The Pittsburgh Post.

VOLUME XVIII. PITTSBURGH. TUESDAY MORNING, NOVEMBER 22, 1859. NUMBER 32.

The Daily Post.

JAMES P. BARE,
EDITOR AND PROPRIETOR.

TERMS:—Daily, Five Dollars per year, strictly in advance. Weekly, Single subscriptions Two Dollars per year; in Clubs of five, One Dollar.

LOCAL AFFAIRS.

Departure and Arrival of Passenger Trains.

Pittsburgh, Fort Wayne and Chicago Railroad.
(From corner of Liberty and Grant streets, Pittsburgh.)

	Leaves.	Arrive.
Mail and Express Train	1:50 A. M.	3:30 P. M.
Express Train	1:45 P. M.	2:10 A. M.

(From Federal Street Station, Allegheny, for New Brighton and Way Stations.)

	Leaves.	Arrives.
First Train	9:40 A. M.	8:15 A. M.
Second Train	4:40 P. M.	2:10 P. M.

Pennsylvania Railroad.
(From corner of Liberty and Grant streets.)

	Leaves.	Arrives.
Express Train	4:40 P. M.	1:40 P. M.
Mail "	5:50 A. M.	1:15 A. M.
Fast Line "	2:50 A. M.	1:45 A. M.
Johnstown Accommodation	3:35 P. M.	11:00 A. M.
First Turtle Creek "	11:20 A. M.	6:50 A. M
Second " " "	4:05 P. M.	1:10 P. M.
Third " " "	6:20 P. M.	6:10 P. M.

Pittsburgh and Connellsville Railroad.
(From Liberty and Grant streets.)

	Leaves.	Arrives.
Mail Train	7:00 A. M.	6:15 P. M
Express Train	4:30 P. M.	8:45 A. M

Conclusion of the Greensburg Libel Suit—Arguments of Will A. Stokes and E. A. Cowan, Esqs.—The Charge of the Court and the Verdict of the Jury.

We conclude our report of the libel suit at Greensburg:

Mr. Stokes followed, for the defence, in a characteristic, able and logical argument. He began by saying that the Crontor had made two great classes—the beasts, perishing with their bodies, and man, the immortal image of himself. The former had no moral responsibility, but man is morally answerable to Him for all deeds done in the body. At the final account God searches the hearts of men, and therefinds, in its condition, the evidence of guilt or innocence. All earthly tribunals derive their power from the great source of all, and these tribunals are also bound to examine into the heart. There is no guilt without intention, and although an act may be monstrous in itself, in the absence of motive or malice there can be no conviction. He compared the attempt to convict his clients of an offence for which they could have no'motive, to the undying and irrepressible conflict' between freedom and slavery. The law of libel, he said, is one more open to abuse than any other. Our farefathers contended for and insisted upon the liberty of the press. Cæsar imposed heavy penalties for libel and forbid the publication of the laws, which all were bound to obey. Four centuries ago, in an obscure corner of Germany, a light broke forth with the invention of the art of printing, which was attempted to be extinguished by judicial appliances. Now a similar attempt was made to fetter that great engine.

He agreed with the gentleman who opened this case that it was an important one, for he believed that if the doctrines contended for by him prevailed; the death knell of the freedom of the press had been struck.

He said it would be a mockery of justice to allow this case to be determined upon the petty issues which had been formed, and hoped it would be decided upon the broad ground of right. The question here was whether it was libelous to publish the proceedings of a court of justice. The framers of our constitution made the courts of justice open to all; they knew that judges had been corrupted—they knew the effects of the Spanish inquisition, and determining to avoid the possibility of the corruption arising from secret tribunals, made it a part of the constitution that judicial officers should be held to a strict accountability for all their acts, by making those acts public—and to-day we are brought here to answer for letting the people know of these proceedings. If all in this court house have a right to hear the proceedings of to-day, are not all alike privileged to know them? King Alfred dispensed justice in the open air before all the people, and he claimed equal privileges in this country.

He did not subscribe to the doctrine that counsel at the bar may say what they please.—Every man is bound by a moral responsibility, and there is nothing baser than to take advantage of the privilege of an attorney to heap up coals of fire upon the head of any man. There was a limit to what ought to be said in court, and that limit should be fixed by what could be said out of court.

Every man in the hearing of his voice might go out and tell his neighbors of what had transpired here; so every newspaper had the privilege of publishing the same, and for this right he should contend.

Mr. Stokes then gave an interesting history of the English law of libel, and cited many instances in which it had been sought to control the liberty of the press, refering to the fact that no newspaper or play can at this day be published in England without the consent of government. The jury would be asked to convict under the English law, and he held that judicial decisions from judges under a monarchial government could not be relied upon. Whenever England is to rule us by the decisions of her courts, in matters of prerogative, the day of our downfall will have arrived. The whole history of English libel law was the history of the struggle for the freedom of the press.

This is said to be an unfair report of proceedings because the record is not published. Will it be said that one who hears the same proceedings cannot communicate them without also communicating the record? Then the question recurs, was it accurate? Are not the Judges, the Clerk of the Court, the District Attorney, and the reporters who were there to take down the proceedings, competent to judge of its fairness? If the jury believe those six men of unimpeachable character, they are bound to give defendants the benefit of any doubt, and if they are convinced there was no malice, acquit them. This was the broad ground on which the case rested. It was preposterous to punish a man for an offence the commission of which he had no knowledge of, and equally so to punish him for the act of the reporter.

Mr. Stokes then referred to the indictment, the first count of which set forth that the inuendo contained in the title of the article, "a modest lawyer," was that he was greedy and an extortioner. He asked the Court to charge that the inuendo must arise from the words, and the jury would understand that the inference could not be drawn. If this inuendo be not found true, they must acquit on the entire count. In the same count "the said Frederick Collier" was mentioned, and his name had not before occurred. Again the count charges as inuendo that the handwriting of the receipt was that of James M. Carpenter, which is a false inuendo. The second count charges as inuendo that attorney Carpenter had attempted to defraud the woman by means of the receipt, when administrator Carpenter is referred to. On these defects he argued to the jury.

The press had been violently and indiscriminately attacked here, and he felt sure that the jury would not sanction the views of the prosecution. The business of the jury is not with Mr. Carpenter. They must examine and see if the defendants are guilty of a malicious act. Remember that the newspapers are a part of the great whole—they are the amusers and instructors of the age and the people:

"Be to their faults a little blind,
Be to their virtues very kind;
Let all their thoughts be unconfined,
Nor clap your padlock on the mind,"

Mr. Stokes, after a recess of one hour and a half, for supper, pointed out another inaccuracy in the indictment, and concluded by referring to a few authorities on the points argued.

Mr. Cowan followed with the closing argument to the jury for the prosecution. He said this cause was important because it was the the first of its character which had ever been tried in Pennsylvania, and as it would be a precedent it should be considered with more than ordinary attention. The jury, as in all cases, were bound to decide the case under the law and the evidence.

He had no unkindly feeling towards any of the parties; he had known one of the defendants for many years, and respected both highly. The jury need not fear that if convicted the parties would be severely punished; that was not the intention: the object of this prosecution was to draw the line of privilege and establish the law.

One great object of the law is the protection of character, especially in this country, where it is often a man's only heritage. We do not inquire into his birth, but his character; if good, we respect, if bad, we condemn him. We are a mixture of good and bad, therefore the law considers this, and considers that a good character in which the good predominates, and that a bad one which is below the average standard of good. Every man will stand by his character as by his property or life, and will often hazard both the latter in defence of the former. When a spot is on our escutcheon, we wish to rub it off. The law respects our character, and knowing this feeling, protects it as life, limbs or property. If the law did not we would protect it ourselves—seekin g our own redress. We have a right of self-defence in this, and we give up the right to the law for the sake of order. This is why libel constitutes an offence.

The law fixes a higher grade on written or printed, than upon oral slander, as that which is no slander in the mouth of a single man, becomes much more serious when posted on a wall or circulated by means of a newspaper. Anything which is calculated to bring a man into disrepute is a slander, and against this slander we are all entitled to a defence. If a slander is circulated all over the country it deprives the victim of this defence. If I am slandered in a newspaper I have no means of counteracting the slander. Unless my faults are reprehensible no one has any business with them except the law—if reprehensible they are punishable by the law.

He was an advocate of the liberty of the press—not the liberty of defaming men as it pleases—not the liberty of gathering up the blackguardism and filth and garbage of courts and scattering it broadcast over the land. The liberty of the press in this country is secured, but its conductors are responsible for its abuse or license. If it is a great engine for the dissemination of truth it is also a great engine for the scattering of lies, and we must somewhere draw a line.

This case is one in which a member of the bar is assailed, in the *Dispatch*, by an article reflecting on his character, accusing him of grasping at the means of the widow and the fatherless. Mr. Carpenter asks what right defendants have to do this. They come into Court and allege—not that this is true—but, admitting its falsity, say that his name was dragged into Court by a lawyer, in a case in which he was not concerned, and that his statements were taken and published, and claim that they are privileged to make a report of such proceedings, while the prosecutor cannot complain. Such a defence is unnatural. There is no difference between publishing obscene and improper evidence on criminal trials and the promulgating of such statements as this. Editors have mistaken their functions—they have deserted the liberty of the press—they have departed from the discussion of great fundamental principles and have descended to the publication of obscene, libelous, libelous paragraphs. They treat us daily with reports of adulteries, rapes, and the very cancers of society, filling men up with a contemplation of the mass of wickedness until they almost fear that God has forsaken the world. The man who calls this the liberty of the press has mistaken its mission, and the press itself will soon do likewise.

The jury are the judges of the facts and of the law, as interpreted by the Court. What is the law of libel? Defendants come in and undertake to show that the report was a fair one. We contend that it was garbled, partial and defamatory, and cannot be considered a fair report. Both sides of the case will have been published. Now what is this report? [Mr Cowan read portions of the libel and commented upon it, illustrating its effect upon Mr Carpenter by the well-known story of the boys and the frogs. He refuted some of the statements made in court, and put on the report some exceedingly ludicrous constructions.]—But if all this were true, no one had any right to come in and spread it before the public.

Mr. Cowan said the English law was a model for the world. English judges and lawyers stand as high as any in the world for honesty, integrity and independence. He would quote some English law in support of this view, and also some American authorities, to controvert which the opposing counsel had offered none whatever. [The gentleman then read to the jury a number of authorities, chiefly from the English Common Law Reports, occupying more than half an hour.]

He hoped he had now satisfied the jury that the publication had been unfair and unjust, and that they would act accordingly in making up their verdict. He thought it would be better to fill newspapers with what was good and profitable and great and sublime and manly than with the records of murders, rapes, robberies, &c. The public is admitted, had a conscious nausea for the latter, as illustrated by the Sickles case, and more recently by the Rutherford trial, but he did not think it well to gratify this taste. So far as this case was concerned, he had no doubt of the duty of the jury, they ought to stop this sending out of garbage and filth—allowing no one to make themselves an outside tribunal. Let the defendants know that they cannot publish anything they please, even though they may get it in court, where it might be presumed to be correct.

As to inuendo no one would presume that the caption of the article actually conveyed the idea that Mr. Carpenter was a modest lawyer, and if it meant anything else, it was an inuendo; and so with the rest of the objections to the indictment.

It had been contended that defendants had no malice, and were therefore not responsible for the acts of their reporter. If they put their names at the head of a paper, and employ others to fill its columns, the responsibility is none the less. It is no defence to say that Mr. Forster never saw the article until after its publication. It is so much the worse for him. If he is so careless as to allow matter to be published of which he knows nothing, he should suffer for it. Malice is exhibited by its effects, and the publication itself implied malice.

He would now leave the case with the jury, hoping they would consider the facts and the law carefully, remember the rights of the prosecutor, and by their verdict let these defendants know that there is a limit to the license, miscalled the liberty of the press.

Mr. Cowan spoke for two hours, concluding at ten o'clock, when Judge Buffington immediately charged the jury, as follows:

GENTLEMEN OF THE JURY:—The present is a criminal prosecution for a libel. The offence is defined to be "a malicious publication, expressed either in printing or writing, or by signs or pictures, tending either to injure society generally, or to blacken the memory of the dead or the reputation of one living, and expose him to public hatred, contempt and ridicule." The publication by defendants of the alleged libel is not disputed.

The constitution of the State provides that "the free communication of thoughts and opinions is one of the invaluable rights of man; and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty; and in all indictments for libel the jury shall have the right to determine the law and the facts, under the direction of the Court, as in other cases."

By these provisions of the Constitution you will observe that you are made the judges of both the law and the facts. This, however, is to be done under the direction of the Court. The jury are not to make a new law to suit the present case, nor to alter the existing laws of the land, but you are to judge the case from a fair examination of the facts, and the law as it has been settled and determined.

The right, under the above provisions of the Constitution, freely to speak and print on any subject, does not confer the unlicensed privilege upon one man to defame others at his will and pleasure, but it has been determined to mean that no restraint or censorship shall be set upon this valuable right, but if abused, the perpetrator is to be held responsible.

In the present case it is alleged by the defendants' counsel that in the indictment there are various inuendos which do not fairly represent the meaning of the writer, and are therefore not true, and thus the jury cannot find the truth of any one count. It is the office of an inuendo to explain and make manifest some part of the charge which does not obviously appear upon the face thereof. It cannot enlarge or extend the meaning or subject matter in the charge, but merely make that obvious which is otherwise somewhat obscure. If the subject matter is sufficiently plain, an inuendo serves no purpose, and although some of the material inuendos may not be sustained, still if there is enough to make out the charge fully, the failure to find the truth of all need not vitiate what is otherwise sufficient. The truth of the inuendos is also for the jury; and it is necessary for them to find the truth of the material inuendos, where the meaning is not sufficiently plain without them.

It is in evidence that the prosecutor, James M. Carpenter, and the person charged to have been defamed, was an attorney of this court. The profession of an attorney is one of great responsibility, and is the means by which he obtains a reputation in society, and by which he procures a support for himself and his family. It is his profession, his occupation. He is an officer of the court, under peculiar and especial duties of fidelity to the court and to his client in the discharge of his duties. He obtains the office and the privileges connected with it after a long course of study and diligent application, and his character for integrity, good behavior and moral standing is a pre-requisite to his admission to those privileges. His success in his profession, which is not, like many others under the government, a monopoly, depends upon his skill, his diligence and integrity. It is by these means, and these alone, he can hope to succeed in acquiring the confidence of the community, and thus render himself prosperous in his business and respected by the world. For these reasons, his character, not only as a man, but his profession as an attorney, is entitled to protection and vindication. Any false publication, therefore, that tends to degrade him as a man, to bring him into contempt, ridicule or disgrace, and which injures or is calculated to injure him as an attorney, to destroy or impair his reputation for integrity in his profession, is libelous, and as such punishable criminally.

In the present case the Commonwealth complains that the publication which has been read in evidence is of that character. The jury will consider the terms of this publication carefully, and will judge it according to the rules we have laid down. Does it, in the judgment of the jury, tend to injure and degrade him as a man—to bring him into ignominy, ridicule or contempt—or to destroy or impair that character for integrity and fidelity which is so important to his success in professional life, and which is essential to secure the confidence of the Court, and to protect him in the enjoyment of his office as an attorney. If the jury believe this publication was of such nature as to produce the effects and consequences spoken of, then it was a libel. I shall not analyze the publication, as you have heard it so abundantly commented on—but under the instructions we have given you as to what constitutes a libel, we leave the duty to the jury of drawing the conclusion whether the publication was a libel or not.

If the jury believe that the subject matter of the publication was libelous, and calculated to degrade, disgrace, or injure the prosecutor as a man or an attorney, the next question for you is: was it malicious? Legal malice does not necessarily mean a bad heart and a malignant disposition. The act is true, constitute malice of an aggravated character. If a libelous publication is made, calculated in its tendency to degrade another, malice is presumed, unless it was done from some justifiable or excusable cause. When a man perpetrates any act of a criminal nature which is calculated to injure another in his reputation, his person or his property, he ought to know that the reason and cause of his doing so is such as confers upon him the right to do so. If it turns out that he had no such right, then the law implies malice from the absence of a sufficient justifiable or excusable cause. This, gentlemen, is what we understand by the term legal or implied malice.

If, therefore, the publication in this instance, in the judgment of the jury, was libelous, and calculated to injure and disgrace the prosecutor, then, in the absence of any justifiable or privileged cause, malice results as an implication of law. And this averment in the indictment would be sustained, although the defendants may have had no intention to injure him.

The question then arises, whether there was in this case such justifiable cause. They do not propose to justify on the ground that the facts in the publication, reflecting upon the prosecutor, are true—but upon the ground that the publication was a fair account of the judicial proceedings that occurred in the Orphans' Court of Allegheny county. To make out this defence a number of witnesses have been called and documents adduced. The District Attorney, Mr Collier, the President and Associate Judges of the Orphans Court, the Clerk and others, and the reporter who drew up the article, have been called. Their evidence is for the jury. You will decide whether this evidence proves that the publication was a fair detail of the judicial proceedings. If it was not, in your opinion, then the defence, on this ground, fails.

But if you come to the conclusion that it was, then the question arises, whether, in point of law, they had a right to publish it in the way they did. The rule in regard to the whole subject, and a due regard to public interest and the administration of justice, in which a man is privileged to speak and write of another in terms of severity and detraction. A member of the National or State Legislature may do so, and he is not to be held accountable in any other place. So, gentlemen, in a court of justice, the judges and the counsel, whose duty it is to analyze the testimony with care and scrutiny, and sometimes with much severity—they are not to be held responsible, except they exceed their privilege, and, from express malice, or from actual malignity of purpose, turn aside to defame their fellow-man.

From principles of policy, also, the public journalists of the country are privileged to publish fair accounts of the proceedings of our judicial tribunals. Courts of justice are open—and the people at large have a right to know what is transpiring in them, and accurate and fair reports of proceedings of the court may with propriety find their way into the public newspapers. But this is to be done under some proper restrictions. What witnesses testified to, where all the material evidence is given, is privileged, because the witnesses testify under the sanction and obligations of an oath. So the conclusions of law, as laid down by the Court, and the reasons therefor, may also be published, because they may be proper for public information, and because they are enunciated under their responsibility to the constitution and laws. But this publication must be a fair, accurate and correct one. A publication of proceedings in a court of justice, containing defamatory matter, would be a libel if the account be highly colored or false, or be commented upon with scandalous remarks and insinuations, or where it does not set forth all the material evidence, or where the publication is not for the mere purpose of publishing the account, but expressly for libeling the party. The fairness of the report is also a question for the jury—[7 Johnston, 571.] This, gentlemen, seems to be the law so far as regards the proceedings of the court proper, the evidence of the witnesses and the judgments of the court.

But whether this applies to the allegations and arguments of counsel is not so clear. Counsel do not act under the same sanction in the advocacy of their clients' cause, as do the Court and the witnesses. They act under the responsibility of fidelity to the Court, it is true, but also of fidelity to their client, and a wide range is allowed to them in commenting severely on the testimony of the witnesses and the conduct of the opposite party. This may be necessary in the investigation of the truth, with a view to the correct administration of justice. The counsel is privileged in doing so; but the question is whether these severe and detracting arguments, strictures and observations may be published to the world, where the same necessity and propriety does not exist. I have devoted some examination to this subject, and some careful reflection, and I have arrived at the conclusion that the right to publish the defamatory comments and declamations of counsel does not exist.

The jury will therefore carefully consider this matter, and say whether, from the whole of the evidence of the highly respectable witnesses who have been examined, this publication was a fair representation of the proceedings of the Court, so far as the law permits it to be published, or whether it exceeds the privilege thus accorded to public journalists.

This case, gentlemen, is one of more than ordinary importance, not only in its bearings upon the defendants, but in the delicacy of the principles involved. On the one hand, we are to protect with jealous care the liberty of the press, in all its proper and legitimate functions; and on the other hand we are to see that the reputations of individuals are not improperly assailed and their characters and conduct proclaimed to the world in a disgraceful light. Just how far a public journalist may go with impunity, and where he must stop, is one of the difficult questions that necessarily embarrass so delicate a subject.

In this case, as in all cases of the kind, it is left for the jury, under the directions we have given you, to perform that task. I repeat, gentlemen, you are the judges of the law and facts both. If, upon a careful view of the whole case, you are satisfied, beyond a reasonable doubt, that the Commonwealth has made out the offence, then it will be your duty to find the defendants guilty; if you are not so satisfied, then your verdict will be that of not guilty.

The jury retired at half past ten, and at half past eleven brought in a verdict of "Not guilty and defendants pay the costs."

The case of Carpenter vs. the *Post* was continued by the Court until next term.

Bank Elections.

Each of the city banks held their annual election for thirteen directors, on Monday. At nearly all collations were served up, which were discussed by the stockholders. We give the results below. Those marked thus [*] are the new directors, the others having been members of the old Board:

Exchange Bank.—Thomas M. Howe, James B. Murray, James Anderson, William B. Pusey, Alexander M. Wallingford, David M'Candless, John A. Wilson, John Sampson, William J. Anderson, John B. Canfield, Edward Gregg, John H. Shoonberger,* George Darsie.*

Bank of Pittsburgh.—John Graham, Thos. Bakewell, James Dalzell, William Holmes, Joan Irwin, Wm. M'Knight, N. Negley, Jr., M. Whitmore, Henry Palmer, Lewis Hutchison,* Dennis Leonard,* C. W. Ricketson,* John Bissell.*

Merchants' and Manufacturers' Bank.—H. L. Bollman, Robert Galway, R. H. Hartley, R. B. Sterling, William P. Baum, *George R. White, George Black, William Barker, Walter Bryant, Morris Jones, William Wilkins, *G. E. Warner, Thomas Gibson.

Citizens' Bank.—*Francis Sellers, Henry Lambert, B. L. Fahnestock, Springer Harbaugh, Thomas Fawcett, R. H. Falmer, John Robb, *Frank Rahm, *Geo. A. Berry, *Geo. S. Head, *W. S. Bissell, *J. J. Gillespie, *Jos. Dilworth.

Mechanics' Bank.—William B. Holmes, Reuben Miller, Jr. Robert Dalzell, *George W. Cass, James I. Bennett, *John K. Wilson, *James A. Hutchison, William J. Morrison, W. H. Smith, John S. Cosgrave, Thomas McKee, Alexander Gordon, Henry Hays.

Allegheny Bank.—H. Hepburn, David Campbell, Wm. Bagaley, C. G. Hussey, R. D. Lech, Jr., C. W. Ricketson, Reuben Duvern, R. Biddle Roberts, Thos. S. Blair, *Wm. Coleman, *Joshua Rhodes, *Jas. T. Wood, *Thos. A. Scott.

Iron City Bank.—James McAuley, W. Beatho, G. Albree, T. McCance, Peter R. Friedley, J. R. McCune, D. Leet Shields, R. Robison, *Andrew W. Smith, *Daniel Euwer, Wm. Thaw, *Wm Frew, *J. G. Campbell.

The Bond Cases in the Supreme Court.

In the Supreme Court on Monday, the case of the Commonwealth ex. rel. Mr. Armstrong vs the Commissioners of Allegheny county, an application for a peremptory mandamus to compel defendants to assess a tax to pay interest on the $75,000 subscribed by the county to the Allegheny Valley Railroad, was argued. Mr. Harding opened the case for the relator, and was followed by Thomas Williams and Thomas Howard, Esqs., for the county, Eli K. Price closing with an able argument for the petitioner. The same counsel argued another case with the same title, involving the validity of the county subscription of $75,000 to the Conneiaville Railroad.

The Commissioners have filed their reply to the rule of Court asking why they did not obey its order in the Thomas case. They allege that the accounts are made in a manner that they cannot levy a tax until they ascertain the amount of interest to be raised. This answer may satisfy the Court, but if it should not they may be imprisoned for contempt.

SUICIDE AT THE POOR HOUSE.—A middle aged woman, named Mrs. Kerr, committed suicide at the City Poor House by drowning. She came here with her husband and three children, about a month since, from the West, the family being in destitute circumstances. Two of the boys proceeded to New Jersey on foot, while father, mother and the other boy sought refuge in the Poor House. Mrs. Kerr had been in low spirits from sickness and trouble, and on Friday evening quarreled with some of the inmates of the Poor House about her place at table. After supper she was missing; a search was unsuccessful, but in the morning her husband found the body of his wife lodged against a log in the river, with life extinct. Coroner Bestwick held an inquest and the jury found a verdict of suicide by drowning.

DECISIONS IN THE SUPREME COURT.—The following opinions were delivered in the Supreme Court on Monday, a full bench sitting:

Alexander vs. Morgan, District Court. Affirmed. Per Curiam.

Cochran vs. Robinson, District Court. Affirmed.

Nelson vs. Shippen, District Court. Affirmed.

Mundorf vs. Grier, District Court. Affirmed.

Chess vs. Ammon, District Court. Affirmed. Opinion by Woodward, J.

Patton vs. Wilson, Common Pleas. Affirmed.

Commonwealth ex. rel. Harold vs. Westmoreland county. Westmoreland. Affirmed. Opinion by Woodward, J.

AMPUTATED BY A RAILROAD CAR.—On Saturday morning a colored boy named William Stills, about ten years old, was playing on the track of the Pittsburgh, Fort Wayne and Chicago Railroad, near Federal street, jumping on trains, riding a short distance and jumping off, when he fell across the track in front of one of the shifting locomotives, which passed over his right leg above the ankle, severing it almost entirely, and leaving it hanging only by the skin. Dr. Dickson amputated the limb below the knee. The boy is in a fair way of recovery, but he narrowly escaped with his life. We hope this may prove a warning to other boys, who will persist in such dangerous amusement.

FATAL RAILROAD ACCIDENT.—Another sad instance of the danger incurred by boys who jump on railroad trains, occurred on Saturday evening. A lad named William Allen, about ten years old, only son of James Allen, of the Fifth ward, attempted to jump upon a coal train passing out of a coal yard on Liberty street, when he slipped and fell under one of the cars, which passed over him about the middle, killing him instantly. An inquest was held and the jury found that the boy met his death by accident.

ON Sunday the Citizens' Passenger Railway Company ran four cars between the city and Lawrenceville, at short intervals. A letter box was placed in each car for the convenience of the public, and as the mail was carried on them no one could object to their running.

BISHOP SIMPSON lectured, to a large audience, last evening, at the Smithfield street M. E. church on "Turkey and the Holy Land," which countries he has recently visited.

MISS FANNY MORANT.—This lady made her first appearance at the Pittsburgh Theatre, last evening, in the character of Julia, in the "Hunchback." We were present during a part of the evening and received a favorable impression. She has a fine face, commanding figure, sweet voice, good stage action—in fact all the requisites for a good actress. If we mistake not she will be a favorite here. Tonight she appears in a new play, written for herself, entitled "Plot and Passion," which will fully display her capabilities. She is well worthy of a liberal support, and will, we trust, receive it.

TURNERS' THANKSGIVING FESTIVAL.—The Turners are preparing for an interesting festival at the Apollo Theatre on Thanksgiving night. The five tableaux of Schiller's "Song of the Bell" will be repeated, and Mr. D. L. Eaton will, by especial request, recite that poem in English and Mr. Ludwig in German. Other tableaux and gymnastic exercises will make up the programme, which will appear to-morrow. We anticipate a large attendance.

BRAKEMAN HURT.—John Henry, a brakeman on the C. & P. Railroad, was so seriously injured by a freight train at Smith's Ferry, a day or two ago, that his recovery is very doubtful. He was sent ahead to signal a train, when he fell asleep upon the track. The "pilot" of the engine struck him and knocked him some distance from the track, inflicting very dangerous injuries.

THE UNITED STATES CIRCUIT COURT transacted no business yesterday, owing to the illness and consequent absence of Judge Grier, and the unwillingness of Judge McCandless to sit in the bond cases, which it was expected would be taken up. The court adjourned until ten o'clock this morning.

FALSE RUMOR.—It was currently reported, on Saturday evening and Sunday, that the tow-boat "Jim Watson," had burst her boiler, at some point below, and exploded, killing the captain and several other persons, but the rumor was not confirmed.

THE contract for the building of the East Liberty Passenger Railway has been awarded to Messrs. T. R. Floyd and B. C. Sawyer, who have the means and disposition to build it immediately.

THE BOARD OF TRADE will resume its sessions to-day, meeting at 11 A. M., until further notice.

THE winter approaches, and everybody will need warm and comfortable clothing. This they can obtain cheap, well and fashionably made, and of the best and most substantial material, at the establishment of W. H. McGee & Co., corner of Federal street and the Diamond, Allegheny City. Their stock of fall and winter goods is large and well selected. They employ the best of workmen and always please their customers. They give especial attention to boys' clothing. Call and look at their goods.

MECHANICS' INSTITUTE.—This Institution, the want of which has been so long felt by our citizens is now open under the superintendence of Messrs. Bunnell & Johnson, in the Lafayette Building, Fourth street, Wood street. It is designed for the permanent exhibition of the products of Mechanics, Manufacturers, Inventors, and Artisans, and as a place of resort for those seeking information relative to those branches of industry, and for the dissemination of useful and scientific publications. Those having articles to bring before the public would find it greatly to their advantage to locate here.

☞ The public are respectfully invited to visit the institute.

HEATING BY STEAM.—As a testimonial of the satisfaction manifest perfect in every respect, by those who have adopted the system of heating by steam, we publish the following letter, recently received by Messrs. Isaac and Phillips, proprietors of Phillips & Co.'s (late of Pittsburgh) Patent Steam Heating Works, Wood street, Pittsburgh, and which we, from our knowledge of the parties, and of the Steam Heating Apparatus, which they have put up, and we would recommend them to the public as fair and honorable men, and the apparatus as perfect:

R. Miller, Jr., John Marshall, Jr., M. Tassey, Jr., Wilson, John Wilson, J. Wilson, Directors.

DAVIS & PHILLIPS,
Steam Heating, Gas Fitting, Plumbing and Tin Ware, Manufacturers of the Patent and Proprietors of the Patent of Steam Heating
No. 85 Wood and 85 First street, Pittsburgh.
dec1:1y&w

COMMERCIAL.

Stage of Water.

River—Seven feet four inches water in the channel.

PITTSBURGH MARKETS.

Reported Expressly for the Daily Morning Post.

PITTSBURGH, November 21, 1859.

Prevailing weather cloudy, with rain. Temperature mild.

Flour...Sales of 100 bbls from store, at $4.62½@4.75 for superfine, $5.25@5.37 for extra and $5.62½@5.75 for extra family, fancy brands $6.00.

Rye Flour...Sales 10 bbls from store, at $4.75.

Grain...Oats—Sales of 500 bush at retail hands at 45 cts.

Hay...Sales 1 load from scales at $19 ⅌ ton.

Seed...Sales 200 bush. Flax from first hands at $1.12 ⅌ bushel.

Oil...Sales 10 bbls. Lard No. 1 at 60c ⅌ gallon, 50 bbls. Linseed at 60.@62c.

Coal...Sales 50 tons Anthracite at $4.25 ⅌ ton.

Fire Brick...Sales 30,000 common and extra Bolivar at $20 and $25 ⅌ 1000.

Buckwheat Flour...Sales 247 sacks from store, at $2.00 ⅌ 100 lbs; 157 sacks do. from wagon, at $2.00.

Clay...Sales 8 bbls Bolivar at $10 ⅌ ton.

Salt...Sales 250 bbls, at $1 for No 1, and $1.25 ⅌ bbl for No 2 varia.

Potatoes...Sales 200 bush Pinkeyes at 45c.

Tallow...Sales 500 lbs. rendered at 10c ⅌ lb.

Butter...Sales 125 lbs. Roll at 16@17c ⅌ lb.

Cheese...Sales 40 boxes W. R. at 9½@9½c.

Cement...Sales 50 bbls Johnstown Hydraulic at $1.80 ⅌ bbl.

Coffee...Sales 10 sacks Rio at 15c ⅌ lb.

Sugar...Sales 30 hhds N. O. at 8½@9c ⅌ lb.

Molasses...Sales 10 bbls. N. O. at 43c ⅌ gal.

Syrup...Sales 10 bbls. N. O. at 50c ⅌ gal.

Feathers...Sales 100 lbs. prime at 50c ⅌ lb, and 150 lbs. chicken at 30c ⅌ lb.

Whisky...Sales in bots. 109 bbls. at 26@30c ⅌ gal for Rectified.

Philadelphia Market.

PHILADELPHIA, November 21.—Flour is dull, at $5.25 for superfine, and $5.50@5.50 for extra and fancy; sales small. Corn Meal and Rye Flour are unchanged. Wheat is steady at $1.27@1.30 for red, and $1.40@1.45 for white; sales 5,000 bush, mostly of the former. Corn is dull, 5,000 bush new yellow sold at 68@72c, cash or to condition, the latter price for Corn afloat, and 1,500 bush old at 60c. Oats are not much inquired after; sales of Pennsylvania at 44c, and Delaware at 41@41½c. Seeds quiet at $5.25 for Cloverseed, $2.50 for Timothy, and $1.55 for Flax. Whisky is unchanged; Pennsylvania sells at 27c, and Ohio at 27@27½c, the latter for package, and drudge at 25c.

New York Market.

NEW YORK, November 21.—Cotton firm; sales 2,000 bales mainly in transitu. Flour firm; sales 23,000 bbls at $4.30@4.95 for State. Wheat: sales 35,000 bush at a decline of 1@2c; white $1.50@1.53, red Western $1.30; Milwaukee club $1.13@1.20. Corn heavy; sales 14,000 bush yellow; old 95@99c, new 80@85c. Oats are in better demand at 40@47½c. Pork buoyant; sales at $15.25@15.40. Sugar firm, N. O. 7½c, Muscovado 6½@7½c. Hides lower; Buenos Ayres 24c. Tallow quiet at 11c. Dressed Hogs dull at 7½c.

Cincinnati Market.

CINCINNATI, November 21.—Flour in more active, with sales of 6,000 bbls; superfine firm at $4.38. Wheat is held steady at $1.08@1.10 for red and $1.15@1.20 for white. Corn is in good request at 44@45c. Oats firm at 45c. Barley and Rye unchanged. Whisky advanced to 25c and firm. In old Provisions there is but little doing, though the prices are fully maintained at the last quotations. Hogs firm at $5.50@5.55 for various marketable grades. Exchange is very dull at 7½c.

R. T. KENNEDY.....W. S. KENNEDY.

PEARL STEAM MILL

ALLEGHENY CITY,

R. T. KENNEDY & BRO.,

WHEAT RYE AND CORN PURCHASED.

FLOUR, CORN MEAL AND HOMINY,

MANUFACTURED AND DELIVERED

IN PITTSBURGH AND ALLEGHENY.

au7:1ydaw] TERMS, CASH ON DELIVERY

Z. L. EISNER,

No. 114 Cor. Wood and Fifth Streets,

WILL SELL BLACK FROCK DRESS

COATS usd to sell at	$10.00	for	$ 6.25
Frock Dress Cloth, fine, use to sell at	14.00	for	10.00
First Quality Cloth, " "	18.00	for	12.00
Black Cloth Pants, " "	5.00	for	3.25
" " (superfine) " "	6.00	for	4.00
Cassimere suits made to order, "	25.00	for	18.00

Also, Satin, Plush, Silk and Cloth Vests,

GENTS' FURNISHING GOODS,

At very low prices. The above is the Cash Price, and by referring to this advertisement, the above prices will be strictly adhered to. octl5:jal:xxx

THE LATEST NEWS
BY TELEGRAPH.

Arrival of the North Star.

NEW YORK, November 21.—The steamship North Star, from Aspinwall, arrived at this port to-day, on her outward passage. She was on the reef at French Keys for six days, and in order to relieve her, upward of 400 tons of coal were thrown overboard. All her passengers were landed before she got off. The sloop-of-war Brooklyn was at Key West on the 16th.

[SECOND DESPATCH.]

The North Star brings late news from Central and South America. Nicto, the successful revolutionary governor of the State of Bolivar, had taken Mompus from the federal government.

Mr. Clark, the American minister to Guatamala, was seriously ill.

The Cochineal crop had been greatly damaged by heavy rains.

Some attempts at revolution in Costa Rica had been suppressed.

Mr. Dimitry, the American minister, had recognized the new government.

Valparaiso advices are to October 16th, and Callao to October 19th. There is no news of interest.

Gen. France had been compelled by public opinion to abandon the reins of government at Guayaquil.

The Panama steamer of the 10th inst. contains later intelligence from Chili, the most important items of which relate to a severe shock of an earthquake at 8 o'clock, P. M., on the 5th October, which was felt throughout the republic, but most severely in the province of Copiapa. The direction of the shock was from the South-east to the Northward, and its duration, it is said, was about four minutes, having caused considerable damage in Copiapa and the port of Caldera, overthrowing some buildings and leaving a great many others in a ruinous condition, but, fortunately, we have not heard of any lives being lost. The Copiapa and Caldera Railway has suffered some damage, but its repair will be easy, and not very expensive. In Coldera the sea retreated several times from the coast, leaving a beach of 150 yards, which caused a panic amongst the inhabitants, and they fled affrighted to the neighboring hills. Fortunately the sea returned to its place without any violence, and did not occasion the least disaster. Still we have no very great losses to deplore, and the province of Otacama will soon recover, with the production of its mines, which are stated to be in a very rich condition.

Senor Novoa, ex-intendiente of Valparaiso has been appointed Minister of Finance in place of Don Mattas Ovelle, who resigned some time since.

New and rich mines of copper and silver had been discovered at Tartal, north of Copiapa, and several surveying parties had left to explore them.

El Mercurio of Valparaiso, says: It is said that an English company has proposed continuing on its own account the works on the Southern railway, obliging itself to finish the line from Rancagua to Talco in a short time. Government, on its part is to pay the company the cost of constructing the line by acknowledging in the company's favor a debt payable in 25 years with the interest of 5 per cent. In Santiago it is said that the same company makes analogous proposals for continuing the railway as far as Concepcion.

But little sickness had occurred.

The recent gold and silver discoveries in Weber's Valley and Wal