Pittsburgh Gazette.

SATURDAY MORNING, SEPT. 5, 1863.

CITY AFFAIRS.

OFFICIAL PAPER OF THE CITY.

The Writ of Habeas Corpus--The Jurisdiction of the State Courts--Important Opinion by Chief Justice Lowrie.

Commonwealth of Pennsylvania *ex relatione* McLain, Berg, Herwick, Farquhar, Harris and Barkley *vs* Capt. E. S. Wright, Provost Marshal, &c.

Six writs of *habeas corpus* before Chief Justice Lowrie, for the release of the relators, held as drafted soldiers. Opinion of the Chief Justice of the jurisdiction of the State Judiciary in such cases:

When the first of these soldiers' cases came up before me recently, on *habeas corpus*, no question was raised about the jurisdiction of the State Judges to send this writ to a Federal officer. In the second case, the District Attorney of the United States, acting under instructions from the Provost Marshal General, at Washington, did raise the question, and the case was adjourned in order that he might make such a return as would put his objection on the record; but he afterwards declined to make the objection in that case, and it was heard and decided on its own merits. Of course I would not have heard it, if I had not believed that such cases are within the judicial competence of the State judiciary; for the courtesy of the learned District Attorney could not supply my want of authority.

In the present cases the respondent, under the advice of the District Attorney, has made a return in which he excepts to my jurisdiction, and I have heard all that the counsel desire to say on the subject. I find nothing in what has been presented that weakens my long entertained convictions, and I feel bound to show that I have not been heretofore and am not now guilty of usurpation. Even some State judges have lately denied this jurisdiction to the State judiciary, and this makes individual action the more important.

I observe a very recent decision of the Supreme Court of Michigan, Spangler's case, in which two, and perhaps a majority of the judges, seem to have acted on this principle; but they can scarcely be said to have discussed the question, however carefully they may have considered it; for they do not devote more than four or five sentences to it in all their published opinions. See *Am. Law Reg.* of August, 1863. And there, as here, the case was under the act of Congress of 1862, and the *State* draft.

They seem to found their decision on the opinion of the Supreme Court of the United States in the case of Ableman *vs.* Booth, 21 Howard 506. But that case decides only that a prisoner cannot be taken out of the custody of the Judicial Department of the Federal Government by means of a *habeas corpus* issued by a State Court. I do not understand the Chief Justice of the United States to have meant more than this; and if he did, he meant more than the case called for, and all beyond it were *obiter dictum* and cannot be taken, by itself, as sufficient authority for so important a principle.

The principle really decided in that case is a most important one, and I rejoice to believe that it is not now questioned by any one.—It was discussed in Wisconsin in a very disorderly way, and out of that disorder that decision arose. It was questioned in our State in the case of Passmore Williamson, and twice decided to be correct. 2 Casey, 9; 8 Wright, 9. The point *decided* in those cases does not at all support the objection now under consideration.

Judges are the functionaries appointed for the trial of rights; and they may commit for trial or in consequence of it as a part of their general jurisdiction; and therefore they are not expected to show their authority for any particular act of imprisonment, except by their records, and to their judicial superiors. But all executive, legislative and military functionaries having no such power, must justify their restraints of liberty, when their legality is disputed, before the judges to whose functions such questions finally belong; and the habeas corpus is the writ or suit by which they are required to do so. It is intended to operate on all extra judicial restraints of liberty, and is, more clearly than any other remedy, expresses and embodies the principle that every man shall have a speedy hearing for his liberty, before the regular judges of his rights, and by due course of law.

This has been the law of ourselves and our ancestors for several hundred years, and we have always found it conducive to liberty, and in very rare instances has it been used in a disorderly way; though it does require the judiciary very often to interfere with and set aside the acts of the very highest officers of other departments of the government. No conflict, between them, on this account, is at all probable when each is sincerely desirous of being guided by the Constitution and the laws and ordinary usages of the country, as nearly as is reasonably practicable, and when each is reasonably respectful of the functions of the other, as each ought to be.

This is the nature of the writ of habeas corpus that is secured to every one by the Constitution of the United States. It was an institution or remedy so well known that it is not *described* in the Constitution, but merely named. It is substantially, at least, the habeas corpus described in the Statutes 16 Chas. 1, and 31 Chas. 2, though not always limited as they were, and these were substantially in force by adoption or re-enactment in all the States of the Union at the time the Federal Constitution was adopted, and this declares that the privilege of or right to this writ or suit shall not be suspended, unless invasion or rebellion make it necessary. Our statute was and is broader than the old English ones, and as broad as the modern English one. As then used, this remedy was entirely in the hands of the State Judges, and was applicable to all sorts of extra judicial restraints of liberty, under any pretext whatever. *This*, there ore, is the right or privilege, the mode, where exists ing by State law, and as where by Federal law, that was secured against suspension; and it no where appears that it was intended to be at all interfered with by the Federal Constitution, except in this liability to suspension. It is a man's right to bring his suit for his personal liberty, and have it promptly tried.

Why, then, shall it now be said that Federal officers shall not obey a *habeas corpus* issued by a State judge? The Chief Justice of Michigan says, in Spangler's case, that, because an *offence* against the United States is exclusively cognizable in the Federal courts, therefore "*the exercise of power* under such authority is equally under such exclusive jurisdiction." But, after a sincere and respectful effort to see that this consequence follows, I confess my inability to do so. The learned Chief Justice quotes Chancellor Kent for his opinion, but not for his conclusion. But on the preceding pages of the Commentaries, p. 440, the Chancellor lays down the rule to be, that, in an imprisonment by a Federal officer by color or under pretext of Federal authority, not judicial, the State and Federal courts have concurrent jurisdiction by *habeas corpus*, and he cites many authorities for this.

Another of the learned Judges in Spangler's case says, "there is enough appearing in the case to show that the Commissioner, in good faith, claims to hold the relator under Federal authority; that this authority is not a mere pretext, but that the Commissioner, and the authorities under whom he acts, are honestly endeavoring to carry into effect the requirements of the act of Congress (of 1862) and of the Federal Executive, in a matter vital to the safety of the Union." The question, *therefore*, of the authority of the Commissioner to hold his prisoner for the purpose stated is one which I think appropriately belongs to the Federal, and not to the State courts." Here again I must confess my inability to perceive how the conclusion follows from the premises. The *sincerity* of the acts of the Federal officers does not seem to me to prove the *exclusive jurisdiction* of the Federal courts in relation to them. I rather incline to think that the learned judge did not intend so strong an inference.

I find, therefore, no authoritative decision that excludes the jurisdiction of the State judiciary in such cases. The Federal Constitution declares that the Federal judicial power shall extend to all cases in law or equity arising under the Federal Constitution and laws; but this has never been held to exclude the jurisdiction of the State courts from the trial of cases where one of the parties founds his claim on a Federal law; though it furnishes a constitutional justification of laws providing for a review of such cases by the Federal judiciary. Cases abound where the State judges have thus interfered by habeas corpus, with the acts of Federal officers: 5 Burrey, 512; 7 Barr, 335; 12 New Ham., 194; 11 Mass., 63, 67, 83, 24; Pick. 227; 10 Johns, 328; 7 Cowen, 471; 5 Hill, 16; Sergeant on the Constitution, 232-7; Hurd on Hab. Corp., 154.

Judge Story, in his work on the Constitution, gives the following quotation from the Federalist on this general subject: "When, in addition to this, we consider the State governments and the national government, as they truly are, in the light of kindred systems, and as parts of *one whole*, the inference seems to be conclusive, that the State courts would have a concurrent jurisdiction in all cases arising under the laws of the Union, where it was not expressly prohibited."

And the constitution expressly provides that cases arising under federal laws may be heard before State courts, when it declares that itself and the laws made in pursuance of it shall be the supreme law of the land, and that "the judges in every State shall be bound thereby," and requires all State judges to be sworn to support the Constitution of the United States.

These provisions evidently allow the State judiciary to decide questions arising under federal law, and require them to be guided by it; and they may arise as well in cases of habeas corpus as in trespass, replevin or ejectment. Nowhere is the Federal jurisdiction held or declared to be exclusive in such questions. Yet in the exercise of it, I admit the wisdom of the remark of Chief Justice Tilghman that "this power should be exercised with very great caution, and never where there is any reasonable doubt." The State judge, in deciding upon a federal law, ought to be extremely watchful that no State or local opinions, prejudices or excitements, should so influence his judgment as to cause him to misinterpret or misapply a federal law, which is intended to sum up and express the *general* thought of the nation on the subject of which it treats, and not mere State or local thought.

The Federal Constitution and those of all the States secure to every man a judicial trial for all his rights of life, liberty and property, and the habeas corpus is his regular and usual remedy or suit for his liberty, as others are for his property. There is nothing peculiar about it to make it a special object of Federal suspicion, and there is no very tangible ground for striking at it more than at any other judicial remedy, unless it be that it is more speedy, because personal liberty is dearer to man than other rights. It is a suit for a man's right to himself, as debt, replevin and ejectment are suits for his right to his money, his horse or his land.

The objection relied upon, therefore, reaches much beyond the remedy by habeas corpus, and founds itself upon a much broader principle. It is this, that the *excesses of power under a claim of federal authority can be complained against only before the federal courts*; and it is thus broadly stated by the Chief Justice of Michigan in Spangler's case. In other words it is this: "*Where any act is done professedly under federal authority, no State court is competent to try whether private rights have been injured thereby.* I am unable to state the principle in any narrower form.

Why then are State Judges sworn to support the Federal Constitution, and bound by it and by the laws made under it, if their authority ends, when a question of federal law is raised? This cannot be. It never has been so regarded, and surely we can have no better evidence of what is the actual law of the land than a reasonably uniform practice; unless it be statute law. The history of our jurisprudence pronounces against the broad principle which I have stated, and that is its conclusive condemnation. And we cannot avoid this consequence by limiting the principle to *habeas corpus* cases. That would be a mere arbitrary limitation, because founded on no reason.

And it would be fruitless too; for it has always been regarded as law that State Judges may, by habeas corpus, try the validity of enlistments in the Federal army and in the volunteers, when called out by Federal authority, as well as other cases of claims to liberty. And I doubt not that the records of the State Courts here (Pittsburgh) would show hundreds of such cases; I have tried some of them myself; but only two since this rebellion broke out, one of which I have already alluded to, and that was the only one in which my authority was questioned, except in my own mind. In the very first case I ever tried I had doubts, but they were entirely removed by an investigation which I then made of the law.

But if the broad principle which I have stated be true, then all this must be given up. Nay, more than this; much more. If a Federal marshal wrongfully arrests a man, or wrongfully uses him when arrested; or wrongfully seizes any man's property; or ejects him from his land; or a military officer wrongfully does the like; or imposes the punishment of the whipping post; or arrests and forces into the army one who is not drafted or enlisted; or if an army surgeon wrongfully and by plain *mala praxis* amputates the limb of a wounded soldier; or if any federal officer wrongfully quarters a band of soldiers in a person's house, or enters a malicious prosecution or suit against any one; and the defence be made that such things were done under federal authority, then the citizen has no remedy in the state courts, but must seek the much less accessible federal forums. This would be a partial denial of the rights, by rendering suits unduly difficult to be brought.

Heretofore the law has always been that, for every wrongful act by any person, the sufferer had a right to sue in a state court, and if the supposed wrong-doer had any federal authority under which he could defend himself, he was bound to defend himself there, and the state courts were bound to allow the defence according to the full legal effect of the federal law. No doubt there is danger that the state courts may sometimes be overborne by local prejudices or excitements, so as not to give full effect to such defenses, and therefore it has been thought proper to require that, in such cases, the Supreme Court of the United States should have a right of review. No doubt this rule is necessary, so that state judges may not become merely arbitrary in their dealing with federal law, and if it does not apply to habeas corpus cases, I do not see any reason why it may not be made to do so, under proper restrictions.

But, and I say it with great respect, I cannot avoid thinking that, in the light of all our previous practice, this objection indicates an undue suspicion of the State courts. I know that in the trying circumstances in which the Federal Government is placed by the present rebellion, it is entitled, within the constitution and laws, to the generous sympathy of all American citizens, and that all its measures ought to be liberally interpreted, and not narrowly criticised.

But on the other hand, we can have no Government, unless there be mutual trust between the Government and the people, and between the Federal and the State Governments. Mere *power* is not *authority*. An essential element of all natural and enduring authority is the *moral* quality that is involved in mutual trust between the governors and the governed; the Union and its elements; and this moral quality is never secured, but rather excluded, by force and distrust. When there is not such mutual trust, I venture to think that it is most likely to be secured by carefully avoiding all, even apparent, departures from the usual course of administering the Constitution and the laws, so far as is compatible with the work to be done, and thus preventing new causes of distrust. Reason, as well as law, therefore, forbids any departure in this class of cases.

If the State courts are not to be trusted with any jurisdiction in cases involving acts done under Federal laws, then our Federal Union is greatly weakened by the absence of moral bond; mere legislation cannot hold the States together. There is a moral bond strong enough to hold them, made up of the moral fibres of respect and affection for the Constitution and laws, as heretofore usually understood, and of those of our social relations and intercourse, and I cannot contribute to the sundering of a single one of them. We have found the old paths to be paths of pleasantness and peace, and I cannot help to lead into new and untried or doubtful ones; not, at least, until the *moral* authority of social custom and usage has prepared the way and made the paths straight and ready for social travel. Mutual envy and distrust rot those social fibres. Suspicion and strife dig pits and erect barricades in those paths, and produce all sorts of evasions and disorders in the social movement.

Not more than one in many thousands of the transactions of social life, requires the *force* of law for its protection or execution; when the stability of the law and of its administration, and its harmony with social usages, are such that its *influence* is sufficient to suppress all question and dispute. And then all engagements are incomparably better fulfilled than when the law is often called upon to apply its *force*; besides being more peaceably done. But when the law becomes so unsteady, and so discordant with social usages, that all may dispute it, then litigation and social alienations abound, and the social bond gives tokens of social dissolution. If our mutual alienation has gone so far that the State courts cannot be trusted to administer "the supreme law of the land," it seems to me that it is quite time for us to begin to doubt our ability to maintain our Federal Union; though very possibly I may overestimate this danger.—The States do not now generally distrust the Federal Courts, and I think there has heretofore been but little Federal distrust of State Courts; but if Federal distrust has grown, or is to grow to the extent of the principle involved in this question, and Federal courts and court officers be multiplied, in every State sufficient to meet the demands of such a principle, and if the State courts find themselves continually reminded, by the application of the principle, of the distrust entertained towards them by the Federal Government, then this distrust will soon become mutual, and grow up into a chronic alienation, and produce, or very strongly tend to produce, Federal dissolution. Let us be cautious, candid, generous and free from partizan or local excitement in the administration of the law; and let us reflect much before we adopt so dangerous a principle, either by judicial interpretation or by positive legislation. Trust the State judges with the administration of such Federal law as ordinarily comes before them, and they will generally do right, as the experience of three quarters of a century has proved. But put upon them the mark of Federal distrust, and you invite the people to regard Federal law as something alien to their system, and suspicious in its character, and therefore as a law that is to be opposed or evaded.

I feel, therefore, that I am bound under the penalty of the *habeas corpus* act to entertain jurisdiction of this class of cases, and the respondent, under the same penalties, must obey the writ. If the relator appears on the hearing to have regularly become a soldier, he must answer for all military offenses committed after that before the military authorities and not before the civil courts.

Enter rule to show cause why an attachment should not issue against respondent for want of sufficient return—returnable on Saturday, September 12th, at nine o'clock, A. M.

From Gen Negley Command

CAVE SPRING, ALA., Aug. 26, 1863.

Presuming a letter from this department will be acceptible, I have concluded to give some information as to our whereabouts. Our division, (Negley's,) left Decherd, Tenn., Aug. 16th, and after a very tedious march, arrived at this place Aug. 19th. The roads were in some places almost impassable, which compelled us to build corduroy bridges, in order to hasten our movements. When Negley moves he surmounts all obstacles. Our march was by the University road, which compelled us to cross the Cumberland Mountains. Sometimes we would be among huge rocks, then in dense woods, when suddenly beautiful valleys would burst on our view, laden with golden corn—valleys soon to be overrun by our army, and laid in waste as a military necessity.

Our division is now the advance of the 14th Army Corps, which speaks well for its gallant commander, in whom we have every confidence, as he has proven by his actions, he is worthy of our esteem—a strict disciplinarian, yet kind withal. A commander who takes every interest in the welfare of his men, and who has endeared himself to them by his many acts of kindness. With Negley as our commander *Victory* is a sure prestige.

It is impossible to tell or even divine future movements. The country should await the result with patience, and I have no desire to chronicle present positions.

Gen. Rosecrans is organizing a Corps de Afrique. Allnegroes who are not engaged as servants, are placed in the ranks. Already many applications have been made by sergeants of privates of the three years regiments to command them, and many have been assigned to that duty.

The health of our division is generally excellent.

The 3rd brigade, (Negley's division) is now commanded by Col. William Sirwell, 78th Penna. Vols. He is an excellent brigade commander, and will leave his mark should he be engaged in battle.

The weather is oppressively warm.

JUNIUS

Another Address by Judge Kelly.

A large and enthusiastic mass meeting of the friends of the Union assembled in Manotte Hall, last evening, to hear an address from Hon. W. D. Kelly, of Philadelphia. Hon. Wm. F. Johnston presided, assisted by Messrs. Jackson Duncan, Henry Lambert, A. M'Tighe, James M. Cooper, William Little, George Hamilton, and J. M'Donald Crossan as Vice Presidents. Secretaries—R. W. Mackey and A. M. Brown.

Judge Kelly was introduced to the audience, and delivered a most patriotic and argumentative address, fully sustaining his high reputation as a speaker, and rendering most efficient service to the cause of the Union. His arguments made a marked impression upon the large audience present, and will be used with telling effect against the copperheads during the present campaign. The frequent and hearty applause attested a keen appreciation of the more prominent points which were made by the learned judge, and his masterly exposure of the weak sophistries and deceptive issues of the so-called Democratic leaders was keenly relished by every loyal hearer. The Judge's address was so lengthy, and his argements so exhaustive, that there was scarcely any time left and but little disposition manifested to hear or listen speakers. Calls were made for several gentlemen, but the lateness of the hour deterred them from responding.

Gov. Curtin to Address the People on the 16th of September.

We are authorized to announce that, by arrangement of the State Central Committee of the Union Party, Governor Curtin will be in this city on Wednesday, the 16th of September, at which time he will address the people of this county. It is designed to hold a mass convention here on that day, preparations for which will be commenced at once, and everything will be done, which the limited time will admit, to make it successful by the gentlemen having the matter in charge.

THE MASS CONVENTION AT MCKEESPORT.—The names of Gov. Morton, of Indiana, and Judge Kelly, of Philadelphia, are officially added to the list of speakers to address the Mass Convention at McKeesport on Thursday next, which now promises to be one of the most interesting political gatherings of the campaign. The Committee having the matter in charge are doing everything in their power to add to the interest of the occasion.

HELD TO ANSWER.—Alderman Donaldson, yesterday evening, held J. Heron Foster, Charles McKenny, Charles Morrison, Alfred Fogle and George Palmer to bail in $600 each to appear at the next term of Quarter Sessions to answer the charge of aggravated and unprovoked assault and battery on a soldier named Hogan, some time since.

SERIOUS ACCIDENT.—A train boy named Albert Ogden was run over by the Express train, on Friday afternoon, at four o'clock, at the outer depot, and was so seriously injured that amputation of the leg was necessary. He was removed to Dr. Waller's hospital.

GOV. CURTIN TO VISIT KITTANNING.—The following dispatch was received in this city yesterday:

HARRISBURG, Sept. 4, 1863.—To J. B. Painter, St. Charles Hotel: I will be in Kittanning on the 8th inst. A. G. CURTIN.

HOME AGAIN.—The friends of Prof. S. J. Wilson, will be glad to learn that he has returned home very much improved, and will preach to-morrow morning in the Sixth Church; and in the evening by *special request*, his subject will be the "Resurrection."

A BIG BILL is offered at the theatre this evening—"The Duke's Signal" and "The Demon Gambler."

SPECIAL LOCAL NOTICES.

GROVER AND BAKER'S SEWING MACHINES, for family and manufacturing purposes, are the best in use.

A. F. CRATONY, General Agent.
No. 18, Fifth street.

THOMAS FARRY, Plain and Ornamental Slate Roofer, and dealer in Pennsylvania and Vermont slate of the best quality at low rates. Office at Alex. Laughlin's, near the Water Works, Pittsburgh, Pa. ap28:6m

OMNIBUS and CARRIAGE CALLS will be taken at the Omnibus office, No. 405 Liberty street, day or night. All orders left at the above place will be promptly attended to. All calls must be paid in advance. 6m.

THE LATEST NEWS

BY TELEGRAPH.

OUR SPECIAL DISPATCHES.

FROM WASHINGTON.

Special Dispatch to the Pittsburgh Gazette.

WASHINGTON, Sept. 4, 1863.

THE CALIFORNIA ELECTION.

The following dispatches were received today:

San Francisco, Sept. 3—To Abraham Lincoln: Loyal California sends greetings. The Union State and Congressional tickets are elected by a majority of from 25,000 to 30,000.

F. F. LAW.

San Francisco, Sept. 3—To Hon. Edwin M. Stanton, Secretary of War: The Union State ticket was carried by a large majority. Large contributions to the sanitary funds.

By command of Brig Gen. Wright.

F. F. LAW.

San Francisco, Sept. 3—To Hon. Edwin M. Stanton, Secretary of War: We have moved on the enemy's works, and they are ours. California, by her votes, bids you and the army God-speed in your arduous and glorious work.

A dispatch to Secretary Chase says:

San Francisco, Sept. 3.—The Union ticket is elected by an overwhelming majority. By her votes California has set an example worthy of imitation.

DESTRUCTION OF BLOCKADE RUNNERS.

Admiral Lee transmits to the Navy Department the following report of the destruction of the blockade runner Alex. Cooper, which was accomplished in New Topsail Inlet, North Carolina, August 22d:

United States Steamer Shockokon, off Wilmington, N. C., Aug 23, 1863.—SIR: I have the honor to report that we have destroyed the blockade running schooner Alex. Cooper, under the following circumstances: On the 12th I made a reconnoissance with boats in New Topsail Inlet, and was driven out by four pieces of artillery, stationed opposite the mouth, but not before I had discovered a schooner at a wharf some six miles up the sound. This schooner I determined to destroy, and as it was so well guarded I concluded to use strategy.

On the evening of the 22d, the Shockokon anchored close into the sea beach, about five miles from the Inlet, and I sent ashore two boats' crews, who shouldered the dinghi, and carried it across the neck of land that divides the sea from the Sound. This was about half a mile in width, and covered with a dense thicket. The crossing placed my men some miles in the rear of the artillery force guarding the entrance. The dinghi being launched in the inside water, six men, under my executive officer, attacked them. Ensign Jos. S. Coney started with orders to destroy or capture anything that could be of use to the enemy. Now, it seems that the 12-pounder howitzer was stationed at the point for which we were examining, and the smoke of my steamer being seen over the trees, the commandant of the post, Capt. Adams had come down from the main camp to insure a bright lookout. While the rebels at the schooner's mastheads were straining their eyes in looking to the south my boat was approaching in another direction, and the men succeeded in landing about sixty yards from the wharf without being discovered. The master-at-arms, rebel Clifford, crept into the rebel camp and counted the men, and, having returned to his shipmates, a charge was ordered, and our seamen bore down on them with a shout.

In a moment the enemy, who outnumbered us three to one, were routed, leaving in Mr. Coney's possession, ten prisoners, including Capt. Adams and Lieut. Loatham, one twelve pound army howitzer, 18 horses, 1 schooner, and some extensive salt works. Mr. Coney then threw out two pickets, detached two then to guard prisoners, and with the remaining two fired the vessel and salt works. These were thoroughly consumed. The object of the expedition being accomplished, my men returned to the vessel without any loss, bringing with them seven prisoners, all that the boat would contain.

Rebel officers and privates dress alike, and Mr. Coney was at a loss to know what then to retain; he settled the matter, however, by picking out three of the best looking ones, who all turned out to be privates. So the officers owed their safety to their luck of physique, a new feature in military strategy.

While this was going on at the main land, the pickets on the beach side, under Acting Master's Mate Fraundlt, engaged and repulsed the rebel picket force in that quarter without any loss on our side. This schooner cleared from New York for Port Royal, with an assorted cargo. I shall try to learn the names of the patriotic citizens, if any are, who entered into this little speculation.

W. B. CUSHING,
Lieutenant Commander to Acting Rear Admiral S. P. Lee, Commanding N. A. B Squadron.

THE DISTILLERS OF SOUTHERN OHIO.

A committee representing the distillers of Ohio are here for the purpose of procuring from Secretary Chase a modification of decisions in regard to the modes of taxation of the produces of their establishments.

GEN. MEIGS—A FALSE REPORT.

The report that Gen. Meigs has been removed from the Quartermaster's Department is not true.

Gen. Meigs has just returned from an inspection of the Quartermaster's Department of the army of the Potomac. That inspection has determined him to make a thorough inspection of all our armies. He starts immediately for Grant's and Rosecrans' armies, and will in his tour compass all.

EXCHANGE OF COLORED PRISONERS DISCUSSED

At a Cabinet meeting to-day, the subject of the exchange of colored prisoners of war was fully discussed. The Government will take a firm and honorable position on this question. No exchange, other than soldier for soldier, of any description or hue, will be consented to.

DISPATCHES FROM MEXICO.

Dispatches from Minister Corwin, from Mexico, were received to-day at the State Department. No intimation of the contents has been made, further than that they contain matters of intense importance to the country.

PERSONAL.

Colonel Bowman, Superintendent at West Point, has been removed, and Brig. Gen. H. G. Wright, of Ohio, appointed to fill the vacancy.

Surgeon Bache, U. S. V., has been detailed as an Examining Surgeon for volunteer officers in Washington, in place of Dr. Clymer.

Major Gen. Hunter has been assigned to active duty. He will start for the West in a few days.

GILLMORE'S 300 POUNDER.

Gen. Gillmore's great 300-pounder gun was not disabled by the explosion of shells inside of it, but only the nozzle was blown off. It shoots as well as ever, but the report of the accident caused the Department to send him another, which was afloat, and on its way to him in twenty-four hours after the news was received.

FROM PHILADELPHIA.

Special Dispatch to the Pittsburgh Gazette.

PHILADELPHIA, Sept. 4, 1863.

LEE'S FLANK MOVEMENT.

That flank movement of Lee's army turns out to be a mistake. Nothing of the kind can possibly take place. The rear of our army was beset with guerillas, thieves and murderers, not attached to any military department. A portion of our cavalry scoured the country, and all of this class they captured they hung to trees, and left their bodies dangling as a warning to other vagabonds.

THE SIXTH PENNSYLVANIA COLORED REGIMENT.

The 6th Pennsylvania Colored Regiment has now 550 members. It is supposed that in two weeks its ranks will be full, when they start for Dixie.

QUARTERMASTER GENERAL MEIGS.

The statement that Quartermaster General Meigs had been removed is denied. My informant, direct from Washington, said it was the current report there that the General had retired into private life. H. A. W.

The Draft in Troy, New York.

TROY, N. Y., Sept. 4.—The draft for this city began this morning, and terminated this afternoon. The proceedings were orderly, but great interest was felt, and the office of Provost Marshal Hughes, was crowded throughout the day. Only a small military force was on hand, although two regiments are in the city. Among those drafted, were sight from the *Times* office, including the local editor and bookkeeper, H. B. Hubbell, editor of the *Press*, and one printer from the *Whig*. Several city officers and numerous prominent citizens drew prizes. J. H. Rogg, of the *Telegraph* office, was also drawn. The best of feeling prevails.

Burnside's Movements---Eastern Tennessee Evacuated.

BURDSBORO, ALA., Sept. 4—Gen. Burnside telegraphs that he took Kingston on the 2d. Part of Minty's brigade, of this army, went in simultaneously. Burnside says he met with but little serious opposition. All Eastern Tennessee, except the Chattanooga region, is evacuated and rebel free. Everything is working splendidly in both Burnside's and this army. The great obstacles of this region and Lookout mountains will be surmounted in a day or two.

Latest from Charleston.

NEW YORK, Sept. 4—The steamship Fulton, from Port Royal on the 1st—left Charleston bar the same day—arrived at seven o'clock P. M. The siege still continues. Gen. Gillmore had succeeded in running a parallel against Fort Wagner. The ironclads had been withdrawn from the attack on Moultrie, and the batteries on Morris Island. Charleston had not been bombarded for ten days. Everything was progressing favorably for the Union troops.

The Case of Speelman.

CINCINNATI, Sept. 4—The *Commercial's* Dayton dispatch says: This morning Speelman was surrendered to the civil authorities by order of Gen. Cox. He is in the Sheriff's custody awaiting the disposition of a writ of *habeas corpus* by Judge Hays. The Provost Marshal will not resist, and Speelman will be examined before the mayor on the charge of shooting with intent to kill. Doctor Harlan was released.

Deserters Shot.

LOUISVILLE, Sept. 4.—Five deserters from the 23d Kentucky Infantry were shot at Mondfordville at noon, and two of the 33d were respited until October.

COMMERCIAL.

Pittsburgh Petroleum Market.

SEPT. 4.—The excitement noticed yesterday in the oil market is unabated, and while there were fewer transactions, prices are firm and fully sustained. There is a continued fair demand for Crude, and some 800 or 500 bbls changed hands at 24@¾c, packages returned, and 30c packages, and these may be regarded as the ruling figures. Holders of bulk oil are asking 21c. Refined, in bond, is very firm, with considerable inquiry, both for present and future delivery, without, however, any perceptible change in rates. On the spot, good brands are held at 53@55c; sale of 500 bbls, for all October, sellers' option, at 56c; 500 to be delivered between the first and fifteenth of November, sellers' option, at 56c; 500 to be delivered between the twenty-fifth of October, and the fifteenth of November, at 56c. On Thursday evening, a sale of 500 bbls "Brilliant" was made for November delivery at 58c. Refined, free, may be quoted at from 60 to 62c for dark straw to prime white. There is no demand for Benzine, and in the absence of sales, we omit quotations. Oil Barrels may be quoted at $2.00@2.25 for second-hand Crude; $2.40@2.50 for second Refined, and $2.80@2.85 for new Refined.

Markets by Telegraph.

NEW YORK, Sept. 4.—Cotton firm but is active at 69@70c for middling uplands. Flour opened somewhat excited at an advance of 10@15c, but closed dull with buyers generally refusing to pay the advance; $4.50@5.00 for extra State $5.25@5.45 for extra Ohio, $5.40@5.60 for extra Western, $5.60@5.75 for extra Southern. Wheat heavy, unsettled and declining; private accounts from England are very depressing. Corn 2@3c higher, with fair demand for trade brands. Pork dull. Whiskey firm at 50c. Wheat heavy, unsettled and declining; private accounts from England are very depressing. Corn opened steady, closed heavy and 1@2c lower at 73@75c for mixed western. Wool quiet and unchanged. Sugar steady. Pork a shade firmer, with scarcely any much doing at $11.50@11.75 for new prime, $16@16.50 for new mess. Lard is firm and in the sale are 300 bbls prime steam deliverable on or before the 10th October, at the seller's option, at $12.50. Beef dull and unchanged. Rice steady, with sales of prime at 9@9½c. Tallow quiet. Butter firm at 15@20c for choice. Cheese firm at 4½@5½c for common to prime. Rosin quiet and unchanged. Turpentine steady, with sales of 300 bbls at 60c. Petroleum steady, with sales of 500 bbls Crude at 24c, and 500 bbls refined at 55c. Freights dull and declining.

BALTIMORE, Sept. 4.—Flour dull and nominally unchanged. Wheat dull and nominally unchanged. Corn dull and lower; White Southern 80@85c; Yellow Southern 85@90c. Provisions dull and nominally unchanged. Coffee dull and nominally unchanged. Sugars dull and nominally unchanged. Molasses dull and nominally unchanged. Whiskey dull at 50@51c.

CINCINNATI, Sept. 4.—Flour active, and prices advanced 10@15c. Wheat scarce and advanced 5@10c. Corn scarce and advanced 2@3c. Provisions are dull. Pork firm at $16.50. Lard firm at 8¾c. Whiskey firm at 50c.

Chicago Market.

SEPT. 3.—The excitement in the grain markets is unabated, and we have to note a further advance in prices for everything. Wheat opened firm with an active speculative and shipping demand, and advanced 1¼@2c on Spring grades, with rales at 83@95c for No 1, and 91@92c for No 2—closing quiet. The transactions in Winter wheat were light, and the market was without material change. There was a fair inquiry for Flour, and the market ruled steady at yesterday's prices. After the receipt of New York news, holders manifested greater firmness. The excitement in the corn market continues, and we have to note a further advance of 1@2½c per bu, with sales at 66@67½c for No 1, 60@61c for No 2, and 55@56c for No 3 in store. At the close, buyers were less anxious, and only offered the inside figures. Canal Corn was quiet. Early sales of No 1 were made at from 67½c, but subsequently 65¾c was bid; at which price the market closed. Speculators, Government contractors, and short sellers keep up the excitement in the Oat market, and prices are again 1@2c per bushel higher. About 76,000 bus changed hands at 44@45c for No 1 and 43c for No 2 in store. The offerings of Rye were light and the market ruled at quiet at 90@91c for No 1—an advance of 1c. Barley was in very active demand, either on track or in store, and the market improved 8 to 10c. Sales with sales of No 2 in store at 85 to 90c, and lots by sample on track at 88 to 95c. There was rather more firmness in the markets for Timothy Seed, and the market ruled steady at $1.30 to $1.35 for common to choice samples. Highwines continue firm at 45c.—Journal.

Cleveland Market.

SEPT. 3.—The market was a shade better this afternoon.—The large receipts of wheat gave dealers something to operate on, and there was more activity than for a week past. Flour is dull and nominally improved a little, though still dull; small lots XX white at $6.50; do red do at $5.12½@5.50 bbl; superfine sold at $5.50. Wheat—Market better; sales 6,000 bus red from store, this afternoon, at 104c. On change I car choice white on track sold at 120c, and 6 cars red on track at 102c. Corn—Is firmer; sales 3 cars very choice on track at 65c. Oats—Firm; sales 3 cars on track at 46c. Rye—We quote at 72c for new. Barley—Some inquiry. Would bring 85 to 100c, according to quality.

MARRIED:

MCLEAN—BLACK—September 33, 1863, by Rev. D. A. Cunningham, at his residence in Bridgewater, Mr. JOHN R. MCLEAN, of St. Louis, and Miss MONICA BLACK, daughter of James Black, Esq., of Beaver county, Pa.

DIED:

LUCY—On Wednesday, Sept. 2d, at 5 o'clock a. m., MARGARET, wife of Leonard Lucy, in the 53d year of her age.

FARM WANTED.—A Farm of Land, on any of the railroad lines, not over 40 miles from the city and not over two miles from a station. It must be first quality soil, with good buildings and other improvements, and may contain from 50 to 150 acres, more or less. Any person wishing to sell such a farm, may find a purchaser by addressing "E. E., GAZETTE Office, Pittsburgh, Pa.," stating particulars about quality of soil, location, number of acres, improvements, price, &c. sa2tf

MILITARY NOTICES.

PROVOST MARSHAL'S OFFICE,
22d DISTRICT OF PENNA.
98 Fourth St., Pittsburgh, Sept. 4, 1863.

EXEMPTED FROM DRAFT.—In accordance with orders, I publish the following list of persons exempted from draft by the Board of Enrollment in this District, to this date, with the reasons of their exemption:

BY REASON OF FURNISHING ACCEPTABLE SUBSTITUTE.

Name.	Residence.	Substitute.
John Kelly,	Wilkins tp,	John Williams,
John Brown,	Jefferson tp,	Thos Moore,
Wm Devore,	Elizabeth tp,	Jas O'Neil,
Jeremiah Smith,	Penn tp,	Frank Everly,
Jas W Taylor,	Versailles tp,	Albert Papka.

PAID $300 FOR THE PROCURATION OF A SUBSTITUTE.

Hugh Haxwell, Patton township.
George Richie, jr, Penn township.
Robert Ireland, do
Benj Hallam, do
Henry Lauzwecher, Peebles township.
David Fearts, Elizabeth township.
and J McLaughlin, Wilkins township.
James Michael, Versailles township.
Charles Mahaffey, do
Columbus Lewis, do
James H Lewis, do
Henry Cornell, do
Francis Duncan, do
Dawson Angell, do
John A Eaffhel, McKeesport.
Chas Woods, East Birmingham.

ALIENS WHO HAVE NEVER DECLARED INTENTIONS OR VOTED.

Geo Schnelbangh, Peebles tp. Witnesses, G Gabriel A Schaub.
Wm Feimmb, Peebles tp. Witnesses, Wm Probst, Caroline Wolf.
Jonathan Coulthrie, Elizabeth tp. Witnesses, A M'Lees, W Hodgson
James Clemens, Elizabeth tp. Witnesses, W Stewart, W H Malone.
Philip W Young, Elizabeth tp. Witnesses, F Kulpkamp, J Anton.
Thomas Edwards, Elizabeth tp. Witnesses, John Davis, Wm Morgan.
Thomas Hill, Elizabeth tp. Witnesses, T Hill, sr, Rebecca Hill, Mary Ann Hill.
Henry Stegand, Elizabeth tp. Witnesses, Henry Snyder, Jacob Schulz.
Michael Teel, Elizabeth tp. Witnesses—Thomas Farren, John Ogden.

EXAMINED BY BOARD AND EXEMPTED.

Chas S Lucas, Elizabeth tp; disability—discharged from Co I, 6th Reserves.
Wm Shaff, Elizabeth tp; disability.
Chas Lightner, Elizabeth tp; disability.
John W McCune, Elizabeth tp; disability from wounds received at Fair Oaks.
Levi Smith, Elizabeth tp; disability.
Hugh P Wilson, Elizabeth tp; disability.
Alex Calhoun, Elizabeth tp; disability.
Jas Thomas, Elizabeth tp; disability.
Richard McCracken, Elizabeth tp; disability.
David R P Mann, Elizabeth tp; disability from a wound received at Gaines' Hill.
Daniel Query, Elizabeth tp; disability.
Washington McCune, Elizabeth tp; disability.
Sam'l Painter, Elizabeth tp; disability.
Wm Hamar, Elizabeth tp; disability.
Henry Breuwheldes, Peebles tp; disability.

UNSUITABLENESS OF