Miners' Journal.

POTTSVILLE, PA.

SATURDAY, JUNE 25, 1859.

☞The circulation of the MINERS' JOURNAL is equal to the aggregate circulation of ANY THREE other English papers published in the County—and as it circulates among the best portion of the population, an advertisement inserted in its columns is, of course, worth as much as three inserted in any three other papers. In addition to this the rates of advertising are always graduated according to the circulation of the paper.

Agents:

NEW YORK—D. Frost, Room No. 2, 110 Broadway.
PHILADELPHIA—Jos. Coe & Co., 5th and Chesnut streets.
SHAMOKIN—D. N. Lake, Esq.

We are authorized to receive subscriptions and collect bills for the MINERS' JOURNAL establishment.

ADEQUATE PROTECTION To American Industry;

And not another Inch of Slave Territory, by Extension, Purchase or Conquest.

The above are, and will be the two leading Principles before the country, until they are victorious; and we nail them to the mast-head of the MINERS' JOURNAL, there to float until they wave in triumph above the National Capitol at Washington.

PEOPLE'S PARTY.

The Members of the Standing Committee of the People's Party, appointed on the 6th instant, are respectfully invited to attend a meeting of said Committee, at Hill's Hotel, Pottsville, on Saturday, the 9th day of July, at 10 o'clock, A. M., for the purpose of effecting a further organization of the Party. A full attendance is requested as business of importance will be brought before the Committee for its consideration. The following persons compose the Standing Committee:

CHAS. FRAILEY, *Chairman*, Pottsville,
Thomas N. Patterson, Foster,
Walter Bedgwick, St. Clair,
Henry Clayton, Tamaqua,
John Donaldson, "
Edward Shissler, Minersville,
Thomas C. Zulick, Schuylkill Haven,
Michael Kistler, Union,
James S. Kirk, New Castle,
Isaac Myers, Port Clinton,
Peter Filbert, Pinegrove,
Charles Kistler, West Penn,
Dr. J. F. Troxlebier, East Brunswig,
Adam Erion, Frailey,
Enoch J. Thomas, Washington,
Daniel K. Reed, Wayne,
Israel Reed, Berry,
Abel G. Swift, Ashland,
Jacob Hammer, Orwigsburg,
John T. Schoener, Pottsville,
Levi S. Spangler, Tremont,
George Boyer, Eldred,
Abraham Schwenk, Hegins,
Daniel Kaufman, Hubley,
Jacob Swab, Porter.

TO OUR PATRONS.—We are making out and forwarding to our subscribers, their annual bills of subscription. We trust that now as in the past our patrons will pay prompt attention to them, and forward to us without unnecessary delay, the respective amounts. Such action saves them and us trouble, besides relieving us of the expense of employing a collector. We shall be much indebted to our patrons if they will remit as promptly as usual.

HON. E. D. GAZZAM of Pittsburgh is named as the next candidate for Governor.

WE TRUST NOT.—It is stated that Lieut. Maury is about being removed from his present important and honorable position.

LEWIS C. LEVIN, well known to the political world, is now in the Insane Asylum at Philadelphia, and it is feared he is a confirmed lunatic.

A Locofoco paper in Mississippi says that since the days of Jefferson "we have never had a more popular President than James Buchanan—with *possibly*, the exception of Andrew Jackson."

SOME economist says if you are buying a carpet for durability choose small figures. When the Democrats went up to the large figures of three dollars a yard for carpets for the Capitol in Washington, they neither consulted durability nor economy.

THREE convicts of the Penitentiary at Washington were baptized in the Potomac river on Sunday week, by a minister of the Baptist faith.—The Potomac may, by the Divine blessing, cleanse the sins of the inmates of the Penitentiary, but where is the river Alpheus that can accomplish the Herculean task of purifying the Executive Departments?

THE scene of the first battle in the European war was not the Montebello on the east side of the Ticino, but the same place where Marshal Lannes attacked the Austrians in 1800 and dislodged them. Gen. Forey is the officer who has received the glory of France on the field once won by Marshal Lannes, who from the action obtained his title, the Duke of Montebello.

ARE YOU SURE OF THAT?—After enumerating a host of blessings which the country it is thought, has derived from the labors of Mr. Buchanan as President of the United States, the Salem *Advocate* says:

"He asks of his fellow citizens nothing more than to be permitted to retire to the walks of private life, and enjoy with them the fruits and blessings of his liberal policy."

"Werry dubus" that, "werry."

PIKE'S PEAK.—The intelligence from the mines is more favorable. Large yields of gold are reported, and it is stated that thousands of persons were pouring into new placers. We have never doubted that there is gold there, but we still urge persons contemplating emigration, not to leave the East without four or six months supplies.—Under no other circumstances should they start for the Region. If this precaution should be taken, much suffering will be avoided.

NATURALIZED citizens throughout the country are very indignant at the Sham Democracy, in consequence of Gen. Cass's letter denying that the Government is bound to protect a naturalized citizen from the clutch of foreign Powers. This will be felt in our coming elections. The hold of the Sham Democracy on the foreign vote has been sensibly weakened within two years past, but this unkindest cut of all is denounced as worse than any ever before attempted.

POPULARITY OF THE WAR.—The Paris correspondent of the New York *Express* states that the war is becoming more and more popular in France. The Emperor was never half so strong in Paris, as now. The Empress, about every day, ostentatiously causes the boy in his straw hat to be shown off, in the Champs Elysees, and the Bois de Boulogne. None of the public works seem to be suspended because of the war. The ornamentation of the Louvre goes on as usual. Streets are cut through, and houses are pulled down in Paris, as fast as in time of peace. As yet the war is no more felt in Paris than the Mexican war in New York.

DEMOCRATIC DOCTRINE.—Secretary Cass has issued a manifesto that naturalized citizens of this country have no rights which foreign governments are bound to respect. Hereafter, the foreigner is to be granted the privilege of voting, simply, after assuming the obligation of naturalization. The chief advantage he sought to secure in this act—the protection of his adopted country, wherever in the wide world he may be found—is now denied him by those he deemed his friends. Against the doctrine promulged by Mr. Cass we dissent.—Once an American citizen, always and everywhere an American citizen is our motto. Protection everywhere, for all citizens, against all claims which Despotic Power asserts against guaranteed rights, is the watchword of Republicans. To the Democratic party is fitly left the task of denying that protection, and pandering to demands which the country has once successfully resisted by war.

FRAUDS UNDER THE DEMOCRATIC ADMINISTRATION.—A Washington correspondent writing under date of June 14, says:

The late Democratic Superintendent of Printing, A. G. Seaman, who was overhauled by a Committee of the House of Representatives last Winter, and since, by the Grand Jury here, has found it convenient to "elope" after a receipt indictment by the latter. He was only one of an organized combination which has systematically plundered the Treasury, during the last and present Administrations, to the extent of hundreds of thousands of dollars in public printing, binding and engraving. This remark covers men New York upon these ill-gotten gains, which, so well have been stolen Uncle Sam's strong box! Seaman's appointment was originally procured from President Pierce, mainly at the solicitation of Mr. Toucey, the present Secretary of the Navy, whose interest in a Connecticut Paper Mill is said to have been remembered with grateful recognition by him. Owing to the composition of the Committee last Session, the investigation could only be imperfectly pursued. It will be revived next Winter, under more favorable auspices, with some others, which will serve to disclose the corruptions that have been so flagrant and common under Democratic misrule.

A FORMER servant of President Pierce, more recently a waiter in the Astor House, plead guilty, in the New York Sessions, of stealing crockery from that hotel. Mr. Spencer, his counsel, plead mitigation of sentence, on the ground of the prisoner's good character and *his misfortune in having been employed under President Pierce.*

THE following is the business of the Philadelphia and Reading Railroad Company for the month of May, 1859, compared with the same month of 1858:

	1859.	1858.
Received from coal	$148,707 06	$155,678 84
" " merchandize,	43,323 00	28,581 60
" " travel, &c.,	33,423 53	21,552 27
	$225,453 65	$216,752 61
Transportation, rent, way, renewal fund, and all charges,	113,657 90	114,051 81
Net profit for the month,	$111,803 06	102,731 80
" for previous 5 mos.,	$99,009 73	$220,551 97
Net total profit for 6 months,	$210,865 78	$412,284 57

This shows an increase in net profits over the same period last year of $78,581. It is known also, that the floating liabilities of the Company have been greatly reduced, and that it is, in its finances, altogether easier than last year. Preparations are in progress for the arrangement of the 1860 bonds, which done, regular dividends, it is expected, will be resumed.

EDITOR'S TABLE.

"ALL THE YEAR ROUND."—In this publication, of which Dickens is the conductor, now appears his fine new story, "A Tale of Two Cities." It is published by J. M. Emerson & Co., 37 Park Row, New York, simultaneously with the London edition. There should be a general subscription to this capital periodical. It costs five cents a copy, and is well worth the money.

OUR charming little favorite, the *Ladies' Home Magazine*, gives its patrons in the July number a beautiful illustration, entitled, "The Night Before The Wedding," besides a large number of useful fashion and pattern plates. We confidently praise this Magazine, for its tone and general excellence, make it a most welcome monthly visitor to the home circle. Published by T. S. Arthur & Co., 323 Walnut street, Philadelphia. Price $2 a year.

"ST. ROMAN'S WELL."—This is another just issued of the works of Sir Walter Scott, now in course of publication by T. B. Peterson and Brothers, 306 Chesnut street, Philadelphia. Price 25 cents each, or a complete set for $5. It should be remembered that all the works in this series are complete and unabridged. The enterprise of this well known publishing firm is most creditable, and we trust that in this instance it is reaping a rich meed of patronage.

THE ATLANTIC MONTHLY.—With the July number of this admirable publication, which is on our table, the fourth volume begins. The *Atlantic* will continue to occupy the high position in the literary world which it now enjoys. The publishers in announcing the new volume, state—"that the experiment has been more than successful; that the supply of literary matter has been so ample as to give them new ideas of the general culture and creative ability among our people; and that the unqualified approbation of the reading world and the increasing circulation of the Magazine (now over 40,000 copies) furnish the best proof of its value and attractiveness." The contents of the July number are up to their usual excellence. Published by Phillips, Sampson and Company, 13 Winter street, Boston. Single copies can be obtained at Bannan's store in this Borough.

PEN, PASTE AND SCISSORS.

☞Seville, Spain, contains 140 churches.

☞Deaths in Washington City during May, 65.

☞Deaths in Philadelphia last week, 197; in New York, 398.

☞Butter is selling at Harrisburg at 12½ cents per pound.

☞What cow had the biggest bell of any cow ever known? *Moo-nich.*

☞Mr. Henry Knapp of Hyde Park, Luzerne county, committed suicide last week.

☞Florence Nightingale is in a low state of health, in the neighborhood of London.

☞George Eichling, a soldier in the war of 1812, died in Harrisburg, Pa., 17th inst.

☞A son of W. F. Forsyth of Northumberland, was accidentally drowned last week.

☞An infant was born in Baltimore on Wednesday, having at its birth a full set of teeth.

☞The President has already announced the draft of his Message. It will be a "swinger."

☞The *Tribune* calls the editor of the New York *Times* the John S. C. Abbott of Napoleon III.

☞It is predicted that the Sunbury and Erie Railroad will be completed to the harbor of Erie by July, 1860.

☞The government of Sardinia has declined the offer of the services of surgeons from the United States.

☞At Harrisburg there has been organized a "division" of the Cadets of Temperance, which numbers some thirty members.

☞Daniel Loyd, a Welshman, aged 55 years, and Peter Snyder, a German, were instantly killed in a mines near Scranton last week.

☞Fanny Fern says she "once had a narrow escape from being a minister's wife." She is right to a T, as she is now a Parton's, not a Parson's wife.

☞Park Benjamin has opened a real estate office in New York. It is not often that a poet leaves his ideal for the real in such a substantial manner.

☞A Mississippi editor calls Prentice an "old pirate." If he were to use such language to our face, Prentice replies, he might find us a free-*booter*.

☞A child seven years old, and weighing *two hundred and fifty pounds*, passed up the Cumberland Valley Railroad the other day, accompanied by his father and mother.

☞The President, it is stated, will make his annual visit to his annual summer retreat, the Bedford Springs, about the middle of July, where he will abide for about two weeks.

☞The Albany *Journal* says that "ex-President Van Buren was in the State Capital to-day, looking as youthful as he did twenty years ago.—Mr. Van Buren, by reaping, in his old age, the fruits of a well-regulated early life."

☞Jenny Lind recently gave a charity concert in London, which was not advertised, and only the aristocracy were admitted by special invitation. The receipts were $6,000. She was in full health, and sang with all her old power.

☞The Resolutions of the People's Party of Pennsylvania, are much admired by the Opposition of Ohio. The Cincinnati *Gazette* says that it is inclined to adopt them as a substitute for those adopted at Columbus on the 2d instant.

☞In a match on Saturday last between the Germantown and Union Cricket Clubs of Philadelphia, the Germantown won in one inning and thirteen runs to spare. The Germantown evidently had different mettle from the Pottsville, to contend with.

☞John Hall, colored, is under arrest in Philadelphia, charged with murdering Ellen Winters, aged 30 years. The testimony before the Coroner exhibited a terrible condition of morals in the portion of the city (Bedford street,) in which the murder was committed.

☞Over a bridge in the town of Athens, Georgia, is posted the following notice:

"Any person driving over this bridge at a pace faster than a walk, shall, if a white man, be fined $5; if a negro, receive 25 lashes, *half the penalty to be bestowed on the informer.*"

☞Miss Elizabeth Story, a young lady aged 19, residing near Peoria, Ill., recently had a trance which lasted several days. She awoke on the bier. The Bloomington *Pantagraph*, says that she has recovered, but refuses even to speak of her feelings while in the trance.

☞Some months ago a pickpocket in a New York omnibus recently relieved a lady of her purse. In the operation a dimond ring valued at $500 slipped from his finger and remained in the lady's pocket, where it was found by her. She shed no tears over the transaction.

☞It is said that the hackmen of San Francisco have a new way of "forcing the season."—Standing at the door of a concert hall as the company emerges, one is seen with an outspread umbrella, upon which a brother hackman is pouring water, to convey the idea that it is raining.

☞We saw in a paper recently that half a cranberry bound on a corn would kill it. We tried it over night with admirable success. The next morning the half cranberry had wilted away, dead as

"the fat reed
That rots itself at heart."

A Friend in Need.—Dr. Wistar's Balsam of Wild Cherry is a friend in *deed*. Who has not found it such in curing all diseases of the lungs and throat, coughs, colds and pulmonary affections, and "last, not least," Consumption?

Buy none unless it has the *written* signature of "*I. Butts*" on the wrapper.

☞Rev. Dr. Odenheimer, the Bishop elect of New Jersey, is in trouble. The diocese of New Jersey has voted him a salary of $3,000, but it is feared that the engagement will be punctually met. The friends of Dr. Odenheimer are anxious that he should have some permanent assurance of his salary before accepting the position.

☞The Albany *Statesman* says the lines of Tennyson's war song:

Ready, be ready to meet the storm!
Chasseurs, riflemen, riflemen, form!

are a sort of modernized version of the time honored song—

To market, to market, to buy a fat pig,
Home again, home again, jiggety-jig!

☞Mr. Dallas writes to our Government that the preparation for war now going on in England are on a scale unparalleled in the history of that country or any other. Every thing that can float upon water is undergoing repair and will soon be in readiness for active service. All the English statesmen feel that the nation cannot remain neutral long, in consequence of their fear of the French Emperor.

☞The junior partner of a wholesale notion store in Dayton eloped with and married the daughter of his senior while the latter was absent. He took a notion of his own that he liked the girl, and she being pleased with a notion of having a husband, they entered into a new partnership.—The best thing the senior can do is to reconcile his daughter as the sleeping partner of his junior and take them both into the firm.

☞Dr. Maurau, of Providence, R. I., at the recent dinner of the Massachusetts Medical Society, replied to a toast in honor of the physicians of Providence, and gave: "The truly conscientious physician—The noblest work of God." Does the Doctor think a "conscientious physician" a nobler "work of God" than any other "honest man?" If he does, we shall have to protest against his sentiment, in the name of Pope and mankind.

☞There is an Indian burial ground in Charlestown, R. I., where the bodies of many of the Narragansett tribe were deposited. Several citizens of Charlestown, impelled by a spirit of investigation, in April last, opened one of the mounds, and found many curious articles. Some remnants of the tribe took offence, and complained of the investigators. They were examined on a charge of unlawfully digging open a grave, and were bound over each in the sum of $200 for trial at the Supreme Court.

☞The Masonic Fraternity of Erie, Pa., propose to perform the ceremony of re-interment to those who fell in Perry's Victory on Lake Erie, on the Fourth of July, as will be seen by the following extract of a letter dated Erie, Pa., June 7th, 1859: "We are to have a grand Masonic parade and festival on the next anniversary of our nation's birthday. The great object of the military demonstration to be held here on the Fourth of July is to re-inter the remains of those who gloriously fell in battle in Commodore Perry's fleet, in the war of 1812. Their remains have recently been exhumed by the excavations now making on the Sunbury and Erie Railroad, at the bank of the lake overlooking our harbor."

☞A tarring and featherig affair recently came off at Kinderhook N. Y. Sylvester Groat, a married man, eloped with Miss Evangeline Felsomby, but they were caught. The guilty pair were discovered enjoying the same couch. Groat was forcibly taken from the house in his night clothes, into the open air, when the party decided to return for his partner in sin. But upon again entering the room she was not to be found, until a thorough search of the room was made, when she was discovered in her night-clothes, snugly stowed away under the bed. Deprived of all ceremonious forms the unfortunate woman was seized and taken out into the yard with Groat. Here a coat of tar and feathers was applied to each. The body of Groat was completely saturated with the "sticky" preparation, a quantity being poured over his head. The woman was more humanely treated, being covered with it only from the shoulders downwards.—Next a coat of tar and feathers was applied, and the two "subjects" placed in a wagon, were drawn about the village, amid the derisive shouts of the people.

THE COAL TRADE.

Pottsville, June 25, 1859.

The quantity sent by Railroad this week is 35,128.06—by Canal 44,751 10—for the week 79,879 16 tons against 77,755 tons for the corresponding week last year.

The shipments sum up this week as follows:

	Tons.	Cwts.
Schuylkill—Railroad,	35,128	06
" Canal,	44,751	10
Lehigh Valley—Railroad,	8,400	
" Canal,	4,276	
Beaver Meadow do.	2,078	07
Hazleton do.	1,200	
Little Schuylkill do.	2,000	
Mine Hill and Schuylkill do.	1,200	
Delaware, Lackawanna & Western Railroad,	13,500	
Delaware Division Canal,	26,500	
Lehigh Coal and Navigation Co.,	41,114	14
Lehigh Valley Coal Co.,	13,500	
Wyoming Valley Coal Co.,	20,000	
Lackawanna Coal Co.,	22,500	
Hollenback Coal Co.,	2,000	
Pittston Coal Co.,	2,000	
Scranton Coal Co.,	2,000	
Jessup & Co. do.	2,000	
Dundaff Coal Co.,	2,000	
Wyoming—Canal South,	1,000	
" Canal North,	1,000	
Susquehanna Coal Co.,	1,000	
Shamokin Region,	8,000	
Total,	279,633	17

	Week.	Total.
1859.	35,128 06	701,700
1858.	38,180 00	641,114
1857.	41,000 00	1,004,000
1856.	39,000 00	1,005,000
1855.	38,000 00	1,000,000
1854.	36,500 00	1,000,000
1853.	35,000 00	1,000,000
1852.	34,000 00	1,000,000
1851.	33,000 00	1,000,000
1850.	32,000 00	1,000,000
1849.	31,000 00	1,000,000
1848.	30,000 00	1,000,000
1847.	29,000 00	1,000,000
1846.	28,000 00	1,000,000
1845.	27,000 00	1,000,000
1844.	26,000 00	1,000,000
1843.	25,000 00	1,000,000
1842.	24,000 00	1,000,000
1841.	23,000 00	1,000,000
1840.	22,000 00	1,000,000
Increase,	80,128 06	701,700
Decrease,	8,000	

It will be observed that the large weekly increase that took place in the early part of the season is greatly diminished.

We have no change to note in the character of the trade this week. The supply seems to equal the demand, and consequently prices continue to rule low; and there is not much prospect of an advance taking place in the price of Coal in this Region, for the ensuing two months at least, unless the demand should prove to be greater than anticipated. Our Carrying Companies will advance their rates on the first of July.

There is a continued scarcity of vessels at Port Richmond, which operates against the trade of this Region, for the supply of the Eastern markets. While other kinds of shipping rates are extremely low, colliers rule much higher than usual at this season of the year. We quote to Boston at $1 65, Rhode Island $1 35; Connecticut $1 15 @ $1 20, and to New York 90 cents.

Anthracite Coal is retailing in Cleveland, Oh'o, from $7 to $8 a ton. This is low for that distant market.

The Philadelphia Board of Trade in their Report states:

"In a review of the coal trade, we are presented with an important comparison, the object of which is to show that the prevalent impression that New York is gradually drawing the trade from this city, has no foundation in fact. The standard receipts here are 3,839,344 tons for 1857, 3,664,581 tons for 1858, and probably 4,000,000 tons for 1859. New York receives less than 2,000,000 tons. So, the "black diamonds" are not to be plucked from our crown.

There is a little mistake in the above calculations. In 1855, Philadelphia received in round numbers, 4,593,000 tons of Coal—in 1858, 3,775,000 tons. New York received in 1855, 1,771,000 tons, and in 1858 she received 2,539,000 tons.—We give in the above calculations the quantity of Coal that goes towards Philadelphia, and also the quantity that goes towards New York, from the different Regions. This shows that while Philadelphia is losing, New York is gaining in about the same proportion; and we have no hesitation in now stating, that unless a different policy soon rules at Philadelphia, New York is destined to obtain the great bulk of the Coal Trade of Pennsylvania. We will take occasion to allude to this subject again shortly.

We stated last week that the Scranton Coal will be increased to price 20 cents per ton after the first of July on board at Elizabethport. The advance takes place on the 25th inst. The following are the rates at which they will sell their Coal for the balance of the season:

	July & Aug.	Sept. & Oct.	Nov.
Lump,	$3 45	$3 55	$3 65
Steamer,	3 50	3 60	3 70
Grate & Furnace,	3 65	3 75	3 75
Egg,	3 65	3 75	3 85
Stove,	3 75	3 90	4 00
Chestnut,	None for sale.	3 25	3 35

It is believed that the Delaware and Hudson Company will fix rates to correspond with the above.—We have no information with regard to the intentions of the Pennsylvania Coal Company. Their rates were fixed in the Spring from 15 to 25 cents per ton lower than the rates of the Scranton and Delaware and Hudson Companies.

We may as well take this occasion to remark that our Operators will not submit to any reduction on the price of Coal on the first of July if asked by the middle interest. They ought to have an advance of ten cents to correspond with the above mentioned rates—but they will sooner stop than to submit to any further reduction. To ask it, under existing circumstances, would be an act of great injustice to the Operators, and a monstrous outrage on the rights of labor.

To the following opinion of great importance in the mining districts, we call attention. It was delivered in "Error to Common Pleas of Luzerne County." The same question will shortly be tested in this County:

IMPORTANT DECISION.

The Pennsylvania Coal Company, Garnishees of Thomas Kennedy, vs. William Costello. } Error in Common Pleas of Luzerne Co.

The Opinion of the Court was delivered by Woodward J.

The Company owed Kennedy $14 45 for mining coal, and Costello having obtained a judgement before a justice of the peace against Kennedy, laid his attachment on this fund in the hands of the Company.

The question is whether the debt was attachable.

The Act of Assembly of April 15, 1845, Purdon, 590 pl. 6, justifies the process of attachment in attachment execution, but the proviso of the 5th Sec. is in these words: "that the wages of any laborer's, or the salary of any person in public or private employment, shall not be liable to any attachment in the hands of his employer."

Was Kennedy a laborer? Was the money attached wages? Were they wages in the hands of his employer? If these questions must be answered affirmatively the judgement below was wrong, for the fund was not to be seized to execution would be to repeal the proviso.

The Pennsylvania Coal Company are a large mining and transportation company, having the chief part of their operations at Pittston, in Luzerne county. They work numerous mines and employ a large body of miners. Each mine is divided into chambers, and the mode of distributing their labor seems to be by letting out of these chambers to different miners, at a fixed rate per ton for the coal delivered. The miners of each chamber employ one or more common laborers at so much per day.

Welch, who was Kennedy's mining partner, says: "We worked one chamber. Timothy McNulty was the laborer. We all three worked together and we paid our man by the day, and we got what was left. To 10½ tons it was a good day's work. Company paid 37½ cents a ton in winter and 40 to 45 cents a ton in summer. The Company furnished the powder and we paid for it.—*Kennedy and myself got out the coal and hired the laborer. We were hired by the week, and got what coal we could.*—We had no contract to get out any certain quantity, and did not know what we were to receive. We settled at the office how much the laborer was to get. I forget much we were to have. Mr. Gaines paid it to me and I paid it over to the laborer. The laborer was paid according to the price per ton for mining coal. What, the who came to war divided. We got *miner's* pay and the laborers to get laborer's pay. If we got 40 cents a ton the laborer got one dollar a day—if coal was 37½ cents a ton the laborer got 93 cents a day. I took in the laborer. We paid the laborer and there made an equal share of what was coming. *That made the wages of myself and Kennedy as miners.* We settled monthly" &c.

This mode of carrying on the business was explained by numerous other witnesses, whose testimony need not be cited.

Now we have here an employer—labor contracted for and performed, and wages resulting there from according to the contract. Wages are the reward of labor and always come of contract, express or implied. And it is material to notice that the fund attached represents Kennedy's labor and nothing else. McNulty was paid by, and Welch's share was taken out of money which the Company's Agent had paid over. What remained in the Company's hands, belonged to Kennedy. Assuming that the tirs raised for a load of 40 cents a ton, their joint earnings per day was $4 00

Deduct McNulty's wages, 1 00

Leaving for Welch and Kennedy, $3 00

which divided between them would be $1 50 a day each. If the other figures mentioned in the evidence be assumed instead of the above, the result will be equally apparent that the fund attached in the employer's hands was Kennedy's reward for his labor—his wages. The balance, after paying McNulty, made *wages*. Which, *the wages of myself and Kennedy as laborers.*

Mining being an art that requires considerable skill to carry it on with safety and success, those whom the Company employ to conduct a Chamber are expected to work in it themselves. The powder and oil are supplied to them. They, in fact, do the mining. The common laborer they employ is to remove the coal and rubbish out of the way of the miners as fast as it is detached.—For their superior skill and care, the miners should receive more compensation than the mere laborer, and Welch's testimony is a clear exhibition of the mode in which these respective values are adjusted. But the labor of the miners is as truly labor, as that of the subordinates whom they employ, and their earnings are truly wages, as are his. If the proviso would protect his earnings from seizure, (a point that is not denied,) it must be held to protect the earnings of the miners. Any other construction would embarrass a large and productive branch of industry, which doubtless has adjusted itself in the best form for both employer and employee, and would also discriminate unfairly against the most meritorious class of labors.

Without the skill of the miner, there would be no mining, or if there were, it would be done at continual peril of human life. The miner is not a contractor who stands off and appropriates the profits of other man's labor, but he is the man who lays into the subterranean chamber—directs every arrangement and movement—and performs the efficient labor with his own hands. The statute does not define in all it means for protect, and it might be difficult to construct a perfectly satisfactory definition, but there can be no doubt that wages earned by the personal, manual labor of the debtor, are under the covert of the statute. In legislative language such wages belong rather to the laborer's family than to his creditors. And such was the fund attached. Whatever earnings of labor in other forms may be within or without the statute, we cannot doubt, that these earnings are within its policy as well as words, and therefore they must be held exempt.

We have been the more particular in stating the nature of this business in order that it might be seen how broadly this case is distinguished from that of Hoobner vs. Chave. 5 Barr 115 which was relied on by defendant in error both in Court below and here.

That was the case of an ordinary contract—such as municipal bodies and private corporations now and then slet for the performance of some specific job. It was not the case as this is, of an ordinary every day, business. To say that the Legislature did not intend to protect the profits which a contractor makes out of the labor of his hirelings, in grading a street for a Borough, is not to decide the case before us. For here is an ordinary avocation—and one on which the families of many citizens depend for daily subsistence. It is too large an inference that the proviso is inapplicable here because it was not applied in Hoobner vs. Chave. If it was designed for what the judge in that case said it was "to secure to the manual laborer by profession and occupation the fruits of his own work for the subsistence of himself and family," Kennedy must have the benefit of it, for he was a manual laborer by profession and occupation.

What, however, Hoobner vs. Chave is distinguishable from this case in the nature of the contracts under which the attached funds accrued—there is one point of identity. In both the attached debtor labored in person to earn the funds. This circumstance which we think ought to have carried the ruling in that case the other way, to the extent at least of that portion of the fund which was earned by the manual labor of the debtor. If it appeared that the money attached represented exclusively the labor of the hirelings, and not at all the manual labor of the contractor, we see no fault in the ruling, but if the earnings of his own hands were in that fund, we see no bar to Judge Ogden's consistently with the principle of interpretation by his own words to deny the debtor the protection of the proviso. It is not quite certain from the report how the fact was. The amount of work done at the time it was attached, and from which were to be deducted previous payments.—Only part of the final balance of $30 was due when the attachment was laid, and whether any part of this was earned by the manual labor of Chave, the Defendant, does not appear.

If it was then Hoobner vs. Chave is not a case to be followed, but if it was not, it is for this reason inapplicable to the case before us where it appears very clearly that the fund attached—every dollar of it—was earned by the manual labor of Kennedy, himself.

Though insignificant in point of amount is said to involve a principle of great importance in the mining districts, and we have accordingly bestowed more attention than its intrinsic merits demand.

Our opinion is that under the circumstances of the case, the debt was not attachable and accordingly the judgment is reversed and judgment is entered here for the plaintiff in error defendants below for costs.—*Wilkesbarre Record of the Times.*

COAL FOR FRENCH USE.—Some years since when Mr. B. H. Springer was inspector of Coal, he made an effort to induce France to use our Anthracite Coal, which for many purposes is the best Coal in existence. What Mr. Springer failed through no fault of his own, in fully effecting, the present war if we but make the proper effort to gain the trade may accomplish. There is no earthly reason why we should not furnish a large supply of Coal to the French Navy, for we notice the fact that "the French Government, in consequence of the difficulty of obtaining English Coal, has contracted with three French Companies for 250,000 tons." The difficulty with French Coal is not its limited quantity; but it is thought *quality* is the important point. France has extensive mines that are worked, producing largely—yet she imports near half as much as she produces. Her mines at Anzin are 1630 feet deep and what will surprise our Pennsylvania Coal men, consists of thin seams of from one to two and a half feet in thickness—one vein only equals three and a half feet. The following table, taken from Taylor's great work, will be interesting:

"In 1855, the French mines produced 4,141,617 tons; that year she imported 2,179,433 tons of which 647,000 tons were from England, the balance of importation being from Belgium."

But wood and turf constitute still a very considerable proportion of fuel used in France.

A letter from England, May 20, says:—"Two American ships have been chartered here by the recognized Agents of the French Government to carry barley to Genoa. The *others* have been taken up at Liverpool to carry *Coals to Cagliari* and these commence monthly service.

The superiority of Anthracite over Bituminous, for naval purposes, is obvious, as it can be stowed in less bulk; is not subject to spontaneous combustion, and makes no smoke, a fatal objection to Bituminous.

It is thought that Napoleon, or the head Administration of the French Navy, would pay two millions five hundred thousand dollars, for a quarter of a million of *our choicest Anthracite Coal*, delivered at Toulon. Such Coal, pure, would now, say five thousand tons, bring in San Francisco $20 a ton, (or more,) $100,000.

There can be no question that our Anthracite Coal treasures are too valuable to be wasted; too precious to be mined without adequate remuneration. It is quite possible that the Italian war may yet take such a shape, as to involve the whole of Europe. In such event, between two of its mighty nations at least, the contest will be mainly naval. Then France to maintain her supremacy on the sea, must use the best fuel for her steam vessels of war. She must, if she wishes to cope with England, use American Anthracite Coal. Let those interested directly in the trade, prepare for such an event, and be not prodigal at unremunerative prices, of their black diamonds.

It may be proper to state in connection with this matter that contracts have already been entered into to supply about two hundred thousand tons of American Anthracite and Bituminous Coal to the French Government for the use of its Navy, and that vessels have been chartered for the purpose.

The Washington correspondent of the *North American* writing under date of June 23d, says:

The British government recently intimated that coal would be considered contraband, though France and England are allies. It is said, however, that as Coal is more used for purposes of peace than war, and it is only within the last ten years that steam has been applied to any extent as an auxiliary to vessels of war—that it was not supplied in Hoobner vs. Chave, or it was designed for what the judge in that case said it was "to secure to the manual laborer by profession and occupation the fruits of his own work for the subsistence of himself and family," Kennedy must have the benefit of it, for he was a manual laborer by profession and occupation.

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