

# THE PEOPLE'S JOURNAL.

DEVOTED TO THE PRINCIPLES OF DEMOCRACY, AND THE DISSEMINATION OF MORALITY, LITERATURE, AND NEWS.

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## CONTENT.

BY ALICE CARY.

My house is low and small,  
On a hillside row of trees,  
I catch the golden fall  
Of the sun in the east.  
And a sone was hanging white  
With the roses of the May,  
Were less precious to my sight  
Than the fading of the day.  
From a brook a beaver drinks,  
In a field of pasture-ground,  
With his head and wings and pinks  
For a border all around.

My house is small and low,  
But the willow by my door,  
Doth a cool, deep shadow throw  
In the summer on my floor.  
And in song and sighs and sighs,  
When the leaves of trees are bare,  
I can see the window lights  
Of the homesteads elsewhere.

My house is small and low,  
But the pictures such as these,  
Of the meadow and the row  
Of a tanager and trees,  
And the ferns and the drows  
From the field of meadowed ground,  
With the violets and pinks  
For a border all around—  
Let me never, for aish, pry  
For a vision wider spread;  
But contented, on my way,  
Give me, Lord, my daily bread.

From the Juvenile Instructor.  
LADIES AND GENTLEMEN.

"Come, Mabel, come to the window, and see the people go by," said Wallace Carleton to his sister. And Mabel came, and stood by her brother's side, with her arm around his neck, and her curly head resting lightly upon his shoulder.  
The children would have made a pretty picture, as they stood there. So, at least, Mr. Carleton thought; and so he said, in a whisper, to his wife, who sat beside him upon the sofa. She looked up, and smiled, and sighed. A smile for Wallace, and a sigh for Mabel. Why was it so?  
Wallace was a steady, manly boy, such a one as any mother might look upon with hope; as the future stay and solace of her declining years. And Mabel! She was one of those fragile little buds, that unfold too early, and fade too soon. So her mother felt, as she listened to her strange questions and answers—so unlike a child of ten short summers. So her father feared, as he watched, day by day, the gradual development of her mind, and the gradual increase of her fair-like beauty. But he brushed the looking whisper in his heart, and strove to think it would not be so.

Mabel was in a merry mood that afternoon, and she laughed aloud at Wallace's remarks upon the various passers by.  
"There," there comes a lady round the corner; and there's a woman behind her, with a basket on her arm."  
Mabel's face grew thoughtful.  
"Why is one a lady, and the other a woman?" she said.

"Why, don't you see," replied Wallace, laughing, "that the one I called a lady has on a silk dress, and a nice large shawl, and a silk hat; and the other has a calico dress, and a faded shawl, and a plain straw bonnet?"  
Mabel looked round at the sofa, where her parents were seated.  
"Mother isn't a lady this afternoon," she said.

"Why not?" inquired Wallace.  
"Because she hasn't on her silk dress," Mabel replied. "Please wear it to-morrow, won't you, mother?"  
"Why?" returned Mrs. Carleton, smiling.

"Because I want you to be a lady," Mabel answered, turning again to the window.  
"I didn't mean," said Wallace in an explanatory manner, "that any one couldn't be a lady without wearing a silk dress. But people judge of strangers a great deal by their dress. If they are well dressed, they call them ladies and gentlemen; if they are not well dressed, they call them men and women."

"Is that a good way of judging?" Mabel inquired.  
"Pretty good, I think," Wallace replied. "But see! Mabel! There comes a little girl with a basket of oranges."

"That basket is too heavy for her," said Mabel. "She isn't as large as I am, and I couldn't lift it."

"Oh, but you're not well and strong as she is," returned Wallace. "And then she's used to carrying heavy loads, you know."  
"I should like an orange," Mabel said.  
"I'll run out and buy some, when she gets to our door," Wallace answered.

"Now, Mabel, look quick, and tell me whether that is a lady or a woman coming round the corner."  
While Mabel looked in the direction indicated, Wallace ran through the hall and down the steps, to speak to the little orange-girl. Just as she paused near the door, the person to whom Wallace had referred, passed along. Brushing rudely against the little girl, she sent a portion of the contents of the heaped-up basket rolling upon the side-walk; and without seeming to notice the mischief she had done, pursued her way. A moment after, a plainly dressed female approached. Pausing, she spoke kindly to the weary looking child, who was now busily engaged in collecting her scattered store, picked up several of the oranges lying on the side-walk, paid for them, and passed on.

Wallace had been standing, idly looking on, upon the lowest step.  
"Well, Mabel," he said as he reëntered the room, "here are your oranges. Was it a lady or a woman?"  
"Thank you, Wallace," Mabel replied. "But keep part of them yourself."

And she put the two largest into her brother's hand again. But she did not throw her arm around his neck, nor lean her head upon his shoulder. On the contrary she stood a little apart from him, as she answered his question.  
"It wasn't a lady, Wallace."  
"Wasn't a lady?" Wallace repeated. "Didn't you see her rich dress, and her white kid gloves?"

"Yes," Mabel answered; "but a lady wouldn't push against a poor little girl, with a heavy basket, as she did, and not take any notice of it afterwards. She dressed like a lady, Wallace, but I don't think she was a lady."

"The little girl should have let the lady pass before she came to the steps with her basket," Wallace said. "She couldn't expect a lady to take the outside of the walk for a poor girl like her."

"Her basket was heavy," Mabel replied; "and she wanted to set it down. It wouldn't have hurt the lady,—(she *wasn't* a lady, though.)—to pass a little further from her. A lady came along afterwards, Wallace."  
"A kind-hearted woman, you mean, Mabel," Wallace said.

"No, I mean a lady," Mabel answered. "What did she say to the little girl, Wallace?"

"She said, 'So Nelly, your oranges are running away from you. That basket is too heavy for you, my child. You must make haste and sell a part of its contents.' And then she picked up two or three oranges from the pavement; think of a lady's doing that, Mabel! and said she would take them, and that would make the load a little lighter."

"And you bought four," said Mabel. "I wish you'd taken a dozen."

"I wish I had, sis, if you want them," returned Wallace, gently passing his arm around his sister's waist, and drawing her towards him as he spoke. "I would have bought the whole basket-full, if I'd known you wanted them."

Mabel's arm was around her brother's neck again, and her head rested lovingly upon his shoulder.

"I didn't want any more," she said; "only, if you'd bought more, the poor little girl wouldn't have so many to carry."

"Oh, she'll soon sell them all," Wallace said. "See Mabel, there are more people coming."  
Mabel's attention was again directed to the window. Two passers-by, the one a plainly dressed laboring man, with the implements of his trade in his hands, the other a fashionably attired, aristocratic-looking individual, met upon the side-walk. The laborer bowed.

"That isn't a gentleman," said Mabel, as she saw the other pass on, without returning the salutation. "Do you think he is, Wallace?"

"Certainly," Wallace replied. "A mechanic shouldn't speak first to one so much above him."

"Above him? how?" said Mabel. "The other man isn't so tall as he is."

Wallace laughed and explained.  
"A man who works is considered below one who does not work, Mabel. Gentlemen do not work; that is, do not earn their living by their labor."

Again Mabel glanced around the sofa.  
"Father isn't a gentleman, then,"

she said. "Do n't work any more, father, will you? I want you to be a gentleman."

Mr. Carleton laughed.  
"You have decidedly the worst side of the question, Wallace," he remarked. "Not being a gentleman's son, you cannot be a gentleman yourself."

"Oh, but, father, you will be rich enough to live without work, one of these days," said Wallace; "and then we shall both be gentlemen, and Mabel, here, will be a little lady."

The boy twined one of his sister's curls around his finger; and looked affectionately into her face.  
"You can be a gentleman before that time, if you will," observed Mr. Carleton, gravely.

Wallace's attention was attracted by another group in the street; and he made no answer.  
"There's a gentleman, Mabel," he said; "see how well his coat fits, and how his boots shine."

"He's smoking a cigar," returned Mabel. "I shouldn't think a gentleman would smoke in the street."

"Why not?" demanded Wallace. "A great many gentlemen do so every day."

"But some people dislike the smoke," replied Mabel. "It always makes me sick. I don't think a gentleman would do what he knew would trouble other people; just to please himself."

Mr. and Mrs. Carleton exchanged glances. Wallace did not reply.

"Which of those two do you call a gentleman?" inquired Wallace, a few minutes after, as two elderly men passed by.

"The one with the brown coat, and broad-brimmed hat," Mabel replied.  
"I thought you'd say so," said Wallace, laughing. "He's a Quaker, Mabel, and says 'thee' and 'thou.' He never dresses like other people. What made you call him a gentleman?"

"Because," Mabel said, "he stopped just after he came round the corner, and spoke kindly to a ragged little boy, that the other man wouldn't notice at all, though the boy spoke to him. A gentleman ought to have a good heart."

"How do you know he spoke kindly?" Wallace inquired; "you didn't hear what he said."  
"No," Mabel answered; "but the boy stood looking up in his face all the time he was talking to him; and he wouldn't have done so if the gentleman had n't spoken kindly."

"You have strange ideas of ladies and gentlemen, Mabel," Wallace said. "Where did you get them?"  
"I don't know," Mabel answered. "Do n't you think ladies and gentlemen ought to be good, Wallace?"

"Oh, yes," Wallace replied; "but then, any one may be a lady or a gentleman without being good."

Mabel looked doubtful.

"A-k father and mother," she said. Wallace proposed the question, in due form.

"What do you think about it, Wallace?" was Mr. Carleton's reply.

"I think just as I told Mabel," Wallace answered; "that any one may be good without being a lady or a gentleman."

"That is true enough," said Mr. Carleton; "but that is not exactly what you told Mabel. Is it, Mabel?" he added, appealing to the child.

"Not quite," Mabel answered. "Wallace told me that any one might be a lady or a gentleman without being good."

"Do you agree with him?" inquired her father.

"No, sir," was the prompt reply.  
"And what would your definition of a lady or a gentleman be?" said Mr. Carleton, with a smile.

"I don't know as I can define it," Mabel answered.

"Try," said her father, quietly.

"A lady should be kind-hearted," Mabel said, thoughtfully; "and should try to make other people happy. She should treat every one kindly and politely; and not be too proud to speak to people because they are poor, or because they are ignorant."

"Must she be rich, herself?" inquired Mr. Carleton, as Mabel paused.

"No matter whether she is rich or poor, if she is kind-hearted, and intelligent, and speaks and acts as a lady ought," Mabel answered.

"And a gentleman, Mabel?" said her father, smiling.

"Very much the same," replied Mabel. "How do you like my definition, father?"

"A very good one for a little girl like you to give," said Mr. Carleton. "I hope my Mabel will be a real lady, a few years hence."  
"And Wallace a real gentleman," said Mabel, laughing.

Wallace felt the reproof; but Mabel turned her father's thoughts into another channel.

"I mean to be a lady," she said, earnestly, "and see how many people I can make happy. A real lady—and she paused suddenly and added in a subdued tone—"if I live."

Mr. Carleton's face was shadowed. He kissed the forehead of the child, and taking his hat, hastily left the room. Wallace followed him; and Mabel was left alone with her mother. Seating herself upon the sofa, the child remained quiet and thoughtful for a few minutes; then, lifting her eyes to her mother's face, she said, as if thinking aloud,  
"And if I die, mother, what shall I be then?"

"A happy spirit in heaven, I hope, my love," answered Mrs. Carleton, striving to speak cheerfully, while her eyes filled with tears.

And Mabel kissed her mother, and said no more.

## DRAINING BY WELLS.

Messrs. Editors: You wish to know if land can be drained by wells. I have made one experiment only, and that was successful. I owned a piece of land on which there was a basin of about three-fourths of an acre, which received the surplus water of at least ten acres. It would sometimes be from two to three feet deep in the centre. The water stood in the basin at least eight months in the year, and the basin was full every hard rain the other four months.

On the 2d of August, 1841, I dug a well nine feet deep in the centre of the basin, and came to living water, which rose very rapidly, so much so that I expected to see it run over the top in a short time. I think the water rose at least two feet in ten minutes, and then stopped, and remained at that depth until a heavy rain of three days. I then went to look at the well, expecting to find it full and running over; but to my utter astonishment, there was not more than two and a half feet in the well.

It had risen, about four feet during the storm, I should judge by the marks on the side of the well. There must have been a great quantity of water run into the well, as at least ten acres discharged its surplus water into it, and the rain fell in torrents during the three days. I then dug four open drains leading into the well, and the land has been sufficiently dry for wheat, corn, oats or grass, ever since. It has been in grass for the last twelve years, and has borne a heavy crop of first rate hay. I should advise, in all instances, to dig until you come to living water, and then the water will pass off in the fissures of the earth. I have not the least doubt but that almost any spring can be drained by digging a well at a little distance, and leading the water into it. I would state that I filled the well full of stone, thinking it would be cheaper to dig a new one than to stone it and keep it covered, if it should fail to carry off the water.

ASA HUBBARD.

Middletown, Ct.

MEN OF AMERICA—MEN OF THE AGE.  
The greatest man "take him all in all," of the last hundred years was George Washington—an American.

The greatest Doctor of Divinity was Jonathan Edwards—an American.

The greatest Philosopher was Benjamin Franklin—an American.

The greatest of living Sculptors is Hiram Powers—an American.

The greatest living Historian is Wm. H. Prescott—an American.

The greatest ornithologist was J. J. Audubon—an American.

The greatest Lexicographer since the time of Johnson was Noah Webster—an American.

The greatest inventors of modern times were Fulton, Fitch, Whitney, and Morse—all Americans.

"PHILING UP THE AGONY."—At a trial the other day, at Sherborne, Sergeant Wilkins called to the jury in the most touching terms, by their verdict, to restore the prisoner to the bosom of his wife and family, and dwelt on the effect the result of the trial would have for happiness or misery on those who are so dear to him. When the learned Sergeant sat down, wiping his forehead after his effort, he was a little surprised to learn this touching allusion to wife and children had been made on behalf of a *bachelor*!

TO VARNISH ARTICLES OF IRON AND STEEL.—Dissolve 10 parts of clear grains of mastic, 5 parts of camphor, 15 parts of sandrach, 5 of clem, in a sufficient quantity of alcohol, and apply this varnish without heat. The article will not only be preserved from rust, but the varnish will retain its transparency, and the metallic brilliancy of the article will not be obscured.

## Things in Congress.

### EX PARTE TESTIMONY.

On the 8th of February a very important discussion took place in Congress, to which we invite the attention of every reader, as it shows up the great injustice of one feature of the Fugitive Slave bill, as we will show in an editorial: [Eps. Jour.]

### TAKING OF DEPOSITIONS.

Mr. BANGOR. I hope my friend from Virginia, who would not allow the reading of the Journal to be dispensed with, will make no objection to my asking permission of the Senate now to introduce a bill of which I gave notice a week ago, but, as yet, I have had no opportunity of introducing it.

THE PRESIDENT. It requires unanimous consent to introduce the bill at this time.  
Leave was granted, and the bill "to repeal so much of the thirtieth section of the act to establish the judicial Courts of the United States" as authorizes the taking of depositions without notice," was read the first time, and ordered to a second reading.

Mr. BANGOR. I desire to make a very brief statement about this bill, and, then, if no gentleman desires that it be referred, I shall ask that it be put upon its passage. By the thirtieth section of the judiciary act, in all cases where the adverse party is distant more than one hundred miles from the place of taking a deposition, it can be taken without any notice to him, or to his attorney. This is a total violation of all the principles of evidence, and has been recently the subject of very strong admonition in an opinion delivered by the Supreme Court on the stereotyped depositions that are introduced, more *ex parte* affidavits. This bill proposes to repeal that provision; and fixes the rate of notice to be given beyond one hundred miles. I have shown it to the members of the Committee on the Judiciary, and I believe everybody believes that it is a very proper and necessary measure.

The bill was read a second time, and considered as in Committee of the Whole. It proposes to repeal so much of the thirtieth section of the act of September 24, 1789, as authorizes depositions to be taken *de bene esse* without notice to the adverse party or his attorney when neither is within one hundred miles of the place of caption. When neither the adverse party nor his attorney is within one hundred miles of the place of caption, notice is hereafter to be given at the rate of not less than one day, Sundays excepted, for each forty miles of the additional distance.

Mr. BANGOR. I move the reference of the bill to the Committee on the Judiciary. I suppose there will be a general acquiescence in that.

Mr. MASON. Before the question is taken, I have a word to say. I did not suppose that the Honorable Senator from North Carolina, who is certainly among the best, if not the oldest lawyer in the Senate, should be an advocate for so violent an innovation upon the existing law—a law that has been upon the statute-book now *ab urbe condita* almost, and not complained of that I know of anywhere—[Mr. BANGOR. Complained of everywhere]—but which he proposes to amend in this summary manner, conceiving it a case requiring immediate interference, although it has existed for sixty or seventy years, with the knowledge, and, as I understand, with the admission, that it will work harshly and injuriously, without any reason for it, upon pending litigation. I did not expect that from one who has shown himself, in every instance on this floor, an advocate for the stability of our institutions and our laws.

Sir, I agree with the honorable Senator that the proposed amendment will be a judicious, a wise, and a highly expedient one; but that he should, in order to attain it immediately, put suitors to the extraordinary expense to which many of them will be put, if depositions taken without knowledge of the law shall be found to be illegal, is a matter which I confess somewhat surprises me. We have been told by the honorable Senator from California, that to take a deposition in California is no light matter. It is an expensive process. It costs a good deal of money. I dare say, to send from the State of the Senator from North Carolina, or my State, to take a deposition in California, in a litigation pending in either State, would amount to very nearly one hundred dollars. In order that this evil, which has been, so far as I am informed, uncomplained of for seventy years, may be remedied immediately, he will indict all this injustice on suitors who have litigation pending. I submit to him, with all respect, that to make the bill have effect from the first of June next, as I understand is proposed by the Senator from Ohio, would answer every, and

and avoid this injustice.

Mr. BANGOR. Mr. President, I am not at all surprised that the Senator from Virginia is surprised at the notions which I entertain on this subject, because it has been my lot often to differ from that gentleman, and very frequently upon subjects which concerned what I believed the best interests of the country, and the most important matters connected with the just and proper administration of this Government; but I did not expect that the honorable Senator would agree with himself through one speech. He objects, in the first place, to my proposition, because it is to interfere with a time-honored system; a provision that has existed *ab urbe condita*, and which has never been complained of, as he says; and then before the Senator takes his seat, he admits that the alteration which I proposed to make in this time-honored system, existing *ab urbe condita*, and never complained of, is a very wise and judicious one.

Now, sir, if we are to pay any of the respect of which the Senator speaks, to the time during which this provision has existed, why interfere with it at all? If the period during which this system has existed, of taking depositions against adversaries without notice to them, of reading *ex parte* affidavits, thus breaking down the fundamental principle, not only of the common law, but of all law, that a man has a right to cross-examine a witness, and to be present when he gives his testimony, and generally to have him face to face in the court where his evidence is to operate. If, say, this long continued practice, this commencement and prosecution of that system to the present day, is to have the effect of giving to it the confidence and veneration due to age and long experience, why is the Senator willing to interfere with it at all? He has no hesitation in saying that it ought to be interfered with. Then what becomes of all his respect for antiquity, and his regard for long-continued usage? Why, sir, it is all gone.

Well, then, what is the Senator's objection to this bill? It is that a man who has taken a deposition may be put to an expense of \$100 in taking it over again. Now, what is the inconvenience on the other side? The deposition, a mere *ex parte* affidavit, and a stereotyped deposition, as the Supreme Court, in the case to which I referred, characterized those depositions about the collision, may be used to deprive a fellow-citizen of property to the amount of \$100,000. In order to prevent the inconvenience of a man paying \$100 for taking a deposition over again, you are to have an *ex parte* affidavit read in court, against all the provisions of justice, under this exceptional provision in statute, which has been constantly complained of, and which has induced the Judges of the Supreme Court to exercise a scrutiny of the most strict and technical kind over all the forms, however minute, with regard to these depositions, feeling the impropriety of allowing them to be read without notice to the party, and induced them to set them aside whenever there is the smallest deviation from the prescribed forms and requisites of the statute. Sir, it seems to me that the two evils are not to compare with each other. The evil that a man may possibly spend \$100 in taking a deposition over again; and the other evil that an *ex parte* affidavit may be read to deprive the opposite party of property to an indefinite amount \$100,000 or more.

## KANSAS.

We clip the following from the National Intelligencer:

A claim has been made to the land upon which the town of Lawrence is situated, on the ground that none but the United States authorities have power to lay off a town-site on the public lands. The commissioner of the General Land Office in this city, having been written to on the subject, says: "The idea of others attempting to lay off a town site on lands thus claimed, or in any manner interfering with such claims, is simply absurd. No power exists anywhere except in Congress to lay off town sites on the public lands, where the individual attempts to do so, until duly authorized by act of Congress; they forfeit all claim they may have to the land."

FRIENDSHIP has a noble effect upon all states and conditions. It relieves our cares, raises our hopes, and abates our fears. A friend who relates his success, talks himself into a new pleasure; and by opening his misfortunes, leaves part of them behind him.

LEARNED BOOKS.—Certain books seem to have been written, not to instruct us, but only to inform us how much the author knows.