Democrat and Sentinel.

THE BLESSINGS OF GOVERNMENT, LIKE THE DEWS OF HEAVEN, SHOULD BE DISTRIBUTED ALIKE UPON THE HIGH AND THE LOW, THE RICH AND THE POOR.

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The Wheeler Slave Case.

DECISION OF THE SUPREME COURT OF THE STATE.

Writ of Habeas Corpus Refused.

JUDGE BLACK'S OPINION.

The Supreme Court met in Philadelphia, at noon, on Saturday, for the purpose of rendering the decision of the Court on the application of Passmore Williamson for a writ of habeas corpus. The five Judges were upon the bench, and the District Court room, in which the Court sat, was crowded with attentive listeners. Inside the bar were seated a number of the leading legal gentlemen of the city. Judge Black read the decision of the Court. It is as follows:

Decision.

EX PARTE WILLIAMSON.—*Opinion by Justice Black.*—This is an application by Passmore Williamson for *habeas corpus*. He complains that he is held in custody under a commitment of the District Court of the United States for a contempt of that Court, in refusing to obey its process. The process for which he is confined for disobeying was a habeas corpus commanding him to produce the bodies of certain colored persons claimed as slaves under the law of Virginia.

Is he entitled to the writ he has asked for? In considering what answer we shall give to this question, we are, of course, expected to be influenced, as in other cases, by the law and the Constitution alone. The gentlemen who appeared as counsel for the petitioner, and who argued the motion in a manner which did them great honor, pressed upon us no considerations except those which were founded upon their *legal* views of the subject.

It is argued with much earnestness, and no doubt with perfect sincerity, that we are bound to allow the writ, without stopping to consider whether the petitioner has or has not laid before us any probable cause for supposing that he is illegally detained—that every man confined in prison, except for treason or felony, is entitled to it, *ex debito justitiæ*—and that we cannot refuse it without a frightful violation of the petitioner's rights, no matter how plainly it may appear on his own showing that he is held in custody for a just cause. If this be true, the case of *ex parte Lawrence* (5 Binn. 304,) is not law. There the writ was refused, because the applicant had been previously heard before another court. But if every man who applies for a habeas corpus must have it, as a matter of right, and without regard to anything but the mere fact that he demands it, then a court or a judge has no more power to refuse a second than a first application.

It is really true that the special application, which must be made for every writ of Habeas Corpus, and the examination of the commitment, which we are bound to make before it can issue, are mere hollow and unsubstantial forms? Can it be possible that the law and the Courts are so completely under the control of their natural enemies, that every class of offenders against the Union or the State, except traitors and felons, may be brought before us as often as they please, though we know beforehand, by their own admissions, that we cannot help but remand them immediately. If these questions must be answered in the affirmative, then we are compelled, against our will and contrary to our convictions of duty to wage a constant warfare against the federal tribunals by firing off writs of habeas corpus upon them all the time. The punitive justice of the State would suffer still more seriously. The half of the Western Penitentiary would be before us at Philadelphia, and a similar proportion from Cherry Hill and Moyamensing would attend our sitting at Pittsburg. To remand them would do very little good; for a new set of writs would bring them back again. A sentence to solitary confinement would be a sentence, that the convict should travel for a limited term up and down the State, in company with the officers who might have him in charge. By the same means the inmates of the lunatic asylums might be temporarily enlarged, much to their own detriment; and every soldier or seaman in the service of the country could compel their commanders to bring them before the Court six times a week.

But the habeas corpus act has never received such a construction. It is a writ of right, and may not be refused to one who shows a *prima facie* case entitling him to be discharged or bailed. But he has no right to demand it who admits that he is in legal custody for an offence not bailable: he does make what is equivalent to such an admission when his own application, and the commitment referred to in it, show that he is lawfully detained. A complaint must be made, and the cause of detainer submitted to a judge, before the writ can go. The very object and purpose of this is to prevent it from being trifled with by those who have manifestly no right to be set at liberty. It is like a writ of error in a criminal case, which the Court or Judge is bound to allow, if there be reason to suppose that no error has been committed, and equally bound to refuse it, if it be clear that the judgment must be affirmed.

We are not aware that any application to this Court for a writ of habeas corpus has ever been successful where the Judges, at the time of the allowance, were satisfied that the prisoner must be remanded. The petitioner's counsel say there is but one reported case in which it was refused; (5 Binns, 304) and this urged in the argument, as a reason for supposing, that in all other cases the writ was issued without examination. But no such inference can fairly be drawn from the scarcity of judicial decisions on a point like this. We do not expect to find in reports so recent as ours those long established rules of law, which the student learns from his elementary books, and which are constantly acted upon without being disputed.

The habeas corpus is a common law writ, and has been used in England from time immemorial, just as it is now. The statute of 31 Car 11. c; 2, made no alteration in the practice of the courts in granting these writs. (3. Bam. and Ald. 420 2; Chitty's Rep., 207.) It merely provided: that the Judges in vacation should have the power which the courts had previously exercised in term time. (1, Chitty's Gen. Prac. 568) and inflicted penalties upon those who should defeat its operation. The common law upon this subject was brought to America by the colonists; and most, if not all of the States, have since enacted laws resembling the English statute of Charles II. in every principal feature The Constitution of the United States declares that "the privilege of a writ of habeas corpus shall not be suspended unless when, in cases of rebellion or invasion, the public safety may require it." Congress has conferred upon the federal judges the power to issue such writs according to the principles and rules regulating it in other courts. Seeing that the same general principles of common law on this subject prevail in England and America, and seeing also the similarity of their statutory regulations in both countries, the decisions of the English judges as well as of the American courts, both State and Federal, are entitled to our fullest respect as settling and defining our powers and duties.

Blackstone (3 Com. 132) says the writ of habeas corpus should be allowed only when the court or judge is satisfied that the party hath probable cause to be delivered. He gives cogent reasons why it should not be allowed in any other case, and cities with unqualified approbation the precedent set by Sir Edward Coke and Chief J. Vaughan in cases where they had refused it. Chitty lays down the rule. (1 Cr Law, 101; 1 Gen'l Prac., 686-7.) It seems to have been acted upon by all judges. The writ was refused in *Rex vs. Scheiner*, (1 Burr. 765,) and in the case of the *Three Spanish Sailors* (2 Black's R. 1,324.)

Holdhouse's Case, (3 Barr and Ald., 420.) it was fully settled by an unanimous court, as the true construction of the statute, that the writ is never to be allowed, if upon view of the committment, it be manifest that the prisoner must be remanded. In New York when the statute in force there was precisely like ours, (so far, I mean, as this question is concerned,) it was decided by the Supreme Court, (5 Johns, 282, that the allowance of the writ was a matter within the discretion of the court, depending on the grounds laid in the application. It was refused in Huster's Case, (1, 2, Com. 136,) and in Exparte Ferguson, (9 Johns, R. 139.)

In addition to this we have the opinion of Chief Justice Marshall in Whatkin's case, (3 Peters 202) that the writ ought not be awarded if the Court is satisfied that the prisoner must lie remanded. It was accordingly refused by the Supreme Court of the United States in that case, as it had been in Kearney's case.

On the whole, we are thoroughly satisfied that our duty requires us to view and examine the cause of detainer *now* and to make an end of the business at once. if it appear that we have no power to discharge him on the return of the writ.

This prisoner, as already said, is confined on a sentence of the District Court of the United States, for a contempt. A habeas corpus is not a writ of error. It cannot bring a case before us in such a manner that we can exercise any kind of appellate jurisdiction in it.

On a habeas corpus, the judgment even of a subordinate State Court, cannot be disregarded, reversed or set aside, however clearly we may perceive it to be erroneous, and however plain it may be that we ought to reverse it if it were before us on appeal or writ of error. We can only look at the record to see whether a judgement exists, and have no power to say whether it is right or wrong. It is conclusively presumed to be right until it is regularly brought up for revision.

We decided this three years ago at Sunbury, in a case which we all thought one of much hardship. But the rule is so familiar, so universally acknowledged, and so reasonable in itself, that it requires only to be stated. It applies with still greater force, or at least for much stronger reasons, to the decisions of the Federal courts.

Over them we have no control at all, under any circumstances, or by any process that could be devised. Those tribunals belong to a different judicial system from ours. They administer a different code of laws, and are responsible to a different sovereignty.

The District Court of the U. S. is as independent of us as we are of it—as independent as the Supreme Court of the United States is of either. What the law and the Constitution have forbidden us to do directly on writ of error, we, of course, cannot do indirectly by habeas corpus.

But the petitioners counsel have put his case on the ground, that the whole proceeding against him in the District Court was *coram non judice*, null and void.

It is certainly true that a void judgment may be regarded as no judgment at all; and every judgment is void, which clearly appears on its own face to have been pronounced by a Court having no jurisdiction or authority in the subject matter.

For instance, if a federal court should convict and sentence a citizen for libel; or if a State court, having no jurisdiction except in civil pleas, should try an indictment for a crime and convict the party—in these cases the judgment would be wholly void.

If the petitioner can bring himself within this principle, then there is no judgment against him; he is wrongfully imprisoned, and we must order him to be brought out and discharged.

What is he detained for? The answer is easy and simple. The commitment shows that he was tried, found guilty, and sentenced for *contempt of Court*, and nothing else. He is now confined *in execution of that sentence*, and for no other cause. This was a distinct and substantive offence against the authority and government of the United States. Does any body doubt the jurisdiction of the District Court to punish contempt? Certainly not. All Courts have this power, and must necessarily have it; otherwise they could not protect themselves from insult, or enforce obedience to their process. Without it, they would be utterly powerless. The authority to deal with an offender of this class belongs exclusively to the court in which the offence is committed; and no other court, not even the highest, can interfere with its exercise, either by writ of error, mandamus, or habeas corpus. If the power be abused, there is no remedy but impeachment. The law was so held by this court in *McLaughlin's Case*, (5 W. & S., 275,) and by the Supreme Court of the United States in *Kearney's Case*, (7 Wharton, 38.) It was solemnly settled, as part of the common law, in Brass Crosley's Case, (3 Wilson, 183,) by a court in which sat two of the foremost juriste that England ever produced. We have not the smallest doubt that it is the law; and we must administer it as we find it. The only attempt ever made to disregard it was by a New York judge, (4 Johns. R, 345,) who was not supported by his brethern. The attempt was followed by all, the evil and confusion which Blackstone and Kent and Story declared to be its necessary consequences. Whoever will trace that singular controversy to its terminatian, will see that the Chancellor and the majority of the Supreme Court, though once outvoted in the Senate, were never answered.

The Senate itself yielded to the force of the truths which the Supreme Court had laid down so clearly, and the judgment of the Court of Errors in Yates' Case, (6 Johns. 503,) was overruled by the same Court the year afterwards, in Yates vs. Lansing, (9 Johns. R., 428.) which grew out of the very same transaction, and depended on the same principles. Still further reflection at a later period induced the Senate to join the popular branch of the Legislature in passing a statute which effectually prevents one Judge from interfering by habeas corpus with the judgment of another on a question of contempt.

These principles being settled, it follows irresistibly, that the District Court of the United States had power and jurisdiction to decide what acts constitute a contempt against it; to determine whether the petitioner had been guilty of contempt; and to inflict upon him the punishment which, in its opinion, he ought to suffer. If we fully believed the petitioner to be innocent—if we were sure that the court which convicted him misunderstood the facts, or misapplied the law—still we could not reexamine the evidence, or re-judge the justice of the case, without grossly disregarding what we know to be the law of the land. The Judge of the District Court decided the question on his own constitutional responsibility. Even if he could be shown to have acted tyrannically or corruptly, he could be called to answer for it only in the Senate of the United States.

But the counsel of the petitioner go behind the proceeding in which he was convicted, and argues, that the sentence for contempt is void because the court had no jurisdiction of a certain other matter, which it was investigating or attempting to investigate, when the contempt was committed. We find a judgment against him in our case; and he complains about another, in which there is no judgment He is suffering for an offence against the United States; and he says he is innocent of any wrong to a particular individual. He is conclusively adjudged guilty of contempt; and he tells us that the court had no jurisdiction to restore Mr. Wheeler's slaves.

It must be remembered that contempt of court is a specific criminal offence. It is punished, sometimes by indictment, and sometimes in a summary proceeding, as it was in this case. In either mode of trial, the adjudication against the offender is a conviction, and the commitment in consequence is execution. (7 Wheat. 38.) This is well settled, and I believe has never been doubted. Certainly the learned counsel for the petitioner have not denied it. The contempt may be connected with some particular cause, or it may consist in misbehaviour, which has a tendency to obstruct the administration of justice generally. When it is committed in a pending cause the proceeding to punish it is a proceeding by itself. It is not entitled in the cause pending, but on the criminal side. (Wall. 134.)

The record of a conviction for contempt is as distinct from the matter under investigation when it was committed, as an indictment for perjury is from the cause in which the false oath was taken. Can a person convicted of perjury, ask us to deliver him from the penitentiary, on showing that the oath, on which the perjury is assigned, was taken in a cause of which the Court had no jurisdiction?—Would any Judge in the Commonwealth listen to such a reason for treating the sentence as void? If, instead of swearing falsely, he refuses to be sworn at all, and he is convicted not of perjury but of contempt, the same rule applies, and with a force precisely equal If it be really true that no contempt can be committed against a Court while it is enquiring into a matter beyond its jurisdiction, and if the fact was so in this case then the petitioner had a good defence; and he ought to have made it on his trial. To make it after conviction is too late. To make it here is to produce it before the wrong tribunal.

Every judgment *must* be conclusive until reversed. Such is the character, nature and essence of all judgements. If it be not conclusive it is not a judgment. A court must either have power to settle a given question finally and forever, so as to preclude all further inquiry upon it or else it has no power to make any decision at all. To say that a court may determine a matter, and that another court may regard the same matter afterwards as open and undetermined, is an absurdity in terms.

It is most especially necessary that convictions for contempt in our Court should be final, conclusive and free from re-examination by other Courts on habeas corpus. If the law were not so, our judicial system would break to pieces in a month. Courts totally unconnected with each other would be coming in constant collision. The inferior Courts would revise all the decisions of the Judges placed over and above them. A party unwilling to be tried in this Court need only defy our authority, and if we commit him, take out his habeas corpus before an associate judge of his own choosing, and if that judge is of opinion that we ought not to try him, there is an end of the case.

This doctrine is so plainly against the reason of the thing that it would be wonderful indeed if any authority for it could be found in the books, except the overruled decisions of Mr. Justice Spencer of New York, already referred to, and some efforts of the same kind to control the other Courts, made by Sir Edward Coke, in the King's Bench, which are now universally admitted to have been illegal, as well as rude and intemperate. On the other hand we have all the English Judges, and all our own, declaring their inability to interfere with, or control, one another in this way. I will content myself by simply referring to some of the books in which it is established that the conviction of contempt is a separate proceeding, and is conclusive of every fact which might have been urged on the trial for contempt, and among others want of jurisdiction to try the cause in which the contempt was committed. 4 Johns. R. 325, et sequ. The opinion of Ch. J. Kent, on pages 370 to 375. 6 Johns. 503. 9 Johns. 423. J. Hill 170. 5 Iredell 169. Ib. 153. 2 Sanof. 724. 1 Carter 170 I Blackf. 166. 15 Miss. 886. 2 Wheeler's Crim. Cases, p. 1. 14 Ad. and Ellis 558. These cases will speak for themselves, but I may remark as to the last one the very same objection was made there as here. The party was convicted of contempt in not obeying a decree. He claimed his discharge on habeas corpus because the Chancellor had no jurisdiction to make the decree, being interested in the cause himself. But the Court of Queen's Bench held that if that was a defence it should have been made on the trial for contempt, and the conviction was conclusive. We cannot choose but hold the same rule here. Any other would be a violation of the law which is established and sustained by all authority and all reason.

But certainly the want of jurisdiction alleged in this case, would not even have been a defence on the trial. The proposition, that a Court is powerless to punish for disorderly conduct or disobedience of its process in a case, which it ought ultimately to dismiss for want of jurisdiction is not only unsupported by judicial authority, but we think it is new even as an argument at the bar. We ourselves have heard many cases through and through before we became convinced that it was our duty to remit the parties to another tribunal. But we never thought that our process could be defiled in such cases more than in others.

There are some preceedings in which the want of jurisdiction would be seen at the first blush; but there are others in which the court must inquire into all the facts before it can possibly know whether it has jurisdiction or not. Any one who obstructs or baffles a judicial investigation for that purpose is unquestionably guilty of a crime for which he may and ought to be tried, convicted and punished. Suppose a local action to be brought in the wrong county; this is a defence to the action, but a defence which must be made out like any other. While it is pending neither a party, nor an officer, nor any other person, can safely insult the court or resist its order. The court may not have power to decide upon the merits of the case, but it has undoubted power to try whether the wrong was done within its jurisdiction or not. Suppose Mr. Williamson to be called before the Circuit Court of the United States, as a witness, in a trial for murder, alleged to be committed on the high seas. Can he refuse to be sworn, and at his trial for contempt, justify himself on the ground that the murder was in fact committed within the limits of a State, and therefore triable only in a State court? If he can, he can justify perjury for the same reason. But such a defence for either crime has never been heard of since the beginning of the world. Much less can it be shown, after conviction, as a ground for declaring the sentence void.

The wish which the petitioner was convicted of disobeying was legal on its face. It enjoined upon him a simple duty, which he ought to have understood and performed without hesitation. That he did not do so is a fact conclusively established by the adjudication which the court made upon it. I say the wish was legal, because the act of Congress gives to all the courts of the United States the power "to issue writs of habeas corpus when necessary for the exercise of their jurisdiction, and agreeable to the principles and usages of law." Chief Justice Marshall decided in Burr's trial, that the principles and usages referred to in this act were those of the common law. A part of the jurisdiction of the District Court consists in restoring fugitive slaves; and the habeas corpus may be used in aid of it when necessary. It was awarded here upon the application of a person who complained that his slaves were detained from him. Unless they were fugitive slaves they could not be slaves at all, according to the petitioner's own doctrine, and if the Judge took that view of the subject, he was bound to award the writ. If the persons mentioned on it had turned out, on the hearing, to be fugitives from labor, the duty of the District Judge to restore them, or his power to bring them before him on a habeas corpus, would have been disputed by none except by the very few who think that the constitution and law on that subject ought not to be obeyed. The duty of the court to inquire into the facts on which its jurisdiction depends is as plain as its duty not to exceed it when it is ascertained. But Mr. Williamson stopped the investigation *in limine*; and the consequence is, that everything in the case remains unsettled, whether the persons named in the writ were slaves or free.

Whether Mr. Wheeler was the owner of them—whether they were unlawfully taken from him—whether the Court had jurisdiction to restore them—all these points are left open for want of a proper return. It is not our business to say how they ought to be decided; but, we do not doubt, that the learned and upright magistrate, who presides in the District Court, would have decided them as rightly as any judge in all the country. Mr. Williamson had no right to arrest the inquiry because he supposed that an error would be committed on the question of jurisdiction, or any other question. If the assertions, which his counsel now make on the law and the facts, be correct, he preventd an adjudication in favor of his protegees, and thus did them a wrong, which is probably a greater offence in his own eyes than any thing he could do against Mr. Wheeler's rights. There is no reason to believe that any trouble whatever would have come out of the case if he had made a true, full, and special return of all the facts; for then the rights of all parties, black and white, could have been settled, or the matter dismissed for want of jurisdiction, if the law so required.

It is argued that the Court had no jurisdiction, because it was not averred that the slaves were fugitives, but merely that they owed service by the laws of Virginia. Conceding, for the argument's sake that this was the only ground on which the Court could have interfered—conceding also that it is not substantially alleged in the petition of Mr. Wheeler—the proceeding was, nevertheless, not void for that reason.

The federal tribunals, though Courts of limited jurisdiction, are not inferior Courts. Their judgements until reversed by the proper appellate Court are valid and conclusive upon the parties, though the jurisdiction be not alleged in the pleadings nor on any paat of the record. (10 Wheaton 192.) Even if this were not settled and clear law, it would still be certain that the fact on which jurisdiction depends, need not be stated in the process. The want of such a statement in the body of the habeas corpus, or in the petition on which it was awarded, did not give Mr. Williamson a right to treat it with contempt. If it did, then the Courts of the United States must get out the ground of their jurisdiction in every subpœna for a witness; and a defective or untrue averment will authorise the witness to be as contumacious as he sees fit.

But all that was said in the argument about the petition, the writ, and the facts which were proved, or could be proved, refers to the evidence in which the conviction took place. This has passed "in rem judicatam." We cannot go one step behind the conviction itself. We could not reverse it if there had been no evidence at all. We have no more authority in law to come between the prisoner and the court to free him from a sentence like this, than we would have to countermand an order issued by the commander-in-chief to the United States army.

We have no authority, jurisdiction or power to decide anything here except the simple fact that the District Court had power to punish for contempt a person who disobeyed its process—that the petitioner is convicted of such contempt—and that the conviction is conclusive upon us. The jurisdiction of the court on the case which has been before it, and everything else which preceded the conviction are out of our reach, and they are not examinable by us—and of course not now intended to be decided.

There may be cases in which we ought to check usurpation of power by the federal Courts. If one of them would presume, upon any pretence whatever, to take out of our hands a prisoner convicted of contempt in this Court, we would resist it by all proper and legal means. What we would not permit them to do against us we will not do against them.

We must maintain the rights of the State and its Courts, for to them alone can the people look for a competent administration of their domestic concerns; but we will do nothing to impair the constitutional vigor of the general government which is "the sheet anchor of our peace at home and our safety abroad."

Some complaint was made in the argument about the sentence being for an indefinite time. If this were erroneous, it would not avail here, since we have as little power to revise the judgment for that reason as for any other. But it is not illegal, nor contrary to the usual rule in such cases. It means commitment until the party shall make proper submission. (3 Lord Raymond 1108. 4 Johns, R. 375.)

The law will not bargain with any body to let its courts be defiled for a specified term of imprisonment. There are many persons who would gladly purchase the honors of martyrdom in a popular cause at almost any given price, while others are deterred by a mere show of punishment. Each is detained until he finds himself willing to conform.

This is merciful to the submissive and not too severe upon the refractory The petitioner therefore carries the key of his prison in his own pocket. He can come out, when he will, by making terms with the court that sent him there. But if he choose to struggle for a triumph—if nothing will content him but a clean victory or a clean defeat—he cannot expect us to aid him. Our duties are of a widely different kind. They consist in discouraging as much as in us lies all such contests with the legal authorities of the country. THE WRIT OF HABEAS CORPUS IS REFUSED.

Interesting from Russia.

The New York Times publishes some highly interesting items from Russia, as received through private sources. It is stated that that Government tried to raise a loan in Berlin and failed,—that she then tried to raise a loan from the Rothschilds, and the negotiation lingered for two months, but eventually failed.

These, her only resources in Europe, having failed, it is stated that the Russian Cabinet has it in contemplation to *raise a loan in the United States*, where the sympathy of the masses is relied upon to cause it to be readily taken. It is proposed to issue the stock in small amounts—somewhat on the plan of the recent loans in France.

Russian agents, it is said, are either in or on their way to the United States, to inquire into the feasibility of the plan proposed.

Whether this is actually so or not, it is considered certain by our correspondent that the rumor has reached the English and French Governments, and been a subject of consideration with them.

We have reports direct from Russia of another character.

Among the passengers by the Atlantic was an American lady, direct from St. Petersburg, where she is connected with the highest official and social circles, and where she has been spending the past year,—being, from her alliances, as much at home there as in the United States. We understand that her representations of the condition of affairs in Russia, and especially in St. Petersburg, are directly in conflict with the statements contained in the English papers, which arrive by every steamer.

Instead of the financial and commercial distress of which we have read so much; as consequent upon the war, she says that business wears its usual aspect and is quite as brisk as ever,—that money is abundant,—that people contented and in excellent spirits about the war, and that no one living in the capital would suspect, from anything that met his notice, that there was anything unusual in the condition of the country. It is not believed there that the Allies will succeed in gaining possession of Sevastopol. The protracted and successful defence hitherto maintained is regarded as establishing the fact that, to any force which the Allies can bring against it, the place is absolutely impregnable. A very large reserve force awaits orders at St. Petersburg, and no difficulty is experienced in obtaining recruits or supplies of provisions and money for the war.

The same authority states that the reported capture and destruction of Sweaborg is so enormously exaggerated in importance as to pass for a hoax. No part of the fortifications of the place have been destroyed or seriously injured.

The habitual exaggerations of the English Press on this, as upon other incidents of the war, excite some indignation and more amusement in intelligent Russian circles.

We learn that the American officers sent out by our Government, to take lessons in war at Sevastopol, were at the latest dates in St. Petersburg. They had obtained the Emperor's permission to visit Cronstadt, and then Sevastopol—but the latter only on condition that they should not afterwards go within the lines of the Allied forces.

A Remarkable Man.

A correspondent of the Kentucky Statesman, says the Wheeling Evening Argus, gives a scetch of an old citizen living in Pulaski county, named ELIJAH DENNEY, who is perhaps, the oldest man in Kentucky. He will be one hundred and eighteen years of age on the 10th of September next, and is as active as many men of forty. He works daily upon a farm, and throughout the whole of his life has been an early riser. He informed the writer that he had never drank but one cup of coffee in his life, and that was in the year 1847. He served several years in the war of the Revolution and was wounded at the siege of Charleston; was also at the siege of Savannah, and in the battle of Eutaw Springs. He was also present at the battles of Camden, King's Mountain, and Monk's Corner. He served under Colonels Horray and Marion, and was an eye witness of the death and sufferings of Colonel Hayne, an early victim of the Revolution. He has four sons and five daughters, all living—the eldest is now in his 78th year, and the youngest son 51. Such is a brief sketch of this aged soldier and republican, who is, perhaps the only surviving soldier of Francis Marion, Sumpter, and Horray.

EXTRACT FROM A SPEECH OF GOV. BIGLER, OF CALIFORNIA.—Governor Bigler, the Democratic candidate for the office of Governor of California, made a speech at Brighton on the 13th of July, from which we take the following brief extract:

California is true to the Union—true to the Democracy—true to the Constitution and the liberal institutions of our land—and in September next will prove to the world that she, the youngest of the confederacy, is not the latest to send back to her sister States a good report and an overwhelming majority against civil and political proscription or religious intolerance. The Democracy will do this good work, but not alone. Thousands of patriotic and liberal Whigs—those who followed the lead of the lamented Clay and the great Webster—Whigs who sincerely cherished the principles of their party as expounded by their distinguished leaders, but who have no sympathy with secret conpivings, proscription, and intolerance, will co-operate with, and efficiently aid us in the great struggle.