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BY ERASTUS BROOKS & Co.

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For LATEST Commercial Intelligence, Domestic Markets, River News, Imports, Money Market, &c., see third page.

See fourth Page for Miscellaneous News.

THE CASE OF JUDGE BURRELL.

We had designed to call further attention to the late decision of the Supreme Court, growing out of the Judge of the Tenth Judicial District, but the very able argument of Judge Coulter renders it unnecessary. Old as some of the Judges are, we hope they will live long enough to see the error they have committed. Indeed, we regret the decision equally as much for the disrespect it is calculated to create towards the Judiciary as for the wrong done by the decision itself.

The Commonwealth vs. Burrell } In the Supreme Court of the Western District of Pennsylvania.

Gibson, Chief Justice, delivered the opinion of the Court.

We are told that to ascertain the legitimate will, the safest course in a doubtful case, is to consider the old law, the mischief and the remedy; and it is proper to premise that as we never had, strictly speaking, any previous statute on the subject of quo warranto, the remedy stood, with us on the foot of the common law modified, in a measure by our own customs founded in analogies drawn from the 9 Anne c. 20, which however was not extended, as a statute to Pennsylvania. What then was the old law?

The great English commentator tells us that the writ of quo warranto lies at the common law for the usurpation of a franchise in violation of the right of the King; and that it is in the nature of a writ of right for the King: consequently that no one else can sue it out. The judgment on it is conclusive of the right even against the King himself; and this, together with the slow and unwieldy nature of the remedy, had made it give place, in practice, to the more manageable and less decisive method by prosecution by information in the nature of a quo warranto filed by the Attorney General in the King's Bench. Thus stands the common law proceeding in the English courts. In our own the common law writ of quo warranto has never been attempted; but in place of it, recourse has been had to the information in the nature of a quo warranto as it stands in England at this day, notwithstanding the tenth section of the ninth article of the Constitution, which declares that, "no person shall, for any indictable offence, be proceeded against criminally by information except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger." In the Commonwealth vs. Brown, 1 Sergt. & Rawle 382, it was held that an information in the nature of a quo warranto, being not a criminal but a civil proceeding to try a right, was not within the constitutional prohibition. Though this decision was unquestionably founded in a sound construction, it still appeared to coincide with the letter.

These informations in the nature of quo warranto were found to be so convenient in England that they were allowed by the 9 Anne to be filed by leave of the Court at the suggestion of a private relator for the determination of private disputes between parties and party in which the prerogative was not involved, and in which the name of the Attorney General was retained only for the sake of form. That statute, as I have said, was not extended to Pennsylvania by adoption, and sanctioned as a binding enactment by our act of 1777 to revive the laws in force before the Revolution, though the substance of its provisions was assumed as part of our own common law, for the basis of such an information.

Thus stood the law at the enactment of the statute before us which supplanted it; and what were the defects it was intended to remedy?

I will not say that the incompatibility of an information with the letter of the constitutional prohibition, was one of them, for the Commissioners who reported the bill, have not said it was: still it may have been an object with them in providing a statutory writ, to avoid even a formal incongruity. But the substantial defects were the want of statutory authority to give remedy in cases identical with, or similar to, those provided for by the statute of Anne—the want of power in the supreme court to try issues of fact in the country, and the delay produced by confining the remedy to it. Did the Legislature go further than merely to remove them?

Although we are bound to take the law from the statute book, we are at liberty in cases of doubtful intent, to go behind the scene for the motives and objects which led to the enactment; and in this instance we have not to deal with mere probability and conjecture. The Commissioners who submitted the frame of the law proposed to give the Supreme Court power not only to proceed by writ, but to send issues of fact to the county courts; and for greater despatch to give these courts concurrent jurisdiction in cases of usurpation, or forfeiture of county, township or corporate franchises, offices, or liberties: but they proposed no provision for an allowance of the writ at the suggestion of a private relator. That was added, however, while the bill was under discussion in the chambers, but limited as we shall see, to those cases of which the county courts should have concurrent jurisdiction.

The first section of the act authorizes the Supreme Court to issue writs of quo warranto under the statute wherever they had been issued at the common law; and consequently in cases like the present. So much of the second section as gives rise to the question, is in these words,—"Writs of quo warranto in the manner and form hereinafter provided, may also be issued by the several Courts of Common Pleas concurrently with the Supreme Court in the following cases, to wit: In case any person shall usurp, intrude into, or unlawfully hold or exercise any county or township office within the respective county. 2, In case any person duly elected or appointed to any such office, shall have done, suffered, or omitted to do, any act, matter, or thing, whereby a forfeiture of his office shall by law be created. 2, In case any question shall arise concerning the exercise of any office in any corporation created by authority of law, and having the chief place of business within the respective county. And in *any such case* the writ aforesaid may be issued upon the suggestion of the Attorney General, or his deputy in the respective county, [or of any person or persons desiring to prosecute the same.]"

Now what are we to understand by the words "any such case" upon every principle of obvious meaning, and grammatical relation, we must intend that the legislature had in view the cases contained in the same section and specified immediately preceding the final clause.

The words in brackets were judiciously added by the Legislature to provide for cases in which the public interest might not be involved, and in which the Attorney General might not be bound to prosecute. For all cases within the exclusive jurisdiction of the Supreme Court, the omission of such a provision is evincive of a design to leave the impetration of the writ to the regulation of the Common law; and to put the control of it exclusively within the power of the Attorney General. And the reason for such a disposition of the matter is an obvious one. In the usurpation of a municipal or corporate office, or retainer of one after forfeiture, or the expiration of the incumbent's term, no franchise or liberty of the Commonwealth is invaded or withheld, and the prerogative is not to be invoked for the redress of a grievance not her own; but as there may be invasion of private rights of a corporate or municipal nature, it was necessary to introduce the provisions of the statute of Anne, modified and enlarged for their protection by writ of quo warranto subject to the direction and control as well as the risk of the complainant.

As a remedy for the assumption of an executive office, or in other words, an office which can be legitimately filled only by the appointment of the Governor, or by the choice of the people of the State, the statutory writ of quo warranto stands, as to every thing but the form of it, as stood the writ of quo warranto at the common law. The *gravamen* of the law, as it was reported by the Commissioners, put it upon the same footing even as a remedy for the invasion of a private right; and the intervention of a private prosecutor was not extended to it as a remedy for a public wrong. The Commonwealth has her own law officer, who is charged with the protection of her peculiar rights; and she did not allow her functions to be assumed by a private prosecutor.

What induces the mind to pause as to the reasonableness of this conclusion, is the consideration that as the Governor controls in some measure, the action of the Attorney General, who is dependent on him for continuance in his office, an unconstitutional appointment by the Executive may be without remedy where the law officer of the State happens to be regardless of his duty. The presumption is, however, that he will not disregard it; and that if he do, the House of Representatives will impeach, and the Senate convict him. This presumption is part of the theory of our Government; and if it is false in fact, it was the business of the Convention that framed the Constitution, or of the Legislature that framed the statute before us, to provide for the fallacy. It is our business, not to legislate for particular defects, but to pronounce the law as we find it; and acting within the limits of our constitutional sphere, we are under no hesitation in sustaining this writ. A curious means of protecting the action of the public law officer was ingeniously used in the Commonwealth vs Forster, 10 Mass. 199, a case very much like the present. To know by what authority the respondent exercised the powers of a judicial office in Massachusetts, the House of Representatives of that State adopted a resolution requiring the Attorney General or the Solicitor General to file an information against him in the nature of a quo warranto. The Solicitor General filed such an information, reciting the resolution in it, and declaring that he acted in obedience to its mandate. On a motion to quash, the question was whether the information was the act of the law officer, or the act of the popular branch; and the Court very properly held that as the former was bound to act on his own responsibility, the information was his act and the recital mere surplusage.

It is needless to say that had it been deemed the Act of the House of Representatives, it would have been quashed. Being an executive officer, it would have been a legislative usurpation of his functions, to direct the course of his action. To say no more of that, the decision shows very clearly that a case like the present in the absence of specific enactment, stands on the regulation of the Common law. Indeed the first section of our statute refers for the extent of the jurisdiction of the Supreme Court, to the Common law. But it is very far from certain, that an equal or greater degree of inconvenience would not be suffered by exposing every ministerial or judicial officer of the State to a writ of quo warranto at the suggestion of any one who might choose to test the validity of his commission by actual experiment. As the judgment in a previous instance would not be a bar to fresh prosecution at the suggestion of a different relator, if the writ were a matter of private right, the incumbent might be harrassed to death. In the Commonwealth vs Darlington who died before judgment, and in the Commonwealth vs Collins, 8 Watts 331, in which there was judgment of ouster, the writ issued at the suggestion of the Attorney General. The bill reported by the Commissioners was based on the law as it then stood; and the amendment of it in the Chambers, was limited to specific cases, of which the present is not one. It could be reached only by a writ sued out at the suggestion of the Attorney General.

Writ quashed.

DISSENT OF JUDGE COULTER.

The writ of quo warranto was anciently issued at the instance of the King through his attorney general for the purpose of seizing a franchise, office or state, to the use of the King. Sometime before the English revolution informations in the nature of the *writ of quo warranto* were devised by the English lawyers, which were granted and allowed by the King's bench upon the relation of a private individual, who was made liable for costs, if he failed to establish that the defendant was a usurper of the office or franchise. There is a case reported in 1 Lord Raymond 426, where the Court of Kings bench allowed Sir Samuel Astrey to file an information in the nature of the writ of quo warranto against the Mayor and Aldermen of the city of Hertford. The 9th of Queen Anne subsequently to this provided that the information in the nature of a writ of quo warranto should issue upon the relation of any individual who chose to prosecute the same and give security for costs, against any person usurping an office in any Borrough, City or town against a corporation for the purpose of declaring it void. The writ of quo warranto would probably still be the remedy in England, to be issued by the attorney general in order that the franchise might be seized for the King. The difference in the judgment in the two cases is, that in the writ of quo warranto the office or franchise, is declared forfeited and is seized for the use of the King. The judgment on the information of a writ of quo warranto is that the defendant be ousted from the office or that it be filled in the manner appointed by law. The first proceeding never was used in Pennsylvania previous to our Act of assembly. The latter was used although the Statute of Anne was not considered in force, but the proceeding was adopted to try the right to an office merely as a civil remedy, either as a remedy at common law, or under the provisions of the act of May 1, 1723. In some instances the writ was issued in this State and the name of the attorney general used, where he refused to take any part in the proceeding, it not being his duty, and no fee being allowed; and the Court sustained that course; and in the case of Republica vs Griffith 2 Dallas 152, the Court said the name of the Attorney General must be used *pro forma*, but the private relator must carry on the prosecution. It was declared by Court in the case of Republica vs Prior 1 Yeates 506, that where the attorney general officially moved for an information, it would be granted of course without his entering into recognizance for costs, but where it was moved for by an individual, security for costs must be given. In the State of Ohio, it has been ruled by the Supreme Court, that if the attorney general or his deputy declined to make the application in a proper case, that they will make a peremptory order for him to proceed or appoint some other person to do it.—Hammond 249.

It was ruled in this State, previously to our statute, that granting leave to file a quo warranto information was discretionary with the Court, 1 S. and R., 381. But the ... case of this motion would seem to establish that since our statute, as well as before it is and was in the discretion of the attorney general. In this, state offices are established for the benefit of the people, and they are called the servants and agents of the people, and hence it would appear strange and incongruous, if they are not allowed to say, that they are filled and occupied according to the Constitution. But it seems power must strike at power, emanating from the same source. The people are incompetent to move, and must trust to the attorney general as the conservator of their rights. Before the passage of our act of Assembly of the 14th June, 1836, there might have been doubt whether the name of the attorney general ought not to have been used as a matter of form, but since the passage of that act, all difficulty has vanished from my mind.—We must suppose that the authors of that statute (the revisers of our statutory code) were aware of the difficulties in practice, from our having no well devised system applicable to our political institutions, and that they intended to supply that want. The statute, being in favor of public right and liberty ought to be liberally expounded for the accomplishment of that end. The 1st section of the act provides that, "writs of quo warranto may be issued by the Supreme Court, *in the form and manner hereafter provided* in all cases where the writ of quo warranto at Common law may have been issued, or where the said Court has heretofore possessed the power of granting informations in the nature of quo warranto." The second section enacts that the courts of common Pleas shall have power to issue writs of quo warranto *in the form and manner hereinafter provided* concurrently with the Supreme Court, in the following cases," and then enumerates the usurpation of any county or township office, or any office in any corporation created by authority of law, and then provides *that in any such case* the writ aforesaid may be issued upon the suggestion of the attorney general, or his deputy in the respective county, *or of any person or persons desiring to prosecute the same.* The section further provides that the writ may be issued against any corporation, who have no lawful authority or have forfeited their franchise, which writ shall be prosecuted, by the attorney general, his deputy in the county, *or any person who shall desire to prosecute the same.*

The third section makes *the duty* of the attorney general to prosecute the writ against a corporation, when he believes it has no lawful authority, or has forfeited its charter. The form of the writ is then set forth in the fourth section. Other sections provide that the writ shall be issued only upon application to the Supreme Court in term time, or by the Common Pleas, during term, or to some Judge of the Supreme Court, or the President of the Common Pleas in vacation, in which application the facts of the case shall be fully set forth and verified by the oath of the applicant; provision is made for ousting the person who usurps office, if judgment is rendered against him. The writ of injunction is directed, which, if disobeyed, shall be enforced by writs of attachment or sequestration. These are the material provisions of the act. It is manifest that the legislature intended to provide an entire system; and by the act of 1806, in all cases where a remedy is provided, or any thing directed to be done by any act of Assembly, the directions of said act shall be strictly pursued. Now, when the first section of the act states that the Supreme Court shall issue the writs of quo warranto in all cases in the manner hereinafter provided, what is meant? Does it not refer to the mode and manner of issuing the writ enjoined in the after provisions of the act? That manner is that it shall be issued at the instance of the Attorney General, his deputy, *or any person who shall be desirous of prosecuting the same.* But the argument of the defendant is, that the words *any person desirous of prosecuting the same*, refers to county officers and corporations only, which leaves the writ, as to higher offices, that can be issued by the Supreme Court alone, without any direction as to form or manner of issuing them, when the section positively provides that they shall be issued in the form and manner specified in the act. We ought not to impute to the Legislature so vain an act, as to provide minute instructions for issuing the writ as to small officers; but as to the more important, leave them at large to the remote analogies arising from the royal prerogative. But by this construction, the second section of the Statute is rendered first and leading section of the Statute is rendered totally useless, merely conferring on the Court the power which it says they possessed before, and striking from it the really operative words that the power shall be exercised in *the manner hereinafter provided.* The words in the first section, 'in the manner and form hereinafter provided,' and all the provisions in the after part of the act relate to 'the form and manner, mutually connect themselves, and relate to each other, and prescribe the manner in which the Supreme Court shall take cognizance of, and exercise the power conferred.

But let us look for a moment to the position into which the course contended for by the defendant's counsel would throw the people of this State. No information could issue against the Attorney General himself, no matter by what illegal tenure he held his office. And, perhaps, in many of the cases where the validity of the appointment, intended to be enquired into, he himself, as the legal adviser of the Governor, may have counselled the appointment. If a judge, should hold over his term of office, no citizen, nor all the citizens of his district, could question his right, by due course and process of law. If the Governor appointed an individual during the recess, his commission would last until the expiration of the session of the Senate. There would, therefore, be no actual vacancy in the office until the Senate had risen. If, in such case, the Governor declined to nominate to the Senate, and filled the office himself after the expiration of the session, in such case the people of the district could not question the constitutionality of the appointment. That power or privilege is reserved to the Attorney General of the Governor, who made the appointment. Or it a Judge should be impeached, and the Senate find him guilty and deprive him of his office, how is he to be excluded? The Senate have no power; their sentence is on paper only. It is the Supreme Court alone who can issue a quo warranto, issue a writ of injunction and attach and sequestrate the usurper. If, however, the Attorney General, who gets no fee for his trouble, should omit to file the information and pursue the writ, no other citizen can do it. It may be said these cases will never occur, and probably they may not. But all laws are made upon the supposition that men and officers may do evil, and made for the purpose of restraining them. In the workings of ambition, the exacerbations of party and the tendency of corruption in all governments, we cannot tell what men may not do or attempt to do, and the safest course is to have vigorous law in full vitality to prevent encroachments on the rights of the people. It seems to me that the construction contended for would strip not only the people but the Senate of important rights, by taking from them the means of their enforcement. I cannot perceive any valid reason why the free citizen of a free State should not be affiberty to question the lawfulness and constitutionality of a judge's office, who exercises power over the lives, fortunes and reputation of the Peoplemonors, Sheriff, Commissioner, Township officer, if he chooses to encounter the trouble and the hazard of payment of costs. I can very well perceive the reason why the writ of quo warranto in England could only be sued out by the Attorney General; because there the whole proceeding was for the benefit of the King, who seized the office, franchise or estate. But here the proceeding is for the benefit of the people to oust officers who hold against the Constitution and law, so that they may be constitutionally filled.

In a free state, every citizen must be allowed to question the Constitution and law, by due course and process of law; and as in my humble judgement, the Legislature, when they enacted the statute under consideration, intended to give that power, I would not withold it. The argument so strongly urged, that high judicial officers ought not to be disturbed, except at the instance of the government, has no weight with me.—The highest are not above the law here, nor the lowest beneath its notice and protection. The discretion of this Court is interposed between the officer and vexatious annoyance. The writ can only be granted by this Court, in Term time, or by some judge in vacation; and the ground of the complaint must be fully set out and verified by oath. I cannot believe that either the Court or any Judge of it, would grant the writ, except on colorable or reasonable grounds. This Court is a branch of the government to which the people look for the independent administration of the law, as well from the nature of their office, as from their more slow and local, and occasional excitement of the people. I think the discretion as to granting the writ is more safely lodged here, than in the absolute will of the Attorney General. Without intending to intimate the slightest opinion on the Commissioned question involved, I may say, that as the proceeding regards the learned Judge, whose case is before the Court, he has my good, and I think his supply competent to the office. It is only when I contemplate quashing the writ which was duly allowed by the Court, because it is not granted at the instance of the Attorney General, as an authority and precedent, that I am compelled to say Obsta principis. With great respect for the judgement, ability and experience of the Court I dissent.

Decisions of the Supreme Court.

Bowen vs Nickle—Per Curiam: One verdict in an ejectment, in which the question was "mortage or no mortage, and payment," is not conclusive, but the same question may be tried in a second ejectment.

The act of 21st April, 1846, relative to actions of ejectments to enforce the payment of purchase money, is confined to cases "wherein time becomes of the essence of the finding of the jury," viz: the specific case of a plaintiff vender, who had recovered a verdict for the land, and where the Jury had given the defendant time to redeem.

Donaldson vs Kerr (Mercer co.) Judge Bell—Judge Burnside's dissentients: At a judicial sale by the Sheriff, the bidder is not bound by his bid after an adjournment of the sale on the Sheriff's mere motion, although such bid was not expressly retracted before the adjournment.

Brinker vs Brinker.—Chief Justice Gibson. A petition sustained by affidavit, filed in form in the Common Pleas of Westmoreland county, for the purpose of compelling the respondents to answer on oath touching the suppression of their father's will, is manifestly a petition in the Orphans' Court.

Although the Orphans' Court cannot entertain a bill of discovery, it can reject an unsworn answer to a petition containing the substance of a bill in equity.

An agreement to convey an estate by will, is not within the letter of the statute to enforce decedents' contracts, but being within the equity and spirit of it, will be embraced.

The statute of frauds, is no bar to the execution of such a will, for, although possession was not taken in pursuance of it, it was but in writing, and although lost, its contents may be proved.—(2 P. Wms. 242.)

Prayer of the Petition—That the bill may be answered according to the true meaning and substance thereof, without equivocation or evasion, and that the Court may do what equity shall enjoin," is in substance a prayer for general relief, and the most comprehensive that can be imagined.

Fanny Clark vs George Thompson—Judge Rogers—One exception to the rule, that a tenant may not dispute his landlord's title, occurs where such tenant has the legal title, and sells to another, bona fide, and without notice of the tenancy, especially where the landlord lays by some time, without asserting his rights, and valuable improvements have been made by the alienee. Another, is when the term has expired.—*Post.*

THE RAIL ROAD.

The Daily News, at Philadelphia, rightly urges the application of individual enterprise to the consummation of this great work, and further the completion of the Pennsylvania road to Pittsburgh, and beyond Pittsburgh to the West, before the Baltimore and Ohio line shall be under way.—The News adds:

☞ "The fact is somewhat humiliating, that Philadelphia Merchants are at this time dependant upon a rival city, for the means of transporting goods to their western customers. Surely they will hasten to improve their position by a liberal and generous application of a small portion of their wealth, to the construction of a road that every day becomes more and more a work of necessity. Indifference now, upon such a subject as this, will injure us seriously in more ways than one. It will not only retard a great improvement which the West is so anxious to see completed, but it will encourage the opinion in that quarter, that our business men are destitute of that enterprising spirit which is necessary to advantageous and successful trade, and without which our city will cease to present attractions to dealers from our interior. *The Pennsylvania road should be finished before the Baltimore road reaches the Ohio river*, that we may be able to secure the first connexion with the Ohio improvements, by presenting to their projectors superior inducements, to any that can be offered by the Baltimore and Ohio Company."

The way to accomplish this is easy enough, if there is any unity of purpose among the Philadelphia capitalists. That city has the means of building the road from Harrisburgh to this city, without feeling it, and the only manner in which it would ever be felt, would be in the increased resources it would bring to the city. Public prosperity and individual wealth are the certain rewards of a wise expenditure in our public improvements. The Philadelphia Bulletin discourses seasonably upon this branch of the subject, in the following paragraph:

When all are striving for the palm, we need not point out the danger of trade and travel settling down in the new channels thus formed, through the want of this very identical work, *the great back-bone line of the 'far West.'* The dealers in Market, Second, Third and Front streets, the fancy stores in Chestnut street, the owners of shipping, and though last not least, the *landlords*, lose severely by this unfortunate state of affairs.—The remedy is palpable. Let all pour in their contributions, so as to enable the Board to place the entire line of road to Pittsburgh under contract, conditional for its completion by the 1st of January, 1850. Look at Boston and New York, and the inference is irresistable, that their vast prosperity is solely owing to their wise policy in diverting from our market the trade that once was ours. Follow their example, before it is too late, and the retired capitalist may enjoy ample dividends, while our commerce and real estate will at once realize a magic rejuvenation through its life giving influence. Since writing the above, we have conversed with one of the Engineers of the Railroad, who more than confirms our moderate statements of last Saturday. Thus we find that five miles of the road, instead of two, are now ready for the rails, and that the completion of the Susquehanna bridge will alone prevent the entire line between Harrisburgh and Lewistown being traveled over by the middle of next summer.

It has been said the whigs kicked up such a fuss about Santa Anna's pass, that Mr. Polk concluded to let Parades in without one.—*New Orleans National.*

INCIDENTS OF THE WAR.

FROM THE CITY OF MEXICO.

When Gen. BRAVO was presented to the American General-in-Chief he was thus saluted.

"I deeply regret meeting the valiant Gen. Bravo in misfortune, I have long and favorably known him by fame. I trust we may soon be friends. I honor and respect him as an enemy."

Gen. Bravo expressing his thanks for the courtesy extended to him by the General-in-chief, the latter directed that the former be taken into the citadel and furnished with as comfortable quarters as the convenience of the building would admit of.

On the 17th of September Gen. Scott republished his general orders, proclaiming martial law in places occupied by our troops with important additions. From these orders we copy that portion by which contributions are levied upon the capital, and the reasons therefor assigned:

14. For the safe and safety of both parties, in all cities and towns occupied by the American army, a Mexican police shall be established and duly harmonized with the military police of the said forces.

15. This splendid capital, its churches and religious worship, its convents and monasteries, its inhabitants and property, are moreover, placed under the special safeguard of the faith and honor of the American army.

16. In consideration of the foregoing protection, a contribution of $150,000 is imposed on this capital, to be paid in four weekly instalments of thirty-seven thousand five hundred dollars each, beginning on Monday next, the 28th instant, and terminating on Monday the 11th of October.

17. The Ayuntamiento, or corporate authority of the city, is specially charged with the collection and payment of the several instalments.

18. Of the whole contribution to be paid over to his army twenty thousand dollars shall be appropriated to the purchase of extra comforts for the wounded and sick in hospital; ninety thousand dollars to the purchase of blankets and shoes for gratuitous distribution among the rank and file of the army, and forty thousand dollars reserved for other necessary military purposes.

The next order we find is dated the 19th, and assigns to the troops their different quarters in the city. That portion of the order would possess no interest here, but the following paragraphs are of a gratifying character:

7. No private house shall be occupied by any corps or officer until all suitable public buildings within the above ranges shall be first fully occupied; and all officers attached to troops shall be quartered in public buildings when practicable.

8. No rent shall be paid by the United States for any buildings occupied by troops or officers without a special direction from general headquarters; nor shall any private house be occupied as quarters without the consent of the owner, or would therefore solicit the custom of those who feel disposed to encourage the manufacturing of the article in this city.

Orders directed to I BIRD, or Wright & Clarkson, Printers, corner of Diamond and Market street, will be promptly discharged. octi6tf

SELLERS' VERMIFUGE, "I consider better than all others."

Milnersville, Allegheny Co., Pa.,
October 2nd, 1847.

Mr. R. E. Sellers:—My son 21 months old, being very restless at night, and frequently troubled fever at times, I concluded he had worms, and having heard a great deal about your Vermifuge, I bought a vial and gave him a dose, which expelled 56 very large worms. I consider your Vermifuge better than all others.

THOS. P. STUBS.

Prepared and sold by R. E. SELLERS, 27, Wood st. Sold by Dr. Cassal, 5th ward; and D. M. Curry, Allegheny city. oc28

CLOTHING! CLOTHING!!

WE have on hand a splendid List of Clothing, which we will sell cheap such as—

Black, brown and blue Beaver Cloth, Ocer and Business Coats;
Black, brown, blue and green Sack and Business Coats;
Super Cloth Sack and Pale Coats;
Black and blue Cloth Cloaks;
Plaid and black Satinets;
Vests of all kinds, shapes and forms;
Pantaloons of all descriptions; and everything pertaining to our business.

oc28 ANCKER & MAYER

WALLETS—36 doz India Rubber Tobacco Wallets, wholesale and retail—a splendid article for gentlemen—just rec'd and for sale at Indian Rubber Depot. J & H PHILLIPS
N. B. We can supply the Wallets to any amount.
oc28

FLOOR OIL CLOTHS—
1500 yds 4-4 Oil Cloths,
300 " 6 yards wide, heavy article;
300 " 8 " " with border, of various patterns, just rec'd from the Philadelphia Factory, for sale at our ware room, 5 wood st.
oc28 J & H PHILLIPS

VENETIAN BLINDS—Just received an assortment of the best article of Venetian Blinds from the well known establishment of J A Brown, Allegheny city, on consignment for sale at our ware room, 5 wood st. J & H PHILLIPS
oc28

☞ American copy.

JUST IN TIME—6 pcs super French Beavers, Brown, Coffee, Violets and Blacks, at a small advance, piece or yard, direct from manufacturers.
ROBINSON, Importer,
oc28 Fifth st, near wood

STORAGE—The subscriber having leased the large Warehouse occupied by Dr. C. G. Hussey, No. 8 Commercial Row, are now prepared to store all favorable articles, goods and merchandise that are constantly received by insurance. J JORDAN & SON
oc28 18 liberty st, opposite head of market

FRINGES—Black Bullion, 2, 2½, 3, 3½, 4 and 5 inch fr. rec'd; for sale by
oc28 C ARBUTHNOT

COLLECTIONS—Drafts, Notes, and Acceptances, payable in any part of the Union, collected on the most favorable terms.
oc28 N HOLMES & SON 33 market st

EXCHANGE—New York, Philadelphia and Baltimore constantly for sale.
oc28 N HOLMES & SON

JUSTRECEIVED—Blue, brown, black and green Beaver Cloths, which will be made to order by
oc28 ANCKER & MAYER, 70 wood st

CLOTHS—Just received—Drab and Blue Pilot Cloths, which will be made to order by
oc28 ANCKER & MAYER

FIRE PROOF—2000 lbs Metallic Cement or Paint; just rec'd; for sale by J & H PHILLIPS
oc28 5 wood street

VESTINGS—Another Lot of Banaha Silk Vestings just received, which will be made to order by
oc28 ANCKER & MAYER

VELVETS—A splendid lot of French fancy Velvets just rec'd, which will be made to order by
oc28 ANCKER & MAYER

CASSIMERES—Fancy and plain Cassimeres just received, which will be made to order by
oc28 ANCKER & MAYER

JUST RECEIVED—Fancy and plain Doe Skin Cassimeres, which will be made to order by
oc28 ANCKER & MAYER

CASHIMERES—A lot of splendid Cashmere Vestings just rec'd, which will be made to order by
oc28 ANCKER & MAYER

INK—60 bxs superior blue and black, rec'd for sale
oc28 C ARBUTHNOT

BLACKING—2 bbls Mason's Challenge; for sale
oc28 C ARBUTHNOT

SUSPENDERS—200 drs direct from the manufacturies; for sale by
oc28 C ARBUTHNOT

HOODS, &c—200 doz woolen Hoods;
200 " " " Comforts;
140 " black Wadding; for sale by
oc28 C ARBUTHNOT

SHIRTS and Drawers of Lambs Wool for sale by
oc28 C ARBUTHNOT

TURPENTINE—16 bbls spirits in good order; for sale by J SCHOONMAKER & CO
oc28 45 water & 92 front sts

PEPPERS—African Bird Peppers in pod—very fine for pickling or pepper sauce—for sale by
oct27 J SCHOONMAKER & CO

SOAP—10 bxs best quality Palm for sale by
oct27 J SCHOONMAKER & CO

COLOGNE WATER—19 bxs genuine 'Farina' and 'James Anion;' for sale by
oct27 J SCHOONMAKER & CO

SHOT—10 kegs Shot, Nos 1, 2 and 3, just rec'd; for sale by LEWIS HUTCHISON & CO
oct27 45 water & 92 front sts

FLOUR—14 bbls extra Rye flour for sale by
oct27 S P VON BONNHORST & CO 33 front street

BUTTER—3 bbls roll for sale by
oct27 S P VON BONNHORST & CO

SUGAR AND MOLASSES—
17 hhds prime N O Sugar;
35 bbls N O Molasses, in good order; for sale on accommodating terms by
oct26 W & M MITCHELTREE 160 liberty street

CASSIMERES—1 case new style fancy Plaids, just opened; for sale by
oct26 SHACKLETT & WHITE, 89 wood st.

CLOTHS—6 pieces very heavy tand fine double twisted wool black Beaver Cloths, just rec'd; for sale by [oct26] SHACKLETT & WHITE

SHOT—20 kegs shot received, and for sale by
oct26 RDP & DALZELL & CO, liberty st.

SEED—40 bs Timothy Seed in store, for sale by
oct26 R DALZELL & CO

CHEESE—40 bxs landing; for sale by
oct26 R DALZELL & CO

HOPS—5 bales just rec'd on consignment; for sale by
oct26 MILLER & RICKETSON

BARRELS—112 Oak molasses Barrels just rec'd on consignment; for sale by
oct26 MILLER & RICKETSON

SEED—60 bs Clover Seed;
5 bs Timothy Seed on consignment and for sale by MILLER & RICKETSON
oct26 cor liberty & liberty sts

WHISKEY—Bourbon Whiskey for sale wholesale or retail by
oct26 MILLER & RICKETSON

MOLASSES—100 bbls N O in store; for sale by
oct26 MILLER & RICKETSON

VARNISH—4 bbls Eastern Copal Varnish, Nos 1 and 2 for sale by JOHN D MORGAN
oct25 93½ wood st

SP. TURPENTINE—10 bbls just rec'd; for sale by J D MORGAN
oct25

SP. BROWN—1 cask (300 lbs) for sale by J D MORGAN
oct25

COPPERAS—12 bbls for sale by J D MORGAN
oct25

LOGWOOD—25 bbls chipped for sale by J D MORGAN
oct25

CAMWOOD—6 bbls rec'd; for sale by J D MORGAN
oct25

LIMENT—4 gross Nerve and Bone Liniment for sale by J D MORGAN
oct25

LAC DYE—1 bbl ground for sale by J D MORGAN
oct25

WINE—L P Madeira Wine on draught and in bbls for sale at the wine store.
JACOB WEAVER
oct25 cor front & market sts

MADEIRA—J B S & Co madeira for sale wholesale or retail at the wine store.
oct25 JACOB WEAVER

CITY NEWS.

INSTALLATION.—At the installation of the Rev. Nathaniel West as Pastor of the 5th Presbyterian church, the Rev. Mr. Sparks preached the usual sermon, Rev. Mr. Porter presided, and put the constitutional questions to pastor and people. The Rev. Dr. Riddle delivered the charge to the Pastor, and the Rev. Mr. Morse the charge to the Church and Congregation.

NEW BROWNSVILLE PACKET.—The fine Steam Boat Danube, as will be perceived by reference to our advertising columns, is to ply as a regular Trader between this City and Brownsville. Additional facilities of intercourse has been of late much wanted on this navigation and we have no doubt that the Danube will meet with a full share of patronage.

KANSAS INDIANS.—A trio of Kansas Indians—Ken-ne-wil-lah, 2d chief of the tribe; Pa-ha-ra wa-ka, 1st Captain, and Ca-sa-a-lah, Interpreter, arrived here yesterday on the Lady Madison.—They are on their way to Washington City—and are supposed to be a delegation, from their tribe to our Government.

DEATH OF A VOLUNTEER.—A letter received in this City yesterday, from New Orleans, states that Mr. Josiah Jewell, Son of David Jewell, of this City, died at that place of intermittant fever. He was one of the Kentucky Volunteers under General Taylor, and taken prisoner by the Mexicans at Encarnacion—was exchanged, and on his way home when he was taken sick.

BREAK IN THE ERIE EXTENSION.—We learn that a very serious break has occurred in the Erie Extension canal near the place where that improvement branches from the Ohio cross cut. Nearly a mile has been washed away by a heavy flood produced by the late rains.—*American.*

The Common Council postponed the consideration of the Ordinance authorizing the Water Committee to supply the higher portions of the city with water.

THERE were nine cases before the Mayor on Wednesday morning. Six were committed for want of bail, and the balance discharged upon payment of fine and costs.

"THE DAY BOOK," is the title of a daily evening paper about to be established in this city, by W. A. Kinsloe. The first number will be issued on Monday next.

BY MAGNETIC TELEGRAPH.

Correspondence of Pittsburgh Gazette.

Correspondence of the Pittsburgh Gazette.

BALTIMORE, Oct. 27, 3 P. M.

Col. John S. Skinner, for many years Post Master of this city, and Assistant Postmaster General under John Tyler, died last night. Mr. S. has been in many ways connected with the public press, and was at the time of his death editor of the "Farmer's Journal" and the "Sporting Magazine." He was widely known and respected.

Richard J. Turner, who was indicted for defrauding the Mechanic's Bank of Baltimore, had been tried and acquitted.

Correspondence of the Pittsburgh Gazette

Good News from Florida.

Richmond, Oct. 27, 9 A. M.

The Southern Mail has arrived, but brings no news from the Army.

The Whigs have carried a majority in both branches of the Florida Legislature.

Exclusive Correspondence of the Pittsburgh Gazette.

PHILADELPHIA MARKET.

PHILADELPHIA, Oct. 27, 4, p. m.

Flour—Moderate sales of Western brands at $6,75 per bbl. There are more sellers than buyers at this figure.

Cornmeal—Sale at $3,50 per bbl.

Rye Flour—Limited sales at $5,25 per bbl.

Wheat—Sales of Southern prime Red at 135c per bu.

Corn—Prime Yellow at 76a77c per bu—market drooping.

Oats—Sales at 45c per bu.

Whiskey—Sales at 30c per gal.

Coffee—Sales of 1000 sacks Rio at 7¼a7¾ per pound.

Provisions—There is less inquiry in the market.

The market generally is without change. Dealers are holding off for the foreign news.

Exclusive Correspondence of the Pittsburgh Gazette

BALTIMORE MARKET.

Baltimore, Oct. 27, 3 P. M.

Flour—Sales of 300 bbls Howard st brands at $6,87½, and 3000 bbls City Mills at $6,12½ per bbl—held generally at $6,25 per bbl.

Wheat—Prime White is selling at 128a131c, and at 136a139c per bu, as in quality and quantity. Sales of 5000 bu at 123a131c per bu. Market unsteady.

Corn—Sales of White, not strictly prime, at 64a65c; prime Yellow is selling at 70c per bu.

Oats—Moderate sales at 40c per bu.

Rye—Sales at 85c per bu.

Whiskey—Regular sales at 31c per gal.

Groceries and Provisions continue without change.

Exclusive Correspondence of the Pittsburgh Gazette

NEW YORK MARKET.

Oct. 27, 3 P. M.

Flour—Owing to the Eastern demand the market is firm, with some activity.

Wheat—The market is active for good, but rather dull for an ordinary quality. Sales of prime White at 150c per bu.

Corn—There is a steady demand in the market, and holders are trying to force an improvement. Sales of prime White at 73c per bu; prime Yellow is selling at 76a78c per bu.

Provisions—There is less inquiry for Provisions, and the market is heavy.

Whiskey—Sales at 32½c per gal.

NEW ORLEANS MARKET.

Oct. 21, 1847.

Cotton—The market is quiet, with a slight decline in prices.

Sugar—Sales of N. O. fair at 7½c per lb.

Molasses—Regular sales at 34c per gal.

Corn—Sales of prime Yellow at 63c per bu.

CURIOUS CASE OF MADNESS.—The Boston Transcript says that several instances of alienation of mind produced by reading the details of the Preslin murder, are mentioned in the French papers. One young lady, recently married, holds the husband of her choice in such dread, that she barricades herself in her chamber by night, and repels all his advances by day as so many attempts at assassination; and their honey moon is not yet ended. A workman of St. Etienne was suddenly stricken with madness after reading the horrible accounts of the Preslin tragedy. Placing himself before a mirror with a pistol,