Miners' Journal.

POTTSVILLE, PA.

SATURDAY, JULY 25, 1868.

NATIONAL UNION REPUBLICAN TICKET.

For President:
Gen. ULYSSES S. GRANT,
OF ILLINOIS.

For Vice President,
Hon. SCHUYLER COLFAX,
OF INDIANA.

UNION REPUBLICAN STATE TICKET.

For Auditor General,
MAJ. GEN. JNO. F. HARTRANFT.

For Surveyor General,
GEN. JACOB M. CAMPBELL.

To Subscribers.—In the course of the coming week we will commence sending bills to our subscribers, but in the interim those who know themselves indebted—the date of last payment is on their printed address—will oblige us very much by remitting their subscriptions. Upon the reception of their bills those subscribers who are in arrears will oblige us by giving them prompt attention, as our expenses in publishing the JOURNAL are continued and heavy, and our receipts should be proportionate to meet them. In individual cases the amounts may be comparatively small, but in the aggregate they are large and important to us.

GRANT, COLFAX AND VICTORY.

Union Republican County Convention.

The members of the Union Republican party of Schuylkill County, who are in favor of the election of Grant and Colfax and of Peace and Prosperity, in opposition to the Rebellious sentiments of the candidates of the Sham Democracy, and to the re-establishment in power of the men who lately attempted to destroy the Republic, are requested to assemble in their respective election districts throughout the County, on

Saturday, August 8, 1868,

between the hours of 2 and 6 o'clock, in the afternoon, to elect 2 delegates from each district, to represent them in the County Convention to be held in the Court House, in the Borough of Pottsville, on

Monday, August 10, 1868,

at 10 o'clock in the forenoon, for the purpose of nominating a ticket to be presented to the voters of Schuylkill County, at the ensuing October election.

The following officers are to be nominated:
ONE PERSON FOR MEMBER OF CONGRESS.
THREE PERSONS FOR ASSEMBLY.
ONE PERSON FOR DISTRICT ATTORNEY.
ONE PERSON FOR COUNTY COMMISSIONER.
ONE PERSON FOR CORONER.
ONE PERSON FOR COUNTY SURVEYOR.
ONE PERSON FOR DIRECTOR OF THE POOR.
ONE PERSON FOR AUDITOR.

The election of these delegates will be held at the places and by the persons named, as follows:

Ashland—House of John H. Manlfair; Doctor A. Schulze, Peter Linaweaver.
Ashland—East Ward—House of Wm. Lerch, Jr.; M. M. Mock, Esq., Evan Evans. Middle Ward—House of Troutman & Oeman; Rees Davis, Lewis Rush. West Ward—House of Enoch Morgan; Theophilus Lewis, James Lake.
Barry—House of C. M. Billman; John Rice, Henry Dengler.
Butler South—House of John Witman; James E. Wilson, John R. James.
Butler North—House of John Griffiths, Girardville; Sam Tupnas, Philip Manzold.
Blythe—House of Daniel G. Barnett, New Philadelphia; Joseph Smith, John Herman.
Branch—House of Abraham T. Troutman; Abraham Ernst, Esq., William H. Straw.
Brunswick East—House of Geo. Dreibelbiss; Capt. Lewis Dreher, Charles Foehl.
Brunswick West—House of Michael Moser; Lewis Riegel, Franklin Yost.
Cass North—House of Mrs. P. Eagen; George Allen, George Scott.
Cass South—House of Mrs. C. Walker; John R. Davis, Thomas Patton.
Cressona—House of George F. Dengler; Isaac J. Burton, John McCollin.
Blairdale—House of J. Geise; George Boyer, Esq., Simon Hepler.
Foster—House of Hiram Moyer; John Henry, John Francis.
Frailey—House of David Lomison; Lewis Miller, Esq., John Wamfield.
Hegins—House of David Daniel; John Holdeman, Elias Artz.
Hetley—House of John A. Klinger; William H. Klinger, Gabriel Sulzer.
Landingville—House of Israel Coller; James Gaynor, David C. Bowen.
Mahanoy City—East Ward—House of Philip Bradbury; John W. Williams, John Parker. West Ward—Man on House, C. O. Tiffany, & B. Dreher, Esq.
Mahanoy Township—House of M. Boyer, Shenandoah—Capt. Lamar S Hay, Lieut. John M. Rich.
Minersville—East Ward—House of Morgan Swartz; Samuel Foltz, James Lewis. West Ward—House of Evan Evans; Wm. Mathews, Luther S. Kaufman.
Mt. Carbon—House of M. E. Eckert; W. S. Shaefer, Joseph Erb.
Manheim North—House of Elizabeth Wilde, Cressona; Wm. Little, Henry Berger.
Manheim South—House of Andrew Reber; Daniel M. Reber, Joseph Paxson.
Manheim East—House of M. E. Eckert; Andrew M. Gray, Henry Little, Jr.
Middleport—House of Henry Kreiss; Peter Kiefaber, Daniel Sharp.
New Castle—House of Ephraim Phillips; Jeremiah Leaver, Robert Phillips, Jr.
New Philadelphia—House of Daniel G. Barnett; James Wonley, Moses Bine.
Norwegian—House of Jacob Madara; Frederick Gross, Uriah Barnes.
Norwegian East—House of George Millward; Josh. Crawshaw, Samuel Smith.
Ringsburg—House of Mrs. Mary Shoener; Francis Wise, Samuel M. Yost.
Palo Alto—Palo Alto House; William Bensinger, Thos. P. Wright.
Port Carbon—House of Michael K. Wentz; Charles Holder, Wm. H. Lawrence.
Port Clinton—House of O. C.; Hatch; William C. Guldin, John Crawford.
Pinegrove Borough—House of Samuel P. Filbert; P. E. Steck, A. K. Francis.
Pinegrove Township—House of John Dobbs; John F. Wernitz, Esq., Daniel Buechler.
Pottsville—South Ward—Merchants Hotel; O. C. Bosbach, A. B. Cochran. South East Ward—American House; George Schaefer, Abner F. Mortimer. Middle Ward—Middle Ward Hotel; John Ebert, J. Frank Werner. North East Ward—House of Thomas Williams; Frank Hamm, James Staats. North West Ward—House of William P. Glassmyer; Philip Edwards, George Witmer.
Porter—House of J. Updegrove; Tobias K. Bender, Esq., Peter Kressler.
Reilly—House of Martin Zerbe; William Adams, Frederick Schmidt.
Rush—House of William Neifert; Charles Blew, Thomas Job.
Ryan—House of William Weaver; Henry H. Stauffer, Esq., David Kilgerman.
Rahn—School House; John Moser, Evan E. Jones, Esq.
Schuylkill—House of Benj. Rowbottom; John Hartman, Jacob Heim.
Schuylkill South—House of Joseph Boyer; William B. Shock, Israel Yost.
Schuylkill Haven—North Ward—House of Hoffman & Heiser; Capt. D. B. Holmes, Wm. H. Seyfert. East Ward—House of Israel Wagner; John Rickrop, Lieut. John Murphy. South Ward—House of Mrs. Mary Koons; Albert Leiby, Thomas Whalen.
St. Clair—South Ward—House of James Wood; John Seitzinger, Charles Forrebee. Middle Ward—House of F. W. Richardson; John Pollock, Joseph Dentler. North Ward—House of Charles Johnson; Wm. Short, Daniel C. Stohlp.
Shenandoah—House of Dr. M. Boyer; Dr. George L. Reagen, Thomas Cassidy.
Tamaqua—East Ward—House of Charles Friedenberger; John Ralston, and George W. Denniston—North Ward—House of Michael Beard; B. L. Fetterhoff, James W. Dudley. South Ward—House of Humphrey Donahue; Wm. W. Bailey, John S. Boyer.
Tremont Borough—House of James Hill; Samuel Otto, Isaac D. Lehman.
Tremont Township—School House, Lower Basin Creek; Daniel Harter, James Fuller.
Upper Mahantongo—House of William G. Herb; Isaac Knorr, Esq., Henry Hoffa.
Union—House of John Pensermacher; Henry Zimmerman, Amos Lamberson.
Union East—House of John Cresy; Nelson Brandon, Rudolph Breisch.
Union North—House of John Bond; Jonah Breisch, William Yoder.
Washington—House of Frank W. Reber; John E. Fertig, Michael Weerich.
Wayne—House of Charles Hummel; Dr. George Y. Lehr, Jacob D. Weiser.
West Penn—House of Noah Kistler; Jacob Mantz, Thomas Heed.
Yorkville—House of John Fletcher; Henry J. Rich, Levin Gallagher.

We earnestly request every Union voter to attend these primary meetings, so that a good and true list of delegates may be chosen who will see that good and reliable men are selected as candidates for office.

By order of the Union County Committee.

JOSEPH S. PATTERSON, Chairman.
P. B. WALLACE, Secretary.

HON. HENRY L. CAKE'S SPEECH ON PROTECTION.—On the First Page of to-day's Journal we publish the speech of Hon. Henry L. Cake on Protection to American Industry, delivered on the 7th inst., in the House at Washington. We earnestly trust that no reader of this paper will neglect to give it a careful and thoughtful perusal. It is one of the very best speeches made in Congress on this important question. It is argumentative and is addressed to the intelligent and thinking portion of the community, and must carry conviction to every reader of the beneficent effect that adequate protection to our industry, is the only policy to give employment to the people at remunerative wages, advance the prosperity, create wealth and revenue to meet all our liabilities, and in a very few years, discharge our heavy indebtedness without any pressure on the tax-payers of the country.

SEYMOUR never held a national office, and always ran behind the ticket when presented for office in New York where the people knew him.

LEBANON VALLEY COLLEGE.—See advertisement of this educational institution, the Fall term of which will commence on the 3d proximo. T. R. Vickroy, A. M., is Principal.

THE Lebanon Advertiser (Cop.) thinks that no attention should be paid to the decision of the Supreme Court that the Criminal Court bill of this District is constitutional. That is just what the lawless in this County think.—It hits them too hard, for comfort.

The Democrats are not so lost to all sense of propriety and self-respect as to mix, and sweat and stink in a Convention with niggers.—*Copperhead Paper.*

We presume the "niggers" would be satisfied to let the Democrats referred to, sweat and stink in a Convention without them.

GREAT BRITAIN is talking of abandoning the volunteer militia system and instituting conscription. The idea is, that the whole nation should be thoroughly drilled and be made capable, in case of invasion, of resisting the attacks of a foreign enemy.

"BRICK" POMEROY swallows Seymour, and also Blair, together with the "long tail" of the whole Blair family. The stench of Brick will become so much greater after this great feat, that her "dead rabbits" and "mackerelville" will have to hold their noses in the presence of this great mogul of the party.

THE abolition of slavery, which the Copperheads said would flood the North and cheapen the price of labor, has absolutely increased the price of wages; and instead of the negroes coming North, many of those in the North have, since slavery has been abolished, gone South. This is like all the predictions of that party, false, yet there are thousands so ignorant as to believe these miserable fibbers.

NOT BOUND TO SUPPORT THE TICKET.—The New York Soldiers' and Sailors' Convention adjourned before the Copperhead ticket was nominated. They refused to pass a resolution to support the nominees of the Convention, believing that Hancock would be thrown overboard. Now they are under no obligations to support these nominees—and every loyal soldier that was wheedled into that Convention will vote for Grant and Colfax. Mark that.

THE progressive Democracy repudiate Seymour and Blair. The Hon. Thomas E Stewart, member of Congress from the Sixth district of New York, a high-toned Democrat and gentleman of great influence, has declared unreservedly for Grant and Colfax, and against the rioters' friend, Seymour, and the advocate of another rebellion, Blair. Thousands of Democrats who want peace and quiet in the future, will follow Mr. Stewart's excellent example.

"I CANNOT accept the nomination after positively declining it—if I do I lose my honor." This was the declaration of Horatio Seymour at the New York Convention. He did accept it, and of course forfeited his honor. Now, what is a miserable old traitorous carcass destitute of honor worth for a President? It might suit thieves, plunderers, blacklegs and gamblers, who, General Halpine says, control the Copperhead party, but no honest or honorable man wants such a President.

THE pledged and inviolate faith of a nation, though poor, gives it more power and influence than one that has violated its faith with full coffers. In a Republic like ours this faith rests with each individual to maintain, because each individual is a sovereign in this country, and his honor is bound up with the Government in maintaining its credit, power and influence. No voter of this Republic can vote for repudiation without dishonoring himself; and we have the authority of the oldest-so-called Democratic paper in New York, the *Journal of Commerce*, that the Copperhead platform means REPUDIATION.

A UNIT.—Nineteen-twentieths of all the papers in the country nominated Gen. Grant for the Presidency without even knowing his political sentiments; because they all knew him to be honest, patriotic, and deserving of the honor for his national services. Such a tribute to the honesty and patriotism of a citizen never occurred before in this country, unless it was to Washington, who even had his bitter enemies. Gen. Grant has not changed one iota since then, and he stands before the country the same honest and patriotic citizen that he was then; therefore the honest men of all parties can support him without violating any party feeling whatever, as all parties have endorsed him.

GREENLEAF ARITHMETICS—NEW SERIES.—We have just received from Bancroft & Co., of Philadelphia, copies of the new series, viz: New Primary Elementary, Intellectual and Practical Arithmetics. These form prominently, a "common school series," and together with the higher books, a thorough course for high schools, advanced classes, etc. They are not only clear, comprehensive, practical and complete, but are adapted to every grade of learners and to meet every want. The introduction of the "new system of weights and measures, internal revenue, etc," in the new Practical Arithmetic, places this book in advance of any other. The "Greenleaf Series" have been long and favorably known in Pennsylvania, and we endorse the new series, as well sustaining the valuable reputation acquired by practical test of more than a score of years in our schools and educational institutions.

JAMES L. ORR, in his recent valedictory message as Governor of South Carolina, takes strong grounds against the folly of attempting to reverse the prevailing policy of reconstruction, and shows the futility of all efforts to deprive the freemen of the right of suffrage. He counsels submission to the existing order of things, and advises the South to make the best of it. For twenty years Gov. Orr was a leading Democratic statesman in his section of the Union. For a long period he was one of the most distinguished members of the House of Representatives, and ultimately Speaker of that body. He went into the rebellion with a good deal of reluctance; but once in he stood among its conspicuous champions, was a Senator from South Carolina in the Confederate Congress, and remained faithful to its cause till the final catastrophe. He was always esteemed a skilful politician and a wise counsellor, and ere the rebellion broke out had great influence with the Northern Democracy. The opinions of such a man in the present crisis are entitled to far more weight than those of such hotspurs as Henry A. Wise, Wade Hampton, and Robert Toombs.

THE Tariff Bill Postponed.—In Congress on Saturday last, the Hon. Mr. Moorhead stated that after consultation with the Finance Committee of the Senate, he was satisfied that the Bill, if it did pass the House, would not pass the Senate this session, and therefore, he had concluded not to call it up again this session, because, in its present position, it would come up among the first bills at the next session as unfinished business. This finishes the question for the present, and we must wait four months longer, before we can obtain any relief from Congress. The extreme heat has completely worn the members out. The impeachment question also, which purchased Senators defeated, together with the reconstruction measures, caused great delay in other Congressional legislation this session. We have never worked so hard in trying to procure a protective tariff, as we have since December last—in fact, we have about broken down under this labor. So convinced were we when in Europe last year, that nothing but ample Protection to American industry, will prevent our working classes from being reduced to the same miserable condition that prevails among the working classes in Europe—and we will never give up the advocacy of this measure so long as there is breath in our body.

COPPERHEAD EDITORS—RIGHT ABOUT FACE—EAT UP ALL YOUR LIES—AND "HURRAH FOR COFFEE!"—Read the following from the Georgia Telegraph, a leading copperhead sheet of July 17:

Hundreds of the colored voters were in the Seymour and Blair procession, in Macon, last Wednesday night, and thousands more cheered it on with right good will. The talk about "a conflict of race" is all stuff. The Democrats in the canvass are going to illustrate not a conflict, but a *co-operation of race*. We mean that somewhere between four fifths and nine-tenths of the African race will vote with us, and by our side, in this election; and we mean in this to do not the slightest violence to the negro's inclination. He shall vote as he chooses, and he shall vote for his own best interests and happiness. We notify all curpet-baggers and adventurers at home and abroad that we intend to try conclusions with them on this point, and help themselves if they can. The vote of Georgia this fall shall be niglher a unit than it ever was before. The Radicals shall get enough of "manhood suffrage" in Georgia to satisfy them for four years at least.

Hurrah for Seymour and Blair, says the darkee, "Hurrah for Coffee!" responds the copperheads. The darkies are ahead and Pat must get out of the way in the South, the darkies are more numerous than Pats, and the darkies have votes. Pooh! "A conflict of races, its all stuff," says the copperhead editor who knows. "Hurrah for Coffee." Every copperhead will declare the mulattoes his relatives if they will only vote for him, and in Mississippi the white copperheads absolutely carried negroes on their backs to the polls, on condition that they would vote the copperhead ticket.

Reader, does not the ballot-work stendent? There is no danger of a war of races with the ballot; without it such a war, with the intolerant disposition of four-fifths of the late slave drivers, was inevitable. Giving the ballot to the negro in the South, will save the Nation not less than ONE HUNDRED MILLIONS of dollars per annum, which would be the expense of keeping a standing army in the South to prevent a war of races. As Republicans we rejoice that this miserable prejudice against the poor negro is taking the turn it is. God created the black as well as the white man in his own image, and the white man who will not give him the same right as he has for his own protection and welfare, is a tyrant, and opposed to every principle of human and divine justice.

A new dodge to raise money for electioneering purposes, is being resorted to by the Democratic politicians. They make assessments on postmasters, ostensibly in aid of Grant and Colfax, but in reality to aid Seymour and Blair. The game is being played here and doubtless in other sections. Postmasters should refuse to be imposed upon in this way.

THE FIRST DISTRICT OF CRIMINAL JURISDICTION.

The Opinion of the Supreme Court Affirming the Constitutionality of the Act.

The unsealed opinion recently delivered by Justice Sharswood, will be read with interest, affirming as it does the constitutionality of the Act creating the First District of Criminal Jurisdiction, composed of the Counties of Schuylkill, Lebanon and Dauphin, with Hon. David B. Green of this Borough, as President Judge:

In the Supreme Court for the Eastern District of Pennsylvania.

THE COMMONWEALTH
vs.
D. R. GREEN. } *Quo Warrante.*

The opinion of the Court was delivered by SHARSWOOD, J.

The question raised by the demurrer of the Commonwealth to the defendant's plea is, whether the Act of Assembly entitled "An Act to establish Criminal Courts for Dauphin, Lebanon and Schuylkill Counties," approved April 16, 1868, (P. L. 87), is constitutional, so far at least as to authorize the Governor to commission the defendant as President Judge of the Judicial District thereby erected, under the name of the First District of Criminal Jurisdiction. If the Legislature has power to create such a district, to provide for the election of the Judge therein in the manner prescribed in the Act, and to invest him with any of the powers and rights conferred upon him, we cannot sustain the demurrer and give judgment of ouster against the defendant.

The main point of contention is whether the Legislature can transfer any part of the criminal jurisdiction now vested in the Courts of Common Pleas, and given by other courts. It must be admitted that if the framers of the Constitution intended to establish an unalterable judicial system, they have not expressed any such intention. The article which relates to the judiciary begins with a declaration that "the judicial power of this Commonwealth shall be vested in a Supreme Court, in Courts of Oyer and Terminer and general jail delivery, in a Court of Common Pleas, Orphans' Court, Register's Court and a Court of Quarter sessions of the Peace for each county, in Justices of the Peace, and in such other courts as the Legislature may from time to time establish." It may be fully conceded that the Legislature cannot abolish any of the courts mentioned in this article, nor divest them of their entire jurisdiction, without avoid precisely effect the same result. The words "and in such other courts" points only to a partition of powers. If it had been "or in such other courts," it might be plausibly construed, "or as it often may in statutes and other instruments where necessary to carry out the intention: It may be assumed also that this is true of the Court of Common Pleas, although it is declared that "until otherwise directed by law, the Courts of Common Pleas shall continue as at present established." It is a provision which seems to relate to their organization, for it is immediately added "but more than five counties shall at any time be included in one judicial district organized for said courts." Yet all this does not affect another proposition, that the Legislature has express power to divest the courts named of some of their jurisdiction, and vest it in such other courts as they may from time to time establish; or they may vest a concurrent jurisdiction in such other courts.

We are not without direct authority upon this point, in a decision made by this Court more than fifty years ago, acquiesced in and followed ever since, and made the foundation for legislation and judicial action and proceedings without number, extending to the infliction of the highest penalty which society can impose under the sanction of its laws. The case referred to is *The Commonwealth, ex rel. Gibbons* vs. Smith, 4 Binn. 117. At the time of the adoption of the Constitution of 1790, the Supreme Court exercised an original jurisdiction in the County of Philadelphia, where cases in fact were tried both in banc and at the jail; and they issued writs of *Certiorari* and *Habeas Corpus* throughout the State, by virtue of which, actions were removed from the inferior courts and tried by the Court of Oyer in the different counties. They also issued writs of Mandamus and other high prerogative writs throughout the State. By an Act entitled "An Act to alter the judiciary system of the Commonwealth," passed Feb 24, 1806, (4 Smith's Laws, 97,) it was provided that no issues in fact in the Supreme Court should be tried, in banc, and that the said Court should have no original jurisdiction in civil cases. By the same Act the Western District was created, and the judges directed to hold a Supreme Court at Pittsburg. A motion was made in the Supreme Court at Pittsburg, for a rule to show cause why an information in the nature of a Quo Warranto should not be filed. It was objected that as the Court was without authority to try the issue of fact which might arise, it would be liable to institute a proceeding without the power to prosecute and complete it. It was answered that it be as it was unconstitutional. The question was argued on behalf of the motion by Henry Baldwin and James Ross, and against it by William Wilkins, Esquire, to whose able and lucid discussion of the Court, then composed of Tilghman, C. J. and Judges Yeates and Brackenridge, unanimously refused the rule. It will be perceived that the power was taken from the Supreme Court without vesting it in any other Court, and it is distinctly admitted that in consequence there was no tribunal to try the offenses from corporate offices illegally usurped. "It is contended," said C. J. Tilghman, "that the Constitution secures to the Court, every power which they have been accustomed to exercise. If so, it also secures to the Courts of Common Pleas, all the powers which they had exercised. I think the argument will prove too much. It cannot reasonably be supposed that the powers exercised by all those courts were of so perfect a nature as to make it worth while to guard them by a constitutional provision. On the contrary, to every man of reflection it must have been evident that in the course of time, some alterations in the powers might become necessary; and that an attempt to render them unchangeable, might end in the destruction of the Constitution itself." But he adds, "There are other powers secured to this Court by plain, positive affirmative expressions. Such are those mentioned in the third section of the fifth article. Their jurisdiction shall extend over the State, and the Judges shall by virtue of their offices, be Judges of Oyer and Terminer and General Gaol Delivery in the several counties. These powers no Act of Assembly can take away." This is a much stronger case than had now before us. The jurisdiction of the Supreme Court is hedged round by some guarantees which do not apply to the subordinate tribunals, either civil or criminal. It invests with a new dignity the provision that their jurisdiction should extend over the State, meant the jurisdiction they possessed by law at the adoption of the Constitution. But a power given to the legislature power over the inferior courts; how else can they vest any part of the existing judicial power, civil or criminal, "in such other courts," as they may from time to time establish? The constitutional provisions as to the quorum of the old courts have no application to new courts. The Legislature may vest any portion of the jurisdiction of the Orphans' Court in a single Judge of another court; for example, the audita of all accounts of guardians, executors and administrators. So in like manner, road, settlement and description cases, might be taken from the Quarter Sessions and vested in a new court, with a single Judge. The statute book abounds with instances in which this power has been exercised without question. At the very period of the adoption of the constitution of 1790, there existed under the authority of the charter of the City of Philadelphia, at March 11, 1789, (3 Smith's Laws, 48), "a Mayor's Court," composed of the Mayor or Recorder of the city, and one or more of the aldermen invested with all the powers and jurisdiction of a Court of Quarter Sessions for any county within the Commonwealth. But it is not mentioned in the Constitution. The first section of the schedule declares that all laws in force, not inconsistent therewith, should continue. No one ever breathed a doubt of its consistency with the constitution. It remained in the exercise of a healthful, efficient and unquestioned jurisdiction, until, by the Act of March 11, 1836, (Purdon, 1. 128), it was abolished and a Court of Criminal Sessions established, and by that Act all the powers and jurisdiction as well of the said Mayor's Court, as of the Court of Quarter Sessions for the City and County of Philadelphia were vested in a court thereby established, and all pending bills and indictments in either court, were transferred thereto. This is certainly a contemporaneous exposition of the constitution which we are taught is *optima fortissima* in fact.

It is contended that the Act in question is in violation of the fifteenth section of the ninth article of the Constitution, "The Declaration of Rights," "no commission of Oyer and Terminer or jail delivery shall be issued." Let it be admitted that this comprehends jurisdiction of all crimes whatever their degree and character, it has no application to a Court created by law with a general criminal jurisdiction. It was intended to prevent the creation of special tribunals to try particular individuals or particular classes or cases, tribunals to serve a temporary purpose, and to end with the accomplishment of that purpose. So was the case of the Commonwealth vs. Flanigan, 7 W. & S., 63. "The provision was meant" says the latter of the judges "to secure to the Commonwealth as well as the accused, a trial by the ordinary tribunals, to the exclusion of the special tribunals created for the trial of particular cases. It was supposed will be found to produce a particular result. They did: It is indeed provided by the first section of the Fifth Article that the judicial power shall be vested in certain enumerated courts and in such other courts as the legislature shall from time to time establish. But this has regard to courts established for general purposes, and to be held by judges commissioned for those purposes exposely." Certainly as far as can be gathered from the face of the Act before us, the courts thereby created were established for general purposes without limit as to time, and the judge is to be elected for the judicial term period prescribed for the judge of any court, other than the Supreme Court, and is commissioned for those general purposes accordingly.

It is objected further that this Act of Assembly violates the amendment of 1850 which provides for the election of Judges: "The President Judges of the several courts of Common Pleas, and of such other courts of Record as are or shall be established by law, and all other judges required to be learned in the law, shall be qualified electors of the respective districts over which they are to preside or act as judges." It has not been and cannot be pretended that the letter of this Article is broken.

Here a special judicial District is constituted and the President Judge is to be elected by the qualified voters therein. But it is said that the spirit of it is violated, because while the Court for Schuylkill County is made an active and important tribunal, the provisions for the courts of Lebanon and Dauphin are contingent and illusory. The Justice of Schuylkill County are commissioned to make their returns to the special Court, a Grand Jury is to be summoned to act upon the bills, and other matters given them in charge—the jurisdiction in Dauphin and Lebanon is restricted to bills found in the Oyer and Terminer and Quarter Sessions and transferred to the Special Court by action of the District Attorney. Thus in effect the electors of Dauphin and Lebanon choose the judge for Schuylkill. With the justice, wisdom and policy of this legislation we have nothing whatever to do.

There is no provision in the Constitution which either expressly or by implication requires the judicial system to be uniform throughout the Commonwealth; one Court of Common Pleas may be invested with a much more extensive jurisdiction than another, even though of counties in the same Judicial District. It is not necessary to refer to the Saxon Book for instances. There is no reason why the same thing may not be done in regard to the Courts of Criminal Jurisdiction, however open to just criticism may be the policy of vesting the prosecuting officer with the sole power of transferring indictments, and then in effect deciding whether there shall be any special Court held in Dauphin and Lebanon; we have not been pointed to any constitutional prohibitions; no clause of the declaration of rights has been invoked; there is nothing in the plan to prevent or impede "a speedy public trial by an impartial jury of the vicinage." If there is to be such an election, it would most accord with all our ideas of justice as well as mercy, that the accused and not the accuser should have the choice of his Judge. In all the Civil Courts of common jurisdiction, the defendant in general has the right to elect his tribunal. The Legislature for some reason has seen fit in these Criminal Courts to give the election to the Commonwealth, through its duly chosen and accredited officer. We cannot pronounce an Act of Assembly to be void even though its motives and partisan purposes may be apparent. We cannot inquire into the political objects which we to be reserved. If by what is termed gerrymandering either of Congressional, Legislative or Judicial Districts, the fair will of a local majority is overridden by voters outside, the remedy is in the hands of the people, where duty it will be to rebuke at the polls the makers of such unjust laws.

It is further objected that the 3d question is contrary to the Eighth Section of the First Amendment of 1857, "no bill shall be passed by the Legislature containing more than one subject, to which shall be clearly expressed in the title, except appropriation bills." The ground assumed by the Commonwealth is that "the title of the Act does not indicate any of the provisions." The title is, "an Act to establish Criminal Courts for Dauphin, Lebanon and Schuylkill Counties." There was necessarily included in the Act provisions for the appointment and election of the Judge, as to who should act as clerk, jail keeper and by whom the grand and common juries should be drawn and summoned. The people in their amendment never intended that the title of an Act should be a complete index to its contents. It may be that the amendment is only directory, and yet if observance only that part of the law is void which is not referred to in the title, for both which political and judicial authorities in other States where they have a similar constitutional provision might be cited. It is not necessary to decide these questions. There is nothing in the Act which is not plainly embraced in the title, which does not relate and is incognate to the establishment of a Criminal Court in the districts named. *Black et al. vs. Hewitt et al.*, 7 P. F. Smith, 377. The intention of the constitutional amendment was to require that the real purpose of a bill should not be disguised in the title or concealed by the general words "and for other purposes," which were formerly so common, but should be fairly stated; and it must be a clear case to justify a Court in pronouncing an Act or any part of it void on this ground. There is one other point to be noticed that Judges are appointed in a district where they must be elected and the same elected for the office." But this question evidently does not arise in this proceeding. On a Quo Warranto against the Judge we cannot try the title of the clerk.

We have thus considered all the grounds of demurrer by the Commonwealth, and have come to the conclusion that none of them have been sustained.

Judgment for the defendant.

COOL.—The Democratic journals are gravely endeavoring to show that Horatio Seymour saved the National Capital when Lee marched into Pennsylvania in 1863. The credit of the battle of Gettysburg has usually been given to General Meade and his gallant army. While they were saving the capital, Horatio Seymour was making a speech in New York to prove that the war was a failure, and threatening the Republicans with a Northern rebellion and the terrors of mob law.

PEACE AND PROSPERITY.

These magic words can be evoked into substantial being by the people of all parties if they will resolve to elect by the largest majority ever given to any candidate for the Presidency, U. S. Grant.

The following are the platforms of the two soldiers:

"LET the President dispense the carpet-bag State governments."—FRANCIS P. BLAIR.

"LET US HAVE PEACE."—U. S. GRANT.

There can be and really is, no enthusiasm for the revolutionary platform of Blair.—Two-thirds of the Democratic party to-day know that they do not approve of that doctrine, and they desire peace. It can be secured by electing Grant. Any other result must lead to turmoil, trouble and rebellion with all its concomitant evils. The honest members of the Democracy should let their leaders and the office-seekers alone support the revolutionary candidates, while they join with such sterling Democrats as Sherman, Sickles, Sheridan and their brave compatriots of the rank and file, in supporting Grant and Colfax in the interest of Peace and Prosperity.

THE New York Democracy are political miscegenationists. One of their orators for the campaign is a negro from Georgia, an ex-slave, named Henry Gwinn. The other night he addressed the Empire Club Democracy and on that occasion he enjoyed the rare honor of being introduced to the club by Marshal Rynders. A night or two ago he made a speech to the "Metropolitan," and among the orators he worthily succeeded was an ex-Confederate General from Mississippi. The immediate predecessor of Mr. Gwinn upon the rostrum was a Rev. Dr. Bowman of North Carolina, whose speech was principally devoted to an ethnological criticism of the Negro, who, he asserted, had no hair, no bone in his nose, and was no more like the race that God had created in his own image than a jackass was like a horse, or a carrion crow like an eagle. It was then the turn of the ex-Slave to speak, and his remarks were mainly directed to a eulogy of Slavery and Democracy and a denunciation of Radicalism. Henry should be brought to Alt Berks and Schuylkill. It would be refreshing for the Dimikratic farmers and Cass Township miners, to receive political instruction from the lips of a "nigger."

TO BEAUTIFY and dress the hair, and restore it to its natural color, and impart that beautiful gloss, odor, etc., use Mrs. S. A. ALLEN'S IMPROVED (*new style*) HAIR RESTORATIVE or DRESSING, (*in one bottle*.) Every Druggist sells it. *Price 50 cents.* 30-4t

BE WISE TO-DAY. 'Tis madness to neglect a cough or cold, however slight. Consumption may follow, and though *Dr. Wister's Balsam of Wild Cherry* has frequently cured this much dreaded disease, for the primary diseases of the throat, lungs and chest, it always cures where other remedies fail.

"Poor Tom's a'cold."
How warm we'er the morning sun
May look in kindness on the earth,
In Tom Jones' veins no cheering warmth
Dispels the gloomy sorrow of his soul.
Dyspepsia, like a goblin, hunts him down,
Ague, grim chamberlain, fights him to bed,
While Dullness, Vertigo, and Headache dire,
With fiercer demons conspire to make him groan

Harken, Thomas: to instruction
For all thy ills a remedy is found,
A Panacea, certain, pleasant, sure,
PLANTATION BITTERS—S. T.—1860—3x.
A wondrous Tonic, made by Dr. Drake.

We presume "poor Tom's" case is not worse than hundreds who are cured daily by this wonderful medicine.

MAGNOLIA WATER is a delightful toilet article—superior to Cologne and at half the cost. 30-2t

For many years the Piano-Forte has held unquestioned monopoly; but a growing taste for those orchestral effects in-playing which the Piano cannot render, has turned attention to the Organ. Cheapness, portableness, and independence of manipulation, are also advantages in the AMERICAN ORGANS, as made by Messrs. S. D. & H. W. Smith of Boston, which sufficiently recommend them for home, school, and chapel use. A day or two since we visited the new and extensive manufactory of the above-named instrument, on Boston Neck, and were surprised at the vast amount of labor in operation, and the completeness of the appliances in use, from the heavy machinery which cuts the stock, to the delicate apparatus which fashions the key work and action. Messrs. S. D. & H. W. Smith are regarded as the best reed Organ manufacturers in the world, and although able to turn out a hundred pianos a month, still there is scarcely an instrument. It would have been more creditable had you done the same. Pray who is to pay Daughtery of Pottsville for your paper? Most we be there illy taxed then we are? How can we stand such burdens? You may say that you pay a cent a job, but let us see: Suppose you have to give you the cent you owe to pay. Then actually we pay it, and we protest against it as unnecessary and unjustice. If you think you must have a reporter search for the production of the tables, and rips Sharpe cross any them, then we will be sure that a Board of Commissioners of Operators, you must be fair at the business. If you think the workmen are going to allow you to impose on them. Indeed you show poor judgment if you believe this question to be whole commonality; but we can testify that there are some Sharpe who know cutting them.

It is a terrible thing to be that the Poor "Operator" is in the end to blame; for, were it not for such business men as he, the coal operators would have a Board of Trade and Mr. Pinkerton would be in a way as to keep it working. But no, they cannot pull one another, and consequently we all suffer together.

Thousands of tons of coal are sent to market every year, which must be sold simply prior the charts New York; the demand is not equal to the supply. Such a reckless policy (a policy which the MINERS' JOURNAL has opposed for years unheeded,) has nearly ruined that Company.

Stop it, we beseech you, and if you cannot get a fair price for your coal, keep it until you can. It is time to arrange the business in a way to avoid further by regulating the price of coal: for by this means you will be enabled to pay us remunerative wages. We do not ask you to divide the profits, except in such a way that you will have a sufficient margin for contingencies. The coal operator can say back and laugh, well knowing that in any event, he is safe; and well knowing too, that the poor operator from the course he pursues will keep the wages down; and so he says, "let him fight it out with the men, for money I can pay what he does." And so we are kept in continual broils to get our rights. If the State of New York and the Empire States will help our Representatives in Congress to give us a Protective Tariff, let us make it for ourselves by charging them well for our coal in this anthracite region. What folly to sell our coal so low when every year it grows so much less in the region, and the enormous cost of thinking to fit hundreds so much greater?

MIFFLIN AND LACKAWANNA.

DANIEL WEBSTER COLLIERY, No. 2.—Messrs. Tifft & Cruikshank have completed their breaker at the red ash vein near the furnace, and expect to commence shipping this week. It is capable of preparing about 25 car loads per day.—*Shamokin Herald, July 18.*

At a Meeting of the Coal Trade held in the office of Messrs. DAY, HUDDELL & CO., July 21d, 1868, the following preamble and resolution were unanimously adopted:

WHEREAS, It has pleased the Divine Ruler of all things, to remove DAVID PEARSON, Esq., from this life, after a very brief illness; and

WHEREAS, It is right and proper that those with whom he has been so long associated in the perpetition and successes of business, should take occasion to express their sorrow and give some appropriate expression to their feelings on this mournful occasion; therefore,

Resolved, That the Coal Trade of Schuylkill County is deeply indebted to the skill, industry and perseverance of DAVID PEARSON, as one of its early pioneers, who by his enterprise and foresight, not only as far its former prosperity and present magnitude, he having contributed largely to these objects.

Resolved, That in retiring his business career, both as a miner and merchant, we trace in the success that crowned his efforts, enabling him to accumulate a large fortune, another lesson to the young men, which was distinguished, never refusing aid to the deserving, but seeking out the worthy poor and supplying their wants. While at the same time he was a liberal benevolent and religious institutions, which looked to him for support. Found in him a cheerful giver, and we cannot forget both his liberality and his cheerfulness in furnishing men and means to sustain the Government during the rebellion.

Resolved, That as a husband and father he was kind and indulgent, using all possible means to promote their health and happiness. That as a friend he was genial and considerate, ever ready to reciprocate to the last degree courtesies extended by others to him, and his death leaves a void in our hearts that cannot be repairable loss, and the business community, especially the Coal Trade, a valuable member.

Resolved, That we deeply sympathize with the bereaved widow and children in this the severest affliction of their lives, and hereby tender to them our heartfelt condolence, and that, as a mark of respect, we will attend his funeral in a body.

Resolved, That a copy of the foregoing preamble