The Columbian Ploomsburg Democrat.

BLOOMSBURG, PA.

FRIDAY, FEBRUARY 11, 1870. Circulation of any paper published in Sorthern Pennsylvania, and is also a much larger sheet than any of its cotem-pararies; and is therefore the best medium for advertising in this section of the State.

The Watts Diamond Case.

The Day, a Radical paper, speaking of this case in which Mr. Diamond, the Democratic candidate for Senator in the First District, was fraudulently deprived

The Harrisburg correspondent of The Press, in a late letter, says, "Watt will unquestionably be able to retain his seat." If this be true, the Senate will ratify one of the rankest election frauds ever committed. It is an admitted fact, even among Mr. Watt's warmest personal and political friends in this city, that the return, by virtue of which he holds his seat, was a fraud and forgery, and if the Senate admit him as a member, after investigating the case, they will disgrace themselves. and practically disfrauchise the citizens of the Second Senatorial District, so far as their representation in the State Sen-

ate is concerned. Is the Senate utterly destitute of conscience? Are its Republican members completely blind to their own best interests, and deaf to the dictates of even sound party policy? If they admit Mr. Watt we must so conclude. But it may be that the correspondent from whom we have quoted, was not so well informed as his positive manner of speaking would indicate, and the result may prove that the Senate is not lost to all sense of propriety. Nous verrons!

Legal Tenders.

In our news column will be found most important decision of the Supreme Court of the United States to the effect that contracts made before 1862 connot be paid in greenbacks, but in gold. Chief Justice Chase delivered the opinion of the Courtwhichwas concurred in by three of his colleagues, three dis senting. It was plainly intimated that the issuing of legal tenders, was a necessity growing out of the war and that no necessity now exists for futher is sues. This decision is of the utmost value as it will settle many questions arising out of contracts made before the passage of the Legal tender act of 1802. It is virtually a denial of the authority of Congress to pass an ex post

" Put This and That Together." The Reign of Economy.

All our legislators appear to be very properly stricken with a conscientious regard for economy, in the expenditure of the public moneys, for which, in behalf of the people, we extend most hearty thanks.

State Legislature.

[From the Montour American.]
After the "flourish of trumpets," with which the present Legislature was intro duced, we cannot help feeling some de gree of disappointment. Thus far it has amounted to nothing, and worse than nothing. What, with its "rings" and schemes of "plunder," it has descended to a level with the wildest of its predecessors. In addition to this, it has perhaps injured the Republican party, more than any other that has gor before. But the members have wisely concluded to give the people as little knowledge of their doings, as poss ible. They have even declined to publish the annual message of the Governor; because it condemns official But what can be expected with the

chief of former "rings" in the chair? And what can the people hope for, after the Treasury imbroglio? The remedy is in the hands of the peo

ole, as we said on a former occasion Let them cease to send "small politicians" and "small lawyers" to that body Let them send intelligent farmers, me chanics and laboring men of integritymen whose sympathies are with the masses of the people, and the Augean stable will be cleansed.

Senator Morton, of Indiana, ablest Republican in the Senate, in debate on the Virginia resolutions, Wedneeday, January 10, made this declaration, without dissent from one Repub-Bean Senator:

"I think, Mr. President, that the ex-perience of the last eighteen months has brought the Congress of the United States now to the point that we should declare that we accept of the legal con-sequences of the doctrine of reconstruc-tion. I know the common idea was, without consideration, a year and a half ago, that when these States were once admitted or, if you please, restored to admitted, or, if you please, restored to representation, they passed entirely from under the jurisdiction of Congress and we were done with them. Sir, that was illogical, and experience has now shown that we cannot stand upon that doctrine. We must follow the doctrine of reconstruction to its consequences, and if necessary, we must deal with these states after they have been re-admitted. Here, is the design synwal of a talli-

Here is the daring avowal of a deliberate purpose to hold the Southern States, despite reconstruction, despite readmission, still subjugate and at the mercy of the Republican party-by whose necessities their future treatment is to be determined.

ANOTHER WARNING .- We recently called the attention of our readers to a decision by Judge Fisher on the subject of the disturbance of a religious assembly. This week a young man of our county has been convicted of improper conduct white going home from Church and besides being fined has been sentenced to 30 days imprisonment in our County Jail. This should be a warning to others who hang around Church doors, or misconduct themselves on their way home.

NOT GENERALLY KNOWN.-It is a fact not generally known that the value and title of a deed may depend entirely upon the proof that it has been regularly recorded; for in case a person should sell the same house, lot or farm, to different parties, giving each a deed for the same, the deed first recorded within six months after its being given according to law, would be the only one that would give title to the property, and the original grantee, not having recorded his deed, would be ejected. So also of a mortgage. It should be entered immediately after it is given, as it does not become a lien upon property until it has been regularly recorded.

The Columbia County Invasion

XXXI THE CASE OF WILLIAM KESSLEH,

THE case of William Kessler of Jackon township in this county, occurring about the time of Invasion, is both instructive and interesting. Kessler was improperly enrolled and his name was drawn in a draft. When the officer or person employed for the purpose gave notices to the men drafted at that time, he was informed that Kessler was non ompos mentis, that he had recently escaped from the Harrisburg Lunatic Asylum, was utterly and notoriously unfit for military service and that no tice to him would be idle and absurd. No notice was therefore served in the case, but some time afterwards Kessler was arrested as a deserter (!) and hurried away from home for trial and punishment. Nothing can more fully show the unfitness of military tribunals for the administration of justice to the citizen, than the proceedings in his case. In the Congressional debates of 1867, we

Mr. Buckalew, in the Senate, in reference to this case : "I know one case of a man fresh from the Pennsylvania State Lunatic Asylum who was reported upon one of these lists [of non-reporting drafted men;] no notice was served upon him or on any one else; he was carried off and tried before a military tribunal at Harrisburg and put in prison, and under the sentence passed upon him he was loaded down with a ball and chain-an insane man. The case was heard rapidly, summarily; nobody appeared for him the court did not know that he was insane; they asked him some questions, he gave absurd replies, and they supposed he was an incorrigible offender It was necessary to appeal to the President in that ease and have the man par doned in order to discharge him from his prison and from bonds,"

Globe 1st Sess, 40th Con. P. 662. The following letter was written, pending the application to the President for Kessler's pardon and discharge from Fort Mifflin.

"Washington, July 24, 1865. Monday afternoon. DEAR SIR .- I had an interview with the President, on Saturday and brought the case of Kessler to his notice. The record of the conviction not being among the papers I went to-day to the office of the Judge Advocate General (but Holt is absent) and found it. A report from that office will be ready at 10 o'clock to-morrow when I will go again to the President and have the case determined. The record says the Defendant confessed the facts and said he never intended to report, whereup-

two years with ball and chain! Yours very truly, C. R. BUCKALEW."

on the sapient commission gave him

COL. J. G. FREEZE. We next give the order of discharge which was issued from the War De partment: WAR DEPARTMENT.

ADJUTANT GENERAL'S OFFICE WASHINGTON, July 25th 1865, SPECIAL ORDERS, | * (Extract.)

The unexpired portion of the sentence of the General Court Martial in the case of Private William Kessler, an unas signed drafted man, from Pennsylvania is remitted. He will be released from confinement at Fort Mifflin, Pennsylvania (where he is now supposed to be, discharged the service of the United States, and returned in charge of a guard to his home in Jackson township, Columbia county, Pennsylvania.

The Quartermaster's Department will furnish the necessary transportation. By order of the President of the United States.

E. D. TOWNSEND. (Signed.) Assistant Adjutant General Official.

R. WILLIAMS Ass't, Adj't, General, It will be observed that Kesster wa to be sent home in charge of a guard, because he was incapable of taking care of himself. And yet he had undergone protracted imprisonment, under evere and ignominious sentence, for an offence which, from the very nature of the case; he was incapable of committing!

> Communicated. LIME RIDGE.

Jan, 31st, 1870. } Mr. Editor:—I have visited many abbath School festivals in this com munity, but never one so magnificently conducted as the one held in the Evangelical Church in this place on New Year's evening. It is deeply instructive to perceive the continued effort for the education of the children. In reviewing the religious societies of

this place we find that the children among us are entitled to their rights and privileges as well as the adult members. We observe with great pleasure the increasing desire manifes ted by this association to obtain a guard ed and useful education for the children, so when they are grown up they may reap the benefit and appreciate the advantages resulting from a liberal education. Therefore expressions of sympathy and esteem are proper for the Superintendent and teachers who have the responsible duties attached to the care of youth. I will add here that the decoration of the Church for the occasion was magnificent and was admired by all; no pains were spared on the part of the society in beautifying the church with wreaths and other orna ments. Gifts of thanksgiving were con tributed to each child in the Church; the congregation was also treated with the richest entables that could be procured. Rev. Rishel presided and opened with prayer, after which he address ed the school at great length and in a manner highly appreciated by the entire congregation. In conclusion I will add that it was the most magnificent

and successful festival ever held in the town of Centreville. A CONTRIBUTOR

PEABODY, Mass. Feb. 8.-The final obsequies of George Peabody took place at noon to day, and were carried out according to programme. The attenlance was large and the services solemn and imposing. Mr. Withrop spoke nearly an hour in his address. Prince Arthur, Admiral Farragut, Governor Claffin, Minister Thornton, Capt. Commerel, and Governor Chamberlain, of Maine, were among those present.

TRENTON, N. J. Feb. 7-In the ben ate to-night the 15th Amendment to the Constitution came up for consideration. After a debate lasting three vote of 13 to 8.

Court Proceedings.

MONDAY, Feb. 7th, 1870. Court met at 10 o'clock A. M., Present the Hon. William Elwell, President, and Iram Derr, Esq. Associate,
The Commission of Isaac S. Monroe,

as Associate Judge, vice Chas. F. Mann dec'd, was read in open Court, and Judge Monroe took his seat on the

Michael Walter, Samuel Stetler and Joseph Ikeler, were appointed tipstaves for the first week and M. C. Woodward Isaac M'Bride and A. Manning for the second week.

On motion of J. G. Freeze, Esq., D. Unger, Esq., was admitted to practice in e several Courts of this county. In the matter of exceptions to the ac

count of John Davenport's adm'rs., on motion of E. H. Little, Esq., Charles W. Miller continued as Auditor with power to make distribution. Deborah Dean now for the use of Su

sannah Gilham vs. Chas, B. Brockway as adm'r. of Deborah Dean, dec'd. On motion of E. H. Little rule granted to snow cause why the within judgment find the following remarks made by shall not be opened and all proceedings in said Sci. Fa. stayed agreeably to the prayer of the petitioner. Com. vs. Jacob L. Frick, Fornication

and Bastardy, Jacob L. Frick and Wm. Crossley bound in the sum of \$500 for the appearance of Deft, at next sess

Com. vs. Charles Snyder, Fornication and Bastardy. Deft. and J. S. Mensch bound in the sum of \$500 for the ap pearance of Deft. at next sessions. On petition of inhabitants of Main

township, Rudolph Shuman was appointed constable of said township. On petition of inhabitants of Cata wissa Stephen Baldy and Adam Federolf appointed overseers of the Poor of said township.

On petition, Iram Derr appointed guardian of Lewis C. Young, Calvin Young and Mary E. Young. Bond in \$200 to each ward.

On petition Josiah R. Fritz, appointed guardian of Emma A. Fritz, Lillie V. Fritz, James M. Fritz, Margaret C. Fritz and Clara J. Fritz, minor chil dren of Wm. Fritz, dec'd. Bond in \$50 to each ward, W. A. Kile approved as On petition, Clinton Eilis appointed

guardian of Henry Rutter, minor child of Georg e Rutter, dee'd, Bond in \$500. N. D. Harman approved as surety. Petition of Reuben Bellas Committee

of Benjamin Boone, a lunatic, for sale of real estate, Sale ordered. Bond in \$600, and Peter Ent approved as surety. On petition for partition of the estate of Jacob Eyer, dec'd. Inquest awarded and ordered that notice of time of exe ention of writ be given to parties out of the state by notice published in one newspaper published in Columbia county, for four weeks.

On petition for partition of the estate of Thomas W. Young, dec'd. Inquest warded.

Return of Sale of estate of Deborah Myers, deed, confirmed nisi. Return of sale of Real Estate of Hi

ram Cool, dec'd, confirmed nisi. Return of sale of Real Estate of Ed ward Schick, dec'd. confirmed nisi. Return of Inquest on the estate o

El izabeth Lunger, dec'd.confirmed nisi. Return of Inquest on the estate of Jacob Gobo, dee'd confirmed wisi Return of Inquest on the estate Sarah A. Bowman,dec'd.confirmed nisi. Coleman was appointed Auditor on ex-Return of Inquest on the estate of

Andrew Freas, dec'd. confirmed nisi. Return of Inquest on the estate of John Davenport, dec'd. confirmed nisi. the Peace. Recognizance of Daniel Gi-On petition, E. H. Little, Esq., ap pointed Auditor to ascertain facts, &c. in estate of Jacob Gearhart, Jr.

In the matter of exceptions to the first account of executors of Wm. Sny- ing named persons :- Wm. Butler. Hoder, dec'd. C. B. Brockway, Esq., appointed Auditor.

On motion of E. H. Little, Esq., H. Abbott appointed Auditor on exceptions with power to make distribution of estate of George Yinger, dec'd R obert Gorrell vs. Barney M'Brearty. No. 11 Dec. T. 1869, on motion of Mr. Baldy, Court grant a rule to show cause Edward Curley, Eating House, Conwhy the return of service of this writ by the Sheriff on Mary M'Brearty should not be set aside and the name of the said Mary M'Brearty inserted by the Sheriff in the said writ, stricken Beaver; John B. Klinger, Tavern, out of the same.

Campbell vs. Taggart, Furman & Barton, on motion of Mr. Freeze, Court Store, Catawissa; Mary E. Green, Tavgrant leave to amend plea.

Greenwood twp. vs. Pine twp., o motion of Mr. Little rule is granted to jected because they were all for new show cause why the affirmance of the order of removal so far as regards Samuel D. German, Luther A. German and Fannie E. German shall not be revoked and they be removed to Greenwood House, Centralia; Patrick F. Burke, townshsp. M. T. Howell vs. Mary E. Green, on

motion of Mr. Howell, rule granted to show cause why attachment should no issue, &c.

Jacob Shuman, vs. Catharine Long enberger et. al., Sci. Fa., against the defendant to show cause why the above stated judgment, should not be levied and paid out of the estate of the Def't. as widow and heir of Geo. Longenberger, dec'd. Ordered that notice be given of the writ of Sci. Fa., in this case by publication of the same in one newspa per published in Columbia county for four weeks before the first day of next

Petition of Victoria G. Fox for divorce Petition read and the Court order subpoena to issued.

Petition of Sofarus Smethers for di orce. Petition read and Court order a subpoena to Issue. Com, vs. Patrick Kendrick. Indie

Assault and Battery. Deft. blead "not guilty." Jury called. Verdict "guilty." Same day Court sentence the deft., to pay a fine of ten dollars to the Commonwealth, the costs of prosecution and undergo an imprisonment of thir ty days in the county Jail. TUESDAY, Feb. 8th.

On petition of inhabitants of Frank lin twp., Michael Mensch appointed Supervisor of Franklin twp. in place of Jesse Mensch.

On motion of Mr. Barkley sale of the that is falling off also. real estate of Henry H. Fritz, ordered. Bond in \$800, and Montgomery Cole approved as surety.
In the matter of the Proof of Contract

C. B. Brockway, C. W. Miller, Esq., appointed Commissioner to take proof. by the department. Postmasters can be In the matter of exceptions to the account of Wm. A. Case, exr., of Hester Grett, dec'd. Court direct copy of the order of Court, directing said account ant to pay costs of Audit with amount of costs, to be served on accountant. Returnable on Wednesday, 16th, inst. hours, the amendment was rejected by a Service of said order and bill waived by Mr. Freeze counsel for W. A. Case.

Joseph J. Crawford vs. Sarah A. Mordan, Vend. Ex. Property sold and oney raised. Court grant a rule on

point W. Wirt, Esq. Auditor to distribute the same.

Com. vs. Martin Kern, Indictment, Assault and Battery. True Bill. J. G. decided by the Supreme Court. Freeze moved to quash the indictment on the ground that the bill was not found by a full Grand Jury. Motion denied, Jury called. Verdict "Gullty."

Petition for charter of Incorporation of the Mutual Building and Saving

Fund Association of Catawissa. Court adjourned until 2, o'clock P. M. to-morrow.

FEB. 9th, 2 o'clock, P. M. Petition for guardian of minor children of Alex. W. Rea, dec'd. Theodore Garretson appointed guardian, Bond in \$6000 to each ward. Wm, Neal and T. O. Van Allen approved as sureties. Petition of Theodore Garretson goar. lian of minor children of Alex. W. Rea,

dec'd, for sale of Real Estate of said minors, R. F. Clark, Esq., appointed Petition of Anna M. Rea, widow of

for sale of lot in Centralia. Citation order to be issued to the purchaser and heirs of the decedent to appear on the first day of next term, and show cause why specific performance shall not be ecreed. Petition for guardian of Hurley Cot-

er and Frank Cotner. Harry Parker appointed guardian. Bond in \$2000. Humphrey Parker, approved as surety. Petition for guardian of Sarah E. Parker. Andrew J. Albertson chosen and appointed guardian. Bond in \$2000 W. P. Ikeler approved as surety.

On petition of inhabitants of Montour twp. Simon Reedy appointed Supervisor of said township. On motion of Mr. Clark, sale of Real

Estate of Eli Creveling, dec'd. Bond in \$2000. Surety to be approved by a judge of the Court. On motion of Mr. Clark, Court grant

a rule on the heirs of John Rauch, dec'd to appear on the first day of next term to accept or refuse the real estate of said deceased at the valuation or show cause why the same should not be sold. On petition, the order for sale of real

estate of John Hess, dec'd, was continued. Report of sale of real estate of A. J Sloan, dec'd, confirmed nisi.

Report of sale of real estate of Repec ca Nagle, dec'd. confirmed nisi. Report of Review of a road in Mifflin

wp., near John Michael's, confirmed On motion of Mr. Freeze, C. B. Brock

way was appointed Auditor to distrib ute estate of John Bealer, dec'd. On motion of Mr. Jackson, Geo. S

ceptions to the account of Andrew Freas, committee of Stephen Walp. er, Jr., and Samuel Giger forfeited to be respited on reappearance of defendant at next term.

Licenses were granted to the followtel, Rupert; Reinhardt Berger, Eating House, Berwick; J. E. Longenberger, Tavern, Mainville; Bogert & Kramer, Liquor Store, Rohrsburg; James V. Gillaspie, Tavern, Rohrsburg; Thomas Monroe, Eating House, Conyngham; Daniel F. Currey, Liquor Store, Centralia; Wm. Peiffer, Tavern, Centralia; yngham; John Leggott, Tavern, Greenwood; Humphrey Parker, Tavern, Greenwood; W. H. Gilmore, Eating House, Bloom; C. Bredbender, Tavern, Roaringcreek; Clemuel M'Henry, Tavern, Benton; Gilbert & Kline, Liquor

The following applications were rehouses, and no proof of their necessity

produced: Benj. J. Williams, Eating House Centralia; Patrick Langdon, Eating

Eating House, Centralia. The applications of Charles D. Fowler for hearing on Monday next, a remon-

A SENSIBLE LETTER .- We have received the following letter from a correspondent in Illinois, which we think is worthy of being made known as evidence that there are some people who

consider that editors have rights as well as other members of society. "JANUARY 31, 1870 FRIEND BROCKWAY-DearSir:-En closed find \$4,20 which is intended to pay for the COLUMBIAN for the years 1869 and 1871. \$2.00 with 10 per cent. interest for the past year, and the \$2.00 for the coming or present year. If the above is sufficient and suitable, please send receipt to me for the same, till Jan. 1st, 1870. Your terms are payable in advance, therefore the interest. The foregoing is "Sucker" style and as near to the point as it can be got at this distance

from home. The paper comes regularly. We are having a remarkably mild winter here, only one day that the mercu ry was down to zero. Snows nearly all the time, but never gets more than an inch or two on the ground at a time We have had over 30 distinct and separ ate snow storms since October. Times generally hard, prices of everything

all papers remaining dead in their office in estate of J. Kline, dec'd., on motion of stating reasons for their non-delivery, for which purpose blanks are furnished held personally responsible for the subscription price of papers regularly sent and remaining dead in their office.

> IP flour is six dollars per barre should not the weight of a ten cent loaf of bread be somewhat more than when paid for flour? We ask for information on this point.

An Important Opinion.

WE give below the opinion of Judge Elwell as to the right of a barber to fol-Sheriff to pay money into Court and apolow his profession on Sunday. It is a question of much interest, and we print his able and exhaustive opinion in fall. It is a question which has never been

COMMON PLEAS COLUMBIA COUNTY. Commonwealth, Certiorari to Justice M'Anall. Jacob Jacobus.

denied. Jury called. Verdict "Guilty."

Sentenced to pay a fine of ten dollars, the costs of prosecution and to undergo an imprisonment of thirty days in the county Jail.

Petition for sale of real estate of minor children of Joseph W. Kester, dec'd. Sale ordered. Band in \$4000, and John W. Kester approved as surety.

Sarah C. Morgan vs. Wm. Morgan.

Petition for Divorce, Divorce decreed from the bonds of matrimony.

Report of road in Fishingcreek and Orange twp. Report set aside because all the viewers were not sworn.

Petition for charter of Incorporation

Petition for charter of Incorporation of the Commonwealth,

was in effect a definite to the com-plaint on behalf of the Commonwealth, and as the justice rendered judgment against the defendant, the question is distinctly raised whether, as a matter of law, the business of a barber, without regard to any particular or special circumstances, is excepted out of the operation of the statute.

By the first section of the Act of Assembly before cited Purd. Dig. 924, it is enacted that "if any person shall do

or perform any worldly employment or or perform any world yemployment or business whatsoever, on the Lord's Day, commonly called Sunday, works of necessity and charity only excepted, every such person so offending, shall for every such offence forfeit and pay four dollars, to be levied by distress &c. minors, R. F. Clark, Esq., appointed Auditor to report facts with his opinion as to propriety of granting the prayer.

Petition of Anna M. Rea, widow of Alex. W. Rea, dec'd, for an order to perfect executory contract of decedent for sale of lot in Centralia. Citation

The work of the defendant is a world-

ly employment as much as that of any tradesman, artisan or mechanic. It is not embraced within any of the works enumerated in the proviso and if saved from the ban of the statute it must be, because within the protection afforded in the body of the act, to works of nec-essity and charity. It is argued that as the law does not

forbid a person to wash and shave him-self on Sunday and thus to prepare him-self to attend public worship, or other-wise properly to enjoy the rest and recuperation which it was the pur-pose of the day to give, therefore another may do it for him without incurring the condemnation of the law. This view of the law is not sustained by the authorities. In Johnston vs. the Commonwealth 10 Harris, 108, it was held that although a line of public conveyances running from one point to at other would be a great public conveying e. enabling persons to attend nience, enabling persons to attend church, to visit friends, and ride for health, yet as the business of conducting the fine was a mere secular employ ment, established and maintained for private gain, ministering and intended to minister merely to the convenience

of the public for a price, the driver of any such conveyance incurred the penalty imposed by the statute.

On page 112, it is said per Woodward J. the motives of an occasional customer do not determine the character of a man's business. Its character is acquired from its general aspects and from the intention of the person prosecuting it, rather than from those of the person patronizing it."

In Sparhawk vs Union Passenger Raileart J. F. Smith Mr. Institute Traileart of the person procedure of the person person procedure of the person per

way 4 P. F. Smith, Mr. Justice Strong, at Nisi Prius held, "that the necessity to xcuse, must be a necessity to him who loes the act. It will not avail to assert that the act done is a convenience or necessity to others."

necessity to others."

It is further contended by the counsel for the defendant, that long continued usage and customs of society prove that the business of a barber is by comreas, committee of Stephen Walp.
Com. vs. Daniel Giger, Jr. Surety of within the meaning of the law. And the forcible and exhaustive arguments of Lowrie C. J. Commonwealth vs Nesbit 10 Casey 398 are urged upon our consideration as decisive of this case. judgment the points ruled in that case and those to be decided here are in no way alike. There it was held that a bired servant without violation of the act of 1794, might drive his employer's family, to church on Sunday in the employer's private carriage—while here the de-lendant claims that he may lawfully keep an open public shop on Sunda shaving and dressing the hair of wh ever may come, whether his customer intends to go to church or not, and whether he is entirely able to shave himself or not. In short without regard to the necessity of the particular acts done he claims the right to exercise his "ordinary calling on Sunday as on other days. This has been forbidden from days. This has been forbidden from the earliest settlement of this State, as will be seen by reference to the statutes cited by Woodward J. in Omit vs.

Jommonwealth 9 Harris.

But we may inquire has there been such general and uniform usage in resuch general and uniform usage in regard to the employment under consideration as gives interpretation to the law? If so where shall we look for the evidence of it? In the third exception to the convic-

ion in this case it is averre that the jus-ice erred, because the defendant closed ils shop at ten o'clock on Sunday morning and shaved no more after that hour. This is his rule. But there are ther barbers who continue their labors until a later hour, and some who refuse to open their shops on Sunday. There for Tavern in Berwick, was laid over is not to our knowledge any uniform for hearing on Monday next, a remonstrance being filed against granting it. ued until all customers are served.

But is it a work of necessity? Many

ersons shave themselves on that day who are shaved by a barber on other days of the week. And not one in ten of those who shave on that day employ the services of a barber.

This question does not appear to have been decided by any of the Supreme Courts of this State, but in my judgment the dectrine of the cases above

ited goes far towards answering it in the negative.
In England the question was directly In England the question was directly decided in 1837 by the House of Lords. Phillips vs. Innes, Clark and Finnelley Rep., 234. The Lord Chancellor in delivering the opinion of the Court said "the work of shaving customers by a barber on Sunday morning is not a work of mercy, it is one of merc convenience." Lords Wynford and Brongham concurred, the latter saying that "this is not a work of necessity or mercy or

ot a work of necessity or mercy o In the progress of that case to the highest judicial tribunal, the usages upon the subject, which were much the same in that country as here, were invoked in vain against this construction of the state. of the statute.

Although not bound by it as authori-ty, yet as this decision is the only one to be found upon the point in question, and emanates from judges of great learn-ing and ability and as its conclusions very low excepting pork, and of late that is falling off also."

POSTMASTERS or their assistants are required by law to notify publishers of

If the closing of these shops on Sun-day is an inconvenience to the public, the remedy rests with the legislature and not with the Court, In regard to the objections to the form

of the conviction, it is enough to say that in that part particularly specified in the assignment of errors, the justice has minutely pursued the precedent pres-cribed by the act. Purd. Dig. 810. It was unnecessary for him to incorporate and gradually the mob retired before in his adjudication that the defendant them. At the last advice quiet had been should pay the sum forfeited. When properly convicted of the offence the law, required payment.

when the legislature introduced into upon the people.

the 4th section a form of conviction, they intended to guard against reversals for want of technical niceties. Commonwealth vs. Wolf 3S, & R. 48.

This record contains all the essentials of a valid conviction under the act for the prevention of vice and immorality and the proceedings must therefore be systained.

Conviction affirmed.

Congressional. FRIDAY, Feb. 4th .- In the Senate esterday, Mr. Sherman reported the bill for funding the national debt, extending banking privileges and establishing specie payments. The discussion of the joint resolution in regard to supplying the naval deficiencies, was then taken up and continued at length. An amendment offered by Mr. Morrill, of Vermont, was adopted, providing that no higher wages be paid Government employees than are paid by private citizens in the respective localities the vote standing 29 to 22. In the House a large part of the ses-

sion was taken up with a discussion of the bill to supply the naval deficiencies, amounting to \$3,000,000, the result of which was the adoption of an amendment reducing the appropriations to \$1,560,000, and the passage of the bill as amended. The bill for the admission of Mississippi, which is exactly similar to the one under which Virginia was admitted, was reported, and after some debate passed. A substitute previously offered for the admission of the State unconditionally was rejected by a vote of 85 to 98. A bill amending the act in relation to additional bounties, which extends the benefits of pensions, &c., to the families of deceased soldiers who enlisted for a period of less than a year -was passed.

SATURDAY, Feb. 5 h .- But little bus iness was transacted in the Senate yesterday. A bill was passed authorizing the Secretary of the Treasury to with hold moneys due to a tates in default of the payment of interest on bonds held in trust by the Government. A long discussion was had in reference to the abolition of the franking privilege. A number of bills and resolutions of an unimportant character were reported from Committees, and several local bills were passed. In the House a resolution was adopt-

ed after some debate authorizing the Committee on Military Affairs to investigate the reported sale of appointments to the Naval and Military Academies by members of Congress In Committee of the Whole the bill for the relief of the poor of the District of Columbia was considered, and subsequently passed after the adoption of the amendment of Mr. Logan instructing the Secretary of War to issue rations to the poor. HOUSE. MONDAY, Feb. 7 .- The House met

on Saturday for general debate only, Mr. Loughridge in the Chair. There were about thirty members present. and very few auditors in the galleries. SENATE. WASHINGTON, Feb. 7 .- Mr. Morton, Ind., presented the resolution of the Georgia Legislature accepting the con-

also ratifying the Fourteenth and Fifteenth Amendments to the United States Constitution. Several bills and resolutions were

litions recently imposed by Congress

On motion of Mr. Trumbull, the senate took up the bill to relieve members of Congress from importunity, and to preserve the independence of the several departments of the Government. This gave rise to a lengthened debate. ength.

At 3:30 P. M. a message was received evening. from the House announcing the death of Representative Hoag, of Ohio. After short addresses by Thurman and so as to apply exclusively to a class of Sherma n and adoption of resolutions of objectionable publications. Passed. respect the Senate adjourned.

HOUSE. Mr. Bingham, of Ohio, introduced bill amendatory of the laws relating to the laws of postage, making letter postage two cents and one cent for every additional half ounce or fraction thereof: making postage on papers or periodicals issued daily, weekly or monthly, or at any other stated period, one cent, where not exceeding four ounces in weight, and one cent for every additional two ounces or fraction thereof. Papers circulating in the State or Territory where published, or within one hundred miles of the place of publication to be exempt from postage, and exchanges between publishers to be free.

A petition was presented by Mr. Kelsey, N. Y., for an extension of the bounty of 1860 to drafted soldiers and volunteers of 1861 and 1862, discharged in consequence of disease contracted in the service. Also in favor of the civil service bill.

Mr. Morgan arose to announce the death of his colleague, Truman II. Hoag of Ohio, and to offer the usual resolutions of condolence and respect. The House then adjourned.

WEDNESDAY. Feb. 9 .- In the Senate resterday, the ratification of the Fifteen th Amendment by Iowa was announced. The West Point Appropriation bill was passed. Mr. Sumner concluded his speech on the Census bill, after which, at 4:15, the Senate went into Executive session and subsequently adjourned.

In the House, a long discussion en sued upon the resolution offered on Monday in regard to the publication of petitions against the franking privilege, in which the question of abolishing the issue of the Globe itself was seriously mooted, and several resolutions to that effect offered. The resolution was finally tabled by a vote of 72 to 53. Mr. Ingersoll gave notice of the introduction of a joint resolution proposing to so amend the Constitution as to allow Congress to issue United States notes as legal tenders for debts. PARIS, France, Feb. 8.—Henri Roch-

fort the editor of the Marseillaise was

arrested by the French police on Monday evening at his residence. The news spread like wild-fire over Paris, and was the signal for an attempted rising of the radicals. Barricades were hastily thrown up in the streets and manned by the men in blouses. At 11 o'clock P. M., the police charged a barricade and attempted to carry it, but were repulsed with bloodshed. One of the gensdarmes was killed. The rioters pillaged the neighboring armories and obtained weapons. During the night the troops and police force gathered in heavy force in the disaffected district, restored. The government has managed

Legislature.

SENATE. HARRISBURG, Feb. 3.-An act w read as follows, (this act is the joint production of the Philadelphia Senators):

Whereas, Philadelphia, under author ity conferred by an act of Assembly, approved 26th March, 1867, and the several supplements thereto, has purchased a large body of lands within the limits of said city, and laid out and improved the same as a public park, known as "Fairmount Park," and has expended several millions of dollars in the purchase and improvement of the same; therefor.

Be it enacted, &c, That the city hereby required to maintain and keep open the said Fairmount Park for the free use and enjoyment of all the citizens of this State, subject to the rules adopted for the good order and government of the same, and, in consideration of the compliance of the said city with the requirements of this act, the State of Pennsylvania declares and agrees that no railroad shall ever hereafter be constructed within the limits of Fairmount Park ; provided, that nothing in this act shall be construed to interfere with the rights already acquired by any railroad company whose tracks are now laid within the limits of the said Fairmount and his cabinet to accord belign Park. The bill was passed to a third reading,

and was laid over to enable the citizens of Philadelphia to examine the bill.

Mr. White, providing that the legal rate of interest shall be 7 per cent., but special amendment. Not agreed a legalizing special contracts not exceeding 10 per cent. Mr. Miller, changing the annuity

to be worth less than \$500, HOUSE.

law so as no longer to require applicants

THE CASE OF DR. SCHOEPPE. Mr. Porter, of York, called up Senate ill, as follows:

"That in all cases of murder and voluntary manslaughter a writ of error from the Supreme Court to the court trying the same shall be of right, and may be sued out upon the oath of the defendants or defendant as in civil

"In all cases of murder in the first degree removed into the Supreme Court under the provisions of the first section of this act, or now pending in the said court, it shall be the duty of the judge thereof to review both the law and the evidence, and to determine whether the ingredient necessary to constitute murder in the first degree shall have been found to exist, and if not so proved then to revese the judgment, and send the same back for a new trial, or to enter such judgment as the laws of this Commonwealth shall require. All writs of error now pending in the Supreme Court, and any case of murder or voluntary manslaughter, shall be held regular and of force to remove in such cases, and to authorize and require the Supreme Court to hear and determine the same with like effect as if sued out after the passage of this act."

This bill, which is intended to meet the case of Dr. Panl Scheeppe, of Cumberland county, was favored by Noles, by changing the State Constitution, and Johnson of Crawford, Bowman and son of New Lebanon, New York Potter, of York, and opposed by Schnatterly and Craig. It was passed to third reading and laid over.

BILLS CONSIDERED.

House joint resolutions urging Congress to oppose any effort to reduce the tariff on pig or any other iron and coal. Passed. House bill authorizing a vote of the

whether liquor shall be sold, was made

the special order for next Thursday House bill to punish the publication of obscene advertisements was amended

House bill appropriating \$8,500 for, salary and expenses of the State Historian. Laid over.

SENATE.

HARRISBURG, Feb. 4, Senator Lowry, in a personal explanation, denonneed the Daily Telegraph, newspaper, of Harrisburg, and its editor, for having published what he termed an infamous and outrageous attack upon him (both personally and as a member of the Contested Election Committee of the Senate). He said that all the charges made by the editor, were false, and that the editor was guilty of practices which it would be libelious to publish.

Mr. Brooke, a member of the committee, sustained the denial of Mr. Lowry, as far as the committee was concerned. Mr. Billingielt introduced a bill relalive to contracts by County Commis-

sioners requiring them to keep a

registry of all scaled proposals in-

volving \$500 or more, for public inspection during six weeks, and to publish the same in two newspapers. inder penalty of a fine of \$2,000. Mr. Davis offered the following; Resolved, That newspaper comments on the action of committees in contested election cases during their pendency, are so manifestly improper, that we may reasonably expect the practice to

cease from this day. House of Representatives.

morning session that the Republican members would use all possible efforts having cargoes of corn, consigned o reach the Metropolitan Police bill merchants here were also wreckel on the third reading.

The Democrats offered as many petitions and other papers as possible, and called for the reading of some of them in full.

The Senate Metropolitan Police bill was reached at 1 P. M. Mr. Josephs said that he looked upon

this as one of the most infamous propositions ever introduced into any legislature. If the commissioners named in the bill intended to be honest, why last ten days over \$1,000 worth of size were they here all this week using improper influences to secure its passage. of books, laces, furs, &c. A member of books, laces, furs, &c. A member How can they at a salary of \$3,000 a the Chicago Board of Education year come here and spend \$50,000 to been detected smuggling books. ccure its passage. This was not idle talk. He said it because he wanted it published to the world, and wanted the taxpayers of the city to know it. Every member on the floor knewthat if it had not been for the infamous frauds which had been perpetrated in the First dis-

triet, this bill would never have been

before this body for its consideration. Mr. Adaire called for the previous question, and the bill was passed by a strict party vote of 57 Republicans yeas to 38 Democraticnays. Absent—Messrs. Delaware, Lackawanna and Wess Chamberlain, Craig, Herr, Mc Ateer, Railroad, exploded, nearly desired and Webb.

In order to prevent a reconsideration | the water tank on Lackawanna and tank to suppress the disorders without firing at any future time, Mr. Davismoved to The engineer was only slightly upon the people. reconsider the bill now, which was lost, of \$1,000.

and the bill was made ready for he turn to the Senate, where it original on next Monday evening. It was from the Senate to the Governor.

Monday, Feb. 7.—A number of his were read in place and referred to he SENATE.

appropriate committees, among whi vere the following: By Mr. White, an act to provide to the safe keeping of the funds of the State, and to reduce the public indep

edness. Ordered to be printed. A joint resolution providing for the A joint resolution of an amount nation appropriation of an amount nation ceed \$1,900, for the payment of then penses attendant upon the hauges tion of Governor Geary for his see term, was taken up on second restry and referred to the Finance Commission

House

A number of petitions were people ted in favor of submitting the question of license to a vote of the people. Also one from citizens of Ober county asking for an appropriate \$5,000 for the Eastern Experime farm. The following was also introduc

Joint resolution instructing our Set

tors and requesting our Representative to use their influence with the Profes rights to the Cuban patriots. The bill to pay the State History and his officers salaries due was taken on third reading. A motion was in to go into committee of the whole

agreed to -yeas 44, mays 34. SEMATE. WEDNESDAY, Feb. 9.—The feebling passed, among the bills introduced a one authorizing Quarter Sessionsjuly

to appoint prison inspectors every lar also, one protecting the people of a State from improperly educated the

icians.

HOUSE. A bill was passed creating a consi sion to establish a house of correct At the evening session a general disc

ion ensued on the State Treasury bill Latest News. LOUISVILLE, Ky., Feb. 3-Au oan named Berth, residing at News Ind., was chopped to death within by John Ross. The cause was a n

WASHINGTON, Feb. 3.—The suspense

oncerning Mr. Hoar's nominal

inderstanding.

over. His opponents, in Executive ion this afternoon, consented to all his nomination to be taken from t table on condition that there should vote without debate, which result in his rejection by the emphatic vote twenty-four to thirty-three. PHILADELPHIA, Feb. 3.—Hone Binney, Jr., President of the Unio League Club, late President of the Pen sylvania branch of the Sanitary Can

nission, and a distinguished lawred this city, died to-day after a briefillas He was a son of the venerable Hon Binney, now 94 years of age. NEW YORK, Feb. 1.-Moore S. M. charged before Commissioner I with having attempted to obtain as ond payment of a money order addresed to him, by representing that he is

uot previously been paid, was the morning held to await the action of grand jury. NEW CASTLE, Feb. 1 .- At 12 o'did to-day, Carpenter and Jones, the is people in each district to determine colored men convicted of raps, at sentenced to death, were executhe prison yard, nearly a thousandp sons being witnesses, among when were many newspaper men from We

> In a brief speech from the sallil Jones reiterated his former statement that Carpenter was not guilty. Was the drop fell Jones died almost instal ly, while Carpenter struggled for sit al minutes afterwards. After hangi for a quarter of an hour, life was p nounced extinct and the bodies we cut down.

PHILADELPHIA, Feb. 5. Francis!

Dickerson, of Pennsylvania, senter

mington, New York and Philadelphia

to two and a half years' imprisonne for making and possessing a post of register, with intent to use it, hashe pardoned by the President. WASHINGTON, Feb. 5,-The B master General reports that it is month of January there was sent in he Washington post-office over 30

franked letters at a cost of about \$150 and 150 tons of printed matter at 200 of \$38,000. PHILADELPHIA, Feb. 5. Jas Boy of Newark met his death in a very markable manner yesterday. Bre fasting off cold mutton, and whileh mouth was full of meat, he was sell with an immoderate fit of laughter, a piece of the mutton sticking in

throat, he was choked to death less medical aid could be procured. WILMINGTON, N. C., Feb. 5.-b ever experienced here visited the seip borhood. The schooner Eleanor fin Baltimore with a cargo of fertilise went ashore a few miles from Fort Fis It was apparent at the opening of the borning session that the Republican entire crew, were lost. Three vest reports yet of the effects of the but it is feared there has been a feath

loss of life and vessels. CHICAGO, Feb. 6.-A system of sun gling through mails, which has less carried on for some time, was brough to light in the Chicago post-office to weeks ago and since that time quite number of books and articles mani-tured in Europe have been select to the Custom House officers. Within

gled goods have been selzed, consists WILLIAMSPORT, Pa., Feb. 7.-And Harrington, a young lady aged see teen, daughter of Thomas D. Haring tou, of this place, killed herself the

morning by taking poison. The rese given for this extraordinory act is the her parents had interfered in so manner in a love affair in which is was interested. SCRANTON, Feb. 7.—This morning

switching engine, the Illinois, of the water tank on Lackawanna avion