Daily Morning Post.

OFFICIAL PAPER OF THE CITY.

PITTSBURGH:

MONDAY MORNING.....SEPTEMBER 24.

STATE DEMOCRATIC NOMINATION.

FOR CANAL COMMISSIONER,

ARNOLD PLUMER,

OF VENANGO COUNTY.

COUNTY DEMOCRATIC NOMINATIONS.

SENATOR:
WILLIAM WILKINS, Peebles township.

ASSEMBLY:
JAMES B. FULTON, Tarentum;
SAMUEL SMITH, Allegheny;
JAMES SALISBURY, Birmingham;
G. BLAKES, Pittsburgh;
L. B. PATTERSON, Mifflin.

SHERIFF:
BODY PATTERSON, City.

PROTHONOTARY:
JOHN BIRMINGHAM, Ohio township.

TREASURER:
THOMAS BLACKMORE, Upper St. Clair.

CORONER:
WILLIAM ALEXANDER, City.

COMMISSIONER:
JACOB TOMER, Pittsburgh.

AUDITORS:
JOHN MURRAY, South Pittsburgh;
A. B. M'FARLAND, North Fayette township.

DIRECTOR OF POOR:
JOHN BOYLE, Indiana township.

Democratic County Committee of Correspondence.

Under a resolution of the late Democratic Convention, the following gentlemen have been appointed the County Committee of Correspondence for one year:

Hon. Charles Shaler, Pittsburgh; Col. W. G. Hawkins, Wilkins Township; D. R. Miller, Sewickley; James Salisbury, Birmingham; Thomas S. Hart, Indiana Township; William Johnston, Lawrenceville; Jacob L. Kleezer, Stewartstown; R. B. Roberts, Pittsburgh; James Herdman, Pittsburgh; Michael Snee, Jefferson Township; John H. Phillips, Robinson Township; John Sill, Versailles Township; John M. McGlowry, Pittsburgh; Col. James Scott, Elizabeth; John Roth, Pittsburgh; Col. Andrew Scott, Pittsburgh; A. Harlin, Esq., Allegheny; Morrison Foster, Allegheny; Samuel Kirk, Plum Township; A. B. McFarland, North Fayette Township.

SAML. W. BLACK, *Chairman.*

MORNING POST JOB OFFICE.

We would call the attention of MERCHANTS AND BUSINESS MEN to the fact that we have just received from Philadelphia a number of fonts of new Job Type, and are now prepared to fill orders for Cards, Circulars, Bill Heads, Paper Books, Posters, and Programmes for exhibitions. All orders will be promptly filled.

☞ S. M. PETTINGILL & CO., *Newspaper Advertising Agents*, are the Agents for the Pittsburgh Daily and Weekly *Post*, and are authorized to receive ADVERTISEMENTS and SUBSCRIPTIONS for us at the same rates as required at the office. Their receipts are regarded as payments. Their offices are at: NEW YORK, 122 NASSAU STREET, BOSTON, 10 STATE STREET.

ARE YOU ASSESSED?

Let every Democrat, and every man who is intending to vote the Democratic ticket, attend at once to being assessed. Your vote depends upon it. The election occurs on the 9th of October. You must be assessed at least TEN DAYS before the election or lose your vote. See the assessor and then the collector of taxes at once, and have the thing done right. Don't wait till the last day, for the assessor may not then be found.

JUSTICE LOWRIE'S OPINION.

We give the able and dignified opinion of Judge Lowrie in full this morning, and commend it to the careful perusal of all, as much better law on the subject than the senseless ravings of Abolition editors and stump orators.

WANTED—*Back Numbers of the Morning Post.*—We are in need of the following copies of the *Pittsburgh Morning Post* to complete files:

Tuesday, April 3, 1855, and Wednesday, June 13, 1855. Any of our subscribers having these numbers will confer a favor and receive our thanks by sending them to our counting-room.

THE NEWS.

Half the business portion of Carbondale, Luzerne county, Pa., was destroyed by fire on Saturday last.

The Rev. George Hobert Doane, an Episcopal clergymen, a son of Bishop Doane, of New Jersey, has joined the Roman Catholic Church. He had been deposed by his own father.

On Wednesday evening the freight trains on the Pennsylvania Railroad, came in collision near Altoona. A fireman, named Wilhelm, jumped from the engine of one traine, and was killed. No other person was hurt. The damage to the trains was slight.

A serious accident occurred on the New York Central Railroad, on Wednesday night. The freight and passenger train came in collision, smashing the engines and instantly killing an engineer and fireman. William Giffing, of Buffalo, an express messenger, was fatally injured, and one or two others very severely.

At Memphis, Mary Moriarty stabbed and killed Sheehan, who had injured her irreparably, and was trying to persuade her to evil. Mary is in prison; and after hearing her story, the editor of the Eagle says "no other court than that of the Almighty can pass sentence upon her."

The last foreign news announces the death of Mr. Feargus O'Connor, who made himself somewhat famous by his connection with the Chartist demonstration of 1848, as well as "seditious" speeches against the British government on sundry other occasions. He had been in an unsound state of mind for several years, and in one of his wanderings, it will be recollected, came to New York in 1852, where he was secured and taken home by his friends.

Hon. H. W. Cushman, of Massachusetts, has written a book giving the genealogy of the descendants of Robert Cushman, who came over in the May Flower. They number nearly thirty-four hundred persons, and the writer with honest pride remarks he has never yet "found among the descendants of Robert Cushman, the Puritan, a single pauper, or person of adult age who could not read or write;" and after "inquiry for the good deeds as well as the bad," that not more than two were sentenced to the penitentiary and three convicted of any felonious violation of the law.

WILSON'S CASE.—The Executive Council of the Know Nothings decided on Saturday that Mr. WILSON must run for Prothonotary, although "irregularly" nominated. Did a threat of running "independent" settle the question in that astonishing way?

Mr. Wilson is a young man of twenty five or twenty-six; unknown to the people; perfectly innocent of any qualifications for the office, the second in value in the county; and obtained his nomination by an "irregularity" that in any other political party would be denounced as much more than an *irregularity*.

Many staid, substantial citizens went into the K. N. party to find something more honest than in the old parties. Have they found it? *Certainly not.*

COMPARATIVE.—D. L. Smith, of Allegheny City, is a candidate for the Legislature on the Know Nothing ticket. Now let us see how it compares white men with the negroes. According to the principles of his order [illegible] as would exclude white men from the [illegible] ballot box, though they may have been in [illegible] this country from their infancy; and at the [illegible] same time would accord the right of suffrage to negroes in defiance of the constitution. It is no longer a question with him whether negroes are *as good* as white men. He decides at once that they are *better*.

Again, he would vote for a negro for office; but has taken an oath not to vote for a white man, even for any office, if he happens to be a Catholic. That is the kind of a man selected for a legislator.

OR DIT.—That Grace Greenwood is about to issue an entire new edition of a "Little Pilgrim," bound in—linen.

THE KNOW NOTHING PARTY.

We have reason to think that our Know Nothing neighbors understand the game of brag as well as any other political party we have ever had amongst us. During the canvas in Virginia, in the month of May last, the whole country was assured that Wise would be beaten by from ten to twenty thousand; and the prediction was represented as no mere prediction, but as an ascertained fact. All know the result. Wise's majority was nearly eleven thousand. In Texas, too, it was said to be a sure thing that the K. N's would sweep the State by an overwhelming majority. It was *known* to be so, and could not fail. The result was as in Virginia—a glorious triumph for the democracy. But a few weeks ago we were told that Chase's majority in Ohio would be forty thousand. Hardly any one now supposes that there is a possibility of his election at all. Many other cases, both north and south, could be named where their predictions or boasts have utterly failed; and we derive from them this conclusion: *They are either in the habit of misrepresenting their real strength, or else they do not know what it is.*

Take this county for instance: We have heard estimates of the number of their votes, varying all the way from fifty five hundred to eight thousand. Some say that they will poll seven thousand; some, five thousand votes; others, six thousand, and one prediction is that they will be defeated this fall. We have heard these different estimates honestly made, and which shall we believe? We can at least believe that the strength of their vote is unknown to themselves, and is as uncertain as that of any other party.

That party has no longer the charm of novelty. That attraction is gone. It has no longer the prestige of success. It has met with repeated defeats in all parts of the country, this year. It has no longer a national character. The whole south is lost to them. It has no longer the hope of stability and permanency. The soul of secresy is to be removed, and then it becomes an open, mere northern or sectional party, split into two or three factions, as is already the case in New York, Ohio and Massachusetts; and will be the case next year in Pennsylvania.

We have then no cause to be alarmed at their confident predictions of success in this county next month. They have no late victories to point to as evidence of anything but their *waning* strength. They have no future to inspire them with hope and zeal. They have no fixed general principles upon which they can continue to rally. They have given the people no evidence of that purity of purpose which they once professed. "Office seeks the man" was one of their mottoes. Yet in this county ever eighty men were seeking the fourteen offices to be filled, and such a scramble for the loaves and fishes was never seen before in the good old county of Allegheny; and one of the nominations, it is admitted, was obtained by an "irregularity" that requires correction. There is nothing then in the whole history, present condition, or prospects of this party that can encourage its friends, or be cause of apprehension to the Democracy. The Democratic party alone now stands firm and faithful to its organization—upon national grounds and upon principles well tried, repeatedly approved by the people of this country, and ever successful in practice. It is the Democratic principles and policy that has brought the Republic to its present condition of happy prosperity; and there is every reason for hope and confidence that those principles will continue to prevail, and the party continue to triumph. Occasional defeats it can easily endure. They last but for brief time, and purify and arouse the party; and then it comes up again stronger than ever. We judge the future by the past, and look forward with hope and confidence.

WANTS A QUARREL.—The miserable weather cock who pretends to edit the *Journal* of this city, and rolls into every party he thinks the strongest, has been trying to get into a quarrel with the *Post* for a long time, and we have forborne to give it much notice, because we did not believe its representations could have any influence upon the public here, who know him. But when he charges us with dealing in personal abuse we must simply inform him of what he well knows, that he *utters a falsehood intentionally.* We never deal in personal abuse of candidates, nor do we descend to such a low level in any instance, until months of unprovoked assault demands a stern retort in self defence. This paper is conducted on higher principles. We leave *libelling* and personal abuse to such as may delight in such an occupation. We have higher aims in view.

It well becomes the *Journal* man to talk of the "cohesive power of plunder," after giving us an example of it by supporting the fugitive slave law while receiving "pap" from a Whig administration, and then turning round and counselling resistence to it, and rejoicing at the murder of a public officer, when money was to be made on that tack.

And, now, Mr. *Journal*, if you can let us alone we will you. The world is wide enough for us both, as Uncle Toby said to the fly. We are responsible for what no paper says but our own; and it will be in vain for you to attempt to foist upon us anything but our own sentiments.

Now, we have said some harder things than we desired to say; but we have waited for weeks to see if the *Journal* would be content to mind its own business. But it continues to court our notice, and it has it for this time, with the promise of but very little more hereafter.

Political.

CLARION, JEFFERSON AND ARMSTRONG.—The Democrats of this Assembly district, have nominated John M. Fleming, Michael K. Boyer and George Rodgers. The "Americans" Philip Clover, Darwin Phelps and James N. Gillespie.

Hon. George R. Barrett, of Clearfield, has been nominated by the Democrats of the Tenth Judicial District for President Judge and will doubtless be elected. Judge B. presided there a few months in 1853, by appointment, and seems to have won the favor of the people to a remarkable degree. At the Wayne county convention, on the 2d instant, the vote stood:—For Barrett 29, for Bell (the present incumbent) 9

☞ Mr. Flanegin is mum. Silence is confession in such a case.

Another K. N. Slander.

(From the Cincinnati Commercial of the 21st inst.)

Archbishop Purcell appeared before Mayor Faran yesterday, and made affidavit that the statement, alleged by the Gazette of yesterday morning, to have been made in a Know Nothing Council by Major Johnson to the effect that he (the Major) had once been one of a Democratic Committee to wait upon the Bishop to see how many votes he could control, and that the [illegible] took a book from his desk and [illegible] this book are written the names [illegible] Bishop [illegible] two hundred voters of [illegible] those votes I can control [illegible] Hamilton county, and in [illegible] foundation. The [illegible] command," is totally without [illegible] story, whether told by Johnson [illegible] Know Nothingism was upon [illegible] not, is utterly incredible, and that a lie [illegible] out, was palpable to every one at first sight. We do not think that the editor of the Times, though he affects to do so, is such a downright fool as to credit the preposterous falsehood. We understand that Major Johnson denies having made the statement charged upon him. We'll see soon how the burden of proof will rest upon that point.

ACCIDENT.—We are pained to announce that Joseph Morrow, well known to our citizens as "Old Joe," was kicked by a horse at Cross' tavern, a short distance this side of Phillipsburgh, on Tuesday last, and died from the effects, the next day. Mr. Morrow had been engaged for over twenty years wagoning on the Susquehannah pike, and in early times wagoned goods from Philadelphia to Pittsburgh. As the iron horse advanced, his route was shortened, and for several years had not gone further east than Spruce Creek. He was naturally afraid of horses but continued to work with them until finally his greatest fears were realized.—*Brookville Jeffersonian.*

The Case of Passmore Williamson.

OPINION OF JUSTICE LOWRIE.

SUPREME COURT—*Passmore Williamson's case.—Opinion of Lowrie, J.*—After the argument of this motion for a habeas corpus, I wrote an opinion which I expected to deliver; but, on further consultation with my brethren, and fuller reflection on the subject, I became convinced that it was partly erroneous. This prevented me from delivering my views when the case was decided, and I do it now, avoiding as much as possible any unnecessary repetition of what has already been said by others.

I have not been able to doubt that this Court is, in many cases, bound to exercise its judgment as to the propriety of granting the writ before allowing it to issue. Notwithstanding the words of the act which impose a penalty for refusing the writ, we are not forbidden to interpret the law; and the necessity of presenting a petition to the Court or to a Judge thereof, of stating therein whether the prisoner was detained on criminal or on civil process, or neither, of producing the warrant of committal or accounting for not doing so, and the fact that traitors and murderers, and fugitives from the justice of other States are excluded from the benefit of the act, and that the writ was not intended for the relief of convict criminals, (Cro. Car. 168, 1 Salk 348,) and was not extended to them by our act: all these matters show plainly enough that the judge or court is not exercising a mere ministerial function in granting the writ. On any other supposition, there is no reason at all for applying to the court, for the prothonotary could grant it as well.

And no one can examine the provision of magna charta, the petition of right, 3 Charles 1, the statute repealing the Starchamber Court, 16 Ch. 1, c. 10; the habeas corpus act of 31 Ch. 1, and ours of 1785, and the numerous kindred statutes, to which that investigation will lead him, without perceiving that a free and open court, and a full and open trial before the superior judges by due course of law, have always been regarded as the best guaranty of the liberty of the citizen. He will see, moreover, very plainly, that the habeas corpus is only a means by which this end is to be secured, so that no ignorance or tyranny of king, or king's council or minister, or of mere local and inferior courts, independent on and governed by local customs, or of justice of the peace shall imprison a man without a chance of bail, or a hope of obtaining a speedy trial by the law of the land.

The habeas corpus was not intended and could not be intended, to authorize the superior judges, being substantially those of the higher courts of record, to interfere with the jurisdiction of each other. The purpose of the writ was satisfied when the jurisdiction of the superior courts attached, for the State could not now any better means of securing a fair and impartial trial. If that, with the ordinary process for the correction of errors, was not sufficient, then humanity has only to acknowledge its incapacity to provide entirely against error and injustice. Certainly the habeas corpus was not intended to provide a remedy against the unjust judgments or sentences of the higher courts, and when it is asked for, for such a purpose, it ought to be refused; unless, possibly, when it is asked from a court that may officially review and correct the proceedings. 7 Pet 572 Cro Car 175 1 Mod 119 14 Queen's B 566, 5 Com. B. 418. 1 B & C. 655.

But even if our habeas corpus act of 1785 did mean to say that the writ shall always be granted when prayed for, it could not be obeyed so far as to conflict with the new order of things introduced in 1787 by the Constitution of the United States. House originated other and independent jurisdictions, with which our habeas corpus act was not intended to interfere, for when it was passed it could have no reference to them. How far it can be used in paralyzing those jurisdictions, or subjecting them to those of the States, is proper matter to be decided on the presentation of the petition, or on the return of the writ, as the court may think proper. We saw such difficulties as led us to hear an argument from the petitioner's counsel on the presentation of the petition, and still our difficulties have not been removed.

But I have a very strong impression, that no court is justified in issuing a habeas corpus for the purpose of restoring a slave to his master; and that is very plainly the purpose for which the writ was issued out of the District Court. I do not think that our writ has any such purpose, or ever had. It was intended to secure the liberty of the subject, and not to try rights of property. It is sometimes used to obtain the custody of children; but then it proceeds upon the principle that children are restrained of their liberty when sent in custody that is disapproved of by their lawful guardians. Arrived at years of discretion, the writ is not used to retain them in an unwilling subjection. It is not usually allowed in order to recover the possession of an apprentice, as such; 5 East, 88; 6 Term R, 487; 7 H. 741; 11 Mass., 63.

The common law of England, as it was when Pennsylvania was settled, could not have allowed a habeas corpus for the purpose of enforcing slavery, for it did not recognize such an institution. The common law remedy, for trying the title to a feudal villein, was the writ *de homine replegiando*, and that was the writ used by us in slave cases; 2 Hall, 66; 3 Binn., 101; 3 S & R, 499; 7 H., 299. And this application of the habeas corpus is to my mind seriously startling.

I have, moreover, a very strong impression that there is no way in which the case before the District Judge can be regarded, that would entitle the federal judiciary to take cognizance of it; but I will not trouble any one with my reasons for this.

Regarding the matter thus, it seemed to me that there was real merit in the claim that the petitioner should be discharged; and I did not see any very satisfactory reason in opposition to our hearing and deciding the case; and therefore I was willing to grant the writ and hear the other side. I was very strongly impressed by the argument that the District Judge exceeded his authority in entertaining the case; and that the Supreme Court of the State has power, on a habeas corpus, to discharge the prisoner; especially considering that this Court is one of general jurisdiction, and a part of a government of several powers; whereas, the District Court belongs to a government of limited powers, and necessarily partakes of the same character. But this proposition involves consequences so grave, in theory at least, and principles so essential to political order, that it ought not to be readily admitted.

We may first set aside the consideration that the Federal Courts are of limited jurisdiction; for even conceding that they are, it does not follow that we may review and restrain them in the exercise of it. To use this as a reason for treating their acts as void, when we think them unauthorized is to apply an English reason to an American institution, without any resemblance sufficient to make the application legitimate. The English superior Courts might have had very good reasons for treating all the unauthorized acts of their inferior tribunals as void, in order to keep them within their proper limits. But we cannot so treat the United States Courts; for, in the English sense, they, too, are superior Courts, and especially they are not subordinate to us.

The proposition then remains that, whenever any of the public tribunals of the United States exceed the jurisdiction, which, under the Constitution, can be given to them, and, in doing so, a citizen is arrested or imprisoned, our habeas corpus is a proper and [illegible] remedy. [illegible] then [illegible] official [illegible] If this is so, then certainly there are places where the Courts of the United States can have but little power for [illegible] restored or imprisoned for any purpose. Any man, arrested or imprisoned by warrant, or execution, [illegible] from District, Circuit, or Supreme Court, or either House of Congress, may have relief from any friendly county judge wielding the power of the habeas corpus. A Judge impeached, convicted and sentenced, a traitor tried and condemned, may still have hopes from the habeas corpus, if a Judge can be found, ignorant, or insubordinate or degraded enough to declare that his superiors acted without jurisdiction.

And since the force of the argument does not at all depend upon any peculiar virtue in the habeas corpus, but simply on the supposed want of jurisdiction in the federal tribunals, we may apply it to all cases. Then we may have summary replevins and ejectments, and prohibitions and injunctions, and attachments to support them, heard and decided by single judges, or even commissioners or justices of the peace, everywhere and without review, for the purpose of testing the validity of the judgments of the United States tribunals, and the constitutionality of federal tax laws and tariffs, and the frustration of disagreeable laws, become perfectly simple and regular.

And if we should do this in any honest belief in its political rightness, we should, of course, be willing to have the same principle applied in reference to our own official system. Then habeas corpus would stand as a writ designed to set aside all official order, and to place single judges above the very tribunals of which they are members.

On one occasion the laws of the United States were attempted to be thus summarily set aside, and to prevent it the force bill, 2 Mar., 1833, s. 7, P. Laws, p. 64, declared that habeas corpus out of the U. S. Courts shall relieve any person confined by any authority, for acts done or pretended to be done in pursuance of any order or decree of a U. S. Court. This is not a strange way of protecting one court against the encroachments of another: 1 Rolle, 315, 2 Chit. G. Pr., 317, 1 Mal. Ch. Pr., 135. And it is certainly most effectual, for it would protect the Marshal in disobeying an order by us to discharge the prisoner; and thus it very plainly forbids us to discharge him. If, in this law, there is any encroachment upon State rights, it is no more than might have been expected at the time, for the cause of freedom always suffers from the restrictions that become necessary in order to suppress disorder, whether that disorder arises from mere wrong or from an over zealous urging of principles and institutions that are supposed to be good.

If it be meant that the Supreme Court has a peculiar authority to interfere in such cases, I have failed to discover whence it arises. The habeas corpus act makes no distinction between the different courts and judges who may exercise the powers given, and I do not see how we can make any, except that which is necessarily involved in the principle of subordination.

All the institutions of the same government, however complex, are intended to be in harmony with each other, and unitedly to aid in the preservation of order. It is therefore the duty of all public officers to avoid, if possible, all conflict of functions in the execution of their offices, and to follow the principles that provide for this result. The most obvious of these is, that co-ordinate tribunals cannot interfere with each other, nor inferior with superior ones. Without this rule, government would be a mob of officials, wanting an essential element of unity, and would soon fall to pieces. Without this, the habeas corpus law would set aside all order, by allowing the lowest of all subordinate judges to annul, on constitutional grounds, the judgments of every court in the State, even the very highest, and such apparently gross insubordination would be a mere error in judgment, and not an impeachable offence.

The Supreme Court of the State is in no sense the official superior of any of the United States Courts, but co ordinate with them all. We are not set as checks upon each other, and cannot directly review each other's decisions in any matter. Each of us occupies a different position in our compound system of government, and each of us must answer to our official or political superiors. This Court is set to watch over the Federal Courts and suspect them of excess of jurisdiction; and we should be ourselves disorderly, if we should assume any control over them, set as co-ordinate tribunals upon an entirely separate foundation. No one will pretend that our writ of prohibition would be of any value there, and hence it is plain that we cannot interfere without disorder.

Like most other writs, habeas corpus must be more efficacious in the hands of a superior court than of any subordinate one; for the law of order requires that those who are officially equal shall not sit in review of each other's acts. Hence that illustrates this are very numerous; declaring that the superior courts of law and equity cannot interfere with each other; that the regular courts cannot interfere with the sentences for contempt and breach of privilege, by the Senate or House of representatives, House of Lords or House of Commons. Where the duty of final decision, and the whole control of any matter is given to one set of officers, the interference of others is mere usurpation. And here I may remark that a sentence for contempt is not essentially different from any other judgment, decree or sentence. It is a matter adjudicated, and it belongs to the very essence of governmental order that it cannot be reviewed, except by the court that pronounced it, or by its official superiors; and, therefore, in this instance, not by us.

It is insisted that this sentence, being in excess of authority, is void, and we are asked to declare it so. Without stopping to notice the habitual misapplication of this word *void*, to all acts of public authority which are made the subject of an opposing criticism, I may say that it is a plain solecism thus to qualify any act that is so efficient of results. A sentence, by which a man is committed to prison and held there, cannot be void. If we wish to treat the subject profitably, we must speak of it more accurately.

Is it meant to say that we must, on habeas corpus, inquire whether a court legitimately established has rightly decided the question of its jurisdiction? Substantially this is the same objection that we have already considered. If it is well founded, then it applies to all sorts of cases; for the question of jurisdiction is involved in them all, every judgment rendered is an exertion of the jurisdiction of the Court that renders it. If the allegation of want of jurisdiction entitles us to review it, then there are but few cases in the federal courts that are beyond the interference of the State courts, if a defeat that desires to have it.

The superior courts in England may treat as void the unauthorized acts of their inferiors, and be justified by the peculiarities of their system and the fact of their superiority; but they could not, with propriety, so treat each other. Their practice relative to each other never contained such an element of disorder. A party is common ly not to answer is bound to obey, or give a good reason for not doing so. He cannot treat public authority with contempt. If he thinks that the Court lacks jurisdiction, a decent respect for public order requires him to appear and raise the question, so that it may be decided in an orderly way. He need not raise it in order to insure his right to the objection in a court of error, but it may be necessary in order to stop the unauthorized process. Judges cannot keep all the law in their minds, and parties are heard in order that they may insist upon every principle that is in their favor. It would be very disorderly for defendants to hold back an objection to the jurisdiction of the Court, and then seek it by rebellion against the public authorities when the writ of the Commonwealth comes to be executed; and habeas corpus would be a most disorderly writ, if it could be thus used in contempt of authority.

Government consists of fallible men, who do not always know their duty; and parties may lose some of their rights, if they do not aid the public officers, by notifying them of their views, and urging them; and questions of jurisdiction are very often as difficult to decide as any other. It is an essential element of government that it must be the judge of its own jurisdiction; and I do not know that this rule is peculiarly applicable to the higher courts. The lowest must not upon it, subject to the higher social law that is involved in official subordination. Often the question may be erroneously decided. Often such decisions may result in great injury to the citizen; but it is the lot of government to err, because it is human; and a man of well-trained mind will think it no great hardship to submit to authority even in error. Its the name of order, the country demands, and has a right to demand it.

It is usual to say, even of foreign judgments, that, if pronounced by a competent tribunal and carried into effect without our assistance, they are conclusive of the question decided. And here "competent tribunal" means one of the regularly established Courts of the country [illegible] in it. If its government could, according [illegible] law of nations, have jurisdiction of a case, we concede to the Court itself the [illegible] own jurisdiction; 4 Cranch [illegible] 276; 1 Rawle, 389; and to prevent it the force bill, 2 Mar., 1833, s. 7, P. Laws, p. 64, declared that habeas corpus [illegible] in the manner in which [illegible] other States dis[illegible] among their [illegible] distribute their civil functions [illegible] different departments.

April [illegible] ing this principle here, our interference is partially excluded. Not that the United States is a foreign country, but its Courts belong to a different system from the State Courts, and thus these respective authorities are, as authorities, foreign to each other. Each must respond to its own superiors; neither can call the other officially to account. I speak not here of the action for damages for excess of authority. True enough, we do thus leave the Federal government at liberty to make continual encroachments upon State rights, without being responsible therefor to any organized power; but this cannot be avoided. There can be no organized authority superior to government itself. However we may define its functions, itself must interpret them, subject only to the right of the people to give new instructions. It must be so with every government. Manufacture and repair constitutions and bills of rights as we may; multiply checks and restrictions upon official functions as we may, we cannot shut out human error and its consequences, which are sometimes distressing—while we may carry our suspicions of government so far as to take away its real efficiency, as a means of preserving social order; and then we shall reject it as totally worthless, and the circumstances of its rejection must give the form to its successor.

In civil matters there can be no moral principle of higher importance than the one that is most deeply involved in this case, the principle of social order. It is a principle of action that is as binding on the consciences as any other. It is the great moral principle of social man. Without it we must endanger and retard our social progress. Without it we confou d all official subordination, and infect with disease the very organs of social life. This principle expresses itself, as best it can, in our civil institutions, and thus originating, they are morally entitled to our respect and obedience, imperfect as we may suppose them to be. He that rejects this principle from his moral code, or gives it a low place there, can hardly be an orderly citizen; but must be dangerous to the public peace and progress, in proportion as he is otherwise intelligent, influential and active. If the Supreme Court, as the highest impersonation of the judicial order of the State, should set aside this principle, there can be no guaranty for the healthy administration of our system. In the name of the order which we represent and enforce, I decline any and every usurpation of power or control over the United States judiciary; it being a system collateral to ours, as complete and efficient in its organization, and as legitimate and final authority as any other. I concur in refusing the writ.

☞ **Dr. M'Lane's Celebrated Vermifuge and Liver Pills.**—A singular combination, but very effectual, as the following will show:

NEW YORK, November 20, 1852.

Knowing, from experience, the valuable qualities of Dr M'Lane's Vermifuge and Liver Pills, I have for some time back considered it my duty, and made it my business, to make those articles known wherever I went among my friends. A short time ago I became acquainted with the case of a young girl, who seemed to be troubled with worms and liver complaint at the same time, and had been suffering for some two months. Through my persuasion she purchased one bottle of Dr. M'Lane's Vermifuge, and one box of Liver Pills, which she took according to directions. The result was, she passed a large quantity of worms, and thinks that one box more of the Pills will restore her to perfect health. Her name and residence can be learned by calling on E. L. Thrall, Druggist, corner of Rutger and Monroe streets.

☞ Dr. M'Lane's genuine Liver Pills, also his celebrated Vermifuge, can now be had at all respectable Drug Stores in the United States and Canada.

Purchasers will please be careful to ask for, and take none but Dr. M'Lane's Vermifuge. All others, in comparison, are worthless.

Also, for sale by the sole proprietors,

FLEMING BROS.,
Successors to J. Kidd & Co.,
No. 60 Wood street, corner of Fourth.
sep24 daw

☞ **Ague and Fever of Three Years' Standing Cured.**—Mr. John Longden, now living at Beaver Dam, Hanover county, near Richmond, had Ague and Fever for three years; most of the time he had chills twice a day, and rarely less than once: he was parched with fevers as soon as the chill left him; and after trying physicians, quinine, most of the tonics advertised, and everything recommended to him, was about to give up in despair, when Carter's Spanish Mixture was spoken of: he got two bottles, but before he had used more than a single one, he was perfectly cured, and has not had a chill or fever since.

Mr. Longden is only one out of thousands who have been benefited by this great tonic, alterative and blood purifier. See advertisement. sep4 fm

Inhalation for Diseased Lungs.

The mode of inhalation, in cases of diseased lungs and throat, recommended by Dr. Curtis in his advertisement, strikes us as the true one. It is now generally admitted by our best physicians, that *local* difficulties can only be successfully treated by *local* applications. This practice has been pursued from the first with respect to external inflammation and corrosions, and we see not why diseases of the throat and lungs may not be treated in the same manner; we believe they may. In this variable climate of ours, where lung and throat complaints have become so prevalent and rife, we earnestly recommend to the public, and *to the afflicted especially*, to avail themselves of Dr. Curtis remedy.—(One who has tried it.) See advertisement in this paper.

LAUFFER'S BOOKSTORE,
59 Fifth street.

DRY GOODS—WHOLESALE AND RETAIL—FALL TRADE, 1855.

A. A. MASON & CO., Fifth street,

Are now receiving their Fall stock of Dry Goods, embracing some Twenty five Hundred Packages, which have been purchased at the large Auction Sales, from Importers and Manufacturers, and will be sold at as low rates as can be purchased of the New York or Philadelphia Jobbers.

sep24

STELLA SHAWLS—An assortment of very rich and fashionable colors of Stella Shawls just opened.

sep24 A. A. MASON & CO., 25 Fifth st.

TURPENTINE—50 bbls just received and for sale by

sep24 FLEMING BROS.

EPSOM SALTS—1000 lbs just received and for sale by

sep24 FLEMING BROS.

BAY RUM—1 cask just received and for sale by

sep24 FLEMING BROS.

REFINED CAMPHOR—400 lbs just rec'd and for sale by

sep24 FLEMING BROS.

TURPENTINE VARNISH, No. 1—80 galls just received and for sale by [sep24] FLEMING BROS.

JAPAN VARNISH—80 gallons just rec'd and for sale by

sep24 FLEMING BROS.

MOSER'S CORDIAL—1 gross just rec'd and for sale by

sep24 FLEMING BROS.

AYER'S PECTORAL AND PILLS—Just received and for sale by [sep24] FLEMING BROS.

GREASE—25 bbls for heavy Machinery, Railroad Cars, Carriages, Drays, Wagons, &c., for sale by

sep24 HENRY H. COLLINS.

CHEESE—240 boxes this day received and for sale by

sep24 HENRY H. COLLINS.

VINEGAR—15 bbls for sale by

sep24 HENRY H. COLLINS.

APPLES—50 bbls for sale by

sep24 HENRY H. COLLINS.

BROOM—75 doz will be sold low to close consignment by

sep24 HENRY H. COLLINS.

POTASH—10 casks pure for sale by

sep24 HENRY H. COLLINS.

MRS. M. C. ROOT,
VARIETIES
MILLINER,
No. 28 Diamond alley,
PITTSBURGH, PA.

☞ Country Merchants and Milliners supplied with Pattern Bonnets at wholesale prices. [sep22d1w

PITTSBURGH AGENCY
OF THE
ÆTNA INSURANCE COMPANY,
OF HARTFORD, CONN.

CHARTERED.....1819.

Paid up Cash Capital, $500,000!

With large surplus securely invested

Semi-Annual Dividend of 8 per ct, July 1, 1855

THIS COMPANY have been doing an insurance business for nearly a half century—have paid out for property destroyed by fire under its policies, more than Fifty millions of Dollars since they commenced business. They do a cash business, receive the premiums, pay the losses, and have accumulated a cash capital—its uniform course of business enables them to give indemnity against loss by fire at a small annual rate, and to each policy holder of more than two years standing, a share of the profits, which have amounted to many millions of dollars. A policy of insurance in this Company is no better than a piece of paper, unless it is in a Company that will pay its losses promptly. Therefore, when you insure, see to it that your policy is in a Company that will pay you the money in case of loss. It becomes necessary, therefore, that you should know something of the character and solvency of the Company you insure in. Before you take a policy, inquire into its age, experience, and success for thirty-six years, its cash capital—its uninterrupted success for thirty-six years, its uniform course of honorable dealing—please to remember that the Ætna Insurance Company among the first and most ancient institutions of the country. Its premiums are on a par with the most prominent institutions of the country. Its premiums are on a par with the most prominent institutions of the country. Its premiums are made on the cash system—no promissory notes taken—no assessments—no loan, or credit system—no policy holders—but all is cash. If you meet with a loss, you make up your proofs, and in sixty days call and get your money. This is the way we have done business for nearly forty years.

They continue to make insurance on Country Stores, Mills, Factories, Dwellings, Barns, and all descriptions of property, in town or country, at fair rates. Your attention is invited to the following low rates on Country Dwellings, for the whole term of one, three, or five years.

	1 year.	3 years.	5 years.
Built of brick or stone, metal roof, 80 feet from similar risk,	45	¾	1¼
Built of brick or stone, shingle roof,	50	1	1½
Frame dwellings,	75	1¼	2

ASSETS OF THE COMPANY, JULY 1, 1855.

Cash in hand, and in Phœnix Bank	$ 65,630 25
Cash in hands of Agents	137,137 81
Real Estate, unincumbered	16,072 06
72 Mortgage Bonds, 6 and 7 per cent. interest, payable semi-annually	72,000 00
20 6 per cent. State of Virginia Bonds, interest payable semi-annually	20,200 00
5 6 per cent. State of North Carolina Bonds, interest payable semi-annually	5,000 00
10 6 per cent. Jersey City Water Bonds, interest payable semi-annually	10,300 00
5 10 per cent. City of Milwaukie Bonds, interest payable semi-annually	5,150 00
9 7 per cent. Income Bonds, interest payable semi-annually	8,100 00
Debts due the Company, secured by mortgage	5,200 00
Bills receivable, amply secured, and payable at Bank	116,412 12
500 shares Hartford and New Haven Railroad Company	60,000 00
105 do Hartford and Providence R. R. 10 per cent. preferred and guaranteed	9,925 00
107 do Boston and Worcester Railroad	10,055 00
252 do Connecticut River Railroad	14,000 00
50 do Connecticut River Company	1,250 00
100 do Stafford Bank, 5 instalments paid in,	9,000 00
30 do Eagle Bank, Providence, R. I.	1,950 00
520 do Phœnix Bank, Hartford, Conn	52,000 00
368 do Exchange Bank, do do	17,555 00
200 do Farmers & Mechanics' Bank, Hartford, Conn	25,000 00
150 do Connecticut River Bank, Hartford	9,750 00
200 do Hartford Bank, do	25,600 00
115 do State Bank, do	15,104 00
75 do Hartford County Bank, do	7,875 00
100 do City Bank, do	11,600 00
200 do Union Bank, New York	12,200 00
400 do Broadway Bank, do	14,160 00
160 do People's Bank, do	8,400 00
100 do Hanover Bank, do	10,000 00
400 do Mechanics' Bank, do	11,600 00
100 do Bank of North America, New York	10,500 00
120 do Bank of America, do	13,920 00
150 do Bank of the Republic, do	15,150 00
50 do Bank of the Commonwealth, do	5,000 00
100 do New York Life Insurance and Trust Company	16,000 00
100 do United States Trust Company	11,200 00
	$835,530 23

Losses equitably adjusted, and promptly paid.
Policies issued and adjustments made by

H. R. TEN EYCK, Agent.

Office, N. W. corner Wood and Fifth streets, Pittsburgh.

☞ For further information enquire at the counting room of the Saturday Morning Post. sep22w3m

A CARD.

I HAVE just received from the Eastern Cities, a stock of FANCY AND STAPLE GOODS, embracing the most complete variety of CLOTHS, CASSIMERES and VESTINGS that I have ever hitherto offered to the public. Besides a large number of BLACK CLOTHS, of which I have always kept a good assortment, I have been at considerable pains to select some choice Fancy Colors, among which are DAHLIA, SYLPHIDE, ROYAL PURPLE, BOTTLE, MEADOW and INVISIBLE GREENS; with several shades of BROWN and BLUE. Also, of FANCY CASSIMERES an elegant variety of the highest grades, comprising many handsome PLAIN DRAB and PEARLS grounds, as well as the latest Figured styles. And of CASSIMERE, VELVET and PLUSH VEST