The Miners' Journal

POTTSVILLE, PA.

Saturday Morning, March 18,

B. BANNAN, Editor and Proprietor:
O. LITTLE, Associate Editor.

WHIG STATE TICKET.

FOR GOVERNOR:
JAMES POLLOCK, OF NORTHUMBERLAND;
FOR CANAL COMMISSIONER:
GEORGE DARSIE, OF ALLEGHENY;
FOR SUPREME COURT:
DANIEL M. SMYSER, OF MONTGOMERY.

WHIG STATE CONVENTION.

This body assembled at Harrisburg on Wednesday—ex-Governor Johnston presided. The following nominations for Governor were made:—Wm. F. Johnston, Gen. Wm. Larimer, and Messrs. H. M. Muller, W. H. Keim, Judge James Pollock, J. R. Tyson and others.

The candidates named for Canal Commissioner were Anson Gray, Wm. F. Leech, George H. Hart, and General David Miller, of Philadelphia, and Messrs. David Taggart, George Darsie, Frick, Evans, Rice and Davidson.

The candidates named for the Supreme Court were very numerous. Among them are Messrs. Cowan, Chambers, Parry, Cornyn, Pollock, Miles, Jessup, Smyser, Watts, Hare, Gow, Pearson, Gibbons, Hazelhurst, Gordon, Purviance and others.

On the third ballot HON. JAMES POLLOCK was nominated for Governor, by the following vote:

Pollock, 82—Larimer, 37—Curtin, 11.

GEORGE DARSIE was unanimously nominated for Canal Commissioner, on the second ballot.

DANIEL M. SMYSER received 74 out of 122 votes, on the first ballot, for Judge of the Supreme Court, and was accordingly declared nominated.

During the evening session, the following despatch was received from Gen. Larimer:

"SAY to my friends 'Hurrah for Pollock.' I will do all I can for him. I leave to-night for Baltimore, Philadelphia and New York.
[Signed,] WM. LARIMER, Jr."

The Committee on Resolutions reported a series of nine resolutions, which were adopted separately, and unanimously as a whole. The sixth resolution is as follows:

Resolved, That the provision in the Kansas and Nebraska bill, now before Congress, which affects and repeals the Missouri Compromise, is a deliberate breach of plighted faith and public compact, a high-handed attempt to force slavery into a vast territory now free from it by law, a reckless renewing of a quieted agitation, and therefore meets the stern, indignant, and unanimous disapproval of the Whig party of the Commonwealth of Pennsylvania.

This is manfully coming up to the mark, and not dodging the question, as the Democrats did at their late Convention.

Of the superior character of the ticket, we are persuaded that every true Whig in Pennsylvania will be perfectly satisfied. The candidates have been most judiciously selected, and with the right sort of co-operation, on the part of the party throughout the State, they cannot fail to make a most successful run.

HEDGES ON OUR MOUNTAINS.

Man's arts and arms often make sad havoc with Nature's beauties. The urgent demand for wood for the business of the Region, has left many of our mountains almost bare of trees, and in the vicinity of Pottsville and other towns the effect of surrounding scenery is completely destroyed. On every side of us now, only the naked, barren and rugged mountains meet the view. We propose to remedy this defect by an artificial growth of vegetation. The plan is cheap, easily accomplished and, we think, effective—it is this:—That the owners of lots on our mountain sides, in the vicinity of the Borough, plant their lines with the Osage Orange.—Shoots a year old can be had for $5 per 1000, and in five or six years, with the least attention, they will be large enough to protect the enclosure without a fence. They are planted in double row, thus, 9 inches apart:

An easy calculation will show how large a lot a few dollars will thus enclose, and the consequent economy of this kind of fence.—Grain, fruit or vegetables may be safely enclosed by it; as when grown it is perfectly impervious, and effectually prevents depredations from hogs or other cattle.

This hedge is peculiarly adapted to the purpose for which we recommend it, as it will survive almost any climate and is said to thrive best on elevated ground. Certainly nothing could add more to the appearance of the suburbs of Pottsville, or better relieve the monotonous barren appearance of the surrounding scenery, than a number of these beautiful hedges growing up around us.

ROMANISM AND CRIME.

The New York *Freeman's Journal* lately acknowledged that most of the inmates of the jails and poor-houses in this country are Roman Catholics; and the *Puritan Recorder*, in the following article, shows the influence of Popery on morals in England. The immediate topic of the article below was the late dismissal of a Protestant Chaplain by the South-Dublin Union, because all its paupers were of the Papist faith:

"There is no little excitement in England in view of the disposition manifested by the Government, to appoint and support Papal priests to minister to Romish criminals in the prisons. It appears that this class of prisoners is so numerous, that a full supply of priests for this purpose, would bring under pay from the Government a considerable portion of the whole Romish priesthood in England. The Protestants contend, that the fact that Romanism has such a tendency to produce crime, is a good reason why it should not be thus fostered by the Government. It appears that the total number of prisoners in England is 21,626. Of these 16,677 belong to the Church of England; 1,391 belong to Dissenters; and 2,955 to the Romanists. Thus the few Romanists in England furnish one-seventh of all the prisoners; while the Romish population of England, is only one out of twenty-one of the whole people. That is, the Romish population produces, three criminals, where the other classes, religious or irreligious, produce one. The absurdity of the Government measure is manifest, in its taking under patronage the system that produces the largest portion of crime."

There is much in this subject, in its application to this country, worth thinking about.

PERTINENT QUERIES.

A correspondent of the Philadelphia *Register*, who says he has served a regular apprenticeship as a tinker, and therefore, according to Mr. Fallon at the late Price meeting, has no business to know anything about *Constitutional law*," asks to be enlightened on the following points:

1. If there is strong presumptive evidence that I am engaged in counterfeiting, has any person the right to enter my premises to ascertain the truth or falsehood of the charge? or, in other words, can any person, legalized or not, exercise the right of search?

2. If private gambling is carried on at my house, where, by means of loaded dice, &c., some person is thoroughly "plucked," has any person the right to search my premises, with or without a warrant, &c.?

3. If a runaway slave has escaped from his master, and when last seen was near or about my premises, has any person or persons the right to search my house, or "is not a man's house his castle?"

4. Again, if a man has stolen some property, has any person the right to enter his premises, to ascertain whether or not the goods are there?

To which the editor appends two more, to the same effect:

1. Why has the "gunpowder statute," which gives the *right of searching* suspected premises, been considered constitutional, and been executed as such for more than half a century?

2. Is "blue ruin" more constitutional than gunpowder?

WHAT IT COSTS.

A correspondent of Graham's Philadelphia *Mail* furnishes an interesting calculation, based on statistical facts collected some years ago, relative to the annual cost of Rum-drinking in the United States. He says:

It was, at that time, calculated that the amount paid in the United States *yearly* for ardent spirits by the consumers thereof, was $50,000,000. The amount is probably greater *now*, but let it stand at that. Now what *necessary* and *useful* things could be *paid for* with $50,000,000?

One answer is as follows:

It would purchase	4,000,000 sheep	$10,000,000
" "	1,200,000 bbls flour	6,000,000
" "	800,000 " beef	8,000,000
" "	1,000,000 bushels corn	1,500,000
" "	3,000,000 " potatoes	500,000
" "	10,000,000 lbs sugar	1,000,000
" "	400,000 " rice	900,000
" "	2,000,000 galls molasses	800,000
" "	500,000 suits of women's clothes	5,000,000
" "	1,000,000 suits girls do	3,000,000
It would also build 1,000 churches at $5000 each		5,000,000
It would also support 2,000 clergymen at $500 each per annum		1,000,000
It would also build 6,000 school-houses, $500 each		4,000,000
It would also furnish 500,000 newspapers $3 each		1,000,000
It would establish 5,000 parish libraries at $600 each		3,000,000
		$500,000,000

Now there are a great many points of view, in which to look at an estimate like this. This 500,000,000 spent for ardent spirits is to say the very least, a *useless* consumption. Nobody pretends that Alcohol affords *nourishment*, and nobody, I think, will now maintain, that as a *beverage*, it is either *necessary* or useful. That vast sum, then, is annually thrown away. This is the very best and least that can be said of it.

might have known more about Bedini; before his recent speech in reference to him.—There is not in Italy a more defunched clerical libertine, if the Romans speak the truth. And the man who put down the Roman Republic with French bayonets; and the man who at this hour is using all the power of the Papal Church to extinguish every spark of liberty in Europe, and who is sending every Italian patriot on whom he can lay his hands to death, dungeons, or banishment, commissions the butcher of Bologna to visit our country on his way to Brazil, to congratulate our President on his accession to the Chief Magistracy, and to solicit his protection of our Roman Catholic fellow citizens! What a tryo of priestly tyrants, with their feet upon the neck, and their daggers at the heart of liberty in Europe, and seeking liberty for their people here, where all are at liberty to worship as they will! What unblushing effrontery! Need we wonder that the Germans and Italians are excited?

But what has Bedini's errand here? Why call him from the care of the *Thebans* here? There must be some pressing necessity.—Why send him round here on his way to Brazil? Antonelli may be able to tell, so may Bishop *Hughes*. We are left to conjecture. There was some little difficulty about Church property in Buffalo—the same difficulty exists in other places. It is very hard to enforce the Canon law here. The people here, either by contagion or absorption, imbibe some notions as to their rights and privileges which priests and bishops find difficult to manage. Then our school laws are papistically wrong. And multitudes of papists, young and old, are forsaking the priest, and Mary, and the altar, for the Bible, the Saviour, and the pulpit. It was thought that a Nuncio might set these and other things all right. And Bishop Hughes himself is not regarded as the sharpest and wisest at headquarters. One was selected who had learned the trade of spy in Italy, and who was thought to be able to spy out the true causes of the crumbling of Romanism here, and the true remedies to prevent it. But his wand would not work. He lifted it up, and called for the darkness; but it would not come. And before he got half through, God gave a tongue to the blood of Ugo Bassi, and of the other martyrs of Bologna, which proclaimed the character of Bedini through the land. And from that moment the lock of his strength was cut, and the people swelled with detestation of the monster. And the mobs, composed mostly of those from papal countries, and who felt the iron of tyranny in their souls, in Cincinnati, Baltimore, and other places, like the spittings of the volcano, only revealed the slumbering fires that lay beneath.

And the man who was toasted in New York, who rode in the Mayor's carriage, who was feasted at the Governor's table, who was paraded in the saloons of Secretaries at Washington, had to pack his sweetments in a bag—to cover his shell with something that concealed his nonsense, steal away to Staten Island, and to pass from the deck of a Tug to that of a steamer for England, to avoid the hootings of the multitudes whom the tyranny of Papal Europe has driven from their homes to our shores! Did ever any man so go up as an eagle and so come down as a goose!

And where is Bishop Hughes at the closing scene, who figured so largely in the farce when the curtain first rose? The fox, he saw the storm coming, he very likely thought Bedini was upon himself, as he no doubt was,—he laid his hand upon his side, and gave a few coughs, and found it necessary to go to Cuba for his health! Halifax would not do in mid-winter.

We only want another Nuncio on his way to Brazil to complete the ruin of Popery in this land, which Bedini has so largely promoted.—The prestige of Popery is all gone. Its doctrines—its deceivings—its cunning craft—the character of its priests, taken as a class, the most heartless impostors on earth, are all understood. The system is in a state of dissolution everywhere; and were it not for the alliance there is between it and despotism to support one another, it would fall to pieces at once. If the free states of the Romans could be taken at this hour, they would vote the Pope, his cardinal, bishops, and all the inferior clergy, at least to purgatory, if not a little beyond it.

And it is loudly to be hoped that our political men will soon be made to feel, that to court the vote of the Romish priest and his people, is to forfeit the vote of the Protestant.

We have seen the first and last Nuncio from Rome in the United States on his way to Brazil.
KIRWAN.

THE PAPAL NUNCIO GONE.

The annexed article from the New York *Observer*, though late, cannot fail to find plenty of readers—the author is well known, as thoroughly conversant with the whole system of Papacy, and anything from his pen on the subject must command attention. The following is full of good things:

"And is it so that Monsieur, Archbishop, Gaetano Bedini, with all his suffixes and affixes, is gone? Yes he is gone! Or as a Hebrew of olden time would express it, "he has turned his back; he has run away." His modesty led him to avoid all public demonstrations, and he sought to get out of the country between two days; and now he is safely, as we trust, on his way to the foot of the Holy Father to render an account of his mission as Nuncio to Brazil, taking the United States on his way! And now that the farce is ended, and that Bedini has run away, it may be well to ponder a few matters and things concerning the man and his mission.

To come here with the high sounding title of Archbishop of Thebes, an old city in ruins on the banks of the Nile, which it is presumed no has never seen, or ever will.—*The Pope knows the influence of titles over weak minds*; and when he wants an agent, he seeks one fitted for the duty and bestows upon him some high-sounding title, at once to gratify his vanity, and gain for him credit, and access amongst the people to whom he is sent. Bedini was sent here, as he was once sent to Bologna, as a spy; and that he might the better, and the more readily perform his duties, he was made Archbishop of Thebes, and he had bestowed upon a little filiet made from the wool of holy sheep, by the withered nuns of St. Agnes! Had he come simply as a priest, he would pass unnoticed; but as the ARCHBISHOP of THEBES, he rides in the Mayor's carriage, and sails in a government steamer, and flourishes his canonicals at Albany and Washington! And yet some foolish people say a-name is nothing!

But he merely took the United States on his way as Nuncio to Brazil! another piece of low trickery! If not, why did he not go to Brazil? A Nuncio is an Ambassador from the Pope to an Emperor or King; when an envoy is sent to smaller states and with limited powers he is called an Internuncio.—And that he might loom up more largely in our republican country, the title of Nuncio to Brazil is superadded to that of Archbishop of Thebes! And the facts in the case are, that he was made archbishop of a city that he has never seen and never will—and that he was commissioned as nuncio to a country upon which he has turned his back. And all for the purpose of exciting our veneration for a man, the object of whose mission is yet concealed, and whose person and character, his noble countrymen being witnesses, are only worthy of abhorrence.

And who is the man on whom the Holy Father bestowed these titles for sinister purposes? The Italians that know him and his history being witnesses, he is a man of low origin, who acted as spy at Bologna to mark the friends of liberty and who, when clothed with power there, for the exercise of the ferocity of his nature, gave up to death the most cruel and summary, the persons that he had previously marked as a spy! He was first the spy and next the butcher of Bologna. And then when quailing before the indignant scorn of the civilized world, he sought to cast his crimes upon Austrian soldiers, as if blood enough were not crying to Heaven against them! How rarely do we find such a compound of the dregs of humanity labelled with such high sounding titles! Spy, priest, butcher, coward, Archbishop of Thebes, and Nuncio of the Pope to the Empire of Brazil, taking the United States in his way!!

And what is the moral character of this man? To those who know him; it is enough to say that he is an Italian priest with the morals of his order. And to those who know not the lives of priests in Italy, we give the testimony of his own countrymen, who say that he was once sent to Brazil as Internuncio, but was recalled because of his shameless dissoluteness. And this is the man who has been conserating papal bishops and churches amongst us, and blessing the poor people; as it such bloody and unclean hands could be employed to dispense the grace and favors of God.

But he came with a letter from the Pope to our President, to congratulate him on his accession to the Presidency, and asking him for his protection of our papal citizens; and with a letter from Antonelli, cardinal secretary of State, to introduce him, and praise him, and to ask official recognition of him! Did not the Pope know that here all men were equal before the law, civilly and religiously? If he did, what mofe could he ask? If he did not how dare he to ask from us for his believers what he withholds from our people, who believe the Bible! He shuts the English out of Rome, and confines them in their worship to a barn of a place without the walls;—he drives the Americans, in their worship, under the flag of their country and to the rooms of our legation; and one of his low, vulgar dupes here says that our minister there, if found successful in converting any Romans, would be kicked out of the city; and yet he asks our President for his kind protection of his vassals!! And Antonelli! Mr. Cass, the Nestor of the Senate, might know all about him, and

EDITOR'S TABLE.

THE AMERICAN AGRICULTURIST, weekly, has just entered upon its 13th volume. It is an excellent paper. Allen & Co., New York, Publishers. Price $1 a year—for sale at *Bannan's*.

THE LONDON QUARTERLY, for the last quarter, the first number of the 21st volume, has been received. Its contents are:—1. Life and Works of Grey; 2. Humboldt's Cosmos—Sidereal Astronomy; 3. The Missions of Polynesia; 4. M. Gelzer's Religion of the Chinese Empire; 5. Cassiers's Travels among the Lapps; 7. Memoirs of King Joseph; 8. Turkey and Russia.

Local Affairs.

☞ *Delightful* Spring weather for the week past.

☞ *Dr. Wythes* still continues his course of lectures on Monday evenings.

☞ *Thos. H. Walker, Esq.*, of this place, lectured before the Reading *Literary Society* on Tuesday evening last.

☞ *The warm sun* during the week has quite dried off our streets, and they are already beginning to be dusty.

☞ *Some* of our citizens, we observe, have already begun gardening—delightful weather for such work.

☞ *I. O. O. F.*—John L. Mennig, of this place, has been appointed D. D. G. P. for Schuylkill County, by the Grand Encampment of the *I. O. O. F. of Pennsylvania.*

☞ *St. Patrick's Day.*—For a wonder, yesterday was clear and bright—in fact a charming day. St. Patrick rarely visits us without a storm, and often the biggest of the season.

☞ *Prof. Barnum*, the Magician, will exhibit his sleight-of-hand tricks and other novel and attractive performances at the Town Hall, next Thursday evening.

☞ *The Concert* here, Tuesday evening, by the Countess Mara Estvan and Lady DeLacy, was well received. They are evidently accomplished musicians, and their entertainments are worthy of patronage.

☞ *Literary Society.*—Mr. John Y. Wren lectured on Wednesday evening—subject, the effect of the introduction of mechanics upon the comfort, prosperity and happiness of the people. It is represented to have been an excellent and interesting production.

☞ *Jno. S. Richards, Esq.*, of Reading, will lecture before the Literary Society next Wednesday evening. From the subject and the known peculiarity of the speaker, a rich treat may be expected.

☞ *Rev. Daniel Washburn*, Rector of Trinity Church, in this place, preached an eloquent and feeling sermon, on Sunday last, on the death of Rev. *Mr. Fowles. Mr. W.* was an assistant of the deceased in the Epiphany, Phila., immediately previous to his call to Pottsville.

☞ *Moving Time.*—This most dreadful of all dreadful occasions is now close at hand.—Already wagons and carts, piled with a heterogeneous mass of chairs and china, women and children, together with every variety of other crockery, may daily be seen solemnly wending their way through our streets. We wish the parties patience under those seasonable afflictions.

☞ *Spring Mud.*—Workmen have been busy for the week past scraping our streets, cleaning out the *gutters* and *carting off the mud*. It has made a material change for the benefit of travelers, thanks to the Town Council.

The roads are still bad in many places in the country. The stages, for a week or ten days past, have with difficulty made their way over the mountains.

[*Communicated.*]

☞ *Schuylkill County Teachers' Institute.*—The next annual meeting of this Institute, will take place at Port Carbon, on the 12th of April next, at 9 o'clock A. M., and continue in session two days and a half. The friends of education are invited to attend. The following persons have been procured as lecturers, viz: Messrs. J. K. Threwson, W. A. Field, W. H. Luchenbach, Pliny Porter, C. Little and Rev. D. Stock. A number of ladies have also been appointed to prepare essays to be read during the session. The President will deliver his annual address before retiring from his office. An election of officers will be held on the last day of the session; a large attendance is desirable.

☞ *Public Schools.*—On Thursday evening last the Board elected Mr. J. B. Philips Principal of No. 1 School for the ensuing year. Miss E. B. Strauch has been promoted a Second Assistant in Male School No. 2, and Miss Tacey C. Boyle was elected as Teacher of Female School made vacant by the promotion of Miss Strauch.—The salary of Miss T. M. Strauch elected Principal of No. 2 Male School was fixed at $250.

The Board also adopted the following resolutions:

Resolved, That singing be introduced into the Public Schools of the Borough by those Teachers who understand Music and impart instructions in the same, at such times as will not materially interfere with the other branches of instruction taught in the Schools.

Resolved, That the Board of *Directors* in establishing the Rules and Regulations governing the resignation of Teachers, consider it optional to any Teachers or not, during the Summer Vacation, who tender their resignations to take effect immediately after said vacation.

☞ *Another Soldier Gone.*—On Tuesday last JOHN MYERS, whose death is chronicled under the usual head, was buried with *military* honors, in this place.

The escort consisted of the Washington Artillery, under command of Sergeant Shomo, and the Minersville Artillery. The Scott Rifles, Capt. Richards, and the Yeagers, Capt. Alstadt, together with Twenty fellow Mexican soldiers of the deceased (all belonging to Capt. Nagle's Company), formed the remainder of the procession. A large concourse of citizens followed. Gen. F. M. Wynkoop, formerly Colonel of the regiment to which the deceased was attached, was present and participated in paying this last tribute of respect to the gallant dead. The incipient seeds of the disease of which he finally died, were doubtless contracted in the uncongenial climate of Mexico.

The deceased was a private of Company B, under command of Capt. Nagle, of the 1st Regiment of Pennsylvania Volunteers, in the Mexican war, and served with his Company throughout the entire campaign. He was present at the siege of Vera Cruz, and at the battles of Cerro Gordo, La Hoya, Huamantla and Atlisco, and was engaged in various skirmishes. He was highly respected both as a soldier and citizen, and his loss is deeply regretted by a large circle of friends as well as by his comrades in arms.

☞ *Improvements.*—"Cloud Home," is the appropriate name of a handsome residence just finished, in this place, by Col. JOHN BANNAN, of Orwigsburg. It is located on the side of Sharp Mountain, immediately back of the Clay Monument, and commands an extensive and beautiful view on every side. It is built, so far as our acquaintance with architecture extends, after no one particular model, but combines in an original plan, something of the ancient Greek with the modern Cottage style. The exterior presents a beautiful appearance, and being so prominently located, it is an object of general observation.

The division of apartments inside, and the general design and arrangement of the rooms, it would be difficult to excel. Nothing seems left undone that could in any way contribute to the comfort or convenience of the inmates; at the same time a due appreciation has been rendered to the purely ornamental, wherever it could be introduced with becoming effect. The painting of the doors, windows, &c., and papering of the walls, by J. W. Bowen & Bros., of this place, are executed in a superior manner; and the cornice work and centre pieces of the elegant parlor, dining and sitting rooms are also finished in beautiful style—while the splendid stained glass windows admit a softened and pleasant light, and give a beautiful effect to the whole.

The whole building is heated by a furnace, and the parlor, besides, has a grate of novel construction, which when used presents the appearance of a constantly bright fire, the ashes and slag falling below, out of sight. A branch pipe has been laid for the introduction of gas.

Water is to be thrown up into every room, where required, from a never-failing spring at the base of the hill, by means of a wind-mill.

The surrounding grounds, which at first presented a very rough, unpromising appearance, have been laid out and graded, and those immediately around the dwelling will be planted with shrubbery, and in the course of time will doubtless be greatly beautified. It is designed to enclose the whole lot, of several acres, with a hedge of Osage Orange.

Col. BANNAN will remove his family to their new home in a few weeks.

Another.—Capt. E. E. BLAND is about finishing a fine three-story brick building for a private residence, in Morris' Addition, just below the York store. Fronting on Centre street, it runs back on the Port Carbon road. The house is of good size, and being economically divided, will afford ample accommodations for the occupants. Both gas and water have been introduced, and every attention has been paid to render it a desirable residence, without much attempt at display, in its construction. The view up the Schuylkill Valley, from this location, is remarkably beautiful.

[REPORTED SPECIALLY FOR THE MINERS' JOURNAL.]

COURT PROCEEDINGS—*Continued.*

Friday, 10th.—*Com. vs James Devlin and R. F. Mason*—Assault and Battery, on oath of Thos. C. Lee. Jury trial. Verdict, not guilty; and Prosecutor to pay costs.

This was the second case growing out of the difficulty between Mason and Atwood, at Silver Creek, reported last week. Devlin is Constable of Blythe township; and when he, in company with Mason, went to the house of the Prosecutor to arrest Atwood, in the suit just referred to, Lee interfered, and in an altercation that ensued was put out of his house. Hence this action.

Counsel,—Prosecuting Attorney (C. Tower) for the Commonwealth; and James Campbell for the Defendants.

Com. vs Austin Clark—Murder and Manslaughter (two separate counts), on oath of Johanna McCall. Jury trial. Verdict, after four hours' deliberation, not guilty.

This was a singular case. The prisoner was a young Irishman, between 19 and 20 years of age, and was proved to be of industrious habits and good character. He went with two friends, by invitation, to spend last Christmas eve socially at the house of Michael McCall, the deceased, near Heckscherville. The assembled parties, some half a dozen in all, had drank once or twice of "hot-stuff," but before it had produced any other effect than to make them talkative, when suddenly a difficulty arose between McCall and Clark; and the latter, at the instance of one of his friends and without any provocation, went out of the house. Shortly after, Mrs. McCall, the present prosecutrix, followed, and talked with him for some fifteen minutes or more near the door. He was perfectly peaceable, seemed kindly disposed toward all the parties, and declared his willingness to go away, if Mrs. M. would only hand him out his clothes. She then went in. Soon after Clark knocked at the door, and both McCall and his wife, knowing it to be he, requested some one of the company to let him in. But as soon as Clark appeared on the door, McCall sprung upon him, and they rolled out clenched together on the ground—McCall uppermost. The others instantly came out and parted them. McCall was taken in, and to the utter amazement of all present died in a few minutes after.

He had said, immediately on being taken in, "the (Clark) struck me here," pointing to his left breast, "but he couldn't cooje it." Then showing signs of fainting, his shirt was opened, and water brought to bathe his head and breast. A slight scratch apparently was observed in the region of the heart, with no blood visible however, which on a subsequent *post mortem* examination by Dr. Hale, proved to be his death-wound—a stab with some sharp instrument, penetrating the left ventricle of the heart.

The death of McCall in the altercation was certain, but whether by the hands of Clark or by some other means unaccountable was the point at issue. Clark was not known to have had previously or to have used at the time any weapon—even a penknife; and nothing of the kind was afterwards found on the premises. Under these circumstances, the Prosecution abandoned the first count in the indictment, and asked for conviction only on the second. The Defence suggested the possibility of *accidental* death, and ingeniously argued that it was physically impossible for the prisoner, after he was grappled with and thrown down by McCall, to have taken a knife from his pocket, opened it and inflicted the wound; but that it he came to the door with the knife or other weapon prepared, his crime was *murder* (not manslaughter), which the Prosecution for want of sufficient evidence had abandoned—and that therefore on *either* count the prosecution must fail.

This was listened to and testified with remarkable unanimity, and little or no feeling was displayed. The trial throughout was conducted apparently with an anxious determination by all parties, to ascertain "the truth, the whole truth and nothing but the truth."

Counsel,—Prosecuting Attorney and Whitney for the Commonwealth; Palmer and Campbell for the Prisoner.

Com. vs Matthias Becker—Rape, and Assault with intent to commit a Rape (two counts), on oath of Hannah Waters. Jury trial. Verdict, not guilty on first, but guilty on second count of the indictment. Court sentenced the Defendant to pay costs, and to undergo imprisonment for 3 months.

The Prosecutrix was a little girl of 12 years old, daughter of Lewis Waters, a Dunkar, living near Pinegrove. Becker, a German, was a hired man in the family. It was indisputable from the evidence that he had been guilty of the grossest misconduct, though the facts hardly warranted a strictly legal conviction on either count.

Counsel.—Prosecuting Attorney and Campbell for the Commonwealth; Fisher (volunteer) for the Defendant.

Com. vs Wm. Bradley—Horse-stealing, on oath of Luke Towers. Prosecutor not appearing, the Defendant was discharged on proclamation, by order of the Court.

Counsel,—Whitney for the Defence.

Com. vs Frederick Dangler—Attempt to commit a Rape, on oath of Caroline Felix. *Nol. pros.* entered; Defendant to pay costs.

Monday, 13th.—*Com. vs George Ebert*—Voting twice at the same election and Perjury (two counts.) Jury trial. Verdict, not guilty; and County for costs.

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Counsel,—Clay (volunteer) for the Defendant.

These two cases were for habitual drunkenness, abuse of their families and the general disturbance of their respective neighborhoods. They now have the opportunity for a temporary reform, at least.

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This was the beginning of a number of similar cases, about which so much excitement was created in this county, last Fall.

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For the Commonwealth, Prosecuting Attorney; Campbell for the Defendant.

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For the Prosecution, Tower, Bartholomew and Fisher; Campbell, Palmer and Cake for the Defence.

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