The Pittsburgh Post.

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The Pittsburgh Post.

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OFFICIAL PAPER OF THE CITY

MONDAY MORNING.....OCT. 21.

CITY MATTERS.

The Military Habeas Corpus Case.

On Saturday morning, at ten o'clock, before Judge Mellon, the hearing in the application for discharge, on habeas corpus, of Thomas Connolly and Patrick Galvin, arrested and committed as deserters on information of Capt. Foley, with whom they enlisted, but subsequently left and joined the Irish Brigade, in New York, was resumed, Wm. C. Moreland, Esq., appearing for the prisoners and Thomas M. Marshal, Esq, on behalf of the United States.

Capt. Henry Hays, United States Recruiting Officer, testified that the defendants were mustered into the service, at his recruiting office, National Hotel, having volunteered in Capt. Foley's company for three years, or during the war.

Sergeant Davis testified that the men had been subsisted at Camp Fremont, for some time after their enlistment, and had been uniformed by Capt. Foley. On cross examination he stated that he belonged to Capt. Foley's company; that they had been six weeks recruiting this company, and had now some thirty-nine men.

Capt. Foley was then called on behalf of the relators, and testified that he was not a commissioned officer; he had written for a commission, but had not yet received an answer; neither had he been elected by his men as Captain.

Lieut. Patten was next called, and testified that he had made a charge of desertion against these men, and caused their arrest. He was Lieutenant in Capt. Foley's company, but he had not been commissioned, and was not elected by the company.

The testimony here closed, and Mr. Moreland asked that the men be discharged. He took the position that Capt. Foley had no authority to raise a company; and that the offence, if any had been committed, was not cognizable in a civil court. If they really had deserted, (which they had not) they were punishable by military law. They were willing, however, that the Court should remand them into the custody of any military officer who would give them an opportunity for active service.

Judge Mellon remarked that it was not usual for the Court to interfere with commitments for a further hearing. The parties might be remanded until Monday, the day fixed for their final hearing before the Mayor, and the military authorities could then take the proper course in the matter.

The counsel on both sides then suggested that all parties would be satisfied to have the men remanded into the custody of Capt. Hays, to be disposed of as he might think best. The Court acceded to this request, and the men were taken charge of by Capt. Hays.

DR. VON MOSCHZISKER.—This gentleman has now been some considerable time in our city, and we, as well as all our cotemporaries, have repeatedly had opportunity to speak of him. We will not now eulogize his professional abilities, but we wish to touch upon the subject of his profession. Dr. von M. did not come among us as a stranger, his wide-spread reputation went before him, and if the testimony of such men as he brought with him are of any value, which no one can deny, he had every reason to obtain the full confidence of our community. Moreover, the easy, open, honorable way in which he spoke through the public press, was that of a man who feels his ability, and is anxious that he should not be confounded with mere pretenders. He announced that no one need expect any garantee of cures, that he merely professed to do the best of his ability in curable cases, but no miracles, and that there might be some cases which would even baffle his great experience as an aurist. He further not only stated that all those who wished to consult him, might, if they chose, bring their family physician with them, but particularly invited the medical men of the city to visit his Consulting Rooms to be present when he operated, that they might see what he is able to do in a branch of medical science to which he has given his exclusive attention. That he was entitled to their confidence in his knowledge he referred them to his published works for the particular use of medical men. Those of our physicians who have visited him have all spoken of him in highest terms. There is usually a point of medical etiquette which often prejudices medical men against those who advertise, no matter how skilful they may be; but when a man practices and confines that practice to a particular speciality, he has no other means of securing for himself a practice, but by letting the public know that he does devote himself to that or this branch of the medical profession, and if one courts the presence of the profession in the way Dr. M. has done that prejudice should at once vanish, as it has in every city where Dr. von M. has remained any length of time. Dr. M.'s profession, though one of the noblest in the branch of medical science, is yet combined with numerous difficulties which the general practitioner does not experience; particularly is this the case in the treatment of aural science. Diseases of the ear, in an acute state, as we are assured by Dr. M., will, in almost all cases, be cured in from one to three months, but the difficulty is that the most cases seen by an aurist, have become of a chronic nature from neglect to apply until they are driven to do so, after having tampered with all kind of nostrums, and when they do place themselves under treatment they expect that a cure will be accomplished after two or three months, and if this is not the case, they are not only disappointed and discouraged, but actually fancy their case worse and give up the treatment without even having given the means used a fair trial to approach what may be called a good test. In cases where patients have given him a fair trial, and the case is at all a curable one, whether of deafness or blindness, Dr. von Moschzisker is certainly most able to accomplish a cure and will invariably be successful, and no one should neglect to seek the means of recovering two such valuable senses as sight and hearing.

DISCHARGED.—Wm. Carr, colored, confined in jail on a charge of perjury, was discharged on Saturday morning, the grand jury having ignored the bill against him. Edward Holt was also discharged for the same reason.

MOTION FOR NEW TRIAL.—In the case of William Burns, convicted of larceny from a fellow boarder named McGinity, H. O. Mackrell, Esq., his counsel, filed a motion for a new trial and in arrest of judgment on Saturday.

Plead Guilty and Sentenced.

In the Court of Quarter Sessions, on Saturday morning, Sophia Leib, a German girl, plead guilty to the larceny of $200 from John Fritch, with whom she resided in Allegheny, and was sentenced to one year's imprisonment in the Western Penitentiary.

George Agey, who plead guilty to four indictments for stealing butter, in Allegheny, was sentenced to one year in the Western Penitentiary on one of the indictments and six months on another, to take effect after the expiration of the first sentence.

Mrs. Catharine Murphy, who plead guilty to the larceny of a piece of goods from J. M. Burchfield's store, Market street, was sentenced to three months in the county jail.

FATAL ACCIDENT TO A SOLDIER.—A member of Company B, First artillery, Frederick Seifert, of New Castle, was accidentally killed at Washington City on Monday last, under the following circumstances: A regiment was out on dress parade in the rear of the tent in which Mr. S sat, engaged in writing home. In performing the manual, at "ground arms," one of the soldiers advanced the right, instead of the left foot, and in rectifying the mistake, his foot struck the lock of the gun, occasioning a premature discharge. The gun was loaded in the usual manner—with one ball and three buckshot. One of the shot penetrated Mr. S's breast, causing instant death. The ball struck a young man in the same tent, named Phillips, of Lancaster county, in the arm, shattering it so badly as to render amputation of the limb necessary. Seifert's body was taken home to New Castle for interment.

A VETERAN SOLDIER.—Among the men enlisted with Capt. Williams in Johnstown is an old soldier who has already seen nineteen years and three months service, having served nine years in the British service, ten in the United States service, and three months in the recent volunteer service as a member of the band of the 31 regiment of volunteers from this State. He has four sons enlisted in the United States service—two in Col. Campbell's Cambria County regiment, and two in Capt. Williams' company. The name of this veteran soldier is Elisha C. Bennett. He is over forty-five years of age, and last week married a second wife half his age, who will accompany him in the campaign upon which he will soon enter.

THE ANGEL OF DEATH.—We are at length to have this long-promised play, which is announced by Manager Henderson for this evening. It is a translation, and is said by critics who have seen it performed in the East, where it has been highly successful, that it is one of the finest dramas of the day, full of fine sentiment and thrilling scenes. This evening, Miss Ettie Henderson personates the Angel, Mr. Henderson Dr. Paul Bernarr and Kate Newton Marguerite. The evening's entertainment concludes with the "College Boy," Mrs. Henderson as Fanny Curry. We predict a large attendance this evening and a good run for the "Angel of Death."

The Campaign in Western Virginia.

It is the opinion of the Wheeling *Intelligencer* that the campaign in Western Virginia is virtually ended. It says:—"Rosecrans has fallen back and taken a position on the Charleston and Lewisburg turnpike, a short distance above the junction of New and Gauley rivers. The rebel army appears also to have retired towards Lewisburg. The roads are represented as having become so bad in that region as to render military transportation next to impossible, and that, of course, renders any important army movement impracticable, for a time at least. There ought to be a month of good weather yet, however, and in that time something might and ought to be done, for we take it that the bad roads at this juncture are occasioned by the heavy rains a week or two back, and will soon be solid again. The real difficulty, we think, is that Rosecrans' division is not strong enough to act on the offensive, and it is not regarded judicious to advance too far into an enemy's country at this season of the year, when a rain storm might at any time stop transportation, without a force sufficient to meet any that might be brought against it. If the army of Western Virginia is not largely reinforced very shortly it will have to content itself for the remainder of the reason with acting on the defensive. This will not be an arduous service. The rebels have been singularly unfortunate in all their undertakings against Western Virginia, and they will trouble us no more this winter."

KILLED ON THE RAILROAD.—A member of an Iowa regiment died at McVeytown a few days since, having been run over by a train off which he fell on last Wednesday morning, while passing through with his regiment. He was single and has only one relative, a sister, whose whereabouts he did not know. He was interred in the Methodist cemetery.

ANOTHER REGIMENT FOR KENTUCKY.—The destination of the Second Minnesota (not Michigan, as the compositor made us say on Saturday) regiment, which arrived here on Friday night, was changed after their arrival here and on Saturday they were shipped off to Louisville on the steamers Anglo-Saxon, Rocket and Marmora, chartered for the purpose by Quartermaster Ekin. The boats got off about two o'clock on Saturday afternoon, and, being less heavily laden, may overtake Gen. Negley's Brigade. They are ordered to report to Gen. Sherman.

BURGLARY IN ALLEGHENY CITY.—About 12 o'clock on Friday night, the tavern of J. Schulz, Ohio street, Allegheny, was entered through the trap door in the bar-room to the cellar, (access to the latter being gained by removing a window in the yard) and robbed of some $30, which had been left in the till. On Saturday John McCleary was arrested on suspicion, having, after visiting the house on Friday evening, returned on Saturday morning, when his coat showed marks of white wash, apparently rubbed from the window frame by which the cellar was entered. He stated that he was at home at 12 o'clock the previous night, but it was ascertained that he had not been home for two nights. However, as no money was found on his person; he was discharged.

COMPLIMENTARY RESOLUTIONS.—At a meeting of the field, staff and company officers of Col. Leasure's Roundhead regiment, on the 16th inst, they passed a series of resolutions complimentary to their late Lieutenant Colonel, James A. Ekin, regretting that the Government had decided to keep him in the present position of Assistant Quartermaster General at Pittsburgh.

DR. F. IRISH, of this city, went with Gen. Negley's brigade, in the capacity of surgeon to Col. Stambaugh's regiment.

WM. WHITE, the man so badly treated on Thursday by three men across the river, was removed to the Marine Hospital on Saturday.

Col. Geary's Regiment.

A Washington correspondent of a Philadelphia paper, writing on the 17th, thus deservedly compliments Col. Geary's regiment:

"The gratifying intelligence received last night from Harper's Ferry furnishes more evidence of the efficiency and bravery of Col. Geary's command. From the time the Twenty-eighth first entered the service up to the present its history has been one of adventure, and its encounters with the enemy bold, daring and successful. Pennsylvania has reason to be especially proud of this fine regiment, and Col. Geary is entitled to the thanks of the country for his dashing exploits. The official report of yesterday's engagement states that Colonel Geary, with one thousand men, crossed the river at Bolivar and surprised a rebel camp of two or three times their number, charged at the point of the bayonet and drove the enemy three miles, killing and wounding one hundred and fifty, and capturing a thirty-two pounder, upon wich the Colonel wrote his report. Our loss is four killed and ten wounded. Let us hope that other Pennsylvania regiments will give as good an account of themselves. I believe they will, for there are no troops now in the field which give greater promise of efficiency than those of the old Keystone."

CAME TOO LATE.—We are credibly informed that a despatch reached this city on Friday night at eleven o'clock, for Com. Wm. J. Kountz, from the Assistant Secretary of War, directing him to furnish ample facilities for the transportation of Gen. Negley's brigade to Louisville. Had this arrived some hours earlier it would have saved the Commodore from a vast amount of just indignation in every quarter.

THE Grampus, a boat sent by Gen. Polk to Gen. Grant's fortifications at Cairo, recently, was formerly owned by Captain Thos. Chester, of this city. When the war broke out she was engaged, with the Mohawk, also belonging to Capt. C., as a tug on the Mississippi. Both boats were seized at Memphis by order of Gen. Pillow, and confiscated as the property of a Northerner. Many think the military authorities at Cairo should have detained the Grampus, and sent the rebels who came in her back on foot.

BEARDLESS BARLEY.—Mr. James Edie, of Washington township, Lawrence county, had on display at the late fair, a new kind of barley, at least for that county, as well as some broad made therefrom. The seed from which this was grown was sowed on the first of May last. It yields from forty to sixty bushels per acre, with the same treatment as oats, and weighs about sixty pounds to the bushel. It is pronounced a valuable addition to the bread crop.

CHAPLAIN TO COL. HOWELL'S REGIMENT.—We understand that Governor Curtin has appointed Rev. Mr. Pierce, of Waynesburg, Greene county, chaplain to Colonel Howell's regiment. Mr. Pierce is a member of the M. E. Church, about thirty years of age, of fine education, pleasant address, and rugged constitution.

THE Duquesne Greys, now reorganizing for the war, have accepted an honorable position in Col. Staunton's rifle regiment, forming at Philadelphia. A detachment of twenty five men leaves to join the regiment to-day.

DENTISTRY.—Dr. C. Sill, No. 246 Penn street, attends to all branches of the Dental profession.

BARGAINS.—The best bargains to be had in the city are at the One Dollar Store, No. 56 Market street. Lupton is daily receiving new styles of jewelry and fancy goods. Go and see them, ladies. The wonder is how they can be sold at the prices they are offered for.

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Grain Fan and Seperator,

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Second. In cleaning grain faster, better and more thoroughly with less labor than any other mill ever offered.

The patentee of the above Fan has been long engaged in manufacturing and selling Agricultural implements, convinced of the great want of a good Fan for cleaning the different kinds of grain and seeds, presents this to the public with full confidence that it will meet their wants.

The undersigned having purchased the sole right to manufacture and sell the above Grain Fan and Seperator, in Western Pennsylvania, Western Virginia and all Ohio, and the right to sell in Indiana and Illinois, is now prepared to fill all orders Wholesale or Retail at 519 Liberty street, Pittsburgh, Pa. W. W. WALLACE.

Pittsburgh, uly 1861.—jy12:6mdaw

SWEET POTATOS—18 bbls Marietta Sweet Potatos, just received and for sale by JAS A FETZER, oct14 corner Market and First sts

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MILL FEED—168 sacks Middlings, just received and for sale by JAS A FETZER, oct14 corner Market and First streets.

1ST EDITION.

BY TELEGRAPH.

A Difficulty Regarding British Subjects.

WASHINGTON, October 19.—Lord Lyons, several days ago addressed a letter to the Secretary of State, in which he said that her Majesty's Government was much concerned to find that two British subjects, Messrs. Patrick and Rahming, had been subjected to arbitrary arrest, and although they had been released, it could not but regard the matter as one requiring very serious consideration. Lord Lyons, under instructions, therefore, felt bound to remonstrate against such irregular proceedings, as he designates them, and to say that the authority of Congress is necessary in order to sanction the arbitrary arrest and imprisonment of British subjects.

Secretary Seward, in the course of his reply, after detailing the facts in regard to the two persons named in Lord Lyons' note, says; "The proceedings of which the British Government complains were taken upon information conveyed to the President by the legal police authority of the country, and they were not instituted until after he had suspended the great writ of freedom in just the extent that in view of the perils of the State he deemed necessary. For the exercise of that discretion he, as well as his advisers, among whom are the Secretary of War and the Secretary of State, is responsible by law before the highest judicial tribunal of the Republic, and amenable also to the judgement of his countrymen and the enlightened opinion of the civilized world. And in conclusion," Mr. Seward remarks, "the safety of the whole people has become in the present emergency the supreme law, and so long as the danger shall exist all classes of society equally, the denizen and citizen, cheerfully acquiesce in the measures which that law prescribe.

"This government does not question the learning of the legal advisers of the British Crown, or the justice of the deference which Her Majesty pays to them. Nevertheless, the British government will hardly expect that the President will accept their explanation of the constitution of the United States, especially when the constitution thus expounded would load upon him the sole executive responsibility of suppressing the existing insurrection, while it would transfer to Congress the most material and indispensable power to be employed for that purpose. Moreover, these explanations find no real support in the letter, much less in the spirit of the constitution itself. He must be allowed, therefore, to prefer and be governed by the views of our organic national law, which, while it will enable him to execute his great trust with complete success, will receive the sanction of the highest authorities of our own country, and is sustained by the general consent of the people, for whom alone that constitution was established. I avail myself of this opportunity to offer to your Lordship a renewed assurance of my very high consideration."

WASHINGTON, October 19.—Surprise is expressed here at the misconstruction attempted to be put upon Secretary Seward's circular by alarmists. The circular shows that our relations abroad are in good condition, and that the Government means to keep them so.

The nation, six months ago, became exposed to dangers within and without. The Administration has taken adequate measures to put them right within, and now turns to putting them right without. It asks the co-operation of the loyal States in the latter duty, as in the former.

The Secretary of State, accompanied by the Ministers from England, France and Spain, had a pleasure excursion over the river yesterday, visiting the camps and fortifications. They afterwards attended the review at Arlington, passed by Munson's Hill and returned at a late hour by way of the Long Bridge.

Gen. Price Has Made Another Stand---Defection of the Cherokee Nation.

ROLLA, Mo., October 18.—The correspondent of the St. Louis *Democrat* furnishes the following items: A scout has just come in from the West and reports that Price has made a stand at Carthage, sixty miles from Springfield. The legislature is to be called together on the 4th of November. The rebels at Vienna have dispersed, a portion going home and the remainder will join Johnson. Johnson has been placed in command of all the rebel forces in Missouri, and has issued a proclamation forbidding the transportation of any more property—meaning slaves—from the State. It is not said whether Johnson supersedes Price or not.

The following letter is clipped from the Fort Smith, Ark., *Times*. Executive Department, Park Hill, Cherokee Nation, August 24, 1861. Major Clark, Adjutant of Militia, Confederate States of America: Sir,—I herewith forward to your care dispatches for General McCullouch, C. S. A., which I have the honor to request you will cause to be forwarded to him by the earliest express. At a mass meeting of about 4,000 Cherokees at Fishlequa, on the 21st ult, the Cherokees, with marked unanimity, declared their adherence to the Confederate States, and have given their authorities power to negotiate an alliance with them.

In view of this action a regiment of mounted men will be immediately raised and placed under command of Col. John Drew, to meet any emergency that may arise. Having espoused the cause of the Confederate States, we hope to be able to render efficient service in the present, and perhaps protracted war which now threatens the country, and to be treated with a liberality and confidence becoming the Confederate States. I have the honor to be, sir, your humble servant,

[Signed,] JOHN ROSS,

Principal Chief of the Cherokee Nation.

From Missouri.

ST. LOUIS, Oct. 18.—The rebels who burned the Big River bridge the other day were marauding bands from St. Genevieve and Saint Francois counties, numbering about six hundred men, Jeff. Thompson not having been in that region for some weeks. Capt. Lippincott, with fifty men of the Thirty eighth Illinois, met this force two miles below Big river, cut his way through them, inflicting a loss of seven killed and a considerable number wounded; seven of his men were taken prisoners and several were wounded, but none killed. In the engagement below Irontown, on the 17th, the rebel loss is known to be thirty six killed and wounded, and believed by many to be more, as quite a number were carried off the field. The Federal loss is ten wounded, one mortally. The rebel force was about two thousand, and believed to be the advanced guard of a much larger body some distance below. The officers at Pilot Knob say there were Louisiana, Tennessee and Arkansas regiments among them. The citizens were fleeing from the vicinity yesterday, and the troops were under arms, expecting an attack. The State Convention adjourned yesterday, subject to the call of the Governor, until the meeting of the Legislature to be elected in 1862.

Departure of the Steamer Bavaria.

NEW YORK, Oct. 19.—The steamer Bavaria sailed at noon with one hundred and fifty passengers.

Salute Fired.

ST. LOUIS, Oct. 19.—A salute of thirteen minute guns was fired at the Arsenal at noon to-day, in respect to the memory of Commissary Gibson.

Hotels and Restaurants.

SAVAGE HOUSE,

No. 350 Liberty Street,

NEXT to PENNSYLVANIA PASSENGER DEPOT,

JOHN SAVAGE, Proprietor.

HAVING taken and fitted up, with all the modern improvements, this popular resort, the subscriber is prepared to accommodate his old customers and the public generally, with the best the market affords. Oysters will be served up in every variety of style, during the season. His Wines, Liquors and Ales he feels confident in recommending to the public for their excellence.

Can, Bucket and Shell Oysters received daily and sold Wholesale and Retail. my22:1yd

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MANSION HOUSE, GEORGE AUHENZ, Proprietor, No. 844 Liberty street, just beside the Passenger Depot of the Pennsylvania Railroad, which makes it the most convenient house in the city for passengers arriving by that road.

The proprietor having, at considerable expense, fitted up, in excellent style, the MANSION HOUSE, would respectfully solicit a share of public patronage. There is attached a splendid STABLE and extensive WAGON-YARD, affording ample accommodation to travelers and steamsters. His Larder and Bar will be furnished with the best the market can afford. febly

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From Hon. Chas. Mason, late Commissioner of Patents.

WASHINGTON, D. C, October 4, 1860.

Learning that R. W. Fenwick, Esq., is about to open an office in this city as a Solicitor of Patents, I cheerfully state that I have long known him as a gentleman of large experience in such matters, of prompt and accurate business habits, and of undoubted integrity. As such I commend him to the inventors of the United States.

CHARLES MASON.

Mr. Fenwick was for nearly four years the manager of the Washington Branch Office of the Scientific American Patent Agency of Messrs. Munn & Co., and for more than ten years officially connected with said firm, and with an experience of fourteen years in every branch relating to the Patent Office, and the interest of inventors. le28:d1f

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Office Furniture	400 00
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