MISCELLANEOUS.

THE POWER OF LOVE.—At the breaking out of the rebellion, Mr. J. J. Searight enlisted in a company of volunteers from the town of Lincoln, Illinois, which was attached to the 22d Regiment of Infantry from that State. At a later date Mr. Searight received a lieutenant's commission. He was generally esteemed as an excellent officer, and did his whole duty in several of the sanguinary engagements in the Southwest. In an unlucky hour he met a young lady of rebel proclivities, but extremely beautiful, at her home near Nashville, Tennessee. Suffice it to say that they met and loved. All the time the lieutenant could spare from his duties was spent in the society of the charming Secesh syren, and she so eagerly returned his burning passion. Lieut. Searight time and again offered his resignation—he wished to leave the tented field and dwell in the rosy bowers of love—but, unlike his love, it was not accepted. Love at length conquered all his scruples—he deserted! and succeeded in escaping beyond the Federal lines with the young lady. The Southern belle who thus seduced the lieutenant is enormously wealthy—being the possessor of an ample fortune in sterling gold. They also succeeded in running the blockade at Charleston, and arrived at Havana last Christmas day, where they were married, and are now living, it is said, in happiness and elegance. Whether such a man is the more to be blamed or pitied, we know not. Love has seduced from honor and duty many wiser men than Lieut. Searight. It is a resistless and overwhelming sentiment, and the best of mortals commit follies and extravagances, and even crimes, when involved in its silken meshes.

Yes, it was love, if though of tenderness,
Tried in temptation, strongest by distress,
Unmoved by absence, firm in every clime,
And yet, O more than all, untried by time.

A HOSPITAL PHYSICIAN'S AFTERNOON.—The staff of the great hospitals is utterly insufficient to allow of their performing themselves the work allotted to them. * * * We discover every now and then a conscientious physician, who tries to do his work. We once calculated this work up in a particular instance. At half past six in the evening the Æsculapian bee was putting on his overcoat to return home; he had taken his seat in a wooden-bottomed chair at one P. M. For five and a half hours he had sat there, ringing his bell, calling out, "some in," examining his patients, and writing prescriptions, without a break. During that period he had counted 4,480 strokes of the heart, listened to 86 chests, looked at 190 tongues, asked 1,120 questions, written 326 separate recipes, 11 certificates for clubs 3 certificates of deaths, and brief notes in the hospital books of 29 new patients, giving their age, sex, occupation, duration of illness, and disease. Altogether, he had given advice *gratis* to 224 people, and remarked that he fell short of his usual number.

Shall we describe the man at the end of his day's work? He was so pale that he might have played Ghost to Hamlet in broad sunlight. He was a little deaf on one side from the frequent use of the stethoscope; one of his ears was sore from pressing; his eyes were wearied; his back ached intensely; his hand was heavy, and his voice was hoarse and vexatious. He had a misgiving that at the close of his work he had written a prescription for one patient on another patient's letter, and was dreadfully put out to find that, right or wrong, the patients had gone off with their medicines. He passed out of the hospital, nine persons whom he had never seen in his life waited to ask him privately his solemn opinion as to cases some of which had died before him for weeks, and of which he had no more recollection than of Adam. His face of white despair convinced the anxious listeners meanings of which he had not the remotest conception. When he got away from them all, there were still three long entries yawning between himself and his dinner.—*Social Science Review.*

THE GOVERNOR OF UTAH OPPOSES POLYGAMY AMONG THE MORMONS.—Considerable excitement has been caused in Great Salt Lake City (Utah Territory) by the message lately sent by the Legislature by Gov. Harding. The Governor, finding upon intercourse with the people, a great lack of sympathy with the Government, indirectly rebukes, in his message, this indifference, telling the people plainly that their first great duty is loyalty to the Administration. Also, in the same bold spirit, discusses at length the question of polygamy, denouncing the institution in the severest terms, and warning all who have heretofore defied the laws of Congress against it, that henceforth all such resistance will be visited with the full consequences authorized by the law. These decided avowals of hostility to their cherished peculiarities, of course, provoke the decpest indignation of the Mormon community; and the result has been that the Legislature has refused to publish the message, it has instead boldly announced that the "church authorities" have decided that it shall not be issued from the press of the capital at all, and that if possible it shall be suppressed altogether. Of course, the only result of this opposition will be to widen the demand for the document thus suppressed; and, indeed, its publication by thousands of copies is already said to be provided for by anti-Mormon citizens.

NEW TELEGRAPH ENTERPRISE.—The Independent Telegraph Company have extended their line of telegraph from New York to Philadelphia, and have laid a submarine cable across the North river, which in a few days will be working to Philadelphia. The cable is said to be one of the largest and best constructed ever laid in this country; its length is one mile; it has four copper conducting wires of No. 14 size, and insulated with three coatings of pure gutta percha, 5-16ths in diameter; and each conductor is wound outside the gutta percha with fine jute, well tarred. The four conductors are twisted together like a rope, and the whole is covered with two-thread Manilla yarn, well tarred, and covered with an armor of twenty-six No. 9 galvanized iron wires, laid on helically, and bound with No. 9 galvanized iron wire; the wire making a complete iron casing of 0¾ inches in circumference. Its weight is about seven tons. It was made by the Bishop Gutta Percha Co., of New York. Colonel Speed, the President of the line, assisted by Mr. Marks, formerly of the Bishop Gutta Percha Co's works, superintended the laying, which was successfully accomplished on Wednesday evening.

THE LOSS IN BRECKINRIDGE'S COMMAND AT MURFREESBORO.—The Mobile *Advertiser* of the 13th publishes a despatch dated Tullahoma, Tennessee, Jan. 12, which says: "Our pickets are now within six miles of Murfreesboro'. The official reports show a more sanguinary conflict before Murfreesboro than was at first supposed. Hardee's corps won the brightest distinction. Every officer in Breckinridge's staff was wounded, or had his horse shot under him. Col. O'Hara, chief of staff, Major James Wilson, and Capt. C. G. Martin had their clothes ridded and horses shot. Lieut. Cabell Breckinridge, son of Gen. Breckinridge, only eighteen years old, was among the wounded. The loss in Breckinridge's division was two thousand and fifty; total loss in Cleburne's division two thousand and sixty-two."

NEW STYLE OF HEAD-DRESS FOR LADIES.—The *American Gas-Light Journal* describes a new head-dress, which is talked of as one of the things to come.

A new feature in the application of gas to domestic purposes is said to be on the point of introduction here. Five-flame burners will be almost always upon the graceful white feathers and fresh green leaves that adorn the brows of some of our youthful queens. Clusters of jet-burners will be seen rising to spring from the elaborate tresses of beautiful matrons; the jets will issue from burners measuring a twentieth of an inch in bore, and with transparent shades exquisitely cut, not larger than a dollar. The tubing is to be of solid gold, connected with a reservoir of some valuable metal, which is to be concealed in the meshes of luxuriant hair behind the head. The pressure will be applied to the golden tank, which is supported by an elaborate back comb, the top of which forms a row of little gasholders. Before entering the ball-room, the husband will turn on the gas, light up his blushing bride, and usher her into her sphere of conquest, revolving like her prototype, the moon, among the lesser lights around. When the apparatus is completed, we will present it more in detail to our readers.

SNOW IN NEW ENGLAND.—There is excellent sleighing in the northern and eastern parts of New England. In central New Hampshire the snow has not been deep enough to allow logging operations in the woods, and the railway lines miss their usual winter freights of ship timber. It is thought that the late storm will enable the lumber men to enter upon their usual winter work. Late advices from Maine report that notwithstanding the scarcity of snow on the coast, there has been sufficient in the woods to make it prime logging in that State, and the choppers have been busy as bees in cutting as fast as their teams could haul.

A FORTUNATE COUNTY.—Monmouth county, New Jersey, has long been celebrated for its peaches, its fertile farms, its rich beds of marl, and its charming summer resorts—Long Branch, Deal, &c. It just now can boast of a new attribute, eminence over every other county in the State. Monmouth furnishes the Governor, the President of the Senate, the Clerk of the House, and the Congressman elect (Governor Olden, Governor Stockton, and Colonel Ludlow, of Freehold, respectively), while at the same time several important Government appointments, including that of ex-Governor Newell as Superintendent of the Life-Saving stations on the coast, are also filled by her citizens. The county is largely Democratic in politics.

THE LIQUOR QUESTION IN RHODE ISLAND.—The liquor question has again been opened in the Rhode Island Legislature. The Committee on Finance in the Senate lately reported in favor of granting licenses to sell intoxicating liquors, and the report was adopted, and the Committee on Judiciary order to draw a bill to accomplish that object. It is stated, also, that the citizens of Newport, who are opposed to the repeal of the present laws, are taking steps to show their opposition to the Legislature by circulating petitions among the people.

NEW USE OF THE STEREOSCOPE.—Professor Boys, of Edinburgh, has discovered that the executed copies of steel or copper-plate engravings can be distinguished from the originals by placing them together in a stereoscope, when the difference between the print produced by the original plate and the spurious copy is seen at a glance. This will be a sure method of detecting counterfeit bank bills or money orders.

FLAX CULTURE IN CENTRAL OHIO.—The people of Central Ohio are preparing to raise a large quantity of flax the coming season. It is said the present price of flaxseed will fully reimburse for the whole labor and cost of raising a crop of flax, and, with a vast amount of land in the State unoccupied by any crop, probably the coming year cannot in any other way better improve their time.

MATTERS AT FORT WARREN.—About one hundred mechanics and laborers are now at work upon the fort making preparations for mounting heavy Parrott guns. The garrison at present numbers 150 men. Besides these, there are about one hundred men belonging to the 14th and 15th Massachusetts Batteries.

FOREIGN ITEMS.

THE GOVERNMENT PRINTING OFFICE AT VIENNA.—The imperial printing office in Vienna is one of the most extensive establishments in the world. An engine of twenty-horse power moves not less than forty eight printing and twenty-four copper-plate presses, and ten glazing machines. There are, moreover, thirty-six large and twelve small iron hand-presses, twenty-six numbering and perforating machines, and thirty lithographic presses. A fresh supply of types is constantly afforded by twelve casting machines and nine ovens, and three thousand cwt. of type is kept on the premises. According to a moderate computation, each hundred weight contains about forty thousand type, making a total of one hundred and twenty millions of types of various sizes and characters. Five hundred thousand sheets, or one thousand reams of paper, are daily required for the consumption of the establishment. It contains offices for letter-press printing, for copper-plate, lithographic, and chromolithographic printing, punch-cutting, type-founding, wood-cutting, bookbinding, photography, &c., &c.

THE HOUSE OF PEERS.—We find from *Whe's Who in 1863* that the House of Peers at present consists of one prince, two royal dukes, three archbishops, twenty-five dukes, thirty marquises, one hundred and sixty-one earls, twenty-nine viscounts, twenty-seven bishops, and one hundred and fifty-nine barons, making a total of four hundred and thirty-six members, as the present Bishop of Bath and Wells sits in the House also as Baron Auckland. In addition there are nineteen peers who are minors, and await their coming of age to take seats in the House. The peers of Scotland and Ireland who are not peers of Parliament number 114, of whom 5 are minors. There are 14 peeresses in their own right. The members of the Privy Council in England and Ireland are 230. There are 852 baronets, 479 civil or military knights, and 112 nobleman and baronets, who are also knights of the various orders of knighthood. There are 735 companions of the Order of the Bath, 7 field-marshals in the army, 505 generals, 350 generals in the Indian army, 326 admirals, and 107 Queen's counsel and sergeants-at-law.

AN ARCHBISHOP'S FUNERAL.—The Paris correspondent of the London *Sun* says that the funeral cortege of the late Archbishop of Paris presented a spectacle not less military than if the remains of a French marshal were being conveyed to the Hotel des Invalides. The streets through which it passed were lined with infantry regiments, and at all the openings were stationed brigades of artillery. Since the interment of Berenger it is remarked that there was never seen at the funeral of a man of peace, such a great display of guns, cannons, and soldiers—horse, foot, and militia. The big bell of Notre Dame boomed, the salvos of artillery announced that the body of the deceased prelate was laid with those of his predecessors. The populace was delighted at the spectacle.

PALACE OF THE CÆSARS.—The excavations of the Palatine Palace of the Cæsars, at Rome, are being pursued with great activity. Water, according to Galignani, has sprung forth in abundance there, so that a fountain has been arranged. The amount granted yearly by the French Government for the researches is 40,000 francs.

LEGAL INTELLIGENCE.

Supreme Court of Pennsylvania—Chief Justice Lowrie, and Justices Woodward, Thompson, Strong, and Read.

THE REBELS ARE PUBLIC ENEMIES, AND A LOSS UNDER A POLICY OF INSURANCE OCCASIONED BY THEIR ACTS IS RECOVERABLE FROM THE INSURERS.

Monongahela Insurance Company vs. Thomas R. Chester, for use, &c. Error to the District Court of Allegheny county. Opinion of the court by Thompson, J.

It appears by the case stated that this was an action of debt in the court below against the Insurance Company, on a time-policy issued by them to the plaintiff, for the insuring of the steamer Mohawk, to continue one year. The steamer, by the terms of the policy, was privileged to navigate the Ohio river and tributaries, the Mississippi river, at and between New Orleans and Keokuk, Iowa, and the Illinois river. The amount of risk taken was $6,000, and the perils insured against were "of the seas, lakes, rivers, fires, enemies, pirates, assailing thieves, and all such losses and misfortunes which shall come to the damage of the said steamer Mohawk, according to the true intent and meaning of this policy."

It also appears that on the 20th of April, 1861, in the usual business of the policy, the steamer broke on her way up the Mississippi, touched at Memphis, Tennessee, and was there forcibly seized by armed men professing to act under and by authority of the so-called "Confederate States of America," declaring at the time of seizure that the purpose was to detain and confiscate her to the use of the Confederate States, and that she was, in fact, so detained and confiscated. That the captain and crew protested and made all the resistance against such forcible seizure and detention in their power, when at last, to avoid violence to themselves, they were obliged to leave and fly for their lives; thus the steamboat became entirely lost to the owner, and was abandoned to the underwriters as for a total loss.

On the trial below it would appear that the ground of recovery was based mainly on one of the enumerated perils—viz: that the steamer was lost by the act of "enemies," and so the court ruled, and hence this writ of error.

The term "enemies," as used in the policy, means public enemies, and is defined by writers on national law to be "where the whole body of the nation is at war with another." Vattel, L. Dec. Vattel says "an enemy is he with whom a nation is at war." Law of Nations, 387. Adhering strictly to these definitions, the loss here would hardly be covered by an insurance against "enemies." But this is too narrow a ground to take. Indemnity is the object of all insurance, and in marine policies the rule seems to be that where the loss is of a *like nature* with the specified peril, or in other words, substantially within its meaning, to sustain the liability of the underwriters. The enumerated perils are described, of course, by general terms, while the varieties of the species may be numerous; but if they substantially belong to the class described by the terms used, they are within it, unless the pleadings prevent, the rule being that "policies are to be construed largely for the benefit of trade." Hilliard on Ins., 201.

The case of the meal mob on the coast of Ireland, Nesbit vs. Lushington, 4 Term Rep., 783, is illustrative of this principle. The mob compelled the master of a vessel driven ashore in a stress of weather to sell them the corn insured and on board, at a price below its actual value, and pay for it at the rate prescribed, and this, Lord Kenyon C. J. was of opinion, would, if it had been so laid in claiming as for a general average, have been a loss by piracy.

I notice that in the argument of that case reference was made by Mr. Erskine, counsel for the underwriters, to losses during the American war, (the revolution), and to the manner of declaring on them, and he said that the seizures were always laid "*by persons unknown*," and that no objection was ever made. This was probably the mode adopted to avoid the question made here, that the Americans, being in rebellion against the British crown, were not legally enemies; but this is conjecture.

Of the same class of cases with the above is Powell v. Hyde, 34 Eng. L. & Eq. 44. It was the case of an English ship sunk by a Russian fort, in mistake, supposing it to be a Turkish fort. It was, in that case, held, that but for an exception that the ship was warranted free from capture and seizure, "there might have been a recovery, notwithstanding Russia and England were at peace." It must have been so held, because it was within the peril covered by "enemies," "captures," or the like. It is not ordinarily the case, certainly, that the acts of friendly nations are supposed to be perils to be insured against. As it was, however, by the express sort of force, and to the insured equally irresistible as the acts of enemies, it was held to be a peril insured against. I am inclined, therefore, to think that the loss in this case might have been covered by the peril "enemies," even if placed alone on that ground by the pleadings, which was not the case here.

The case stated finds the seizure to have been made by an armed force in military array, acting by authority of a recently-organized Government in rebellion against the Government of the United States. In substance it was a state of war, and truly on a gigantic scale, and which has progressed in proof and consequence far beyond any national war of modern times. Many and deadly battles have been fought between the forces of the rightful Government of the United States and those of the usurping Government of the States in rebellion, and the political organization of the latter has hitherto been maintained. Indeed, our Government, through the dictates of humanity, doubtless, has adopted the usages of lawful war towards these enemies, and this has been reciprocated by them. Prisoners have been exchanged under cartels, and, in the usual way—flags of truce are respected, and captures at sea made and adjudicated to be lawful prizes, and the usages of lawful war have been generally observed between the belligerent parties. It is therefore a *war* in substance as essentially as it could be between foreign Powers. The force is the same; the peril to property the same, and hence the indemnity, I think, might fairly have been rested upon the same reason. Pratt on Contraband, 85. This treatment of the enemy has been repeated and carried by their names. George W. Briggs was appointed foreman. Judge Allison then gave them the usual instructions as to the general duties of one court that would be laid before them, and then, on the subject of the recent arrest of Mr. Bolleau, the proprietor of the *Evening Journal* of this city, and Judge Ludlow's charge to the Grand Jury of the last term, on the subject, specially instructed them as follows:

I deem it proper, at this time, in view of recent proceedings in this court, to call the attention of you, gentlemen, touching your powers and duties as Grand Jurors, inquiring for the city and county of Philadelphia, that, in the discharge of these serious and important responsibilities which now devolve upon you, you may be guided by the established landmarks of the law, by which it is always safe to be governed, and from which you should never enter only on the path of danger and uncertainty.

With the usual and ordinary mode of procedure in the administration of criminal justice in Pennsylvania, almost every citizen is familiar. The arrest of the person charged with crime is upon warrant issued on the oath or affirmation of a prosecutor. When arrested, the defendant is taken before the magistrate who issued the warrant, where he is confronted with his accuser, and informed of the charge preferred against him; the witnesses are subject to his cross-examination; he is heard in his defense, if he desires to be heard, and discharged from the arrest, or bailed, or committed to answer before the tribunal in which the question of his guilt or innocence is to be determined. If he is held to answer, on an indictment, which is a written statement of the crime charged in due form of law, is sent by the District Attorney before a Grand Jury, with the names of such witnesses endorsed upon the back of the bill, and, if upon an examination of the witnesses thus called to support the charge, twelve or more of the twenty-four volunteers who constitute a true bill, it is so returned into court, and the defendant is then called to answer whether he is guilty or not guilty in manner and form as the bill charges against him, if, however, twelve of the jurors do not vote "true bill," it is returned "ignoramused," and the defendant is discharged without being placed on trial.

This is the *ordinary* mode of criminal procedure, which is always safe to be followed, because it brings face to face the accuser and the accused; informs the former charged with crime of the nature and cause of the accusation against him; and thus affords the proper time and opportunity to prepare for a defence.

The *extraordinary* modes of procedure are threefold: the first is, where criminal courts of their own volition, or, as sometimes called, by virtue of the case of Lloyd and Carpenter, 5 L. J., 69, "call the attention of Grand Juries to and direct investigations of matters of public concern, which, from their nature and operation in the entire community, justify such intervention. The action of courts on such occasions rather bears on delinquent persons, the object being the suppression of public and public evils, affecting in their influence and operation communities rather than individuals, and therefore more properly the subject of public, than special complaint—such as great riots that shake the social fabric; general public nuisances affecting the public health and comfort; multiplied violations of vice, tending to debauch and corrupt the public morals, and the like.

Another instance of extraordinary proceedings is where the Attorney General of the District Attorney, by virtue of his office, without a previous binding over or commitment of the accused, prefers an indictment before the Grand Jury. Here he has the undoubted right to do, being responsible for the proper use of this high power vested in him by the law of the land.

The only remaining case in which the ordinary procedure may be departed from is that which is originated by presentment of the Grand Jury. A presentment of this character must be founded exclusively upon *their own knowledge or observation*—they cannot act upon information received from any one outside of their own body, nor can they be aided in their investigation, against individual offenders, by any person they may desire to present, except by the processes of the court. In Carpenter's case this was refused to the Grand Jury, although strongly applied for by them, in an investigation of charges of a conspiracy to defraud the city of public moneys, by members of the Board of Health.

To these principles and rules of action, gentlemen, I have called your attention, as prior to be communicated to you at the commencement of your term, and because they have a direct bearing upon what I am about to say, touching certain proceedings which transpired in this court during the week which terminated on Saturday last.

His Honor, Judge Ludlow, on Thursday, the 29th ult., called the attention of the Grand Jury, in a special charge, to the fact that it had come to his knowledge that a citizen of this Commonwealth and of this county had been suddenly arrested at his residence, and had been forcibly carried against his will beyond the limits of this State, and the jurisdiction of this court. Accompanying this statement was a request that the Grand Jury would suspend all other business, and an instruction to the District Attorney to send for the prisoner, and, directing the Grand Jury, after they had heard the witnesses brought before them, to present the facts to the court.

On the following day a presentment was made to the court in substance, that A. D. Boileau, the proprietor of the *Evening Journal*, had been arrested by military officers, in the service of the United States, and conveyed to Fort McHenry; the alleged cause of the arrest was the publication of articles tending to the support and encouragement of rebellion against the Government of the United States.

Upon this presentment the District Attorney, by the judge then holding the court, was directed to prepare and send before the Grand Jury bills of indictment.

To this proceeding I am compelled to except, regarding it as wrong in every aspect in which it can be viewed. I would be derelict in my duty as a judge of this court, if, by my silence, I might even seem to sanction it, and if, in speaking, I did not place upon it my most emphatic condemnation. It was unnecessary, because the law is unnecessary; the ordinary mode of criminal procedure being fully adequate to remedy the wrong, if a wrong has been committed; and that method being, in my judgment, the only proper and legal way of bringing the case in court. It was injudicious, for, however well intended, the consequence of a judge, of his own motion, upon mere information obtained in no legal way—for there was no complaint under oath—with unnecessary and unusual haste, making use of his official position to institute a prosecution strictly personal and private in its nature, is to render the whole proceeding liable to misconstruction; to place the court in a false position before the country, as anxious for, and of its own motion seeking, a cause of difficulty with the Government, and because the legitimate result of such action is to precipitate a collision between the States and General Government, when such collision should by all proper means and to the last possible extremity be avoided, that the true and constitutional Government of the land may be upheld and strengthened, in its fearful struggle with an infamous rebellion, which defies its authority, tramples on its flag, imperils its existence, and which has filled the land with lamentation and woe. I cannot consent that this court shall even unintentionally be used for any such purpose, unless the necessity be forced upon us, and that a necessity that cannot be avoided; and, speaking for myself, I here say, it *shall* not be caused, if by the exercise of any portion of, or all, the rightful power of my office, it can be prevented.

There is still another reason why I cannot approve of the proceedings under consideration, and that is, because I believe them to be unauthorized by the law of the land, having no established principle regulating proceedings before Grand Juries to sanction or to sustain them; a brief reference to the essentials of the three extraordinary modes of instituting procedure, to which I have called your attention, will make this clear to a demonstration.

It is not such a presentment as can be made the basis of any action by the court, for being aimed at individual offenders, and at a specific and distinct offence, it could be legally founded only on the personal knowledge of the grand jurors; the presentment in question has for its foundation a communication made to the jury by the presiding judge, and the statements of persons sent before them by his direction; this is precisely what the court in Carpenter's case decided they had no authority to do, and therefore stands in direct conflict with the established law and express decision of this court. I must, therefore, regard the presentment as irregular and illegal.

Neither does this fall under the second classification; the proceeding did not originate with the District Attorney, nor was any indictment, of his own motion or otherwise, laid before the Grand Jury.

It is equally clear that it does not fall in with the only remaining mode, which is where the court, of their own motion, call the attention of the Grand Jury to, and direct an investigation of, matters general in their nature; for, as we have already seen, that can only be done where the evil affects the entire community, and in no case where it is personal and individual. It is not to be doubted that in cases like to those previously mentioned, such as riots, nuisances, and multiplied and flagrant vices which injuriously affect the health, or comfort, or safety of the public, the court may summon and send before the Grand Jury witnesses to aid their investigation; but, to recur again to the language of Judge King; "*this course is never adopted in case of ordinary crimes charged against individuals;* because it would involve, to a certain extent, the expression of opinion, by anticipation, on facts subsequently to come before the courts for direct judgment, and because such cases present none of those urgent necessities which justify a departure from the ordinary course of justice."

If a judge may direct an investigation by the Grand Jury of an individual case of an alleged false arrest, the result of which investigation is to be made the basis of an individual, personal indictment, then may he in this way institute separate and individual prosecutions upon information of unknown and irresponsible persons for every crime known to the calendar, a proceeding entirely at variance with the proper functions of his judicial office, and which in itself would constitute a power of the most fearful and despotic nature; no citizen would be safe, for the same officer who procures the indictment of an individual charged with a heinous offence would have the power to try and sentence him when brought into court *by his direct agency*. I have thus, at some length, gentlemen, expressed my views upon a matter of great public moment; I could not do otherwise, and deal justly with myself as a true and loyal citizen, with the community of which I am a member and an officer, and with my country, which has a right to know, in the hour of her extreme peril, that as a citizen and magistrate, my personal and official support shall be given to it. Nor could I, by my silence, permit the spirit of malignant and treasonable faction which lives among us, which is wholly in the interest of the rebellion, which by every means in its power seeks to weaken the arm of the Government, and to give support and encouragement to armed resistance to constituted authority, by the honest and well-intentioned, though injudicious, action of any member of this court, to suppose that it could here receive encouragement, protection, or approval. I have said nothing of the act which has given rise to this proceeding; I have no opinion about it, because the parties I have to meet in court are to me. If a prosecution should, in due form of law, grow out of the transaction, and be called for trial by the District Attorney, it will be my duty, as an intention at the hands of the court. I have formed no *preconceived* judgment, which would disqualify me from trying any such case, or determining any question connected with it.

The clerk is directed to enter the following order upon the minutes of the court:

And now, February 2, 1863, it is ordered that the District Attorney shall send no indictment to the Grand Jury based on the presentment brought into court on the 30th ult., until directed so to do by a majority of the court.

PHILADELPHIA BOARD OF TRADE.
THOS. S. STOKES. SAML. S. STOKES. GEORGE N. TATHAM. } COMMITTEE OF THE MONTH.

LETTER BAGS

AT THE MERCHANTS' EXCHANGE, PHILADELPHIA.

Bark Alex McNeil, Somers.....London, soon
Bark Florence, (Br) Toye.....Port Spain, soon
Bark Venice, (Br) Taylor.....Buenos Ayres, soon

FOR THE WEST COAST OF AFRICA.—The bark Aaron P. Harvey, Capt Miller, for the West Coast of Africa, will sail from this port. All letters for Cape Palmas, Gr. Bassa, Cess, Sinoe, and Gallinas, will be forwarded, if left at the Foreign Letter Office, Philadelphia Exchange, on or before the above date.

MARINE INTELLIGENCE.

PORT OF PHILADELPHIA, Feb. 3, 1863.

SUN RISES.....7 7—SUN SETS.....5 21
HIGH WATER.....1 23

ARRIVED.

Bark Edwin, Lindsey, 69 days from Havre, in ballast to Workman & Co.

Brig Isaac Carver, Shute, 5 days from Alexandria, in ballast to captain.

Schr Wesley Sims, Mason, 10 days from Boston, with mdse to Crowell & Collins.

Schr Silver Heel, Barnet, Perry, 10 days from Boston, with stone to captain.

Schr Mary E Banks, Cannon, from Beaufort, NC, in ballast to captain.

Schr Americus, Whaler, from Acquia Creek, in ballast to Pennsylvania Iron Co.

Schr John Randolph, Wall, 4 days from New York, with mdse to Stavely & Cooper.

Schr D E Wolfe, Dole, from Newbern, in ballast to captain.

Schr H N Farnham, Cobb, from Port Royal, in ballast to captain.

Schr Ann J S Lee, Townsend, from Alexandria, in ballast to captain.

Schr Abigail Haley, Haley, from Beaufort, in ballast to captain.

Schr Annie Virden, Chambers, 1 day from Lewes, Del, with corn to Jas A Bewley & Co.

Schr Sallie Wade, Jackson, 1 day from Magnolia, with corn to Jas Barratt & Son.

Schr Helen, Hunter, 1 day from New Castle, Del, with corn to Jas Barratt & Son.

Schr Hunter, Fowler, 2 days from Leipsic, Del, with corn to Jas Barratt.

Steamer H J Devlinney, Bristow, from Georgetown, with mdse to Thos Webster, Jr.

CLEARED.

Bark Thos Killam, Dennis, London, E A Souder & Co.

Brig J Carver, Shute, Boston, C A Heckscher & Co.

Brig J E Bestor, Crowder, Washington, Hunter, Norton & Co.

Schr J Kennedy, Dougherty, do do

Schr W H Carpenter, Morris, Port Royal.

Schr Americus, Walters, Tortugas, Tyler, Stone & Co.

Schr Alliance, Benton, Washington, Castner, Stickney & Wellington.

Str H L Gaw, Iler, Baltimore, A Groves, Jr.

MEMORANDA.

Steamship Norman, Baker, hence, arrived at Boston yesterday.

Ship Northampton, Morse, sailed from Liverpool 14th ult. for Philadelphia.

Ship Clyde, Perry, for Philadelphia, entered out at Liverpool 20th ult.

Brig Brilliant, Colburn, hence, arrived at New Orleans 24th ult.

Brig E B Jordan, Plummer, cleared at New Orleans 23d ult. for Philadelphia.

Brig Sarah Welsh, Cunningham, for Philadelphia, cleared at New Orleans 23d ult.

Brig Eliza Ann, Herrick, sailed from Cardenas 24th ult. for Philadelphia.

Schr Defiance, Evans, at Havana 24th ult. from Carrabasa.

Schr Ida F Wheeler, Dyer, sailed from Cardenas 24th ult. for Philadelphia.

Schr J H Shipley, Webster, Wooster, from St Kitts, at St Thomas 15th ult. arr 13th, for charter.

Schr Ann E Lee, Hall, Smith, hence, arrived at N Orleans 24th ult.

Schrs Snow Flake, Nickerson, Alvira, Brannon, and F E Spencer, Anderson, of New York from do for do.

Schr G F Taylor, Taylor, at New York 1st inst. from do for do.

Schrs Fly, Cheeseman, and J C Henry, Law, hence for New Haven, and A Hammond, Higgins, from Boston for Philadelphia, at New York 1st inst.

Hong Kong, Dec 1—The Emily C Starr (American ship) Sargent, from Bangkok 16th October, with a cargo of rice, for sale or charter, for which freight has been lost, as up to the latest date she had not reached her destination, and the Canton (Br) Jones, from Shanghai, for Macao, sailed from Pagoda Anchorage 11th ult. for Macao (Portuguese).

PORT OF PHILADELPHIA.

List of Foreign and Coastwise Arrivals at the Port of Philadelphia for the month of January, 1863.

FOREIGN.

Ships.....3 | Brigs.....17
Barks.....19 | Schooners.....15
Total.....41

COASTWISE.

Ships.....2 | Sloops.....304
Barks.....1 | Steamers.....65
Brigs.....8 | Shares.....55
Schooners.....320 | Boats.....383
Total.....1,160

EDUCATION.

SELECT SCHOOL AND PRIVATE INSTRUCTION—N. W. corner TENTH and ARCH Streets.
3 23 2t* R. STEWART, Principal.

CLASSICAL AND ENGLISH SCHOOL OF H. D. GREGORY, A. M., 1108 MARKET Street.
ja10 1m*

VILLAGE GREEN SEMINARY.—A SELECT BOARDING SCHOOL, NEAR MEDIA, PA. Thorough course in Mathematics, Classics, English studies.
Military Tactics taught. Classes in Book-keeping, Surveying and Civil Engineering. Pupils taken of all ages, and are received at any time.
Boarding per week, $2.
Tuition per quarter, $6.00.
For catalogues or information address Rev. J. HERVEY BARTON, A. M., Village Green, Pa. oct30-4t

FOR SALE AND TO LET.

FOR SALE—VALUABLE STORE PROPERTY, No. 27 North THIRD Street. Lot 16½ by 80. Also, a Sixth-street residence, No. 957 North SIXTH Street, having all the modern improvements. Lot 18 by 90. Apply to
ja3 THOMAS & SONS' AUCTION STORE, No. 139 MARKET Street.

FOR SALE OR TO LET—FOUR HOUSES, on the west side of BROAD Street, below Columbia avenue. Apply at the southwest corner of NINTH and SANSOM streets. fm23-tf

TO LET—A COMMODIOUS DWELLING, No. 132 NORTH FRONT Street. Rent moderate. Apply to WETHERILL & BRO., 47 and 49 NORTH SECOND Street.

TO LET—THE MACHINE SHOP, No. 133 ELFRETH'S Alley. Apply to WETHERILL & BROTHER, 47 NORTH SECOND Street.

FOR SALE—AN ELEGANT MODERN RESIDENCE, at Germantown, on GREEN Street, above Chelten avenue. House in good order, with all the modern conveniences, also, a large Stable and Coach House attached. Apply to CHAS. MCKNIGHT, Conveyancer, No. 436 WALNUT St., Philada. ja31-3t

FOR SALE, OR TO RENT. A CHEAP—A desirable two and a half story stone Dwelling House, Stable, &c., on the Philadelphia and Harrisburg Accommodation at 3.40 P. M., and the Lancaster Train at 5.25 P. M.
Freight delivered at the depot, corner of Thirteenth and Market streets, previous to 12 M., will be forwarded the same day. Accommodation Train leaves West Chester at 9.35 P. M.
For tickets and further information, apply to JAMES COWDEN, Ticket Agent, ELEVENTH and MARKET Streets.

WEST CHESTER AND PHILADELPHIA RAILROAD.
VIA MEDIA.
WINTER ARRANGEMENT.
On and after MONDAY, Dec. 8th, 1862, the trains will leave PHILADELPHIA from the depot, S. E. corner of EIGHTEENTH and MARKET Streets, at 8.30 A. M., and 2, and 5.45, P. M., and will leave the depot of THIRTY-FIRST and MARKET Streets West Philadelphia, seven ten minutes after the starting time from Eighteenth and Market streets.
ON SUNDAYS.
Leave PHILADELPHIA at 8 A. M. and 2 P. M.
Leave WEST CHESTER at 8 A. M. and 4 P. M.
The trains leaving Philadelphia at 8.30 A. M. and 4 P. M. connect at Media with the Mail Train leaving Philadelphia and Baltimore Central Railroad for Concord, Kennett, Oxford, &c. WM. MACWHORTER, Superintendent.

PHILADELPHIA AND ELMIRA R. R. LINE.
1863 WINTER ARRANGEMENT. 1863
For WILLIAMSPORT, SCRANTON, ELMIRA, and all points in the W. and N. W. Passenger Trains leave Depot of Phila. and Reading R. R., cor. Broad and Callowhill streets, at 8 A. M., and 4 P. M., daily, except Sundays.
QUICKEST ROUTE from Philadelphia to points in Northern and Western Pennsylvania, Western New York, &c., &c. Baggage checked through to Buffalo, Niagara Falls, or intermediate points.
Through Express Freight Train for all points above, leaves daily at 6 P. M.
For further information apply to JOHN S. HILLES, General Agent, THIRTEENTH and CALLOWHILL, and N. W. corner SIXTH and CHESTNUT Street. ja31-tf

REOPENING OF THE BALTIMORE AND OHIO RAILROAD.—This road, being fully REPAIRED and effectually GUARDED, is now open for the transportation of passengers and freight to all points in the GREAT WEST. For through tickets and all other information apply at the Company's Office, corner of BROAD Street and WASHINGTON Avenue.
JOHN K. SHRIVER, President.
WM. PRICE, Jr., Agent. ja23-tf

EXPRESS COMPANIES.

THE ADAMS EXPRESS COMPANY, Office 232 CHESTNUT Street, forwards Parcels, Packages, Merchandise, Bank Notes, and Specie, either by its own lines or in connection with other Express Companies, to all the principal Towns and Cities in the United States.
fa19 E. S. SANDFORD, General Superintendent.

COTTON SAIL DUCK AND CANVAS, of all numbers and brands.
Raven's Duck Awning Twills, of all descriptions for Tents, Awnings, Trunk, and Wagon Covers.
Also, Paper Manufacturers' Drier Felts, from 1 to 8 feet wide. Tarpaulin, Bolting, Sail Twine, &c.
JOHN W. EVERMAN & CO., 102 JONES' Alley.

RAILROAD LINES.

1863 PENNSYLVANIA CENTRAL RAILROAD. 1863

THE GREAT DOUBLE-TRACK SHORT ROUTE TO THE WEST, NORTHWEST, AND SOUTHWEST.
Equipments and facilities for the safe, speedy, and comfortable transportation of passengers unsurpassed by any route in the country.
Trains leave the Depot at Eleventh and Market streets, as follows:
Mail Train at.....8.00 A. M.
East Line at.....11.30 A. M.
Through Express at.....10.40 P. M.
Parkesburg Train at.....12.30 P. M.
Harrisburg Accommodation Train at.....2.30 P. M.
Lancaster Train.....4.00 P. M.
Through passengers, by the Fast Line, reach Altoona for breakfast, where will be found excellent accommodations for the night, at the Logan House, and may take either the Philadelphia or Baltimore Express, each of which makes connection at Pittsburg for all points. A daylight view is thus afforded of the entire line and its magnificent scenery.
The Through Express train runs daily—all the other trains daily, except Sundays.
FOR PITTSBURG AND THE WEST.
The Mail Train, Fast Line, and Through Express connect at Pittsburg with through trains on all the diverging roads from that point, North to the Lakes, West to the Mississippi and Missouri river, and South and Southwest to all points accessible by Railroad. Through Tickets to Cleveland, Detroit, Chicago, St. Paul, Columbus, Indianapolis, St. Louis, Leavenworth, Kansas, Wheeling, Dayton, Cincinnati, Louisville, Cairo, and all other principal points, can be obtained at the