

The North Branch Democrat.

HARVEY SICKLER, Proprietor.

"TO SPEAK HIS THOUGHTS IS EVERY FREEMAN'S RIGHTS."—Thomas Jefferson.

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REMARKS

HON. CHARLES R. BUCKALEW,

IN THE UNITED STATES SENATE, FEB. 15, 1867.

The Senate having under consideration that the bill (H. R. No. 1143) to provide for the more efficient government of the insurrectionary States—

Mr. BUCKALEW said:

Mr. PRESIDENT: My vote has been solicited for the present amendment by gentlemen in whose judgment I have very much confidence; and in one respect the adoption of the amendment would be quite proper, perhaps beneficial. In so far as it places a limit upon this enormous, novel, and portentous military power the bill intends to establish, it may be vindicated by sound reasoning and considerations of public policy. Any limitations whatever will be better than the absence of all limitations in the proposition as introduced before us.

But, sir, there are two reasons which will induce me to vote against this amendment. In the first place, I am opposed to the proposition which it contains upon a consideration of the merits of the proposition itself. I am averse, from thorough conviction, to the introduction of any State into this Union, or to her rehabilitation with all her former political powers, upon the condition that she shall make suffrage within her limits universal and unlimited among the male inhabitants over twenty-one years of age. I need not go over the argument on that point. I have stated it upon a former occasion.

In the next place, I know perfectly well that a vote for this amendment, although given under circumstances which do not commit me to the proposition as a final one, will be misunderstood and perverted. It will be said throughout the country of each of those who stand in the position in which I stand, that we have departed to some extent at least from that position which we have hitherto maintained, and maintained against all the influences of the time, against the pressure of circumstances which have swept many from our sides and carried them into the large and swollen camp of the majority. Sir, I for one am ambitious of being known as one among that number of men who have kept their faith; who have followed their convictions; who have obeyed the dictation of duty in the worst of times; who did not bend when the storm beat hardest and strongest against them; but kept their honor unsullied, their faith intact, their self respect unbroken and entire.

I shall not vote to degrade suffrage. I shall not vote to pollute and corrupt the foundations of political power in this country, either in my own State or in any other. I shall resist it everywhere and at all times. If, however, contrary and opposing opinions prevail, I shall simply submit to the necessity which I cannot resist, leaving to just men and to future times the vindication of my conduct.

The consideration of this amendment does not involve debate upon the bill itself; it is quite distinct from it, or at least it may be considered distinctly. I am of opinion that the debates of the Senate would be greatly improved if that course were taken ordinarily or uniformly which has been suggested in the discussion of this bill, to wit, that when an amendment is pending debate shall be confined to it according to the strict rules of order, and that debate upon the principal proposition upon the original bill itself shall stand over and be deferred until the amendments are disposed of. But, sir, my experience in the Senate has instructed me. I have upon several occasions delayed speaking upon a measure until amendments offered to it should be disposed of, and found myself at the end of a debate attempting to speak to an exhausted and impatient Senate and when my own freshness of feeling and physical energy had departed.

During this week those of us who are not endowed by nature with vigorous physical constitutions have been subjected to a severe strain by constant sessions day and night, besides other duties very numerous, harassing, and exhaustive outside of the Chamber. And now, sir, nearly at the end of the week, at an additional night session ordered with special reference to this measure we are called upon to consider it, and to consider it finally. We are told that if it be within the power of those who give direction to the action of the Senate to force a final vote upon the bill to-night, that vote shall be obtained, the giving of it shall be covered.

And when did this bill come to us?—Within about twenty-four hours, I believe. I found myself before it given it only a hurried reading before it was called upon for debate. Is it not a little remarkable that a bill in which the social and political condition of eight or ten millions American people is involved should be driven through one branch of Congress under the previous question without opportunity for any extended debate, and should then be driven through the Senate under the discipline of an organization confined to a portion only of the members of our body, with some twenty-four or forty-eight hours only of consideration, amid the pressure of other duties that crowd upon us, and when our own overtasked physical powers scarcely enable us to give the subject even that attention which is necessary to vote upon it intelligently, much less to examine and discuss it properly? What judgment will be formed of us, who are charged with the legislative powers of this Government, by

our countrymen and by men of other nations, who observe our proceedings, when measures of this gravity, magnitude, importance to millions of people, interesting to our whole population, are to be acted upon in this manner, to be determined under these circumstances, adverse to correct and proper reflection, which I have described?

Now, sir, what is this measure? I shall be anxious in all that I say to be brief and to speak only on points which are material. Sir, the bill is prepared and introduced to confer upon five military officers of the United States the power to fine, to imprison, and to kill American citizens in one third of the territory of the United States without any restraints or limitations such as are written in the most solemn manner in every fundamental law in the United States, both that of the Federal Government and those of all the States; and, of every Territory, too, whether our hardy pioneers have gone and established republican governments, fashioned and modeled, after the examples of the States from which they went. With no right of trial by jury nor challenge to the tribunal which tried the accused, no compulsory process for witnesses, no right of appeal, the victim stands defenseless before arbitrary power; he must bow to its mandate and submit to its decree. Not a constitutional principle, hitherto regarded sacred in this country, is written down in this bill or covered by its vague and general phraseology, more indefinite, vague, and indeterminate than that of any statute now upon the records of this Government; ay, or of England, abused and traduced England, of whom we complained because her Government was arbitrary, and therefore took up arms to throw off its jurisdiction and vindicate American freedom.

The General of the Army is to assign to the command of each of the military districts created by this bill "an officer of the Army not below the rank of brigadier general," and to detail a sufficient force to give dignity and effect to the jurisdiction conferred upon him; and there is conferred upon each district commander, in the third section, power "to punish or cause to be punished all disturbers of the public peace and criminals" of every description and grade. He may in his pleasure, by no rule of law, by no regulation of statute, by no principle known to the Constitution or created by Government, but according to his own unregulated pleasure and will, condemn to turn cases over to the courts—

Or when in his judgment—his supreme and unchallenged judgment—it may be necessary for the trial of offenders, he shall have power to organize military commissions or tribunals for that purpose, anything in the Constitution and laws of any of the so-called confederate States to the contrary notwithstanding.

And then the Supreme Court of the United States, which your fathers established as the supreme tribunal of justice in this country, with appellate powers from inferior tribunals, with the great power of the writ of *habeas corpus* in its hands to correct injustice upon the citizen, is to be restrained from meddling in any way whatever with this new, unexampled, and abominable jurisdiction which the bill establishes. I am mistaken, sir; there is an exception. The judges of your supreme Court nor any judges of that court or of the district court can issue a writ of *habeas corpus* or look into the legality of any proceedings in which this military jurisdiction is concerned.

Unless some commissioned officer—Some dignified lieutenant of the second degree possibly—

Unless some commissioned officer on duty in the district wherein the person is detained shall endorse said petition a statement certifying upon honor, that he has knowledge or information as to the cause and circumstances of the alleged detention and that he believes the same to be wrongful; and, further, that he believes that the individual petition is preferred in good faith and in furtherance of justice, and not to hinder or delay the punishment of crime.

The wealthy criminal, for his fee of \$50 or \$100 or \$500, can get a lieutenant's certificate to his petition, and go to the courts of the United States and be heard under the laws of the United States, and have some little protection from the Constitution of your fathers, from that instrument under which you are assembled here, and which you are sworn to support. This is the manner in which judicial power may take hold of any case, no matter how enormous, of outrage or iniquity, in one third of the United States, under this bill.

The fifth section provides—

That no sentence of any military commission or tribunal hereby authorized, affecting the life or liberty of any person, shall be executed until it is approved by the officer in command of the district.

There, sir, shameful as the fact appears, the power over the life of an American citizen is confided to either one of five military commanders, who are to be selected, not by the Commander-in-Chief of the armies of the United States, as the Constitution requires, but by a General selected by your bill; and you might just as well, instead of having selected the General of the Army for this purpose, have selected the hero of Big Bethel or any other general, or even a civilian, if indeed this fearful and unexampled power of creating military rule resides in Congress at all. The commanders of these departments have the power of life and of death, the power to imprison at their pleasure, the power to fine, to confiscate property, and to plunder or kill the citizens, and that without any redress. Why, sir, what are the military commissions that are authorized? Are not the members selected by this officer in command selected to do his bidding—organ-

ized to convict, if he desires conviction, and their proceedings subject to his approval? Nay, sir, even sentence of death by them is to be carried into execution according to his will, because this bill contemplates the capital execution of a citizen tried before these tribunals simply upon the approval of the officer commanding the district.

Such, sir, is the bill introduced here, for the passage of which our votes are solicited, and to pass which we are driven into the hours of the night, hurriedly and unprepared, while some expectant persons outside, perhaps, look with impatience upon the delay which is taking place, this unnecessary delay, this protraction of our proceedings, this waste of time, this foolish appealing to old records and to principles which we have advanced far beyond in our revolutionary career. Yes, sir, a spirit of impatience and intolerance surrounds us and finds voice even upon this floor.

I will state objections to the bill in general terms and conclude. I am not inclined to speak at length, but I should take shame to myself if such a bill as this could be passed or be under consideration here without uttering some few sincere words in opposition to its enactment.

Sir, this bill, in the first place; is an open confession in the face of the world that republican government is a failure.—It is an open and shameful confession, made by us in the presence of our own countrymen and in the presence of the world, that our republican institutions are not as they were supposed to be, destined to immortality or to future renown; that their period of life has about closed, that we are to be added to the list of republics of former times and of other countries who ran hurried, but some of them not inglorious careers, to end in what this bill suggests, in the rule of a master, in the establishment of military power, in the chastisement of crime, of violence, and of private wrong not by civil law, but military force. You propose to put in command of one third of the United States generals of your armies. You propose to confer on them dictatorial powers. That is the word.—This bill establishes a military dictatorship by congressional enactment for one third of the United States, and its grants are in the largest and vaguest terms. Under them any act pertaining to civil government, any act pertaining to the punishment of criminal offenders, may be authorized and may be performed by the military power which you set up. That is a dictatorship. No matter by what name it is designated that is its nature. That you establish by this bill. Whatever you propose, that will be the authority created; it will be known as a dictatorship in all future time.

Mr. President, at what time is it proposed to set up this military dictatorship in the United States? Is it not nearly two years after the conclusion of the late war? Is it not at a time when complete peace reigns throughout the United States, when there is no resistance to the authority of the Government, and when we apprehend no such resistance in future unless that resistance be provoked, possibly, by our conduct and policy? There can be no vindication of this measure upon the ground of its connection with the war. There can be no vindication of it upon the ground that it is necessary in the conduct or management of military operations, in the subduing of a force arrayed against our authority in any portion of the country; nor that it is necessary to guard against renewed revolt and renewed resistance in any place or section subject to our jurisdiction.

The Long Parliament, to which reference has been made, established a military force of its own, independent of the Crown, and it placed over that force military commanders. It armed them and sent them forth upon a mission of resistance to kingly power. That was during a time of civil convulsion, when parties were to be arrayed against each other in deadly conflict, when the great battle between executive, prerogative, and popular freedom was to be fought out upon British soil. There was some reason, some excuse then for a Parliament which claimed omnipotence to confer enormous powers upon military commanders selected by itself. There is no reason now why an American Congress whose powers are carefully and grudgingly precluded out to it in the Constitution of the country, a Congress whose powers are subjected to necessary and extensive limitations; it is not now a time for an American Congress to assume to itself those omnipotent powers which will be implied by the passage of this bill. It is not now a time for the American Congress to set up military power and a military dictatorship in any portion of the country.

The duties of the hour of which we hear so much are to heal the wounds of conflict, to restore real peace and genuine concord throughout our country, to return to the pacific debates which in former times characterized the proceedings of the legislative department of the Government, to restore by sound measures that prosperity which was interrupted by the war, and by a careful and provident statesmanship to make provision against those dangers to which the pecuniary interests and the liberties of our country are liable in the future. If I read aright the duties of the hour they may be thus described: they do not consist in prosecuting in a time of peace the projects enterprises, and measures of a time of war. They do not include the injecting into our councils elements of commotion, of hatred of antagonism. What is now required, and particularly what is required in the consultations of the legislative department, which is the great branch of Government, is a spirit of Christianity and of justice, which

shall put behind us the works of war and the passions of war and incite us to works of restoration and peace. Possessing this spirit, we shall perform our mission nobly and grandly; without it, our labor will be vain and our future inglorious.

Because this bill asserts a congressional omnipotence which we do not possess, and which, if we did possess, it we ought not to exercise; because it disregards all the constitutional protections of the citizen, and, without necessity or reason, subjects him in his rights of property, liberty, and even life itself to the pleasure of military power, I shall vote against it as I shall vote against all similar measures which may be introduced hereafter.

A DIVORCE.—A correspondent of the "Volkshund," writing from "Indiana Prairie," relates the following:—"In Sullivan County, a young married pair, who had been united in the bonds of wedlock about six years, having become somewhat mutually disagreeable, of late, the husband, in his anger, hastened to a lawyer and took steps to obtain a divorce from his wife. One day he came home to his wife and said to her, 'Betsy, I have fulfilled your wish; you said you wished you were separated from me—here is the decree of divorce. His wife was at first surprised, but far too indignant to betray any emotion. She said she was ready to leave; she only needed to pack up her goods;—she wished he would be present to see that she took nothing except what was her own. He stepped into the adjoining room, where the bureau and clothes press were. The wife proceeded in silence to take out the clothes, when suddenly her eyes fell upon a small dress, and, quite overcome, she broke out in convulsive weeping. The husband, hitherto, an indifferent observer, remarked her emotion and discovered the cause. It was the dress of their only child, a little daughter of three years, who had died almost two years ago. The husband was not less affected than his wife.—He embraced her with emotion, begged her pardon again and again, tore the decree of divorce into a thousand pieces, hastened to the Clerk's office, took out a new marriage license, and was married immediately to his late wife."

A SLIGHT MISTAKE.—A capital story is told of a young fellow who one Sunday strolled into a village church, and during the service was electrified and gratified by the sparkling of a pair of eyes which were riveted upon his face. After the service he saw the possessor of the shining orb leave the church alone, and emboldened by her glances, he ventured to follow her, his heart aching with rapture. He saw her look behind, and fancied she evinced some emotion at recognizing him. He then quickened his pace, and she actually slackened her's as if to let him come up with her—but he will permit the young gentleman to tell the rest in his own way: "Noble young creature!" thought I, "her artless and warm heart is superior to the bond of custom. I had reached within a stone's throw of her. She suddenly baulded and turned her face toward me. My heart swelled to bursting. I reached that spot where she stood; she began to speak, and I took off my hat as if doing reverence to an angel." "Are you a pedler?" she asked. "No, my dear girl, that is not my occupation." "Well, I don't know," continued she, not very bashfully, and eyeing me very sternly, "I thought when I saw you in the meeting house that you looked like a pedler who passed off a pewter half dollar on me three weeks ago, and so I determined to keep an eye on you. Brother John has got home now, and says if he catches the fellow he'll wring his neck for him; and I ain't sure but you're the good for nothing rascal, after all."

THE HONEY MOON.—Why is the first month after marriage called the "honey moon?" Doubtless on account of the sweet luscious which controls the heads of the parties during that brief and delightful period. What a pity that they should ever get quite rational again! That sentimentality should give place to sentiment, sentiment to sense, love yield to logic, and fiction to fact, till the happy pair are reduced from the Eden of romance to the Sahara of reality—from Heaven to earth—and perhaps a peg lower!

Strange it may seem, there have been couples who have quarreled in the first month of matrimony, and have got back to their astonished parents before the good mother had fairly got done weeping, (and rejoicing too) at her daughter's departure. Their "honey moon" soured at the full of her thorn and became a moon of vinegar instead. A bad omen that! There was much sense and propriety in the text which the ancient clergyman chose for a wedding sermon. It was taken from the Psalms of David, and read thus: "And let there be peace, while the moon endureth."

"Charles, dear, now that we are married, you know we must have no secrets; so do, like a dove, hand me that bottle of hair die; you will find it in my dressing-case."

An exchange tells of an editor who went soldiering, and was chosen captain. One day, on parade, instead of giving the orders, "Front face, three paces forward," he exclaimed: "Cash, two dollars and a half in advance."

THE CONDITIONS OF SUCCESS.

It matters not what business you may follow, the great fundamental conditions of success are the same. By observing the same general principles, a man may obtain an eminent and controlling position at the bar or in the pulpit, in the workshop or on the farm. If you take earnestly hold of life, as capacitated and destined to a high and exalted purpose and end; if you watch closely the mind's bent and the natural aptitude for employment adopt early some pursuit and follow steadily through days of darkness and discouragement as well as when everything of an external nature looks inviting and prosperous, you will inevitably win success. The wise choice and the persistent pursuit are almost sure to bring, if not wealth, then that which is better, an unflinching competence. When a merchant has succeeded in building up a splendid trade after years of laborious devotion to his calling, the multitude are attracted by the outside show;—they look upon his large and choice assortment of domestic and foreign fabrics;—they see the throngs of customers pouring in and out; they envy the merchant's elegant turn-outs, his well furnished mansion, his stocks in the bank and that general air of confidence which success gives.—They declare, perhaps, that if they had only gone into trade on that spot, their fortunes would have been secure. But suppose they had! In all human probability they would long ago have been bankrupts, whereas they have just managed to keep their heads above water, and may be thankful that they are out of the poor house.—The fact is, they lacked the very essentials of business success. They exhibited neither earnestness, patience or perseverance—indispensable elements, all, of that life which wins in whatever direction its energies are turned. They were content to wish and dream, while others were striking telling blows for themselves in life's great laboratory. There was a time when the well-to-do merchant tumbled, when, by industry and frugality, he laid the foundations of his abundant estate. But the envious man who imagines that he might have done the same thing, jumps this day of small things, and looks only on success achieved. The steps leading to it were toilsome and often disheartening in the extreme.

THE SKY AN INDICATOR OF THE WEATHER.—The color of the sky at particular times affords wonderful good guidance.—Not only does a rosy sunset presage good weather, and a ruddy sunrise bad weather, but there are other tints which speak with equal clearness and accuracy. A bright yellow sky in the evening indicates wind; a pale yellow, wet; a neutral gray color constitutes a favorable sign in the evening, and an unfavorable one in the morning.—The clouds are again full of meaning in themselves. If their forms are soft, undefined, full and feathery, the weather will be fine; if their edges are hard-sharp and definite, it will be foul. Generally speaking, any deep, unusual hues betoken wind and rain, while the more quiet and delicate tints bespeak fair weather. These are simple maxims, and yet not so simple but that the British Board of Trade has thought fit to publish them for the use of sea-faring men.—Scientific American.

HUMOR OF LIFE INSURANCE.—Most people are aware that applicants for life insurance are questioned pretty closely as to their state of health. Sometimes the answers incline to the facetious, like the following, for instance, in a recent application to the Traveler: Question. What are the particulars, character and duration of the disease the person has had? Answer. Colic.—Probably had when a baby, after eating green apples. Insanity.—No, unless the company should regard my taking an accident policy in the "Provident of Chicago," or holding public office, an indication of that or something worse. Polypitis.—Only when in love, some fifteen years ago; have recovered since. Question. Is there, to the person's knowledge or belief, now existing any disorder, or any infirmity or weakness, tending to impair his constitution? Answer. Nothing except adherence to the Republican party, of which he is being rapidly cured.

When Franklin was ambassador to the French court, a lady, who was about to be presented to the king, noticed his exceedingly plain appearance, and asked who he was. On being told that he was Dr. Benjamin Franklin, the American ambassador, she exclaimed,— "The North American ambassador so shabbily dressed!" "Hush, Madam, for heaven's sake," whispered a friend, "he is the man that bottles up thunder and lightning."

At a religious meeting among the blacks, a colored preacher requested that some brother should pray. Thereupon half witted Moses commenced a string of words entirely without meaning. At this the pastor raised his head and inquired:— "Who's dat prayin? Dat you brudder Mose? Jest hold on, brudder Mose, you let somebody pray dat's better acquainted wid de Lord."

Some weeks ago Thad Stevens said he was "tired of life." What, has he and his "yellow gal" fallen out?