

# The Newberry Herald.

THREE DOLLARS A YEAR.]

FOR THE DISSEMINATION OF USEFUL INTELLIGENCE.

[INVARIABLY IN ADVANCE.]

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## THE HERALD

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## REMOVAL A. M. WICKER'S Confectionary and Grocery STORE.

I take pleasure in calling the attention of my friends and customers to the fact that I have removed into my

## NEW BRICK BUILDING

on the corner in front of my old store, and have fitted it up in an elegant manner and have now on hand the most complete and

Best Stock of Fancy Confectionary and Goods generally to be found anywhere.

The attention of little folks as well as big ones is called to my special assortment. Having in reserve a continuation of the very liberal patronage heretofore extended, I return grateful thanks for past kindness, and hope to merit it in the future.

A. M. WICKER.

## WM. E. NANCE,

Cotton Broker, Banking and

## COMMISSION AGENT,

Newberry, S. C.

OFFICIAL STATE OF GEORGE'S DRUG STORE.

Address on Corner to reliable houses in Charleston, S. C., New York and Liverpool.

Exchange on Charleston and New York in strictest confidence.

## Wm. H. WEBB,

Of Newberry C. H., So. Ca.

## ZINN, MORRIS & CO.,

Super and Fancy

## DRY GOODS,

Nos. 80 and 82 Leonard St.,

West of Broadway, New York.

The subscribers would state that the consideration with the above house enables him to sell his goods at a considerable reduction below present market prices.

## WANTED.

For ENGLISH ACCOUNT EXCLUSIVELY

## WOOL,

Or Unshorn Sheep Skins.

Market prices paid in cash, or Cloth exchanged.

## WM. F. NANCE,

Office in rear of Green's Drug Store, Newberry, S. C.

## SENHOUSE & MACAULAY,

Commission Merchants.

For the sale of Cotton, Cotton Yarns, Sheet Cotton, Sewing Machine, etc., and for the purchase of Merchandise generally.

66 Pearl Street, New York.

## S. R. CHAPMAN,

ATTORNEY AT LAW,

NEWBERRY C. H., S. C.

Will attend to business entrusted to his care.

## New Books.

Bullion's Greek Grammar. " " Greek Reader. " " Latin Grammar. " " Latin Reader. Xenophon's Anabasis. Anthon's Homer. " " Horace. Wilson's Readers—1st, 2d, 3d, 4th, & 5th. Southern Readers and Spellers. History, by various authors. Richardson's Masonry for the craft, and many other books, kept constantly for sale, for Cash by DUFFIE & CHAPMAN, April 24-17 U. Math street, Newberry.

## LEWIS BUTLER,

FASHIONABLE BARBER and

## HAIR DRESSER,

RESPECTFULLY announces to the gentlemen of Newberry that he has opened at the old shop, opposite the Court House, and next to Messrs. I. M. Suber & Co., where he will be happy to wait upon all in the exercise of his profession. His object is to please the most fastidious taste, and the keeping of his shop shall be after the most unexceptionable style. Shaving, Trimming, Shampooing, and Hair Dressing executed in the most approved manner.

From the Charleston Mercury. Synoptical Statement of the Opinion of the Attorney-General upon the Clauses of the Military Acts referring to Voting and Holding Office.

The following is a synoptical analysis of the opinion of the Attorney-General Stanbury.

### REGISTRATION.

1st. Qualification or disqualification is fixed by registration.

2d. No power is given to any other board or any other authority, after registration is completed, to change the registers; and persons whose names are admitted to registration are entitled to vote and none others.

3d. The registration must be completed before September 1st, 1867. At that time, the functions of the board as a board of registration cease, and after that its duties are limited to holding and superintending elections and making the required returns.

### QUALIFICATIONS FOR REGISTRATION.

1. One year's residence in the State at the time of registration is not necessary; but if a person, who has been duly registered, has not at the holding of any subsequent election been a resident of the State for one year, counting from the day of that election, that person so registered cannot vote at such election.

2. By the acts, the qualification to registration is citizenship of the United States and of the State; the phrase being intended to include only such as are both citizens of the United States and of a State. Aliens, not citizens of the United States, cannot safely take the required oath; but the board of registration have only a authority to administer the prescribed oath and cannot require further proof, so that an alien not a citizen may take the oath at his peril and subject to prosecution.

3. No person is entitled to registration who is not twenty-one years of age on the day he applies for registration.

### DISFRANCHISEMENT.

Under the Military acts, the following causes work disfranchisement: Treason, or participation in rebellion; commission of a felony; membership of any State Legislature, or tenure of any executive or judicial office in any State, with subsequent engagement in insurrection or rebellion; or the giving of aid and comfort to any enemy of the United States; the taking of an oath, as a member of Congress or officer of the United States or a member of any State Legislature, or as an executive or judicial officer of any State to support the Constitution of the United States, with subsequent engagement in insurrection or rebellion against, or the giving of aid and comfort to the enemies of the United States. Upon these grave questions, the Attorney-General offers the following opinions; but it will always be borne in mind that the exclusion as to holding office is all comprehensive as to time, and applies, not only to those who were in office when the rebellion commenced, but to those who held the prohibited offices at any previous time, although they may have ceased to hold such office an indefinite number of years prior to the rebellion.

### TREASON OR FELONY.

The commission of felony or the participation in rebellion does not of itself work disfranchisement. It must be ascertained by judgment of court or legislative act passed by competent authority; and the disfranchisement depends on a conviction in the courts either of the United States or of a state, or on a declaration of the laws of either. The United States laws do not work disfranchisement, as a consequence of conviction of treason or conspiracy to commit treason; nor in the ten Southern States is there any statute in force except, perhaps, in Virginia, which declares disfranchisement by force of the act itself. So that in this State, disfranchisement for treason or felony depends absolutely upon a previous conviction of the offence in the State or the Federal Courts.

### MEMBERS OF STATE LEGISLATURES AND MEMBERS OF CONGRESS.

All members of Southern State Legislatures and members of Congress who, afterwards, engaged in insurrection or rebellion, or gave aid or comfort to the enemies of the United States, are clearly disfranchised. All members of legislative bodies which passed ordinances of secession are disfranchised; but it is doubtful whether simple membership of a conven-

tion held for the sole purpose of amending the constitution of a State, would, in itself, work disfranchisement.

### STATE, EXECUTIVE OR JUDICIAL OFFICERS.

All militia officers, as such, are not disfranchised, as they are not included in the terms "executive and judicial officers of a State." But this freedom from disfranchisement refers only to the class of militia officers who were such prior to the rebellion, and not to that class who became military officers during the rebellion, who are liable to disfranchisement on conviction of participation in it. The Governor, Lieutenant-Governor, State Auditor, Treasurer, Secretary and State officials proper, who exercise functions at the seat of government, and State Judges of courts whose jurisdiction extends over the United States, are disfranchised; but the Attorney-General is not prepared to say that the foregoing come within the term "executive and judicial officers."

Municipal officers, such as officers of cities, towns, villages and subordinate municipal divisions, whether their functions are executive or judicial, or both, are not, as such, disfranchised.

In addition to those officers before-mentioned, who clearly do or do not come within the term of the act as to "judicial or executive officers," there remains a vast number of officers whose status is undefined. These are known as county, township and precinct officers. The Attorney-General is collecting information concerning this class, which includes sheriffs and justices of the county courts, and will issue a further opinion with regard to them.

All other executive and judicial officers who are not, in popular language, characterized as county officers, do, in the opinion of Mr. Stanbury, come under the disfranchising clause.

Persons who exercise or exercised special or occasional public duties, are not included as State officers, and such as the following are, therefore, not disfranchised, commissioners of public works, directors of State asylums, visitors of State universities, State directors of banks or other corporations, special commissioners or agents appointed by State authority, to perform special duties as examiners of banks, Notaries Public, and Commissioners of Deeds.

### OATHS OF OFFICE.

Any person who has taken an oath of office to support the Constitution of the United States and has violated that oath and engaged in rebellion, is disfranchised. This clause, as far as the executive or judicial officers of a State are concerned, does not enlarge the class, subject to disfranchisement, because the officer breaking the oath must also be a judicial or executive officer of a State, according to the rule heretofore mentioned. Thus a militia officer or a Notary Public, who had taken the said oath, would not be disfranchised under this clause, because he is not held to be a State judicial or executive officer.

All officers of the United States, both civil and military, who have violated their oaths, are of course disfranchised.

### ENGAGING IN INSURRECTION OR REBELLION AND GIVING AID AND COMFORT.

These without concurrent holding of one of the designated offices accompanied by the taking of the oath of office, do not work disfranchisement. The two elements must concur, and in the order mentioned, for a person who has held a designated office and had taken the oath and had not afterwards participated in a rebellion, may safely take the registration oath.

The clause, however, comprehends every rebellion which has taken place in the United States; and every foreign war in which the United States has ever been engaged. A person, therefore, who gave aid and comfort to the enemies of the United States in the war with Great Britain of 1812, or in the war with Mexico in 1847, would be disqualified.

All persons who did any overt act, either individually or officially, or in a civil or military capacity, in furtherance of or for the purpose of promoting the rebellion, did, under the law, engage in rebellion.

Soldiers compelled to service by conscription, and slaves serving or aiding by the command of their masters, or by military order, did

not "engage in rebellion," are not disfranchised.

Officers who, during the rebellion, discharged official duties not incident to the war, but in preservation of order and administration of law, are not to be considered as engaging in rebellion. This applies to all officers of a purely civil character, such as country and municipal officers, and all others of like nature, which were not created for the furtherance of the war or the more effectual carrying on of hostilities.

Some direct overt act, done with intent to further the rebellion, is necessary to bring the party within the provision and meaning of the law; and the person applying for registration is not, therefore, required to clear himself from any taint of disloyalty incurred by mere disloyal sentiments or expressions.

Mere acts of common humanity or charity are not participation in rebellion, nor are forced contributions or the compulsory payment of taxes in aid of the rebellion; but voluntary contributions, subscriptions to loans, and even organized contributions of food or clothing or necessary supplies, except of a strictly sanitary character, are to be classed with acts which disqualify.

### DUTIES AND POWERS OF REGISTRATION BOARDS.

No other oath can be required of, or administered to, any applicant for registration but that contained in the Supplementary act. Any other would be extra-judicial and without authority, and false swearing could not be assigned as perjury upon such unauthorized oath.

No authority is given to enter upon any outside inquiry into the qualification of the person proposing to register, for the oath itself is the sole and only test of the qualification of the applicant. If he takes that oath his name must go upon the registry; the board cannot inquire whether he has sworn falsely or truly; that inquiry must be reserved to the court which may afterwards have jurisdiction to try him on an indictment for perjury.

In superintending the elections it is the duty of the boards to receive the votes of the persons whose names are up for registration, and to reject all others. There is no provision anywhere to surcharge or falsify, or to add a single name to the registration, or to erase a single name which appears upon it.

### Official.

Headquarters, Second Military District, CHARLESTON, S. C., June 24 1867.

### GENERAL ORDERS No. 34.]

I. Sheriffs, Chiefs of Police, City Marshals, Chiefs of Detectives and Town Marshals of the several districts, counties, cities, towns, and other municipal organizations, in North Carolina and South Carolina, will at once, by letter, report to Brevet-Colonel Edward W. Hinks, U. S. Army, Provost Marshal General of the Second Military District, Charleston, South Carolina, setting forth in the report the name of each officer, his residence, official station, duties, postoffice address, salary per annum, and the authority by whom appointed. Coroners, Constables, and other officers, in this Military District, whose duty it is to make arrests, and who are not included in the force of any Sheriff, Chief of Police, City Marshal, Chief of Detectives, or Town Marshal, will make individual reports to the Provost Marshal General in like manner and form as above required.

II. Whenever any homicide, rape, mayhem, felonious assault, burglary, arson, robbery, or larceny—where the property stolen is of the value of twenty-five dollars and more—shall be committed within any city or town in this Military District, the chief officer of police of such city or town shall at once investigate the case and report the facts to the Provost Marshal General; setting forth the nature of the crime, the name and residence of the party against whose person or property such crime has been committed, the time when and place where it was committed, the name, description and residence of the offender, if known; and if the offender has been arrested, stating what steps have been taken to secure his punishment; and if not in custody, giving any information which may be of service in securing his detection and arrest. Sheriffs of counties in North Carolina, and

of districts in South Carolina, shall investigate and make report of such offences, when committed within their respective counties or districts and not within the limits of any city or town, in like manner and form as is herein required of chief of police of cities and towns. When an offender whose offence has been reported, shall be arrested, report of the arrest will be made at once by the officer in charge to the Provost Marshal General.

Consolidated Monthly Reports of the above enumerated crimes will also be made by the respective officers and for the localities above designated, to the Provost Marshal General. Blanks will be furnished by him upon application. The first report to include the period from January 1st to May 31st, 1867.

III. Whenever any prisoner shall break and escape from a penitentiary, jail, or other prison, in the Second Military District, the officer in charge of such penitentiary, jail, or other prison, shall at once make report of the facts to the Provost Marshal General, setting forth in such report the date of escape, the name of each escaped prisoner, his description, age, residence, the crime for which committed, whether under sentence or awaiting trial, whether recaptured; and stating fully the manner of the escape, under which it was effected. Reports in like form and manner will be made by all officers, from whose custody prisoners may escape while being conducted to or from a prison. Whenever a prisoner shall be recaptured the fact will be at once reported to the Provost Marshal General, by the officer from whose custody the prisoner escaped. Failure to make prompt report of escaped prisoners, as herein required, shall be considered as a delinquent offence as aiding and abetting the escape.

IV. The Sheriffs of counties in North Carolina, and of districts in South Carolina, will at once report to the Provost Marshal General the condition of the jails, prisons or work-houses under their charge, or in their respective districts or counties, as to capacity, convenience and security, and the names and residences of the officers responsible for the condition and care of such jails, prisons and work-houses.

V. All civil officers having charge of any jail, prison or work-house, in this Military District, shall, on the last day of each month make a report to the Provost Marshal General, upon blanks to be by him prescribed, and furnished upon application, of all persons who have been confined in such jail, prison or work-house, during the month, setting forth the name of the prisoner, his description, residence, age, when committed, for what offence arrested, by whom arrested, by whose order arrested; whether under sentence or awaiting trial, if under sentence, by what tribunal tried and sentenced; if sentenced, for what period and the amount of fine or costs if any; how employed; how subsisted; whether discharged, transferred, escaped or deceased; if discharged by what authority; if transferred to what place; and by whom ordered. The first report made under the requirements of this paragraph will include the period from January 1st to May 31st, 1867.

VI. All Sheriffs, Constables, Police and other civil officers and persons, whose duty it is under the laws of the provisional governments of North Carolina and South Carolina to serve writs or make arrests are hereby required to obey and execute the lawful orders of the Provost Marshal General, to the same effect as they are required by law to obey and execute writs, warrants, or other process issued by civil magistrates. And any resistance to or disobedience of the lawful orders of authority of the Provost Marshal General shall subject the offender to trial by a Military Commission, and, upon conviction, to removal from office and punishment by fine and imprisonment.

VII. Duplicates of the reports required by the provisions of paragraphs II, III and V of this order, to be made by local officers to the Provost Marshal General, will at the same time be sent to the proper Post Commander.

VIII. The performance of the duties enjoined by this order will not be construed to relieve civil officers from the discharge of any of the duties now required of them by the laws of the local Provisional Governments. And any civil off-

icer who shall refuse or neglect to perform promptly the duties herein required of him, or who shall make any false return or report of the matters herein prescribed, shall be dismissed from his office, and be subject to trial by Military Commission for misdemeanor.

IX. Sheriffs, Constables and other officers, whose official emoluments are confined to costs, and fees, shall be allowed for services performed under the orders of the Provost Marshal General the same cost and fees, to be paid in the same manner, as is provided by the laws of the local provisional governments for like service under those laws.

X. All persons in this Military District, who may know of any threatened breach of the peace, or of the commission of any crime or offence, are requested to make complaint thereof at once to the Chief of the Police, or Marshal, of the city or town; or, if the crime or disorder shall be committed without the limits of any city or town, to the Magistrate or the Sheriff of the county or district; and, if prompt action shall not be taken by the officer to whom the matter shall be reported, such persons are requested to report all the facts to the Post Commander and to the Provost Marshal General.

XI. Imprisonment for default in payment of costs, fees or charges of court, attorneys, or public officers, shall not exceed thirty days.

By command of Major-General D. E. STEKERS.

J. W. CLOUS,

Captain 38th U. S. Infantry,

Aide-de-Camp, and A. A. A. G.,

OFFICIAL: J. W. CLOUS, Capt.

38th Inf., A. D. C. and A. A. A. G.

### OFFICIAL.

Headquarters 2d Military District, CHARLESTON, S. C., May 8, 1867.

### GENERAL ORDERS No. 18.]

1. On the third Monday of July next, in obedience to the requirements of the Act of Congress, passed March 23d, 1867, the Commanding General will proceed and cause to be made a Registration of the male citizens of the United States, twenty-one years of age and upwards, residents of North and South Carolina, not disfranchised for participation in the rebellion, or for felony at common law.

II. One or more Boards of Registration, consisting of three discreet and qualified persons, to be appointed by the Commanding General, will be organized in each County or City, to make and complete the Registration, superintend the election to be held thereafter for Delegates to a Convention to frame a Constitution, and make returns to him of the names, list of voters, and of the persons elected as Delegates by a plurality of the votes cast at such election.

III. The Counties in North Carolina, and the Geographical Districts in South Carolina, will, for the purpose of registration, be divided into convenient Registration Precincts. In each Registration Precinct a Board of Registrars will, if practicable, be organized. Several places will be designated in each Registration Precinct, where the Board will meet, and citizens eligible to Registration may go and be registered. The Board of Registration will remain in session two days, from sunrise to sunset, at each place of meeting.

On the adjournment of the Board a copy of the list of persons registered will be deposited in a suitable place within the precinct seven days, for public information. And thereafter the Board will again visit every precinct, and revise the list of voters, hear objections from citizens as to any adjudication made, and register any person who may have been unable, by reason of illness or other good and sufficient cause, to attend the first session of the Board.

IV. All persons pointed to make the said Registration of voters and to conduct said election will be required, before entering upon their duties, to take and subscribe the oath prescribed by the Act approved July 2d, 1862, entitled "An Act to prescribe an oath of office." And if any person shall falsely take and subscribe such oath or affirmation, such person so offending and being duly convicted thereof, shall be subject to the pains, penalties and disabilities which, by law, are provided for the punishment of the crime of wilful and corrupt perjury. The form of the oath is herewith published, as follows:

"I, A. B., do solemnly swear (or affirm) that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought nor accepted, nor attempted to exercise the functions of any office whatever, under any authority, pretended authority, in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power or constitution within the United States, hostile or inimical thereto; and I do further swear (or affirm) that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States, against all enemies, foreign or domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

V. Members of the Board of Registration will be allowed as compensation four dollars per day for each day actually and necessarily employed in the performance of their duties, and ten cents a mile for each mile travelled on duty. Officers of the army detailed for such duty will be paid the per diem and mileage allowed for attendance on Courts Martial.

VI. Any citizen desiring to serve as a member of a Board of Registration may forward his application to these Headquarters, addressed to Capt. Alexander Moore, A. D. C. No application will be considered unless accompanied by a written recommendation signed by either the Provisional Governor of the State, a Judge of the Circuit or District Court of the United States, a Collector or other principal officer of Customs or of Internal Revenue, the Assistant Commissioner of the Freedmen's Bureau, or the commanding Officer of the Military post within which the applicant resides, certifying the applicant to be a fit and proper person to receive the appointment.

It is essential that every Board of Registration should be composed of persons of recognized consideration and worth, fairly representing the population, and in whose impartiality and capacity the body of voters in the precinct may have just reliance.

VII. The boundaries of precincts for Registration, the several places within each precinct where the Board of Registration will meet, the day or days on which the Board will meet in each precinct, and also such regulations as may be necessary for the government of Registrars and Inspectors of Election in the discharge of their duties and to ensure the accuracy and completeness of the Registration, will be duly published for general information.

VIII. Post Commanders will report without delay upon the most expedient division of the territory within their commands into Registration Precincts, having reference, when practicable, to the existing laws and customs, establishing the usual voting places, and keeping in view the importance of affording simple facilities for registration with the least interruption of the ordinary occupations of the people.

By command of Maj. Gen. D. E. STEKERS.

J. W. CLOUS,

Captain 68th Infantry,

A. D. C. and A. A. A. G.

OFFICER: Alex. Moore, A. D. C.

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IX. Post Commanders will report without delay upon the most expedient division of the territory within their commands into Registration Precincts, having reference, when practicable, to the existing laws and customs, establishing the usual voting places, and keeping in view the importance of affording simple facilities for registration with the least interruption of the ordinary occupations of the people.

VIII. The performance of the duties enjoined by this order will not be construed to relieve civil officers from the discharge of any of the duties now required of them by the laws of the local Provisional Governments. And any civil off-

icer who shall refuse or neglect to perform promptly the duties herein required of him, or who shall make any false return or report of the matters herein prescribed, shall be dismissed from his office, and be subject to trial by Military Commission for misdemeanor.

X. Sheriffs, Constables and other officers, whose official emoluments are confined to costs, and fees, shall be allowed for services performed under the orders of the Provost Marshal General the same cost and fees, to be paid in the same manner, as is provided by the laws of the local provisional governments for like service under those laws.

XI. All persons in this Military District, who may know of any threatened breach of the peace, or of the commission of any crime or offence, are requested to make complaint thereof at once to the Chief of the Police, or Marshal, of the city or town; or, if the crime or disorder shall be committed without the limits of any city or town, to the Magistrate or the Sheriff of the county or district; and, if prompt action shall not be taken by the officer to whom the matter shall be reported, such persons are requested to report all the facts to the Post Commander and to the Provost Marshal General.

XII. Imprisonment for default in payment of costs, fees or charges of court, attorneys, or public officers, shall not exceed thirty days.

By command of Major-General D. E. STEKERS.

J. W. CLOUS,

Captain 68th Infantry,

A. D. C. and A. A. A. G.

OFFICER: Alex. Moore, A. D. C.

An exchange tells the following: "The other day at Toledo, Ohio, a cattle-dealer receiving pay for a steer which he had sold to a butcher, and rolling the greenbacks into a small wad, put them into his tobacco box. Shortly after he extracted as he thought, a portion of the tobacco, but with all his mastication could express none of the savory juices, and finally took his quid out of his mouth to look at it, when he found he had been chewing his roll of greenbacks. He stood aghast for a moment, and then burst out: "a whole steer at one chew!"

A PIOUS FAMILY.—One of our leading citizens and president of a bank, on being applied to by his female help for an increase of wages, replied that he considered it was worth \$5 per month to her for the privilege of living in a pious family therefore he could not accede to her request.—Bridgeport Farmer.

Person writes for the Charleston Mercury