

# Democrat and Sentinel.

THE BLESSINGS OF GOVERNMENT, LIKE THE DEWS OF HEAVEN, SHOULD BE DISTRIBUTED ALIKE, UPON THE HIGH AND THE LOW, THE RICH AND THE POOR.

NEW SERIES.

EBENSBURG, PA. WEDNESDAY, SEPTEMBER 9, 1863.

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[From the Portland Advertiser]

## A Capital Hit--A Hymn.

BY A CONSCRIPT.

We're coming, Ancient Abraham, "several" hundred strong.  
We hadn't no \$300, and so we come along;  
We hadn't no rich parents to pony up the line,  
So we went into the Provost, and there were mustered in.

We hadn't no "strabismus," nor any green-back piles,  
So the doctor rasped us over and put us in the files;  
Then a bold man with bag'net rose up and led the way,  
And they took us to an island in the harbor--called Mackay.

Our "no fronts" was all right, our "no" as sternum "It wasn't wrong;  
They called us bully fellows, and so we marched along;  
We didn't have three hundred just at that "no" day,  
So we took the line of march to the Island of Mackay.

There was chaps as had the phthisis and some as had gastritis;  
And some with tetan' ague made curious "no"ulations;  
And some with mounted eye glass as couldn't see a dray;  
So they sh'dn't all go with us to the Island of Mackay.

There was some as had gastritis and some were carious,  
And out of those unfortunates there is not one as goes;  
I tried to have nephitis, but couldn't make it work,  
So I goes for a brave soger and doesn't mean to shirk.

There was some with hypertrophy, and some with eyles tricuspid,  
And some who had nephitis, and some whose lungs was busted;  
But they all, so far as I see, had very best of clothes on,  
And they might have other reasons, for all this "soger" knows on.

But for all the conscripts taken, the largest portion numbered,  
Stepped up into the officer and popped the three hundred;  
And they told us we were bully boys to stand in battles' fray,  
So we went with the bold Corporal to the Island in Casco Bay.

We're persuaded to be soldiers, and go to meet the foe,  
Not having the three hundred of course we're bound to go;  
But, oh! good Father Abraham, of the money that's paid o'er,  
Be careful that old Cameron don't get a shilling more.

We're coming, Ancient Abram, "several" hundred strong.  
We're coming Father Abraham, and as we march along,  
We're thinking of the Union and the Constitution, too,  
So let alone the nigger and we'll help you put it through.

Perhaps I'll be a Major General, and wear the triple stars,  
But surely as I get them I'll devote myself to Mars;  
But won't like General Butler, with his pockets full of cash,  
Rampage about the country with such political bosh.

For the universal nigger is not the man for me--  
I consider that the white man is just as good as he;  
So we're coming, Father Abraham, "several" hundred strong,  
But to fight for the old Union is the burden of our song.

HONOR PRIVATE SMITH, OF POODUCK.

## Political.

### A Black Record.

GOVERNOR CURTIN'S PORTRAIT DRAWN BY A BLACK REPUBLICAN EDITOR.

### VOTERS, READ!!

The following article appeared on the 20th of July last in the *Pittsburg Gazette*, an Abolition sheet of the darkest dye, which shows the estimation in which Governor CURTIN is held by a large majority of his own party. An artist from the infernal regions is not likely to paint the devil blacker than he is, and we may fairly infer that it is a correct likeness as far as it goes, and that the history of the balance of his misdeeds, which the writer, says he has "scarcely yet opened," would exhibit this reckless aspirant for new gubernatorial honors (and perhaps new shoddy contracts) in a still more unfavorable light:

"We have already suggested that we would regard the re-nomination of Governor Curtin as a great calamity to the party and to the country, for the double reason that we should expose ourselves to the imminent risk of defeat, if we did not even show thereby that we had deserted it, and that we should render a very doubtful service to either, by electing him. We now proceed to assign some of the reasons for that opinion."

"It cannot be disputed, we think, that his administration has proved eminently disastrous to the party which brought him into power. That it has been an unfortunate one for the State, the present condition of her planter, her farmer and her laboring classes will abundantly attest. It is not clear that it has been a wholesome one for the country. It is but too clear that it has been a damaging one for himself--so damaging that it is more than doubtful whether the Union sentiment, strong as it unquestionably is, would be sufficiently powerful to overcome the unfavorable opinions so generally entertained of his integrity and wisdom, notwithstanding the more than charitable reserve of the press, which has thus far made a mantle over his faults, and perhaps encouraged his friends and himself to believe that the history of his administration will continue a sealed book, or be forgotten and the clangor of arms and the strife of the battle-field."

"He came into office less than three years ago, with a large majority, and Legislature of which nearly three-fourths of both branches either were, or claimed to be, Republicans. At the end of one session he had thrown all that majority away."

"Entrusted with expending the first appropriation made by the Legislature for the common defense, he gave to his own creatures the power of making contracts, as his private agents, in relation to articles with which they were entirely unfamiliar, and the great injury of the soldier, who was victimized by their unskillfulness or fraud. This fact was found by a committee appointed by himself, under the pressure of a public clamor, which grew out of the treatment of the volunteers who had assembled at Harrisburg. Those brave young men who had responded so generously to the first call of their country were in rags, with shoddy vestments, shoes whose soles were stuffed with shavings, and blankets almost as thin and transparent as a window-pane. It was reported and believed that they had been given over to the tender mercies of a few heartless speculators who were then hovering about the capital. The officers at Camp Curtin, justly indignant at what they saw, drew up a spirited remonstrance to the Legislature, which was presented to the House, at their instance, by one of our own members. It suggested to him the propriety of an inquiry as to the nature of the contracts made for supplies, and the names of the agents through whom they were made, and he offered a resolution accordingly. He wished to know, and to let the public know whether it was true that sundry individuals then loitering around the capital, who were pointed out by the tongue of rumor and known to be entirely unfit for the purpose, had been actually commissioned by the Governor, as his agents, to make contracts for the soldiers."

"One of those individuals was a certain Chas. M. Neal, an active ward politician, and Acting Commissioner of Philadelphia, who was understood to be an intimate and confidential friend of the Governor. The answer of the Governor ignored the fact of his employment, although the record shows that on the very day preceding or following his message to the House, he had endorsed and approved a contract for clothing made by the identical individual with the Frowenfelds of this city, in that special capacity! On this contract Neal was afterwards indicted here, and it was while that indictment was depending that the Governor felt it necessary, in order to appease the public clamor, or divert it from his own head, to raise a committee of his own appointment, to inquire into his own conduct. That committee proved, very unexpectedly, to be a fair one--so fair, that it was deemed pru-

dent to withhold its report from the Legislature at the ensuing session of that body. It found however--although it passed over the Frowenfeld case because it was depending in the courts--that 'the soldiers were in rags.' With every disposition to deal gently with the Governor, it condemned his appointments and 'the mode pursued by the Government in making its purchases.' It declared that 'the absence of a strict supervisory power had been the cause of much of the mischief that had befallen the State.' It remarked, in observing upon the character of the Governor's agents, that 'it could not for a moment be supposed that there were not men in Pennsylvania whose services could have been commanded, and who, by education and ability, were equal to occasions that had arisen, and that the appointment by an Executive, from personal or partisan motives, of incompetent agents to offices of great responsibility, is, at all times, a grave dereliction from duty, never more so than in great public emergencies, when the disasters resulting from the ignorance or incompetence of the agents, for whose appointment he is responsible, will inevitably excite suspicions of fraud, and return home to the Executive in humiliating charges of collusion.' And it closed by observing that 'they also report, in general, as the result of their investigations, that they have found instances of ignorance, of incompetence, of sharp dealing, never praiseworthy, and here eminently disgraceful, of bad appointments, which, although under the peculiar circumstances of the times to be expected, are none the less to be condemned.'"

"The judicial investigations of the Frowenfeld case having proved a failure in consequence of the flight of the witnesses and the flight of one of the defendants, a new committee was raised at the next session of the Legislature, by which it was found, among other things, that the case, as shown by the absconding witness, who had afterwards returned, was 'a clear case of fraudulent complicity between the contractors and Chas. M. Neal; that the clothing furnished to the soldiers could have been afforded at \$3.50 per suit less than was given, and yet have left the contractors a profit of \$1.50; that a large portion of it was entirely unfit for the use of the soldiers, and much of it fell to pieces in a short time after it was worn by them; and that the flight of the Frowenfelds was almost conclusive evidence that they, at least, were conscious, of having defrauded the State.' Our readers will judge of the quality of this committee when they find them adding, that while the testimony of Mr. Murphy seems to excite a strong suspicion against Neal, the testimony of Neal himself, one of the parties implicated, seems to clear him from all but 'a great want of judgment in his purchases and misapprehension as to his duties,' and that 'his testimony shows that he did not consider himself bound to inquire either into the actual cost of the goods used, or their fitness for the purposes intended.' It is rather surprising that they did not hunt up the Frowenfelds themselves as witnesses, who would, no doubt, have made a clear case of it for the defendants. In convicting them alone they forgot that the offence charged was one which either involved the complicity of the other party or did not exist at all, and therefore furnished no occasion for running away. They do, however, set down the case as one of a failure of justice. \* \* \* We are informed, however, that the confidence of the Governor in Neal has been in nowise shaken by these transactions. He still continues to be among his most intimate and cherished friends."

"But enough for the present. We shall return to the general subject which we have scarcely yet opened. Again, the same paper made a last indignant appeal to the Convention of contractors which nominated CURTIN, in these words: 'We have endeavored to show that Curtin imposed upon the soldiers by furnishing them out to his friends, and then denying that he had employed them. We have exhibited the record to establish the fact that he had approved a bill, acknowledged by him to be wrong, WHICH ROBBED THE TREASURY OF MANY MILLIONS OF MONEY; that, as the conditions of his approval, he had taken an agreement for the State, which he abstracted and secretly surrendered to the parties who had given it; and that, when interrogated by the Legislature, he confessed the fact, and offered, as his apology, a reason which is shown to have been untrue. We have demonstrated the fact that he bargained away a Republican United States Senator for the consideration of an adjournment and the discharge of the committee appointed to inquire into the means which had been used to procure the passage of that bill. And we have inferred from all this--without referring to other matters--THAT HIS NOMINATION WOULD BE DISGRACEFUL TO THE PARTY AND HIS ELECTION IMPOSSIBLE.'"

Voters of Pennsylvania--this is the man who is seeking your votes as the "soldiers' friend." Your sons and brothers have gone to the war dressed in shoddy; and many a brave boy has slept cold under a thin and rotten blanket, that Governor CURTIN and his confederates might be enriched. The State made noble provision for her volunteers--voted money enough to clothe them with com-

fort and feed them in plenty. But this money now fills the pockets of bloated contractors, shoddy-men, and purveyors of mule beef--the allies, friends and supporters of CURTIN. And now you are asked to vote for this plunderer of our brave volunteers as the "SOLDIERS' FRIEND." Show him, and all his grasping crew, that you are not to be so deceived. Remember that every Democratic vote cast on the second Tuesday of October will be a vote against corruption, against fraudulent contracts, against the wicked and dishonest men who have sent the sons of Pennsylvania to the field in rags--above all against CURTIN, who is the father, friend and advocate of all this rascality, as the newspapers of his own party testify.

## "CLING TO THE CONSTITUTION, AS THE SHIPWRECKED MARINER CLINGS TO THE LAST PLANK, WHEN NIGHT AND THE TEMPEST CLOSE AROUND HIM."

DANIEL WEBSTER.

The above extract is replete with patriotism, and full of warning. The GREAT EXPOSURE fully appreciated the importance of a Constitutional Union. He well knew that a Union without the Constitution was but a "barren fig tree," a watery waste, a fearful delusion, the veriest of despotisms. He tells us to "cling to the Constitution" as our only hope, as our last hope. He tells us in words not to be misunderstood--that if we once relax our grasp we are gone--forever lost. It is "the last plank" and we are exhorted to cling to it as the only hope of safety "when the tempests close around us."

Is not the "tempest" upon us?--has the night not come? Is not the Ship of State foundering in the angry floods and amongst the whirlpools of a great political tempest?--are we not at this moment just in the position of the "shipwrecked mariner?" No sane man will say otherwise. Then in the language of DANIEL WEBSTER, our duty is plain. The issue involves the life or death of the nation. If we discard the "plank" our doom is sealed; there is, there can be no redemption for us as a nation of free people. Through the throes of revolution alone, usurped powers ever been restored to any people? Will we stand idly by while ruthless hands are destroying our birthright--scarcely, but surely undermining the very foundations of a system of government formed by the wisest, the purest and the best of men--men who toiled through a seven years' war? Valley Forge, Germantown, Brandywine, Trenton, Yorktown, and many other tented fields and ensanguined battle grounds attest their fidelity to the principles of civil and religious liberty. Such were the men who framed our Constitution and formed our Government. Their life struggle was a deliverance from despotism. By their own strong arms and stout hearts they cast the manacles from their hands and the yoke from off their necks. They left to our keeping the "pearl of great price"--the inestimable boon of political and civil liberty. They bequeathed to us a Government in perfect working condition, ensuring the "greatest good to the greatest number," "a more perfect Union," bound together by the Constitution ALONE. There is no other bond of union, and upon that "last plank" (the Constitution) we must "sink or swim, survive or perish." The hope of all true patriots is centered in the people, the honest masses, not the cormorants and fanatics who hang round the despicable and tyrannical, as well as weak and vacillating administrations, State and National.

The ballot-box is the potent instrument with which to hurl from power bad men, and place in their stead, good and true men who will "cling to the Constitution, as the shipwrecked mariner clings to the last plank, when night and the tempest close around him." Men who have been warned, and heed not, deserve the fate in store for them. The issue is upon us; we must meet it. Are we to remain free citizens of Pennsylvania and of the United States of America, or are we to be the slaves of a central despotism, as bad, if not worse, than France or Russia?--*Huntingdon Monitor.*

A cockney tourist met a Scottish lassie going barefoot to Glasgow. "Lassie," said he, "I should like to know if all the people in these parts go bare-foot?" "Part on 'em do, and part on 'em mind their own business," was the rather settling reply.

## Judge Woodward's Opinion on the Soldiers' Stay Law.

"WOODWARD, J.--The 4th section of the Act of 18th April, 1861, P. L. p. 409, is in these words: 'No civil process shall issue or be enforced against any person mustered into the service of this State or of the United States, during the term for which he shall be engaged in such service, nor until thirty days after he shall have been discharged therefrom; Provided, that the operation of all statutes of limitation shall be suspended upon all claims against such person during such term.'"

"The principal question upon the record is, whether this section be constitutional. Although it occurs in an act supplementary to the penal laws of the Commonwealth, and does not mention the military service, either of the State or of the United States, yet it is universally understood, and no doubt correctly understood, to be a stay law of all legal process against soldiers mustered into the military service of the Government. And it is a stay for a term--the term for which he shall be engaged. The act of Congress of 22d July, 1861, under which the first half million of volunteers were mustered into the service of the United States, fixed the term at not more than three years nor less than six months, and the affidavit which was filed on behalf of the defendant, says that he had been mustered in for three years or during the war. This is the same phrase that was used in the 19th section of our act of Assembly of 15th May, 1861, in reference to the Reserve Volunteer Corps, and means three years or less, or not exceeding three years. The term of engagement, therefore, during which the above section meant that the defendant should not be subject to civil process was three years from the date of his muster, if the war should last so long, and if it should not, then until it should end. Thirty days were to be added after his discharge, which would make the utmost extent of the term three years and thirty days. The reference to the duration of the war is a restriction of the term, not an extension of it beyond three years and thirty days. The duration of the war was, at the date of the law, and still is, uncertain, but the maximum period of the stay--three years and thirty days from the date of the muster--is susceptible of ascertainment with absolute certainty. It was suggested that the volunteer might re-enlist at the expiration of his first term, and because this was possible that the term of his engagement was necessarily uncertain. The answer is that the statute gives but one stay, which is to be computed from the time of the original muster, and a re-enlistment would not renew the stay. The statute refers itself for the term of the engagement to the laws that were then in force fixing the period of enlistment, and, therefore, we construe it according to the tenor of those laws."

"Such being the significance and effect of the section, was the Legislature authorized to enact it? We have often said that stay laws, exemption laws, and limitation laws, are ordinarily constitutional, though applied to existing and prior contracts, and we have followed the distinction which prevails in the Supreme Court of the United States, between the obligation of the contract and the remedies furnished by law for enforcing the obligation. We understand the rule to be that whilst the Legislature may not impair the obligation they may modify the remedy. But it sometimes happens that the parties contract concerning the remedy--that they stipulate in the body of the contract that in case of failure of payment by a certain day there shall be no stay of execution, or that the mortgagee may enter and sell the mortgaged estate--or, that all exemption rights shall be waived. In such cases the rule is, that the remedy becomes part of the obligation of the contract, and any subsequent statute which affects the remedy impairs the obligation, and is unconstitutional. *Brown v. Kenzie*, 1 Howard, 322, and *Billymer v. Evans*, 4 W. R. 327, are illustrations of this rule. The time and manner in which stay laws shall operate, are properly legislative questions, and will generally depend, said Judge Baldwin, in *Jackson v. Lamphire*, 3d Peters' P. p. 290, 'on the sound discretion of the Legislature; according to the nature of the titles, the situation of the country and the emergency which leads to the enactment. Cases may occur where the provisions of a law may be so unreasonable as to amount to a denial of right, and call for the interposition of the court.' In *Brown, Raiguel, & Co. v. Gorges*, 5 W. R. 411, we had an instance of an unreasonable stay law--unreasonable because

of the indefiniteness of the possible stay, and of the subversion of the authority of the Courts over judgments upon their records. From the ruling in that case and the authorities cited, it may be inferred that, in respect to contracts which do not treat of remedies, we hold any law to be constitutional which gives a stay for a time that is definite and not unreasonable, but unconstitutional if the stay be for an indefinite time, or for a time that is unreasonable, though definite.

"We have seen that the stay given by the act of 1861 was not indefinite as to its maximum duration, but was for a period certain and prefixed, or, at the least, a period that is capable of being easily reduced to certainty. Was that period reasonable? The stay is a long one, it must be confessed--longer than is usual--longer than can be justified, except by most peculiar and pressing circumstances. There is great force in the reasons which the learned judge below urged against it. The enforced delay of a civil right, the deterioration of the mortgaged estate, and the consequent pecuniary loss are entitled to great consideration in judging of the reasonableness of the law. Everybody feels that a stay of remedies on a mortgage for fifty years, for instance, would be a wanton sacrifice of the constitutional rights of the citizen. What better is a stay for a less time if it be long enough to work essential depreciation of the security?"

"Yet it is impossible to separate this question of reasonableness from the actual circumstances in which the country found itself at the date of the law. Eleven States had seceded or revolted from the Federal Union, and had set up an independent Government within the jurisdiction of the Constitution of the United States, and armed possession had been taken of forts, arsenals, custom houses, navy yards, and other property of the United States within the boundaries of the revolted States. In the judgment of the President and Congress, who were the duly constituted authorities, the occasion required an immense increase of the army and navy, and the active employment of both of these strong arms to subdue the rebellion and restore the Union. Accordingly Congress authorized the President to accept volunteers, and to call upon the States for their militia. He did both, and a vast army has been in the field for many months."

"Now, if a stay of execution for three years would not be tolerated in ordinary times, did not these circumstances constitute an emergency that justified the pushing of legislation to the extreme limit of the Constitution? No citizen could be blamed for volunteering. He was invoked to do so by appeals as strong as his love of country. In the nature of things there is nothing unreasonable in exempting a soldier's property from execution whilst he is absent from home battling for the supremacy of the Constitution and the integrity of the Union. And when he has not himself up to the call of his country, his self-sacrificing patriotism pleads, trumpet-tongued, for all the indulgence from his creditors which the Legislature have power to grant. If the term of indulgence seem long in this instance, it was not longer than the time for which the President and Congress demanded the soldiers' services. It was not for him, nor is it for us, to rejudge the discretion of the President and Congress in this regard. Basing ourselves on what they did, constitutionally, the question for us is, whether the stay granted by our own Legislature to our citizen soldiers was unreasonable. In view of the extraordinary circumstances of the case, we cannot pronounce it unreasonable. We see in it no wanton or careless disregard of the obligation of contracts, but only a sincere effort to enable the general Government to prosecute with success a war which, in its exclusive right of judgment, it resolved to wage."

"Another circumstance which bears on the reasonableness of the enactment is the provision which suspends all statutes of limitation in favor of the soldier during all the time that he is exempted from process. The provisions were reciprocal and both were reasonable."

"Gentlemen," said a farmer, writing to the Chairman of an agricultural society, "put me down on your list of cattle for a calf."

"Why are the eyebrows like mistakes?"  
Because they are over-sights.

"Why is a man who runs in debt like a clock?"  
Because he goes on tick.