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meet with prompt attention.

Important Decision.
N. C. SUPREME COURT—JUNE TERM, 1871.
J. H. King,
vs.
Commissioners of Lincoln Co.

Opinion.
By Judge J.: The office of sheriff, with well
defined duties and emoluments, existed at the
time of the adoption of the present constitu-
tion. One of its duties with its emoluments,
was the collection of taxes. The constitution
establishes the office of sheriff, and prescribes
the mode of his election, by the people, and
fixes his term of office with each salary and fees
and emoluments as should be prescribed by
law. The plaintiff was elected sheriff under
the constitution, and his term has not yet ex-
pired. At the time he was elected and in-
duced into office the collection of taxes was
part of his prescribed duties for the perform-
ance of which he gave bond and took an
oath. These duties he continued to perform
until April last, when under an act of the
Legislature, ratified Feb. 2nd, 1871, the county
commissioners of Lincoln county appointed
a tax collector, and inducted him into of-
fice. The question is, had the legislature the
power to do this?

Nothing is better settled than that an office
is property. The incumbent has the same
right to it that he has to any other property.
There is a contract between him and the State
that he will discharge the duties of the office
and that he shall have the emoluments—
and the State is pledged by its honor. When
the contract is struck, it is as complete and
binding as a contract between individuals,
and it cannot be abrogated or impaired de-
cept by the consent of both parties. We do not
wish to be understood as holding that there
is any rule of construction of the details
of the contract; on the contrary, there must
be some flexibility to suit the public conve-
nience, and the convenience of the officer—such
as would be implied from the nature of the
contract, and such as circumstances make nec-
essary—ex. gr. if it happened that the
commissioner should be unable to serve the public,
or if he be increased, or if they be so extrane-
ous as to be burdensome to the public they
may be diminished. But this must be done
in good faith and in fair dealing, and with
no view to evade or indirectly to im-
pair the substance of the contract. Nothing
is to be better granted than that contracts
with public officers for although it is not to
be supposed that the legislature will be in-
fluenced by any but pure motives, yet as officers,
and officers are of necessity connected with
political parties, and are, inevitably, the
objects of favor or prejudice, it is wise to pro-
tect the public against the former and the of-
ficers against the latter.

It is well known that the commissions
for collecting taxes are important, and, in
many instances, the principle part of the emolu-
ments of the office of sheriff. Lincoln is a
small county, and probably one-half of the
sheriff's emoluments are from taxes. There is
no allegation that the emoluments are large
to the oppression of the public. If they were,
the court might have been compelled with
the Legislature, by a general law reducing the
fees of sheriffs. But even in that way it is at
least questionable whether the legislature could
have deprived him of all commissions for the
collection of taxes—certainly not unless the emolu-
ments were excessive, and then the legisla-
ture, in deprivation, must have been for that
reason. But, here, there is no such excess.
The Legislature, without apparent necessity,
and, therefore, in contemplation of law, wan-
tonly, takes the duties and emoluments from
the sheriff, and creates a new office, and gives
them to him! The error is so palpable that,
but for the respect due to the legislature,
whose act we are reviewing, and must main-
tain unless plainly unconstitutional, we should
think it unnecessary to encumber the case
with authorities.

The king may grant the office of sheriff
during his pleasure, and although he may de-
termine the office at his pleasure, yet he can-
not determine it for part, and for a vil. &c.
Nor can he abridge the sheriff of anything in-
herent or appurtenant to his office.—*Bacon's*
Ab. 7, Ch. 2, p. 20.

So in the State of New York, there was
the office of "Clerk of the City and County of
New York," who was also "Clerk of the Court
of Common Pleas." And the officer was elec-
tive by the people. And the legislature under-
took to divide the office, and create a separate
office of "Clerk of the Court." And the court
appointed the clerk an instance of this kind
in this case. The supreme court of New
York decided that the legislature had no power
to do it, saying, "In effect this statute di-
vides the office of clerk of the city of New
York into two parts; and as to the largest
share in point of duty and emoluments, takes
the office of the officer from the electors of
the county, and gives it to the appointees of
the court. If this can be rightly done, I do not
see any security for the residue of the office.
The legislature may take that also and give
the appointment of the officer to some court,
or to the governor and senate; and thus the
constitutional provision for a choice by the
electors would be completely nullified."—2.
Dennis vs. Warner vs. the People, 37.

The same was carried to the court for the
correction of errors, and was elaborately argued
by eminent counsel and well considered by
the court, and the decision of the supreme
court was affirmed; the chancellor saying,
"But where the legislature, as in this case,
assumes the power to take from a constitu-
tional officer the duties and emoluments of
his office, and to hold the office by a different
tenure than that which was provided for by
the constitution, it is not a legitimate exercise
of the right to regulate the duties or emolu-
ments of the office but an infringement upon
the constitutional mode of appointment."

It would seem therefore, that the division
of the duties and emoluments of the Sheriff
of Lincoln is liable not only to the objection
that it impairs the obligation of the contract
with the sheriff, and deprives him of his prop-
erty and gives it to another, but to the more
serious objection that it breaks faith with the
people, by taking from them the right to
appoint the officer who may go to every
man's house, and distract his property, or
otherwise collect the taxes. Probably there
is no right of which the people are more
jealous, and for the infringement of which
they will hold the legislature and the courts
to a more rigid accountability. If the
people may be deprived of the election of this
officer, and if his duties and emoluments may
be transferred to an appointee of an irrespon-
sible body, of what other similar right may
they be deprived? With as much propriety
every other office in the state may be cut up,

The Weekly Pioneer.

THURSDAY MORNING, SEPT. 14, 1871.

GENERAL NEWS.

Only twenty-six Chinese women have ar-
rived at San Francisco during the summer.

A new hearse in Indianapolis is claimed to
be "airy and attractive."

The National Pomological Association met
at Richmond Va., on the 5th inst.

The State elections in California took
place on the 5th inst.

Sixty thousand dollars a year are said to
be made out of the Ludlow street Jail, New
York by the sheriff of that county.

The supposition is that Captain Hall's re-
ception by the Esquimaux will be a cool
one.

A wooden-legged inebriate of Newark was
taken apart and carried to the police station
in sections.

At Newark, New Jersey, a policeman, named
Wilde, was fatally injured by a gang of
rowdies. Eleven of them were arrested.

Mr. John Mott, a resident of Long Island,
has been fined \$15 for a refusal to accept the
office of Overseer of Highways.

At Chico, Cal., Phillip Rupert was shot
dead, and two other men were wounded in a
fight at a political meeting on Saturday night.

The President has pardoned Alfred Foster,
convicted in Brooklyn of selling unstamped ci-
gars, six months ago.

Ten convicts escaped from the Penitentiary
at Little Rock, Ark., on the night of the 5th
inst., by overpowering the guards.

The tobacco crop of the Miami Valley this
season is estimated at 45,000 boxes, about
20,000 boxes in excess of last year's.

The next annual meeting of the Woman
Suffrage Association will be held in Phila-
delphia, Pa., on November the 22nd and 23rd.

Admiral Porter, who has been confined to
his room by illness for several weeks past,
has now recovered sufficiently to devote some
attention daily to his official duties.

Reports of the cotton crop in Alabama and
Mississippi are discouraging. Too much rain
in some localities, drought in others, and the
worms, are assigned as causes.

Senator Schurz, at the invitation of the
citizens of Nashville, "irrespective of party,"
is to deliver an address in that city on the
20th inst., on public affairs.

A trapezist walking on a tight rope across
a street in Springfield, Ohio, August the 31st
fell and broke his leg, besides receiving other
injuries which endanger his life.

An enraged crowd in St. Louis dashing among
a crowd in one of the streets recently, in-
jured six persons, among them Hon. Erastus
Wells, M. C.

At San Francisco, on Monday night, Rich-
ard Harvey, alias "Mickey Free," was shot
dead by Sidney Flag. Both were boatmen,
and rivalry in business caused the crime.

On Friday last, in the county of Carteret,
Tenn., Joseph Walters was killed by his
brother William. The difficulty arose about
some apples, and the killing was done with a
knife.

Two bodies, supposed to be of the man
who robbed the Southern Express messenger
on the train near Moscow some weeks ago,
are reported to have been found near New
Madrid, Mo.

A young man was arrested in St. Paul,
Minn., last week, on the charge of forging his
mother's name to five Post-office money
orders. His mother refused to testify against
him.

A man who ran away from his wife in
Pittsfield, Mass., with another woman got-
ting of his new affinity after spending all his
money and wrote to his wife to send him
money to pay his fare back to her. She didn't
do it!

The carpets in New York Court House
were paid for by the Tammany Ring to the
amount of \$350,000. A leading carpet dealer
in that city says that \$12,000 was a big
price for the carpets furnished.

A. T. Stuart's hotel for women in New
York is rapidly progressing. In style and
finish it is scarcely surpassed in that city, and
it will cost several millions. It will accom-
modate over a thousand persons.

Secretary Delano has addressed a communi-
cation to the Acting Commissioner of In-
dian Affairs, directing him to take means for
the removal of settlers who have intruded
upon lands in the Indian Territory, contrary
to treaty stipulations.

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to treaty stipulations.

Charles J. Pettit, formerly a Washington
newspaper correspondent, attempted to com-
mit suicide in Philadelphia, on the 5th inst.
A note in his pocket stated that the want of
employment and his inability to pay his bills,
was the cause of this attempt upon his life.

At Bloomfield, Mo., on Sunday, a man
named Hanna, a notorious character, was
pursued by a mob of masked and armed men,
and took refuge in the house of his son-in-law.
When the gang approached the house they
were fired upon, and three of them, named
Brown, Bidlox and Drummond, were killed.

A colored woman was seized and drawn
into the canal by an alligator at Franklin, La.,
a few days ago, while she was washing clothes
on the bank, but she managed to escape
though the creature got her head into his
mouth. She received some severe cuts dur-
ing the struggle.

The New York Herald, in view of the re-
cent developments in that city, wants the mis-
sionaries to "let the heathen slide for the pres-
ent, and attend to home trade in social demor-
alization and general wickedness. Scarcely
one crime or one horror is announced, ere it
is 'telegraphed' into another, and so it goes on
from one day to another, without end to the
chapter.

At Boston George Bennett, Henry Weston,
Arthur Lucas and Arthur Kincaid, seamen
on the schooner Montezuma, have been com-
mitted for trial for the murder of a negro at
St. Domingo, several months ago. It appears
that the murder resulted from the refusal of
the negro, who was one of the crew, to return
to the vessel, after leave of absence. Captain
Leach, master of the schooner, alleged to have
been the principal in the crime, has fled.

Winnipeg advises to August 19th, report
the Lieutenant Governor and Commissioner
Simpson at Lake Manitoba, making a treaty
with Indians outside the Province. A fine
harvest was expected, notwithstanding two
weeks of unusually stormy weather. The
Hudson Bay Company was to hold its annual
meeting this year at Fort Garry. The Scott
centenary had been duly celebrated.

Mayor Screven of Savannah, contradicts a
report that yellow fever exists in that city.
He says that city "is free of disease of any
kind than in any previous year." The wool-
len mill of James Legg & Co., at Mapleville,
R. I., was burned on the 3rd inst. Loss,
\$100,000. It is supposed the watchman
perished in the flames.

Secretary Delano has written to the Indian
agent at Chippewa Agency, directing him to
warn all persons against attempting to make
settlements or commit trespasses on the Mil-
la Lac reservation, or in any way to disturb
the Indians now occupying that reservation
under treaty stipulations. It appears that
settlements are being made upon the reserva-
tion by whites.

There are now in operation 118 grain and
maltster distilleries, having a total daily pro-
duction of 170,852 gallons. Compared with
the corresponding period of last year, the
figures show an increase of 14 distilleries,
and an increased daily production of 37,392
gallons. Ohio has 36 distilleries, Illinois 34,
Indiana and Kentucky 17 each, and Pennsylv-
ania 16. The remaining distilleries are
scattered through 14 States.

Parties are now engaged in digging in
the Anacostia river, off the Navy yard at
Washington for the recovery of chains and
anchors, &c., which were deposited for safe
keeping in the bed of the river in 1814, when
the British invaded the city. A considerable
amount of chain and a large anchor have thus
far been recovered, which will be renovated
at the Navy Yard.

Santa Fe is the oldest town in the United
States but one, which is St. Augustine, Fla.
If any one has a curiosity to see how a town
looked more than a century ago, he has only
to visit Santa Fe and he will have a pretty
clear conception of things as they appeared
at that early day in the settlement of this con-
tinent.

In many of the manufactories in Massachu-
setts steam engines are being added, to be
used in connection with the water power. A
town with a water power can accommodate
twice as many mills, and at the same time,
in the event of any drought or other accident
to the water power, the mills are guarded
against a stoppage which so often materially
affects their business.

A Welshman accustomed to quarry work,
while passing through Monson, in Maine,
observed some slate rock that had been
thrown from a cellar. He recognized it as
valuable, and in company with another man
traced the vein along the surface, and finally
purchased fourteen acres of the apparently
worthless land for seventy-five dollars. They
immediately commenced an excavation, and
found, as they expected, good slate at the
depth of a few feet. In a few weeks they
sold their purchase to a New York company
for \$16,000.

A despatch from Dublin on the 4th inst.,
says there was fierce fighting in the streets
all Sunday night. The police were driven to
their barracks, where they received reinforce-
ments and charged the crowds desperately.
They were driven into the barracks again,
and the rally was repeated several times, but
with the same result. A bar of iron thrown
from a public house led to the storming of
the house and the capture of the rioters.
An attempt was made to rescue
inmates. The house was completely wrecked
by the mob, and, in the battle which fol-
lowed, the house was completely wrecked
by the mob in its frantic rage. Half of the
policemen engaged in the affray were in-
jured, and the rioters sang national songs all
night. There is great excitement, and it is in-
creasing.

From statistics prepared by the several
departments for the information of the Civil
Service Commission, it appears that the whole
number of persons employed in the civil ser-
vice of the United States Government is
about 50,000. This, of course, includes not
only the force engaged at Washington, but
diplomatic officers abroad, postmasters, in-
ternal revenue officials, and custom-house of-
ficers and employees throughout the country,
and all others engaged in any way in the civil
service of the General Government in the
several States and Territories.

In old Rome there was nine aqueducts
to supply the city with water, and the amount
furnished for each inhabitant could hardly
have been less than 500 gallons for each per-
son daily, or more than six times as much as
is supplied to each person in London at the
present time. One of the aqueducts was
fifty-four miles long, and one forty-two miles
long. No modern city ever had such perfect
arrangements for baths and perfect cleanli-
ness as Rome. The Roman sewers for car-
rying off the filth of the city were also most
perfect. The main one—the cloaca maxima
—had a series of small channels flowing into
it from all parts of the city, and rendering its
drainage most perfect.

Four out of the seven principal hotels in
Washington city have gone by the board.
Willard's is closed apparently forever; the
Metropolitan has changed hands, the former
proprietor swamped financially, and the fur-
niture is to be sold; the Seaton House furni-
ture has been sold, and the building is to be
occupied hereafter as a branch of the Interior
Department, and rumor says that yet another
hotel is about to go under. The dullness of
the hotel business at this time is attributed
to the absence of the President and members
of the Cabinet. Few strangers visit the cap-
ital, and it is regarded as surprising that any
first-class hotel can, under these circum-
stances, pay expenses.

The Mobile Register says: Among the
many scenes incident to the blowing up of
the Ocean Wave, we turn from those of a har-
rowing nature to note that of a babe about
7 months old, tightly jammed in between two
heavy beams, kicking up its little feet and
smiling, amid the dreadful carnage, perfectly
happy and unconscious. In this condition it
was found by its agonized mother, who was
rushing frantically about, supposing her infant
to be lost.

Colonel Boudinot, of the Cherokee Nation,
has written a letter recommending that Con-
gress secure to the Indians of that Territory
160 acres of selected land for every man, wo-
man and child; that the remainder of the
land be sold to actual settlers; that \$1,000,000
of the Cherokee fund be devoted to the edu-
cation and support of orphans, etc.; that the
interest on the balance be divided per capita
every year; that U. S. Courts be established
in the Indian country, with Indian juries, to
try Indians; and that there be an Indian
delegate in Congress, to take the place of the
expensive delegations, thereby saving \$15,
000 per year.

The terrible hail storm which swept over
portions of Burlington, N. J., some time
since, was very severe on the crops of a hard-
working man who rented a farm of a Quaker
lady, at an annual rental of \$1200. The
lady called upon her tenant and said: "I
have heard of thy misfortune, and came over
to commiserate with thee." "Yes, ma'am,
"Never mind," was the reply of the latter,
"it has to be filed before it comes into court."
"All, thee need not be concerned about the
rent. Seeing thy loss, thee need not pay me
any rent this year."

"Wild rent items" always have an en-
grossing interest for the newspaper reader,
and hence we record that recently one was
seen leisurely plodding up Fourth street,
Broadway of St. Louis, when a crowd of men
and boys got after and urged the animal into
a trot, and from a trot into a run. The result
was that he capsize two men, killed one,
tossed a couple of children in the air, butted
through a show window, knocked down the
frame of a shed and broke a man's arm, ran-
sacked a barber shop, went through a bar-
room, broke up an auction and swam the
Mississippi river.

A document, purporting to be a copy of a
memorandum made in pencil by part of the
crew of the British ship Lillian, lost off the
Brazilian coast last January, has been re-
ceived at Mobile. It was picked up in the
Gulf of Mexico. It is signed John Thomas,
second mate, and Michael Dooly and John
Durgan, seamen, and states that the singers
had been in an open boat six days since the
sinking of the ship, suffering hunger and
thirst, and ignorant of the fate of the captain
and rest of the crew.

A letter to the Petersburg Index, from
Lebanon, Tenn., says: "Hamilton & Raw-
don's combined show entered the upper east
end of this county on yesterday and pitched
their tents at Ferguson's mill, where they ex-
pected to exhibit to the astonished natives
the wonderful performances which are seen
in the spangled ring. A citizen by the name
of Ball, under the influence of intoxicating
drink, intruded himself upon the performers,
and though politely invited by the manager,
and though to withdraw, he persistently re-
fused, and when force was attempted he
resisted violently, grabbing the clown in the
left breast. The cords of the canvass were
out and the tent pulled down. Another fight
occurred about the same time between a citi-
zen by the name of Boyd and one of the
showmen. One of the sideshowmen came up
and attempted to stop the fight and restore
order, when Boyd drew his pistol and shot
him through the heart, producing instant
death."

Some new horror is developed every day
in New York city. On the 4th inst. the
body of a young Englishman, Henry With-
ers, was found floating in the North River,
with several unmistakable bullet wounds on
and about the face—showing almost beyond
a doubt that he had been the victim of foul
play. Deceased was employed as a clerk in
the house of James Reid & Co., wine impor-
ters, 115 Broad street. The last seen of him
alive was on Wednesday afternoon last, when
he had \$100 on his person. In his pockets,
when dragged from the river, only one cent
was found, together with a check for \$209.86
on the Irving National Bank. Many rumors
are afloat concerning the affair. One is to
the effect that deceased was in the habit of
frequenting a place of doubtful repute over
at Westhaken, leading to the inference that
he was robbed and murdered on that side
of the river. His employers, however,
assert that, so far as they know, he was
a man of irreproachable morals, and brought
with him from England testimonials of the
highest character.

The Paris newspapers are singularly exer-
cized over the offer made by George Wilkes,
of New York, in behalf of the Lower Cali-
fornia Company, to take charge of the Com-
munist prisoners whom the Government will
find necessary to expatriate and to place them
upon the company's lands. La Patrie affects
to consider this proposition in the light of a
coolie trade and beneath the dignity of the
Republic. The proposition, however, will
bear no such construction. It is merely an
offer to afford to these outlaws a free trans-
portation to the United States, when, if they
wish, they may become American citizens,
settle upon the public lands, and have to lay
aside their Communist, International non-
sense by seeing true social and individual
freedom exemplified in this country. Ration-
al liberty is the only remedy for the opium
dreams of these madmen.

CURRENCY.

Brigham Young is now known as the
"Mohammed of the West."

A Terre (Indiana) newspaper prints among
its local items, "No suicides to-day."

A resident of Lewistown, Mo., who turns a
penny when he can, sold the handles from the
coffin in which he buried his wife.

A Californian worth \$270,000, fell in love
with a lady in a Columbus (Ohio) street car,
recently, and married her.

A woman of the alleged age of 110 drown-
ed herself recently in Dinwiddie county, Va.
So will we when we have lived to that age.

Grasshoppers are prematurely chewing all
the tobacco in the fields of Connecticut, and
thus cutting off the smokers' supply.

A Rochester woman recently drove away
a burglar by amputating four of his fingers
with her "little hatchet."

Maine claims, on the authority of Prof.
Agassiz, to have been the first formed land in
the New World.

An Alabama newspaper speaks of a colored
orator there having "dislocated his shoulder
in a peroration."

Mrs. A. T. Stewart, in answer to a friend
who asked her why she dressed so plainly,
replied: "I can afford to do so." One of
the advantages of being rich, you see.

A client remarked to his solicitor, "You
are writing my bill on very rough paper, sir."
"Never mind," was the reply of the latter,
"it has to be filed before it comes into court."

It is said the custom of wearing cadet but-
tons has been given up by the indignant bel-
lows at West Point, since Cadet Smith presented
some of his to a lady of color.

An Irishman quarreling with an English-
man told him that if he didn't hold his tongue
he would break his impeneetrable head and
let the brains out of his empty skull.

In Charleston, S. C., "syndicate" is used
as a synonym for "row," the local reporters
having much to say just at present about in-
dividuals who are arrested for "kicking up a
syndicate."

Mrs. Petroleum Shoddy, riding past the
brst of Humboldt in the Park, exclaimed with
dignity: "How could they let that patent
medicine man put his statue in this public
place?"

A Western paper tells of a man who earned
a barrel of flour by carrying it a mile on
his back, "taking only one rest of ten minutes
on the way." How many longer rests he
took it does not say.

Some of the judges in St. Louis have found
it necessary to inform the lawyers that they
can not serve two bars at once. The recent
appearance of some of them during court
proceedings has led to this dictum.

A dog, says a morning paper, bit the prop-
rietor of a store in Huntington, Long Island,
then fell down in a fit. The dog only was
shot. People who carry poison about on
their bodies in this way, ought to be taken
care of.

An English preacher "converted" every
male member of his congregation by simply
expressing his belief that there would be