The Franklin Repository.

BY M'CLURE & STONER. CHAMBERSBURG, PA., WEDNESDAY, MAY 31, 1865. VOL. 72...WHOLE NO. 3,708.

TERMS OF PUBLICATION.

THE FRANKLIN REPOSITORY is published every Wednesday morning by "THE REPOSITORY ASSOCIATION," at $2 50 per annum, IN ADVANCE, or $3 if not paid within the year. *All subscription accounts* MUST *be settled annually.* No paper will be sent out of the State unless paid for *in advance*, and all such subscriptions will invariably be discontinued at the expiration of the time for which they are paid.

ADVERTISEMENTS are inserted at FIFTEEN CENTS per line for first insertion, and TEN CENTS per line for subsequent insertions. A liberal discount is made to persons advertising by the quarter, half-year or year. Special notices charged one-half more than regular advertisements. All resolutions of Associations; communications of limited or individual interest, and notices of Marriages and Deaths exceeding five lines, are charged fifteen cents per line.

☞ *All Legal Notices of every kind, and all Orphans' Court and other Judicial Sales, are required by law to be advertised in the* REPOSITORY—*it having the* LARGEST CIRCULATION *of any paper published in the county of Franklin.*

JOB PRINTING of every kind in Plain and Fancy colors, done with neatness and dispatch. Hand-bills, Blanks, Cards, Pamphlets, &c., of every variety and style, printed at the shortest notice. The REPOSITORY OFFICE has just been re-fitted with Steam Power and three Presses, and every thing in the Printing line can be executed in the most artistic manner and at the lowest rates. TERMS INVARIABLY CASH.

☞ Mr. John K. Shryock is our authorized Agent to receive Subscriptions and Advertisements, and receipt for the same. All letters should be addressed to

M'CLURE & STONER, Publishers.

Coal, Lumber, &c.

CARPENTERS AND BUILDERS!
ATTENTION!
The undersigned have now on hand, at their PLANING AND FLOORING MILL, a large supply of Sash, Shutters, Doors and Blinds for sale, or made to order.
Mouldings of all descriptions, from half inch to 8 inches, on hand.
Plain and Ornamental Scroll Sawing neatly executed.
Also—Wood Turning in all its branches. Newel Posts, Banisters, Bed Posts, &c., on hand.
A large supply of Dressed Flooring for sale.
Also—Window and Door Frames on hand or made at short notice. HAZELET, VERNON & CO.,
febl tf Harrison Avenue, Chambersburg, Pa.

NOTICE TO FARMERS.
100 TONS OF TIMOTHY HAY
Wanted by GEO. A. DEITZ.
200 WALNUT LOGS
Wanted by GEO. A. DEITZ
100 ASH LOGS
Wanted by GEO. A. DEITZ
100 LARGE CHERRY LOGS
Wanted by GEO. A. DEITZ.
WHEAT, RYE, CORN, OATS,
and all kinds of Produce bought by GEO. A. DEITZ, at his Warehouse above the Railroad Depot.
STOVE AND LIME COAL
for sale cheap, by the ton or half ton.
OAK AND HICKORY WOOD
by the cord or half cord.
OAK AND HICKORY WOOD,
sawed and split for stove use, by the cord or half cord.
WINDOW AND DOOR SILLS,
of Oak, Walnut and Pine always on hand.
WINDOW AND DOOR-FRAME STUFF,
and all kinds of LUMBER, such as Oak and Pine Plank; Oak, Walnut, Pine and Hemlock Boards; Flooring Boards Joists, Scantling, Shingles, Paling Laths, &c.
BEST OF ROOFING SLATE
always on hand, and roofs put on by the best Slaters, who have drawn medals for their super or workmanship.
CALL AT DEITZ'S WAREHOUSE,
above the Railroad Depot, and *buy cheap.* [dec21

LEONARD EBERT & SON.
COAL AND LUMBER MERCHANTS.
We have on hand all kinds of Coal and Lumber, and are prepared to furnish Bill Lumber to order at short notice, all at the most reasonable terms. Our stock of Lumber consists of
White Pine 2 inch Plank,
" " 1½ " select Plank,
" " 1½ " Plank,
" " 1 " select and Culling Boards,
" " ½ " Boards,
" " ½ " Siding (6 inch,)
" Best River Shingles,
" Worked *Flooring,*
" " Siding
" Joist and Scantling, all sizes,
Hemlock Joist and Scantling,
" Boards,
Yellow Pine Boards, Joist and Scantling,
Paling and Plastering Laths.
We have also always on hand a good supply of all kinds of Coal for stoves and lime-burning. Also a superior article of Broadtop Coal for blacksmiths. The public are invited to give us a call, as we will endeavor to give satisfaction to all that call.
Coal and Lumber furnished on the cars to any station on the Franklin Railroad.
☞ Office on Second St., in the rear of the Jail Yard, Chambersburg, Pa. LEO. EBERT & SON.
july27-tf.

SMALL, BENDER & CO.,
York and Goldsborough, Pa.,
LUMBER DEALERS
AND MANUFACTURERS OF
SASH, DOORS, SHUTTERS, BLINDS,
DOOR AND WINDOW FRAMES, &c.,
Keep constantly on hand a well selected stock of seasonable Lumber, viz:—Joist and Scantling, Weatherboarding, dressed Flooring, Siding, Laths, Shingles, Palings and Fencing.
☞ White Pine and Oak Bills, sawed to order at the shortest notice. All communications should be addressed to YORK, Pa. [sep28-1y

STEAM SAW MILL.—The undersigned have erected and in operation a Steam Saw Mill at the South Mountain, near Graffenburg Springs, and are prepared to saw to order Bills, of WHITE OAK, PINE, HEMLOCK or any kind of timber desired, at the shortest notice and at low rates. One of the firm will be at the Hotel of Sam'l Greenawalt, in Chambersburg, on Saturday the 24th inst. and on each alternate Saturday thereafter for the purpose of contracting for the delivery of lumber. LUMBER DELIVERED at any point at the LOWEST RATES. All letters should be addressed to them at Graffenburg P. O., Adams Co., Pa.
dec14-tf MILTENBERGER & BRADY.

BUILDING LUMBER.—The undersigned is prepared to saw all kinds of Building Lumber at the lowest market price. R. A. RENFREW,
GREENWOOD MILLS, Fayetteville P. O. dec22-1y

50,000 GOOD CHESTNUT SHINGLES for sale. Apply immediately. GEO. FLECK,
may17-4t* adjoining Fair Ground.

Boots and Shoes.

TO ALL WHOM IT MAY CONCERN.
JACOB HUTTON'S BOOT & SHOE STORE.—The undersigned takes this method of returning his thanks to his numerous customers, and the public generally, for the very liberal patronage heretofore extended to him, and hopes, in his present misfortune in common with nearly every business man in town, that he will still continue to be remembered. He has the pleasure of informing the public that he has opened his Store *in the Basement of J. B. McLanahan's Dwelling, on Second Street,* four doors North of the Methodist Church, where he is prepared to offer a general assortment of Men's, Women's and Children's Boots and Shoes, embracing his own and City manufacture, which, for excellence of style and durability, are superior to and cheaper than his former stock, and will be offered at prices to suit all. He is in Weekly Receipt of Goods from Philadelphia, which for beauty and excellence cannot be surpassed South of the Susquehanna.
CUSTOMER WORK of every variety done with promptness.—As he employs none but superior workmen, he feels justified in guaranteeing all work made at his establishment. Don't forget the place *Four Doors North of the Methodist Church, Second Street, East Side.*—TRUNKS, of the latest style, from approved makers, always on hand, and for sale at a very small advance on original cost. JACOB HUTTON.
[aug24]

REMOVED.—The undersigned has the pleasure of informing his old customers and the public generally, that he has removed his BOOT & SHOE STORE to the *New Brick Building of George Ludwig,* on Main Street, one door south of Greenawalt's Hotel, where he is now opening the largest assortment of Boots and Shoes ever brought to the county. His stock embraces every variety of Youths', Ladies' and Men's BOOTS & SHOES, which for style of finish, and durability of wear, cannot be surpassed in the county, and which will be sold at prices to suit the times. Having purchased THE LATEST STYLE OF LASTS, he is prepared to make Customer work, at short notice, by the best workman in the county. With a disposition to be obliging and accommodating, he hopes to merit a liberal share of patronage—without a desire to monopolize, as his motto is, in our common calamity, *to live and let live.*
Particular attention paid to all kinds of Repairing.
TERMS CASH, AND PRICES UNIFORM, WITHOUT EXTORTION.
He has also on hand, and for sale, cheap, Trunks, Valises, Carpet Sacks, Linen and Paper Collars, Paper, Envelopes, Ink-stands, Steel Pens, &c., &c.
may 10. P. FELDMAN.
N. B.—All persons knowing themselves indebted will please call and make immediate settlement, that I may be enabled to meet my former liabilities in the City.

WHOLESALE AND RETAIL!
ROPES & TWINES.
The undersigned having purchased the entire Stock and Fixtures of the Rope and Twine Manufactory of J. P. Grey, dec'd, respectfully announces to her friends, and the former patrons of the establishment, that she will continue to carry on the business, in all its various branches, at
THE OLD STAND,
on Franklin street, Chambersburg, where she will be pleased to receive the calls and orders of the public. All kinds, sizes, and qualities of
ROPES, CORDAGE, TWINES, &C.,
always kept on hand or made to order of the best material, and furnished at reasonable prices. In connection with the above business, she is also prepared to manufacture
HAIR, HUSK, AND OTHER
MATTRASSES,
as well as Horse Blankets and Fly Nets, of superior quality and style. Persons in want of superior articles in the above line are requested to call, or send their orders, which will be attended to promptly.
dec21-1y MARY E GRAY

Silver-Mining Company.

THE McCLEAN SILVER MINING COMPANY OF MONTANA.

CAPITAL $1,000,000.

100,000 SHARES AT $10 EACH

FULL PAID-UP $5 EACH.

President,
EDWARD E. JONES, Philadelphia.

Vice President,
COL. S. McCLEAN, Montana Territory

Secretary and Treasurer,
WILLIAM M. BARLOW, Philadelphia.

Directors,
EDWARD E. JONES, Philadelphia,
COL. S. McCLEAN, Montana Territory.
JACOB HAY, Easton, Pa.
GEORGE H. ROBERTS, Philadelphia.
WILLIAM W. LEDYARD, Philadelphia.
J. G. GILL, Montana Territory.
J. CADELACOUR, Camden, N. J.

OFFICE, 429 CHESTNUT STREET, PHILADELPHIA.

The Eaton and Aurora Silver Lodes, the property of this Company, are situated on the Rattlesnake Creek, a never failing mountain stream, which empties into the Beaver Head River, a tributary of the Jefferson Fork of the Missouri, in Beaver Head County, in the Territory of Montana, and contain twelve hundred feet each.

The width of the Eaton Lode is five and one-half and of the Aurora three and one-half feet, running to unknown depths, and increasing in richness as they go down. These two lodes are only forty feet apart, and probably run together at some distance from the surface.

An estimate heretofore made, based upon actual assays made in the ordinary form and in bulk, will show the immense yield of these mines and their great value as Silver producing Lodes. These assays were made by Prof. A. K. Eaton, Prof. Forrey of the New York Assay Office, and Prof. Gentle, of this city

EATON LODE.

Sample No. 1	Silver per ton	$162 33
	Gold "	Trace
Sample No. 2	Silver per ton	93 75
	Gold "	81 72
Sample No. 3	Silver per ton	467 23
	Gold	Trace.
Sample No. 5	Silver per ton	1,677 70
	Gold "	1,251 35

AURORA LODE.

Sample No. 1	Silver per ton	$198 21
	Gold	Trace.
Sample No. 2	Silver per ton	73 90
	Gold "	21 10
Sample No. 3	Silver "	201 16
	Gold	Trace.
Sample No. 4	Silver "	314 52
	Gold	small quantity

NEW YORK, January 21, 1865.

PROF. A. K. EATON:—DEAR SIR: The sample of ore that you left with me, marked "Discovery E," gave by assay, in Silver $164 56-100 Silver per ton.

Yours truly, JOHN TORREY.

PHILADELPHIA, April 3, 1865.—The sample of silver ore from Montana Territory examined at your request contains 172.22 ounces of Silver in 2000 lbs. of ore: value, $234.22 Gold per ton. The above ore is said to come from the Eaton Lode. F. A. GENTH.

Messrs. Adelberg and Raymond, mining Engineers, New York, say:

"We assume that the Lead ore will yield $75 in Silver to the ton, and the Silver ores $500. These figures are moderate enough, since, according to our assays the Silver ores contain from $913 to $3010 specie value."

From the above assays, some idea may be formed of the immense value of this property, and of the certainty of a large yield. But even that idea will be merely approximative, without a due consideration of the following facts: The celebrated Comstock Silver Lode, in Nevada, worked by the "Gould and Curry," "Empire," "Yellow Jacket," "Ophir," "Crown Point," "Savage" and some other companies, sold on the 8th of April, 1865, at prices averaging over *Two Thousand Dollars* per foot.

These mines yield an average of about $65 to the ton which includes first, second and third classes of ores.

Now, the average yield of the three classes of ore of the Eaton and Aurora Lodes will certainly be more than $65 per ton: indeed from the large number of assays thus far made, not only here, but in the actual workings of the mine, it will probably reach $75 or $80 per ton. The 2400 feet owned by the Company would therefore, be worth, at the price of the Comstock Lode, nearly *Five Millions of Dollars*

The Company have sent a mill of twenty-four stamps to the mines, *and expect return in silver in September.* This will be able to crush thirty tons of ore per day, at an expense for mining, crushing and smelting of ten dollars ($10) per ton. Then, taking the yield at only $60 per ton, the result would be as follows:

30 tons per day, at $60	$1,800
Cost, $10 per ton	300
Net daily profit	$1,500

or $450,000 per annum, payable, not in currency, but in the coin itself.

The property of the Company is amply sufficient for a dozen companies, and could not be exhausted in a lifetime. Prospectors are also engaged by the Company, taking up other Lodes for them.

The operations at the mines are under the superintendence of the Hon. Samuel McLean, Delegate to Congress from the Territory, whose thorough acquaintance with mining renders it certain that the interests of the Company will be pushed in the most energetic manner.

Only Twenty Thousand Shares for sale.

WM. M. BARLOW, Secretary & Treas.
D. B. OAKS,
may17-4t] Agent for Franklin County and vicinity.

Legal Notices.

REGISTER'S NOTICE—All persons interested will please take notice, that the following Accountants have filed their Accounts in the Register's Office of Franklin County and that the same will be presented to the Orphans' Court for confirmation, *on Tuesday, the 6th day of June,* 1865, in Chambersburg:

90. The account of Wm H. Little, Adm'r of Wm. Hayes late of Fannett twp., dec'd.
91. First Acct. of Jacob C. Secrist, Guardian of America and Charles A. Wagner, minor children of John B. Wagner, late of Quincy twp., dec'd.
92. Acct. of Sam'l Phillips, sen'r guardian of Abram S., Georgianna, S. H and Joseph H. Smith, minor children of Jacob Smith, late of Antrim twp., dec'd.
93. Acct. of Daniel W. Royer, Ex'r George Royer, late of Quincy twp. dec'd.
94. First Acct. of Wm. Boyd, Adm'r d. b. n. c. t. a. of James Lawson late of Montgomery twp., dec'd.
95. Second Acct. of Phineas Eaches, Guardian of Mary J., Nancy, Elizabeth, Martha, Franklin and Wm. Cooper, minor children of Sample C. Cooper, late of Ohio, dec'd.
96. Second Acct. of Abraham Grove and Samuel Shartle Ex'rs of John Shartle, late of Montgomery twp dec'd.
97. First and final Acct of Jacob Lightfoot and Samuel Gilbert, Adm'rs. of Daniel Gilbert, dec'd.
98. First and final Acct. of Levi Horst and Jno. F. Ebersole, Ex'r of Henry Horst, late of Southampton twp., dec'd.
99. First and final Acct. of Jacob Shirk and Abraham Stoniffer, Ex'rs, of Abraham Shirk, dec'd.
100. Final Acct of Abraham Frantz trustee to sell the Real Estate of C. Frantz, late of Washington twp., dec'd.
101. First and final Acct. of Abraham Metz, Ex'r of John Metz late of Guilford twp., dec'd.
102. Second Acct. of James D. Scott, Guardian of Ann E. Leinaster, minor child of John Leinaster, dec'd.
103. Second and final Acct. of Simon Brewer and Solomon Duribbs, Adm'rs of Frederick Duribbs dec'd.
104. First and final Acct of H. H. Wingert and M. B. Wingert, Ex'rs of Martin Wingert late of Green twp., dec'd.
105. Third Acct. of Peter Cruikshank, Adm'r and Mary Jane Leinaster, Adm'rx of John Beaver, late of Peters twp., dec'd.
106. First and final Acct. of Dr J. L. Snevenrott and H. Gehr, Esq., Adm'rs of J. P. Gray, late of Chambersburg, dec'd.
107. First and final Acct. of G. W. McCartney, Adm'r of Joseph Seibert, late of Fannett twp., dec'd.
108. Acct. of John Rowe, Adm'r of Isaac Bemisderfer, late of Antrim twp., dec'd.
109. First and final Acct. of Hastings Gehr, Esq., Adm'r of Jacob Wolfkill, late of Chambersburg, dec'd.
110. Acct. of Jonathan Stickel, Adm'r with the will annexed, of Christian Stamer, late of Antrim twp., dec'd.
111. Acct. of Jacob Krider, Adm'r of Henry Krider, late of Hamilton twp., dec'd.
112. Acct of Benjamin Snively, Ex'r of Peter Wister, late of Antrim twp., dec'd.
113. First Acct. of Geo. and Henry Sleichter, Adm'rs of John Sleichter late of Green twp., dec'd.
114. Acct. of Dr. A. H. Senseny, Guardian of Walter, John and Jane Wolford, minor children of John Wolford, dec'd.
115. First and final Acct. of F. S. Stumbaugh, Adm'r of Jacob Sweitzer, late of Chambersburg, dec'd.
116. Acct. of James Nill, Guardian of Elizabeth Clark, minor child of Mary Ann Clark, late of Chambersburg, dec'd, and as stated by Samuel Myers and T. J. Nill, Ex'rs of said James Nill, dec'd.
117. Acct. of Jacob L. Detrich and A. Carbaugh, Adm'rs of Emanuel Detrich, late of Antrim twp., dec'd.
118. Acct. of George Ludwig, Ex'r of John Goettman, late of Chambersburg, dec'd.
119. First and final Acct. of Geo. Benedict and George Dull Adm'rs of Daniel Dull, late of Quincy twp., dec'd.
may10 HENRY STRICKLER, Register.

AUDITOR'S NOTICE.—Notice is hereby given to the creditors of Peter B. Housum, late of the Borough of Chambersburg dec'd. that the account of John Miller Administrator of the estate of said decedent, has been confirmed by the Orphans' court of Franklin county and that the undersigned has been appointed by said court to distribute the balance on said account to and among the persons entitled by law to receive the same. The Auditor will attend to the duties of his appointment at his office, in the Borough of Chambersburg *on Wednesday the 7 day of June* A. D, 1865, at 10 o'clock A. M. [may17-4t] JOHN SPEWART, Auditor

DISSOLUTION OF PARTNERSHIP.—The partnership heretofore existing between David C. Brant and Samuel Detrich, under the style firm and name of Brant & Detrich was dissolved by mutual consent on the first day of May. The Books of the late firm are in the hands of David C. Brant. All persons knowing themselves indebted to said firm are requested to make immediate payment, and those having claims will present them for settlement to the undersigned.
SAMUEL DETRICH
DAVID C. BRANT.
The business will be continued by the undersigned.
may17-4t DAVID C. BRANT.

ESTATE OF DAVID LYTLE.—The undersigned appointed Auditor to make distribution of the balance in the hands of J. M. Lytle, Executor of David Lytle, deceased to and among the heirs and legatees of the said deceased will for that purpose meet at his office, *in the borough of Chambersburg, on Thursday, the 15th day of June,* at 1 o'clock P. M., all persons who may attend proper to attend. GEO. W. BREWER,
may24 Auditor.

PROTHONOTARY'S NOTICE.—The following accounts will be for confirmation by the Court, *on Tuesday June 6th,* 1865, viz:
The second account of Christian Myers, Committee of Polly Long, a Lunatic.
The second account of Henry Betz, testamentary Trustee of Samuel Betz, under the will of Conrad Betz, deceased. [may17-3t] K. S TAYLOR Proth'y.

NOTICE IS HEREBY GIVEN THAT George W. Portz, of Waynesboro, on the 5th day of April, 1865, made a voluntary assignment of all his estate and effects real and personal, in trust for his creditors to *Joseph Douglas.*
All persons indebted to said Portz will please make immediate payment, and those having claims present them properly authenticated for settlement to
may3 6t JOSEPH DOUGLAS, Assignee.

ADMINISTRATOR'S NOTICE.—Notice is hereby given that Letters of Administration, on the Estate of James W. Lane, late of Guilford township dec'd have been granted to the undersigned.
All persons knowing themselves indebted to said Estate will please make immediate payment; and those having claims present them properly authenticated for settlement.
may3 ELIZABETH LANE, Adm'rx.

ADMINISTRATOR'S NOTICE.—Notice is hereby given that Letters of Administration D. B. N. C. T. A. on the Estate of Margaret L. Campbell, late of Chambersburg dec'd have been granted to the undersigned.
All persons knowing themselves indebted to said Estate will please make immediate payment, and those having claims present them properly authenticated for settlement.
may3 PATRICK M'GARVEY, Adm'r.

EXECUTOR'S NOTICE.—Notice is hereby given that Letters Testamentary to the Estate of Elizabeth Sayler late of Greencastle, dec'd, have been granted to the undersigned.
All persons knowing themselves indebted to said Estate will please make immediate payment; and those having claims present them properly authenticated for settlement.
may3 GEORGE HOFFNITZ, Ex'r.

EXECUTOR'S NOTICE.—Notice is hereby given that Letters Testamentary to the Estate of Jacob Burkholder late of Burgan township dec'd, have been granted to the undersigned, residing at Newburg, Pa.
All persons knowing themselves indebted to said Estate will please make immediate payment; and those having claims present them properly authenticated for settlement.
may 3 DAVID WHERRY, Ex'r.

Candidates' Cards.

COUNTY TREASURER.—MAJ. JOHN HAUGER, offers himself as a candidate for the office of County Treasurer, subject to the decision of the Union Nominating Convention.
St. THOMAS March 22 1865.

COUNTY TREASURER.—At the solicitation of a number of my friends, I announce myself a candidate for the Office of County Treasurer, subject to the decision of the Union Nominating County Convention. [may24 March 22] WM FLAGLE

A. M. CRISWELL will be a candidate for the office of County Treasurer, subject to the decision of the Union Nominating County Convention.
GRANT'S HOUSE, May 11 1865.

TREASURER.—Samuel F. Greenawalt offers himself as a candidate for the office of County Treasurer, subject to the decision of the Union Nominating Convention.
CHAMBERSBURG, March 15.

SHERIFFALTY.—At the solicitation of a number of my friends I offer myself as a Candidate for the office of Sheriff of Franklin County subject to the decision of the Union Nominating Convention.
GREENCASTLE, Tuesday Morning. F. W. DOSH

SHERIFFALTY.—Encouraged by a number of my friends I offer myself as a Candidate for the office of Sheriff, subject to the decision of the Union Nominating County Convention. DAVID EBY.
HAMILTON TOWNSHIP March 22.

SHERIFFALTY.—I offer myself as a Candidate for the office of Sheriff of Franklin county subject to the decision of the Union Nominating Convention. THOMAS M'AFEE.
MERCERSBURG, Pa., March 22, 1865.

SHERIFFALTY.—Encouraged by a number of my friends, I offer myself as a candidate for the office of Sheriff, subject to the decision of the Union Nominating County Convention. D. M. LEISHER.
CHAMBERSBURG, March 15.

SHERIFFALTY.—Capt. JNO. DOEBLER, of Chambersburg, will be a candidate for the office of Sheriff subject to the decision of the Union Nominating County Convention. march15.

Real Estate Sales.

PUBLIC SALE.—The undersigned will offer at Public sale, on the premises, *on Saturday, the 17th day of June next* at 1 o'clock, P. M., the following described Real Estate of Martin Funk, late of the Borough of Waynesboro, dec'd, viz:
All that LOT of GROUND, situate in said Borough of Waynesboro, bounded on the front by the Main Street, on the East by the Town Hall lot, on the West by lot of W. D. Lechler, and on the South by an alley, having thereon erected a two Story LOG AND FRAME DWELLING HOUSE.
Also, A tract of fine LIMESTONE LAND, situate in Washington township, near said Borough, and adjoining lands of Alexander Hamilton, John Lesher and Samuel Rinehart, containing TWENTY ACRES, more or less.
The terms will be made known on day of sale, by
W. D. LECHLER,
Surviving Executor of said dec'd.
By Order of Court W. G. MITCHELL, Clerk. may24

Franklin Repository.

THE RETURN.

"Three years! I wonder if she'll know me
I limp a little; and I left one arm
At Petersburg, and am grown as brown
As the plump chestnuts on my little farm:
And I am as shaggy as the chestnut burrs—
But ripe and sweet within and wholly hers.

"The darling!—how I long to see her!
My heart outruns the feeble soldier pace;
For I remember after I had left,
A little Charlie came to take my place;
Ah!—how the laughing three-old brown eyes
(His mother's) will stare with pleased surprise.

"Sure, they'll be at the corner watching!
I sent them word that I should come to-night.
The birds all know it, for they crowd around,
Twittering their welcome with a wild delight:
And that old robin with a halting wing;
I saved her life three years ago last spring.

"Three years!—perhaps I am but dreaming
For like the pilgrim of long ago,
I've tugged a weary burden at my back,
Through summer's heat and winter's blinding snow,
Till now. I reach my home, my darling's breast,
Where I can roll my burden off—and rest."

When morning came, the early rising sun
Laid his light finger on a soldier sleeping
Where a soft covering of bright green grass
Over two lowly mounds was softly creeping,
But waked him not; his was the rest eternal,
Where the brown eyes reflected love supernal.

THE SILENT WITNESS.

FROM A LAWYER'S DIARY.

I had spent some years in the west in the practice of my profession, and was on a visit to my friends in New England. Among those who came first on my list of friendship, was Fred. Elliott, and I arranged to visit him as soon as I could. Fred. and I had grown up together as boys; we had entered college together, and graduated together; and when I commenced the practice of law, he entered his uncle's store in the capacity of book-keeper, with a good promise ahead. And there was another between us—a near and dear one to us, who where both orphans, and who had few relatives living. Fred had married my own cousin, sweet Hattie Keene. He had married her since I went away, though the event had been upon the docket a long time before.—And thus I was to meet two of my dearest friends beneath the same roof.

It was just before dusk when the carriage left me at the house which had been pointed out as the one occupied by my friend, and which I at once recognized as the former house of old Timothy Elliott, the uncle of whom I have spoken. My summons was answered by a light, quick step on the hall floor; and when the door was opened I recognized the fair, fond features of my dearly remembered cousin. She was five years older than when I saw her last, and grown to be a little more womanly, and a little more sedate. In fact, she had put on the holiest of characters—that of a mother. The beauty, the life, the animation, the smiles of other years had not gone; but they were elevated with, softened by, and blended into, that noble character. At first she did not know me, but when I called her Hattie as I used to in the olden times, she caught me by the hand, and in a moment more her soft, white arms were around my neck. She was a sister to me in heart and soul, and with a sister's love she greeted me.

We went into the parlor, where an astral lamp was already burning upon the centre table, and where a fire was reflecting a genial warmth from a polished grate—for it was autumn and the evenings were quite cool. Upon a chair, near by the table, sat a little boy of some three years, playing with the richly ornamented bridle of a rocking horse; while upon the carpet was a glee-some child, not yet able to walk with safety, engaged in tumbling a large marten muff. And these were Hattie's children—two as bright and beautiful beings as ever made music in an earthly home. She told them that I was Uncle Enoch. She had neither sister nor brother, so I was forced to be an uncle to her children.

Where had I been? What had I been doing? How had I been? Was I married? Did I ever mean to be? and a hundred more questions of like character were showered upon me before I had time to ask any in return. By-and-by Fred came in. There was a cloud upon his face when he entered the room. I saw it very plainly; but his wife hurried to his side, kissed him, and whispered in his ear, and in a moment he brightened up; and when he greeted me, and held my hand and patted me upon the shoulder, he appeared the same warm and genial spirit as of the olden time

At the tea table he asked after my fortunes in the distant home I had sought: and when I told him I had succeeded beyond my most sanguine expectations, and that material wealth was fast accumulating for me, he was not only pleasant, but intimated that such business and such prospects would suit him.

I laughed outright at what I considered the absurdity of this last idea. It would do very well, I told him, for a poor fellow, with only his two hands to help him, to get off into the western wilds; but for one like him, with an independant fortune at his command, to think of such a thing was ridiculous He smiled as I spoke, and turned the subject of conversation.

Within an hour after we adjourned to the parlor, I was sure something had gone wrong with my friend. He tried to be cheerful, to talk of our old pranks, and to laugh and joke as in the days of our youth; and as a last resort, endeavored to arouse himself by caressing his sweet children.—But it would not do—I had seen too much. Hattie succeeded much better than he did; yet as the evening wore on, I could see there was a heavy load upon her heart as well.

At length the children were abed, and the mother soon followed them. I plainly heard her sob as she left the room, and a smothered groan, which could not escape me, burst from her husband's bosom. Fred poked up the coals, and took two or three turns across the floor, after which he returned and sat down near me.

"Enoch," he said, his face all wrapped in gloom, "perhaps you think I act strangely."

"I think something is the matter with you," I returned. "Something must have gone wrong."

"You are right Something has gone wrong. In fact," he added, as a shudder crept over his frame, "a storm has burst upon me which is to ruin me."

He spoke this so solemnly and so steadily that I knew there must be some deep meaning in it; and I asked him if he could tell me his trouble; Of course he would tell me. He was anxious to tell me, for I was not only one of his dearest friends, but I was a lawyer and might possibly assist him

"You know," said he, "that I went into business with my uncle Timothy. When I was married he made me come and live in this house; he put the whole establishment into our hands, and he then boarded with us. I had no money—not a dollar; but when I served him one year as book-keeper, he gave me a good share in the business. Three years ago he died, leaving me an estate of about sixty thousand dollars.

"There was no will left, or, at least such was supposed to be the case; and it all came to me, as I was the only blood relative living. Uncle Timothy had one brother and one sister. He married when quite young, but his wife died without issue. His sister married a man named Isaac Staffer, who had one child by a former wife, but he never had any children by my aunt. He died at the end of two years, leaving her no means, and she found a home with a brother, taking her step-son with her. In time she died, and the boy was left in my uncle's charge until he was twenty-one. So much for the sister. The brother married, and had one child, and that child was myself. My father died when I was a mere child, and my mother died before I was graduated. So you see, I was the only representative of Uncle Timothy's blood."

"Certainly," I said, "and of course the whole property fell to you."

"Yes," he replied, "and it was given to me, and I took possession, and opened a flourishing business. Upon the strength thereof, I have entered society, and responsible offices have been put upon me."

"Well," said I, as my friend paused again, "what has happened to disturb all this?"

"I'll tell you," he returned, starting from a moody reverie into which he had fallen. "You know that my father and Uncle Timothy once had a serious falling out."

"Yes," I told him, "I have some recollection of it; but that was a great many years ago. We were boys then."

"Ay—it was near twenty years ago," said Fred; but I remember it very well, for I recollect how badly it made mother feel. The estrangement lasted for some years; and during that time the bitterness was very strong. My uncle declared that he would have nothing more to do with his brother, and under the influence of this feeling he made a will conveying the great bulk of his property to Staffer, the son of his sister's husband. You remember that, don't you?"

"Yes," I said. And I did remember it very well, for it made considerable talk at the time and more so, because Staffer, who had married Timothy Elliott's sister, had not bren considered much of a man, and it was not generally supposed that the boy, whom he had left upon the care of his wife's relatives, gave any promise of a valuable life.

"And," continued Fred, "you probably recollect when my father was very sick, Uncle Timothy came to him and the quarrel was thrown away, and from that time, while my father lived, their brotherly love was warm and generous."

"Yes, I know all that."

"Well, at the time my uncle spoke of the will he had made, and said he would destroy it, and I believe he did. I know it as well as I know anything which I did not see with my own eyes. Before my uncle died he told me that he should make no will, for there was no need of it. He said I was the only lawful heir, and that was enough. My uncle died and I came into possession of the property; and I have enjoyed it, and have tried to do good with it; and I have added something to the original fortune, for I have been careful and prudent. In a dark hour, however, a storm has burst upon me. It seemed only a cloud at first, but it proved a fearful one. John Staffer has returned. He went away about ten years ago—went away because my uncle would not give him a home any longer—and has now come and has laid claim on my property. He claims the whole of it!"

"But how?" I asked, as my friend stopped to take breath.

"You remember Stephen Akers, the old lawyer?" said Fred.

"Ay." I replied, "I know him very well. He has been out west and done some business there; but he can't do more where he is known, for he proved himself a villian."

"Ha! do you know it?"

"Yes; but what has that to do with you now?"

"I'll tell you. In the first place, he used to do business here, and my uncle employed him some."

"I remember that."

"And it was he who made that will for my uncle."

"Yes, I recollect it now."

"Well," continued Fred, "this old villain of a lawyer came back here about six months ago, and ere long he and Staffer had their heads together. In a little while Staffer came and laid claim to my uncle's property; and when asked what he meant, he produced a paper which appeared to be the last will and testament of Mr. Timothy Elliott. And Stephen Akers swears that this is the same will which my uncle made many years ago, and that it has been in his charge ever since. He says that when he went away to the western country he over-looked it among his papers, and took it along with him. He furthermore declares that he received many letters from Mr. Elliott, in which he requested him to be careful of the will, and keep it so that it could be brought to light in case of need."

"Of course," said I, "this will must be a fraudulent one"

"Most certainly it is," returned Fred.

"And yet it has been admitted to probate, and the judge has accepted it. I have appealed, and it goes to the Superior Court, and, moreover, the trial comes off to-morrow. For myself, Enoch,—if I were alone in the world,—I would care little, for I could put forth my energies anew; but for my wife and children, oh! it is hard!"

He buried his face in his hands, and wept aloud; but in a little while he became calm again, and I questioned him as I saw fit. Another witness to the will besides Stephen Akers was living, and he had testified that he believed the instrument now produced was the one to which he put his name. In short, the case looked dark enough, and I dared not give my friend much hope. Yet I promised to think of the matter, and be present with him at the trial.

On the following morning I got away as soon as possible, for I could not bear to hear Hattie's grief; but I promised to come back again, and, as I held her hand at the door, told her to keep up a good heart

An uncle of mine, named Ansel Forbes, a brother of my mother, was in town on business, and I went to see him. He was a paper manufacturer, and worth a handsome property. I found him at the hotel, and passed a happy hour with him; for I had been his pet in boyhood, and it was by his generous bounty that I went through college. I told him about the trial which was coming off, and he said he meant to be present if he could. He had been well acquainted with Timothy Elliott, and he was firmly convinced that the only will which Elliott had ever made had been destroyed.

When the hour of trial arrived it was announced that I should assist in the case. I took my seat with the counsel already engaged. As the trial went on, it certainly did look dark enough for my friend. Stephen Akers—a dark, browned, foxy looking man, with a hair of a grizzled red, which stood out like a hedgehog's quills upon his small head—swore that this will was the will which he, as Timothy Elliott's attorney, had made eighteen years before, and that he had been in possession of it ever since, until he had lodged it in the probate office. And he also swore to the receipt of letters from Elliott, bidding him keep the will safe. There was no getting around his testimony—it was plain and direct, and we could not break through it.

An old man named Jackson, who had been one of the witnesses of the old will, testified that he believed the instrument now before him was the one to which he had put his hand. He could say that this was his own signature. He was an honest old fellow, and admitted that he had always supposed the will had been destroyed.

For our client we had nothing of clear, plain facts to help us. We had any amount of impressions and opinions in our favor. It had been the impression of all Timothy Elliott's intimate friends that the will which he had made had been destroyed. He had talked to them in that way. And yet not one of them could swear that they had ever heard him say, directly, that such was the fact. In short, though the belief in the destruction of that will was so general and so firm, yet we could not present to the jury a single fact to sustain us in the decision.

Had the counsel for the appellent any more testimony to produce?

Fred placed his hand trembling like an aspen, upon my arm, and whispered—

"Oh my soul! I am lost!"

He was pale as death, and his suffering intense. As the case now stood, I could have no hope. Whatever may have been the opinion of the court and the jury upon the right and justice of the thing, there could have been but one opinion upon the law and fact. My heart sank within me.

Where the counsel for the appellant ready to rest their case?

I held the will in my hand. I believed it to be a forgery. I believed the only will which Timothy Elliott ever made had been destroyed, and that Akers, in consideration of a share in the spoils, had, from the old draft in his hands, forged this instrument, counterfeiting even Jackson's signature so nicely that the simple old man could not disown it. I was about to give the instrument up, and my last faint hope with it, when a dim mark in one corner of the sheet caught my eye. It was a stamp—an impression on the paper—not so large as the point of a finger's end, but I bent my head for a moment, to call to mind something of the past.

"What is it?" asked Fred, who had noticed my emotion.

I told him to wait, and then arose and looked around the court room. Was my uncle there? Yes, I saw him close by me. I asked that Stephen Akers might be called to the stand again. The wretch saw that I was excited, and he trembled a little when he started to answer to the call, though he was firm enough when he had gained the stand.

"Mr. Akers," said I, controlling myself as I possibly could, "you made this will."

"Timothy Elliott made it," he replied. "I merely wrote it down for him as he dictated."

"This will is dated," said I, looking at its sign and seal, "October third, eighteen years ago this very month."

"Certainly," replied Akers, that is just when it was made"

"And you swear that this is the identical instrument?"

"I do."

"And you swear that Timothy Elliott set his hand and seal upon this paper at the time herein mentioned?

"I do."

I looked the witness in the eye. He must have read in that look something of my thoughts, for his countenance changed, and his knees actually shook beneath him.

I told him I had done with