

The Alleghanian.

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I WOULD RATHER BE RIGHT THAN PRESIDENT.—HENRY CLAY.

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THE ALLEGHANIAN—\$1.50 in advance

Select Poetry.

A SCORE OF YEARS AGO.

Down by the breaking waves we stood,
Upon a rocky shore;
The brave waves whispered courage,
And hid with friendly roar,
The faltering words that told the tale
I dared not tell before.

I ask'd if she with the priceless gift,
Her love, my life would bless;
Was it her voice, or some fair wave—
Forsooth, I scarce may guess—
Some murr'ring wave, or hersweet voice,
That lisp'd so sweetly, "Yes."

And then, in happy silence, too,
I clasped her fair wee hand;
And long we stood there carelessly,
While o'er the darkened land
The sun set, and the fishing boats
Were sailing for the strand.

It seems not many days ago—
Like yesterday—no more,
Since thus we stood, my love and I,
Upon the rocky shore:
But I was four-and-twenty then,
And now I'm forty-four.

The lily hand is thinner now,
And in her sunny hair
I see some silvery lines, and on
Her brow some lines of care;
But, wrinkled brow or silver locks,
She's not one whit less fair.

The fishing boats a score of years
Go sailing from the strand;
The crimson sun a score of years
Sets o'er the darkened land,
And here to-night upon the cliff
We're standing hand in hand.

"My darling, there's our oldest girl,
Down on the rocks below;
What's Stanley doing by her side?"
My wife says, "You should know;
He's telling her what you told me
A score of years ago."

"KILLING NO MURDER."

BY JAMES K. PAULDING.

I am a sober, middle-aged married gentleman, of moderate size; with moderate wishes, and moderate means, a moderate family, and everything moderate about me, except my house, which is too large for my means or my family. It is, however, or rather, alas! it was, an old family mansion, full of old things of no value except to the owner, as connected with early associations and ancient friends, and I did not like the idea of converting it into a tavern or boarding house, as is the fashion with the young heirs of the present day. Such as it was, however, although I sometimes felt a little like the ambitious snail, which once crept into a lobster's shell, and came near perishing in a hard winter, I managed to live in it for ten or twelve years very comfortably, and to make both ends meet. My furniture, to be sure, was a little out of fashion, and here and there a little out at the elbows; but I always persuaded myself that it was respectable to be out of fashion, and that new things smacked of new men, and therefore rather vulgar. Under this impression I lived in my old house with my old-fashioned, moderate-sized family, and moderate means, envying nobody, and indebted to no one in the world.

I had neither gilded furniture nor grand mantle glasses nor superb chandeliers; but then I had a few fine pictures and busts, and flattered myself they were much more genteel than gilded furniture, grand mantle glasses and superb chandeliers. In truth I look down with contempt, not only on these, but also on all those who did not agree with me in opinion. I never asked a person to dinner the second time who did not admire my busts and pictures, considering him a vulgar genius and an admirer of gilded trumpery.

But let no man presume, after reading my story, to flatter himself that he is out of the reach of the infection of fashion and fashionable opinions. He may hold out for a certain time, perhaps, but human nature can't stand forever on the defensive. The example of all around us is irresistible sooner or later. The first shock given to my attachment to respectable old-fashioned furniture and a respectable four square double house, was received from the elbow of a modern worthy, who had grown rich nobody knew how, by presiding over the drawing of lotteries, and who came and built himself a narrow four story house at the right side of my four square double mansion. It had white marble tops, with marble door and window sills, folding doors and marble mantle-pieces, and was as fine as a fiddle, indoors and out. It put my rusty, old mansion quite out of countenance, as my friends told me, though I assure my readers I thought it excessively tawdry and in bad taste.

But alas!—such is the stupidity of mankind—I could get nobody to agree with me.

"What has come over your house lately?" cried one good-natured visitor; "somehow it don't look like it used to."

"What makes your house look so rusty and old-fashioned?" said another good-natured visitor.

"Mr. Blankprize has taken the shine off your house," said Mrs. Sowerby; "he has killed your house!"

Hereupon the spirit moved me to get out and reconnoitre the venerable mansion. It certainly did look a little chubbier, rusty, old-fashioned quaker by the side of a first rate dandy. I picked a quarrel with it outright, which by the way, was a very unlucky quarrel. I was not rich enough to pull it down and build a new one; and it was great folly to quarrel with an old house until you can get a better.—But if I can't build, I can paint, thought I, and put at least as good a face on the matter as this opulent lottery man, my next door neighbor. Accordingly I consulted my wife on the subject, who, whether from a spirit of contradiction, or to do her justice, I believe from a correct and rational view of the subject, discouraged my project. I was only the more determined. So I caused my honest old house to be painted a bright cream color, that it might hold up its head against the scurvy lottery man.

"Bless me!" quoth Mrs. Smith, "what is the matter with this room? It don't look as it used to."

"Why, what under the sun have you done to the room?" cried Mrs. Brown.

"Protect me!" exclaimed Mrs. White, "why I seem to have got into a strange room. What is the matter?"

"You have killed the inside of your house!" said Mrs. Sowerby, "by painting the outside such a bright color."

It was too true; this was my first crime. Would I had stopped there!—but destiny determined otherwise. It happened unfortunately that my front parlor carpet was of a yellow ground. It was, to be sure, somewhat faded by time and use, but it comforted very well with the unpretending sobriety of my house, under the old "regime." But the case was altered now, and the bright cream color of the outside "killed" the dingy yellow carpet within. So I bought a new carpet of a fine orange ground, determined that this should not be killed. It looked very fine and I was satisfied that I had done the business effectually.

"Bless my soul!" cried Mrs. Smith, "what a sweet pretty carpet."

"Save us!" exclaimed Mrs. Brown, "why you look as fine as twopence."

"Protect us!" cried Mrs. Sowerby, "what a fashionable affair!" Then casting a knowing look around the room, she added in a tone of hesitating candor, "but don't you think, somehow or other it kills the curtains?"

Another murder! thought I; wretch that I am, what have I done? What is done cannot be undone; but I can remedy the affair. So I bought a new suit of yellow curtains. I will twig Mrs. Sowerby now.

Mrs. Sowerby came the very next day. "Well, I declare, now this is charming. I never saw more tasty curtains. But my dear Mr. Sobersides, somehow or other, don't you think they kill the walls?"

Murder again! Four stone walls killed at a blow. But I'll get the better of Mrs. Sowerby yet. So I got the walls colored as bright as the curtains, and bade her defiance in my heart the next time she came.

Mrs. Sowerby came as usual. Her whole life was spent in visiting about everywhere, and putting people out of conceit with themselves.

She threw up her eyes and her hands. "Well, I declare, Mr. Sobersides, you have done wonders. This is the real French white,"—which, by the way, my unlearned readers should know is yellow. "But," continued the pestilent woman, "don't you think these bright colored walls kill the chairs?"

Worse and worse. Here are twelve innocent old arm chairs, with yellow satin bottoms and backs, murdered by four unfeeling French white walls. But there is a remedy for all things but death. So I forthwith procured a new set of chairs as yellow as custard, and snapped my fingers in triumph at Mrs. Sowerby the next time she came.

But alas! what are all the towering hopes of man. Dust, ashes, emptiness, nothing. Mrs. Sowerby was not yet satisfied. She thought the chairs were beautiful.

"But then, my dear friend," she said, after an appalling pause, "my friend, those bright yellow satin chairs have killed the picture frames!"

And so they had, as dead as Julius Caesar; the picture frames looked like old

lumber amidst all my improvements.—There was no help for it, and away went the pictures to Messrs. Parker & Clover. In good time they returned, "redeemed, regenerated and disenthralled." I was so satisfied now that there was nothing left in my parlor to be killed, that I could hardly sleep that night, so impatient was I to see Mrs. Sowerby.

The pestilent woman, when she came next day looked around in evident disappointment, but exclaimed with apparent cordiality:

"Well now, I declare, it's all perfect; there is not a handsomer room in town."

Thank heaven! thought I, I have committed no more blunders.

But I reckoned without my host. I was destined to go on murdering in spite of myself. The Spring was coming on, and the weather being mild, the folding doors had been thrown open between the front and back parlors. This latter was furnished with green, somewhat faded, I confess. I had heretofore considered it the sanctum sanctorum of the establishment. It was only used on extraordinary occasions, such as Christmas and New Year's day, when all the family dined with me, bringing their little children with them to gormandize themselves sick. The room looked very well by itself, but alas! the moment Mrs. Sowerby caught sight of it, her eye brightened—fatal omen.

"Why, my dear Mr. Sobersides, what has got into your back parlor? It used to be so genteel and smart. Why I believe I am losing my eyesight. The green curtains and carpet look quite yellow I think. Oh, I see it now—the front parlor has killed the back one!"

The deuce! Here was another pretty piece of business. I must either keep the door shut in summer and be roasted, or be charged with killing a whole parlor—carpets, chairs, sofas, walls, and all.

It would be but a mere repetition to relate how this wicked woman led me from murder to murder. First the new carpet killed the walls, the new painted walls killed the oil satin chairs and so little by little all my honest old furniture went the way of the honest yellow.

"The spell was broken at last," I cried rubbing my hands in ecstasy. Neither my front parlor nor my back parlor can commit any more assassinations. Elated with the idea, I was waiting on Mrs. Sowerby, to the front door, when suddenly she stopped short at the foot of an old fashioned winding staircase, the carpet of which I confess, was infested here and there with that modern abomination—a darn. It was moreover, rather dingy and faded.

"Your back parlor has killed your hall," said Mrs. Sowerby.

And so it had. Coming out of the splendor of the former, the latter had the same effect on the beholder as a bad set of teeth in a fine face or a rusty iron grate in a fine room.

I began to be desperate. I had been accessory to so many cruel murders that my conscience had become seared, and I went on, led by the wiles of this pestilent woman, to murder my way from ground floor to cock-loft, without sparing a single soul. Nothing escaped but the garret, which having been for half a century the receptacle for all our broken or banished household goods, resembled Hogarth's picture of the "End of the World," and defied the arts of that mischievous woman, Mrs. Sowerby.

My house was now fairly revolutionized or rather, reformed, after the old French mode by a process of indiscriminate destruction.

I did not like Alexander, after having thus conquered one world, sigh for another to conquer; I sat down to enjoy my victory under the shade of my laurels.—But, alas! disappointment even follows fruition. It is pleasant to dance until we come to pay the piper. By the time custom had familiarized me to my new glories, and they had become somewhat indifferent, bills came pouring in by dozens and it was impossible, to kill my duns, as I had my old furniture, except by paying them; a mode of destroying these troublesome vermin, not always pleasant or agreeable. From the period of commencing housekeeping until now, I have not had occasion to put off the payment of a single bill. I prided myself on paying ready money for everything and it was an honest pride. I can hardly express the mortification I felt at now being sometimes under the necessity of giving excuses instead of money.

I had a miserable invention at this sort of work of imagination, and sometimes when more than usually barren, I got into a passion, as people often do when they have nothing else to do.

More than once I found myself suddenly turning a corner in a great hurry or planting myself against the windows of a

picture shop, studying it very attentively in order not to see certain persons the very sight of whom is always painful to persons of nice sensibility.

Not being hardened to such trifles by long use, I felt rather sore and irritable. Under the old regime it had always been a pleasure to hear a ring at the door, because it was the signal for an agreeable visitor; but now it excited disagreeable apprehensions, and sounded like the knell of a dun. In short, I grew crusty and fidgety by degrees, inasmuch that Mrs. Sowerby often exclaimed:

"Why, what is the matter with you, Mr. Sobersides? Why, I declare somehow or other you don't seem the man you used to be."

I could have answered the new Mr. Sobersides had killed the old Mr. Sobersides. But I said nothing, and only wished her upstairs among the old furniture.

My system of reform produced another source of worrying. Hitherto my old furniture and myself were so long acquainted that I could take all sorts of liberties with it. I could recline on one end of the sofa on an evening, or sit on one of the old chairs, and cross my legs on an anger, without the least ceremony. But now forsooth! it is as much as I dare do to sit down on my new acquaintances; as for a lounge on the sofa, which was the Cleopatra for which I would have lost the world, I should as soon think of taking a nap on a fine lady's sleeve. As to my little rattle boys, who had hitherto feared neither carpet, chairs nor sofa, they have at last been schooled into such awe of finery, that they will walk about the parlor on tiptoe, sit on the edge of a chair with trepidation, and contemplate the sofas at a distance with profound veneration, as unapproachable divinities. To cap the climax of my system of reform, my easy-old-shoe friends, who came to see me without ceremony, because they felt comfortable and welcome, have gradually become shy of my new chairs and sofas, and the last of them was fairly locked out of the house by a certain personage for spitting accidentally upon a new brass fender that shone like the sun at noonday.

I might hope that in the course of time these evils would be mitigated by the furniture growing old and sociable by degrees, but there is little prospect of this, because it is too fine for common use. The carpet is always protected by an old crumb cloth full of holes and stains; the sofas and the chairs in dingy covered sheets, except on extraordinary occasions, and I fear that they will last forever—at least longer than I shall.

I sometimes solace myself with the anticipation that my children may live long enough to sit upon the chairs with impunity, and walk on the carpet without going on tiptoe.

There would be some consolation in the midst of these sore evils, if I could only blame my wife for all this. Many philosophers are of the opinion that this single privilege of matrimony is more than equivalent to all the rubs and disappointments of life; and I have heard a very wise person affirm that he would not mind being ruined at all, if he could only blame his wife for it. But I must do mine the justice to say that she combated Mrs. Sowerby gallantly, and threw every obstacle in the way of my system of reform, advocating the cause of every old piece of furniture with a zeal worthy of better success. I alone am to blame in having yielded to that wicked woman, Mrs. Sowerby; and as a man who has ruined himself by his own imprudence is the better qualified for giving good advice, I have written this sketch of my own history to caution all sober, honest, discreet people against commencing a system of reform in their household. Let them beware of the first murder!

Everybody recollects the diamond wedding of the rich old Cuban and the young New York belle. A recent letter from Cuba says: "It may interest my fair readers to remember that Havana is the home of Signor Oveido, the hero of the diamond wedding. Here he is known as a mulatto, at least half black, and he is said to be a Blue Beard for brutality.—He is rich; but, as he and his bride are of course excluded from all good society, his wealth can hardly compensate his lady for the slights and seclusion to which her life is henceforth destined. A sad and dearly bought conclusion of so brilliant a bridal."

Nature has strange ways of doing the most beautiful things. Out of the oozy earth, the mud and rain of early spring, come the most delicate flowers, their white leaves born out of the fruit, as unsoiled and pure as if they had bloomed in the garden of Paradise.

The Law Under Which the Militia of the Country is Called Out.

We give below the section of the act of 1795 under which the President of the United States has called forth the militia of the States in his proclamation. That law was passed in reference to the insurrection in Pennsylvania, when many thousands of insurgents were in arms against the Federal authority. That formidable outbreak being happily quelled, no further action was had under this statute till 1814 when war with Great Britain existing, its provisions were found effective in bringing the forces of the country under the control of the Federal Government. Congress, however, in that year extended the time of service to six months, it being limited by act of 1795 to three months.—The amendatory act of 1814 was restricted as to its period of operation to the duration of the then existing war and by its own terms expired at its close, leaving the provisions of the act of 1795 in force. It will be observed that the President has in his proclamation quoted the exact text of the statute, the section referred to being as follows:

"SEC. 2. And be it further enacted, That whenever the laws of the United States shall be opposed or the execution thereof obstructed in any State by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by this act, it shall be lawful for the President of the United States to call forth the militia of such State, or of any other State or States, as may be necessary to suppress such combinations, and to cause the laws to be duly executed, and the use of the militia to be called forth may be continued if necessary, until the expiration of thirty days after the commencement of the then next session of Congress."

The power of the President to determine the existence of the facts which establish the necessity of calling upon the militia has been settled by judicial determination. In the case of *Martin vs. Mott*, reported in the 12th of Wheaton, p. 19, the court says:

"The authority to decide whether the exigencies contemplated in the Constitution of the United States and the act of Congress of 1795, chap. 101, in which the President has authority to call forth the militia of the Union, suppress insurrections and repel invasions, have arisen, is exclusively vested in the President, and his decision is conclusive on all other persons."

The clause which limits the term of service of troops called out under this act is found under the fourth section, and is as follows:

"And no officer, non-commissioned officer or private shall be compelled to serve more than three months after his arrival at the place of rendezvous, in any one year."

It will be observed that the concluding clause of the second section quoted above makes the term of service also expire thirty days after the assembling of Congress. It is noticeable that it was in the power of the President, by declining to call an extra session of Congress, to have provided a longer period of hostilities, inasmuch as the troops ordered into the field upon the first requisition could, at the expiration of their term of service, have been replaced by a new levy, and thus a sufficient army have been kept under arms till the first of January next. It is not doubted that the spirit of the States furnishing the troops would have promptly advanced the money necessary to maintain their several quotas in active operations, relying on the General Government for repayment. The Administration, however, have prudently put it beyond the power of the Executive to continue troops in the field beyond the first of August. In calling Congress together, the Government will have deferred to the Senators of the States and the Representatives of the people the responsibility of the measures and the policy which after the date of their assembling may be held requisite to preserve the public peace.

How women do admire weddings!—not their own, merely, but anybody else's!—How they throng the churches, just to see the ceremony! Then what animated descriptions of the whole affair, what glowing accounts of what the bride "had on," especially, do they give! In short, what an immense amount of simper, and giggle, and prattle is ventilated!—and all because two inoffensive people are going, in a legal and orderly way, to set up housekeeping for themselves. Querious, ain't it?

The returns of the Philadelphia banks show that they have now over \$600,000,000 in their vaults.