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BY
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The American Volunteer.

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Poetical.

BAREFOOT.

Oh, don't you remember the old hillside farm,
And the farm house with clap-boards so gray,
With garden of roses and sweet pinks, and balm;
And the meadows with buttercups gay!
And don't you remember how, in doors and out,
And under the old orchard trees,
The gay, laughing children were skipping about,
With bare feet, as busy as bees?

How we all played together, the girls and the boys,
And had houses and workshops and stores,
Rag babies and "earthens," and just as much noise
As our voices could make out of doors!
How we loved through the pastures and woodland to roam,
To gather bright mosses and flowers!
We thought then, as now, there was "no place like home,"
And no home so delightful as ours.

And don't you remember the pleasant school road,
And the school house so sunny in June,
With the lessons we learned, "the mark" that we "toed,"
And how we played "pizen" at noon?
Our sunbonnets, crumpled, hung over our necks,
The summer wind played with our hair;
While the sun paid our faces its warmest respects,
And kissed our white toes that went bare.

How we climbed the steep hillsides as nimble as goats,
And skipped over the ledges in glee;
We mimicked the woodlark and whippoorwill's notes,
And sung with the chick-a-dee-dee;
We waded the brook when the water was low,
And shouted to make the woods ring,
Or played on its banks in the summer's soft glow,
Light-hearted as birds on the wing.

You remember the pond where the geese used to swim,
How we called it the ocean so wide,
And in an old hat that was minus the brim
We sailed our rag dolls on its tide?
And when they had cruised all the wide ocean through,
And outdone both Magellan and Cook,
We drew them all home in an old ragged shoe,
And called it a coach-ride they took.

How we danced in the mud with our bare, naked feet,
And played "'twas the Dutch way to churn!
We made us mud biscuits and plumcakes so sweet,
Without any cook book to learn;
How we pitied the children whose stockings and shoes
Forbade them to share in our fun!
While we stirred up our puddings and pastries and stews,
And left them to cook in the sun.

Miscellaneous.

LAWYER TEMPLE'S PLOT.

Old Walter Kilborne died and left a fortune that aggregated nearly a million. The gloomy old house which had been the family residence for many a year, stood in one of the down town streets that had once been the site of the fashionable residences of New York city. But the wealthy had long ago removed to the avenues, leaving the perverse old millionaire to hold his own among the growing business of the once aristocratic thoroughfare. A bunch of black crape still hung on the bell knob, four days after the funeral, when a bent, wily-looking man pulled it. Being admitted, he was shown into the dingy room which Mr. Kilborne had in his life used as an office. This bent and wily-looking man was Lawyer Whitemore.

'Good morning,' said the lawyer, as Robert, a grandchild of the dead millionaire, a young man who showed plainly enough the marks of rough social usage, entered and extended his hand rather listlessly.

'Good morning,' was the reply. 'Well.'

'Well?' echoed the lawyer.

'You got my note?'

'Asking me to meet you here? Yes; what do you want?'

'You drew my grandfather's will?'

'I did, two days before he died.'

'What were its contents?'

'I have no right to tell you,' and Mr. Whitemore tried to look severe. 'It is with the Surrogate now, and you will know its contents on Thursday, when it will be officially opened. I couldn't think of violating my official—'

'Not unless you are paid for it,' interrupted the young man. 'I understand that perfectly well, and will be plain and brief with you. As you are aware, myself and my cousin Myra are the only living relatives of my grandfather. We have been brought up here in this house together, and each hates the other as much as possible. Now, I have no idea how the property is left, and I want to know. I am willing to pay for the knowledge in advance of the opening of the will and you have it to sell.'

The lawyer assented with a cool nod of his head.

'Then name your price,' continued Robert.

'One thousand dollars.'

'I haven't so much.'

'A note for a month will do.'

The document was quickly written out, signed by the young man, and transferred to the lawyer's pocket.

'The will,' then said Mr. Whitemore, 'is a strange one—as strange as the man who made it—but he would listen to no advice, and I had nothing to do but carry out his wishes. He leaves all his property to Myra Kilborne.'

'D——n him!' hissed Rebert.

'Hold,' said the lawyer, 'until you hear the conditions. He leaves all his property to Myra, as I said before, on condition that she shall immediately sign an agreement to, within a year, become your wife. If she shall decline to fulfil this condition, the property belongs to you. The only other point is, that in case Myra is married to anybody before the will is opened, she gets the property the same as if she marries you. But that provision, of course is of no consequence, as she is not likely to marry before day after to-morrow, which will be the Thursday on which the document is to be opened.'

Here the lawyer stopped and looked into his companion's face as if expecting an expression of displeasure. He was disappointed, however, for Robert seemed rather satisfied than otherwise.

'It pleases me well enough,' he said, 'for I half expected to be cut off unconditionally. You see, I've been rather fast, and the old man disliked it, while Myra's gentle ways and attention to his wants won his regard. She is completely bound up in her lover, Harry Penton, who is hundreds of miles away just now, and I don't believe she would give him up for the fortune a dozen times over. Even if she should consent to marry me, I wouldn't be so badly off with the property almost under my control.'

The lawyer here arose, bade his unscrupulous patron good day and went out. But as he did so, had his ears been younger, he might have caught the sound of rustling skirts fleeing up the stairway—those same skirts enveloping the pretty form of Myra Kilborne, who had heard every word of the interview by listening at the door.

'So, so,' she mused, when she had reached her own room and thrown herself into the chair, 'I am to buy the fortune by selling myself. I won't do it. I would not give up Harry for fifty times a million. Robert can take the money, and much good may it do him.'

Yet, notwithstanding her conclusive decision, Myra could not relinquish without a pang the fortune to which she had always looked forward as her certain portion. Her grandfather had always seemed to regard her with affection, and she had not dreamed that in his will he could impose such a distasteful restriction.

'If Harry was only here,' she thought, 'there would not be any trouble, because we could get married before Thursday. What shall I do? I wish I had somebody to advise me. And I can have—a lawyer is what I want. They are up to all sorts of tricks, so they say.'

Without a moment's delay she dressed herself for the street and went out. She knew no lawyer, but walked until she came to a building upon which she had often noticed an array of legal signs. Passing up stairs, and selecting a name from the lot that chanced to strike her most favorably, she entered a well furnished office. A middle aged man sat alone writing at a desk.

'Is Mr. Temple in?' asked Myra.

'Yes,' said the man, looking up at his pretty visitor, and motioning her to take a seat, 'that is my name.'

'I have come for some legal advice—some advice on a matter of the greatest importance to me, and—'

'If I am to aid you,' said the lawyer, kindly, 'you must speak frankly and unreservedly, which you may do in the utmost confidence.'

Thus encouraged, Myra told him the whole story of the will, the manner in which she had obtained information, and her feelings in the matter.

'Of course,' she concluded, 'I want to retain the fortune, but not at the price stipulated in the will. Can you help me?'

Mr. Temple sat for a while in deep thought—so long in fact, that Myra got fidgetty with waiting. At last his face brightened with an idea, and he at once imparted it to his fair client. For an hour they were in close consultation.

That day and the next passed, and Thursday came. The will was to be read in the Surrogate's office; at twelve o'clock, a carriage drove up to the Kilborne residence. In it were Mr. Temple and two of his intimate friends. The former alighted and entered the house. In a moment he reappeared with Myra. She acted a little nervous, but seemed reassured by the presence of the lawyer, who helped her into the carriage, and all were taken away. They proceeded to the residence of a clergyman, where they were evidently expected, as they were shown promptly into the parlor. The reverend gentleman entered, and the lawyer stepped forward with Myra.

'We are the couple, sir.'

The marriage ceremony of the Episcopal church was performed, a certificate was made out, the two friends signed it as witnesses, and the quartette were soon again seated in the carriage.

'Drive on to the Court House,' said Mr. Temple to the driver.

The Surrogate, the clerk, Robert Kilborne, Lawyer Whitemore, and a few others, were in the Surrogate's office when the 'wedding party,' returned. It was just twelve o'clock. The will was read and Robert turned rather superciliously to Myra for her decision.

'Will you sign this agreement to marry me?' he asked.

'No,' she replied.

'Then you resign the property to me?' and a gleam of triumph shot from his eyes.

'No!'

'That will provides,' said Mr. Temple, 'that she shall take the fortune if married at its opening. She is married to me, and here is the certificate. The ceremony was performed an hour ago.'

On the same day proceedings were instituted by Mr. Temple on behalf of Myra to obtain a divorce for himself. 'Abandonment' was the ground. A few days later Harry returned, and before the day appointed for his marriage to Myra she had obtained a divorce from Mr. Temple. The latter was one of the jolliest of the guests.

'If it hadn't been for you—' began the grateful bride.

'Stop!' interrupted Mr. Temple. 'I'm to put it all in my bill. For the will suit so many dollars; for the divorce suit, so many more dollars—you see I'm the one to be grateful after all.'

But no bill for legal services was ever paid with a better grace.

A PASTOR'S REWARD.—That good, faithful pastoral work is appreciated in Ohio, is illustrated by the following incident that occurred in Ironton. A revival preacher, who had won fame by his power in the pulpit, came to Ironton for a week's work. He was very zealous, preached every night, excited considerable interest, and was vehement in his exhortations to the unrenewed portion of the congregation to come forward. On the last evening of his labors he outdid himself, but not a person came forward. Discouraged he sat down; whereupon a grave-faced, anxious looking man got up, and said that the elder had been working hard and laboring faithfully among them, and as a token of their appreciation, he moved that the congregation give him three cheers! It was done right heartily, and that contrite congregation went quietly out and silently home, satisfied that they had fully and faithfully performed their duty.

AN accommodating Newark man did his suicide job in the graveyard, a few days ago.

GILT frames—our jail windows.

A TRAVELER'S STORY.

One stormy evening a party of travelers were seated around a blazing fire in a house having somewhat the appearance of a hotel upon the Allegheny mountains. The coach had broken down, and we were detained until the next morning.

We had just finished a substantial supper and were sitting with our feet on the fender, and cigars in our mouths, ruminating upon the storm without, and the warm, cozy comfort within.

Each one told a story, or related an anecdote; and at last the turn came round to a hollow cheeked individual, who until then, had remained silent.

'Gentlemen,' said he, fixing a piercing grey eye upon one of the company—a Spaniard—who, uninvited, had drawn his chair up to the fire, 'some ten years ago I was near being murdered in this very house.'

At this moment the Spaniard got up, and was going out of the room, when the narrator rose, and locking the door, put the key into his pocket.

He then took the Spaniard's arm, and leading him up to an old picture, surmounted by the English coat of arms, ran his finger along the motto, and said, at the same time displaying the butt of a revolver:

'Evil to him who evil does.'

The Spaniard smiled, and said he did not feel well; but the stranger swore that no man should leave the room until he finished his story.

Requesting us not to be amazed at his conduct he proceeded.

'Some years ago I was traveling across the mountains on horseback, and I stopped at this very house. The landlord was extremely obsequious in attending to my comfort; and after supper he requested me to join him in a bottle of wine.

'Nothing loth, I consented; and before midnight four empty bottles stood upon the table, and he was acquainted with all my business. I had a very large amount of money in my valise, and he politely informed me that he would take care of it till morning. Although somewhat intoxicated I did not approve of leaving it in his charge, and wishing him good night, I took my valise in my hand and retired to bed.

'After I had undressed, I put my revolver under the pillow, and carefully, as I thought, examined the room. I laid myself down, and soon fell into the arms of Morpheus.

'I suppose it must have been two hours after when I awoke, and collecting my scattered senses, I endeavored to think what I had been about. Suddenly I detected a noise under my bed.

'What was my horror when I observed a piece of carpet stretched alongside the bed move as if something was under it. A cold perspiration started from every pore; but, thank heaven, I had presence of mind enough to prepare for the worst.

'Grasping my revolver in my hand, and hiding it under the bed clothes, I feigned to be asleep. In an instant afterwards I saw a trap door, which had been concealed by the carpet, cautiously raised up; and I beheld my landlord, with a knife in one hand and a dark lantern in the other, directing his glittering eye towards me. Still I moved not, but as he turned to put the lantern on the floor, I fired, and——'

'You killed him, did you?' shrieked the Spaniard, almost jumping from his seat.

'Silence till I have finished,' said the stranger, again tapping his weapon. 'The instant I fired the villian fell. I got up, and merely putting on my coat snatched up the lantern he had dropped, and with my valise crept cautiously down to the stable. It was a bright, moonlight night, and I soon saddled my horse. I galloped about ten miles, when I met a party of wagoners, and in their company returned to the house; but, despite of our rigid search, not even as much as the villian's body could be found. But if I can lay my hands upon him, if it costs me my life, he shall die the death of a dog.'

As the stranger concluded, he rose and caught the Spaniard by the throat, and tearing open his shirt collar, showed the mark of a wound on his neck.

Three weeks afterward Joseph Gomez, the Spaniard, was hung on his own confession of having murdered no less than five travelers in that same room.

A Thrilling Adventure.

The following is from a California paper: Millie Coyan aged about ten years, and daughter of George M. Coyan, general manager of all the mines in and about Lost Camp, was assisting some of her younger sisters over the sluice boxes, in the mine known as Wood's Ravine, when she missed her footing and fell into the boxes, through which was running at the time about five hundred inches of water. She was swept for a distance of sixteen hundred feet through the sluices as though she had been a feather. It appears that she passed through the boxes in a sitting position, and during her terrible race tried repeatedly to rescue herself from what in ninety-nine cases out of one hundred would have proved fatal to the strongest man. Even while going at the rate of a railroad train the girl exhibited presence of mind enough to let her head fall back into the water, to escape a piece of wood that was nailed over the boxes, and against which, but for the precaution taken, her brains would have been dashed out. After being carried a distance of nine hundred feet she was washed over a "dump," twelve feet high, falling into another sluice box, seven hundred feet long. Passing through the latter, she was swept over another "dump," twenty feet high, falling among rough, jagged rocks. Here she managed to crawl out a few feet from under the heavy body of falling water, and was shortly after rescued by Mr. Bartlett, foreman of the mine. It was found that she sustained severe injuries on the left knee, hip and side. Her face was also scratched and swelled, but fortunately neither will permanently disfigure her.

AFTERWARDS.

"Light after darkness,
Gain after loss,
Strength after suffering,
Crown after cross.
Sweet after bitter,
Song after sigh,
Home after wandering,
Praise after cry.

"Sheaves after sowing;
Sun after rain,
Sight after mystery,
Peace after pain.
Joy after sorrow,
Calm after blast,
Rest after weariness,
Sweet rest at last.

"Near after distant,
Gleam after gloom,
Love after loneliness,
Life after tomb,
After long agony
Rapture of bliss!
Right was the pathway
Leading to this.

JENKIN'S FIRST VOYAGE.

When I had opened the letter and read a few lines, I exclaimed: 'Oh, Jenks! here's some great news for you. And then I read from the letter:

'My physician says I must have a daily drive upon the beach, but I really do not feel as if I should take a moment of comfort without my old horse and carriage and my old driver. If you can manage to get along for two or three weeks with the cook, who is entirely capable to take all the service of the house upon her hands, you may send Jenks to me with the horse and carriage. The road is very heavy, however, and it is best for him to put everything on the *Belle of Bradford*, and come with it himself. The *Belle* touches every day at our wharf, and the horse will be ready for service as soon as he lands.'

I read this without looking at Jenks' face, but when I finished I glanced at him, expecting to see him radiant with delight. I was therefore surprised to find him pale and trembling in every fiber of his frame.

'That's just like an old woman,' said Jenks. 'How does she s'pose a horse is going to sea? What's he to do when the steamer rolls?'

'Oh, horses are very fond of rolling,' I said, laughing. 'All he will have to do will be to lie down and roll all the way, without straining himself for it.'

'And how does she s'pose a carriage is going to keep right side up?'

'Well you can sit in it and hold it down.'

Jenks looked down upon his thin frame and slender legs, and shook his head. 'If there's anything that I hate,' said he, it's a steamboat. I think it will scare the old horse to death. They whistle and toot, and blow up and burn up. Now, don't you really think—candid, now—that I'd better drive the old horse down? Don't you think the property'll be safer? She never can get another horse like him. She never'll get a carriage that suits her half as well as that. It don't seem to me as if I could take the responsibility of risking that property. She left it in my hands. 'Take good care of the old horse, Jenks,' was the last words she said to me; and now because she's an old woman, and doesn't know any better, she tells me to put him on a steamboat, where he's just as likely to be banged about and have his ribs broke in, or be burned up or blowed up, as he is to get through alive. It seem's to me the old woman's out of her head, and that I ought to do just as she told me to do when she was all right. 'Take good care of the old horse, Jenks,' was the last words she said.'

The old man was excited, but still pale, and he stood waiting before me with a pitiful, pleading expression upon his wizen features.

I shook my head. 'I'm afraid we shall be obliged to risk the property, Jenks,' I said. 'Mrs. Sanderson is very particular, you know, about having all her orders obeyed to the letter. She will have no one to blame but herself if the whole establishment goes overboard, and if I were you I wouldn't miss this chance of going to sea at her expense for anything.'

Then Jenks resolutely undertook to bring his mind to it. 'How long will it take?' he inquired.

'Oh, three hours or so,' I replied carelessly.

'Do we go out of sight of land?'

'No you sail down the river a few miles, then you strike the ocean, and just hug the shore until you get there,' I replied.

'Yes, strike the ocean—hug the shore—' he mumbled to himself, looking down and rubbing the bald spot on the top of his head. 'Strike the ocean—hug the shore. Three hours—oh! Do you know whether they have life-preservers on that steamboat?'

'Stacks of them,' I replied. 'I've seen them often.'

'Wouldn't it be a good plan to slip one on to the horse's neck when they start? He'll think it's a collar, and won't be scared you know; and if there should happen to be any trouble it would help to keep his nose up.'

'Capital plan,' I responded.

'What time do we start?'

'At eight o'clock to-morrow morning.'

Jenks retired with the look and bearing of a man who had been sentenced to be hanged. He went first to the stable, and made all the necessary arrangements there, and late into the night I heard him moving about his room. I presume he did not once close his eyes in sleep that night. I was exceedingly amused by his nervousness, though I would not intimated to him that I had any doubt of his courage for the world. He was astir at an early hour in the morning; and breakfast was upon the table, while yet the early birds were singing.

'You will have a lovely day, Jenks,' I said, as he handed me my coffee.

As he had to set the cup beside my plate, there came close to my ear a curious crepitant rustle. 'What have you got about you, Jenks?' I said.

He made a sickly attempt to smile, and then pulling open the bosom of his shirt, displayed a collapsed dry bladder, with a goose quill in the neck ready for its inflation.

'That's a capital idea, Jenks,' I said.

'Do you think so? What do you think of that?' and he showed me the breast pocket of his coat full of corks.

It was impossible for me to restrain my laughter any longer.

'Number one, you know,' said Jenks, buttoning up his coat. 'Number one, and a stiff upper lip.'

'You're a brave old fellow, any way, Jenks, and you're going to have the best time you ever had. I envy you.'

I rode down to the boat with him, to make the arrangements for the shipment, and saw him and the establishment safely on board. The bottom of the carriage was loaded with appliances for securing his personal safety in case of an accident, including a billet of wood, which he assured me was to be used for blocking the wheels of the carriage in case of a storm.

I bade him good-by at last, and went on shore, where I waited to see the steamer wheel into the stream. The last view I had of the old man, showed that he had relieved himself of hat and boots, and placed himself in light swimming order. In the place of the former he had tied a red bandana handkerchief around his head, and for the latter he had substituted slippers.—He had entirely forgotten me and the existence of such a town as Bradford. Looking dreamily down the river, out toward that mysterious sea, on which his childish imagination had dwelt so long, and of which he stood in such mortal fear, he passed out of sight.

The next evening I heard from him in a characteristic letter. It was dated at 'The Glaids,' and read thus:

"The Bell is a noble vessel;
"The horse and carridge is safe.
"She welcomed me from the sea.
"It seems to me I am in the moon.
"Once or twice she roaled terefully.
"But she rited and drove on.
"I count nineteen distant sales.
"If you will be so kind as to not mention the blader.
"The waves roll in and rore all night.
"The sea is a tremendous thing, and the atlas is nowhere.

"From an old Tart,
"THEOPHILUS JENKS."

[From the Detroit Free Press.]

An Encounter Under the Water.

John Quinn, the submarine diver stationed at this port for the past six or seven years, has been "down among the dead men" a great many times, and has had some thrilling experiences, but he was more frightened recently than ever before in his life. The pipe leading from the water-works into the river, put down last fall, settled a short time ago, and one of the joints opened. Quinn was employed to make repairs, and he took his apparatus and attendants and went down. A great many cords of stone had been piled on the pipe to hold it down, and his work was near the outer end of the pile. The water was veay clear, and, as he landed on the bottom, he noticed some object leaning up against the stones, and supposed it to be a log, and went at his work. The crevice in the joints was to be filled up with wedges, and the diver was about half an hour getting to work with the hammer. He was working away when a schooner's yawl pulling three oars, and kicking up a swell, passed near him. He felt the swell somewhat after a time, and was straightening up after pounding away, when something struck his head and he felt himself embraced. He had no thought of a corpse, and, when he looked up, and found one right before him, with one arm over his air-pipe, he cried out in alarm, and moved back. The corpse, that of a man moved after him, and Quinn stumbled backwards over the pipe, and went flat down, with a horrid form on top of him.—Those above felt that he was moving, and gave him more line and pipe. He pushed at the body, and cleared himself of it, but as he regained his feet, it came down upon him, and one of its legs rubbed across his shoulders. The diver did not wish to take hold of the object, but he was forced to, and he pulled it about for several minutes before he could clear his pipe. He pushed it by the legs back to the stone pile, and would have made his line fast and sent it up, but the swell washed it from his grasp, and the men above, mistaking his signal, drew him up. He went down again, and made a long search for the body, but it had floated away. Owing to his fright at first, and his nervousness afterward, the diver saw but little which might identify the body. He was sure that there was a gold ring on one of the fingers, and that the man had on light boots, as he had his hands on them. The body was below all the inlet pipes when first discovered, and was either sitting or standing against the stones, as one would sit or stand to rest. While the diver admits the fact of being frightened, he says it was because he had no idea of finding such a visitor down there. The repairs to the pipe were completed, and Quinn sent word along the dock, that the body might be watched for.

A WILD HUNTRESS.

A Pennsylvania Girl Lost in the Wilderness—Her Love of Hunting Stronger than Her Love of Home.

The Wheeling *Register* of the 20th inst., tells the following story on the authority of Julia Messenger, of Windridge, Green county, Pennsylvania, for whose veracity it vouches:

"A man living near Windridge, Green county, Pennsylvania, had born to him five children, four girls and one boy. His name is Daniel Lewis. When quite young the boy and second daughter, named Lucinda Lewis, developed quite a fondness for hunting, and were out nearly all the time, roaming the woods in search of game. They seemed to delight in nothing so much as the fall life of a hunter, and would be gone from home for weeks at a time. After some four or five years the boy quit it, and entered on the more industrious pursuits of life, but the girl continued in the chase. Drawing herself more and more from human intercourse and restraint, she had become a wild woman, fleeing from the approach of her kind with the speed of a deer.

During the early years of her solitary life she used to approach her father's house and entice the dogs to follow her, learning almost any breed of dogs to become good hunters. In the hope of bringing her back to her home and to civilization her brother followed her and shot the dog she had taken away, using every inducement to get her to go back with him. But all in vain.

For eighteen years, since she was twelve years of age, she had lived this wild life, sleeping in the centres of straw stacks during the night and hiding in them during the summer the wild and cultivated fruits she intends for her winter's store of provisions. She is now 30 years old, and is as wild as the most untamed denizen of the forest.

Mr. Messenger says he at one time, while out hunting, met her in her woods. Her long black hair, covering her face and eyes, was matted with burs and leaves, and her black flashing eyes made her a startling picture. She remained perfectly still until he got within twenty feet of her when she turned and fled with the swiftness no man could hope to rival.

A few days since she was seen again, and then had in her hand three pheasants and four rabbits, but although these encumbered her she eluded every attempt to capture her. She has been so long in the woods that she has become perfectly wild. He dress is made of the skins of wild animals and a blanket that she has taken somewhere during some of her nocturnal predatory tours.

THE NEW GAME LAW.

The last Legislature passed a general law amending and consolidating the various laws on the statute book relative to game. The first section prohibits the killing of wild elk or deer in the State between the first day of September and the first day of January, with various other provisions relative to deer.

Then follow 37 other sections provid- that no person shall kill, offer for sale, a hare or rabbit between the first day of February and the first day of October, under a penalty of $5 for each one killed, and rabbits shall not be hunted with ferrets under a penalty of $10 for each one so killed.

No person shall kill, or expose for sale any gray, black or fox squirrel, between the first day of January and the first day of July, under a penalty of $5 for each offence.

No person shall kill, or expose for sale, any wild turkey between the first of January and the first of October under penalty of $25

No person shall kill, or expose for sale, any wild duck or goose with a swivel or punt gun, or with any net, instrument, or device, other than the ordinary shot gun, under penalty of $50.

No person shall kill, or expose to sale any upland or grass plover between the first of January and the first of August under penalty of $10, or Wilson or gray snipe between the 20th of April and the first of September, under a like penalt .

No woodcock shall be killed or sold between the first of January and the first of August, under penalty of $10.

No quail or Virginia partridge shall be killed or sold between the first of January and the first of November, under penalty of $10 for each bird killed or had in possession.

No ruffed grouse, commonly called pheasant, or pinnated grouse, commonly called prairie chickens, shall be killed or had in possession between the first day of January and the first day of September, under penalty of $10 for each offence.

Rail or reed birds shall not be killed or had in possession except in the months of September, October and November, under penalty of $5 for each bird.

No person shall, at any time, within this State, kill, trap or expose for sale, or have unlawfully in his or her possession, after the same is killed, any nighthawk, whipporwil, sparrow, lark, thrush, finch, martin, chimney swallows, barn swallows, woodpecker, flicker, robbin, oriole, red or cardinal bird, cedar bird, tanager, cat bird, blue bird, or any other insectivorous bird, under a penalty of five dollars for each bird trapped, exposed for sale or had in possession. This section shall not apply to any person who shall kill a bird for scientific investigation or to have stuffed.

No person shall rob or destroy the eggs or nests of any wild bird, save only those of such predatory birds as are destructive of game and insectivorous birds, under penalty of $10 for each offence.

No person shall kill, catch, or discharge any fire-arms at any wild pigeon while on its nesting ground, or in any manner disturb such nesting ground or the birds therein or discharge any fire-arms within one-fourth of a mile of such nesting place, at any wild pigeon or pigeons, or shoot at, maim or kill them within their roostings, under a penalty of $25.

No person shall trap, snare or net a wild turkey, pheasant, quail, woodcock, rail or reed bird under penalty of $10, except when they are caught for preservation over Winter.

Any person shooting or hunting on Sunday shall be fined from $10 to $25.

No person or corporation shall throw or deposit, or permit to be thrown or deposited, any culm or coal dirt into or upon any of the rivers, lakes, ponds or streams of this State, under penalty of $50 for each offence, in addition to damages to individual owners or lessees of such waters.

No person shall catch speckled trout save only with hook and line, except for breeding purposes, or place any set lines in waters inhabited by them, under penalty of $25 for each offence.

No person shall kill or expose to sale, any salmon or speckled trout, save only during the months of April, May, June and July, and the first fifteen days of August, under penalty of $10 for each salmon or trout. This proprovision is not to prevent any person from catching trout with net in waters owned by himself to stock other waters.

Lake trout or salmon shall not be taken in October, November, December, January and February under the penalty of $10.

Any person trespassing on advertised grounds for the purpose of taking fish from any private pond, stream or spring, shall be liable to the owner, lessee or occupant in a penalty of $100 in addition to being guilty of trespass.

Any person placing a set net across any of the canals, rivulets or creeks in this State shall be liable to a penalty of $25 for each offence.

No person shall place in any fresh water stream, lake or pond, any lime or other deleterious substance, or any drug or medicated bait with intent to injure, poison or catch fish, nor place in any pond, lake or stream, stocked with or inhabited by salmon, trout, bass, pickerel, sun fish or perch, any drug or deleterious substance with intent to kill or catch fish, under a penalty of $50, imprisonment not exceeding three months, or both.

No person shall at any time catch, or kill, with hook and line or scroll or expose for sale, black bass or pickerel, and only with hook and line, &c., from the first day of March to the first day of June, under a penalty of $25.

No fishing shall be done in any of the inland waters where trout or bass exist, with nets having meshes less than three inches.

No fish shall be caught by draining of waters or by dragging nets or seines when water is drawn off, except by order of the State fishery commissioners, under a penalty of $25.

Any person may sell or have in his possession, pinnated grouse, ruffed grouse, and quail, for a period of fifteen days after the time limited for killing them has expired, provided he can prove they were killed before the time expired or were killed outside the limits of the State, at some place where it was not unlawful to kill them.

Judges, Mayors, Burgesses, Aldermen, Justices of the Peace, and other magistrates are invested with full power to enforce the provisions of the law, and to issue warrants for the arrest of any person or persons temporarily residing in their respective jurisdictions who may be believed to have violated the law; and to issue search warrants, for the search of any house, market, boat, car, or other building, in which there is probable cause for believing game to be concealed during any of the prohibited periods. It is made the special duty of all constables and police officers to diligently search out and arrest all violators of this law—said officers being competent witnesses to testify against persons having in their possession game out of season; the officer making information to receive one half the penalty imposed, the other half to go to the treasury of the county or city in which the offence was committed.

Nothing in this act shall be construed as to prevent the catching of bait fish by means of hand nets or cast nets for angling or scientific purposes.

THE CONSTITUTIONAL CONVENTION.

REMARKS OF SAMUEL M. WHERRY, ESQ., OF CUMBERLAND COUNTY, IN THE CONSTITUTIONAL CONVENTION, THE SUBJECT OF THE JUDICIARY BEING BEFORE THE BODY.

MR. WHERRY, Mr. Chairman: In the discussion upon the article reported by the Committee on the Judiciary, I have, I think, shown that modesty which is becoming a layman. So far as the mere organization of the courts is concerned, I have had nothing to say. So far as the questions debated involved the honor and the emoluments of the judges or the advantage of the attorneys, I have had nothing to say. But whenever this subject begins to touch the dear people, of whom I am one, I desire to say a word. I have listened in amazement to some of the vagaries in political science advanced upon this floor in the discussion of this judiciary article. We should be forced to believe, if we credited all that has been said upon this subject, that the people have no concern whatever in the establishment of the judiciary. Against that idea I desire to protest. The establishment of the judiciary, in my judgment, implies on the part of the people three necessary conditions. In the first place, they must be willing to accept it. The shoemaker works in vain if his customers cannot wear his boots. So will this Convention have worked in vain if the people refuse to accept the judiciary system that we establish for them. In the second place, the people must be willing to do what is necessary to maintain the judiciary. If it be adopted, and be found to work badly, they will not sustain it; they will refuse to give it their moral sanction and support. In the third place, the people must be both *willing* and *able* to do all that which is necessary to make this judicial system perform the purpose for which it has been organized. Could justice be administered in a court of justice if all men were liars, if your witnesses refused to testify, if men wilfully perjured themselves, if juries gave verdicts contrary to the facts? I say that for the successful establishment of a judicial system, these three conditions are requisite, and in my judgment, speaking as a layman, any judicial system, however fine in theory it may be, however perfect you may make it in detail, which overlooks and ignores these points of contact with the people, must utterly fail of giving a wholesome administration of justice. For, sir, however it may conflict with the philosophy and war with the prejudices of a class of political teachers on this floor, in the judicial department of the government, equally with every other department, as in mechanics, the power which keeps the engine moving must be sought for outside the machinery. That power, operating through every department of government, is the intelligence, the virtue, the moral sense, the innate love of right and justice of the people. Judicial machinery, judicial contrivances and rules of court, can have no efficacy unless sustained by the moral sanction and political support of the people. The goodness of an administration of justice is in compound ratio of the worth of the men composing the tribunal and the worth of the public opinion which controls them. A good system will not be a pure abstraction, it will not be an "ark of covenant" that dare not be touched by the hands of common men. It never can be better and it never ought to be better than the aggregate goodness of the men composing it, and the men for whom it is provided. But a good system brings all the moral worth of the community to bear upon the administration of justice, and makes it operative upon the result. Now to the immediate question under consideration, I remark, in the first place, that as much of the business of our district courts is of that character that both the facts and the law are to be decided upon by the court it would be unwise, not to say unsafe, to vest so much discretion in the person of one man. The right of widows and orphans are to be sacredly preserved. Executors, administrators, guardians, committees, trustees, auditors, viewers are to be appointed, and the court must pass upon the character and qualifications of each and every such appointee. Besides most, if not all of these, are required to give bond for the faithful performance of duty, and the court must severally pass upon the character and financial ability of the bondsman. Are not these great powers involving great responsibilities? Would you leave them to the unguided judgment of one man? Why, sir, it is accounted a responsible office to try causes, instruct juries in the application of law, administer justice with the aid of counsel and jury; but here, sir, is a power ten times greater which some would leave depending upon the will of a single judge. This, sir, in effect, would be but to establish a court of chancery—a court in every way repugnant to the wishes and feelings of our citizens, and at variance with the settled policy of our State. Associate judges are indispensable links between the court and the people. They give the people confidence in the decisions of the court. They preserve the court from falling into many and unintentional errors of judgment. They divide the responsibility of judgment with the president judge in case of great doubt or great popular clamor, thereby relieving him of much unjust odium. And, lastly, every honest, God-fearing judge I ever knew and talked with, wanted these associates by his side; wanted, if not their intellectual, at least their moral support; wanted their intuitive sense of justice as a mirror in which he might reflect the image of his purely mental or speculative judgment. I move to amend the amendment of the gentleman from Allegheny, by striking out the words "associate judges are hereby abolished."

MR. FULTON. Mr. Chairman: I had desired to offer an amendment or a substitute for this section, but I suppose it would not be in order now, as an amendment to an amendment is now pending.

I agree with the delegate who sits at my right, (Mr. S. A. Purviance,) who offered the original amendment, that this a question of importance, and one that we should approach with every caution. During the entire history of our Commonwealth one of the boasts of the State of Pennsylvania has been her judiciary. Whilst charges have been made against every other branch of our government of impurity and corruption, the judiciary of the Commonwealth has always stood above suspicion; and I say now that it should be with great care that we would undertake to entirely revolutionize the judiciary of Pennsylvania. There are two aspects of this case that I desire to call the attention of this committee to. The first is the effect that this section would have upon the election of our judiciary.

I ask that we all go back about a month in the history of this convention, and recall the discussion of the apportionment of the Legislature in this city, when it was agreed here by common consent that the representation of the city of Philadelphia from the adoption of the amendment to the constitution in 1857, cutting the city up into single districts, has gone back every day; and this is the very thing that is now proposed to be done with the judiciary all over Pennsylvania; to cut up our State into small judicial districts, and I ask you to answer the question by this vote, whether it is not the universal rule that the smaller you make the districts for which men are elected to fill any position, the smaller you make the men that obtain the positions.

It was said here the other day in discussing this question in a rather different form that if the section then under consideration was adopted, it would make our judiciary political; it would put political judges upon the bench. Now, will it not have such an effect to a far greater extent than the section then under consideration, if you cut up the State into counties of 25,000 or 30,000 as separate judicial districts? If you look over the counties of the Commonwealth you will find that there are not three counties that are not so decidedly either Democratic or Republican that all a man has to do is to get a nomination in the county, and if you cut up the districts to that size the very smallest-sized lawyer in the Commonwealth will start and canvass his county and secure the nomination, and be elected judge. I ask gentlemen to consider whether this is not the very thing that will put our local politicians upon the bench?

What effect will it have upon our courts? It is urged by the gentleman who introduced this amendment that it will enable us to have our business done with dispatch. Suppose we retain our districts as they are, and give them a judge for say every 40,000 or 50,000 population in a district. Our districts are formed of two, three and four counties over the Commonwealth. My own district and the district of the gentleman from Indiana (Mr. Clark) have been run in here as an argument. What would the effect be there upon our courts if our district was divided into three districts, each of the three counties in the district being large enough to come within the provisions of this section? Every ten years we have to elect a new judge. It is known to every gentlemen in this Convention that when we do elect a new judge in a district or a county, he is chosen from the members of the b