

Case No. 16,073. UNITED STATES v. PORTER.¹
{2 Dall. 345; Whart. St. Tr. 174.}

Circuit Court, D. Pennsylvania.

1795.

JURORS—CHALLENGE.

Indictment for high treason, committed in the county of Allegheny in the state of Pennsylvania,

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by levying war against the United States. After a long examination of witnesses it was discovered, that the defendant, though he was at Couche's Fort, had taken no part in the insurrection; that, in fact, he was not the person, liable to the charge, but another person of the same name; and, thereupon, the jury, by direction of THE COURT, found a verdict of not guilty.

The only occurrence, therefore, which it is material to notice on this trial, was the following: There were two of the petty jury (Thomas Coates and William Callady) who being called, and not challenged, alledged sickness in excuse for not serving, and they were, for the present, set apart: But the whole pannel having been eventually drawn out of the balloting box, without furnishing twelve names unchallenged, and those jurors persevering in their excuse, the counsel for the prisoner retracted his challenge of another juror, who was, thereupon, qualified by order of THE COURT.

¹ [This was one of the trials arising out of the so-called Whiskey Insurrection occurring in western Pennsylvania in the year 1794. For a full account of the proceedings see [U. S. v. Insurgents, Case No. 15,443.](#)]