

THE DEMOCRATIC ADVOCATE. No. 3 CARROLL HALL.

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The Grandest Art Project of the PRESENT CENTURY.

ITS SUCCESS DECIDED. Subscriptions pouring in from every quarter of the United States and the Canada!

THE END NEARLY APPROACHING! Subscribe at Once, to be in Time.

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This remaining Premiums consist of over THREE HUNDRED Splendid Oil Paintings.

For \$1 one Share or certificate, with one of the following beautiful Steel Engravings: "The Little Wanderer," by Thomas Faed.

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That all Subscribers receive their choice of one of the splendid Steel Engravings.

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Wm. F. Crobaugh, Pres't Union Nat Bank. Amos F. Hall, Treasurer C. B. & Q. R. R. E. G. Hall, Hill, Kimbark & Co.

These gentlemen, together with such others from different parts of the country as they may select to fairly represent the Shareholders, will have the

SOLE MANAGEMENT OF THE AWARD IN HAND.

Two hundred and ten thousand numbers representing the certificates issued, will be placed in one wheel, and three hundred and two tickets, inscribed with the names of the Premiums to which the Opera House, three hundred paintings, and the Bonds of Lincoln, will be placed in another.

Great Bargains. Wholesale & Retail.

JOHN L. REIFSNIDER, OFFERS for sale at great Bargains, a large Stock of

Dry Goods, Notions, Boots, Shoes, Hats, Caps, Carpeting, Floor, Stair and Table Cloths.

Call for the Carriage Business, and all kinds of Blacksmith's Tools and Hardware generally.

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Valuable Farm at PRIVATE SALE.

THE Subscriber, having determined to remove from the State, offers at Private Sale, the valuable and highly improved Farm, whereon he has resided for many years.

100 ACRES. The improvements consist of a large Frame.

MANSION HOUSE. Two Stories and an Attic high, carefully built and splendidly finished in the last four years.

The land is naturally of good quality, has been well limed, and is in a high state of cultivation at the present time.

WOODLAND. The farm is well watered, Bear Branch running through it.

For Sale or Rent. THE Subscriber will sell his FARM (late Dr. Eichelberger's), containing 366 1/4 ACRES OF LAND.

PRIME TIMBER. The remainder is arable, its natural quality of soil inferior to none in the neighborhood.

1000 Bushel Capacity. was built last year, and a system of lining completed of 2000 bushels per annum.

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40 ACRES OF LAND. This land is of good quality, and produces well equal to any in the neighborhood.

Orchard of the Finest Fruit; has the advantage of water in every field; and Piney Creek flows through the place.

IMPORTANT TO OIL BURNERS! THE subscriber having purchased the exclusive right to make and sell in Westminister District, Carroll county Md.,

Jan's Patent American Burning Fluid, hereby informs the public that he is prepared to sell, at his residence in Pleasant Valley.

SUGAR! SUGAR!! A FINE lot of Brown and White Sugar, just received at

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GLAD NEWS FOR THE UNFORTUNATE.

BELL'S SPECIFIC REMEDIES. Are warranted in all cases, for the Speedy and Permanent Cure of all diseases arising from sexual excesses or

YOUTHFUL INDISCRETION, Sexual Loss, Nightly Emissions, and Sexual Debility; Genital, Physical and Nervous Debility; Gonorrhoea, Gleet, Sexual Diseases, &c.

No Change of Diet is Necessary. They can be used without detection, and never fail to effect a cure, if used according to instructions.

Bell's Specific Pills, Price One Dollar per Box; or Six Boxes for Five Dollars; also Long Boxes, containing Four Small Pills Three Dollars.

Bell's Tonic Pills. Are recommended as the most Efficacious, Rejuvenating and Invigorating Remedy in the world.

Bell's External Remedy. Price Two Dollars, sufficient for a month, can be used in all cases of Debility and Impotence.

CAUTION! The above Remedies have now been before the Public many years, and their great success in the alleviation of human misery, has excited the cupidity of several parties, who use the name "Specific Pills," copy my labels, circulate and advertisements, sometimes word for word, and put up worthless compounds that disappoint the just expectations of the purchaser.

Dr. JAMES BRYAN, Consulting Physician, 819 Broadway, New York.

Bryan's Life Pills. Purify the Blood. Remove Headache, Dizziness, Giddiness, Drowsiness, Oppressed Dreams, Dimness of Sight, Indigestion, Clashes, Stomach and Bowels.

TO LADIES. If you require a reliable remedy to restore you, after irregularities, to regularity, and to remove all the impurities of the system, and to restore the bloom of health, the appetite fails, and other symptoms more distressing common, as—Weakness, Spinal Complaint, the Whites, Prolapsus, &c. &c.

Dr. Harvey's Female Pills. The experience of thirty years has proved they have no equal for Removing Obstructions and Irregularities, no matter from what cause they arise.

Dr. Harvey's Golden Pills. Is a remedy four degrees stronger than the above, and intended for special cases of long standing.

NOTICE. Watches, Clocks, JEWELRY, SILVER PLATED WARE, SPECTACLES.

Watches, Clocks, and Jewelry, carefully Repaired and warranted.

TO PRESERVE FRUIT. THE EXCELSIOR FRUIT JAR, warranted perfectly air tight, the greatest improvement out, it surpasses all that has yet been on exhibition.

ALL kinds of Job Work neatly executed at the "DEMOCRATIC ADVOCATE" Office.

THE CONQUERED BANNER.

Furl that Banner, for 'tis weary; Round its staff 'tis drooping dreary; Furl it, fold it, it is best!

For there's not a man to wave it, And there's not a sword to save it, And there's not one left to lay it In the blood which heroes gave it; And its foes now scorn and brave it; Furl it—hide it—let it rest!

Take that banner down, 'tis tattered! Broken is its staff and shattered! And the valiant hosts are scattered, Over whom it floated high.

Oh! 'tis hard for us to fold it! Hard to think there's none to hold it! Hard that those who once unrolled it, Now must furl it with a sigh.

Furl that Banner—furl it sadly! Once ten thousand hailed it gladly, And ten thousands wailed, madly, Swore it should forever wave— Swore that foeman's sword would never Hearts like their's entranced dis sever, Till that flag should float forever 'O'er their freedom or their grave.

Furl it! for the hands that grasped it, And the hearts that fondly clasped it, Cold and dead are lying low; And that Banner—it is trailing! While around it sounds the wailing Of its people in their woe.

For, though conquered, they adore it! Love the gold, dead hands that bore it! Weep for those who fall before it! Pardon those who trailed and tore it! But oh! wildly they deplore it! Now who furl and fold it so!

Furl that Banner! true 'tis gory, Yet 'tis wreathed around with glory, And 'twill live in song and story, Though its folds are in the dust; For its fame on brightest pages, Penned by poets and by sages, Shall go sounding down the ages— Furl its fold though now we must.

Furl that Banner, softly, slowly; Treat it gently—it is holy— For it droops above the dead, Touch it not—unfold it never, Let it drop there furl'd forever, For its people's hopes are dead!

Suits Against Judges of Election for Rejecting a Vote—Judgment of Justice Forrester—One Hundred Dollars for Plaintiff in Each Case—Justice Forrester's Opinion.

In the cases of Alexander M. Briscoe against the judges of election in the fourth precinct of the nineteenth ward, which were tried before Justice Forrester by F. E. P. Brooke, Esq., for plaintiff, and H. Stock ridge, Esq., for defendants, last week, the justice yesterday gave judgment in favor of the plaintiff for \$100 damages against each of the defendants, and also delivered the following written opinion:

These three several actions were instituted before me by the plaintiff, Alexander M. Briscoe, to recover from each of the defendants, Samuel Feast Jr., Robert O. Waterworth and Arthur McClellan, the sum of one hundred dollars damages for injury sustained by the plaintiff, in that the defendants, being judges of election of the fourth precinct of the nineteenth ward, did, on the 6th November, 1866, willfully and fraudulently refuse to receive the vote of the said plaintiff, he having been duly registered and legally entitled to vote at said election.

The defendants admit that the plaintiff was a registered voter on the list furnished them by the officer of registration, and that they refused to receive his vote, but contend that they are justified in the course pursued by them on ground that the plaintiff was reported to be a disloyal man, and when he presented himself at the polls, and was put on his oath, he did not answer the questions propounded to him by them as judges of election in a satisfactory manner.

The defendants, in justification of their conduct, plead (in the language of the Court of Appeals in the case of Bevard vs. Hoffman et al., 15th Maryland Reports, 479, &c.) that they were "public officers acting faithfully and honestly in the discharge of their duties, and within the limits of their constitutional power; that the law contended to be the duty of expressing judgment in the discharge of their functions," and that the plaintiff "had a fair and honest exercise of judgment in his case, which is all the law entitles him to; and although the judgment may be erroneous and the plaintiff injured, it is damnum absque injuria, for which no action lies."

These cases, having created a great deal of interest in the community, and the question involved in them being of the highest importance, I have given to them the most careful consideration in my power within the limited time allowed me to mature my judgment.

The principal question raised in the adjudication of these actions, and which is the gist of the controversy before me, is whether or not, since the law passed by the General Assembly for the registration of voters has been carried into effect, the judges of election have the right to judge the qualification of voters, and in the exercise of their judgment to exclude persons from voting whose names have been entered on the list of qualified voters by the officers of registration?

It is apparent, from the language of the constitution, that the object of the framers of that instrument, in conferring power upon the General Assembly "to provide by law for a uniform registration of the names of voters in this State" (art. 1, sec. 2) was "for the preservation of the purity of elections," (art. 3, sec. 41.) Previously to the adoption of the constitution and the passage and carrying into effect of the registry law, "the right of the citizen to vote—the question of qualification or disqualification of the person offering to vote—was committed to the judges of election, who were constituted quasi-judicial officers, clothed with the power and discretion necessary for the performance of the duty of ascertaining the facts that entered into the inquiry."

Experience having demonstrated that this mode of ascertaining the status of the person who offered to vote was radically defective, and that the judges of election could but imperfectly discharge the duty imposed upon them, and that the ballot-box was being polluted in consequence of the defective manner in which the qualification of voters was determined, the framers of the constitution wisely provided for another mode of accomplishing the same end with better results, and the General Assembly introduced the new system of ascertaining who were entitled to the right of the elective franchise by requiring persons claiming that right to go before the officers of registration in advance of the time of holding the elections. Justice Weisel, of the Court of Appeals, in his opinion filed in the case of Anderson vs. Baker et al., (not yet officially reported,) in speaking of the new mode of ascertaining the qualification or disqualification of the person claiming the right to vote, says: "It has the advantage of ascertaining before the days of election who are qualified to vote at the elections when they arrive."

The act providing for the registration of voters constitutes the officers of registration the sole and exclusive judges of the qualification of voters. They are required to enter on the books of registration every person "who shall satisfy them that he is qualified to vote under the provisions of the first article of the constitution and the laws of this State." Upon them devolves all the duties formerly imposed upon the judges of election, and they are clothed with all the powers formerly exercised by the judges of election in determining the qualification of voters. Justice Weisel says: "The judges of election are, by this means, relieved from duties which they could not but imperfectly perform in the brief space of one day at the crowded polls of an exciting election." He further says, in alluding to the change effected by the passage of the registration act, that "the qualifications of the voters were the same then as now. They were judged of, then, by the judges of election, instead of now, by the officers of registration."

On this point Chief Justice Bowie, in his opinion, filed in the case of Anderson vs. Baker et al., says: "Under the old system the judges determined the qualifications of the voter at the polls; under the new, the registers ascertain and enroll beforehand those who are qualified and those who are disqualified."

It is perfectly clear from the language of the registration act, and the opinion of the judges of the Court of Appeals who have reviewed it, that the officers of registration are duly constituted and empowered to determine as to whether or not the person who presents himself for registration is qualified to be entered upon the lists of registered voters.

The constitution makes the proceeding of the officers of registration, viz: the list furnished by them to the judges of election, evidence of the qualification of the person registered to vote. The question is raised in this case as to whether or not the fact of the person being registered is conclusive evidence of his right to vote? In my judgment, after the name of a person has once been entered on the list of qualified voters, such entry is conclusive evidence of his right to vote at all elections thereafter held until the registry list is corrected in the manner prescribed by the fourteenth section of the registration act; that is, by registers appointed by the Governor. I am sustained in this view by the opinion of Justice Cochran, filed in the case above referred to, who says: "We have found that the constitution provides for ascertaining, by a registration of voters, to whom the privilege of voting was extended, and that it clothed the officers charged with this duty, with the full power and jurisdiction to hear and finally determine all questions as to the right of voting and registration."

If this was not the case, if the judges of election could review the proceedings of the officers of registration, and were empowered to set aside their action by excluding persons from voting whose names were entered on the registry list, they could as well add to the registry list the names of persons excluded by the registers, or receive the votes of persons not registered, and by this means could virtually abrogate the whole registry law and defeat the very object for which it was provided, to wit, the preservation of the purity of elections.

I think it is perfectly clear, from the letter of the constitution and the act of Assembly for carrying the provisions thereof into effect, as well as from the decision of the Court of Appeals, that the judges of election are divested of all jurisdiction in determining the qualification of voters, and as this portion of the duty which formerly devolved upon them has been transferred to and is now performed by the officers of registration, their only duties in conducting elections are to receive the ballots of the persons

whose names are entered on the list of qualified voters by the officers of registration—exercising due caution to know that the person offering to vote is the identical person whose name is entered upon the list of qualified voters—and to certify the result of the elections in the manner prescribed by law.

It is my judgment that the penalties prescribed by the registration act for a violation of the provisions thereof, and of the first article of the constitution by the judges of election, were incorporated therein to prevent the judges of election from tampering with the rights of persons who have been duly registered, and that a refusal on the part of the judges of election to receive the vote of a person whose name has been duly entered on the list of qualified voters by the officers of registration renders them liable to be proceeded against for a violation of the provisions of said act.

As to the question of the disloyalty of the plaintiff, which has been set up as a defense against these actions, and ground of justification for the conduct of the defendants in refusing to receive his vote, the fact of his having volunteered in the military service of the United States, and having been honorably discharged therefrom, is conclusive evidence of his right to have been registered. But if he was thoroughly disloyal, and entirely disqualified to register as a legal voter, and the officers of registration had placed his name on the list of qualified voters, and he made application to the judges of election to vote, he had no power to refuse to receive his vote. If the officers of registration violated the law, they are amenable to its penalties; but the judges of election cannot constitute themselves a court of review to pass upon the action of the officers of registration, or to convict the person registered of disloyalty to the government. That is a part of their duty in conducting the election.

From the consideration which I have been able to give to this subject, I am of opinion that the plaintiff has been greatly injured by being deprived of his right to vote, and that he should be indemnified for the injury which he has sustained. The right of which he has been deprived, in the language of the Court of Appeals, "is justly esteemed as one of the most precious and valuable belonging to the citizen, and cannot be too highly prized, or too carefully protected." It would be idle for courts of justice to place so high an estimate upon the existence of a right, and yet fail to afford an adequate redress when it is violated. The measure of damage awarded should be commensurate with the injury sustained; and as no greater injury can be sustained by an American citizen than to be deprived of the right of enjoyment of the elective franchise, I believe it to be my duty to award damages to the extent of my jurisdiction, and have, therefore, rendered judgment against each of the defendants for the sum of one hundred dollars and costs.

It is supposed that the defendants in these cases will appeal from the judgment of Justice Forrester to the Court of Common Pleas.

A Ready Answer. That eccentric preacher, Lorenzo Dow, was once stopping at a hotel in New York, kept by a man named Bush. Among the guests was a General Root. They occasionally made themselves merry at Lorenzo's expense. One day Gen. Root began upon him thus: "Mr. Dow, you tell us a great deal about heaven. Now, I want you to tell me plainly what sort of a place heaven is." With imperturbable gravity, the preacher replied: "Heaven gentlemen, is a smooth, rich, fertile country; there isn't a lumb or a root in it, and there never will be." The Root and Bush subsided, and Mr. Dow wasn't further troubled.

SUIT AGAINST GENERAL BUTLER.—A suit has been commenced before the Supreme Court in New York, by John H. Lester, against General Butler, charging him with false imprisonment and with fraudulent conversion of property. The damages are laid at one hundred thousand dollars for the first offense, and fifty thousand dollars for the latter. It is alleged that Mr. Lester received a free pass from Secretary Stanton during the war to bring his family North. General Butler disregarded the permit and imprisoned him.

It is said that the negroes of Mobile established a savings bank a short time since, and it got along swimmingly until a circus came along, when the depositors drew all the money out in order to attend it.

A man being asked, as he lay sunning himself on the grass, what was the height of his ambition, replied, "To marry a rich widow with a bad cough."

The papers record the case of a young girl in Maine whose blood changed to sugar. We know some girls down this way who are all sugar.

The question, "Why printers do not succeed as well as brewers?" was thus answered: "Because printers work for the head, brewers work for the stomach, and where twenty have stomachs only one has brains."

"I would not be a woman, for then I could not love her," says Montague.—Lady M. V. Montague, says "The only objection I have to be a man is that I should then have to marry a woman."

The newest Yankee invention is an umbrella with a gutter around the edge and a spout at one corner.