SATURDAY, : : : JULY 20, 1872.

laps and Mishaps at and near Home. -The FREEMAN hores to put on its new thes next week.

-Three original poetical contributions have wait another week. -- Summitville had a circus on Thursday. no rain in abundance. - Chest Springs is to have a horse fair on e 17th of next month.

- Send us all the money you owe us. We ce lots of new type to pay for We haven't space left even for "A Phan " this week. Will do nex! time. - Much rain, much hay spoiled, much lums e floated down this week. Farmers much ery-lumbermen much pleased. -Mr Geo. Row, of White township, Indiana mity, aged 76 years, was severely stung by

about ten days ago, and died on Tuesday -Gen. Coffroth, of Somerset, has a Hamtonian sucking colt for which he has been red one thousand dollars. How is that for

Hon C. L. Pershing is at present on a sit to Colorado in company with Hon. John att and others. Wish them a pleasant tour id a safe return--William Jones, a young man whose pats reside near this place, had two of his

hest Springs on Thursday week. _John Binks, an Englishman, cut Simon at selling dry goods, groceries, and inouable other articles of merchandise. He s a knock of pleasing in goods and prices trose can excel and few equal. The ram on Wednesday put a veto on the

ried on in the "Wigwam" a portion of the and night, and on Thursday night. The it financially we did not learn . -Posters have been issued from the HERALD ce calling for a meeting, on Saturday next, the Catholic citizens of Chest Springs and gity to adopt ways and means for the erec n of a church edifice at that place.

operance pic nic in the grove, but it was

-The Blair county Labor Reformers nomsted a full county ticket on Wednesday of st week, and passed resolutions favoring the tion of Hon R. M. Speer to Congress and John A Lemon to the State Senate. -A scaffold gave way in the Pa. R. R. Co s ulaing shop at Alteona, on Tuesday last, d nine painters at work on it were precipitaa distance of twenty-five or thirty feet, six them receiving severe but not fatal injuries. - Will. Beckwith, a brakeman on the Cinnnati Express west, Tuesday last, was caught tween the cars, at George's station, while placing a broken coupling, and so severely mjured internally that he is not expected to

-The storehouse of Mr Robert Lansberry, Barret station, near Clearfield, was burned Tuesday morning, will all its contents, and hiladelphia on the next day.

in the Eternal City. Of course he day schools. ed a hearty welcome from relatives and s. His asssigned position, we understand, the Presidency of St Francis College,

-Mr. Jatob Lindorf, residing in North mungdon town-hip, Westmoreland county, as very seriously and perhaps fatally injured day or two since He was perched under the spex of the root of a barn for the purpose of acing in position a heavy cross beam which as being hoisted to its place, when, by some codent, the beam slipped and crushed his head a frightful manner.

he senger, during the prevalence of a severe for their success." rm, a little daughter of Mrs Susan Smith, ed 12 years, of Chambersville, was struck shtning. She was standing on the porch acted to the house of James Swan, when ack Medical sid was summoned and she recovered, with the exception that her right

ni is yet powerless. -Dr. T. L. Odshue, of the medical firm of erved to confirm our former impressions of e honestiv believe the Messrs Oldshue are ficient and honorable practitioners, and as ch we commend them to those of our readers he may stand in need of their services.

-And it came to pass in those days (in these days, we should say,) that George Huntley took usto himself an ample supply of the renowned Æins Mowers and Reapers, besides patent hay rakes, forks, and other labor saving agricultural implements without number. and the FREEMAN going forth calleth upon all tillers of the soil to come forward and buy thereof, as much money and a great deal of work is spared to him who calls to his aid uch mighty inventions. -This from the DAILY MOUNTAIN VOICE

he idol of his soul, in the 2d ward of Coneback borough Sunday last, doubtless by way mustrating how he would mercilessly slaugher sny unfortunate "galoot" who should come etween them, shot her through the arm above he chow, with a revolver, secured no doubt for this occasion!" The lady recovers while er valiant knight of the pistol sottly, sadly irmers, "If ever I cease to love." -The DAILY MOUNTAIN VOICE, Johnstown's

w journalistic venture, made its first appearon Wednesday evening. It is about half s and general news in plentiful variety. It well and for the most part reads well. comments elsewhere.

-L & S. W. Davis keep a livery and sale ble "around the corner," whereat good stock nd fine equipages may be had at any and all urs. They also keep on hand various agritural machines, for which they are agents, th as Hothein's Mower and Reaper, the ers, Clipper and Sabine & Pratt's Hav akes, and the Freer Hay Forks, in the pecumerits of all which they have an abiding th and pledge themselves to do the fair thing rices and terms of payment with all who ire to invest money in that way. Lem. and am are good men to tie to, and the only ean thing about them is that they MEAN

-It is an acceptable saying, that fools will ad. The Mountain Voice, a daily paper s week established in Johnstown, with the me of James F. Campbell as its editor, is a st complete and perfect illustrations of the uth of the adage. The Allegheny mountain been in labor and has brought forth in shape of the Voice a ridiculous and a very ig tailed rat, inasmuch as it undertakes to or seek a lower or more profound depth the graves of those we have loved. stolldity, that feat has yet to be accomplish-The speciacle of James F. Campbell, or any other man in Cambria county, or elsewhere, esuming impudently and ignorantly to ignore and repudiate the official opinion of Judge Agnew, speaking for the whole Court, is an ex-

this will come the deluge.

bur common schools.

Report of the Superintendent of Cambria County for the Year end-ing June 3d, 1872.

1. SCHOOLS AND SCHOOL HOUSES. New Houses - Several school houses have been built in different parts of the county during the year. Some of these take the places of dilapidated structures, and others supply wants that have been created by our increasing population. The best school house built in this county during the year is one in the Fifth Ward of Johnstown. It is a fine two story brick building, possessing all the later improvements in schoolhouse architecture. Its cost will be perhaps \$15,600.

Furniture-But few of our school houses have such furniture as the State Superintendent requires in order to be reported as having "suitable furniture," and yet but comparatively few have what is to be characterized as "injurious farniture." Most of those which I have so reported have seals without backs standing out in the middle of the room. To make little children sit for hours upon such a seat, with no support whatever for their backs, is a species of cruelty that is born only of thoughtlessness. No parent or teacher who will properly think of it, or, what is better, will try it for an hour or two, will ever have the heart to condemn children to such punishment again. And yet teachers will wonder. that they cannot get their pupils, under such circumstances, to learn, and will some. ht hand fingers cut off by a shingle saw at times even whip them to make them "keep

Apparatus .- While no school in the hwartz a German, eighteen times with a county is furnished with such apparatus as neket-write, at Irwin, Friday night last. The to merit the report of "well supplied," in tter is not expected to live. Binks is in juil the meaning of the State Superintendent, Go and see what M. L. Oatman knows vet we have many schools that are tolerably well supplied. These have several at least of the requisite articles, such as outline maps, reading and spelling cards, penmanship chart , &c. A few of our schools have globes, while a still more limited number, ave tellurions and other apparatus I doubt that there is a school in the county that can boast a Dictionary or a Gazetteer. Still I am sorry to say, that we have more apparatus than is put to proper use. Our teachers, generally, make so little use of the apparatus already provided, that there is but small encouragement to directors to

furnish more Length of Term -The length of term throughout the county was but little differerent from the year before. In 21 districts that have reported up to the time of this writing there was an average increase of about 12 days. This is but a slight difference ; yet, as it is in the right direction, it is encouraging. In the 21 districts spoken of the average length of term was a trifle

Night Schools,-I have in former reports made mention o the night schools maintained by the Cambria Iron Company. The following I clip from one of the Johnstown papers published last spring :

"The night schools of the Cambria fron Co., closed a term of five months last week. bout eight hundred dollars in money, which These schools [five in number] are kept Mr. L. had collected preparatory to starting for open when the evenings are long, for the purpose of giving the boys that are em--Miss Murtie Woods, aged about 18 years, | ployed by the Co., an opportunity to gain ing in the family of Lewis Marchand, at the rudiments of an education. The boys town, Westmoreland county, fell into a vary in age, from eight to fifteen years; en of water beneath the kitchen floor, the they are the children of laboring men, and being displaced, on Saturday last, and often of widowed mothers, of whom, in some cases, they are the only support. tev. F S Kitte'l arrived home on Sat They work during the day in the mines, morning last, as per announcement, about the rolling mill or driving the mules, gexceedingly well after his nine years' which prevents them from attending the

"These schools were started fifteen years ago, by James Morley, Esq., as an Individual enterprise, but the managers of the Cambria Iron Co. came to his help, and have generously furnished the means to pay the teachers. They have, as near as we can ascertain, furnished yearly for this number of years from 500 to 1000 dollars. Mr. Morley has taken a deep interest in their success, and has had the chief management of them. Through him an able corps of teachers are secured for each term, - On Friday evening last, says the Indiana while he attends to them with anxious care

II. TEACHERS AND TEACHING.

Wages of Teachers. - The wages of teachers have also made another slight advance. In the 2! district from which I have heard, there has been an average increase of \$2.36 per month over the year before. This, though not much, is semething, Dis L. & T. L. Oldshue, Pittsburgh dropped and is hopeful. The average mouthly salon as Friday, and brief though his stay, it ary in those districts during the year was \$36.97. I am satisfied that this inm as a genial gentleman and a ripe scholar | crease has held out all over the county, if, indeed, the reports from all the districts would not show it to be somewhat larger. The following tabular statement will show the gradual growth of salaries in this county during the last four years, assuming that the average for 1872 will hold out as above:

1869, average salary was 14 18 16 11 11 11 36 97 A dozen years ago the average was but

\$21,19. Qualifications of Teachers .- The teachers of our common schools must endeavor to properly qualify themselves for the work. est issue: A bero bold, while paying court to Great improvement has been made in late vears in this respect; still, several, advance steps may yet be taken. True it is not depth of learning or breadth of culture that makes a profession respectable, so much as the money that may be made out of it; and I doubt that teaching can ever be made to pa; nevertheless, teachers should endeavor to qualify themselves that they may discharge their duties well. They owe this to themselves and to those committed to their care. He who only teaches to size of the Ecno, has telegraphic news, local make money, had better quit, and go at something elee. Diogenes with his lantern would not be able to find the man who has H. Campbell & Co are the publishers, Jas. grown rich by teaching a common school. Campbell the editor, Coroner Barrold the The teacher ought to get all the pay he ness manager, and everybody else, Young can; he ought to get out of his profession id seem to have a finger in the local pie, all there is in it; he ought to be mercenary pi,"-which? It professes to be indepen- as other men; but back of all that he must possibly of the jug handle persussion. be animated by a desire to do his duty, and do good in the world, or he ough, to abandon the profession. But beside doing his duty only, the well-qualified teacher stands a better chance of being properly paid than the poorly qualified one Men in this business as in any other are rewarded accoraing to their efficiency. Our teachers must strive to become more efficient. To this end they must read more; study more; think more. They must feel an interest in their profession. The true laborer in this field is not only a teacher but a learner. Chaucer has well described in one line the characteristics of the true teacher :

exactly what they say. Farmers, hear and "And gladly wolde he lerne, and gladly teache." In Memoriam - Death twice invaded our ranks during the year. Miss Amanda Jane erally rush in where even angels fear to Hubert died on the 2d day of October, after a protracted and painful illness. She was 28 years of age, and had taught school for seven or eight years. She was an amiable lady, and a faithful, competent teacher.

Her end was peace. Mr. John Peckman, our veteran teacher, died on the 12th day of January, at the ripe alt the opinion of the Supreme Court in age of 70 years. Mr. Peckman was an exence to its decision on the issue of the effent scholar, a teacher of nearly 50 years' of the District Court of Cambria coun experience, and a dignified Christian gen- the best ever made, clocks, pure jewelry, fancy all they need now is mere people to buy them ignorance and impudence could go tleman. May the grass grow greenly on articles, books, stationery, cigars and tobacco, A full line of Catholic devo ional and miscel

III. THE WORK OF THE YEAR Examinations -- During the year I held 28

better attended than our earlier ones: hence, I have concluded to try the experiment of holding the examinations this year a little later in the season. Besides the public examinations. I held 13 private examinations I have avoided holdind private examinations as muchas possible, and have, as I think, got the number down to a minimum. It is at present and probably always will be necessary to grant occasional private examinations; but they should be

granted as seldom as possible. At the examinations which I held during the year, I examined 94 male and 103 female teachers. The standard of qualifications was purposely made a little higher than in former years, and consequently quite a large number of candidates failed to pass. I found it necessary to reject 32 of the male applicants, or about 84 per cent . and 13 of the fema e applicants, or only about 12 per cent. This is a singular disparity, and is not at all flattering to the lords of creation.". Of the whole number of both sexes examined, 34 had never

taught school. Certificates .- As a result of the examinations I granted 152 provisional certificates. The average of these certificates was 2.2. I issued no professional certificates during the year. On account of the great scarcity of teachers among us, I was obliged to endorse a number of certificates from other counties. I also annulled one

Visits -I made in the year just closed 192 visits to schools. The average length of these visits was a little over one hour. had the company of school directors in 79 of these visits. This has been a remarkble gain on any previous year. In attending to the duties of the office during the year, principally in visiting the schools. I rave traveled 1745 miles. Several schools visited the second time: I do not remenber visiting any one three times. Quite a number of schools were not visited this year at all; owing to the lateness and irregularity of their opening, and the fact that during the month of April, when I intended visiting them, I was for the greater part of the time ill, and not able to travel.

County Institute - Our annual institute was held in Ebensburg, commencing on Monday, the 18th day of December, and closing on the following Friday. It was determined to make this session a more complete success than any of its predecessors, and this determination was fully realized. Besides the labors of Prof. Burtt, of Pittsburg, and Rev. O. H. Miller, of the School Department, our own teachers rallied so earnestly to the support of the institute, and manifested such a lively personal interest in its welfare, that it was made by all odds the most successful institute ever beld in the county. It would be improper to name a few where all did so well; but his fellow teachers will take no offence if I make special mention of Mr. G. W. Cope, A. M., Superintendent of the Johnstown Union Schools, whose scholarship, intelligence and earnestness contributed so much to the success of the occasion.

Normal School .- In the early part of May I pened a normal school in Ebensburg. It continued in session for some ten weeks. It was well attended, and was productive of good results. The time spent in teaching that school, in accordance with instructions from the Department, has not been reported as time "spent in official duties." -In addition to what has been set forth above, I have written 187 letters on business connected with my office, and have also con tributed a number of articles on educational matters to different publications. These various employments, what with examining copying, and forwarding the district reports. preparing my own reports, and exercising a eneral supervision of the educational affairs of the county, have involved a great deal of abor, and taught me long since that the office

is anything but a sinecure. IV. SUGGESTED IMPROVEMENTS. Summer Terms-I think that in many of our districts, our schools would be improved by opening them through the summer instead of through the winter. The winter season on this mountain-top is usually very severe, and the snow frequently drifts so as to make the roads quite impassable for days together. Under the best of circumstances seems hardly advisable to require children to walk one or two miles through the snow and cold to school, when they might just as well go in the summer. It would be a great not be required in the summer. The custom of keeping the schools open through the winter grew out of a desire to accommodate the larger scholars, who were obliged to work during the summer; but that necessity, as I have discovered in the course of five years' visiting the schools, no longer exists, as but very few large boys and girls attend school— at least such is the case in this county.

A l'aut Directory .- I believe I have voted in two conventions of Superintendents in Harrisburg, in favor of a paid directory. I still think that our school directors should receive some remuneration for their services; not sufficient to make it an office worth seeking by the mercenary, but that good men who will accept it, may not be out of pocket for their pains. By reducing the number of directors in each district to three, the business e as well attended to as it is now, while it would not perhaps be too expensive to pay them a reasonable per diem for the time actually spert in the discharge of their official duties. T. J. CHAPMAN, County Superintendent.

FROM CARROLLTOWN. - Our old correspondent E'again takes up the pen, this time we hope with a determination to fight it out on that line if it takes-every week to do it. His inklings this time we are forced to condense as follows: A son of Mr. - Wilt suffered a compound fracture of the leg between the knee and hip joints, one day last week, in Carrolltown, by being thrown from a horse Dr. Maucher, who attends the boy, reports him as doing well con-

sidering the heat of the weather. Pius Wertner, son of Mr Benjamin Wertner, was also somewhat injured by being thrown from a horse, on the 6th inst.

A son of Mr. John Glass, of Carroll township, was kicked by a horse, a few days ago. and so badly injured as to be considered for a time almost beyond hope of recovery. We are glad to say that, under the care of Dr M. Buck, he is now out of danger Mr. Jas Murray lost a valuable horse on the

14th inst. He left it in a hotel stable here and went to church. When he returned he found that the locse had broken loose and managed to cut one of his fore feet nearly off on the knife of a cutting box. The horse was taken to the woods and shot. Loss \$150. Mr. Thos Dougherty and little daughter, of

Keytsville, Mo , Mr J A Kittell and family of Emlenton, Pa., Hon. T. P. Fenlon and family, of Leavenworth, Kansas, and Geo. M. Riddle, of Philadelphia, whose name we put no handle to because he has no family, are here among their relatives and friends e joying the pure mountain breezes and other salubrious delights of this highly elevated latitude. All the masculines named are good friends of the FREEMAN, take kindly if not enthusiastically to Greeley, and are sout as clever gentlemen as ittle Cambria ever produced or fostered.

-Just after July, or the famous fourth day, the best time to buy, we've often heard say, for then business gets slack and the merchants are willing, of the stock that s left back, to sell more for a shilling-or a dollar, or five dollars, or any amount you please. For proof of this assertion, consult Value Barker, who has lots of excellent, seasonable dry goods, dress goods and clothing which he wants to close out right aw ty, if not soorer, and don't care whether he makes or loses in the operation.

-Grant and Wilson, Greelev and Brown toss them up as you will, that's the way they'! come down; so think as you please, or vote as you may, at Cham. Roberts' elegant store every day can be bought American watches, periodicals and stationary in abundance, and choicest brands, and innumerable other articles. all at lowest rates for a cash equivalent.

-"Excellent flour" is what our wife says of a place in any body's library. If you want public examinations. Some of these were a out the last supply received from E J. Mills, to read or write, be sure to call on L. & M. very well attended, and others were deci-ded failures in as far as the presence of what she is talking about Buy your flour and hostion worthy both of gods and men. After that our later examinations are usually the best at cheapest rates.

what she is taking about the whole Court, is an explicants was concerned. I have noticed groceries from Mails and you will always get first four days of October the time for holding the best at cheapest rates.

what she is taking about the first four days of October the time for holding the best at cheapest rates.

the opinion of the Supreme Court in the writ A Legend of Jack Binckleberry, Editor of quo warranto case of J. K. Hite Prothono tary of Cambria county, against George T.

THE DISTRICT COURT - We publish below

Swank, Clerk of the District Court of Cambria county. It will be seen that the Supreme Court, in very emphatic terms declares that the District Court is wholly acconstitutional and therefore without any legal authority. This decision of course tears up the Court by the roots, and until something e'se is done, if it can be legally done, the District Court of Cambria county is a thing of the past. In the Surveme Court of Pennsylvania in and for

the kuntern District: Commonwealth, ex relations. No. 383, January J. K. Hite Term, 1872. George T. Swank. Quo Warranto. OPINION OF THE COURT BY AGNEW. JUDGE-FILED JULY 2D, 1872.

According to the practice recognized by this Court in Murphy vs. Farmers' Bank, 8 Harris, 415, the Respondent has moved to quash this writ. Subject to this motion, he has also filed his enswer to the writ; and the parties have been heard on the questions involved in the an-We shall therefore dispose of both maters in one opinion.

In view of the power of amendment, the ob-

jection that the subject does not set forth the lacts with sufficient legal precision, is not tena-able. The suggestion is defective in the want of an averment of the title of the Relator to exercise the duties and receive the fees of the District Court of Cambria county. But the Re-lator has set forth the source of his title, by stating his election and commission as Pro-thonotary of the Court of Common Piess of Cambria county and Clerk of the Court of Quar-ter Sessions. He ought then to have averred that the Act of 18th of April, 1865, creating the District Court of Cambria county, conferred upon him, as such Prothonotary and Cierk, the right to perform the duties and receive the fees opertaining to the Clerk of the District Court. But baving set forth the foundation of his title, the averment may be supplied by amend-ment; which we now permit to be made. The case of the Commonwealth vs. The Commercial Bank, 4 Casey, 383, is a direct authority on this point. The objection that the writ only at the suggestion of the Atterney General and not of a private Relator, is not sustained. This would be true according to the Common-yealth vs. Cluley, 6 P. F. Smith, 370, and the to private interest in Limself. But, prima for cie, he has an interest to oust the defendant, in the apparent title, conferred upon him by act, to perform the duties and receive the fees of the office. Whether he or any one else has a truly valid title to the office of Clerk of the Dietrica Court is not a question upon this mo

the Relator.
The objection that the writ should have been issued out of the Court of Common Pleas is not tenable. Whether the Relator is a county officer or not it is immaterial, this court has larisliction in all cases, and the Common Picas having only concurrent jurisdiction in the act of 19th June, 1836. We may in our discretion, and sometimes do, decline to cute rtain original jurisdiction, and leave it to be exercised by the ommon Pleas in the cases over which their misdiction extends. We do not think it would proper to decline it in this case.

The ouster of the Relator from the office of

ion to quash, there being a prima facie title in

rk of the District Court of Cambria county by a former proceeding, is answered by his subsequent election as Prothonotary and Clerk of the Courts of Cambria county. It may eventually appear that neither be nor the Respondent has a valid title to that office; but on the mo-tion to quash his prima facie title is sufficient to maintain the suggestion. The motion to quash is refused, and this brings us to consider the merits of the answer. That the Respondent has no title to the office

of Clerk of the District Court of Cambria coun-

ty, and is exercising the functions of such ai-

eged office unlawfully are entirely clear to our ninds. In point of fact the act of 1859 does not create the office of Clerk of the District Court, as an independent office or post. It merely directs that the duties appertaining to the clerk-ship, of the District Court, shall be performed by the Prothonotary of the Court of Common of Cambria county. This is its whole effect. But were the office an independent and existing one, under the terms of the law, no provision has been made for filling it by election. It is contended that this defect in the law is supplied by the 3d section of the 6th article of the Constitution, directing that Prothonotaries and Clerks of the several courts, Recorders of Deeds and Registers of Wills, shall at the times and places of the election as representatives, be elected by the qualified electors in each county, or the district over which the jurisdiction of the court extends, and shall be commissioned by the Governor. They, shall hold their office for three years, if they shall so long behave themselves well, and until their successors be duly qualified. These provisions are fundamental, and undoubtedly govern all pro-thonotaries and clerks of courts, whose officers are established by the Legislature under the ast clause of the 1st section of the 5th article. But they do not supply the place of the ieg-Islation n cessary to provide for the election of a person to fill the particular office thus established. They do not ascertain the year in which he shall be elected, the notice to the electors to elect, the persons to hold the election and make the return, and the time, place, and manner of declaring the result and certifying it to the Governor. In short the net is totally wanting in any provision for the election of the officer, and the time when his term shall begin. For aught to be found in the law the Sheriff might have deferred his prochmation until 1872, or the electors or a majority might have waited till a later period. It is clear there fore that the Respondent has not been lawfully elected to any office created by law, and that he is unlawfully exercising the functions of Clerk of the District Court and receiving fees, and must be ousted therefrom. In order to prevent the disastrous consequen ces resulting from the acts of an unauthorized tribunal, it is proper we should add that we see no authority to hold this Court, by any Judges having lawful commissions; and that without further legislation of the most careful and thorough kind, the act of 1869 cannot be carried

into effect. Some of its provisions, blending the action of the District Court and the Cour of Common Pleas, are objectionable, but we do not refer to such. The fundamental error of the legislation is in the organization of the Court itself, which is not only unconstitutional, as decided in the case of the Commonwealth vs. Convuglam, 15 P. F. Smith 76, but is wantin in any provision to correct the error. Had the proviso, that the Court should be composed of the Judges of the Common Pleas, not been inserted in the 7th section to qualify ment, it might have been argued that there was an inchoate organization of the Court by vesting its powers and jurisdiction in a Presilent and two Associates, to be supplied in son other manner. There might then be some plausibility in the idea that the places could be filled by appointment, until an election to fill the vacancy. But even this thought is neutralized by the fact that no provision has been made for an election, under the constitutional amendment of 1850. The appointment would fall in December, or we should have the anomaly of the office of a judge of a Court of record, existing by appointment indefinitely, and without any tenure in the incumbent known to the Constitution. It is evident that when by the proviso the legislature directed that the Court should be organized by the President and As-sociate Judges of the Courts of Cambria county, it excluded all others from the office. The provise, it is true, is not according to the constitution, and the Aidres of the Courts of Cambria county county the field the office, but its effect was to qualify the enactment so that no others could fill it without further legislation, no sub-stitute having been provided. The Court not being one of those created by the constitution itself, has nothing to stand upon except the law which created it, and this being defective in its vital point, it is left without any legal opganization. Nothing short of supplementary legis-lation can cure this defect. It is to be regretted

that the Legislature had not acted on the sug-gestion of the Governor and repealed the act of It is proper we should now say before closing that in a case like this requiring the immediate interposition of the Court, where no independent office exists, and no provision for filling by election has been made, and especially in view of the unorganized condition of the Court itself, we will not go beyond the prima facie right of the Relator to make the suggestion but will proceed to give judgment against the Respondent at once, and stop there. We shall

not give judgment for the Relator except for And now, July 3d, 1872, the Court do find the Respondent, Geo. T. Swank, Esq., guilty of un-lawfully holding the place and exercising the powers and functions of Clerk of the District Court of Cambria county, and do therefore give judgment that the said Geo. T. Swank be ousted and altogether excluded therefrom, and from the exercise of said powers and perform-since of said functions; and that the said J. K. Hite, the Relator, do recover his costs from the said George T. Swank.

STATE OF PENNSYLVANIA, SS: EASTERN DISTRICT.

1 do hereby certify that the above and L.S. foregoing is a true copy of the opinion in the above case, as filed in said Court, In testimony whereof I have hereunto set my hand, and affixed the scal of said Court, at Philadeiphia, this eleventh day of July, A. D. 1872, James Ross Snowden, Prothonotary. Per WM. A. SMITH.

- Messrs. Lemmon & Murray have books. laneous works are among the number, besides an infinite variety of books that are pretty to look at, interesting to read, and well worthy

-Hollidaysburg is to be the place and the FLEMING BROS., and their private United

COMMUNICATIONS.

of the Buckleberry Ink Stinger. Some twenty years ago, Jack Huckleberry In appearance he was thin, lean and lanky, with spinnic legs, i ush-like mins and a sparrow head. The people in general about the Summit called him only dack, though some called him Shana Buidh, on account of his suffron-colored face, an emblem of his descent from a scatping Indian. At last they dubbed him Jack Huckleberry, from the fact that salies. ry, from the fact that selling buckleberries was his first occupation. After a little time, Shawn Buith (yellow Jack) saved a little money from the sale of berries, and, like a good, industrious boy, he went to school and learned as much and as fast as the majority of the scholars. age of twelve years Jack was forced to quit school and take to his old trade again. Being an active turn of mind, he went round the ighborhood during winter nights and faught idren of the rate of five for a penny. Small was this stipend, our hero contrived to oney out of it, for his "ofte, sup and clothes cost him almost nothing.
At the age of sixteen Jack left the Summit

and made his appearance in Johnstown. In order, if possible, to conceal his antecedents, for e wrote J., and put a handle between J and Huckieberry. Fortunately for him, he came in contact with a kind and genial gentleman, who took a fatherly interest in him and procured for him, after much solicitation from others, a good and lucrative position. And now we find this same Jack, alias Tomahawk, alias John Smith, abusing and villifying the very gentleman who at that time placed him on a level with far more able and respectable young men. "Oh! for a tongue to curse' such base, vile and danging ingratitate! The slave who is now to provide the process of the contract of the co damning ingratitude! The slave who is pos- political editors. Readers of local letters was datasing ingratitude! The slave who is possessed of such a loathsome monster has not a particle of manhood in him, nor even the instinctive gratitude of an animal. He is only a scrpent that is ever ready to his and spit his poisonous shafts at those who have done the crawling rept'le the most favors. What mopoisonous shafts at those who have done the crawling repulie the most favors. What motives can prompt this copper-colored yahoo to such attacks are not westomary among lea be endeavoring to stab in the dark a gentler who has always noted the part of a good, kind friend to him? What pleasure does he take in trying to blacken the character of one who is is superior in intellect, ability and respectu-lity, by comiting forth splenetic squirms that are as wild as a moniac's ravings and as false as could be invented by the ruler of the lower re-gions? Had be singled out some renegate like gions? Had he singled out some renegade like small persons have written to Mr. Wickerslam binnelf the public would not be so much sure on the subject of how these Superintendents prised; but to attack a gentleman who during were elected—of the fool means used—bow ong and useful career has sought to make ry to appear two or three months ago over the non-de-plume of Tom A. Hawk, but owing to his low and scurrious slang even the Heraid when obtained bow it is prostituled to making the state of the state non-de-plume of Tom A. Hawk, but owing to his low and scurrilous slang even the Herald man finally refused him admission to the colis of his paper. Why does he not treat the hing our in the same manner now? Prolably Jack's confreres have given him a doncenr to give them liberty to fling their slimy slander through his columns. (I fear I have lost the thread of my legend, so I will not take it up at present, but will do so soon again.)

"Oh! wad some power the giftie gie us To see oursels as ithers see us It wast frae mony a blunder free us,

And foolish notion," Yes, Jack Huckleberry, if you could but see urself in the same low, contemptible light in yourself in the same low, contemptible light in which others very properly view you, you would crawl, worm-like, as you are, into a hole of obscurity and never again poison the atmosphere by your nauseous, fishy presence. But no, you must prove true to the adage, "Naturem expelles three, tamen usque recurret." Nature will break out despite the assumed tinseled polish you nut on. Toward like you put on. Coward-like, you would stab b hind the Herald's cloak; serpent like, you would hiss and spit poison upon those who once pro-tected you; Indian-like, you would, if you could, toumhawk those who proved your friends when you needed friends; tiger-like, you now try to pounce from beland the Herala's lair (not herr) upon those from whom you often asked and obtained favors. Your cowardice, however, is in keeping with your base ingratitude, your hiss as harmless as that of a toothless old hag, and your pounce like that of a whipped three-legged pup. Try it on, Jack Huckleberry, and by all the berries you ever sold I will read, more plainty, your pedigree from the time

Yours, contemptuously, ERIONACH.

OUR COMMON SCHOOLS. tion. They are always crying, "Help me, Cassins!" They are like children—the least difficulty discourages them. No teacher will ever become competent in the sciences without self-effort. One might as well expect to learn how to play the violin by looking on, or learn to set type by watching the manipulations of a comositor, as expect to become a schelar by listening to sonorous lectures or nard readings at Institutes. Young teachers should be required and compelled to take part in the exercises of Institutes, just as children in school are compelled to recite their lessons. As it is, some five or six of the best scholars run the Institute, and the rest listen. If schools were conducted in that manner how much would pupils learn? Simply none at all. There are many teachers of a defenct mathematical point without makng a dozen or more mistakes. Why? Because they will never put pen on paper, but rely upon rules, suggestions and lectures, or advice from others. Just so long as they refuse to practice just so long will they be imperfect. Practice makes perfect. Nothing else will. Man makes mistakes; animals do not. Man improves; an-imals do not. Some one says that the swallow that built its nest in the rafters of Noah's ark and the swallow of but yesterday built alike.— There is no improvement there, but man im-proves by the very mistakes he makes. Let teachers start out on this principle-practice and correct. Let them subject all their efforts to criticism. "Corn will not grow in the shade Teachers will not improve in a bandbox. They must be exposed to light like the plate of the photographer. Sallors are not atraid of sterms, because they have become familiar with them.

Let teachers become familiar with criticism and they will not fear it, but it they shrink from the light and from observation they will always be liable to mistakes.

Then, as to experience in teaching, let meask, how can any body learn experience from others? What an absurdity. Teachers must learn how to teach by self-effort. Suppose one has taught for forty years, how could be im-part all his experience to others at an Institute or Normal school? How could be tell all that happened in twelve thousand days' teaching? How could an old, experienced lawyer infor the young student, at a lawyers' institute, all the haps and mishaps that have marked i eventful life? He could not. But if he coul He must go through the ordeal himself by huntng up points and preparing cases before he can possibly realize the montal labor and the men-And so it is with every other profession, and so it is with the bacher. There is too much humburg connected with our Common School system, and men make money in this way. They pretend to impact instruction that they cannot impart, and somebody is victimized. I remember when a man named De Shong traveled the United States, teaching people how to add columns of figures a yard long by one single mental effort, and how to multiply, and substract, and divide in the same way. He got their monor but he care in the same way. and divide in the same way. He got their money, but he never imparted his powers of combination to a single individual. He simply humbugged the people. So does any one who pretends to teach teachers how to teach. It is no art—it is an intuitive power. Some are always successful—some never. The ability cannot be imparted. Men may profess to do so, but they cannot make Frankling and Frankling. they cannot make Franklins, and Fuitons, and Morses, and Howes out of everybody. Neither can they make successful teachers, nor even good scholars, out of all kinds of the raw material. And I doubt whether such can be improved even in the least. One cannot gather grapes from thorns, nor figs from thistles, nor can one change the nature of the crab-apple or choke-cherry by cultivation. Plant them where you may, water them as you will, the fruit, when it comes, will designate the species of the tree. To argue anything else would be down-right Darwinism-to wit: that man, by culti-vation, and taming, and feeding, is only an improvement of the monkey, and that feeding an taming and cultivation will do it again. Poet nascitur, non fit. So of teachers. Ros Roy.

IN MEMORIUM, - Tribute of respect to the memory of Henry Davis, late member of the Dauntles Fire E. gine, Hook, Ladder and Hose Co., of Ebensburg, Pa.

WHEREAS, It has pleased Almighty God to take from our midst one who has endeared himself to us by his amiable disposition and ever ready arm in time of need. Therefore, RISOLVID, That we deenly sympathize with him they have lost an affectionate son, a lovmem er.

our deceased comrade in a body. RESOLVED, That a copy of there resolutions real estate on above stated writ.

From the Record. J. K. H. they be inserted in the CAMBRIA FREEMAN and CAMBRIA HERALD. E. H PLANK.)

T. W. DICK, | Committee. C R MYERS. CAUTION .- Every genuine box of Dr. Mc-LANE'S LIVER PILLS bears the signature of LOCAL CORRESPONDENCE.

Johnstown, July 17, 1872. Pear Freeman-A poor German tamen Simon Koldus, who has been in this place not much over a week, during which time he was at work for the Gas Company, was kneeked down and run over yesterday morning by a locomotive on the Cambria iron Co.'s relivend, and the result was one key so tetribly transfed that it had to be amounted. to be amputated above the knee, lesides othe severe contusions. The unfortunate man see, ped on the track in front of the moving he ped on the track in front of the moving it co-motive, and whistling and other signals of dan-ger had no effect in warning him of his perit.— He is supposed to have been intextcated. The poor authorities have him in charge. The bistrici Court have has at just been sus-pended. Though at all times triendly to the inpended. Though at all times friendly to the in-terests of our fown, we always did think that the Court aforesaid was unconstitutional, and we twice took occasion to express this thought through your columns. We now go in for the consolidation of all our teroughs into a city, which shall bette when

which shall have what is both constitutional and expedient a Mayor's Court. This would

also put an end to all the crimination and re-erimination between the citizens of Ebensburg and Johnstown, and also to the hard terlings between ourselves. An the criminal busine so far as regards mi-demeanas, could be tended to here. We would have the same ordi-pances for all the boroughs, a lighter tax than when the District Court was in blast, a saving such base, vile and | to quarrel. This is usually left to the letter writers.
We have been invited by some scribler in the

> worthy State Superintendent, Hon. J. P. Wietersham, enlightened as somewhat on that subject, and we knew a good deather ore that. Sev money was spent, bribes given, positions offers eds tickets bought, dimers paid for, and out-siders hired to electioneer for candidates—how time nor inclination to write 365 letters on t subject, and we think one will do. We hose however, that directors and tenchers will re-the articles in the School Journal. If all Conty Superintendents were honest and capathere would be fewer mistalization the statist because, being paid for all their time, ti would attend to their duties, instead of hir out at one hundred dollars a mouth, extra p and securing business by offering special ducements, higher grades of certificates, a winter schools to those who furnish their rate of the one hundred dollars per month. Wickersham is a true friend of education. the acts of the county; flic als often wound h m to the heart, because they degrade the office they should honor. Being the school law into disrepute, and sow these is of political and religious discord where they should strive to pluck the tares already existing. Prudencen's monshes as to say no more; nor would the have been princed if we had not been challenged by a meditiesome Marke to do so. Our love for the common schools impels us to say nothing that may injure them, and therefore we drop this unpleasant subject forever, anless we are hereafter driven into its discussion. Superintendents are well paid by the State for their time, and should not make office a more sinc-cure. They are paid three times as much as teachers, and there is always enough to do if

hey would do it.
We had an interview the other day with an old gentleman, aged 93, usmed Thomas War He lives on Vine street, the same one on whi Mr. Weakined, now nearly ninety years old and still a stout man, as we stated some time are you ran a bare-legged boy to the present which when you are "legging" for a Republican in this country for the sake of a little fifthy lucre which has been promised to you.

The but are I was a first and a superstance of the has never used to est of the sake of the has never used to est of the sake of the has never used to est of the sake and can vet see to read primer type. His voice is strong and his memory retentive. He was born at Standing Stone, Huntingson county, in 1779, but came to where Baker's fur-nece is located when he was the age of twenty. He camembers the time from the fact that he went to school the winter before he came west, and the teachers made it. The fourth and great thing wanted is selfeffort among the teachers. Teachers rely too
much upon the book, or upon other to chers,
or upon Institues, or upon journals of education. They are always crying. The in his young days; that is, they ended them-selves friendly, but he says they were transfer-ous. Mr. Ward can do a day's work yet when the weather is cool, but admits that it is rather warm for him new. He has made several trips on foot lately. Two years ago he walked to New Florence along the rallroad, though Mr. James Barnos, who is married to his grand-daughter, and with whom he lives, furnished him with more money at the time than would have puld his fare six times over. The distance is twelve miles. The old man tells some good jokes about affairs that happened in his young large.

TO CONSUMPTIVES.

simple remedy, is an xious to make known to be tellow sufferers the means of cure. To all who desire it, he will send a copy of the prescription used, (free of charge) with the directions for preparing and using the same, which they will find a SURE CURE for Consumption, Asthua, Bronchitis, &c. Farties wishing the prescription will please address
REV. EDWARD A. WILSON.

11-18,-1y. 194 Penn St., Williamsburgh, N. Y. - This is the time of all times to been your system in perfect order, and the medicine of all medicines to do it with is the celebrated Vinegar Bitters, a pure and perfectly reliable article of which can always be found at M. L. Oatman's. Go there and buy it.

CAUTION - All persons are hereby U notified not to give credit to any body on my account without a written order from me Parties having claims against me will please present them within six weeks from date, and those indebted to me will much oblige by settling without delay. GEO, GLASSER, Carrolltown, July 26, 1872.4t. Tailor,

DRIDGE LETTING, -Sealed Pro-D FOSALS for the materials and the erection of a BikHDGE neross the Clearfield Creek, near the saw-mill of Anthony Swires, in Clearfield township, Cambria county, will be received at the office of the Commissioners of said county notif the 25rd DAY OF AUGUST, 1872. Plans on

specifications can be seen at the Commissioner's office. JAS. E. NEASON, FRANCIS O'FISCEL, COMM'TS. WM. D. M'CLELLAND.) Ebensburg, July 28, 1872,-51,

A DMINISTATOR'S NOTICE -Letters of Administration on the estate of MARY MCGUIRE, late of Borough of Lore't ambria county, dec'd, having been granted to the undersigned by the Register of said coun ty, all persons incepted to the estate in ques-tion are requested to make payment without delay, and those having claims against the same will please present them properly authentica-ted for settlement. FRANCIS O'FRIEL. Loretto, July 20, 1872.6; Administrator.

A DMINISTRATION NOTICE Letters of Administration on the estate of William Riley, late of Prospect boro', Cambria county, deceased, having been granted to the undersigned by the Register of Said county, all persons indebted to said estate are reque ed to make payment without delay, and those having claims against the same will please pre-sent them properly authenticated for settle-ment. SUSAN RILEY, Administratrix. Prospect, July 20, 1872.-6t.

DENTISTRY carried on in all its BRO., at their DENTAL ROOMS, No. 186 Washington street, Johnstown, Pa., in John L. Raab's build-town, Pa., in John L. Raab's building. They make the very best and cheapest ARTIFICIAL TEFTH in Johnstows Beautifuland COMPLETE SETS at from \$1 Touth EXTRACTED and FILLED free of che except for materials used. Notice the following certificate: This is to certify that i, the undersigned, have leased to the above Dr. Wentz & Bao, a room in my residence on Washington street for a term of six years. Johnstown, June 14, 1872. John L. RAAB.

the family in their sore : Eliction, and that in LAZARUS MYERS In Common Pleas of Caming brother, and we an efficient and worthy RICHARD JELLY. Term, 1872. RESOLVED. That we attend the funeral of appoint John P. Linton, Esq., an Auditor to report deceased commade in a body.

Resolved. That a copy of the e resolutions of the Sheriff arising from the sale of defendant's

I will attend to the duties of the above appointment at my office in the Borough of Jehnstown, on Friday, the form pay of Atsust, 1872, at 2 o'clock, P. M., when and where all persons interested may attend; otherwise be debarred from coming in on said fund.

July 20,-3t. JOHN P. LINTON, Aulitor.

GE BE HO ALE COUR SALE

FOR THE SEASON.

LADIES' SUITS dress goods.

172 & 174 Federal ft. ALLECHENY CITY, PA.

Ladies' Suits, from \$2.50 to \$10.00 Hernanis, from 10 to Grenadines, from 126 to Real Wash Poplins 12 to Suitings, from 121 to

50 Different Styles of Dress Goods.

Most Reina kable Bargeins. AL O.

HOU E FURNISHING GOODS,

Men and Boys' Wear, Wholesale and Retail.



\$50,000.00 IN VALUABLE GIFTS! L. D. SINE'S

List Enterprise! One Grand Capital Prize of \$5.000 IN GOLD!

Two Prizes \$1,000= { Two Prizes \$500 = { Two Prizes \$500 = { Two Prizes \$100 = { Two P One Family Carriages and Matched Horses with Silver-Mounted Harness, worth \$1,500. One Horse and Enggy, with Silver-Mounted Harness, worth \$600.

Five Family Sewing Machines, worth \$100 each,
750 Gold and Silver Lever Hunting Walches, worth from \$20 to \$300 each. Ledies' Gold Leontine and Gent's Gold Vest Chains, Solid and Double-Plated Silver Table

and Teaspoons, Photograph Albums, Jeweiry, &c., &c., &c. Whole number Sifes, 6,000. - - Tickets Limited to 50,000. AGENTS WANTED to Sell Tickets, to whom Libersi Premiums will be given. SINGLE THEORYS \$1: SIX THEORYS! TWELVE TICKETS 810: TWENTY-FIVE TICKETS 820. Circulars containing a full list of prizes, a description of the fammer of drawing, and other information in reference to the Distribution, will be sent to any one ordering them. All let-ters must be addressed to L. D. SINE, Box 86,



NEW DRAW FEED, Lock Stitch THERE are some points in a Sewing Machine that ladies desiring to purchase should take

Lightness of Running.

East of Nanopement.

Capacity to do the Work Required,
Freedom from Noise, and

Non-Lightlity to get out of Order. We claim that the Improved Elliptic pos

THE VERY BEST FAMILY MACHINE NOW MANUFACTURED.

And we solicit an examination of it. Agentwanted in every county, to whom we will give the most liberal terms. EATON BROTHERS, 19 FIFTH AVE., PLITSBURGH, PA. 10-22.-800.2.

NOTICE -James McDermitt es Mis chael McDermitt, John McDermitt, Michact A. McDermit, son of full age of Henry McDermit, decrased, and Charles V. McDermit, by his Guardian, James Lazinger - In the Court of Common Pleas of Cambria County, No. 39 December Term, 1867. Figures. Summons in Partition.

And now, June 22, 1872, Rule upon James McDermit, John McDermit, and James Luzinger,
Guardian of Charles V. McDermit, John C.
McDermit, and James P. McDermit, minor
children of Henry McDermit, deceased, is awarded by the Court to appear therein on the

first day of next term, to accept or refuse to take the real estate at the valuation put upon ary, A. D. 1872.
Notice to be given to Michael McDermit of the finic by publication six times in the Cambria Fromatic. By the Court.

[SEAL.] From the Record. Certified 12th of June, 1872. J. K. HITE, Prothonomers.

Attest—W. B. BOXACKER, Sheriff. [Jesset]

A U. ITOR'S NOTICE -- In the Okthe mather of the first account of Wim. H. Schler, Administrator of James M. Loke, Secressed. And new, June 10, 1872, on motion of Shoemaker & Berry, John P. Linton, Esq., appelated Auditor foregort distribution of the money in the hands of the Administrator arising from the sale of real state. Gro. W. Oarman, Chris, I will attend to the unities of the above appointment at the office of Sacconsker & herry pointment at the office of Substanker & Berry, in Ebensburg, on Wignessay, the little Day of August, 18: 2, at 20 clock, P. M., who had where all persons interested may attend if they see proper; otherwise they will be debarred from contag in on said fond.

July 20,-3t. July P. LINTON, Auditor.

Evan B. Evans. / Common Pleas of Cambria Evan B. Lyans (Ch. No. - , March Term, 1852). Libel in Divorce.
And now, June 10, 1852, on motion of C. L. Persing, Esq. W. Horace Ross, Esq. appointed a Commissioner to take testimony.

Notice is bereby given that I will sit for the

purpose of the above appointment, at my office in the Borough of Johnstown, on SATURDAY, August 30, 1872, at 1 o'clock, P. M., when and where all persons interested may attend.

July 13.-3t. W. HORAUE ROSE, Com'r. IN THE ORPHANS COURT OF CAM-

BRIA COUNTY, -Having been appointed Auditor to report distribution of the money in the hands of WM. RYAN, Adm rof Joseph A. Topic FOR SALE —A new Spring Wa on the will be sold by the subscriber, on liberal terms. Also, Columbia thay Itakes and the Valley Chief Mower and Reaper.

GEO. C. K. ZAHM.

GEO. C. K. ZAHM.