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The Lost Pocket Book.

The other day I stepped into a Bowery stage, going up town, in which were some three or four gentlemen, and as many ladies. Soon after taking my seat, a young man, upon a fast run after us, called to the driver from the side-walk. The stage stopped, and the young man came up, pulled open the door and stepped in.—He was well dressed, with an overcoat on his arm, about eighteen, and evidently from the country.

The passengers moved to give him a seat, which he did not seem disposed to take, but looked anxiously about the stage.

'I have lost my pocket-book in this stage,' he said, as he began to examine the seats and floor.

Every man smiled incredulously, as every man in New York will at the first mention of any story of loss or misfortune, suspecting that every such story is simply a *ruse* to get money.

'It wasn't in this stage, I guess,' said one.

'Yes, it was in the stage. I got out at Broome street to take the cars, and as soon as I was out, found that my pocket-book was gone.'

'Oh, yes,' said one of the men, 'I recollect seeing you get out!'

This declaration quickened the memory of another, who also now remembered that he left the stage at Broome street.

Here every one in the stage commenced a search for the lost pocket-book. The search in a stage is not an extensive one; there are few crooks or crannies, or by-places in a 'bus, where lost treasures may lie secluded. Just cast your eye along the floor, and turn up the cushions' and the work is done. Every one got up, every one looked intensely along the floor and every one assisted in turning over the cushions. But every one failed to find a lost pocket-book. It certainly was not there. Again they looked at the floor, again pulled up the cushions, but with the same success.

The first thought I said always is, where one complains of losing, that it is all a ruse. The second thought is that somebody has stolen it. When no one could find the pocket book, each one began to wonder who took it from his pocket.

'It was in this pocket,' said the young man, 'and I sat in that corner:' which would have made it impossible for any one to have taken it while he was in the stage.

'I don't know what I shall do,' said the young man despondingly. 'I was going into the country, and I havn't got money left to pay my fare. I wonder if the conductor would take me?'

No one venturned a reply to this querry' but some one asked how much money he had in his wallet.

'Oh, only about a dollar and a half. I don't care anything about it, if I only had money enough to get home with.

The case was now reduced to a very similar point, and the question was, how should he get money enough to pay his fare. No one moved; but all were thinking, perhaps, though they did not say it, 'Well, go to the conductor—I guess he will let you pass,' or 'somebody, if you ask them, will let you have the money,' or 'Well, I can't do any thing for you—you must look for yourself.'

And all looked hard at the floor, for the third time, and thought of turning over the cushins again.

No one offered to give him anything, for if any one felt disposed to do a generous act, he had not courage, because every one would think, 'Why, what a fool you are, to give money to everybody that gets into a fix! If you undertake to give every one your hands will be full.'

'Come, hurry up!' cried the driver, 'can't stay here all day.

And on went the stage, tumbling over the rough pavement.

'How much did you say you needed? asked a lady.

'Fifty-five cents,' was the reply.

Without saying another word, she quietly drew out her purse. The effect was electrical. Every lady fumbled for her purse; every gentleman put his hand into his pocket, as they do in the city cars, when the conductor comes along and says, 'Fare, gentlemen!' And almost before the lady could put her money into the young man's hand, six or eight hands were extendsd to him with their contributions.

'There, there!' said the young man; 'take care—don't give me too much. I only want fifty-five cents: that's all.—There, you keep that—no, I don't want it, here's enough:' and he refused to take several pieces that were held out. Thank you, ladies and gentlemen,' and immediately he jumped from the stage and was out of sight.

I looked at that lady, whose magic touch of her purse called money from so many pockets, more surprisingly than Signor Blitz could possibly have done. She was perhaps thirty, well dressed, though not richly, with a fine, interesting countenance, yet not particularly beautiful. She was evidently in easy circumstances in life, and yet as evidently not wealthy.—

She was also, I suppose, a mother, as she had a beautiful little girl, of some four years old, about whose smiling rosy cheeks the chesnut curls danced, as she nestled into her mother's lap, or whirled round to look out of the window.

The gift of the money was a very small affair: but the manner in which it was done, and the circumstances, made a deep impression on my mind. She did not ask who his father was, and where he lived, and what he came to New York for, and why he was not more careful, and if he could not beg the money, or borrow it, or work for it. There was no flourish or parade—not a word: no vain-glorious look of triumph. She did not gaze round at others, as much as to say, 'Now follow my example,' A Fifth Avenue Madame (just moved into that quarter) would have turned up her aristocratic nose, and said to her coachman, 'John! send the fellow away: we can't be troubled all the time with those cheats and beggars!'

It was a small particle, but it was the genuine, pure gold. She was a mother; perhaps she had a son; and he might meet some time with a little accident away from home, and need a few pennies to return him to her fireside and her embrace. Would she not then bless the heart that might prompt a generous tho' a trifling service?

If it had only been an old fashioned country stage-coach, so I could have talked with her! In stage-coaches, anybody may talk to anybody without being intrusive. Even in a railroad depot, waiting for the cars, you might venture to speak. But in omnibus, it is scarcely polite to do more than assist a lady in getting in or out, or make change for her when she pays her fare, or—give her your seat.

But a mother has always a second self in her child. The little rosy cheeked girl was reaching her dimpled hands out of the window, catching at the carriages as they passed and laughing at the sport.—I patted her cheek and said, 'Won't you come and sit with me?'

She turned around with a mer ry laugh, that made her sweet face radiant as if the golden borealis was playing with her curls.

'Won't you go and sit by the gentleman?' said her mother, turning around and smiling.

What mother ever failed to be pleased when you caressed her child?

'Ah! hold up, driver—I must get out.'

No matter; I left the stage, and the child, and the mother. Who she was, where she went, I do not know. It's of no consequence. But there is one home, *somewhere*, that she makes happy; there is one fireside, not very rich, not very poor, where the comforts if not the luxuries of life, and even its toils, are sweetened by her goodness.

God bless her! whatever joys or sorrows she may have in life; may she, every day do some *little* deed of noble, generous sympathy and love, that shall help to lighten somewhat the heavy load of trouble, misfortune and misery that afflicts humanity! Every such act shall be a new star to gleam in life's dark firmament; a new spark to kindle fires in its chilly and cheerless waste: a new beacon to light others to generous deeds. She did not dream that any one would think of it, perhaps has already forgotten it herself. Yet that little act has a better memorial than I can give it. I shall see hor no more; but I will think of that act.

Who knows but some day to come my boy may be far from home, and in a great city and penniless! Who knows? Would I not bless and pray for the one who should give him but a farthing, that he might return to my embrace, so that I might kiss him when he went to sleep, as I used to do, and he not be compelled to stay all night in the streets, or, what is worse, perhaps be seduced to the abodes of death?

Do deeds of generous love! They may be small. Never mind that; they cannot be so small but that they shall call forth thanksgiving from some heart—but that they will be seen of Him who numbers your hairs, and notices a sparrow's fall.

Judge Porter's Charge to the Grand Jury of Carbon County, Jan. Session 1854.

In your assembled capacity as the Grand Inquest, enquiring for the body of your County, you have solemn and important duties to perform; upon the fidelity with which you shall discharge these duties in a great measure depends the preservation of public morals in their purity.

It is not to be expected that the court can say anything new in regard to the rights and duties of Grand Jurors. All that we can do, is to point out the well understood and well defined powers, which you can legitimately exercise and give some practical instructions, as to the legal manner in which your duties should be performed, with the greatest convenience and comfort to yourselves; the dispatch of the public business, and a proper care for the rights of individuals.

The trial by jury is an invaluable right, which is guaranteed and secured by the constitutions of the United States and of this commonwealth. We derive it from our Anglo Saxon ancestors, and its origin is lost in the lapse of time which has occurred since its institution. It has been modified and improved from time to time, to suit the changes and advancing intelligence of society, and its value, as an essential safeguard of the rights of the citizens, is appreciated in proportion to the freedom and information of the people among whom it is in use. So long as jurors perform the duties which the law has assigned them, with integrity and intelligence, the trial by jury will be loved and revered. It will only be, when jurors forget their duty or lack the necessary information, to perform it intelligently, that we shall have just reason to fear that this invaluable right may fall into discredit, by loss of confidence in it.

The grand jury is properly and emphatically said to represent the county in which they assemble,—to bring together into one collected body, information from every part or district of it. From their local position, the jurors will be able to know the character and intelligence of the witnesses examined, as well as to speak of their own knowledge of facts and circumstances which have transpired in their own neighbourhoods. 1. The oath which each of you has taken contains an admirable summary of your duties, and by properly recollecting the obligations you have assumed you will scarcely fall into error in the performance of them.

You are required, First.—"Diligently to enquire and true presentment to make, as well of those things which are given you in charge, as of those, touching this present service, which of your own knowledge, you know to be presentable here."—Second.—"The commonwealth's counsel, your fellows' and your own, you are to keep secret."—Third.—"You are to present no one for envy, hatred, malice or ill-will; nor leave any one unpresented for fear, favour, affection, gain, reward or the hope thereof, but to present all things truly as they come to your knowledge, according to the best of your understanding."

Keep these solemn injunctions in view, in all your deliberations and acts. In the first place, use all diligence in fairly endeavoring to elicit the truth from the witnesses sent up to you, in support of charges prepared and preferred by the prosecuting officer, in order to make and return to the court the proper finding thereon. Again; if any one of your number has any personal knowledge, either of the particular transaction in relation to any other criminal violation of the law of the land, the first branch of the oath requires him to communicate it to his fellows, and if the facts detailed will warrant them in so doing, the Grand jurors are bound to make presentment thereof to the court. The injunction of secrecy which the *second branch* of the oath prescribes, I fear is imperfectly understood, or not always strictly kept. The proceedings of Grand Jurors, the nature of the testimony before them, and even the votes of individual Grand Jurors are sometimes promulged. This should not be. The obligation to keep "secret the commonwealth's counsel, your fellows' and your own" prohibits any member of the Grand Inquest from *ever* divulging the evidence given before them, the instructions of the prosecuting officer or the discussion or decision of any question by the Grand Jurors themselves, or the manner in which any Juror acted or voted upon any question. There are some exceptions to this rule, when a grand juror is called as a witness in court, which are only tolerated, under particular circumstances, and then only to a limited extent. In all other respects the obligation of secrecy is imperative and should be strictly observed.

The third branch of the oath, which requires the strictest impartiality in your decisions, is important and cannot be too strongly or impressively urged upon your attention. It binds you to lay aside all partiality and prejudice—to sacrifice them on the alter of public justice, and to look to the evidence in the cause, and to that alone, as your guide and rule for deciding every question which shall arise before you. The human mind, we all know, is very susceptible of lies and prejudice. They often operate upon the most honest and conscientious and few of us are aware, at all times, of the extent of their influence upon human actions.—By carefully watching and honestly endeavoring to guard against their influence, we will do much to retain public confidence in the trial by jury, which has been subjected to more reproach from this, than from other cause.

The form of the oath of Grand Jurors has been long in use and the duties therein so imperatively enjoined, are sanctified by the experience of centuries, as wise and wholeseme provisions of the law; the tendency of all which is to promote the peace, welfare and good order of society.

Not more than twenty-three jurors can be sworn upon the Grand Inquest. The vote of twelve jurors is necessary to find a bill, and if the whole number of twenty-four summoned, were sworn, it might occur that twelve would be for finding a bill and twelve against it, and thus no majority could be had either way. You hear the evidence on the part of the prosecution truly, and from that evidenee are to decide whether there be sufficient ground to put the party on trial for the offence charged. Such is the care and tenderness of the law, that it will not permit a man to be put upon his trial for a criminal offence, unless the charge be sustained by evidence to satisfy at least twelve Grand Jurors that it is well founded, nor can he be convicted of the offence, after a bill is found, except by the unanimous verdict of twelve petit jurors, who hear all the evidence, as well that on behalf of the defendant as of the commonwealth.

In examining the witnesses, produced on the part of the commonwealth, you admit but one witness at a time before you, and when you have gone through his testimony, you discharge him and call upon another, so that no witness can be present at another's examination or know what he has testified. It will be well to adopt some regulation within yourselves, as to the mode of interrogating the witnesses before you, to prevent confusion,—to preserve order and to give each juror an opportunity of asking any proper questions, which he may desire to put to the witness.

The foreman, of course, is the presiding officer of the Grand Jury, and upon him devolves the duty of preserving order, calling forward the witnesses, and if they have not been sworn in court, before they are sent up; of swearing the witnesses named on the bills and examining them in chief. When he has gone through, the other jurors, in order, if they desire it, can examine the witnesses, until all are satisfied. A prompt, systematic and business like discharge of his duties, by the foreman, will tend much to the dispatch of business.

The Grand Jurors, however, must recollect that they are to hear legal testimony only. The witnesses must testify according to the usual rules of evidence. Hearsay and rumor are not evidence.—The Grand Inquest like the court and traverse Jury must have evidence of facts, and circumstances, on which to predicate their action; and they should never return a bill true, unless they are satisfied that there is a reasonable ground for the accusation, laid by the evidence.

Whilst petty and frivolous prosecutions should be discouraged the Grand Inquest ought always to find a bill, where a clear violation of the law is made out. It has been truly said, "that human passions will have vent and they are much better spent in a court of Justice, than in private revenge, which they will generally seek, if legal redress be denied them."

When the offence is laid, in the indictment to have been committed *feloniously* and the Jury think that there is not evidence enough to find a "true bill," the foreman simply endorses the word "Ignoramus," and subscribes the finding.

Wherever the offence is *not* laid to have been committed *feloniously* and the Jury think the bill ought to be ignored, they must decide whether the prosecutor or the county shall pay the costs of prosecution and endorse this part of their finding upon the bill, taking care always to name the prosecutor in such finding, where they direct him to pay the costs.—The act of Assembly authorizing the Grand Jury to impose the costs of prosecution, in cases of misdemeanors, upon the prosecutors, was passed to check malicious and vexatious prosecutions.—Wherever they appear to have been instituted from improper or malicious motives or with intent to vex, harass or persecute a defendant, without any reasonable or probable cause, there, it is but right to impose the costs on the unjust prosecutor. Care, however, must be taken no to push this power to extremes; for the criminal Justice of our county may fail of answering its proper purposes, if that, which was intended to punish the malevolent, be made to oppress the honest and sincere although, perhaps, mistaken prosecutor.

It is scarcely necessary to go over the list of crimes, in their order, which come before our Courts of criminal jurisdiction, from murder down to the simplest misdemeanor—If anything out of the ordinary course should arise or if any thing connected with any offence charged, should create any difficulty in your minds, the Court or District Attorney will give you every information in relation to these definitions or the facts necessary to constitute them, or any thing else connected with your official duties, with much pleasure.

Yet there are some subjects as the moving causes of crimes, in relation to which the Court desire your attention for a short time.

A reference to the calendars of our jails and penitentiaries—to the dockets of our Courts of criminal jurisdiction—to the lists of paupers crowding our alms houses, poor houses, and infirmaries, will show that intemperance is the grand channel through which they are supplied with victims. It is the great sin of our land, and brings in its train more disease, misery, crime, and death, than all its other auxiliaries put together.

Taverns, it is true, must be licensed according to law, but they are only to be licensed "to accommodate the public, and entertain strangers and travelers."—The granting of tavern licences is committed to the court of quarter sessions of the proper county, and if we are properly informed, we will not err in licensing either improper persons, or unnecessary houses. Our knowledge of the localities of the county, and of the necessity of having houses of entertainment in various parts of it, is necessarily limited. Hence the act of assembly requires that each person petitioning either for the grant or remewal of tavern license, shall procure, and produce to the court the certificate of twelve citizens of the township, setting forth: "That such inn or tavern is necessary to accommodate the public, and entertain strangers and travelers, and that such person is of good repute for honesty and temperance, and is well provided with house room and conveniences for the accommodation of strangers and travelers." But this precaution of the legislature seems often little better than a dead letter, or at best, is too frequently treated as a mere matter of form—a thing of course. The votary of intemperance—the encourager of neighboring custom, to drink to their own ruin, himself often reeling amidst his kindred Bacchanalians, receives from men, esteemed by the community to be of honorable and high minded integrity, a testimonial which should only be given to the sober and honest petitioner for license. If the citizens will only exercise the proper firmness, and we may add honestly, in the behalf, it will save the court much trouble, and the public, perchance themselves, much misery. But it is lamentably too true that men having good reputations for veracity, will subscribe recommendations for tavern licenses, containing statements which they would utterly repudiate if called upon to satisfy under oath.

Connected with the vice of intemperance, and often its associate, is that of gambling. An offence prohibited by law, under severe penalities, both in the parties engaged in it, and on the innkeeper or house-holder who permits it on his premises.

If there were no gambling houses, we would have few gamblers, and fathers would not have to mourn over the blighted prospects of their sons, usefulness, our wives sit weeping away the night which should be devoted to needful repose, in waiting the return of a beloved, but infatuated husband, from these sinks of pollution and ruin. The tavern keeper who suffers such a nuisance about his premises, besides subjecting himself to fine and imprisonment, forfeits his license, and is incapable of being again licensed for a time. Tavern keepers must learn to keep orderly houses, and not suffer tippling, gaming, or carousing about their premises. They are emphatically licensed to accommodate strangers and travelers, not to be lures for neighboring custom, nurseries of intemperance; or dens in which gamblers carry on their robberies upon the weak, the inexperienced, or the infatuated. Whilst the court will sustain tavern keepers in their proper pursuits, they will visit, with exemplary punishment, on their heads, all violations of the law, and of morality, and hold them to a strict account. *We will not renew the license of a single tavern keeper who, we have reason to believe, permits gambling or habitual intemperance about his house.* These evils are sapping the morals of the community, and they must be exterpated.

But the unlicensed tippling shops with which our towns and villages abound, are another fruitful source of mischief and demoralization. These allure apprentices and youth away from their masters and parents, destroy their habits, corrupt their morals, and if they do not send them to an untimely grave, they destroy all their future prospects of usefulness in this life, as well as their hopes of happiness in that beyond the grave. Connected with these are the disorderly houses, many of the vilest and worst cast, of which, if rumor speaks true, there has been a lamentable increase of late years.

The court earnestly desire, that you will, with fearless courage, hunt out all such pests of society, and present them to the notice of the court. They desire that the police of our county with our magistrates, and indeed all good citizens will join in getting the necessary proof for the prosecution and conviction of all such offenders. The citizen who steps forward and causes the prosecution and conviction of the keeper of a gambling house, a tippling house or a disorderly house, is a public benefactor, and deserves the thanks of society. Let us all endeavor to maintain a high tone, and a sound standard of morals, and we thereby best fulfil the duties, which, as citizens, we owe to our beloved country, and do much to prepetuate the blessings of our free institutions.

When you shall have passed upon the bills of indictment before you or at any interval in your business that will best suit you. It will be your duty to examing the Jail and see how far it answers the purposes for which it was intended, what alterations and repairs are necessary for the safe keeping as well as punishing of offenders;—how the prisoners are treated and kept, and what further conviences, if any, are required to prevent their suffering in this inclement season. The sheriff will conduct you through the establishment, when you may inform him of your readiness to visit the prison, and you will make a report in writing to the court of its state and condition.

You will also visit the public offices and see how they are kept and whether any improvements or alterations are there required for the public security or convenience. It is also your duty to pass upon all the reports made by viewers of public bridges. By our act of Assembly, any number of the citizens of any part of the county may by petition, set forth to the court that a bridge is wanted over a stream upon any public road in the county, and that the expense is greater than the township can reasonably bear.—It is the duty of the court; thereupon, to appoint viewers to go upon the ground, view the site of the proposed bride, ascertain the facts and make report to the court. If they find the facts as represented by the petitioners; and the grand jury, the court and county Commissioners concur, the bridge is erected at the county expense. In passing upon such bridges you will enquire *first*, whether such bridge be necessary for the public convenience—2d, whether the expense of erecting it, be greater than the township can reasonable bear. If you find both these matters in the affirmative, you will *allow* the bridge; for, after its allowance by the grand jury and court, the county Commissioners can still postpone its erection until the state of the county funds will justify them in so doing.

It is right that the viewers, Grand Jury, court and Commissioners should be liberal on this subject, in freely allowing such bridges as county bridges, whenever necessary to public convenience; for good roads and good bridges greatly improve the conveniences of traveling, enhance the value of lands and tend to the settlement and improvement of our county.

The supervisors of townships should be systematic in opening and keeping in repair their roads and that to the proper season of the year. It is doubtful, at least, whether the present system of repairing our roads, by letting each tax payer work out his tax is the proper one. In many instances imbecile old men and half grown boys are sent with dull picks, broken shovels or other tools, of a similar character, to do that for which the wages of an efficient man are allowed—every township ought to have its proper road plough, scraper, picks, shovels, and other necessary tools, of the best quality. The supervisors should see that they are all kept in first rate order and properly preserved for use, whenever needed. They should place them in the hands of those employed to work on the road and those hands should be paid according to their ability and industry—a reform in this matter is essentially needed.

The Grand Jury should hold supervisors to a strict responsibility in performing their duties. The whole public is deeply interested in the subject and in every instance in which there is found to be the slightest neglect of duty and the fact is either known personally to a Grand Juror, or proved before the body, bills should be found against the delinquent officers.

Every Word True.

It is a great and prevalent error, that children may be left to run wild in every sort of company and temptation for several years, and that it will be time enough to break them in. This mistake makes half our spendthrifts, gamblers, thieves and drunkards. No man would deal so with his garden lot; no man would rai e a colt or puppy on such a principle. Take notice, parents,—unless you till the new soil and throw in the good seed, the devil will have a crop of poison weeds before you know what is taking place. Look at your dear children, and think whether you will leave their safety or ruin at hazard, or whether you should not train them up in the way they should go.