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DISSENTING OPINION OF

## HON. GEORGE W. WOODWARD,

IN THE CATHCART MURDER CASE.

John Cathcart vs. the Commonwealth. Error to Oyer and Terminer of Clearfield County. Dissenting opinion by

Woodward, J.—I regret the necessity I am under, to dissent from the opinion of the majority of the Court in this case. It is desirable at all times that the judgments of the court should be unanimous, and it is especially so when the life of a fellow-being is staked upon the issue. The absence of one of our number on account of sickness, makes it still more important that the four judges who sat in the argument should agree in the judgment. Feeling the weight of these considerations, and entertaining the most unfeigned respect for the opinions of my brethren, it is upon no slight or questionable grounds that I have made up my mind to dissent from their judgment. Nor have I been able to content my sense of duty with a simple dissent, entered of record; but it seems to be due to the grave questions before us, that I express my reasons, with as much fullness as the pressure of official duties permits and yet with as much brevity as the nature of the questions will allow.

The government of the Commonwealth proposes to put to death a citizen, because of a judicial conviction of the crime of murder. He has removed the record of that conviction into this court, and complains, among other things, that his constitutional rights were violated, in the manner in which his trial was conducted. If this complaint be well grounded, I suppose the government, through none of its official organs, has the right to put him to death—that he holds his life as every other man does, under all the guaranties of the Constitution—that the judicial organs of the government have no jurisdiction to condemn him, except in the very forms of the constitution, and that it is not too late for him to plead his constitutional rights, whilst this, the highest court in the Commonwealth, is deliberating on his case.

The particular in which the accused complains of the violation of his constitutional rights, was in the manner of swearing the jury. That I may omit or mistake nothing of the facts or reasons on which the court proceeded in this particular, I copy the full language of Judge Linn, as delivered on the motion for a new trial and in arrest of judgment, and which he has certified and sent up to us.

The third reason assigned for a new trial and in arrest of judgment was, that the jurors were not properly sworn; in commenting on and overruling which, the learned judge said:

"In passing upon this alleged reason for a new trial, I have been requested by the prisoner's counsel to state the manner in which the jury were sworn, so that if an error has been committed, the prisoner may not be deprived of the benefit of it. To the request we cheerfully assent. None of the jury were sworn until the whole twelve were empanelled. The oath was then administered to them, not separately, but as many as swore by the book were asked to arise, and they were sworn thus: 'You and each of you swear,' &c., using the form of oath, and so on as to those who were qualified in a different form. The defendant's counsel now except to this mode of swearing the jury, and insist that each juror should have been sworn separately. We are aware that ordinarily this is done; but the court were induced in this case to defer swearing the jury until the panel was full, lest they might be obliged, on account of the rumors which might prevail throughout the county, to dismiss the jury and continue the case. We cannot see any reason why the mode adopted is unlawful. The jury were by this mode placed under the obligations of the oath, just as effectually, to all intents and purposes, as though it had been administered to each one in succession. We cannot see how the case of the prisoner can be prejudiced by this practice. Besides, we are of opinion that the objection, being a matter of form, should have been made at the time the jury were sworn, and that it is no reason for granting a new trial. It is said by the counsel, that the prisoner may remain silent, take his chances of an acquittal, and, after conviction, urge the objection. There are, however, irregularities, which the prisoner must object to at the time, or they will be considered as waived; and it seems to us that this is one of that character."

We have thus placed before us, in the most distinct character possible, the fact that the jurors were not sworn severally, one by one, but jointly, as they would have been in a civil action, or on a trial for assault and battery.

The sixth section of the ninth article of the Constitution of Pennsylvania says, "that the trial by jury shall be as heretofore, and the right thereof remain inviolate."

This provision has been in all our constitutions since 1776, and has always been understood as guarantying to the citizens of Pennsylvania, the rights of trial by jury as they existed at common law at and before that date. Very many cases of civil jurisdiction, and some of small misdemeanors, have been denied trial by jury, by legislation; but the legislature have never attempted to alter the common law forms of trial for the higher crimes. On the contrary, all our legislation has aimed facilitating and systematizing jury trials for high crimes and misdemeanors.

How then, were juries sworn at common law, in capital cases, before the beginning of our constitutional government?

In Hale's Pleas of the Crown, cap. 41, after describing the arraignment of the prisoner, the summoning and calling of the jurors, and the form of challenges, we are told, "If no challenge hinders, the jury are commanded to look on the prisoner, and then *severally twelve of them, neither more nor less*, are sworn. *You* shall well and truly try," &c.

The rule is laid down in the same words in Bacon's Abridgement, 5th volume, page 368.

Blackstone tells us, in 4th vol., p. 582, "When the trial is called on, the jurors are to be sworn *as they appear*, to the number of twelve, unless they are challenged."

Mr. Chitty, in his Criminal Law, p. 532, says, "As soon as each juror is sworn, he is set apart in the jury-box;" and a note on the same page reads, "according to 4 Hargrave's State Trials, 723, each juror is sworn when called and not challenged."

Archibald, in his Criminal Pleadings and Evidence, 1st vol., p. 182, says, "In treason and felony, the names of the jurors are then separately called over by the clerk of arraigns or clerk of the peace, and the crier of the court administers the oath to each of them thus: 'you shall well and truly try,'" &c.

And to mark a difference, this writer immediately adds, "but in *misdemeanors*, the jury are at once sworn, usually four jurors at a time."

These authorities, I suppose, are sufficient, to show that before our constitution, jurors were, at common law, always sworn *severally* in capital cases, and never *jointly and severally*; and such, it is believed, has been the uniform practice under our constitution, and in our sister States.

Then our constitution must be read as enjoining this mode of swearing. Judge Lynn tells us it was not observed on the trial of the present plaintiff in error. As to the reasons assigned for not observing it, I shall have something to say hereafter. But for the present, I wish only to rivet attention to the fact that the prisoner's constitutional right of trial by jury, as the same prevailed from time immemorial, was not conceded to him in the form and manner of swearing the jurors.

And it is material to notice, that it was withheld by the mere action of the court, without any sanction whatever of the legislature. Many statutes have been passed, *regulating* trial by jury, one of the last of which was our very recent code of criminal procedure, adopted March 31, 1860. And a constitutional question has just arisen under the thirty-seventh section of that enactment, which gives to the Commonwealth four peremptory challenges in all criminal cases. That was an innovation on the common law trial of felonies, for at common law the Crown was allowed no peremptory challenges, and trenched hard on the constitutional provision under consideration; but I acquiesce in the opinion of my brother Thompson, delivered this term, in the case of The Commonwealth vs. Warren, from the Oyer and Terminer of Berks county, sustaining the validity of the enactment. The constitution protects the *trial* by jury, and I am willing to say that the *trial* does not commence till the jury are called and challenged. All statutes, therefore, that relate to summoning, calling and challenging jurors, *and which do not impair the right of a fair trial*, I agree, are not unconstitutional; and that, I think, is very clearly shown in Judge Thompson's opinion. But this is as far as I am willing to go. The swearing of the jurors is a very important part of the trial.—Blackstone, in the place already cited, says, when the "*trial is called*, the jurors are to be sworn as they appear." And in Peiffer's Case, 3 H. 470, Judge Gibson said, "A juror is charged with a prisoner as soon as he has looked upon him and taken the oath; for he cannot be withdrawn. The trial has commenced, and the prisoner stands before him as one of his judges." With the mode of swearing them, the legislature could not, I presume, constitutionally interfere; and in the recent enactment alluded to, carefully prepared by competent codifiers, it is worthy of remark that there was no attempt to change it. They left the administration of the oath to the common law, where the constitution leaves it. If the legislature have not changed it and could not change it, how could the Court of Oyer and Terminer of Clearfield county change it? There has been no attempt to answer this question, whilst the fact is patent that that court did substitute for the ancient practice, the every day usages of the Quarter sessions and the Common Pleas.

I come now to consider the reasons assigned by the judge for the change. I admire the frankness with which Judge Lynn has spread the facts before us, "in order," as he says, "that if an error has been committed, the prisoner may not be deprived of the benefit of it;" but I dissent totally from the reasons assigned for what he did.

The first is, that he feared the panel might be exhausted before the box was full, and that the cause would have to be continued. The result shows that the fear was groundless; but even if the panel had been exhausted and *talesman* could not have been obtained, it was no excuse for this unheard of innovation. The prisoner's constitutional rights were suspended on no such slender thread of convenience. He was entitled to have his jury sworn according to the law of the land. Until they were so sworn or affirmed, the court had no jurisdiction to try him, nor the government to hang him.

The next reason is, that "the jury were by this mode, severally placed under the obligations of the oath, just as effectually, to all intents and purposes, as though it had been administered to each one in succession."

The reply to this is *non constat*. I know not what animated the sages of the common law to settle the form of the oath in capital cases, in the manner they did; but every observant spectator of criminal trials must have been impressed with the solemnity of the ceremony. A juror, individuated and seperated from the sympathies of companionship, is called to confront the accused whom he is to have in charge, and then, alone, on his responsibilities as a man—with an eye single to the answer which he shall render to God at the great day, he assumes upon himself, by solemn oath or affirmation, the obligation "well and truly to try, and true deliverance to make between the Commonwealth and the prisoner whom he shall have in charge, and a true verdict to give according to the evidence." What in human affairs, is better calculated to impress the conscience and awaken all proper sensibilities? An oath, duly considered, is a dreadful thing, under any circumstances, but owing to its commonness, it has come to be very slightly regarded, and when administered to a group of men in a jury box, is so much a matter of course, that it is liable to pass as an idle form, and not to penetrate the conscience. But when it is laid upon each man before he passes into the box, and while he stands in the immediate presence of the court and the prisoner, it must have a power, or to say the least of it, it may have a power altogether peculiar to itself, with which no court has a right to dispense. Obligations assumed by a multitude never press on each individual with that distinctness and weight as when individually assumed.

These appear to me to be reasons in favor of the ancient mode of swearing jurors, but if they are not—if I am mistaken in supposing there was good reason from the beginning for the several oath—I reply, well, be it so; but there is the mode plainly prescribed, and if we cannot discern the reasons for it, no judge has a right to set it aside upon the gratuitous assumption that another less solemn mode will do as well. Whether the legislature could reform it and substitute something else, is not the question, for the legislature have not attempted it, but that a judge cannot break away from long established modes of procedure in a criminal case involving the highest interests of the citizen, and violate constitutional rights which the people have decreed shall be inviolate, is a proposition that ought to need no argument for its support.

The next and final reason of the court is, that the objection, being matter of form, should have been made at the time the jury was sworn, and that it was an irregularity, which must be considered as waived.

I cannot agree that it was matter of form. For the reasons I have ventured to suggest, I think it was matter of substance, but whether form or substance, it was a constitutional right of the accused, and therefore should have been conceded to him without question or denial. His failure to except at the time does not conclude him. If, on the other hand, he had expressly agreed and assented to the irregularity, as the prisoner did in Mills' Case, 1 H. 680, and Peiffer's Case, 3 H. 470, I would be obliged to say as Ch. J. Gibson did in the last of these cases, "I think no consent of a prisoner, in the extremity of his need, ought to bind him;" or as Ch. J. Abbott did in Rex v. Wolf, 1 Chitty's R. 401, that "a prisoner ought not to be asked to consent to an irregularity." If express consent would not have bound him, much less his silence. To have put him to objecting and excepting to orders of the court intended for the convenience of jurors, would have compelled him to prejudice his triers, and imperil his life at the threshold of the trial. It was the business of the court, and not of the prisoner, to direct the forms of the proceeding, and if a mistake were made to his prejudice, he is entitled to the benefit of it.

I have now shown that the prisoner was deprived of a constitutional right, for reasons that were wholly inadequate, if indeed any reasons could justify a court in withholding a constitutional right from an accused citizen, and I come now to the question, why should he not have redress in this court?

The single reason assigned by the majority, is that the matter complained of does not appear upon the record. They read in the docket entries that the jurors were duly empanelled, sworn or affirmed, and applying the maxim that all things are to be presumed to have been correctly done, they conclude that the jurors were sworn in the manner they should have been. The statement of Judge Lynn, which I have quoted in full, as showing how the jury we sworn, is said to be no part of the record, and that it has been often held that the record cannot be corrected by such statements.—Even if it could, it is said the same opinion shows that no objection was made to the manner in which the oath or affirmation was administered.

The majority do not attempt to justify Judge Linn's departure from the forms of the common law, nor do they express any doubt of the accuracy of the statement of facts he has sent to us, but the judicial conscience cannot know that he blundered because the prisoner did not except at the time, and thus bring the blunder within the narrow compass of that which is called "*the record*."

I have two specific ground of dissent from this conclusion, which I now proceed to state.

First. The matter complained of touches the jurisdiction of the court, and therefore may be pleaded, though it do not appear of record.

That the Court of Oyer and Terminer of Clearfield county had jurisdiction of the case, is not to be doubted; but jurisdiction is the right to try and decide a case according to law. It must not only attach legally, but it must be proceeded in according to those rules of the constitution and laws which define the court's powers. I do not mean that every judicial mistake ousts the jurisdiction of the judge, but I mean that wherein his powers and prerogatives have been defined by law, he must keep himself within them, or else what he does is null. The jurisdiction of inferior courts not of record, must appear on the face of their proceedings, but that of the superior courts is presumed, till the want of jurisdiction is alleged and shown. And that may be by what appears of record, or by facts *de hors* the record. The jurisdiction of the Federal courts, which is always in controversy, is often shown or disproved by facts which do not appear of record.

If Judge Linn's commission had expired before he tried the defendant, or if the offence had been tried in another county than that laid in the indictment, or if, as once happened, thirteen jurors had sat in the case, I suppose no one would doubt that his proceedings would have been *coram non judice*, and might be set aside, though the facts supposed did not appear of record. In Foust's case, 11 Casey, 338, we entertained an objection to the jurisdiction of a Court of Oyer and Terminer, and reversed the judgment, on grounds that did not appear of record.

I intimated at the commencement of this opinion, that the government, acting through its judicial agents could acquire and hold jurisdiction over the life of the prisoner, only by proceeding in strict accordance with the constitution and laws of Pennsylvania. He alleges a flagrant departure from one of our constitutional usages, in the conduct of capital trials, and he has proved it by the voluntary and honorable testimony of the judge who made it. I suppose that no judge on this bench doubts the facts—so palpably before us. On what ground, then, can we permit the government to take the prisoner's life? Because the facts are not on the record? I reply that consent cannot give jurisdiction, and, therefore, want of objection at the proper time cannot. And what I said in answer to this reason, as assigned to Judge Linn, applies here. Then I cannot concur in the judgment which seals the prisoner's doom. I would give him the benefit of the mistake, which is clearly pointed out and fully admitted, and would order him to another trial, to be had in the forms of the constitution and laws.

Second. But in the next place, I submit that the majority are mistaken, in treating the matter which is not upon the record. What is a record? Blackstone tells us, 'A court of record is that where the acts and judicial proceedings are enrolled on parchment, for a perpetual memorial and testimony—which rolls are called the records of the court, and are of such high and supereminent authority, that their truth is not to be called in question.' Not the docket entries merely, but all the "*acts and judicial proceedings*" of the court which are enrolled, constitute the record.

The jurisdiction of this court is to "examine and correct all and all manner of error of the justices, magistrates, and courts of this Commonwealth, in the process, proceedings, judgments and decrees, as well in criminal as in civil pleas or proceedings, and thereupon to reverse, modify, or affirm such judgments and decrees or proceedings, as the law doth or shall direct." And by the ninth section of the Act of 22d May, 1722, Purdon, 311, "If any person or persons shall find him or themselves aggrieved with the judgment of any of the said courts of general quarter sessions of the peace, and of jail delivery, it shall and may be lawful to and for the party or parties so aggrieved, to have his or their writs of error."

These old statutes, it will be observed, do not confine our jurisdiction to what may happen to be docketed, but extend to all the "acts and judicial proceedings" of the court which may aggrieve the party complainant. The remedy, however, is to be by writ of error, and this writ lies from an appellate court only upon matter of law arising upon the face of the proceedings. If the judgment be erroneous in matter of *fact* only, it is in the English courts a writ of error *coram nobis*, issuing out of the same court. With us, we administer the same justice by means of new trials, and by opening and modifying judgments erroneously entered.

Whilst, however, the writ of error from a superior to an inferior court must be founded on matter of law arising on the face of the proceedings, it is to be remembered that the law of every case arises out of the facts of the case, and therefore, unless the facts be got to appear on the face of the proceedings, the writ of error, and our large jurisdiction as defined by statute, would avail but little. Hence arose the necessity for a bill of exceptions. It was first given by statute of Westminster, 2d, 13th Edward I., but the statute related only to parties "impleaded," and not to those indicted; and hence it happened that the bill of exceptions was confined to civil cases, and to courts of civil jurisdiction. The facts out of which the legal rights of parties grew, could be brought upon the record in civil cases, by means of this invention of the bill of exceptions, but not in criminal cases. If they appeared necessarily in the making up of the docket entries, they could be noticed on a writ of error—if they did not, the court of error could take no notice of them. To remedy so great an incongruity in the conduct of civil and criminal cases, our legislature, by the Act of 6th Novem., 1856, Purdon, 1157, provided that on the trial of any indictment for murder or manslaugher, it should be lawful for the defendant to except to any decision of the court upon any point of evidence or of law, which exception shall be noted by the court, and filed of record, as in civil cases."

This was an extension of the law of bills of exception to the two high crimes mentioned, and now facts can be brought upon the record—not the docket, but brought upon the rolls—in criminal trials of these two crimes, with the same effect as in civil cases. All the evidence, or any part of it—all or part of the charge of the judge, may be thus got up. To use the language of Blackstone, 3d vol., p. 372, "If either in his directions or decisions, the judge mistakes the law by ignorance, inadvertence or design, the counsel on either side may require him publicly to seal a bill of exceptions, which is examinable in the next superior court," on writ of error.

The practice in the case before us was conformable to this state of the law.—Judge Lynn tells us in the extract I have made from the paper-books, that the jury were not improperly sworn; but the paper-books do not contain the full opinion. On referring to "the rolls," I find the paper which contains his statement of facts, is entitled in the motion of arrest of judgement and for a new trial, and at the end of it a note of the defendant's exception, and a formal bill, duly signed and sealed by the judge. This is followed by the clerk's certificate under seal, that this paper was filed of record, and it is certified by two of the judges in return to our writ of error, as part of the "record and proceedings" in the cause.

Now I submit, that in view of these facts, it is not possible for us to say with truth, that the circumstances attending the swearing of the jury, are not on the record. We may say that they are unimportant, or improperly on the record, but we cannot say they are not judicially before us. It may be granted that Judge Lynn might have refused to place them on the record—that he might have said he would not entertain the defendant's exception, and seal a bill at so late a stage of the trial, but he did not. On the contrary, he noted the exception, and sealed the bill, and filed the paper of record, "as in civil cases," and now we must repeal Act of 1856, or treat that paper as part of the record. Shall we say that we will disregard the facts, because the judge ought not to have sealed the bill? I submit that we have no right to disregard a bill of exceptions duly sent up. But on what ground would we reject it if we had the power?

The Act of 1856 does not prescribe at what time durin the trial bills shall be sealed, and though they are generally and regularly sealed as soon as the judge decides, yet if he allows them afterwards, we have nothing to complain of, for the only consequence of their being out of time is, that he was deprived of an opportunity to repair his mistake himself. But where, as here, the matter of the the exception was a "direction" of the judge, with which it would have seemed impertinent for the prisoner to interfere at the very beginning of his trial for life, it is carrying harsh justice very far to say that an exception is too late, which is made the instant the judge decides on the legal effect of his "direction." It were better to say that that was the suitable time to except.

But the question then before the court was, whether the judgment should be arrested and a new trial granted. What of that? The facts could be, and were, brought upon the record as effectually at that stage of the proceedings, as at any other. It is true, we do not reverse courts for granting new trials; and why? Not because the facts upon which the motion is grounded, may not, if the judge chooses, be placed upon the record, but because a motion for a new trial is an appeal to the discretion of the court, and we, as an appellate court, do not review exercises of judicial *discretion*, but only *judgments* and *decrees*. When a court renders a judgment, or decree, it is supposed to express, not the *discretion* of the judge, but the mind of the law—when judicial discretion is exercised, it is is indeed, regulated to some extent by legal principles, but it rests for its ultimate foundation, on the judge's view of what is fit, convenient and just. And as the legal principles which regulate his discretion are all for himself to apply, it is apparent that the decision can be nothing at last but the expression of his discretion, and as such it is not reviewable.

But besides the motion for a new trial, there was a motion in arrest of judgment, and the disposition of that motion was not a matter of discretion, but the overruling it was itself a legal judgment, which appears of record. With facts before him, which he has now placed before us, the learned judge decided that the judgment should not be arrested and a new trial granted.

Passing on the same facts he did, I hold *that* judgment erroneous. He ought to have arrested the judgment, because he had no jurisdiction to enter it up. He ought to have arrested the judgment or granted a new trial, because he had not given the prisoner a trial according to law. This is judging the record by itself strictly, as strictly as any casuistry which is itself legal, can demand.

Nor is there anything in either Jewell's Case, 10 H. 94, or that of Fife vs. Jones, 5 Casey, 429, to require such excessive *astutia* on our part as would ignore part of the record. There are some extravagant *dicta* in the former of these cases, but they can have no application to a case which comes up under the Act of 1856, for the Act was not passed until three years after that case was decided. These *dicta* may indeed have been among the causes which moved the legislature to the enactment. On some points, the case of Fife vs. Jones is very questionable law, but on the points I have discussed in this opinion, there is nothing in it inconsistent with what I have advanced.

My ground is, then, that the court decided that the novel mode of swearing the jury was sufficient in law, and placed that decision with the facts of the point on the record, in the usual manner of proceeding under the Act of 1856—that decision so pronounced and enrolled, is erroneous, and ought to be reversed; but instead of arresting the judgment, I would award the prisoner a new trial.

I have views about the proofs and the charge of the court, which differ from those of my brethren, but I do not express them, because, whilst they would not necessarily lead me to dissent from an affirmance of the judgment, they would tend to show that the question whether the prisoner killed his wife accidentally, or with malice prepense, is, in my judgment, a much more close and delicate question, than the majority consider it.—I waive all discussion of that question, and choose to consider it a plain case of wife murder; but because it is so, I insist earnestly on giving the prisoner all his constitutional rights. It is in extreme emergencies that the strength of constitutional guaranties are tested. If we can give the very guilty the benefit of them, the less guilty and the innocent obtain fresh assurance that they will not invoke them in vain. The habit of recognizing and enforcing such guarantees only when it is agreeable to our prejudices to do so, is of pernicious tendency, for the occasions of disregarding them will go on multiplying, until at last not only their force will be lost, but their very existence will be forgotten.

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ORIGIN OF OIL WELLS.—In Venango and the bordering counties where the people live, talk and even swear by their oil wells, the newspapers content themselves by discussing the origin of these singular natural productions. The *Spectator* man, who is 'well up in his catechism' finally carries off the palm by establishing Job as the first man that ever sprung a well. He says:

"Job xxxix, 6, the text reads—'The rock poured me out rivers of oil.' This is the oldest record of the Petroleum business and more ancient than the accounts of the discovery of oil in Birmah, which only dates back some 400 years.—Job was a rich man, and probably owned a 40 barrel well. He was the first operator in Petroleum of whom we have any account, though oil is also mentioned in Deuteronomy xxxii. 13."

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A DOCILE HUSBAND.—In Portland, Oregon, there is a man who lived with his wife several years, and they had several children. At last she got tired of him, and proposed that they should get a divorce. He said he had no objection, if she would support him. She agreed to do so, and they were divorced. She is now married to another man, and supports her former husband by retaining him in the family as a servant.

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GRAVE JOKE.—A wag going through a graveyard, observed on one of the stones the following lines:

"As I am now, so you must be,
Prepare for death and follow me."

He took out his pencil and wrote below:

"To follow you I'll not consent,
Until I know which way you went."

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A CURIOUS EPITAPH.—There is a conciseness and rhyme in the following epitaph that are pleasant to remember, and may serve as a model:

Here lies
Elizabeth Wise
She died of thunder sent from heaven
In 1777.'

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☞A young Thespian was once intrusted to deliver the following message to Lord Randolph in the play: "My Lord, the banquet waits." But having lost the run of the sentence, he called out amidst the roars of the audience, "Mr. Randolph, your supper has been waiting for some time."

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☞A writer in an Arkansas paper, who is evidently no friend of Lincoln, gives us his "sentiment" in the following style:

"Two posts standant,
One beam crossant,
One rope pendant,
Abram at the end on't—
Glorious! Splendent!"

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☞An exchange thus pathetically describes the fainting of a young lady:

"Down fell the lovely maiden,
Just like a slaughtered lamb;
Her hair hung down her pallid cheeks,
Like sea weeds round a clam."

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☞A man in Ross county, Ohio, has made 18 barrels of syrup the past season from water melons raised on one acre of land. The syrup sold for 80 cents per gallon, giving $460 for the land and labor.—This beats the beet.

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☞To the east of the Jordan there are whole cities, beautifully built, and adorned with all the beauties of Grecian and Roman art, still standing in desolate majesty, with no inhabitant but the wolf and the hyena.

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☞Never ridicule sacred things or what others may esteem such, however absurd they may appear.

Never to show levity when people are professedly engaged in worship.

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"Porter's Spirit of the Times" has an account of dreadful old fellow, who would rather tell a lie on six month's credit than tell the truth for cash! The idea is decidedly original.

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☞It is very well for children to be lambs, but a very bad thing for them to grow up sheep, and still worse for them to become young "bucks."

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☞An old Grecian philosopher advised all men to know themselves. That's advising a good many to form very low and disreputable acquaintances.

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☞"There's no place like home," said a friend of ours the other day to a pretty young lady. "Then," said she, "why don't you stay there?"

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☞A gentleman said to his friend the other day, "How do you like the new minister?" He replied, "First rate; he never meddles with politics nor religion."