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JOHN G. HALL,
EDITOR & PROPRIETOR.

The Elk Advocate.

JOHN G. HALL, Editor.
VOLUME 6—YEAR 46

RIDGWAY, PENNA., JAN. 2, 1867.

J. F. MOORE, Publisher.
TERMS—1 50 Per Year in Advance.

Rates of Advertising.

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Legal Advertisements.

LIST OF CAUSES set down for trial for January term, 1867.

J. Powell, adm'r vs Rhines' adm'r's	
Millinger, vs Sorg et al.	
Leish vs Windfelder	
Davidson vs Carman	
Clements vs Arner et al.	
McKinnon vs Alexander et al.	
Kemmerer vs McCauley et al.	
May vs Elliott	
Selle vs Ben. sch. dist.	

G. A. RATHBUN,
Prothonotary.

LIST OF JURORS drawn for January Term, 1867.

GRAND JURORS.

Benezett, top.—Ellis Lewis, H. D. Johnson, James Overturn.
Benezett, top.—Jacob Nist.
Fox, top.—W. J. Leahy, Daniel Phalon, J. S. Hyde, Dennis Eggleston, Jacob McCauley, Andrew How.

Jury top.—Charles Webb, Nelson Robinson.
Jury top.—Wm K. Gallagher, Christopher Hill.

Robbery top.—Isaac Horton, jr. T. B. Cobb, Pat. Riley, jr., Randall Malon, G. D. Messenger.

Spring Creek top.—Wm. Algro, G. W. Davidson.

St. Mary's borough.—H. Fochtman, Lawrence Dietz, George Smith.

TRAVELING JURORS.

Benezett top.—B. J. Jones, D. Johnson, John Barr.

Benezett top.—Jacob Vollmer, Michael Steubig, John Goetz, (windfall), Jacob Schubert, George Birner.

Top top.—Alben Ellinger, Solomon Boehart, James R. Taylor, Adelphus Kyles, W. W. Shaw, L. Mohan, senior, William McCauley, John Taylor, E. R. Gresh.

Highland top.—Levi Ellithorpe.

Jury top.—A. E. Goff, Wm. B. Luce, Joseph Uhl.

Jury top.—Edward Souther, Wheeler, J. F. Hill, John Vanorsdall.

Spring Creek top.—Jeremiah Elliott.

St. Mary's borough.—Joseph Windfelder, Joseph Wilhelm, Anton Benninger, Albert Weis, Charles Weis, Bernard Keitel.

LICENSE NOTICE.—The following names of persons have filed in the office of the Clerk of the Court of Quarter Sessions Elk county, their petitions for License at the January Sessions next, agreeable to the Act of Assembly of March 31st, 1856, Intituled "An Act to regulate the sale of Intoxicating Liquors."

TAVERN LICENSES.

David Theyer, Ridgway.
John Healy, Ridgway.
Mrs. E. O. Clements, Ridgway.
H. B. Shons & H. Larzy, Centreville.
Amos Wheeler, Centreville.
Joseph Windfelder, St. Mary's.
Charles H. Volk, St. Mary's.
A. Fochtman, St. Mary's.
D. C. Oyster, Fox top.
Joseph Koch, Centreville.
Herman Kretz, St. Mary's.
J. F. Martin, Fox township.

STORE LICENSES.

Frederick Rudolph, St. Mary's.
Joseph Wilhelm, St. Mary's.
Gene & McVean, St. Mary's.
James McCloskey, Centreville.
Edward Fletcher, Benzette.
B. E. Morey, Benzette.

GEO. A. RATHBUN,
Prothonotary.
Dec 20, 1866.

Court Proclamation.

WHEREAS, HON. R. G. WHITE, President, and CHARLES MEAD, and E. C. SCHULTZ, Associate Judges of the Court of Common Pleas, and Justices of the Court of Quarter Sessions and Orphans' Court, and Court of Oyer and Terminer, and General Jail Delivery of Elk county, by their precepts to me directed, have ordered a Court of Common Pleas, a Court of Quarter Sessions, Orphans' Court, and General Jail Delivery, to be holden at Ridgway, in and for the county of Elk on the

SECOND MONDAY IN JAN. 1867, being the 14th day of the month and to continue the week. NOTICE is hereby given to the Coroner, Justices of the Peace and Constables of the county of Elk, that they are by these precepts commanded to be then and there in their proper persons, at 10 o'clock A. M. of said day, with their rolls, records and inquisitions and other remembrances, to do those things which their offices appertain to be done, and that all Justices of said county make returns of all the recognizances entered into before them to the Clerk of the court as per Act of Assembly, passed May 8th 1864. And those who are bound by their recognizances to prosecute the prisoners that are or shall be in the Jail of said county of Elk, and to be then and there to prosecute against them as shall be just.

J. A. MALONE, Sheriff.

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EXPEDITIOUSLY
Executed at the ADVOCATE Office

LAST ANNUAL MESSAGE OF GOVERNOR CURTIN.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

We have reason to be thankful to God for the blessings of peace, abundant crops, that industry has been rewarded, and that thus the Commonwealth has been able to do her full duty to herself, to the country and prosperity:

The condition of our finances is as follows:

Balance in Treasury, Novem-ber 30, 1865.....	\$3,370,668 14
Receipts during fiscal year ending Nov 30, 1866.....	5,820,668 54
Total in Treasury for fiscal ending Nov. 30, 1866.....	8,200,236 68
Payments for same period have been.....	6,482,303 41
Balance in Treasury, Dec'r 1, 1866.....	1,717,933 27
Amount of the public debt as stood on the 1st of Decem-ber, 1865.....	38,476,258 06
Am't reduc'd at the Treas-ury, during the fiscal yr. ending Nov. 30, 1866.....	51,828,553 25
4 1/2 per cent loan.....	25,000 00
Relief notes.....	626 00
Domestic cred-itors' certifi-cates.....	26 65
1,854,205 50	
Public debt, Dec. 1, 1866.....	35,622,052 16
To wit, funded debt:	
5 per cent loan.....	400,630 00
6 per cent loan.....	32,073,192 59
4 1/2 per cent loan.....	213,200 00
6 per cent loan, military, per act May 15, 1861.....	2,820,759 00
Unfunded debt, relief notes in circulation.....	96,625 60
Int'l certificates outstanding.....	13,086 52
Int'l certificates unclaimed.....	4,418 38
Domestic creditors' certificates.....	119 07
	85,622,052 16

Assets in Treasury:

Funds Pennsylvania railroad company.....	\$6,600,000 00
Bonds Philadelphia & Erie railroad company.....	3,500,000 00
Interest on bonds of P. & E. railroad company.....	1,225,000 00
Cash in Treasury.....	1,717,933 27
	12,052,933 27
Liabilities in excess of assets.....	22,569,018 89
	35,622,052 16

Liabilities in excess of assets November 30, 1861..... 28,148,090 36

Liabilities in excess of assets November 30, 1866..... 22,569,018 89

Improvement in Treasury since 1861..... 5,612,041 47

The extraordinary expenditures, during the year and since its close, in payments growing out of it by authority of acts of Assembly, have amounted to upwards of five millions of dollars, which, added to the actual payment of the indebtedness of the State, and money in the Treasury for that purpose, shows the revenues, above the ordinary expenditures, to have amounted to \$10,612,000 which would all have been applied to the payment of the debt of the Commonwealth in the last six years. A careful attention to the revenues of the Commonwealth, with such just and prudent changes as may be required in the future, and a wise economy in expenditure, will, in my judgment, insure the entire payment of the public debt, within the period of fifteen years.

The time fixed for the redemption of \$23,108,626.24 of the indebtedness of the Commonwealth having expired, I recommend that provisions be made for its redemption, by making a new loan for that purpose, payable at such periods as the prospective revenues will justify.

I recur, with much satisfaction, to the wisdom, prudence and economy of the representatives of the people, in the management of the finances of the Commonwealth, during a period of much embarrassment, uncertainty and distress, and congratulate you and them on the near approach of the entire liquidation of the public debt.

Since my last Annual Message, I have drawn from the Treasury, two thousand dollars to the fund placed in the hands of the Governor for secret service and other extraordinary expenses, which I have expended, in payment of my personal staff, and for other purposes, as heretofore, except five hundred and sixty-three dollars and forty-eight cents, which I have returned into the Treasury.

I present, for your consideration, the amendments to the Constitution of the United States, proposed to the Legislatures of several States by a resolution of both Houses of Congress, passed on the 16th day of June last. I was glad that it was possible, without delaying the final adoption of these amendments, to ascertain the opinion of our people upon them, at a general election, in October last. By the election of a large majority of members openly avowing and advocating the amendments, that opinion seems to

me to have been abundantly expressed. Indeed, the amendments are so moderate and reasonable in their character, that it would have been astonishing if the people had failed to approve them. That every person, born in the United States, and free, whether by birth or manumission, is a citizen of the United States—these are principles which were never seriously doubted anywhere, until after the insane crusade in favor of slavery had been for some time in progress. What is called the decision of the Supreme Court of the United States, in the Dred Scott case, has made it expedient and proper to reassert these vital principles in an authoritative manner, and this is done in the first clause of the proposed amendments.

The right of prescribing the qualifications of voters is exercised by the respective States, under the Constitution of 1789; three-fifths of the slaves were counted in ascertaining the representative population of the several States. The amendment to the constitution abolished slavery in all the States and Territories. Though it was formerly otherwise in most, if not all, of the old Southern States, yet for many years past free Negroes have not, in any of these, been permitted to vote. At present, therefore the late slave States would be entitled to count the whole of their former slave population, as a basis for representation, instead of three-fifths thereof.

This is to say, they would have in the existing ratio about twenty more members of Congress than they had before slavery was abolished, and the free States would lose the same number, making a difference of about forty members of Congress, or, say, one-sixth of the whole body. In other words, the treason of the rebellious states, the suppression of which has cost us many hundreds of thousands of precious lives, and so many thousands of millions of treasure, would be rewarded by giving them a vast increase of political power. This absurdity, the second clause of the proposed amendments, designs to prevent, by the just, equal and moderate provisions, that in future, the representative population of each state shall be ascertained by making a proportionate deduction from the whole population thereof, if its laws exclude from the privilege of voting, any male citizens, not criminals, of the age of twenty-one years. I have yet to learn that any plausible objection can be offered to such a provision.

The third clause of the proposed amendment excludes from Congress, and from the College of Electors, and from all offices, civil and military of the United States, or as Executive or Judicial officers of any state, have heretofore sworn to support the Constitution of the United States, and afterwards violated their oath by engaging in rebellion against the same, unless Congress, by a vote of two-thirds, shall have removed the disability of any such persons.

The fourth clause affirms the validity of the debt of the United States, and prohibits the assumption of payment of the rebel debt, or of any claims for the loss or emancipation of any slave.

The fifth clause provides that Congress shall have power to enforce the provisions of the other clauses by appropriate legislation.

That these wise and moderate provisions will meet the hearty approbation of the Legislature, I cannot doubt. If proposed by two-thirds of each House of Congress and ratified by three-fourths of the Legislatures of the states, the Constitution provides that they should stand as adopted amendments of that instrument.

A question has been raised whether the states lately in rebellion, and not yet restored to their privileges, by Congress, are to be counted on this vote—in other words, whether those who have rebelled and been subdued shall be entitled to a potential voice in the question of the guarantees to be required of them for future obedience to the laws. So momentous a proposition is it, it appears to me, not supported by the words or spirit of the Constitution. The power to suppress insurrection, includes the power of making provision against its breaking out afresh. These states have made an unjust war upon our Common Government and their sister States, and the power given by the Constitution to make war on our part, includes the power to dictate, after our success, the terms of peace and restoration.

The power of Congress to guarantee to every State a Republican form of Government, would cover much more cogent action that has yet been had.

The duty imposed upon Congress, to provide and maintain republican governments for the States, is to be accepted in the broadest meaning of the term. It is not a mere formal or unnecessary provision. The power was conferred, and the duty enjoined, to preserve free institutions against all encroachments, or the more violent elements of despotism and anarchy. And now that treason has, by rebellion, subverted the governments of a number of States, forfeit-

ing for the people all the rights guaranteed by the Constitution, including even those of property and life, the work of restoration for these States rests with the National Government, and it should be faithfully and fearlessly performed.

By their passage by Congress, and the declaration of the people at the late elections, the faith of the nation is pledged to the amendments, and they will be fairly carried out, and the benefits given to the rebellious States. But when the amendments shall have passed into the organic law, should the people lately in rebellion persist in their rejection, and in continued disobedience, and the obstruction of the execution of the National laws, it will be an admission to the nation that the *animus* and force of treason still exist among a people who enjoy none of the privileges of the Government save of its generous tolerance. With their rejection, all hope of reconstruction, with the co-operation of the rebellious States, on the basis that would secure to the Republic the logical results of the war, will have vanished, and the duty must then devolve upon the Government, of adopting the most effectual method to secure for these States, the character of governments demanded by the Constitution.

They are without lawful governments—they are without municipal law, and without any claim to participate in the Government.

On what principle of law or justice can the rebellious States complain, if, after they have rejected the fair and magnanimous terms upon which they are offered brotherhood with us, and a participation in all the blessings of our freedom, and they have refused, if the government, in the exercise of its powers, should enter anew upon the work of reconstruction at the very foundation? and then the necessity will be forced upon us to discard all discrimination in favor of the enemies of our nationality, to give us and them enduring freedom and impartial justice.

The Constitution has defined treason, and has given express power to suppress insurrection, by war, if necessary. It has not provided, in detail, the terms to be granted after such a war. How could it do so? It would probably not be contended by the wildest partisan, that these States had a right to be represented in Congress at a time when they were carrying on open war against the government or that Congress was not then a lawful body, notwithstanding their exclusion. How then have they regained the right of representation? Surely not by simply laying down their arms when they could no longer hold them. The United States have the right, and it is their duty, to exact such securities for future good conduct as they may deem sufficient, and the offenders, from whom they are to be exacted, can have no right to participate, in our councils in the decision of the question of what their punishment shall be.

Practically, common sense determined the question of their right so to participate, when Congress proceeded in the enactment of laws, after the surrender of the last rebel military force. It was determined again, when the now pending amendments were proposed by Congress. If two-thirds of Congress, as now constituted, could lawfully propose these amendments, then three-fourths of the States, not excluded from representation in Congress, from a sufficient majority to effect their lawful adoption. It was determined again by the formal sanction of both the great political parties, when Congress by an almost unanimous vote, declared the rebellious States without the right of representation in the Electoral College of 1864.

We ought to do so resolutely and rapidly with all measures deemed necessary to the future safety of the country, so that all parts of it may, at the earliest day, be restored to just and equal political privileges.

The annual report of Hon. Thomas H. Burrows, Superintendent of the maintenance and education of the soldiers' orphans, will exhibit the present condition and the result thus far of that undertaking. Nearly three thousand of the destitute children of the brave men who laid down their lives that the nation might live, are now not only comfortably provided for and guarded from temptation, but are receiving an education which will fit them to repair the care of the State.

The appropriation made for this purpose, at the last session, has been sufficient to meet all expenses of the financial year just closed. And I recommend whatever appropriation may be necessary to continue and perfect the system under which the schools are conducted.

There can be no doubt that the appropriation will be made. Were I to select any State interest which I would more warmly commend to your prompt attention and liberality than another, it would be this. All Pennsylvanians are proud of it, and it lies near the hearts of all true men.

Owing to their great destitution and want of information on the part of their

relatives, the orphans of our colored soldiers may require some special attention. Perhaps authority to the State Superintendent, to use, for a short time, the services of an agent, to ascertain their number and claims, and bring them into the schools that may be provided for them, will be sufficient. The whole number in the State is not large, of whom a few have been temporarily provided for.

I recommend that provision be made for the maintenance of such of our soldiers as are in poverty, and have been so named as to prevent them from securing a livelihood by their labor, by renting buildings at once, or such other means as you may deem wise and proper, until the arrangements proposed by the National Government for their support are completed. They are probably few in number, and it is due to the character of the Commonwealth, that they should not remain in, or become the inmates of, poor houses, or pick up a precarious subsistence by begging—Patriotic and charitable citizens have done much for them, but speedy and proper relief can only be given them by the systematic and continued benevolence of the Commonwealth. The Legislature can alone afford immediate relief to all of this class of our citizens, and in thus exhibiting gratitude to heroic and faithful men, who did so much for the country, the burden will fall equally on all her people.

By our existing laws, juries are selected by the sheriff and commissioners of the respective counties. As these officers are generally of similar political affinities, the system has always been in danger of being abused for partisan purposes. During the last six years it has been frequently so abused, in many of the counties.

To secure, as far as possible, the administration of equal justice hereafter, I recommend that jury commissioners shall be elected in each county, in the same manner as inspectors of elections are chosen, each citizen voting for one jury commissioner, and the two persons having the highest number of votes to be the jury commissioners of the respective county, to perform the same duties, in the selection of jurors, that are now imposed upon the sheriff and county commissioners.

It is impossible, to provide, in all respects, for the increasing and changing interests of our people, by the enactment of general laws, but to a large extent it is practicable to relieve the Legislature from special legislation which is demanded and occupies so much of its sessions. Special legislation is generally passed without due consideration, much of it at the close of the session, and is chiefly objectionable from the partiality with which powers and privileges are conferred.

I again recommend the passage of general laws, when it is at all practicable, and in this connection, recommend the passage of a general law, regulating railroads now existing and the incorporation of new companies, so that so far as possible there may be just uniformity in the franchises granted, and equal facilities afforded to the people of all sections of the Commonwealth.

There are at this time in various prisons, a number of persons under sentence of death, some of them for many years, and it has become a custom that an incoming Governor should not issue a warrant of execution in cases unacted on by his predecessor, it not unrequently happens that in many cases, some of which are recent, while some punishment should be inflicted, that of death may appear to the Executive to be too severe.

I earnestly repeat my recommendation heretofore made, that provision be made for the reception of such persons into the penitentiaries, who may be pardoned on condition of remaining a limited time therein.

I reappointed Hon. C. R. Coburn, Superintendent of Common Schools, on the expiration of his term in June last, and he continued at the head of that Department until the first of November, when he resigned, and I appointed Col. J. P. Wickersham. It is due to Mr. Coburn to say, that he fulfilled all the duties of his office faithfully and efficiently. It appears from his report that there were in the school year of 1865, 1,903 school districts in the State—13,146 schools; 16,141 teachers, 725,312 pupils, with an average attendance of 178,066. The total cost of the school system, for the entire State, including taxes levied and State appropriation, was for the year 1865, \$4,195,258 67. The increase in the number of school districts was 26; in the number of children attending school, 19,632; in the average attendance of school, 18,945, in the total cost of the system, \$581,020 02. I invite your attention to the valuable suggestions made in his report, and that of Colonel Wickersham, and commend our system of public instruction to the continued fostering care of the Legislature.

I herewith present the reports of Col. F. Jordan, Military Agent of the State, at Washington; of Col. H. H. Gregg, Chief of Transportation; of S. P. Bates, on military history of our volunteers; of trustees of the Soldiers' Gettysburg National cemetery; of the proceedings and ceremony of the return of the flags, on the 4th of July, in the city of Philadelphia, and of Col. James Worrell, commissioner appointed under an act relating to the passage of fish in the Susquehanna, and invite your attention to them, and the reports of the Surveyor General and Adjutant General.

The Agency at Washington, should, in my judgment be continued. It has proved very useful in all respects, and especially to our volunteers and their families.

Four thousand six hundred and ninety claims have passed through the Agency during the past year, and three hundred and eleven thousand seven hundred and three dollars have been collected from the Government and transmitted to the claimant free of charge.

It will be necessary to continue the office of Chief of Transportation, as there are unsettled accounts with railroad companies and the National Government, and duties to be performed in the removal and care of bodies of the dead, which require it. An additional appropriation will be required for this Department.

I earnestly recommend, in justice to the living and the dead, that our military history be pushed forward vigorously, and that money for that purpose be appropriated.

The trustees of the State Lunatic hospital represent that it is impossible for them to accommodate and care for the number of patients committed to them under the laws regulating admissions into the hospital, and earnestly recommend that provision be made for increased accommodation.

I need not say that the institution is carefully and economically managed, or to refer to the great good it has produced; and that I cordially unite in the statement and recommendations of the memorial herewith presented.

I invite your attention to the condition of the Arsenal.

It is too small—unsafe as a depository for the large amount of valuable military material to be kept in it, and is, in all respects, inconvenient and not adapted to its purposes.

Much inconvenience was experienced during the war for want of sufficient room and safety; and I recommend that ground be procured and a new and commodious arsenal be erected in or near the Capital of the State.

Since the adjournment of the Legislature I drew my warrant on the Treasury for five thousand dollars, appropriated to the National Cemetery at Antietam, and appointed Maj. Gen. J. R. Brooke trustee to represent the State. Before the warrant was drawn I appointed Col. W. H. Blair and Capt. J. M. Linn, who examined the ground and made a full investigation, their report of which accompanies this message. It will be seen that they report seven hundred and ninety seven bodies of Pennsylvanians that will be removed into the cemetery, and recommend an additional appropriation, in which I most cordially unite.

I cannot close my last Annual Message without renewing the expression of my gratitude to the freemen of the Commonwealth for the hearty approval with which they have cheered the labors of the Executive Office. To have earned such approval by my official conduct, during the last six years, must always be a source of pride to myself and children. Without the consciousness that I was endeavoring to deserve their approval, and without the hope that I should succeed in attaining it, I must have sunk under the responsibilities of my position. It was only a reliance on Divine Providence, and the active, resolute, hearty support and zeal of the people, and their representatives, that encouraged me during the dark and terrible crisis through which the country has passed. I tried to do my duty to my country, and I know I was at least faithful to her in her deep distress, and I conceived that duty not to be limited to the merely putting of men into the field to suppress treason and rebellion. I felt also bound to protect and promote the rights of our volunteers after they had left the State, to care for the transmission, to their families the bodies of the slain.

To have been the Chief Magistrate of this great Commonwealth, during the period through which we have passed; and to have earned and maintained (if indeed I have done so) the confidence and affection of her people and their representatives, are quite enough to satisfy the highest ambition, and in my retirement from the high trust given me, I pray God that the state may continue to grow in power and strength, and her people in prosperity and happiness.

A. G. CURTIN,
EXECUTIVE CHAMBER,
Harrisburg, January 2, 1867.