

The first occurred in 1780, during the civil war between the adherents of James II. and William and Mary. It was suspected that some nobles and gentlemen were engaged in a faction to restore the abdicated monarch. William ordered their arrest, and informed the two Houses of what he had done, and craved their advice with regard to his conduct in such a delicate affair, which had compelled him, as he said, to trespass upon the law of England. Parliament approved his action, and the Commons "empowered him, by a bill, to dispense with the habeas corpus act till the seventeenth day of April next ensuing." [See 1st Smollet, p. 11.]

William had violated the Constitution in two matters: he had ordered the military arrest of civilians, which he had no authority to do; and had disregarded the habeas corpus. The act of Parliament, however, excused him, under the pressing circumstances.

The next instance was in the year 1817, a period of great disturbance in the public mind. Tumultuous meetings were held, and the Prince Regent was assailed by a mob in the street, and his carriage broken by a stone aimed at his person. One of the measures adopted by Parliament, was the "suspension of the habeas corpus act for a short time." [3d Bissett, p. 295.]

In the same year, the popular excitement advanced to open rebellion. On the night of the 30th March, it was intended that a general insurrection should commence at Manchester; the magistrates to be seized; the prisoners to be liberated; and a number of cotton mills to be set on fire, &c. "Proclamations were to be issued, absolving the Kings subjects from their allegiance, and denouncing death against all opposers."

In these emergency circumstances, "Parliament entrusting the executive government, with power to arrest, and also passed an act "for continuing, until the 1st March, 1818, the suspension of the habeas corpus act." [3d Bissett, p. 297.]

Before the expiration of the period, however, on the 28th January, 1818, a bill was passed "for repealing the suspension of the habeas corpus act, through which his Majesty had been empowered to detain and secure such persons as were suspected of conspiring against his person and government." [3d Bissett, p. 302.]

From these cases two things are clear: 1st. The habeas corpus can only be suspended by legislative power. 2d. Executive arrests of civilians, although suspected of treason, can only be by regular judicial authority, or by legislative warrants specially enacted. The Chief Magistrate or Commander-in-Chief has no such official function.

Yours, &c.

Further of the Capture of Holly Springs—Our Troops Surprised.

Cairo, Dec. 27.—Paroled prisoners taken at Holly Springs, arrived here, furnish the following facts: On Thursday night telegrams were received at Holly Springs from Jackson, Miss., saying the place was menaced by rebels, and asking for reinforcements. On Friday morning all the troops but about eight hundred were sent to Jackson the same night. The commander at Holly Springs being apprised of the rebels approaching that place, pickets were stationed three miles out on all the roads, but the rebels seem to have come in between, the roads as the pickets made no alarm, and the first heard of the enemy they were in town firing at our sleeping men. Some resistance was made, but of course feeble, and in a short time the Federals were compelled to surrender. The attack was made at daybreak. Two hundred Federals were reported killed and wounded, and one hundred and fifty captured and afterwards paroled. The balance escaped. It was reported at Memphis that the rebels have gone towards Grand Junction, intending to tear up the road, but nothing is known positively. At Holly Springs they burned large quantities of cotton, over two hundred wagons, a depot full of commissary stores, ammunition, &c., all valued at half a million dollars. The rebels are estimated at 50,000 under Van Dorn.

A small guerrilla force made a raid on the suburbs of Memphis on Sunday night, and pillaged several stores, carried off one hundred cattle and 180 mules. Great excitement exists in Memphis in consequence. A meeting was called Monday night to consider the best means of defence.

Gen. Sherman reached Galena, and is preparing to move down the river.

Jeff Thompson is moving on New Madrid with 20,000 men from Pochontas, Ark., and was within forty miles of that place to-day. The rebel force operating in North-Western Tennessee burned Union City, and the bridges over Obian river last night. Every effort is being made to meet them.

WASHINGTON, Dec. 28.—A report has reached Washington that a company of the Second Penn'a cavalry, commanded by Col. Price, stationed at Occoquan, was surprised this morning by a detachment of rebel cavalry. A fight occurred, a number were wounded and captured, Johnson, of Pa., who was in command, killed. Several supply wagons were captured by the enemy. It is also reported that the rebels captured some of our troops and a battery at Dumfries, yesterday.



J. S. TODD, Editor & Publisher.

WEDNESDAY DEC. 31, 1862

A Good Chance.

We propose to take Beef, Corn, Pork or Cord Wood from such of our patrons as wish to pay their subscriptions in that way; provided they do so before the first of January.

IN MEMORIAM.—At a meeting of the members of the Courts of Cambria county, resident in Johnstown, convened at the office of C. L. Pershing, Esq., the 23d day of December, 1862, for the purpose of offering a suitable testimonial to the memory of Adjutant James C. Noon, late a resident of Johnstown, who fell in the recent battle near Fredericksburg, Va. Hon. Geo. W. Easty was appointed chairman and S. B. McCormick, Esq., Sec'y.

On motion, Messrs. Moses Cann, Cyrus Elder, C. L. Pershing, James Potts, A. Koppin, Danl. McGlaughlin, and John F. Barnes, were appointed a committee, who prepared and reported the following sentiments of condolence, which were adopted:

Resolved, That in the death of Mr. Noon the community has lost a worthy citizen, the Bar a kind and intelligent brother, and his relatives an affectionate friend.

Resolved, That we deeply sympathize in the affliction of his aged and widowed mother, his brother and sisters, in this dispensation of Providence and early death of this excellent young man.

Resolved, That the proceedings of this meeting be signed by the Chairman and Secretary, a copy sent to the mother of the deceased, and that the Editors of the County papers be requested to publish the same.

Resolved, That the Court be requested to direct these proceedings to be entered on the records of the court.

G. W. EASTY, Chairman. S. B. MCCORMICK, Secretary.

QUARTERS CO. A., 11th Regt. P. R. C. Dec. 17, 1862.

Edward Roberts, Esq.—Dear Sir:—It becomes my painful duty to inform you of the death of your Nephew, John Roberts, he was killed in the battle of Dec. 13th whilst charging on the rebel batteries, nobly he did his duty and fell fighting bravely, truly it can be said, he died the death of the brave, the entire company mourns his death, as he was a favorite in the company, you will please accept the company's and my sympathies. His body was found and buried yesterday.

Yours Respectfully, J. C. BRINK.

List of casualties in Co. A, 11th Regt. in engagement Dec. 13th 1862.

Killed—John Roberts, John L. Camp, John J. Foster.

Wounded—Sergt. Wm. W. Evans, Richard R. Davis, supposed to be prisoners, Wm. W. Davis, Jacob L. Mandis, Nason M. Allister, Wm. E. Brown, John M. Stevens.

Slightly wounded and by the company—Wm. Powell, John McBride, Joseph Owens, David Carbaugh, F. J. Bowers.

No Objection.

A Boston letter writer, announcing the death of Major Willard, slain in the battle of Fredericksburg, alludes to him as "another willing offering from the noble, educated upper class of Massachusetts," and concludes:

"We yield them up almost without a tear—for the war is Massachusetts' war—Massachusetts and South Carolina unite it, and we demand the duty and the glory of our full share of the sacrifice."

Right, Massachusetts and South Carolina did make the war—the odious Abolitionists and Palmetto Nullifiers lighted the brand that kindled the terrible conflagration which is now consuming the nation. If the shedding of every drop of blood that courses through the veins of the fanatics and traitors of both States could extinguish the flame, we should hail the sacrifice as a cheap price for peace and a restored Union. By all means let Massachusetts have her "full share of the sacrifice."—*Examiner and Times.*

A BABE IN THE WOODS.—A little girl,

12 years of age, belonging to the family of George Page, residing near Mineral Point, started from her home one evening last week to visit her grandparents, a couple of miles away. Ascertaining the next morning, by chance, that the child had not reached her destination, a search was instituted for her, and after considerable scouring of the woods, she was found at the residence of Martin Funk—an uncle. Upon inquiry of the girl, it was learned that she had missed her way the evening before, and after wandering through the woods for several hours, crossing a small stream several times on the ice, which broke with her, by which means her feet and the extremity of her clothing were wet, she took shelter under a projecting rock on the farm of Mr. Saml. Leidy. In the morning she came to the house of Mr. Leidy, and without intimating that she had been out all night, started in company with a young woman—an aunt—for her grandmother's. When near Mr. Funk's however, she fainted, when she told what had happened, when she was taken into her uncle's house and properly cared for.

Upon examination, it was found that the poor child was badly frozen, and was also considerably bruised by falls and other mishaps during her night wanderings. Fortunately the night was moderate, or had it been as severe as some which immediately preceded or followed it, she would have undoubtedly have perished. At last accounts she was still at the residence of Mr. Funk, and was recovering.—*Johnstown Tribune.*

The Pennsylvanians in General Birney's Division.

WASHINGTON, Dec. 24. The following letter has been addressed to Governor Curtin by General Birney, who commands the division lately under General Kearney:

HEADQUARTERS FIRST DIV. THIRD CORPS, CAMP PENNSYLVANIA, Dec. 19, 1862.

Your Excellency: It gives me pleasure to say to you that among the distinguished regiments of this old division, in the battle of Fredericksburg, were seven from Pennsylvania, our patriotic old State.

The 57th, Col. Campbell; 63d, Major Danks; 105th, Col. McKnight; 99th, Col. Leidy, were identified with the glory of the command. But the 68th, Colonel Tippen; 114th, Col. Collins; 114th, Col. Millic, new recruits, did much gallant service, and withstood the enemy's charge with enthusiasm, driving him to his breast-works and cover.

It was with peculiar delight, as a Pennsylvanian, that I had so many Pennsylvania regiments to the support of the veteran "Rockaways," and as that division was slowly and sullenly retiring, before the overpowering force, that we relieved it from the pursuit, and repulsed the enemy with terrible slaughter.

All of these regiments are fully entitled to have officially awarded to them, from the Executive power, the right to add "Fredericksburg" to the names already crowding their banners. May I ask you, amid your many duties, to have this compliment promptly paid them.

I regret to say that Col. Campbell, Col. Leidy, and Maj. Hawksworth fell severely wounded whilst leading their commands. Many a brave Pennsylvanian gave his life for the glory of the old flag, and the honor of our good State and country.

I am your obedient servant, D. B. BIRNEY, Brig. Gen. Comd'g Div. GOVERNOR CURTIN, Harrisburg, Pa.

ANOTHER SURPRISE.—In the successful raid upon Holly Springs by the rebels, and the easy capture of the entire Federal garrison, almost without a shot, we have another humiliating instance of the inability—the worse than criminal carelessness—of Federal officers. Who was in command at Holly Springs is not stated, but we suppose it to have been the headquarters of the "Dist. let of Tallahatchie," of which Col. Murphy of the eighth Wisconsin, has recently been appointed commandant. It matters not, however, who the officer was; that he was utterly unfit for the place—unfit for any place of responsibility or trust—is abundantly evident. "While our soldiers slept, the rebels came in between two roads so as not to disturb the pickets." Here is the whole case in a sentence. A city just captured from the enemy, in the heart of the enemy's country, is placed under command of an officer with a command of three thousand men, and half a million of government property to be guarded. Said officer throws out pickets on the roads leading into town, and straight-way composes himself to peaceful slumber, not disturbing his rest with any trouble or thought as to the possibilities of an enemy's approach by any other route than the main traveled roads. What wonder that he should awake to find himself and his whole command prisoners in the hands of the enemy!—*Chicago Post.*

Gen. Banks at New Orleans.

NEW YORK, Dec. 28.—The steamship Roanoke has arrived from New Orleans with dates to the 18th, via Havana on the 22d. The news is important.

The steamship North Star, with Gen. Banks and staff, arrived at New Orleans on the evening of the 14th. The news transpired on the next day that General Butler had been superseded, and occasioned the utmost surprise among all classes, even those on the register lists as enemies of the United States. All were sorry to part with an officer who at least had brought order and security to the city.

On the 16th Gen. Butler and Banks met at headquarters. Gen. Butler welcomed Gen. Banks to the Department of the Gulf, and assured him that he would find here troops who would yield a cheerful obedience to his every order. Gen. Banks, in responding, said the only pleasure he had in taking command was in obeying the order of the Government of the United States. The meeting was most cordial, and the interchange of sentiment that which marks the coming together of old friends.

After the introduction, Gen. Banks and staff withdrew. Gen. Butler then addressed his officers, requesting each member to enlighten and assist his successor. He spoke in the most generous manner of Gen. Banks and his staff.

General Butler's parting address to his troops bears date of December 15th. He alludes in eloquent terms to his successes in the field, and in restoring order and quiet to New Orleans, to the feeling of starving women and children of their enemies, and states that the expedition has cost the Government less by four-fifths than any other. Speaking the word farewell was the only sorrowful thought he had, and he commends them to their new commander as worthy of his love.

On the 16th Gen. Banks issued a general order assuming command of the Department of the Gulf and State of Texas, and naming his staff officers, whose names are already known at the North. Another order directs military and civil officers in the Department to report to him, and still another suspends sales of property on account of the United States till further ordered.

General Butler, accompanied by Col. Shafter, Col. Turner, Major Strong, Major Bell, Capt. Davis, Capt. Kennel, and others, was to sail on the 22d, for New York, Capt. Clark to remain on duty at New Orleans.

Gen. Banks is pushing things with his characteristic energy. Five thousand of the troops which accompanied him had landed at Baton Rouge, and the remainder of the expedition would be sent forward as fast as it arrived.

The weather at New Orleans was fine, and the troops were in good health.

On the 18th, Gen. Banks issued a proclamation as follows:

PROCLAMATION.

Headquarters, Gulf Department of New Orleans, December 16th.—In obedience to an order from the President, I assume command of the Department of the Gulf, to which is added, by his special order, the State of Texas. The duty with which I am charged requires me to assist in the restoration to the Government of the United States. It is my desire to secure to the people of every class all the privileges of possession and enjoyment which is consistent with public safety, or which is possible for a benighted or just government to confer. In the execution of the high trust with which I am charged, I rely upon the co-operation and counsel of all loyal and well disposed people, and upon the manifest interest of those dependent upon pursuits of peace as well as upon the support of the naval and land forces.

My instructions require me to treat as enemies those who are enemies, but I shall gladly regard as friends those who are friends. No restrictions will be placed upon the freedom of individuals which are not imperatively demanded by considerations of the public safety; but while their claims will be liberally considered, it is due also to them to state, that all the rights of the government will be unflinchingly maintained. Respectful considerations and prompt reparation will be accorded to all persons wronged in body or estate by those under my command. The Government does not profit by the prolongation of civil contest, or private or public sufferings which attend it. Its fruits are not equally distributed. In disloyal States, desolation has its empire, both on sea and land. In the North, war is an abiding sorrow, but not yet a calamity. Its cities and towns are increasing in population, wealth and power. Refugees from the South alone compensate in a great part for the terrible decimations of battle.

People of this Department disposed to stake their fortunes and lives upon resistance to the government, may wisely reflect upon the immutable conditions which surround them. The valley of the Mississippi is the choice seat of population, product and power, on this continent. In a few years twenty-five millions of people, unsurpassed in natural resources and capacity for war, will reopen its fertile rivers. Those who assume to set conditions upon their exodus to the Gulf, count upon a power not given to man. The country washed by the waters of the Ohio, Missouri and Mississippi, can never be permanently severed. If one generation

basely barter away its rights, immortal honors will rest upon another that reclaims, Let it never be said that either the East or West may be separated. Thirty days distance from the markets of Europe may satisfy the wants of Louisiana and Arkansas, but it will not answer the demands of Illinois and Ohio. The valley of the Mississippi will have its delta upon the Atlantic. The physical force of the west will debouch upon its shores with a power as resistless as the currents of its great rivers.

This cannot be permanently divided. Ceaseless wars may drain its blood and treasure, domestic tyrants or foreign foes may grasp the sceptre of its power, but its destiny will remain unchanged. It will still be united. God has so ordered.

What avails them the destruction of the best Government ever devised by man—the self-adjusting, self-correcting Constitution of the United States?

People of the South-west, why not accept the conditions imposed by the imperious necessities of geographical configuration and commercial supremacy, and re-establish your ancient prosperity and renown? Why not become founders of States, which, as entrepôts and depots of your own central and upper valleys, may stand in the influence of their resources without superior, and in privileges of people without a peer among the nations of the earth. N. P. BANKS, Maj. Gen. Commanding.

Capture of Winchester.

BALTIMORE, Dec. 26.—Colonel Keys moved from Romney and took possession of Winchester on Tuesday morning. The rebel pickets stationed there retired on his advance.

The rebel General Jones, with 2,500 men, had occupied the place the week previous, but had left, going towards Staunton.

Gen. Milroy's forces were at Middletown and approaching Winchester. The Winchester railroad had been entirely destroyed by the rebels, and the rails carried off.

The people of Winchester are in a state of agitation for the most common necessities of life, which are held at famine prices and hardly procurable.

Caton Prisoners at Richmond.

We are glad to hear that our brave fellows taken prisoners at Fredericksburg and carried to Richmond, are in good spirits. The Richmond Inquirer of the 14th says:

A special train on the Central railroad, brought down last evening at half-past five o'clock, 160 more prisoners, including 11 commissioned officers. They were taken before Fredericksburg and marched to Hanover Junction, where they were taken up by the train. The men were in fine spirits, and while waiting at the depot indulged themselves freely in bantering about "getting here before old Barry," and "taking Richmond by themselves." They belong chiefly to Pennsylvania and New Jersey regiments.

LOUISVILLE, Dec. 28.—John Morgan, with 2,800 men, attacked Lieut. Col. Smith, at Elizabethtown yesterday, commanding 250 men in stockade. After a severe fight our forces retreated to the Court House and buildings near it. The loss is not stated and the result not known.

The city was intensely excited all day by rumors of skirmishes in various localities. Guns were heard firing up to eleven o'clock in the evening. We are unadvised thereof, and utterly discredit them. Reports from Memphis say our pickets have been driven into their fortifications, and that the rebels have been committing depredations there.

Later from North Carolina.

WASHINGTON, Dec. 24.—A supplementary dispatch from Gen. Foster has been received by the government in regard to the capture of Goldsboro, in which he states that the rebels are reported to be advancing upon him in heavy force, estimated at 25,000, for the purpose of driving him from his position. He is confident of his ability successfully to resist until reinforcements can reach him.

Fortress Monroe.

FORTRESS MONROE, Dec. 23.—Gen. Foster arrived here this morning. After leaving Knist in his forces took Goldsboro without much loss. The railroad was torn up, the ties burned, and the rails so destroyed that they cannot be again used. The telegraph line was also destroyed. The troops returned to Newburn in safety.

From Fortress Monroe.

FORTRESS MONROE, Dec. 25.—Lieut. Col. Steihsell, of the 11th Pennsylvania cavalry, Col. Spear's dashing regiment, had a warm engagement with the enemy at Point's bridge, on the Blackwater, yesterday, four miles above Franklin. They drove the enemy's pickets on this side of the river, capturing four—one cavalryman and his horse and three infantry and their arms.

Col. Steihsell's men, advancing with their carbines under the gallant Lt. John S. Rapes. Finally, finding the enemy in superior numbers above and below us on the river, with our very small force (of only four small squadrons) in peril of being flanked, Steihsell very wisely concluded to retire, which he did it in safety.

The War in Kentucky.

LOUISVILLE, Dec. 27.—Morgan's cavalry 3,000 strong, entered Glasgow on Wednesday. Three companies of the Second Michigan cavalry opposed their entrance, but fell back on Moundsville, having lost one captain and two privates. The rebels lost two captains, five privates and seven prisoners.

The rebels were then reinforced, and remained in possession of Glasgow.

On Thursday, Cols. Gray and Shank attacked the rebels at Bear Hollow, Hart county, near Cave City. The rebels had previously damaged the railroad, near Glasgow Junction.

At last accounts the Federal troops drove off the rebels, killing one and taking 16 prisoners, but sustaining a loss.

The train of ammunition cars, which left here this morning, was fired into near Nolin, and returned.

No Nashville passenger train left this morning.

The telegraphic communication between here and Nashville was interrupted this afternoon.

From New Mexico.

KANSAS CITY, Dec. 27.

Santa Fe advices of the 12th inst. state that it is now pretty well ascertained that there is no probability of the immediate reappearance of the Texans in New Mexico.

Advices from Fort Stanton have been received.

Col. Carson was in active pursuit of the rebels.

Many settlers are on their way to the Rio Bonito to open ranches, and large numbers of miners were rushing to the placers, which were being so profitably worked when the Texans took possession of that portion of the Territory.

Report of a Rebel Deserter from Arkansas.

St. Louis, Dec. 25.

Advices received at headquarters from Pilot Knob are to the effect that a deserter from Greene's rebel regiment reports that Jeff Thompson is at Potosi, with between 5,000 and 6,000 infantry, mostly Missouri and Arkansas troops, and also two regiments of cavalry and one battery.

The deserter left Potosi last Wednesday.

Reliable information has been received that Claiborne F. Jackson, the disposed Governor of Missouri, died at Little Rock, Ark., about the 18th inst.

FROM CAIRO.—CAIRO, Dec. 28.—We have received nothing to-day with regard to the movement of our forces against the rebels who operate in northwestern Tennessee.

The rebels done great damage. In O'Brien river bottom they have burned bridges over the river, and destroyed two miles of tressel work at Middleburg. It is reported this evening that orders have been given for our forces to evacuate Island No. 19, to spike the guns there and blow up the Magazine.

Information has been received to-day that trains are now running on the railroad between Jackson and Trenton, and that 25 of our troops are at the latter place.

A rumor is in circulation here to night that Gen. Grant's army has fallen back across Tallahatchie river, but it is not traceable to any reliable source.

LOUISVILLE, Dec. 29.—The Postmaster of Richmond, Ky., says Col. Carter, commanding a brigade, captured Knoxville, Tenn., and destroyed four bridges and a large portion of the railroad track between Knoxville and Baurbridge. Gov. Meigs of Indiana, is here; it is not true that he has ordered out the militia of Indiana, as reported.

Passengers in a train from Shepherdville to-day, report that they heard heavy firing up to four this afternoon in the direction of Lebanon Junction.

Reports are current that Col. Hanton's brigade is in the rear of Morgan's forces, and it is supposed that they may have engaged them before this time. It is rumored that a portion of Morgan's forces are at Bardston, and that they have destroyed a portion of the track near Elizabethtown.

General Rosencrans' forces have driven the rebels into Murfreesboro. It is supposed that Morgan is skeddaddling out of the State.

FAYETTEVILLE, Ark., Dec. 29.—One of the most difficult and daring raids of the war has just been made by part of the army of the frontier. On Saturday, Gen. Herron started with a portion of his cavalry and infantry for the other side of Boston Mountain. Gen. Blunt left Camp Hill at the same time by another route. The two columns are about six thousand strong, and went in light marching order, with six days cooked rations.—They marched forty two miles without stopping. At daylight yesterday morning the two commands joined at Less creek, three miles south of the mountains; when the cavalry and artillery, numbering two thousand, started for Van Buren, leaving the infantry to follow as fast as possible. Two rebel regiments of cavalry were encountered at Dripping Spring, and after a sharp skirmish put to flight, leaving seven killed and many wounded on the field. Our loss none killed and but few wounded.