American Volunteer.

BY JOHN B. BRATTON.

"OUR COUNTRY—MAY IT ALWAYS BE RIGHT—BUT RIGHT OR WRONG, OUR COUNTRY."

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Poetical.

THE BRIDAL DAY.

She leans beside her mirror, in her old accustomed place,
Yet something unfamiliar is on her lovely face;
She wears a wreath, a snow-white wreath, which yet she never wore;
It gives a paleness to the cheek, unknown to it before.
The maiden goeth to the grove, and of the flowers beneath,
She takes the lily or the rose, to bind her midnight wreath;
But of one plant she gathers not, though fair its blossoms be;
Only the bride hath leave to wear buds from the orange tree.
Once, only once, that wreath is worn,—once only may she wear
The pale white wreath of orange flowers, within her shining hair;
They wear, upon their soft wan bloom, the shade of coming years;
The spiritual presence is around of human hopes and fears;
Ay, let her soft and thoughtful eyes upon her mirror dwell,
For, in that long and tender look, she taketh her farewell
Of all her youth's unconsciousness, of all her lighter cares,
And for a deeper, sadder life—a woman's lot prepares.
She leaves her old familiar place, the hearts that were her own;
The love to which she trusts herself is yet a thing unknown;
Though at one name her cheek turned red, though sweet it be to hear,
Yet for that name she must resign so much that has been dear.
It is an anxious happiness,—it is a fearful thing,
When first the maiden's small white hand puts on the golden ring;
She passeth from her father's house unto another's care;
And who may say what troubled hours, what sorrows wait her there?
And Love and life are mysteries, both blessing and both blest;
And yet how much they teach the heart of trial and unrest!
Sweet maiden, while these troubled thoughts 'mid bridal fancies sweep,
Well mayst thou pensive watch thy glass, and turn aside to weep.

Miscellaneous.

DEATH IN THE EYE.

OR THE DUEL ON HORSEBACK.

BY CHAS. SUMMERFIELD.

Colonel Bill Borlin was the *generalissimo* of the Texan Lynchers. He well deserved the title which he had won by many a desperate deed. He possessed such incredible skill in the use of all sorts of thunderous weapons, that it might be pronounced virtual suicide to even think of encountering him, so rapid was his motion, so unerring his mortal aim.—The terrible cognomen of 'Death in the Eye,' told truly the mark at which he always fired—a mark he had never once missed—while such was his astonishing quickness, that his antagonist usually fell without pulling the trigger. An enemy stood no better chance by resorting to the sword or bowie-knife, against one in whose hands the flash of steel was like lightning—as swift, as mighty to slay—one who appeared to surpass all other men as much in strength as in activity—a giant in stature, a gladiator in practice, and a fiend in courage. His biography in itself was more thrilling than a novel, wilder than the wildest romance; and the very first act this dreadful daring revealed, in all their force and fullness, the two essential elements of his character—the ferocious ardor of his appetite for revenge and the iron pertinacity of his indomitable will. At the age of twenty, he pursued the assassin of his brother all the way from Carolina to Canada, and shot him dead at the dinner table of a tavern in Quebec; yet, such had been the cunning of his previous arrangements for this event, that aided by numerous relays of swift horses, he effected his escape safely to the South. This achievement cost him ten thousand dollars. From this time forward his life was one long war. Almost every month in the year saw him engaged in some fatal duel—fatal only to others, never hurtful to him—while each week witnessed the occurrence of casual affrays, often as bloody as his more regular combats. He was the Napoleon of the knife and pistol. But the truth of impartial history compels me to record, that this man, so fearful in his deeds, whose right arm reeked with gore to the elbow, was not commonly the aggressor in his quarrels. Often the friends of those he had vanquished in fair fights assaulted him, from motives of revenge. The fame of his prowess provoked the vain jealousy of others. He had acquired the perilous reputation of a matchless hero—the ardent, the desperate, the ambitious, would win, if possible, his laurels. Every young Hercules longed to kill the lion, so as to clothe himself in his skin, and thus was Borlin forced to maintain an interminable war. It is so in all professions. There can be no peace in high places—storm, hail and thunder will break around the mountin's brow.

This duelist was one of the earliest settlers in Easton Texas, where he became the chief of the Lynching party. In his own county of Harrison he boundless influence; indeed, he would not suffer a foe to reside within its limits. Hence, he might have openly defined the law, had such been his pleasure; but his shrewd and far seeing sagacity adopted a wiser and safer course. After perpetrating any homicide, he invariably submitted his own case to the grand Jury, sure of a triumphant acquital by his friends on trial; and thus, should public sentiment ever turn against him in the future, he would be enabled to plead effectual verdicts in bar of all past offences.

At length the time arrived which the Colonel had so long anticipated. A wealthy and intelligent class of citizens began to change the current of opinion in Harrison, so that in the county election the friends of order, by a slight majority, gained their candidate for Sheriff. This was a terrible blow to the Lynchers, as it deprived them of their secure vantage ground in packing juries; and to increase their danger, at this unpropitious crisis, a new judge was also appointed. The old faction, however, did not dispair. They were still numerous, thoroughly armed, and desperadoes to a man, and determined at the first court to muster all their strength, so as to control and overawe their proceedings.

At 9 o'clock, in the morning of the second Monday in September, 1842, the new judge took his seat on the bench. He was a stranger from the West, whose name had alone transpired, and whose appearance, at first, inspired the desperadoes with hope, and the friends of order with doubt and painful apprehension. Charles Evans was a young man of twenty-two—tall, slender, extremely handsome, and dressed with the most finicial taste—his fingers flashing with rings, and his person adorned in the most gaudy manner. His long hair of a bright golden color, waving in curls around his shoulders, and the sweet smile of complaicent vanity beaming on his features, gave him an aspect almost ludicrously feminine.

Col. Bill Borlin gazed on this apparition with ineffable contempt, and whispered to his comrades—'We will have it all our way, as Houston has kindly sent us a *Miss Nancy*.'

If the Colonel had paid more attention to the man and less to the clothing, he would perhaps have been led to a different conclusion; for there was a strange light in the vivid blue eyes of the stranger, a light that went and came at irregular intervals, like the play of lightning in a summer cloud, while the corners of his mouth wore a wild, resolute sneering expression, betokening the opposite of pliancy and fear.

The grand jury being called and sworn, the Judge commenced his charge, and at the sound of his voice everybody started; for the tones were shrill as a trumpet—stern, ringing, imperious, like the accents of a commander on parade. Having glanced rapidly over the legal definitions and penalties of crime, he proceeded to descant upon the responsibility of juries to aid in its suppression. His soul appeared to catch electric fire at the theme—his voice borrowed the rich roll of thunder—his vivid blue eyes literally blazed with that strange light—the wild expression grew terrible on his writhing lips, and his words flew like volleys of burning arrows. He painted the horrors of lawless anarchy till the very heart sickened; he described the beauties of regular government as a vision of heaven realized on earth; and he finall closed with the bold announcement—'I will put down lynching wherever I have the honor of presiding, or I will myself be put in the grave!'

'Then, *Miss Nancy* take care of your eyes,' cried a hoarse voice, louder and more menacing than that of the Judge.

Every heart gave one shudder. The sentence seemed like a warning from eternity—a revelation as it were, from the depths of hell.

'Who are you that dare to interrupt the business of the court?' exclaimed Judge Evans, with the dignified majesty of a king.

'My name is Col. Bill Borlin; but most persons call me 'Death in the Eye,' was the answer.

'But in law you have another name,' replied Evans, smiling.

'Tell me what it is, but take good care of your eyes!' retorted Borlin, with unspeakable fury.

'It is murder!' said Evans, and the smile on his lips, before pale as sunshine, was now a wreath of lurid fire.

'You shall pay dearly for that word within the week!' fairly shouted the duelist, grinding his teeth like a raging beast.

'There is no time like the present,' was the calm reply.

'Now!' interrogated Borlin, as if doubting the evidence of his ears.

'Yes, now! if you have the courage to challenge me,' said Evans.

'I do challenge you,' thundered Borlin.

'And I accept,' answered Evans.

'Name your seconds.'

'We will fight without any.'

'The terms?' asked Borlin, with signs of astonishment.

'On horseback, in the little prairie west of the village, one half hour from this, each armed with as many pistols and knives as he can procure or sees fit to carry,' said Evans, apparently passionless, as if defending a motion in court.

No one but the chief actors in this extraordinary scene, uttered a syllable, or offered to interfere, for all saw that such attempts would be unavailing, perhaps dangerous to the medlar. One half hour afterwards, the parties met in the little prairie, which was circular in form and about three hundred yards in diameter. By tacit consent, both actuated by the same purpose, they assumed their stations in the edge of the timber on opposite sides. Both wore strong belts, literally stiff with knives and pistols.—Both were mounted on powerful steeds but of opposite colors, that of the Judge being a white as a snow cloud, while the Colonel's was black and glossy as the wing of a raven. The features of the riders in that race of death presented very different types of expression. The Colonel's brow looked dark as the gloom of a tempest, stern, lowering, awful; but the handsome face of the Judge was gay, smiling, joyus—brilliant as the sunbeam that kissed it. The multitude stood around in the grove, speechless, almost terrified with the scene about to open.

Suddenly the Colonel waved a white handkerchief as the signal that he was in the act of starting; and swift as arrows from the bow, terrible as balls from the cannon's mouth, the two horsemen, with pistols cocked, and fingers firm on the trigger, shot towards each other. When within fifty steps of each other, the Colonel halted with surprising dexterity, and crying in loud tones—'Now take care of your eyes!' levelled and fired.

At the instant the Judge urged his horse to an evolution, as if bounding over a wall, and the bullet aimed for his eye, struck the silver pummel of his saddle, and glanced off without harm. Continuing his former velocity, he passed the Colonel within three feet, discharging his weapon at the other's bosom, but inflicting only a slight wound; and then both proceeded to the opposite side of the prairie, and renewed their headlong course. This time neither halted, but passed, almost touching each other, and both fired as they passed, each drawing from his foe a stream of blood. The same charge was repeated with the like results half a dozen times, till their fire arms were exhausted, save a small pistol in the pocket of the Colonel; and yet they both kept their saddle.

The last sweep of all was terrific. The horses were bathed in foam, the riders were covered with blood, and both reeled in their seats; yet they rushed onward madly as ever, while two terrific cries, as they started, warned the appaled spectators that this shock would be final. Some desperate thought seemed to have occurred to each at the same instant uttering itself in those wild cries—yells, like nothing earthly, but shrieking, savage, demoniac. On they flew—they kept straight onward—they swerved not the right or left—and they met like the collision of adverse comets. Down went the strong steeds—down the furious riders. Ah! surely this must be the end of all! Not yet. See, the Judge rises, tottering slowly to his feet, and his face still wears that indiscribable smile, unquenchable by all its blood, unconquerable by all its bruises. The Colonel cannot stand, yet he is not dead—he writhes in his agony like a crushed worm. The Judge approaches, crippled, halting, to his enemy stoops, and plunges the sharp knife into his heart. He is the victor on the field of death! Not yet. Hark! a crack, a roar, a fall—the Colonel musters also, his expiring energies, fires his last pistol, and exclaims in tones of hellish triumph—'I told you to take care of your eyes!'

The horrified spectators ran to the spot. The antagonists were both dead, and the right eye of the Judge was shot out. The Colonel was 'Death in the Eye!' to the last.

Five Jacks in the Pack.

BY SQUIRT.

It is well known that some ten years back it was impossible to travel on the Mississippi River without meeting with numerous gentry, denominated sportsmen, but more appropriately termed blacklegs. In those days it was of frequent occurrence that the pilots, engineers, and sometimes even the captains when off duty, would take a hand at poker or brag, and indeed so accustomed were they to witness the various devices and tricks practised by these worthies on their unsophisticated travelers, that it would be next to impossible for the most accomplished to impose their *sciena* successfully on any officer attached to a passenger boat. A celebrated pilot, by the name of Chadwick—and who has traveled the Mississippi within the past ten years has not heard of Chad? (if he is not personally known to him)—was, on one occasion, invited by one of the sporting gentlemen to take a hand at 'old sledge,' at a quarter a game. Our hero accepted the challenge, and knowing at a glance the complexion of his customer, watched him with so much keenness, that his antagonist had no opportunity of 'putting up the papers.' The game progressed, and Chad had now some four or five dollars off his opponent, when the latter getting tired of wasting his valuable time, and the boat nearing a landing, concluded to bring the game to a close, and to take with him a *few dimes*, so addressing the pilot, and simultaneously drawing from his pocket a well filled purse, he said:—

'My friend, I am now about leaving, and I'll bet you one hundred dollars that I will turn a Jack the first time.'

'Well,' replied Chadwick 'If you'll explain as we go along, so that I can understand it fairly, perhaps I will; but we may as well play one or two more at 'old sledge,' so as to lose no time.'

As they continued their quarter game, the fancy gentleman was particular in making it clear to the mind of the pilot that there being fifty-two cards in the pack, and only four Jacks, the chances were altogether in his favor. So being satisfied on that point, Chad said—

'Now, my friend, I think I understand, and I believe with you that I have altogether the advantage, but if you want to bet one hundred dollars that you will turn a Jack—the first time, mind you—out of that pack, here is the money. Now anti up.'

The money was covered in less time than it takes us to write, and the sportsman, repeating the terms and nature of bet, takes the cards and turns them all face up.

'There, my friend, I reckon there is a Jack turned the first time; hand over the money.'

'Not so fast, my ancient,' adds Chad, 'not unless there was five Jacks in the pack, for I have four in my coat sleeve. Perhaps I rake the pile.'

It is needless to add, that Chadwick, the pilot, had turned Jacks before, and while the sharper supposed he was enticing Chad in a sure trap, Chad was busily occupied in transplanting the Jacks from the pack to the coat sleeve of his pilot coat.

The Model Husband.

As the press throughout the country have been giving circulation to a picture of the 'model wife,' for the past three months, we believe we can do no better than to do justice to the 'model husband,' by giving the following portraiture of that exemplary individual, which we find floating about in our exchanges:

His pocket book is never empty when his wife calls for money. He sits up in bed at night, feeding Thomas Jefferson Smith with a pap spoon, whilst his wife takes a comfortable nap, and dreams of the new shawl she means to buy the next day. As 'one good turn deserves another,' he is allowed to hold Tommy again before breakfast while Mrs. Smith curls her hair. He never makes any complaint about the soft molasses gingerbread that is rubbed into his hair, coat and vest during these happy conjugal seasons. He always laces on his wife's boots, lest the exertion should make her too red in the face before going out to promenade.

He never calls any woman pretty before Mrs. Smith. He gives the female Smiths French gaiter boots, parasols and silk dresses; and the boys new jackets popguns and crackers, without any questions. He never breaks the seal of any of his wife's billet-doux, or peeps over her shoulder when she is answering the same. He never holds the drippings of the umbrella over her new bonnet while his last new hat is innocent of a rain drop. He never complains when he is late home to dinner, though the little Smiths may have left him nothing but bones.

He never takes the newspaper and reads it before Mrs. Smith has had a chance to run over the advertisements, deaths and marriages, &c. He always gets into bed first on cold nights, to take off the chill for his wife. If the children in the next room scream in the night, he don't expect his wife to take an air bath to find out what is the matter. He has been known to wear Mrs Smith's night cap, in bed, to make the baby think it was its mother.

When he carries the children up to be christened he holds them right end up and don't tumble their frocks. When the minister asks him the name, he says, 'Lucy, sir,' distinctly, that he need not mistake it for Lucifer. He goes home and trotsthe child till the sermon is over, while his wife remains in church to receive the congratulations of the parish gossips.

If Mrs. Smith has company to dinner, and there are not strawberries enough, and his wife looks at him with a sweet smile, and offers to help him (at the same time gently kicking him with her slipper under the table,) he says 'No thank you, dear, they don't agree with me."

Lastly—he approves of Bloomers and pantaloons, or he says women will do as they like—he should as soon think of driving the nails into his own coffin, as trying to stop her.

STORY OF A RUSSIAN PRIEST.

The cruel complications to which the system of serfdom and the heartlessness of serf owners sometimes lead, are strikingly exemplified in the story of a Russian priest, with whom Mr. Jermann made an acquaintance during an excursion near St. Petersburg. The priest's father was a serf on an estate near Moscow, and was permitted to live in the capital on the payment of a yearly *abrok*, or fine, in lieu of the labor he was bound to perform. He obtained employment in the household of a rich goldsmith, and there occupied his leisure in drawing, for which he had a natural taste. One day he surprised his employer by the exhibition of a beautiful arabesque design. The goldsmith, struck by his ability, released him from his mental duties, and took him as a pupil into his workshop, where his talent, backed by unwearying assiduity, soon converted the dull peasant into a highly skilled artist.

Thus he continued until he reached his five-and-twentieth year, when he fell in love with the goldsmith's daughter, a beautiful girl of eighteen. She ardently returned his love, and her father consented to their union on one condition—that the serf should become a freeman. This condition could not be complied with. The count obstinately refused to liberate his vassal; all that entreaty could wring from him was the promise that, without absolute necessity, he would not withdraw him from the town. This did not satisfy the old goldsmith; but he could not resist his daughter's tears, and the lovers were united. A year of perfect happiness flew rapidly by.—Then came the war with France; the bridegroom's younger brother was taken for military service; his father died, and he himself was summoned by his owner to manage the now deserted farm.

On his brother's return from the army, he was to be at liberty to go back to Kasan. But his brother never returned, and the poor artist, the cunning worker in gold and silver, was condemned to follow the plough, whilst his free born wife sat beneath a serf's roof, nursing her infant son. This child was her only consolation in her sadly altered circumstances. She passed her time in dressing and adorning it, and the fame of its beauty spread through the hamlet, till it reached the ears of the countess, who demanded to see the child. The proud mother decked it out like a lamb for the sacrifice, and took it to the castle. The countess was delighted with its beauty, as she might have been with that of a poodle or parrot, and declared her intention to do its parents the honor of adopting it. In vain the mother wept, implored, and raved in despair at the prospect of losing her son. The infant remained upon the countess' lap, the mother was forcibly turned out of the castle.

Brought up in luxury, the boy thought not of the parents he had scarcely known. The count died soon after his adoption, leaving his widow with two sons and a daughter, besides the adopted son and two adopted daughters. The six children grew up together in perfect equality, receiving the same education, sharing the same sports, until the serf's son reached his fifteenth year. At that period the young count fell dangerously ill. The physicians abandoned him, and his despairing mother made a vow, that if he recovered, she would devote all her adopted children to the church. He did recover; she sent her two adopted daughters to a convent; one took the veil; the other so obstinately refused it, that the superior of the convent sent her back again to the countess, who, furious at her refusal, gave her in marriage to a gamekeeper, a dissolute fellow, who took her away to Moscow.

Then came the turn of the goldsmith's son. He had no taste for the priesthood, but what could he do? A serf, and a son of a serf, obedience was his only passport to freedom; refusal would condemn him to a life of toil and misery. By consenting, he at last secured his emancipation; for no serf can be a priest in Russia. He yielded, was received into the church, and it was during his residence at the St. Petersburg seminary that Mr. Jermann fell in with him, and heard from his own lips the sad story of his life.

CURIOUS FACTS ABOUT RAIN.—There is one remarkable fact connected with the fall of rain, which has never yet received satisfactory explanation. Over any given spot, more rain falls at the surface of the earth than above it. Heberden made some experiments to ascertain this fact, in the following manner: He fixed a rain guage on the square part of the roof of Westminster Abbey, away from the western towers, which might obstruct the clouds, another on the roof of a neighboring house, and a third on the ground of the same. The number of inches of rain caught on the Abbey roof was 14, on the house top, 18, and in the garden, 22. The illustrious French Astronomer, Arago, has for many years noticed the fall of rain at different heights at the Observatory at Paris, and his results, with which hundreds of others agree, are like those of Heberden. It is well known that the quantity of rain which falls at the foot of a mountain is considerably larger than that deposited on its summit. Many explanations have been offered of this curious fact, but none to which the scientific have given sanction.

CORRESPONDENCE.

JUDGE GRAHAM'S CHARGE TO THE GRAND JURY, JAN. TERM 1852.

GRAND JURY ROOM,
January 15, 1852.

HON. JAMES H. GRAHAM:

The Grand Jury, much pleased with your address to them, and believing the publication of it might be of great good to the community, in the explanation upon licenses and selling of liquor on the Sabbath day, have desired me, as Foreman, to ask a copy for publication, which I hope you may feel pleased to furnish.

With great respect,
GEO. H. BUCHER, Foreman.

CARLISLE, 15th January, 1852.

DEAR SIR:—Agreeably to your request, I herewith transmit a copy of the charge to which you refer.

Very respectfully, yours, &c.
J. H. GRAHAM.

GEO. H. BUCHER, Esq., Foreman of the Grand Jury.

CHARGE.

GENTLEMEN OF THE GRAND JURY:

Your oath is, "that you will diligently inquire, and true presentment make, as well of all such matters and things as shall be given you in charge, as those things which you know to be presentable. The Commonwealth's counsel, your fellows and your own, you shall keep secret. You shall present no one for envy, hatred or ill-will, neither shal you leave any one unpresented through fear, favor, affection, reward, gain, or any hope thereof, but you shall present all things truly as they shall come to your knowledge to the best of your understanding."

This is a brief but comprehensive summary of your duties is Grand Jurors, and we cannot better aid you in the discharge of those duties, than by adverting a little in detail to the requirements of your oath. By it you are enjoined not only to inquire, but to inquire diligently as well "of all such matters and things as shall be given you in charge, as those which you know to be presentable." You will observe that your duties are not limited to a disposition of the bills of indictment which may be laid before you by the District Attorney. Your oath requires more extended inquiry, and that you make presentment of all criminal offences known to any member of your body which may have been committed within the limits of your county. Selected as you have been from the different sections of the county, it can scarcely be supposed that any flagrant breach of the peace could be perpetrated without coming within the knowledge of one or more of your number. And here we would advert to a misapprehension which we believe is frequently entertained by Grand Jurors, to wit, that their duty only requires presentments to be made, when the facts upon which such presentments are founded, are known to one or more of the jurors. Although it is true that no presentment ought to be made without satisfactory evidence from those to whom the facts are known, and Grand Jurors would not be justified in making presentments from rumour or report as evidence, yet where they have just cause to believe from information, that a public nuisance exists, or that any criminal law have been committed, and the peace and dignity of the Commonwealth have been wantonly outraged and violated, it is a misconception of duty to pass over such rumors, under the pretext that the facts are not within the personal knowledge of any juror, and therefore beyond their cognizance.

You will recollect that you are required to make *diligent inquiry* of all such matters and things as you know to be presentable. By diligent inquiry you will not understand a mere inquiry of each other whether a violation of our criminal laws has come within the personal knowledge of any juror. If any member of the Grand Jury has reason to believe, either from public fame or private information, that a criminal offence has been committed within your jurisdiction requiring the notice and action of your body, it is his duty to make known the circumstances to his fellow jurors, and should you deem the case such as to require investigation, ample means will be afforded you through the medium of witnesses, to make the necessary inquiry and ascertain the truth. Although the Grand Jury have not the power to issue subpœnas or process to compel the attendance of witnesses before them, the Court, upon your representation, will afford every facility by subpœna and attachment, if necessary, to secure the attendance of such witnesses as an efficient and conscientious discharge of your duties may require.

You are also required to keep secret the Commonwealth's counsel, your fellow jurors, and your own. This is an important part of the duty of a Grand Juror, which we fear is frequently regarded with too much indifference. The counsel, advice, direction and instruction of the District Attorney, whose duty it is to counsel and advise with you whenever you may require it, is not to be divulged to any one beyond the limits of the jury room.—The sayings and doings, the actions and deliberations of every juror should be considered an inviolable trust by his fellow jurors, and no one can even give publicity to his own acts and conduct in the jury room, without violating the obligation imposed by his oath.

You are further required, in the discharge of your duties as Grand Jurors, to divest yourselves of every feeling that could bias your minds, or exercise an improper influence upon your judgments—such feelings as envy, hatred or ill-will, fear, favor, affection, reward or hope of gain, should find no place in your deliberations. You have been selected and set apart as the conservators of the peace, the morals and good order of the community in which you reside. Your duties are grave and important, and their proper discharge requires on your part the exercise of an elevated morality and high toned conscientiousness. You will, therefore, be careful not to permit your judgments to be influenced by indignation against crime, so as to carry you beyond the evidence and substitute your feelings for facts. But at the same time you will be equally guarded, not to permit a misguided charity or misplaced sensibility to screen the culprit from the legal retributions of his crime.

There is a penal statute to which we wish to direct the attention of the Grand Jury, as we consider the evil to which it applies one of the greatest nuisances that can be inflicted upon a community. More than one hundred and forty years since, the Legislature of the then Province of Pennsylvania, passed an act to prevent public houses or inns being kept without a license. In its preamble the intention of the act is said to be, "for preventing disorders and the mischiefs that may happen by multiplicity of public houses of entertainment."

The wisdom of this early legislation and its salutary influence, we believe, have never been doubted, and although various supplements and amendments have been made to the original act, the beneficial design intended to be effected by the wisdom of our forefathers has been carefully guarded. From that early period to the present time, it has been an offence indictable in our criminal courts, to sell spirituous liquor by less measure than a quart without a license.

The gain acquired by the sale of ardent spirits in small quantities, has induced many devices to evade the provisions of the law; such as selling liquor by the foot or by the ounce, or a cracker or a slice of cheese at a price above their value, and then treating the purchaser for his liberality. Such expedients to evade the letter of the law are miserable subterfuges which will not avail those who practice them. The law is broad enough to cover and strong enough to hold all those who think to escape its meshes by such cunning trickery, and when such are detected in their craftiness, they certainly merit its severest penalties. We can scarcely conceive a greater evil that can be inflicted on a community than a tipling house in their midst, where the youth, just verging into manhood, whose characters for good or evil through life are being formed, are permitted to meet in companionship with the idle, the profane and the besotted, and pass an occasional hour under their contaminating influence. If therefore, you wish to protect the youth of the county from such pernicious examples, you cannot watch with too much vigilance, every influence which would corrupt their morals, nor expose with too much rigor, those lead them from the paths of usefulness and virtue.

We have said that from a very early period in the history of Pennsylvania, the sale of intoxicating drink in small quantities has been restrained by legislative enactments, to those only who shall first procure a license. The power to grant such license is now vested in the Judges of the Court of Quarter Sessions, and the whole tenor of the legislation of our State on this subject, evidently contemplates that licenses to sell liquor by less measure than a quart, shall be granted where the Court is satisfied that a house of entertainment to accommodate the public and entertain strangers and travellers is necessary, and where the applicant is provided with the necessary conveniences for such accommodation, and is of good repute for honesty and temperance.

But while the law contemplates that licenses shall be granted in the cases to which we have referred, it expressly provides that no Court shall license any inn or tavern which shall not be necessary to accommodate the public and entertain strangers or travellers, nor unless they shall be satisfied of the fitness of the applicant and the sufficiency of the accommodations.

As evidence of the necessity of a tavern or inn, the good character of the applicant and the sufficiency of the accommodations; the act of Assembly requires that at least twelve reputable citizens of the ward, borough or township, in which such tavern is proposed to be kept, should certify to the above requisites.

Although no license can be granted without the petition being accompanied by the certificate above designated, this we consider only "*prima facia*" evidence, and may be counterbalanced by the personal knowledge of the Court. But many applications will necessarily be made where none of the members of the Court have any knowledge either of the necessity of a tavern, the character of the applicant, or the sufficiency of the accommodations.

The legislature have therefore wisely provided that the petition of the applicant and the certificate to which we have referred, with the names of twelve reputable citizens annexed, shall be published in a newspaper in the county three times before the first day of the term of the Court to which application shall be made. This salutary provision prevents any license being granted within a district in which no tavern is proposed to be placed, and if the application is objectionable, either for want of the necessity of a public house which the law contemplates, the character of the applicant, or the sufficiency of the accommodations, ample opportunity is afforded to place the truth before the Court, either by remonstrances or affidavits, taken upon reasonable notice to the applicant.

When application is made for a license, where the accommodation of the public does not require it, or the character of the applicant is not such as the law designates, we consider it as much the duty of those to whom the truth of the case is known, to make known the facts to the Court as it is the duty of the Court to refuse a license, where the applicant fails to bring his case within the provisions of the act of Assembly. It is a maxim of law that he who remains silent when he ought to speak, will not be permitted to gainsay an act induced by such silence; and certainly he who knowingly and silently permits a fraud to be practiced upon the Court, ought to be the last to complain of the consequences of such fraud, which, if not committed, has been permitted by his tacit acquiescence.

Although this subject is not connected with your duties as Grand Jurors, it is one of much importance, and on which there is much diversity of opinion. We therefore consider it proper, and the present a fit occasion, to express our views of the laws on the subject of licensing public houses, and the duties as well of the Court as the community, arising under those laws.

There is another subject connected with public houses to which we consider it proper to refer, because it was made the subject of a presentment by the Grand Jury at the last term of our court. We allude to the sale of liquor by tavern keepers on Sunday. This is not an indictable offence in Pennsylvania, and therefore is not cognizable by Grand Juries and Courts in their official capacity. But we fully concur in the views expressed by the last Grand Jury, that closing the bars of our public houses on the Sabbath is a measure highly proper and commendable, and one which would greatly conduce to the advancement of morals in the community.

Although the sale of liquor on Sunday is not punishable by indictment in our criminal courts, we are pleased, through you, to have an opportunity of saying to the citizens of our county, that there are upon our statute book legislative enactments ample to afford a summary and effective remedy for the evil presented by the last Grand Jury.

As early as 1794, the legislature of Pennsylvania passed an act imposing a penalty of four dollars upon any person who should do or perform any worldly employment or business whatsoever on the Lord's day, commonly called Sunday, works of necessity and charity only excepted.—This penalty is recoverable by information or complaint before a justice of the peace, one half for the use of the poor, and the other half to the person who shall prosecute for the same; and on failure or inability of the delinquent to pay, the Justice is required to commit him without bail or mainprize to the county jail, there to suffer six days imprisonment.

The inn keeper who sells liquor on the Sabbath, violates this law, and subjects himself to its penalties, just as much as the merchant who sells his goods or the farmer who plows his field on that day. That we are right in thus construing the act, is evident from the proviso annexed, which directs that nothing contained in the act shall be construed to prohibit the dressing of victuals in lodging houses, inns and other houses of entertainment, for the use of sojourners, travellers or strangers, on the Sabbath. Thus it will be seen, the Legislature considered it necessary to exempt by a proviso, from the penalties of the act, the preparation of victuals in public houses for sojourners and travellers, but wisely permitted the sale of liquor on that day to remain within its provisions and subject to its penalties.

Under the provisions of this act, the power to enforce the penalties imposed, is placed in the hands of every citizen. Although the law is ancient, and, so far as regards the sale of liquor on the Sabbath, has remained on our statute book a dead letter for more than half a century, it has lost none of its vitality by age, but is now as valid and capable of being enforced as when it first emanated from the superior morality of our forefathers. Whether it shall be permitted to sleep for another half century unheeded and disregarded, we submit to the calm and dispassionate consideration of the friends of temperance and morality in Cumberland county. Of one thing we feel assured, that if the penalties imposed by the Act of 1794 were rigidly enforced, it would conduce much to that order and peaceful quiet which ought to pervade the Sabbath in every Christian community.

Before closing our remarks, it is our duty to direct your attention to an act of our Legislature, passed the 16th of February, 1847, for the suppression of gambling. This Act requires its provisions to be given in charge to the Grand Jury by the President Judge of the Court of Quarter Sessions in the respective counties.

It is highly penal in its provisions, and makes gambling a misdemeanor indictable in the Quarter Sessions. It subjects the common gambler, upon conviction, to imprisonment at hard labor, in the penitentiary; for not less than one nor more than five years, and also to a fine of five hundred dollars. Any person who shall engage in gambling for a livelihood, or shall be without any fixed residence, and in the habit or practice of gambling." Any person who shall keep or exhibit any gaming table, establishment, device or apparatus to win or gain money or other property of value, or to aid, assist or permit others to do the same," is also subjected to the same penalties.

The same Act further provides that any person who shall keep a room, building, arbor, booth, shed, or tenement to be used or occupied for gambling; or being the owner of such building or tenement, shall knowingly permit the same to be used or occupied for gambling, or shall rent the same to be used or occupied for that purpose, or being the owner of such building or tenement, shall know that any gaming table, apparatus or establishment are kept or used therein for gambling and winning, betting or gaining money or other property, and shall not forthwith cause complaint to be made against the person so keeping or using such building, shall, on conviction, be fined not less than fifty nor more than five hundred dollars.

Under this Act, the question occurs, what is gambling within its spirit and meaning? From the nature of the evil intended to be suppressed, and from the words of the act, only those games which are attended with "winning, betting or gaining money or other property," are included within its provisions. It does not include those games which are useful in exercising the body, and which are frequently practised as innocent and healthy recreations, and where nothing is either lost by one party or gained by the other. Such games, when not conducted in connexion with public houses, nor used to encourage the young or the dissolute to spend their time and money (for in such cases they would be indictable as nuisances,) are not forbidden either by the common law or the act to which we have referred. The question in reference to billiards and ten pins, came before the Supreme Court of the State of New York. These games are frequently practised for exercise and recreation, where it is customary for the losing party to pay the proprietor a small compensation for the use of the table or alley. That Court decided "That paying for the table by the rub is not gaming within the meaning of the law; that illegal gaming implies gain and loss between the *parties*, by betting, such as would excite a spirit of cupidity." We consider this decision in accordance with the principles of construction applicable to penal statutes which are never extended, by implication, to cases not clearly within their provisions.

But if any of you know of any common gambler, within your county, or any one who keeps a gaming table, device or apparatus to win or gain money, or a room or building of any description to be used for gambling; or being the owner, shall rent such building for that purpose; or after having rented the same, shall know that it is used for such purpose, and not make complaint against the occupant thus using it; in every such case it is your duty as Grand Jurors to make a presentment against every such person or persons, that the proper proceedings may be instituted by the District Attorney for their arrest and trial under the provisions of the Act of Assembly.

In transacting the business which may come before you, cases may arise in which it will be necessary for you to direct how the costs of prosecution are to be paid. Where you find a true bill, the costs will abide the final disposition of the case by the traverse jury; and in cases of felony, even where the bill is ignored, the costs are not under the control of the grand jury, but must be paid by the county. But in misdemeanors, where you ignore, or find not a true bill, you must direct whether the prosecutor or county pay the costs of prosecution. Where it appears the prosecution was induced through ill feeling or impure motives, or inconsiderately and rashly, without evidence to sustain it—in such cases we would recommend the propriety of directing the costs to be paid by the prosecutor.

In passing on the bills which will be laid before you by the District Attorney, it will require twelve jurors to find a true bill, and when that number are satisfied, it will not be necessary to occupy further time in the examination of witnesses; but you ought in no case to ignore a bill without first having examined all the witnesses on part of the Commonwealth.

You are not permitted to call other witnesses before you than those whose names are appended to the bill by the prosecuting attorney; and if in the course of your investigations, you should discover other testimony of importance on behalf of the Commonwealth, you can make it known to the District Attorney, who may add the names of other witnesses to the bill, and have them sent before you. Any further information which you may wish, will be given by the District Attorney or the Court, if requested.

THE OYSTER.

The oyster, as most of young readers are aware, is a shell fish affording very nutritious and palatable food which many consider a very great luxury. In many parts of the world the oyster attains a very large size, the shells of some of which from the east of Madagascar we have seen, measuring more than a foot and a half in diameter. Some of these are said to contain food sufficient for a meal for several men. All the various species of oysters, also some other kinds of shell fish contain at times Pearls, but one particular species called the Pearl Oyster, is especially valuable on this account. It has a strong shell, rough and hard on the outside, but smooth and polished within. From the internal coats of the shell is taken what is called mother of pearl, resembling the pearl in color. But it is the pearl itself which is by far the most valuable. The value of this article increases in proportion to its figure and color, as well as to its size.

The most extensive pearl fishery is said to be in the Persian Gulf. It is as wretched and hurtful an occupation for a human being, as it is possible to conceive. Those engaged in it are mostly slaves; they dive to the bottom of the water, with a net fastened to their necks, for the purpose of containing the oysters, and are let down by a rope, with a stone of 40 or 50 pounds weight, fastened to it, to keep them down to the bottom, where they remain a length of time almost incredible to those who have never witnessed the operation; sometimes, it is said by long practice, being enabled to remain under water a quarter of an hour, which we think is an exaggeration. Their lives are consequently very short, being mostly cut off in the prime of life, by disease occasioned by the pressure upon the lungs while in the water.

A lady, rather ignorant upon agricultural matters sent to the country the other day for some nice milk, which was carefully delivered to her by the hand of a friend who procured it. The lady very carefully placed it in a nice open vessel, with the determination of having an extra nice breakfast on her rich milk. Breakfast came, and her husband looked in vain for the anticipated luxury.

'Wife,' said he, 'where is that nice milk you were speaking of last night?'

'Oh, dear, it is too bad!' she replied sorrowfully; 'the milk this morning was all covered with a thick yellow scum, and I had to throw it away.'