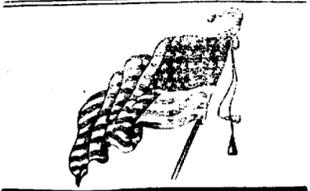


Daily Telegraph.



HARRISBURG, PA. Monday Evening, December 1, 1862.

AN IMPORTANT DECISION.

We print to-day, a very important decision in a case of Habeas Corpus, which came before Judge Pearson on Saturday, for the purpose of testing the legality of certain proceedings of one of the Drafting Commissioners of this State. It will be recollected that this was a case in which the commissioner of Lancaster county had drafted an excess of men over the quota of his county. John Markley, one of this excess, was brought before his Honor on a writ to test the legality of excess of the draft. The Judge, in a very elaborate opinion, in which the merits of the question were discussed in every particular, decided that the draft over the quota was illegal and void, and that the prisoner be discharged. There is another point in this decision, however, which is important, and which will prove interesting to substitutes. Those of the men thus drawn in excess, who accepted the draft, and procured substitutes, it is decided that such substitutes can be held for the service in to which they voluntarily entered. The decision in the case of Markley will not affect the case of any substitute. Such substitution was voluntary, and the substitute is regarded, to all intents and purposes, as a volunteer, regularly enlisted and sworn into the service of the country. These points will be better understood by a careful perusal of the decision, to which we now refer our readers as one of the most important opinions that has lately issued from the Judiciary of the State of Pennsylvania.

The case was ably argued before his Honor by Attorney General Meredith and R. A. Lamberton, Esq., for Government, and J. C. Bullitt, Esq., from Philadelphia, and Messrs. Amweg and Dickey, from Lancaster, for the prisoner.

A GOOD SEASON IN WASHINGTON.

Occasionally we read a paragraph to the effect that the wife of this and that official residing in Washington city, is making grand preparations for a gay season the coming winter. Such a perusal forces an involuntary shudder through our frame, and we find on such information our hearts filled with a disgust that no words with which we are acquainted can express with sufficient strength. A gay season in Washington the coming winter, with its environs covered with army hospitals—its largest public buildings converted into lazarettoes—its highways, trenches filled with shivering soldiers—its atmosphere echoing with the groans of the dying—its quickly passing moments marking the very interments of the dead. And yet we are told that the wives of certain pampered officials are preparing for a gay season. If this is so, let them beware of the indignation of the people. A nation suffering all the horrors of war—all the confusion of business panic, all the misery of domestic dissolution, needs no gay season at its capital, and those who attempt to inaugurate such gaiety will organize and call into power the influence of their own disgrace and death. Let the wives of the high dignitaries of Washington think of the wives of the soldiers who are shivering in the forts which surround the Federal Capital. Let them think of the women of the loyal states who are toiling in penury and sorrow, while their husbands and sons are risking life and limb in the defence of the government. For such as these there is no "gay season," except it is the march of despair or the bivouac of death. Let them remember that the gaiety of thousands of northern homes is that over which grim misery and gaunt poverty preside. If the wives of the dignitaries of Washington think of these things, and if they are true women worthy of the states to which they have been reared more by the political good fortunes and personal success of their husbands, than by any marked ability or winning attractions of their own—if they are women imbued with true sympathy for the suffering, they will make the coming season in Washington one of the objects which consists of charity, good works for the soldier, and noble sacrifices for the glorious cause in which so many women have sacrificed the idols of their hearts, the hope of their lives, the very essence of their own being and happiness. If this is made the "gaiety" of Washington, if the season is garnished with good works, if the wives of our rulers will remember that they are only the wives, after all, of plain citizens, and that the fate of the Republic depends upon the virtue as well as the valor of the people, this frivolity of gaiety will be postponed, while a healthier and a nobler action will distinguish the conduct of those to whom the nation has a right to look for true and patriotic example.

"SAVE ME FROM MY FRIENDS."

If ever this adage was verified, we have the illustration in the Patriot and Union of this morning. A Christian minister receives a handsome present, for keeping silence when wicked men are employing a huge wickedness as an engine for destroying his country. And now the secret is out! A man, whose principles and habits are well known in this community, comes out over his own signature and acknowledges the deed! And this man, whose undisguised sympathy for secession and whose beastly habits have made him a stench in the nostrils of loyal and decent people, undertakes the defence of said clergyman!

Christian congregations, take notice! With whom do you wish your pastors to associate? From whom do you wish them to take lessons in the matter of selecting the topics upon which

they are to preach? They ought to be the proper judges of that themselves. We hope that we may not hear of any other clergyman of our city being patted on the shoulder by such men as the notorious ex-spirant for senatorial honors, (by which hangs a dirty tale) and ex-foreign well-wisher of the secession cause, who has by his gift and his apology done so much to bring discredit upon an otherwise useful man and esteemed minister of the gospel.

And when ministers of the gospel have the courage and the manliness, without regard to their pecuniary interests, to do their whole duty to their God and their country, they surely deserve to be enthusiastically sustained by their people.

IMPORTANT DECISION.

The Rights of the Citizen under the Draft.

The following important opinion was delivered by Judge Pearson on Saturday last, in a case involving certain rights at issue between the Drafting Commissioner of Lancaster county and a certain person who was drafted in excess of the quota called for from that county.

The Commonwealth on the Relation of John Markley, vs. Col. Everard Bierer.—Habeas Corpus.

The complainant, John Markley, sued out a writ of habeas corpus directed to Col. Everard Bierer, the commandant at Camp Curtin, averring that he is illegally restrained of his liberty; to which the respondent replied that he held him as a militia soldier, regularly drafted, and sworn into the service of the United States. Evidence has been adduced to show that the draft was illegally conducted, and the complainant not bound to serve, and the following facts have been established: After the enrollment for Lancaster county was completed, and placed in the hands of the Commissioner, appointed agreeably to law, and the number of men ascertained which was to be furnished by each township, borough and ward, it appeared that the quota for the county was one thousand six hundred and seventy-seven, and that for Hempfield township, in which the complainant resided, was forty-nine. Regular notice was given of the time and place for hearing excuses and claims for exemption, and all who came forward were heard. The Commissioner at the time and place, and in the manner prescribed by law, proceeded to draw for a few townships, and after drawing the number required, continued to take some small additional names from the wheel to make up for any that might be rejected by the mustering officer on account of physical disability. About this time he received orders from the department at Harrisburg to allow any valid excuses which should be made after the draft, the same as if they had been presented before, and an additional list of those entitled to exemption was furnished him. Believing that the number to be excused under these new orders would be very considerable, the Commissioner greatly increased his over draft in all subsequent drawings, and on coming to Hempfield township, proceeded to draw one hundred and ten names from the wheel instead of the forty-nine required. Markley was one of the forty-nine first drawn, but was in the over draft. Of the forty-nine first drawn, six were excused on account of being conscientiously scrupulous about bearing arms, one as being under age, three for physical disability, and one a justice of the peace. None of these had appeared before the Commissioner until drafted, with the exception of the justice, whose claim was disallowed by the Commissioner, but was afterwards allowed by an order from the Department.

The over draft for the whole county of Lancaster was nine hundred and twenty-five, and that for Hempfield township sixty-one. The name of John Markley was drawn the sixth third, but owing to the exemptions allowed subsequent to the appeal, it required to, and including the sixty-fourth name drawn to make the number ordered to be furnished. The Act of Congress of eighteen hundred and sixty-two, authorized the President of the United States to prescribe a system for drawing such portion of the militia as he should deem necessary, to take effect in those states whose laws were imperfect or where none existed under which a draft could be made, and by virtue of the delegated power, army order No. 99 was devised and adopted, and to it we must look for the whole system of enrolling and drawing the militia in Pennsylvania, as we had no law under which it could have been effected.

The Governor is directed to appoint officers to prepare rolls of all able bodied men between the ages of eighteen and forty-five, and those lists or rolls are to be filed in the sheriff's office of the proper county. The Governor is also to appoint a Commissioner for each county, whose duty it is to superintend the drafting, and hear and determine excuses of persons claiming to be exempt from military duty. Notice is to be given of the time at which excuses will be heard, and all persons claiming exemption must, before the day fixed for the draft, make proof of such exemption before the Commissioner, and if the same is found sufficient, his name is to be stricken from the list. A list of those entitled to exemption under the laws of the United States is set forth in the order, in addition to which the Commissioner is directed to absolve all persons exempted by the laws of the respective states, concerning whom proof shall be made, or who he knows of his own knowledge to come within the respective classes. After the rolls are thus corrected and properly prepared ballots containing the names of all remaining on the rolls are to be placed in a wheel, and a number drawn therefrom equal to the quota fixed by the Governor of the State for the proper county, or for any municipality or town, less than a county. It will thus be perceived that the order contemplated that every excuse should be heard before the drawing took place, and that no more names should be drawn from the wheel than was required to fill the quota of the proper county, or smaller precinct; and had the scheme been thus carried out it would have been found that but few persons would have been drafted who were legally exempt. A very small number might have been rejected by the mustering officer on account of bodily disability. But unfortunately, as we conceive, the law was departed from by the State authorities, and the Commissioner was instructed to allow excuses at any time before the drafted man was mustered into service. Thus the whole scheme was broken up, and men were tempted to forswear claiming the exemption until after they knew they had been drafted. This is more especially exemplified in the case of persons claiming to be conscientiously scrupulous against bearing arms, who are exempt by the Constitution, but may be required to pay an equivalent. Those persons are to be subject to such penalties as the Legislature may prescribe, and all who are exempted by the Commissioner for that reason are to be so notified by the officer. But the course authorized is a direct encouragement for them, to lie back and not claim this personal privilege at the proper time. If afterwards they chance to be drawn they will come forward and claim it; but should they escape the draft they will be exempt from the penalty. The course directed is well calculated to encourage fraud, and, it is feared, will conduce to perjury also. Of those excused after that came alone, not one of whom had appeared before the Commissioner at the prescribed time. It was a personal privilege, and

if not claimed according to law should have been disallowed. Had the State alone been interested in this question her officers might waive the time without objection; but as every man whose name was in the wheel had a deep interest in it, it is of opinion it could not lawfully be waived by his projectors. To allow excuses after the draft, except for causes which would lead to the rejection of the man by the mustering officer—as for age or personal disability—was a very great irregularity, not authorized by the army orders so far as they have been exhibited on this hearing. On full consideration, however, we have come to the conclusion that it was only an irregularity—a mere question of time—and not such an act as would render the draft void; and irregularities, it is well settled, cannot be reached on a writ of habeas corpus. To justify a discharge on that writ in proceeding under which the party is held may be said, not merely irregular. Hurd on the writ of habeas corpus, p. 333. A proceeding defective for irregularity, and void for illegality, may be reversed upon error on certiorari, but it is the latter defect only which gives power to discharge on habeas corpus. An irregularity is the want of adherence to some prescribed form. Illegality is properly predicable of radical defects, and signifies that which is contrary to the principles of law, as distinguished from mere rules of procedure. It denotes a complete defect in the proceeding. Field Prac. 434-5; 1 Mod. 119. Where jurisdiction of a court is obtained in a summary way the law must be strictly followed.—Hurd 364-5. And where the sentence of a court-martial was entirely nugatory, the party arrested under its process was discharged on habeas corpus by Chief Justice Marshall.—2 Wheelers C. C. 569. It would be otherwise were the action of the officer merely irregular. If the proceeding is void in fact, though the process is good on its face, and might justify the officer, yet the party will be discharged on habeas corpus.—Hurd 344; 3 Binn 410. The distinction between a void and an irregular proceeding is clearly taken by Gibson, Ch. J., in Wattis 66, where it is held on a full examination of authorities, that for the former the party can, or for the latter he cannot be discharged. Whether there is or is not jurisdiction may be established by proof, and the want of it is fatal.—Hurd 370-371; and it is the settled practice to examine into the validity of the proceeding by affidavit.—Hurd 308-9; 1 Barr. 637. Pre-emptory in favor of regularity, and jurisdiction will be made in the proceedings of all the superior courts; but it is not so as to tribunals raised by statute for particular occasions.—Hurd 396. A writ of habeas corpus is considered an inquisition by the government, at the suggestion and instance of an individual; but still in the exercise of capacity to free the citizen from unlawful restraint, and the thirteenth section of the habeas corpus act gives it where the party is deprived of his liberty "under any color or pretence whatever." In "The King v. Kipel," Lord Mansfield, on affidavit, examined into the regularity of a Commissioner's proceeding under an act of Parliament passed to raise soldiers, and on finding that the Commissioner had proceeded contrary to the act, discharged the soldier from illegal restraint.—1 Burr. 637-8. The want of conformity to law rendered the proceeding void. To apply these general rules to the present case, we have already stated that we did not consider the exemptions improperly allowed, out of time, was fatally vicious, although an irregularity; and it is to be drawn more men than was to be furnished to the government by an act of Congress, directs the Commissioner to cause "to be drawn from the wheel a number of ballots equal to the number of drafted men fixed by the Governor to be drawn as the proper quota" for that municipality. This was done, and the complainant was not within that quota. But the Commissioner continued to draw until one hundred and ten ballots were taken from the wheel. Was this an irregularity or an excess of authority? Is it void or merely voidable? If void, it does not hold the complainant under the draft, and he is illegally restrained of his liberty. If an irregularity merely, the proceeding must be reversed in the first instance, and the complainant then removed by this writ. We are satisfied that there is no process known to the law by which the legality can be tested, or the proceeding reversed for irregularity; and if not void for an excess of power in the Commissioner, it is good, and will hold Markley as a soldier.

After the most careful consideration, we have reluctantly come to the conclusion that the over draft was void—that there was no authority in the Commissioner to make it. His power ceased the moment he had drawn forty-nine ballots from the wheel; and all names taken out afterwards cannot be treated as drawn under the law, but in express violation of its directions, and Markley's name must be considered as one not drawn; but he stands in the situation of a person forced into the service without being drafted. The jurisdiction of the Commissioner ceased when he drew the number prescribed; and an act done without jurisdiction is clearly void, and must be so declared on habeas corpus.—1 Dal. 135. Such was the opinion also of Lord Mansfield where the drafting Commissioner exceeded his jurisdiction in the case already mentioned by Burrows, 637. Nor does this comports conflict with, but is in precise conformity to what is said by Chief Justice Marshall in the case of T. Watkins, 3 Peters, 202-3; and also in Bollman & Swartwout's case. It is said, however, on behalf of the United States, that the complainant voluntarily appeared before the mustering officer and took the prescribed oath to serve in the army, thereby waiving all irregularities. The only evidence we have that he was sworn, is the return of the respondent who certifies that he was "mustered into the service of the United States." When or how is not stated; but it is time of mustering in the evidence shown that Markley was notified of his being drafted, and was sent to Camp Curtin under the command of a lance sergeant, according to the army order. No act of his appears to have been voluntary, but was apparently compulsory. And while the draft is void, it would require some distinct act of volition on his part to make that good which was void from the beginning. There must be a new contract of service voluntarily entered into to render it binding. When a man is thus drafted, and afterwards joins a volunteer corps, or procures a substitute to serve in his stead, he could not be relieved. Nor would he have cause of complaint, as his own subsequent act bound him, and it is the irregular draft. He was as much bound to know the law as the Commissioner; and should have obtained a discharge by legal process instead of obtaining another to serve for him.

We have no doubt that the Executive of this State was actuated by the purest motive in permitting excuses to be heard afterwards, which the law contemplated should be presented to the Commissioner and determined before the drawing commenced. But good motives will not cure illegality. It was known to the Governor that many persons having legal excuses had failed to present them; and the object was to relieve such from the burthen of performing military duty against conscience, when they were by law entitled to exemption. But it should be borne in mind that the law assists the vigilant, not the negligent or sleepy. The Commissioner also believed that he was not only doing his duty, but favoring the citizen and benefitting the service, by giving the one more time to prepare than would be allowed should it become necessary to make a new draft, and according to the nation in any event the quota required from the county.

This would all have been well, had the law made such provision, but as it did not, the Commissioner could not secure men by that course. If the necessary number was not obtained, a new draft must be directed by the President.

We cannot for a moment permit any question to be raised as to the validity of this act of Congress, the power of the President, or the general regularity of the proceedings under which the draft was effected in this state. Those regularly drawn under the army orders must render service to this country, but in this particular case the complainant must be discharged. Our apology for examining this question at such length must be found in the fact that the service of over one hundred soldiers depends on the correct disposition of the question, although the liberty of a single citizen is determined by this decision. JNO. J. PEARSON, President Judge.

Nov. 29th, 1862.—It is ordered that John Markley be discharged from the control and custody of Col. Everard Bierer, and that he be relieved from the service of the United States. The Judge declines to give any costs in this case as against the respondent, who was in the discharge of his duty and acting in good faith. JNO. J. PEARSON, President Judge.

Gen. Burnside Makes a Visit to Washington. JACKSON AT CULPEPPER EN ROUTE FOR FREDERICKSBURG. Dashing Raid of Hampton's Rebel Legion. Two Companies of Pennsylvania Cavalry Captured.

WASHINGTON, Nov. 29. General Burnside arrived in this city last night, and spent this forenoon principally in consultation with the President and General Halleck. He has already returned to his headquarters. It is supposed that General Jackson was, to day, at Culpepper, desirous to move directly thence to Fredericksburg.

HEADQUARTERS ARMY OF THE POTOMAC, November 29, 1862. The enemy continue to raise earthworks around Fredericksburg, but no new batteries were visible to-day. Early yesterday morning a large body of the enemy's cavalry, said to have been Hampton's Legion, crossed the river some distance above here, and, by evading the pickets, succeeded in making a descent upon two companies of the 2nd Pennsylvania Cavalry, in Gen. Averill's brigade, near Hartwood. They captured nearly every man in both companies. The roads are improving, and supplies are coming more freely from the landings.

THE REBEL BATTERIES IN FREDERICKSBURG. HEADQUARTERS ARMY OF THE POTOMAC, November 29, 1862. Rumors are rife here to-day that Stonewall Jackson is advancing upon our flank from Warrenton. Even if this be true, it can militate nothing more than a sudden dash upon some weak point, as with our overwhelming force we could easily annihilate his corps, were he hurled against us. The troops have been properly disposed for either offensive or defensive movements. No demonstrations have been made along the front, and everything is as quiet as though the rebels were a hundred miles away. Gen. Lee's headquarters can be distinctly seen from our signal stations, and are located in a large house on the hill, about two miles back of Fredericksburg. The enemy still has a large force engaged in the erection of earthworks. A heavy brass gun is planted at the head of Main street, commanding that thoroughfare and the Chatham bridge. They also have a number of rifled cannon commanding the fords and bridges. The roads are still in a terrible condition, and a large number of horses and mules are killed daily by over exertion and the cruelty of the teamsters. The roads are improving, however, and supplies are coming in more freely from the landings.

FROM FORTRESS MONROE. LATE NEWS FROM THE SOUTH. Destruction of Rebel Salt Works Near Wilmington, N. C. FORTRESS MONROE, Nov. 29. The Newbern Daily Progress of Nov. 17th, says: The gunboat Ellis, Lieut. Cushing commanding, the gunboat Inlet, twelve miles from Wilmington, and destroyed a very extensive salt works which were in operation. Not a vestige of the works was left. Some of the pans used for boiling salt water were of copper, and fourteen feet in length. The population of Wilmington, N. C., before the war was 12,000, it is now not more than 6,000. 4,000 joined the army. The Charleston Mercury says, the south should not discourage their expectation as to foreign recognition. The Progress of the 19th says, our skedaddle predecessor Lieut. J. L. Pennington is about to start his Newbern Progress at Raleigh. The same paper of November 21st says the U. S. gunboat General Burnside, is now at Beaufort, on her way north for repairs, having been disabled on the Georgia coast in a gale, Oct. 24th. She will proceed as soon as the weather permits. It is rumored that two gunboats are being constructed at Wilmington, N. C., but that they are short of iron for plating them. The Progress of the 24th inst. announces the arrival at Newbern of the United States gunboat Wamatta, on the previous evening. She had on board the officers and crew of the British prize steamer Onachilla, captured by the United States steamer Memphis. They report the loss of the steam tug Mary Queen, and the crew safe. John Dibble has been appointed postmaster of this city, and took the office on Saturday last.

FROM MISSOURI. Another Victory Over the Rebels. THE ENEMY ATTACKED AND DRIVEN FROM THE FIELD. WASHINGTON, Dec. 1. The following has been received by telegraph at the headquarters of the army: ST. LOUIS, Nov. 29. MAJ. GEN. H. W. HALLOCK, General in Chief: Gen. Blunt with his division made forced marches and attacked the enemy yesterday morning at Cava Hill. The battle lasted for several hours. The enemy, under Gen. Marmaduke, began to fall back at about one o'clock, and retreated fighting until sundown. The victory was complete. Our loss is not great. The enemy's loss is much greater than ours. Our forces camped on the battle field. The enemy retired to Van Buren. (Signed) S. R. CURTISS, Maj. Gen. ST. LOUIS, Nov. 29.—Major General Halleck: General Davidson telegraphs that a cavalry expedition under Major Terry, to the forks of Mingo and St. Francis, captured Col. Phelan and ten men of the rebel army. S. R. CURTISS, Maj. Gen.

XXVTH CONGRESS—SECOND SESSION. WASHINGTON, Dec. 1. SENATE. The Senate met at noon. Vice President Hamlin being absent, the Senate was called to order by the President pro tem—Senator Foot. All the Senators were present except the following: Messrs. Bayard, Doolittle, Hale, Kennedey, Fessenden, Wilson, and Wilson. (Mo.) The Senate was opened with the following prayer by Rev. Dr. Sanderland: Almighty and everlasting God who art in Heaven, while we, the creatures upon earth, come to thee in our prayers to be directed, art this day before thee. We thank thee that thy servants are met again in the Capitol undisturbed. We thank thee that thou hast graciously preserved them, during the period of their separation, and hast brought them together in the high convolve of the nation to deliberate upon the affairs of a people greatly afflicted but as yet not wholly destroyed, and while we remember with the deepest reverence and humiliation that their former supplications from upon this Congress now convened together—in their coming counsels and labor. May they stand in more than Jewish reverence and in more than Roman virtue before the people. Remove far away from this body and the members of the American Senate all levity of mind and of manners, all profanity and volubility of speech, and all unworthy motives and desires, to give to them all wisdom, and gravity, and propriety and influence with the people.

HOUSE OF REPRESENTATIVES. The proceedings opened with prayer by the Rev. Mr. Stockton, Chaplain, in the course of which he returned thanks for the brightening prospects of liberty for the slave, and for our emancipation from a system which he said had involved us in so much sin, sorrow and shame, and a renewed Union, with greater powers, ensuring the enjoyment of every blessing and prosperity of the nation. The roll of members was called by States, and a quorum answered to their names. A message was received from the Senate that a quorum of that body had assembled and was ready to proceed to business. On the motion of Mr. WASHINGTON, a similar message was sent to the Senate, and at his instance a committee was ordered to be appointed to act in conjunction with a similar one of the Senate to wait upon the President and inform him they are ready to receive any communication he may be pleased to make. Mr. ROSCOE CONKLING, (N. Y.), offered a resolution which was adopted instructing the Committee on Naval Affairs to report the cheapest and most expeditious and reliable mode of plating a vessel of war on Lake Ontario when an exigency may arise, and of establishing water communication from other waters to the lakes, and that the committee report which of the various plans suggested may be most reliably adopted, together with time and cost of work. Mr. VALANDIGHAM offered a resolution which was adopted, that the Committee on the Judiciary be instructed to inquire and report to the House at an early day, by what authority, constitutional law, if any, the Postmaster General undertakes to decide what newspapers may and what shall not be transmitted through the mails of the United States. Mr. COX offered the following: WHEREAS, Many citizens of the United States have been seized by persons acting or pretending to be acting under the authority of the United States, and have been carried out of the jurisdiction of the States of the United States and imprisoned in the military prisons or camps of the United States, without any public charge being preferred against them, and without any opportunity being allowed to learn or disprove the charges made or alleged to have been made against them; and whereas, such arrests have been made in States where there was no

insurrection or no rebellion or pretence thereof, or any other obstruction to the authority of the Government; and whereas, it is the sacred right of every citizen that he shall not be deprived of liberty without due process of law, and when arrested shall have a speedy and public trial by an impartial jury; therefore, Resolved, That the House of Representatives do hereby condemn all such arrests and practices as unwarranted by the Constitution and laws of the United States, and an usurpation of power never given up by the people to their rulers, and do hereby demand that all such arrests shall hereafter cease; and that all persons so arrested and yet held shall have a prompt and public trial according to the provisions of the Constitution. On motion of Mr. COLFAX, (Ind.) the preamble and resolution were tabled—yeas 80, nays 40. Mr. RICHARDSON, (Ill.) offered a resolution that the President be requested to inform the House, what citizens of Illinois are now confined in Forts Warren, Lafayette Delaware and the Old Capitol prison and any other forts or places of confinement, and upon what charges they were arrested, and that the President inform the House the names of the persons arrested in Illinois and confined in prison outside of the limits of the said state, what charges are against them, by whom made, and by whose authority the arrests were made. Mr. LOVETZ, (Ill.) moved that the table bill be adopted—yeas 74, nays 40. Other comparatively unimportant business was transacted, when a recess was taken for fifteen minutes in order to await the reception of the President's message.

LATER FROM EUROPE. Arrival of the Steamship Hibernia. Another English Pirate Afloat. CAPS RACE, Nov. 27. The steamship Hibernia passed off this point this evening, bound for Portland with dates to the 20th. The Edinburg arrived on the 19th. It is reported that another craft, similar to the Alabama, has sailed from Liverpool to capture and destroy any vessels sailing under the American flag, and another is said will soon follow. The sales of cotton in three days were 45,000 bales, the market closing steady on Wednesday evening. Breadstuffs steady and quiet. Corn has an upward tendency. Provisions dull. Consols closed on Thursday at 93 1/2 for money. ORDINANCE OFFICER AT PITTSBURG. WASHINGTON, Dec. 1. Lieut. Shunk, formerly Chief of Ordnance under General McClellan, has been ordered to Pittsburg, Pa., and placed in charge of the ordnance depot at that place.

Di d. On the 29th ult., Mrs. MARY STURGEON, wife of Jeremiah Sturgeon, in the 69th year of her age. [Her funeral will take place from the residence of her son, W. Sturgeon, North street between Second and Third streets, on Tuesday afternoon at 2 o'clock, (Dec. 2d.) Relatives and friends are respectfully invited to attend without further notice.]

New Advertisements. WANTED.—A Blacksmith of sober and industrious habits, who understands the business thoroughly, at the Novelty Works. dec 1 dt H. K. PARSONS, Agt. LOST.—A few days ago, A SMALL MEER SHEAM PIPE, with cherry stem. A reward of \$1 50 is offered for its recovery, and no questions asked, by leaving it at the counter of dec 1 dt HERB'S HOTEL. ATTENTION! SIXTH WARD.—The citizens of the Sixth Ward are requested to meet at the house of H. Boetgen, (Union Hotel,) Ridge Avenue, on Tuesday evening 2d inst., at 7 o'clock, for the purpose of taking action in relation to the erection of a market house in said ward. [dec 1 dt.] MANY CITIZENS.

FOR SALE. A FRAME HOUSE, 19 by 32, situated in Camp McClellan, near this city. For particulars apply to WM. SKILES, Sutler 116th Reg. P. V., Camp McClellan. nov 27 dt

WANTED.—A good reliable party to take the agency for Harrisburg (or larger territory if desired) of "Swifts Bureau Clothes Wringer," the simplest and best ever made—always ready for a lace collar or a bed-spread, without any adjusting whatever. No Rubber bands, straps, or springs to be regulated. No iron to rust the clothes, no cog-wheels, no complication, no anything but what is good. All the fixing it ever requires is to put it on and take it off the tub—compact and beautiful. We want parties who are energetic and know how to push trade, and who have means sufficient to do it, to such we offer good inducements and the best wringer the market has seen. We will send a sample machine to any address, express paid, on receipt of the retail price, \$5. O. H. WHEELER & CO., Sole Agents, 379 Washington St., Boston, Mass. no 28 dt

FURS, FURS, FURS. FURS, FURS, FURS. Fresh description. Of every description. Next door to Harrisburg Bank. no 25 dt

STRAYED. A WAY from the subscriber, residing in Mechanicsburg, on the 14th of November, a RED COW, with white over her back and lower part of her body, her left horn short, having had it stripped a few years ago, and split a little at the end. Any person giving me any information of the Cow will be liberally rewarded. [no 26 dt] D. NEISWANGER.

ATTENTION! THE Draft will not interfere with the filling of Orders for Trees, &c., from the Keystone Nursery, in the absence of Jacob Miah. H. A. Miah, who established the Nursery, and who has had an experience of ten years in the business, will promptly attend to all orders and inquiries, deliver trees, and plant when desired, in the city or immediate neighborhood. nov 1 dt

LOUST TREES. SEVERAL Hundred, from six to twelve feet high, for sale cheap, at the Keystone Nursery. nov 1 dt DANDELION, Rio, and other preparations of Coffee, warranted pure, for sale by NICHOLS & BOWMAN, Corner Front and Market Sts. nov 8

TOBACCO and segars of all kinds, for sale by NICHOLS & BOWMAN, Corner Front and Market Streets. 17