1,500.

Locusts--not quite.

Some of our exchange papers are trying to "kick up a fuss" about locusts which are to appear this year in as great abundance as they did in Egypt in the days of Pharaoh. It seems to us there must be some mistake about this. General observation--(a new General)--goes to establish the fact that these insects appear regularly at intervals of seventeen years.—They appeared in these "diggins" in May 1834, and it is therefore highly probable that they are now an eight year's journey from us, or perhaps not hatched yet.—Who knows?

Business.

The indications of the times in all parts of the country, we are pleased to say, are becoming more cheering. In the commercial cities an evident change for the better has taken place, and business is reviving, which must eventually lead to "better times."

Bicknell's Reporter, published in Philadelphia, says:—"The spirit of the country is rising once more, slowly, but certainly into activity and energy, and we think we deservy in the distance, the bright light of returning prosperity. Certain it is that we have passed through a fiery ordeal."

The New York Express, in its weekly review, says:—"The business of the week has greatly increased. The importations have been large. At the Custom House upwards of a hundred thousand dollars were received in one day. In the business streets of the city there is a much greater activity than there has ever been. Exchanges with every part of the country, except Alabama, are reasonably low."

The Boston Journal, says:—"All over the city, no matter which way you turn, improvements meet your eye. All these things betoken a better feeling in our business affairs, and give a clear aspect to the times."

The Baltimore Patriot, says:—"That gloom and despondency once so manifest, would seem to be gradually forsaking the merchant, as well as the mechanic and day laborer, bearing in its stead the more agreeable anticipations of a smiling morrow."

Attorney General Johnson's Opinion.

In to-day's Journal we insert the very "luminous" Opinion of Governor Porter's learned Attorney General on the question of the legality of the election of State Printers. Those who have ever read a law book will at once see that the "luminous" Attorney General has entirely forgotten that all his books teach that "the fairest and most rational method to interpret the will of the legislature, is by exploring their intentions at the time when the law was made, by signs the most natural and probable--and these signs are either the words, the context, the subject matter, the effects and consequences, or the spirit and reason of the law." (See Blackstone's Commentaries, Introduction, Section 2.) The "luminous" expounder of the laws must have forgotten this, or considered it obsolete in these days of Locofoco reign; for he undertakes to prove that the late Legislature were bound by and to the very letter of the law—that their intentions at the time they passed the law—and the spirit and reason of the law, amount to nothing at all. It must be as "clear as mud" to every mind, that the late Legislature, who passed the law, and elected the State Printers, did not mean to do what they DID DO! True they enacted that the State Printers should be elected in the manner provided for the election of State Treasurer, and that authorizes an adjournment from time to time; but still the very "luminous" Attorney General, through a grand display of legal astutia, arrives at the conclusion which he was no doubt ordered and DETERMINED to come to—that this part of the law amounts to JUST NOTHING AT ALL--that the election of McKinley is invalid—and that the Governor should not approve of his bond.

The Lancaster Intelligencer, one of the ablest and most influential Locofoco papers in the state, denounces this attempt at "TREATING AN ELECTION AS IF IT HAD NOT BEEN HELD," and says: "When it is known by our readers that, under this law, the Governor is only authorized to perform the mere ministerial duty of passing upon the validity of the security offered by the State Printer elect, and that now he sets himself up to pass upon the validity of the law of the Legislature, the fearful and alarming extent of the usurpation, may be understood! That the State Printers were elected properly, and according to law, no man in his senses, pretends to doubt. The power of adjourn-

ment is reserved in the law providing for the election "IN THE MANNER" provided by the law providing for the election of State Treasurer."

The Harrisburg Keystone, edited by Mr. McKinley, one of the Printers elect, which will therefore not be considered the most disinterested and honest paper in the world in its denunciation of this act of executive tyranny, characterizes the conduct of the Governor as "a gross usurpation of the Legislative and Judicial powers of the government, for which IMPEACHMENT is, and unquestionably WILL be the legal and efficient remedy."

The Anti-Porter portion of the Locofoco press in Pennsylvania, and they by far outnumber the Porter papers, are down upon the Governor "like a thousand of brick" on account of this last act of "tyranny and usurpation," and cry most lustily for his IMPEACHMENT. The Pennsylvania, the leading Locofoco organ in Philadelphia, says: "There appears to be but one opinion about this matter, and it is that the bounds of endurance have been passed, and no course remains but that of impeachment. Such then should be the question on which the approaching elections should turn—the formal impeachment of David R. Porter."

The only thing in all this, that appears strange to us, is, that these papers, one and all, of high and low degree, could pass over the thousand acts of greater "tyranny and usurpation" which the Governor has perpetrated since the unlucky day of his induction into the executive chair of this injured Commonwealth, and even sing hosannas of praise of his "everlasting infamy," and should now for the first time open their eyes to his wickedness and call for retributive justice. For our own part we detest the conduct of the Governor in the premises as much as any of his former friends can possibly detest it; and we speak of it now "more in sorrow than in anger." Ever since the glaring developments in the "Lumber Speculations" of 1841, our voice has always been for impeachment. Our cry is still impeach! IMPEACH!! IMPEACH!!!

General Assembly.
The General Assembly of the Presbyterian Church of the United States met in Philadelphia on Thursday the 18th inst. The Old School division assembled in the Presbyterian Church, corner of Eighth and Cherry Streets. The opening sermon was preached by the Rev. R. T. BRACKENRIDGE, Moderator of the General Assembly of 1841—the last Moderator being absent. The Rev. Dr. SPRING, of New York was afterwards chosen Moderator of the present General Assembly. The New School division met in the Presbyterian Church opposite Washington Square.—The Rev. Dr. WISNER, Moderator of the last General Assembly, preached the opening sermon, and presided in organizing. The Rev. A. D. EDDY was chosen Moderator.

Trial of Amos Lefever.
Our readers, no doubt, recollect the account we gave some time ago, of a most distressing case of seduction, insanity and death, which occurred in Bradford county, Pa. Miss Esther Maria Woodburn was the victim, and the Rev. Amos Lefever the base seducer. He was tried, at Towanda, the first week in May, and convicted of adultery. An exchange paper says:—his sentence had not been passed at our last advices, but it must in all reason be rigorous. He not only made use of his clerical character to obtain a complete mastery over his victim and her parents but wrote her piles of letters filled with the most blasphemous intermixture of cant and lust! telling her that the cause of Religion required her submission to his vile desires! It appears that Miss Woodburn, though previously of most exemplary character, and beloved by all who knew her, was not ignorant of the fact that he had a wife and children living somewhere, but he assured her that his divorce would soon be perfected. This mitigates the sympathy which would otherwise be felt for her error and her wretchedness. (Her father died on learning her disgrace, and her mother has been for some time insane in consequence of it.)

Lefever's conduct appears to have been one of unredeemed villainy throughout.—His conduct on the trial evinced reckless hardihood and remorseless vice. He affected to be indifferent to the last. It appears that this man has run the round of several Orthodox denominations, conforming to any that would employ him.—He had been advertised as a villain and adulterer in the religious newspapers.—Why is not more care used in picking up these vagrant pretenders?

Sale of the State Stocks.

In June next, the whole of the Stock owned by this State in banks, bridge, pike, and other private corporations, will be again offered for sale; and this time with some certainty of its being effected without interference from the Executive, beyond whose control the law has now placed it. Those stocks whose location is in or near Philadelphia, will be sold at the Merchant's Exchange in that city on the 13th of June next. Those in the vicinity of Harrisburg, at the State House on the 19th. Those in the vicinity of Northumberland, at that place on the 24th. And those in the vicinity of Wilkesbarre, at that place on the 29th of the same month. There will also be sales held at Pittsburg and Meadville, in September next, of the stocks held in the various companies in the Western part of the State. The sales in all instances will be peremptory. These stocks may be paid for in certificates issued to domestic creditors, bearing six per cent. interest. The stocks we anticipate will bring rather fair prices, as stocks of all kinds appear to be on the rise. The certificates of the State's indebtedness are to be received in payment for them have materially advanced in price since the legislature adjourned, ranging now from 70 to 80c. on the dollar. The whole amount of them in circulation, is about \$1,300,000, which will not cover the aggregate of the sales of stock, at present prices. At existing quotations, the stock in the Pennsylvania Bank, will bring \$600,000; the stock held in the Philadelphia Bank, \$314,000; that in the Schuylkill Navigation Company \$35,000; and with that held in the Allegheny Bridge Company, and in one or two others, will be sufficient to absorb the whole of the certificates issued.—Harrisburg Telegraph.

Locofocoism on the Tariff.
The locofocos of Indiana lately congregated for enlightenment on certain measures of Government, and addressed letters to all the loco loco candidates for the Presidency—excepting John Tyler of Virginia; or rather we may say omitting him.—They have received letters from all, and it is a matter altogether worthy of speculation, that with the exception of Old Tecumseh, who, with an improvidence of truth and straightforwardness of purpose, comes boldly out for protection to American labor, and American capital, they all take the Southern, sunny side of the great question of the Tariff. Even Mr. Buchanan remains true to his principles of "ten cents a day." Is it for this cause, or if not, what other is it, that the brave old Soldier is thrust aside that room may be made for trucking politicians, ever making their sales and bargains in the South? There is not one of them else, Buchanan, Van Buren, Calhoun and Cass, but limit American labor to "incidental protection." Mr. Buchanan says emphatically that "he will not impose one dollar of duty" beyond the absolute necessities of the Government, and that he is willing to discriminate in favor of manufactures, so far as they are incidental to national defence. But through the whole of his "creed" as he calls it, there runs not one thought or feeling; there is exhibited not one spark of sympathy for the manufacturer, farmer or laborer. He imagines himself, like Gen. Jackson, the Government, and his sole care is to furnish that with money. This is true, unadulterated locofocoism, and ought to obtain him support in his ranks.—American.

AN OLD OFFENDER ARRESTED.—Last week a man calling himself Hill, was arrested by Constables Baisley and Sanders, and brought before Justice Snyder, under the charge of being the person who robbed a tavern keeper in Huntingdon, in 1838, of \$500, for which he was then arrested and lodged in jail, and succeeded in escaping from it before his trial came on, and whose name was Arson Gale. When brought before Esquire Snyder, being questioned as to his name he very boldly denied that it was Gale, but the Esquire who had seen and know him some years ago, told him that the denial was of no use, and he knew him to be Gale, and for want of bail, sent him to jail to wait for further orders from Huntingdon county.

Gale was a conspicuous politician in 1838—and one of the most brawling Porters in the state. It is said that he was one of the Governor's chosen escort at the time he came from Huntingdon to Harrisburg. But whether or not, he was very conspicuous in the Buckshot War, and one of the leaders of the mob. He was first recognized by a gentleman from Huntingdon county, named Holliday, upon whose information he was arrested by the constables. He had been seen several days in the neighborhood, mixing with the watermen, thinking probably that he would make another haul out of them before he took his departure, and went by the name of Hill, which was the name he entered at the Franklin House where he put up, part of the time.—Har. Tel.

ANOTHER DECISION.—We learn from the St. Louis New Era, that Judge Catron, of the Circuit Court, and one of the Judges of the Supreme Court of the United States, has decided that the Bankrupt Law passed by Congress is constitutional. This decision, like that of Judge McKinley at New Orleans, is final.

Lord Brougham is said to be about to visit this country, either as the regular or special minister.

Newspaper presses in Virginia are taxed indiscriminately, ten dollars each.