

Civil vs Military Trial.—The Detroit Murder—Letter from Governor Crapo, of Michigan, Declaring to give up the murderers to the military authorities.

STATE OF MICHIGAN, EXECUTIVE }
OFFICE, FLINT, June 15, '65. }
Hon. E. M. Stanton, Secretary of War,
Washington, D. C. :

Sir—I have the honor to acknowledge the receipt of your communication of the 5th inst., requesting me to "re-quire of the civil officers of Detroit, Michigan, to turn over to the military authorities at that place, in order that they may at once be brought to trial before a court martial, Lieutenant John A. Schwartz and Lieutenant Arthur C. Ellis, of the 2d regiment Veteran Reserve corps, who are charged with the homicide of one Wasso, a black-dri-ver."

The facts in this case, as they have been represented to me, and substan-tially these:

A number of officers on the night of the homicide, were absent from the barracks, either on leave of absence or otherwise, and not on duty, and were in a drinking saloon very late in the night. While there, they made some arrange-ment with the hackman referred to, to carry them to the barracks, and after-wards declined going. The hackman denounced at this, and became abusive, and gathered together a number of oth-er hackmen, threatening the officers. At this, the officers went to Fireman's Hall, where a guard of soldiers were stationed, and, without any right to do so, ordered them into the street, where some difficulty occurred between the soldiers and hackmen. The one who was shot jumped upon his hack and at-tempted to drive off, when some one gave the soldiers orders to fire on him, which they did, and he was shot from his seat and died soon after. As I understand the affair, the officers had no business to call out the guard, as it was not under their control, and the soldiers had no right to obey them under the cir-cumstances. It was, in fact, nothing more than a street row.

These lieutenants, together with private Bachelor and five others, are now held in custody by regular process of a court having jurisdiction, charged with the murder of said Wasso, and the trial of the case is set down in the Recorder's Court of the city of Detroit, for Monday the 19th inst.

Your request for the transfer of these men from the custody of the civil offi-cers of the State to the military authori-ties at Detroit, necessarily involves two considerations: Have I the power to comply with the request; and if so, would the exercise be politic and wise?

I do not propose in this communi-cation to argue these questions, nor is it necessary that I should do so, but sim-ply to state very plainly the grounds up-on which I must decline to interfere in this case with the due administration of the civil laws of the State.

Although it be admitted that these parties were and are officers in the military service of the United States, yet at the time of the commission of the alleged offense by them, neither of them were in discharge of military duty. The homi-cide was committed, not within the limits of the camp, but in the streets of the peaceful city of Detroit; and in no sense and to no extent, in this unfortunate af-fair connected with the army beyond the simple fact that the accused were at the time within the military service of the United States. It was not an offense against the peace and sovereignty of the United States.

Any principle or construction that would exempt men from accountability to the State of Michigan would exempt any person in the military service of the General Government for accountability to the civil government for crime com-mitted anywhere within the length and breadth of the United States.

Whether the provisions of the act of Congress, approved March 3, 1863, em-brace offenses committed by persons who may be in the military service of the United States, but who, at the time of such commission, are not engaged on military duty, is a point which it is un-necessary for me to discuss or decide.

Conceding, however, that it does so apply, it is perfectly plain to my mind that military courts are not by law in-vested with the exclusive jurisdiction of certain crimes (among which are murder and manslaughter), when committed by persons in the military service.

It never could have been the intention of Congress that in time of war, insurre-ction or rebellion, each and every person in the military service of the United States, and subject to the articles of war, should not be exempted from responsibil-ity to the civil tribunals of the country for the crimes committed by him away from camps, and under circumstances in no way connected with the discharge of military duties.

But suppose I should deem it expedi-ent to grant your request to the effect that I "require of the civil officers of De-troit, Michigan, to turn over to the mili-tary authorities at that place, in order that they may be at once brought to trial before a court martial," these parties, I cannot find that I have any power under the Constitution and laws of this State to comply with such request. The accused are in the custody of the law, and with its administration the Execu-tive can in no way interfere. His power is limited to that of pardon, which cannot be exercised only after conviction. He cannot even direct or instruct a prosecuting officer to enter at *nolle pro-si-qui*, and he can in no way interfere with the custody, prosecution and trial of the accused.

In view of all the facts in this case, it does appear to me that I have no power to comply with your request, and that if I had such power its exercise would be impolitic and unwise.

But supposing it be true that the au-thority of the military tribunals of the United States is exclusive, then the accused have through the ordinary course of judicial proceedings a perfect defense for their prosecution by the State of Michigan. They can plead this special-ly, or in some way bring it before the court; and if the position is sound their release is assured.

Should it be feared, as intimated in your communication, that in this case a fair and impartial trial cannot be had before the civil tribunal, I would say that very liberal provisions have been made under our statutes in reference to the selection of jurors; the court in which the trial is had may grant a new trial; and after conviction, the defendants, if they consider themselves aggrieved by any opinion, direction of judgment of the court, may bring error.

Declining, therefore, to take any part in this matter,

I am very respectfully, yours, etc.,
HENRY H. CRAPO,
Governor of Michigan.

ELK ADVOCATE
Published Every Thursday
BY P. W. BARRETT.
Ridgway, Pa., July 6 1865



Here shall the Press the people's rights maintain
Unswayed by party and unbribed by gain;
Pledged but to Truth, Liberty and Law,
No favor sways us and no fear shall awe."

Court commenced on Monday, July 3d. See full proceedings on this page.

Several Notices and Communica-tions, were handed to us for publication in this issue, but are laid over, in conse-quence of not being able to understand what they were for—they may appear next week.

Godey's Lady's Book for July is received, and is a splendid favorite. Price, \$3.—per annum. All young ladies should subscribe for this beautiful mag-azine, at the reasonable low rates.

The weather for the past few days, has been exceedingly damp—mix-ed with rain.

DEMOCRATIC STATE CONVENTION POSTPONED.—At the formal meeting of the Democratic State Central Committee it was resolved that the State Con-vention should be called to meet at Harris-burg, on Wednesday, the 21st day of June, inst., but having since learned from a majority of the Committee, and being advised by many other leading Democrats of the State, that a postpone-ment to a later day would, on many ac-counts, be acceptable, and is generally desired. I hereby give notice that the next Democratic State Convention of Pennsylvania, will convene at the Hall of the House of Representatives, in the city of Harrisburg, on Thursday, the 24th day of August next at one o'clock p. m.

C. L. WARD, Chairman.
TOWANDA, June 1st 1865.

Our readers, no doubt have heard of the murder which was committed in the borough of St. Mary's, on the 24th day of June last, but we failed, until now, to obtain a correct report. It seems that some parties went to the saloon of Charles Haut, in St. Mary's, on the night of the 24th, for the purpose of obtaining some beer, the other saloons being closed, and awakened up Haut, who came down, accompanied by Joseph Krieg, the deceased, who was at the time boarding with Haut, and ad-mitted the parties, while they were in the room, John Horack, the party charg-ed with the murder, came in and deman-ded of Krieg, six dollars for some music which he had played there earlier in the evening, Krieg remarked that he thought Horack had been sufficiently well paid for his music; having drank beer free at the saloon all evening, saying moreover that the music was not worth six cents. Horack immediately struck Krieg, who exclaimed that he was stab-bled and staggered out of the room. He was attended to at once, and on exami-nation made, it was found that he had been stabbed in the superior portion of the right breast, between the second and third rib; the second rib was also broken. Krieg, saying that, after Ho-rack stabbed him, he also struck him, as he thinks with a piece of iron. He lingered until Tuesday morning, until 2 a. m. A Post mortem examination held by Drs. Blakely and Fessler, show-ed that the knife had penetrated the cavity of the chest; the right lung had, also, been completely destroyed, inter-nal and external hemorrhage had ensu-ed.

At the present term of Court, the Grand Jury, returned a true bill against Horack, whose trial will take place at the October session of the Court of Oyer and Terminer.

Proceedings of Court.

July Term 1865.
COMMON PLEAS.

Gregory Satterlee et al vs Jerome Powell & Co.—Sci Fu, to revive and continue liene of judgment. Rule also, lute.

Chauncey Brockway vs John Myers & Daniel Phalen.—Summons in ejectment for 150 acres land in Fox township. Continued by agreement.

Marin Reardon vs James Blakely.—Fi Fu No 5 March term. Rule Dis-charged.

Walter Bryant & Daniel Ewer vs David Taylor & others.—Copias and Respondendum in trespass vi et armis Rule discharged, Souther & Wil-lis for plaintiffs, Hall, Wilbur and Chapin for defendants.

Morris Foley vs The Tp., of Spring Creek.—Summons in trespass upon the case upon promises. Settled—Souther & Willis for Plffs, W. P. Jenks for Deft.

George D. Messenger vs Leopold Heil-brunner & others.—Copias ad respondum in plea of trespass vi et armis. Case tried verdict for Plff. J. G. Gordon, Chapin & Wilbur for Defts.

Mary B. Leiper and others vs Thos. Struthers and others.—Summons in ejectment for 9347 acres of land in Jones tp. Continued by agreement. Souther & Willis for Plffs; R. Brown for Defts.

Reuben Winslow vs Byron Jones and others.—Summons in ejectment for 40 acres of land, in Benecette tp. Settled. Souther & Willis for Plffs, W. P. Jenks for Defts.

Seth Clover vs Bryant & Ewer.—Sum-mons in ejectment for 55 acres in Spring Creek tp. Continued at cost of Plff.

John Tudor vs Cyrus Gibson.—Ver-dict for \$90, Chapin & Wilbur for Plff.

Joy & Welsh for use of Lewis B. Joy vs Geo. H. Bowers & Co.—Summons in trespass upon the case upon promises. Continued by consent. Chapin & Wilbur for Plffs, Souther & Willis Defts.

Miles Joy for the use of Lewis B. Joy vs Bowers & Co.—Summons in trespass upon case upon promises. Continued by consent. Chapin & Wilbur for Plffs, Souther & Willis Defts.

B. F. Ely vs Chas. Horton & Isaac Horton, Jr.—Summons in covenant trial, on agreement, judgment of nonsuit. Souther & Willis for Plff, Chapin & Wilbur for Defts.

W. A. Simpson vs P. W. Hays and Patrick Kane.—Summons in trespass vi et armis. Suit discontinued as per agreement. Chapin & Wilbur for Plff, Souther & Willis for Defts.

Commonwealth Cases.

Commonwealth vs G. D. Messenger.—Defendant charged with willful purgery. Trial and Defendant acquitted.

Commonwealth vs G. T. Wheeler & others.—Defendants with disturbing the peace, case discharged, on payment of costs.

Commonwealth vs Charles Smith.—Assault and battery—found guilty and sentenced.

Commonwealth vs John Nissel.—As-sault—nolle pros on payment of costs.

Commonwealth vs Matthias Lefflin—Assault and Battery—continued.

Commonwealth vs John Murry.—charge—horse stealing—nolle pros on payment of costs.

Commonwealth vs Frank How—for obstructing P. & E. R. R., track—con-tinued.

Commonwealth vs Gottlieb Maier.—Committed to county jail for Larceny. Discharged on his own recognizance. Blakely for Commonwealth, Souther & Willis for Deft.

Commonwealth vs Horack.—Com-mitted to jail on charge of murder. Grand Jury returned true bill. Blakely for Commonwealth.

Commonwealth vs Horace & Lydia A. M. Little, Ex'rs &c.—Summons in debt on the official bond of A. H. Head, as late Sheriff of Elk Co., continued by consent.

Commonwealth vs James Coyne & J. T. Burroughs.—Indictment by Grand Jury for selling Liquor. Bench War-rant directed.

Commonwealth vs Joseph Windfel-der.—Indictment for selling Liquor without license and on Sunday. Sen-tenced to pay a fine of \$10,00 and costs.

Frauds Upon United States Treasury Notes.

2s, imitation, are reported in circu-lation. Poorly done.

5s, lettered from I. Portrait of Chase.

5s, imitation. Poorly done; coarse.

5s, photographed. Have a blurred look; the paper is stiffer and heavier. Signa-tures very heavier.

10s, imitation, well executed, are re-ported in circulation. There is no treasury stamp upon the bill.

10s, altered from 1s. Vignette por-trait of Lincoln.

20s, imitation. Engraving coarse; general appearance bad.

50s imitation. The head of Hamil-ton coarse and blurred; otherwise ex-cellectly done; and well calculated to deceive.

100s imitation. The only points of actual difference between the genuine and counterfeit are these; In the under left corner are the words, "Act of Fe-bruary 25th, 1862." In counterfeit the "th" and the ornamental lines above run into and touch the border; in the genu-ine there is a clear space between, on the right end of back of note there are fourteen small ovals; on the end of each oval, the figures in the bad read 001 or inverted, while on the left they are 100.

This is the reverse in the genuine, there it will be seen that on the right hand they read 100, on the left 001. These notes are well executed.

Postage Currency 25 cents, imitation poorly engraved and on poor paper.

50 cents imitation—poorly done. The head of Washington is blurred and not alike.

5 cents, imitation, poorly printed.

5s, new issue, are now in circulation. Observe caution.

The portrait on each closely done.

National Bank 5s, imitation, well ex-ecuted, and of a dangerous character, are reported in circulation.

Coupons—counterfeit coupons, dated March 1s 1865, for \$12 50, in the sim-ilitude of 10 40 five per cent. United States \$500 bonds have been offered at different United States depositories.

7-30 Bonds—Some of these are in circulation with the coupons cut off, and are offered as currency.

Without coupons, they are of no value until mature. Refuse all such.

STAMPED ENVELOPES.—The Post office Department has inaugurated a method of supplying stamped envelopes which we would recommend to the at-tention of all having an extensive cor-respondence. The envelopes are now supplied in two forms—one simply stamped, and the other stamped with the addition of printed lines across the end of the envelope, giving the address of the person sending the letter, and re-questing its return if not called for with-in a certain specified time. These en-velopes are a great saving of time and trouble, and can be furnished of any regular size, and if spoilt in directing the post-master of whom they are procured will redeem their value in postage stamps. Thus there is no loss in any way, and their cost is even less than envelopes procured and stamped in the ordinary manner. We recommend our business men to look into the matter. The De-partment is quite desirous of having the experiment succeed.

CATHOLIC GENERALS.—The Nash-ville Gazette publishes the following partial list of Catholic generals who have served during the war:

Major General W. S. Rosecrans, Quincy A. Gilmore, Geo. G. Meade, E. O. C. Ord, Philip H. Sheridan, John C. Foster, Geo. Stoneman, James Shields, Daniel E. Sickles, David S. Stanley, John Newton, Alfred Pleasanton, Richardson, Joseph B. Carr, J. Hunt, Thomas Francis Meagher. Brigadier Generals Michael Corcoran, T. W. Sweeney, Patrick Edward Connor, M. K. Lawler, Thomas Ewing, jr., Hugh Ewing, Regis de Trobriand, Thos. C. Devin, T. W. Sherman, Alfred N. Duffie. Acting Brigadier Generals James E. Malone, Patrick H. O'Rourke, M. T. Donahue, James A. Mulligan, Florence M. Coryn, Stephen McGroarty, Richard Rynes, Patrick Kelley, Matthew Mur-phy. To this list may be added the name of the greatest and most brilliant of all our generals, William Tecumseh Sher-man, who, according to the Gazette, joined the communion of the Catholic Church before entering on active ser-vice in the army.

Genuine Eloquence.

There are no people in the world with whom eloquence is so universal as with the Irish. When Leigh Ritchie was travelling in Ireland, he passed a man who was a painful spectacle of pallor, squalor, and raggedness. His heart smote him, and he turned back. "If you are in want," said Ritchie, "why don't you beg?" "Surely, it's begging I am, yer honor."

SCRAPS.

QUALITY OF MILK.—It is sometimes forgotten that the last gill of milk drawn from the cow's udder is the best part of every milking. Careful experiments made in England (according to a report published, prove that the quality of cream obtained from the last cup taken from most cows exceed that of the first in proportion of twelve to one. The difference in the quantity also is consid-erable. Hence a person who carelessly leaves one pint unskimmed loses in reality as much cream as would be afforded by six or eight pints at the beginning, and loses, too, that part of the cream which gives the richness and flavor to the but-ter.

EXECUTORS NOTICE.

Whereas, Letters Testamentary hav-ing been granted to Jno. Stockman and Anton Fochtman, Executors of the last will and testament of Loreny Stockman, late of St. Mary's, dec'd, all persons knowing themselves indebted to said estate will make immediate payment, and those having claims against the same will present the same duly authenti-cated for settlement to,

HERMAN KOCH,
Benzinger April 13th 1864.

ADMINISTRATOR'S NOTICE.

Notice is hereby given, that let-ters of administration on the estate of Julius Vombaumen, late of Benzingertownship, Elk county, deceased, having been granted to the undersigned, all persons indebted to said estate are re-quested to make immediate payment, and those having claims against the same will present them duly authenti-cated for settlement to,

GEO. ED. WEIS, Register &
Administrator.

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FREDERICK KIENZLE,
Administrator
Ridgway Nov. 19th 1864.

NOTICE.—Letters of Administra-tion cum testamento annexo, on the es-tate of Anthony Kuntz, late of the bor-ough of St. Mary's, deceased, having been granted to the undersigned. All persons indebted to said estate are re-quested to make payment and those having claims to present them without delay to

ADOLPH FOCHTMAN,
St. Mary's, Elk Co. Pa.
June, 1st '65.—6w.

Leave Smithport daily, except Sun-day, at 6 a. m. arrive at Wilcox by 1 p. m.
ROUTE No. 2740 A. From Wilcox by Williamsville and Sergeant, to Cler-montville, 16 miles and back once a week.

Leave Wilcox Saturday at 2 p. m.
Arrive at Clermontville by 7 p. m.
Leave Clermontville Sat. at 8 a. m.
Arrive at Wilcox by 1 p. m.

For forms of proposals, guaranty and certificate and conditions to be incor-porated in the contracts, see pamphlet ad-vertisements for conveying the mails in Pennsylvania, &c., dated, 10th Novem-ber 1863, and 15th December 1864, to be found in the principal Post Offices.
W. DENNISON,
Postmaster General.

Bryant's "Song of Wooing."

Do not thou idly ask to hear
At what gentle seasons
Nymphs relent, when lovers near
Press the tenderest reasons?
Ah, they give their faith too oft
To the careless wooer;
Maidens' hearts are always soft,
Would that men's were truer!

Wo the fair one, when around
Early birds are singing;
When, o'er all the fragrant ground,
Early herbs are springing:
When the brookside, bank and grove,
All with blossoms laden,
Shine with beauty, breathe of love,—
Woo the timid maiden.

Woo her, when, with rosy blush,
Summer eve is sinking;
When, on rills that softly gush,
Stars are softly winking;
When, through boughs that knit the
bower,
Moonlight gleams are stealing;
Woo her, till the gentle hour
Wakes a gentler feeling.

Woo her when autumnal dyes
Tinge the woody mountain;
When the drooping foliage lies
In the half-choked fountain;
Let the scene, that tells how fast
Youth is passing over,
Warn her, ere her bloom is past,
To secure her lover.

Woo her, when the north winds call
At the lattice nightly;
When, within the cheerful hall,
Blaze the fagots brightly;
While the wintry tempest round
Sweeps the landscape hoary,
Sweeter in her ear shall sound
Love's delightful story.

FOR SALE!

Stationary and Portable Engines, with new Patent Piston, complete for SAW MILLS OR BORING FOR OIL.
—A I S O—
Portable Saw Mills,
with Two Rotary Saws, rigged for Saw-ing any sized logs.
ALSO—DRIVING PIPE,
Manufactured in Sandusky, Ohio, and delivered at any station on the Rail Road, cheaper and better, than can be furnished by Eastern Manufacturers.

For further information, address by letter the subscriber at Ridgway, P. O., Elk Co. Pa., or in person at Spring Creek, on the Clarion River.
Wm. Q. SWARTS,
Agent.

LOST.

Between Brockwayville and Hiram Woodward's, on the Sinnamoning, a small Day Book. Any person finding the same and leaving it at this office, will be suitably rewarded.
JAMES S. COLT.
June 29th 1865.

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HERMAN KOCH,
Benzinger April 13th 1864.

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Whereas, Letters Testamentary hav-ing been granted to Jno. Stockman and Anton Fochtman, Executors of the last will and testament of Loreny Stockman, late of St. Mary's, dec'd, all persons knowing themselves indebted to said estate will make immediate payment, and those having claims against the same will present them duly authenti-cated for settlement to,

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Announcements.

STATE LEGISLATURE.
We are authorized to announce the name of Dr. C. R. Early, of Fox town-ship, as a candidate for Assembly, sub-ject to the action of the Democratic party, at the ensuing primary meeting, and also to the decision of the District Convention.

SHERIFF.
TO THE DEMOCRATS OF ELK COUNTY:
Fellow Citizens:—At the solicitation of many citizens, I hereby offer myself to your consideration as a candidate for the office of Sheriff, at the coming Octo-ber election, subject to your decision at the approaching county Con-vention.

P. W. BARRETT.

We are authorized to announce the name of J. C. Chapin, of Ridgway township, as a candidate for the office of County Treasurer, subject to the action of the Democratic county Convention.

We are authorized to announce the name of Newton Lounsbury, of Spring Creek town-ship, as a candidate for the office of County Treasurer, subject to the action of the Dem-ocratic county Convention.

MARRIAGES.

MEAD—THAYER—In Lock Haven, June 23d 1865, by Wm. W. Ryncler Esq., CAPT. PLYMONT MEAD, to Miss SARAH A. THAYER, both of this place.

MILLER—WHITENACK—On Sunday July 2d, 1865, by A. W. Gray Esq., Mr. JOSEPH A. MILLER, of Jay town-ship, Elk County, Pa., to Miss REBECA E. WHITENACK, of Marion, Iowa.

WINSLOW—O'BRYAN—On Tuesday the 4th inst., by A. W. Gray Esq., Mr. REUBEN WINSLOW, of Benecetto, Elk Co. Pa., to Miss ANN O'BRYAN, of Lock Haven, Pa.

Accompanying the above notices, the Printer was kinly remembered by all parties.

NEW ADVERTISEMENTS

For Sale!

Stationary and Portable Engines, with new Patent Piston, complete for SAW MILLS OR BORING FOR OIL.
—A I S O—
Portable Saw Mills,
with Two Rotary Saws, rigged for Saw-ing any sized logs.
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