MINING JOURNAL.

J. B. ODER, Editor.

FROSTBURG, MD.....JANUAKY 7, 1802. Briefly Stated.

There were three points made against "servants of the people," generally speaking, to which the Cumberland News objected, and concerning whom it demanded names.

The implied allegations are elaborated as follows:

1. That criticisms of subordinate officials of the court are not assaults upon the integrity of the court.

2. That the machinery of legal procedure was not planned to silence public discussion of the public conduct of public men and public measures.

3. That the criminal code was never contemplated as a means to subjugate the press by or to any authority.

JOURNAL was as follows: When they (the courts) become screens berefuge, and from which libel suits to silence ride any and all statutory restrictions? free speech and indictments to suppress the liberty of the press can be shot out whenever

follows from the "brief" submitted to croachments upon your inborn liberthe Court of Appeals for J. W. Avirett. | ties are held at arms' length.

ally to careful, critical readers: second on State's attorney Sloan; the third on clerk Luman; the fourth on sheriff Warnick : the fifth on all four of these officers. some reasonable certainty that the words re- miserable mockery.

ferred to the persons named. We respectfully submit that no reasonable construction of the alleged libelous words contained in the indictment can make them | strike now for a new county? refer to the Judge, or the Clerk or the Sheriff. The Cumberland Times republished an article from the New York Heratd which was an attack on the prosecuting attorney of that city for not doing his duty in the prosecution | working in and eventually out of the of violations of the excise law. The attack | labor of your hands. was upon the prosecuting attorney, and upon him alone, upon no other person whatever * * * The record discloses that the State's attorney was the only witness before the grand jury. The alleged libelous article clearly refers to him and him alone. As is shown by the record, traverser intended to right into Cumberland pockets! justify as against him. The effect of the counts charging libel on the Judge, the Clerk and the Sheriff, was to make the issue complex ; to distract attention from the real issue; to prevent, or at least make it difficult for traverser tions ! to present his case clearly and singly before the jury. * * * The article was manifestly | profit ! striking at the state's attorney, and it is sought to apply the attack to the Judge of court, the Clerk and the Sheriff. * * But each count in the indictment shows clearly and unequivocally that the article torney. The language does not warrant an | Creek loses \$33,000. application to any other officer. To make it apply by innuendo to the Judge, the Clerk or the Sheriff is to make one part of each count apply to the Judge, the Clerk or the Sheriff, is a perversion of language which no ingen-

and incuendo can justify or sustain. * * W. C. DEVECTON, A. H. BOYD, J. N. WILLISON, FERD. WILLIAMS. R. T. SEMMES,

for Traverser. In the first place, Mr. Avirett's attorneys state that the judge, clerk and sheriff were not only not impeached by money upon our own roads and in our Maryland, and that the Circuit Court the Tories of 1776 did the same thing. the "libelous publication," but could own development generally worth an being the last appelllate in such cases, not have been. If this be true, what effort? office does Judge Hoffman's good name perform as an occasion for an indict. ment if not that of a "screen" which masks some weakness in the armor o the personage really assailed and really aggrieved?

to establish its belief that the law has | in meeting." been misused to repress the right of It hopes the grand jury "will make a | might as well be sounded. the prosecution of Avi: ett is as plainly intolerant of free speech as of a free | dictments will be promptly found. press. Indeed, the two liberties are reciprocal and interdependent. One been done. could not live long enough to shed a tear over the other dead.

The third proposition is illustrated by the apparent necessities of the case. as indicated in the "brief."

peachment of a super-sensitive client | cannot be broken. of the super-serviceable News.

It must say, however, that this arti- | reads the riot act: ele is a salubrious zephyr compared with the desolating tornado of logic first written-a modification, it is candidly admitted, superinduced by the latest and apparently the most extraordinary of all the State's interventions—that of espousing the cause of one of its private citizens against the end of a piece of hemp. another private citizen.

The Journal does not aspire to martyrdom, nor even to a conspicuous seat. in the glorious company of the "Paradise Regained" of perfect individual liberty. It fully understands that there is no prestige to be won in going "make good use of the evidence at to jail nor pleasure to be enjoyed in hand," and otherwise do its duty?" the increment of unearned indictments.

into the courthouse must be held as hitting Judge Hoffman, and must aim at an employee when he throws into authorities? If so, when, and in what the cabinet of the News, he cannot know | instance? "where he is at."

The discordant moralities which dominate amalgamated law and journalism suggest a hybrid reign of imperial anarchy whose vindictive vagaries we do not care to tempt.

That Yearnful Feeling.

The Lonaconing Star felt almost as uncomfortable New Year's day as when it was in jail. It says:

Frostburg Journal was missed the most.

Thousands for Tribute-Not a Cent for Defence.

Boiled down, it is just this way: Georges Creek allows Cumberland to get back every cent of the \$67,000 taxes that Cumberland pays.

its own taxes and lays them on the Cumberland altar also.

Which is liberal.

And Cumberland has been enjoying these munificent gifts as a matter of hair-splitter in lexicology, should be so the Lonaconing Star while Robinson indicates that it belongs to that very The SECOND NATIONAL BANK all mercies for providing the generyealed in the annual levy list.

A Note of Warning. Fellow-citizens, has it ever occurred The exact language used by the press are yours by inheritance and by the Twelve were.

the fancied exigencies of the situation seem | the artificial precede and break down to require it, the higher court of the people | the natural? will eventually assert its own prerogatives. It this be true, it will be your duty In part proof whereof we quote as next opportunity to see that the en-

Its statements are commended especi- It is no small matter at any rate in a free community when an open jail jury commission bill and the amend-* * * The first count alleges that the with yawning doors gives notice to ment to the election law making Cumarticle was a libel on Judge Hoffman; the your tribunes that your right to crit- berland pay its own municipal election icise your public servants is a crime, expenses, the democratic party should and that human law withers one of put on its legislative delegation a To support an indictment there must be God's highest endowments into a strong lawyer committed to a herculean

More Treason.

People of the coal region - why not No matter where the new courthouse is built, the great bulk of the money has

got to come out of the ground you are Look at the enormous sum

That is what the people pay for

county government! Of this sum at least \$100,000 goes

For which Cumberland pays not over \$67,000-a part of that sum, we believe, from Georges Creek corpora-

A clear speculation netting \$33,000

Georges Creek pays not less than \$100,000 and gets back about two-thirds and selecting men to carry them out. In other words Georges Creek ex-

could only apply to one of the public officers | changes with Cumberland \$100,000 for in the Court House, to wit: the State's at- \$67,000, and in the transaction Georges

quotation from the New York Herald superior to the one Allegany had.

We have the population, the re- company."

Is \$33,000 per annum worth saving? Is the nicest little municipal division | with a criminal offense. A magistrate of territory and population that can be | did the rest and Avirett appealed.

Is "home rule," in its literal signifi- jury of Mr. Henderson's peers.

cance, worth securing?

county and never rest till we get it!

popular discussion, but the trend of vigorous investigation," and it says-

If they do this there is no doubt that in-Just as though this had not always list and scan it carefully.

perhaps what the Cumberland News getting back, but you can approximate flatulently calls "mendacious innu- it closely enough to see that you are endo," it gives a pointer to the State: | paying at least \$2 to each \$1.34 paid

only to make good use of the evidence at | ting back the \$1.34, while Cumberland The Journal imagines it need go hand but to thoroughly and vigorously search for new facts that will tend to weave around Then ask vision and the search and the search for new facts that will tend to weave around Then ask vision ask vision and the search and the search that search the search that what was originally a very mild im- the guilty parties a chain of evidence that

Aud, then-to cliuch the matter

The people of Frostburg, among whom | city? this dastardiy crime was committed, demand a prompt and vigorous prosecution in this case and will be satisfied with no postpone-

More even than that-The nature of the crime demands that each person engaged in it shall be made to adorn

And still some: Let justice be not only sure, but swift

All of which is splendiferous. But when did the grand jury fail to "make a yigorous investigation?" And when did the State fail "to greatly preferred!

And why should it be necessary for And since one, when throwing a rock "the people of Frostburg" to take the Journal's graphic description of a stand so decided? Were they ever its amours with the Frostburg Ledger. before betrayed by the prosecuting feasts should be held "in sub statu rosa

And when did the "punishment not quo." fit the crime?" And when was justice uncertain as

well as slow? "A bill of particulars" would seem ly. to be necessary to justify the Ledger's

of popular demand.

If furnished, as it ought to be, the cannot see." JOURNAL will gladly hand it over to Of all our weekly exchanges last week, the the Cumberland News as a supplement to its modified report of to-day

Critical and Expository. The Morgantown (W. Va.) Post speaks of the author of the third gospel as "the apostle

Luke."-Journal. The Frostburg Journal advises the Post to "search the scriptures." The Post should not be criticised. If Paul was an apostle, why not Luke? Neither one was of "The Twelve," nor does the Post (in the above) say that Not satisfied with mere liberality, Luke was one of "The Twelve." Luke Georges Creek then takes \$33,000 of preached the gospel, which one not sent, cannot do, but one so sent is an apostle. The Savior was an "apostle," because sent of God; was he one of the Twelve? (See Heb.

iii, 1, &c.)-Cumberland Courier.

this sort of thing so long that it takes in law, so critical in rhetoric and a was when Shutterly, etc., conducted biographic puff of one of its compositors course, and no thanks to the God of lax in his exposition of biblical lore. | was away in charge of the jail under uncommon genus of newspapers that

As a historian and biographer of the | Warnick. ous constituency who carry out so un- Messianic era Luke was an "evangelcomplainingly the incrutable pro- ist," per se. His gospel and its sequel, visions of His will, as these are re- the Acts of the Apostles, both go to show | that John W. Avirett has been arrested on a that he was not an antobiographer | charge of "criminal liberty."-Cumberland even by implication. There is nothing | News. in his writings indicating that he was to you that the liberties of speech and sent in the same sense that one or all of

The common and the true acceptation That as guaranteed by the organic of Luke's office is that he was an hand was true. hind which servants of the people can take law these rights go before and over- evangelist, a term which is not near

so elastic as apostle. For the latter is a synonym of Yet are we not in danger of having missionary, sacred or profane; evangel-

> ist never of the profane. not a Courier "one that is sent?"

Grand Opportunity. In addition to its pledge to enact the effort to so modify, if possible, the erminal libel laws of the State that any man availing himself of their

of the prosecution. He might also seek to open the pathway of the poor man to the Court bilities of newspaper offices. of Appeals by reducing the expenses of the trip. As it is, the highest Court seems to be accessible only to the rich, or such as can load both their grief

and expenses upon the State. It would not be a bad idea either for | will behim to make it highly improper for the State to rush forward and take any man's trouble off his mind, or for any In Vallombrosa. criminal case to get into court without first running the gauntlet of a grand jury inquiry.

platform can bristle with vital pledges of reform--if only the party will recognize its opportunity by adopting them

Another Case. Cumberland News company, this week friends. instituted a libel suit against John W. Not able to oppose the measure dis- in long tons-People, with the rate of taxation as Avirett, of the Cumberland Times, the | tinctively upon its real or even sup- | For week ending Dec. 31, 1892...... 60 547 it is now we can build and pay for occasion being an editorial comment- posed demerits, they were forced to contradictory to another part. To make the inside of five years a public vill far ing upon Mr. Henderson in his official how over the omnipotent virtues of a capacity as "president of the News | side issue.

sources and enough of Garrett county By the time the notice reached Mr. under which "things is working." uity and skill in the use of the colloquium will gladly come with us to give us the Avirett, however, the State had taken a hand in the matter and he was arrested upon a warrant charging him Georges Creek, a province tributary to

> organized in Maryland worth having? A lawyer informs the Journal that to "following a cold trail." Is the lowest possible tax rate worth | the grand jury gains an advantage in being relieved of the ennui of investi- are murmuring the same view, wholly Is the concentration of our own gating the damage done the State of Avirett must face the music before a three things:

No matter now what becomes of If so, let us all turn in for a new | Avirett, if the result determines that the crowning principle of the knighthood of labor-that the employees of a Skepticism in an Unexpected Quarter. newspaper company, for instance, are In the second place—the Journal Under the heading of "That Poison- bigger than the officers of the comdoes not rely upon the Avirett "brief" | ing Case" the Ledger speaks "right out | pany--the signal for general abdication of both control and ownership

> New County. Fellow-citizens, take the last levy

You cannot determine exactly the Not content with this suggestion, or amount of your taxes that you are not This done, it is the duty of the State not | by Cumberland, and that you are get-

> Then ask yourselves-why do we owe Cumberland \$33,000 net annually? and what do we get for our investment of that great sum every year in that

And then-why not keep our \$33,000 at home-in our own pockets, or, if collected and spent-placed on our own

highways and property? After such reasoning, can't you determine to invest future taxes so that they will increase the value of your own | compliment of inviting him to read property, and if there is an annual some peppery MSS, but the employees dividend of \$33,000, that you will of that paper decided that such a pro-

ceeding would be in apropos, not to say divide it among yourselves? Let us have either the new court impoli. house up here, or a new county, including a courthouse-the latter that its proposal was so regarded.

Love.

The Cumberland News does not relish Which leaves the JOURNAL only an occasion to suggest that future love-

Which, interpreted, means that all spoony scenes should hereafter be regarded as having occurred anonymous-

The News ought to remember, too, insinuation of distrust and expression that love, like justice, is blind, and down. that Shakspeare says that eyen "lovers |

> Don't Laugh at This. Funniest situation yet exhibited isbossism that is bossed.

Echo. The managing editor's name

disappeared. No cards. Have the other responsible em-

ployees got to go, too? If so— Who will care for mother now?

The Only One.

The ouly instance we know of where employees of a newspaper were bona fide Pity that one so strictly constructive responsible for its editorial conduct its best. A late apparently auto-

> A Confusion of Terms. The Baltimore Herald, of yesterday, states

Hardly the Herald. It must have been an employee.

been mistaken for a crime.

New Word.

risk of disgusting the Cumberland for turning in the largest amount of News and incidentally to illustrate a money. current news item to this effect :

One or two of that species of him which is hopelessly chronic and painfully deathless. The Plot Thickens. Coi. Philip W. Avirett writes from

benefit shall himself pay the expenses | the Mail, of that city, a letter which | members of the Grand Jury. draws no funny distinctions between the primary and secondary responsi-He scorches the cuticle and fries the

quick, manifestly regarding both as equally sensitive organisms of the same corpus.

If this thing keeps on, libel suits

Not Guilty Here.

If the "Jury Bill" is to be again discussed, it is hoped that Judge Hoffman's name will The fact is, the next democratic | not be dragged in, and that "Court House" will be omitted when the "ring" is mentioned.-Cumberland Courier. If this refers to the JOURNAL's course

it misses its mark. The people who first "dragged and grushed him. Judge Hoffman's name" into the "jury R. R. Henderson, president of the bill" discussion are his professed

Which is a sample of the strategy We Will Get There.

Already the word is going out to lothian. Cumberland, that any effort of Ephraim to get away from his idol is equivalent

And a very few chumps around here To the MINING JOURNAL. unmindful or ignorant of the fact that But Frostburg expects to do one of

1. Get the new courthouse here. 2, If not, to compel Cumberland to build the new one.

3, Failing in both, to move heaven and earth to get the newest, daisiest and dandiest county under the sun.

.... Journalistic.

No paper meets at the Journal's exchange table more welcome than the Baltimore Sun. Its eight spacious | Those who were but infants then form pages contain all the news worth the church of to day. learning, and its editorial columns treat strongly and consistently of current national and State topics. Like the wood, and that, in its turn, to the rest of Maryland papers who have present imposing edifice. Long may similarly testified, the JOURNAL can- | the last stand inviting the erring ones

not get along without the Sun. The Baltimore Critic has been trans- 1852, I was initiated into Frostburg ferred to a publishing company. The Lodge, No. 49, I. O. O. F., then officered former editor and owner, J. G. Schon- by E. K. Huntley, Robert Tennant, farber, remains in charge and will con. Jerry S. Welsh, Samuel Holtzman and tinue to make the paper one of the brightest weeklies in the State. He promises "more aggressiveness" the propagation of the peculiar tenets of the Critic, in the pursuance which heretofore it cannot be denie

that he has always meant well. Felicitations. The Journal paid the managing editor of the Cumberland News the rare

The JOURNAL is somewhat glad now For it prefers to publish simply the argument of five learned and estimable

windy demand. Another consideration.

highmuckamucks of the News without | but when I remember the friends over risk of bailing or jailing, it backs on the other shore who have trodden

Still another. gard the employees of the News as the life's pathway, I patiently, yea, joyonly vulnerable bricabrae of that

establishment, then it must also back

For there is not a man on the News' | which I have read from its earliest staff, or in its employment in any infancy to its now vigorous and wellcapacity, whom the Journal would matured manhood, these hastily pennot gladly fayor in any reasonable shadow never grow less! manner or measure.

Another Unique.

The discriminating Barton corresof the Lonaconing Star writes:

During 1893 Bartonites will read the Daily News because it is a political sheet; the Jour-NAL because it is edited by a genius, and the Star because it is the people's paper. As the Ledger possesses none of the above excellent features, its readers in this intelligent burg will be few.

This is too severe. The Ledger does are confessedly run by their employees. ----

COUNTY NEWS.

Big Money. The vestments contested for at SS. Peter and Paul's church fair, Cumberland, by Father Stanton, pastor of St. Mary's church, Lonaconing, and St. Not editorial, but compositorial- Joseph's, at Midland, and Father whose eyesight was bad, but whose | Herman Joseph, of SS. Peter and Paul's | clergy, were won by Father Stanton. For "liberty," among employees as The amount obtained by the contest well as among employers, has often was \$4,270.37. Of this \$3,085 37 was cation. turned in for Father Stanton and \$1,185 for Father Joseph. Philip MacMahon, Have You a House The latest word is "snollygoster," mine boss of Ocean, and a committee "Apostle" is synonymous even with and it means a man who is hustling made special efforts to win the vestome newspaper nomenclature, for is for an office he is not fit for or can't ments for Father Stanton. Miss. some newspaper nomenclature, for is for an office he is not fit for or can't | ments for Father Stanton. Miss Maggie Ricker, of Lonaconing, was The word is reprinted here at the presented with a beautiful gold watch

> Circuit Court. The January term began Monday

Judge Hoffman presiding. John N. Benson, of Frostburg, was appointed foreman of the Grand Jury. Arthur Baker, of Frostburg; Pete Phillips, of Longeoning : Dennis W. Wade and E. F. Hilton, of Eckhart, the Keely institute, Hagerstown, to and Albion Coles, of Barton, are also

The original docket comprises 29 cases, trials 80, and appeals 18.

Courthouse Burned. The courthouse in Cumberland took fire Wednesday night from a fire in the grate of the grand jury room and nearly all the woodwork was burned out. The water works of the city were almost wholly inefficient. Fortunately, the records in the offices were saved. but the libraries of Judge Hoffman and the Bar Association were lost.

Killed this Morning. Benjamin Wells, dock boss at Ocean, was killed this morning at that place. A trip ran off the track; he was helping to replace it; wrong signal was given, trip moved, caught Wells

The Coal Trade. Shipments of coal from the mines of the Georges Creek coal region were

Decrease compared with last year.... 389,37. Married.

Jan. 1, 1893, by Rev. A. G. Gekeler. of Frostburg, Mr. William Fisher and Miss Mary E. Plummer, both of Mid-

At the home of the bride Sunday,

CORRESPONDENCE. The Flight of Time. January 1, 1893. Time, like an ever rolling stream Bears all its sons away :

They fly forgotten, as a dream Dies at the op'ning day. The busy tribes of flesh and blood. With all their hopes and fears. Are carried downward by the flood. And lost in following years. I have been thinking this first day f January. 1893, of the friends of other years, and have asked myself

the question-where are they to-day? And echo answers-where? How rapidly time flies! In March. 1851, I came to Frostburg and united myself with the M. E. Church. Of those comprising its membership at that time but three remain to-day. namely-James D. Armstrong, Thomas Humberston and Lavinia Kalbfus.

The old stone church of that day was soon torn down and gave place to a larger and better structure of to the way of life!

On the night of the 17th of February,

James Roberts. These, with all who composed the Lodge at that time, have gone to the land of shades, and I alone am left to represent the Lodge of that day. Although the Lodge still flourishes and exercises, as of old, its noble offices of charity and fraternity, I miss the old familiar faces with whom I used to mingle in Lodge fellowship. On the first day of January, 1853, forty years ago, I entered the service the Borden mining company. Messrs, Jefferson, Richard and William Borden were then all active business men. Mr. A. C. Greene. who left his impress on the business activities of this county, was the super- land. These Lots are 25 x 150 feet, well located and are intendent of the company. He, with the others who made up the company cheap. For particulars call on or address at that time, have all gone, and although the company under the able management of its present superin-

attorneys, based upon what "the record at the time I entered its service, exdiscloses," as the answer to the News' cept Mr. William Staples and myself, remain to-day. The remembrance of these things, if unattended with brighter thoughts. If the Journal cannot criticise the | would often cause feelings of sadness; the pathway of life with me, and are gone. I think also of the friends who remain, and they are many. With If the chief of the Journal must re- these around me to cheer and brighten fully await the time when I shall join

tendent, Mr. Davisson Armstrong,

still occupies its high position in the

business world, not one of its employes

the many dear friends of my early days who have gone before. To my old friend, the JOURNAL,

Dec 10

Miscellaneous Advertisements.

THE FIRST NATIONAL BANK,

-FROM THE-

WITH A BEAUTIFUL LINE OF

IT will pay you richly to call and thoroughly inspect this display.

Full advertisement next week.

WHOLESALE AND RETAIL

NOTICE.

TAVING retired from business, all parties L indebted to me will please settle at perfect iddemnity in event of loss. Apply to once. After January 1, 1893, all outstanding

SMITHSI

Relatives, neighbors and friends gladly greet each other with

and all are on good terms-each with the other, and both with themselves, a combination which takes in, as Gen. Taylor said,

"All the World and the Rest of Mankind." We Smile, too, at the Bar

of-public opinion, believing that while making your rounds for the purchase of

to gladden the hearts of your families and friends, you will select some of the following useful, practical and serviceable articles: The Famous Bissell Carpet Sweeper, Table Cutlery, Pocket Cutlery,

Skates, Razors, Christmas Tree Holders, Bird Cages, Umbrella Jars, Scissors, Shears, Imported Wool Furniture Dusters,

Sleigh Blankets, Sleigh Bells, Sleigh Whips, The latest fad, The Patent Steel Cane Whip. Quite a new thing; be sure to buy one.

Yours for business.



KIEAR the NEW YARDS of the B. & O. R. R. in Cumber-

D. P. MILLER. REAL ESTATE AND INSURANCE,

CUMBERLAND, MD.

LADIES Rubber Boots and Shoes, and LADIES and MEN'S

FINE SLIPPERS. ---SUITABLE FOR---HENRY N. SCHNELDER,

AT THE NEW PLACE, MAIN ST., FROSTBURG, MD.

LLOYD LOWNDES. JAMES CLARK,

L. M. SHEPHERD, O. C. GEPHART, A. HUNTER BOYD, WM. R. PERCY, DAVID SLOAN. Investment Securities for Sale. Price and other information given on appli-D. ANNAN,

You want the risk taken, too, by a standard company, such as D. P. MILLER, of Cumberland, represents. Any policy is good until a fire occurs, but then it is you want a pledge of indemnity worth its face in gold

Dec 14 JOURNAL Office, Frostburg, M

FROSTBURG, MD., Dec. 12, 1892.

JOHN L. PORTER,

THE election for FIVE (5) DIRECTORS of

Tuesday, January 10, 1893,

CUMBERLAND, MD.

Designated United States Depository'

\$100,000 Capital. \$150,000 Surplus and other

Undivided Profits.

Directors:

between the hours of 11 a. m. and 12 m.

will be held at this Bank on

this Bank, to serve for the ensuing year,

Rates not quite as low as wildcat figures.