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TERMS.

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The Daily Republic

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THE WEEKLY REPUBLIC.
A New Volume.

This journal has been enlarged, and is printed on paper of a superior quality. It is not a mere compilation from the DAILY REPUBLIC, but a well conducted literary, political, and miscellaneous periodical, embracing in its contents a summary of the News of the Week, carefully condensed; Reviews of Passing Events; Tales, Sketches, Essays, Poetry, &c., &c. It is our determination to render it an agreeable and instructive newspaper, alike worthy the patronage of every family, and appropriate for the perusal of every reader.

TERMS:

TWO DOLLARS per annum, payable invariably in advance.

GIDEON & CO. Washington, D. C.

Navy Agent's Office,
WASHINGTON, July 22, 1853.

THE FOLLOWING INSTRUCTIONS having been issued for my guidance in the liquidation of claims for extra pay under the acts of August 31, 1852, and March 3, 1853, none can be paid by this office unless they meet to the forms and requirements specified in the instructions below.

Claims will not be paid immediately upon their presentation, but will be placed upon the files with others of the same description, to be taken up and acted upon in the order of the *dates of their authentication*. Agents and claimants will be promptly informed by letter of the action of this office.

A. G. ALLEN, Navy Agent.

TREASURY DEPARTMENT,
SECOND COMPTROLLER'S OFFICE,
July 9, 1853.

SIR: The duty of paying the claims for extra compensation, authorized by the acts of August 31, 1852, and March 3, 1853, to persons engaged in the naval service upon the coast of California and Mexico, in the Pacific ocean, during the Mexican war and subsequently thereto, having been devolved upon you, the following revised instructions, designed for the prevention of frauds, are prescribed for your guidance in all cases authenticated after the 25th instant.

As the statements of claimants and the certificates to their identity may be verified, or otherwise, to a great extent, by the recruiting and descriptive records at the Navy Department, you are enjoined to make a thorough comparison with these records, of all cases not exhibiting undoubted evidence of authenticity.

No blank vouchers, though properly signed, will be received.

Payments to officers may be made, as heretofore, on their receipts.

No voucher on which alterations or erasures appear will be admitted as evidence, or recognised in any way as valid.

The official character of the magistrate must be certified, under seal, by the clerk of some court of record.

When the agent doubts the genuineness of the claimant's signature, he will compare it with his signature on the rolls in the Fourth Auditor's Office.

If the agent shall have reason to suppose that any papers presented in support of a claim are false or fraudulent, he will send them at once to the Fourth Auditor, with a statement of the case, for investigation by the proper officers of the treasury.

Extracts from the laws of March 3, 1823, July 29, 1846, and February 26, 1853, are appended to these instructions for the information of claimants and others.

Respectfully, your obedient servant,
J. M. BRODHEAD, Comptroller.

To ALBERT G. ALLEN, Esq.,
Navy Agent, Washington, D. C.

I.

Form for a person claiming as petty officer, seaman, ordinary seaman, landsman, or boy, who is not in the naval service, but who produces a certificate of discharge.

I, , do solemnly swear that I am the identical , who served by that name as a on board the United States ship , in the Pacific, on the coast of California and Mexico, from to , 18 , and who is named in the certificate of discharge dated , 18 , signed by , which is herewith presented and surrendered. I also solemnly swear that I am now years of age, am a native of , and that before my service in the vessel abovenamed, I performed my duty on board the , having been transferred from the rendezvous, where I enlisted on or about the day of , 18 , into the grade of , and by the name of

(To be signed by claimant.)

Sworn to and subscribed before me this day of , A. D. 18 . And I hereby certify that the abovenamed deponent appears to be about the age stated by him; that he is about feet inches in height; of complexion, hair, and eyes.

(To be signed by authenticating officer.)

Form of Receipt of Claimant.

Received this day of , 18 , of , Navy Agent at Washington, D. C., the sum of dollars and cents, in full for services rendered by me on board the United States ship , in the Pacific, on the coast of Mexico and California, in the years , for which services extra pay is granted by the act of Congress entitled "An act making appropriations for the naval service for the year ending June 30, 185 ."

(To be signed in duplicate by claimant.)

Form of Acknowledgment of Receipt.

STATE OF }
County of } ss.

On this day of , A. D. 185 , before me , a in and for the county and State aforesaid, personally appeared , who signed the foregoing receipt, in duplicate, in my presence; and I certify that he is the same who claims to have served on board the United States ship , in the Pacific, on the coast of Mexico and California, in the years

(To be signed by authenticating officer.)

Form of Certificate of Identity by an Officer.

I certify that the above receipt, in duplicate, was signed in my presence by , whose person is well known to me; and the said did affix to the *original* thereof his discharge as a from the United States ship , and I know him to be the identical person named in said discharge.

Dated 185 .

(To be signed by the officer, subjoining his rank.)

If the certificate of some commissioned or warrant officer cannot be obtained, the claimant will so state on oath, giving the reasons, and the affidavit of two credible and disinterested witnesses will be required instead, as follows:

Form of Affidavit for two Witnesses.

STATE OF }
County of } ss.

On this day of , 185 , before me, a in and for the State and county aforesaid, duly qualified to administer oaths, personally appeared , residing at , and employed as and also , residing at , and employed as , who are known to me as credible witnesses, residing and employed as stated, and who, being duly sworn, depose and say, that they reside and are employed as aforesaid; that they have a personal knowledge of , who signed the foregoing receipts in their presence, and that he is the identical who served on board the United States ship as a from to , and who is named in the discharge dated , and signed by , which he affixed in their presence to this original receipt; that their knowledge of him was obtained [*here state fully how obtained—whether from serving with him on board ship, or otherwise.*] And they further depose that they have no interest in the claim of the said for extra pay.

Sworn to and subscribed the day and year above written. Before me

(To be signed by the authenticating officer.)

II.

Rules for persons not in the naval service at the date of their application for extra pay, and who have no certificate of discharge.

Let the claimant take the oath of identity as in form I, except so as relates to his discharge, which should be stricken out At the close of the form of oath of identity add the following:

And I further solemnly swear that I was discharged from the said ship on or about the day of , 18 , by a regular certificate of discharge, signed by ; that I am unable to produce said discharge by reason of [*here state the reason in full: if lost, give the probable time and manner of the loss; if sold or transferred, state to whom and for what purpose, giving the date as near as may be; if filed in any office of the Government, give the name of the office, the time when filed, and the purpose; if filed in support of a claim, specify it; if no written discharge was received, state the fact and the reason.*]

And I further depose that I now reside at , and am employed as

(To be signed by claimant.)

Sworn to and subscribed before me this day of , A. D. 18 . And I certify that to my knowledge the statement of deponent in regard to his residence and employment is true; my knowledge of deponent being derived from [*here the magistrate will state whether from personal acquaintance, or otherwise.*] And I also certify that the above-named deponent appears to be about the age stated by him; that he is about feet inches in height; of complexion, hair, and eyes.

(To be signed by authenticating officer.)

[Here should follow receipt and acknowledgment of receipt, as in form I.]

CERTIFICATE OF IDENTITY FROM A COMMISSIONED OR WARRANT OFFICER OF THE NAVY,

(*Which will be required in* ALL *cases where the discharge is lost or mislaid.*)

I certify that , who signed the foregoing receipt in duplicate in my presence, is the identical who served on board the United States ship , which served in the Pacific ocean, on the coast of California and Mexico, in the years , and who was discharged from the said ship on or about 18 ; that the person of the said is well known and fully identified by me as the present claimant for extra pay.

(To be signed by a commissioned or warrant officer of the navy, subjoining his rank.)

Dated , 18 .

Where the discharge has been filed in any office of the Government, a copy thereof, certified by the head of such office, must be furnished, and claimant will make oath, in addition to the matter required in the last form for affidavit of claimant, that he is unable to procure such certificate from a commissioned or warrant officer of the navy, and then the evidence of two witnesses may be received, as provided for when the discharge is presented, omitting in the affidavit the words in regard to the discharge.

III.

Form of certificate from a commissioned or warrant officer required for an enlisted person on board a vessel of the United States at the date of his application for extra pay.

(In this case the oath of identity may be omitted.)

I certify that the following receipt in duplicate was signed in my presence by , whose person is well known to me; and the said did affix to the *original* thereof his discharge as a from the United States ship , and I know him to be the identical person named in said discharge; and I further certify that the said is borne at this date as a on board of this vessel

Dated on board the United States ship , this day of , 185 .

(To be signed by the officer, subjoining his rank.)

[Here should follow the receipt of claimant as in form I.]

Where a person as above has no discharge in possession, the certifying officer will make his certificate as is prescribed for officers in form II, for such purpose, adding thereto the claimant's representation as to his failure to have said certificate of discharge in his possession.

IV.

When the extra pay is due to a person deceased, it will be paid to his legal representative, made such by letters testamentary or of administration. Such letters, duly granted, or copies thereof duly authenticated by the clerk or proper officer of the probate court, or other court having jurisdiction in the case, and which granted the original letters, will be required with the duplicate receipts, the certificate of the magistrate, as in other cases, and the following oath of identity:

Form of Oath of Identity by Administrator, &c.

I, , of , in the county of , State of , depose and say that I am the identical named in the accompanying letters of administration, (or letters testamentary, *or copy of letters*, &c., as the case may be,) on the estate of , deceased, and that said letters are unrevoked, and now in full force and effect; that the said was at the time of his death a legal resident of , county of , State of , and that he was the identical person who served by that name on board the United States ship , on the coast of California, in the years , and who died [*state where he died, and whether he was in the service of the United States or not at the time of his death*] on or about the day of , 18 , and to whose estate extra pay is due under the provisions of the act of Congress of March 3, 1853, and for which extra pay I now apply as his legal representative.

(*Administrator or Executor.*)

STATE OF }
County of } ss.

Personally appeared before me a in and for the State and county aforesaid, duly qualified to administer oaths, , who signed the foregoing deposition in my presence, and made oath to the truth of the same.

And I certify that I know the said deponent to be the administrator named in the accompanying letters of administration.

Witness my hand this day of , A. D. 185 .

(*Justice of the Peace, or other Magistrate.*)

If an executor or administrator desires to be paid through a third party, he will execute a power of attorney and acknowledgment of the same according to the forms (V) hereafter prescribed, making the necessary changes.

If the decedent was discharged previous to his death, his discharge, if left with his effects, must be filed, and the administrator or executor must add to his deposition, "and I further depose that the said , on whose account I claim extra pay, was the identical named in the certificate of discharge dated , 18 , and signed by , which is herewith surrendered."

If the certificate of discharge cannot be found, the administrator or executor will state the fact in his deposition, and that due search and inquiry have been made for it among the effects of the decedent. If the administrator or executor have any information in regard to the sale, transfer, alienation, or transmission of the discharge, he will state all the facts in relation thereto that may have come to his knowledge.

V.

When a claimant desires to be paid through a third party, he must execute a power of attorney substantially in the following form, to accompany the other necessary papers:

I, , hereby appoint my attorney for me and in my name to demand and receive from the Navy Agent at Washington, D. C., or other proper officer of the United States, the extra pay due me under the act of Congress entitled "An act making appropriations for the naval service for the year ending June 30, 185 ," approved , 185 , amounting to dollars and cents, as a from , 18 , to , 18 , on board the United States ship , which served in the Pacific ocean, on the coast of California and Mexico, since May 13, 1846; and to receipt therefor, hereby confirming all that my said attorney may lawfully do in the premises, as fully as if done by myself

Signed and sealed in our presence:

(*Two witnesses*) (*Signature.*) [L. S.]

STATE OF }
County of } ss.

On this day of , A. D. 185 , before me, a in and for the State and county aforesaid, an officer having authority to take acknowledgment of deeds, personally appeared , who signed the foregoing power of attorney in my presence, and acknowledged the same to be his free act and deed; and I further certify that at the time of making such acknowledgment I read and fully explained to him the said power or warrant of attorney; also that I have annexed hereto, (*specifying the papers he may affix.*)

(*Justice of the Peace, or other Magistrate.*)

The evidence of identity will be the same as required when payment is made to the claimant himself, substituting "who signed the foregoing power of attorney," for "who signed the foregoing receipts, &c."

July 26—d3t

MAYOR'S PROCLAMATION.

WHEREAS by the act entitled "An act relating to dogs," approved 25th July, 1829, and the act amending the same, approved 27th April, 1838, it is provided that "whenever it shall be made appear to the satisfaction of the Mayor that any animal of the dog kind within this city shall be "deemed and considered mad," it shall be "the duty of the Mayor to issue his proclamation requiring that all animals of the dog kind shall be kept confined for such number of days as he shall deem expedient and proper, to state in said proclamation, not exceeding ninety days; and it shall be the duty of the city constables, and lawful for any other person, to kill and bury all and every dog going at large contrary to the said proclamation," &c.

Now, therefore, it having been made to appear to my satisfaction that there are "animals of the dog kind" mad within this city, I do hereby give notice, to all whom it may concern, that "all animals of the dog kind" in this city are required to be kept confined for and during the term of sixty days from the date hereof; and the police officers of this Corporation are required to enforce the law in respect to all such as may be found going at large contrary to this proclamation.

Given under my hand at the Mayor's office, in the city of Washington, this 29th day of June, 1853. JOHN W. MAURY, Mayor.

July 6—law6w

PROFESSOR ALEXANDER C. BARRY'S TRICOPHEROUS, or *Medicated Compound*, for beautifying, curling, preserving, restoring and strengthening the Hair, relieving diseases of the skin, curing rheumatic pains and healing external wounds. Bounded by no geographical lines, the reputation of Barry's Tricopherous pervades the Union. The sales of the article of late years have increased in a ratio that almost exceeds belief. Professor Barry, after a careful examination of his sales-book, finds that the number of bottles delivered to order, in quantities of from half a gross upward, during the year 1852, was within a trifle of 950,000.

It is unnecessary to present at length the evidences of the wonderful properties of the Tricopherous when the public have furnished such an endorsement as this. The cheapness of the article, and the explanations given of its chemical action upon the hair, the scalp, and in all cases of superficial irritation, first recommended it to the attention of the people. This was all that the inventor desired. Every bottle advertised itself. The effects of the fluid exceeded expectation. It acted like a charm. The ladies would not be without it. Country dealers in every section of the United States found they must have it; and thus was built up a wholesale trade of an extent hitherto unheard of as regards articles of this kind. The highest point has not yet been reached, and it is believed that the sales this year will be a million and a half of bottles.

Depot and manufactory, No. 137 Broadway, New York. Retail price, 25 cents a large bottle.

Liberal discount to purchasers by the quantity. Sold by all the principal merchants and druggists throughout the United States and Canada, Mexico, West Indies, Great Britain, France, &c., by

S. PARKER, Penn. avenue,
And A. LAMMOND, 7th street,
June 4—d&triw6m* Washington.

GREAT CURE FOR ALL BOWEL COMPLAINTS.

Dr. J. S. Rose's Carminative Balsam.

THIS MIXTURE is one of the most important medicines, and should be kept in all families. As a soothing preparation, it has no equal. In cases of infants with flatulency, pain in the bowels, bowel complaints, cholera morbus, restlessness, crying, or general pain, it has proved a perfect balm, producing sleep without opium, and strength without a bitter. As a specific for bowel complaints of adults, it has never failed. There is no preparation equal to Dr. Rose's Carminative Balsam for Cholera Morbus, Bowel Complaint, and Dysentery. Price 25 cents.

A MEDICINE FOR EVERY FAMILY.

Dr. J S. Rose's Pain Corer will cure all pain in the stomach or bowels in a few minutes. For Toothache, or Pains in the Face, it acts like a charm, giving instant relief. Indeed for pain in any part of the body, or for Sprains, Rheumatism from cold, or pains in the sides, back, or limbs, it is invaluable. Nothing equal to it for Lumps or Risings in the Breast. No mother should be without it. No person should travel without a bottle by them, in case of sudden sickness. In bottles 12½, 25, and 50 cents.

The above sold by Wm. H. Gilman, Charles Stott & Co., Z. D. Gilman, Patterson & Nairn, Morrison, Wm. T. Evans, Kidwell & Lawrence, J. W. Nairn, J. B. Moore, Washington; J. L. Kidwell, Georgetown, D. C.; and by all dealers in Alexandria, Virginia. July 11

STOCK IN THE CAPE LOOKOUT PAVILION COMPANY.—Notice is hereby given that books for subscriptions to the capital stock of said company, chartered by an act of the General Assembly of the State of Maryland at the January session, 1853, will be opened at the Patriotic Bank, Chubb Brothers, bankers, and at the office of Messrs. Evans & Fant, in the city of Washington and District of Columbia, on Saturday the 25th instant, and will be kept opened until the 25th of July next.

WILLIAM H. DUNKINSON,
F. W. RISQUE,
EDWIN ROBINSON,
June 27—d&c1m Commissioners.

HOUSE-FURNISHING GOODS, such as American and English Knives and Forks, (which took the premium at the late Fair,) fine plated dining and dish Forks, Table and Tea-Spoons, (premium,) Albatta Tea and Table-Spoons, Carvers and Forks, Steels, Butter Knives, &c.; Brass and Plated Candlesticks, Family Grindstones, Tea Trays, Hand Waiters, Tea and Dinner Bells, Coffee Mills, Shovels and Tongs, and Irons, Flat Irons, Fenders, Curtain Bands and Pins, Dusting Brushes, Sweeping Brushes, Sieves, Pots, Ovens and Lids, Tea Kettles, &c., &c., such as are to be found in a well-regulated Hardware Store, at

E. WHEELER'S,
Opposite Brown's Hotel.
July 9—1meod [News and Star.]

NEW BOOKS.—The New Orleans Comic Sketch Book.

Wild Jack, or the Stolen Child, and other stories, by Caroline Lee Hentz.

Krider's Sporting Anecdotes, illustrative of the habits of American game.

Baker's Elements of Mechanism, for students in Mechanical Engineering.

Hints on the Daguerreotype—Photographic pictures, illustrated with Engravings.

Just received at
TAYLOR & MAURY'S,
June 2 Near 9th street.

THE REPUBLIC.

The Case of Marshal Wynkoop.

In the United States district court at Philadelphia on Monday, the 25th instant, Judge Kane presiding, the following proceedings took place in reference to the case of George Smith, alias Bill Fisher, a fugitive slave, and the refusal of United States Marshal Wynkoop to surrender the body of Smith under a writ of *habeas corpus* from the court of quarter sessions, after he had been remanded to his master by the United States Commissioner. We copy the report of the Philadelphia *Bulletin:*

United States Marshal Wynkoop, who was placed in the custody of the sheriff by Oswald Thompson, president judge of the court of quarter sessions, on Saturday last, still remains a prisoner. The fugitive, Bill Fisher, continues in the custody of the marshal, and was present in court this morning.

At 11 o'clock this morning Deputy Sheriff Billmeyer received an order from Judge Thompson to conduct Marshal Wynkoop immediately to prison. The deputy sheriff waited upon the marshal and notified him of the order.

J. W. Ashmead, counsel for the marshal, informed the deputy sheriff that the marshal was now about to appear before the United States court, and said he would present the matter to Judge Kane.

Mr. Ashmead then went into court, and read the petition of the marshal praying for a writ of *habeas corpus*.

Judge Kane asked counsel to show the authority of this court for issuing a writ of *habeas corpus*.

Mr. Ashmead read from the opinion of Chief Justice Marshall in the case of Tobias Watkins, to show that the United States courts had such authority. It is in these words: "No law of the United States prescribes the cases in which this great writ shall be issued, nor the power of the court over the party brought up by it. The term is used in the Constitution as one which was well understood; and the judicial act authorizes this court, and all the courts of the United States, and the judges thereof, to issue the writs *for the purpose of inquiring into the cause of the commitment.*"

Judge Kane said that the act of Congress by which this court alone receives authority to grant a writ of *habeas corpus* was the act of 1789. The case of Watkins, referred to by counsel, is perhaps within the recollection of nearly every member of this bar. It was a case in which a person had been committed by the court of the District of Columbia, upon a charge or conviction on facts which went to show a violation of the laws of the United States. It was an offence against the United States, upon an United States process, and the commitment was by a court of the United States. The language of the Chief Justice must be determined by the facts which were before the Chief Justice, and not by a single detached sentence.

It is unnecessary to say that the chief justice could not have forgotten that the right to issue his writ of *habeas corpus* was granted by the 14th section of the judiciary act, which gives power to the United States district judges to inquire into the cause of imprisonment, with this proviso, that it shall not extend to persons in jail by process of a State court, but only where a prisoner may be brought up as a witness to testify. Other cases, since the decision in Watkins's case, all tend to this view of the matter, and maintain this distinction for the very purpose of avoiding a conflict of jurisdiction between the State and the United States courts, and to prevent such courts from interfering with the process of each other. Even the great writ of *habeas corpus* cannot be issued in such cases, unless to secure the person in custody as a witness, or where it is by process or color of process of the United States court. The case of Watkins is not a case upon which the writ can issue.

Mr. Ashmead replied that under the view at present entertained by the court, it would be unnecessary to look for authorities. If the opinion just expressed is correct, the United States has no power to protect its own officers.

Judge Kane said the case of Governor Dorr decided the question at issue, that no judge of the Supreme Court has a right to issue a writ of *habeas corpus*, where a prisoner is in custody under process of a State court, but for the purpose of using him as a witness.

Mr. Ashmead replied that it was a lamentable state of things, if such is the law.

Judge Kane interrupted counsel by stating that he would not hear an argument upon the writs, but simply as to whether this court had the right to issue the writ. He would not inquire into the policy of the law.

Mr. Ashmead said: If a law has a fundamental defect, will your honor not hear it discussed?

Judge Kane replied: We are now hearing an argument *ex parte*. If counsel can show any decision of a superior court sustaining his view of the case the writ will issue. If you will bring a statute susceptible of two meanings, I will hear an argument.

Mr. Ashmead. If the decision in Dorr's case and the act of Congress settles the matter, it is useless to look for other cases. I want to show that the petition for a *habeas corpus* in the court below does not set forth that Fisher was in the custody of anybody by virtue of a process of a State court.

Judge Kane. You have now, for the first time, presented a fact.

Mr. Ashmead. The petition to your honor says that the marshal is unjustly held by the sheriff.

Judge Kane. No petition has been presented to me—I have not had it in my hands.

The petition was then handed to Judge Kane, who read it, and said, if it was not presented with a view to take the marshal out of the custody of the person to whom the State court had consigned him, he would hear counsel; but if otherwise, the writ could not be issued.

Mr. Ashmead replied that the petition was presented in the shape it was handed to him. He could admit or deny nothing.

Judge Kane. It is owing to the opening of counsel that the court has thrown out certain intimations. If the petition is not to take the marshal out of the custody of the sheriff, the writ of *habeas corpus* will issue. I would rather that the petition should be amended If it is meant that the Sheriff holds him by virtue of a process issued out of the State court, I would quash the writ. I would like the language more definite, by a change of phraseology.

The writ was then granted by the court.

Marshal Wynkoop was brought into court by Deputy Sheriff Wm. M. Billmeyer, when his counsel, Mr. Ashmead, asked that the United States Marshal might be permitted to make a statement to the court.

This was granted, when the marshal arose and recited the facts of the case, as they have been before published, and wished to know whether he had acted right in the premises. He had throughout the whole matter acted conscientiously, and only sought to do his duty as the marshal of the United States.

Mr. Ashmead remarked, that the marshal had acted right, in the position assumed by him, in his (Mr. A.'s) opinion.

Judge Kane said: Let us see where we stand. Upon a petition for a *habeas corpus* the writ had issued to the sheriff, to which that officer makes return that he holds the marshal upon an attachment issued by a State court, on a charge of contempt in refusing to obey a writ of *habeas corpus* allowed by a judge of said court, directing him to bring before it the body of one Bill Fisher. The marshal admits that he has the person in custody, but says he will not bring him before the court. For this contempt he is committed to prison, after the judge has clearly defined the authority of the United States.

The language in Dorr's case distinctly defines the power of the United States court The petition presented to me is susceptible of two interpretations. It says the marshal is in the custody of the sheriff, but does not say that it was under a process of a State court. A State court has power to commit for a contempt for that which is upon its records. This court has no authority to interfere by *habeas corpus*. The very return of the sheriff negatives the authority to interfere. It states that the sheriff holds the marshal by virtue of a process issued out of a State court. The writ granted by me must therefore be quashed, as having issued unadvisedly.

I have listened attentively to a communication made by the marshal, and I must here in justice say that no officer is more anxious to perform his duty properly and gallantly, and none are generally better advised. The writ of *habeas corpus*, however, must be obeyed, no matter to whom addressed. This is indispensable to the personal safety of every man. It is the more to be obeyed because spurious officers, or persons acting under color of law, might otherwise consummate an iniquitous act. The writ in this case was issued to a meritorious officer, but to-morrow it might be issued to one who would feel disposed entirely to disregard it, with an evil mind. The writ must be obeyed.

I can see apparent exceptions, but they are apparent only. Where it would endanger the life of a person by bringing him into court, or where high political interests, in times of war, the army and navy might be jeopardized by the abstraction of an important officer. Such was the case at New Orleans, where a refusal to obey the writ might endanger the country, and where a retort upon the judge who issued the writ was even deemed necessary for the safety of that country.

But this was an extreme case. The essential point of a return to a writ of *habeas corpus* is, that the person to whom it is issued *has not the body*, or *has it in court*. Where a writ was issued which directed an officer to disobey a writ of the United States, a painful conflict would arise; but such was not this case.

Marshal Wynkoop again explained that he only wished to be right in the matter.

Judge Kane. It would not place the body of the person, whom the marshal has in custody, under the jurisdiction of the court to which he makes a return to a writ of *habeas corpus*, where another court has jurisdiction of the matter where such person is charged, the latter court having previously had the body in custody. The marshal no doubt acted under a misapprehension of duty.

Mr. Ashmead said the marshal had no opportunity to discuss the question, whether he was bound to take the prisoner before a State court after he had received commands from a competent tribunal to take him to Maryland.

Judge Kane replied that the only question before him was, whether he had authority to issue the writ, and he had determined that he had done so unadvisedly.

The custody of the marshal was continued with the sheriff, with his previous orders of the State court to take him to prison.

We understood that the marshal had called in George M. Dallas to confer with, and that Mr. Dallas had advised him to amend his return to the State court.

Here the matter rests for the present.

The wife of the slave was present in court. She has four children.

The Philadelphia *Ledger* of yesterday morning gives the following subsequent proceedings in the court of quarter sessions:

Yesterday afternoon, about five o'clock, the United States Marshal, in custody of Mr. Billmeyer, deputy sheriff, for contempt of court, as before reported, appeared before Judge Thompson, and asked leave of the court to amend his return in the following words:

"To the Honorable the Judges within named: I do hereby certify and return, that I have here the body of George Smith, otherwise called Bill Fisher, as by the within writ I am commanded; and for cause of detainer I further certify and show to this honorable court the warrant of Mr. Commissioner Ingraham, whereby I am directed to take and remove the said Bill Fisher back to the State of Maryland, from whence he hath escaped, &c., which said warrant I herewith present, and annex a copy thereof to this my return; and I further return and certify that I held the said George Smith, alias Bill Fisher, as the Marshal of the United States in and for the Eastern District of Pennsylvania, bound as such, under the Constitution and laws of the United States, to do and dispose, with regard to the body of the said George Smith, otherwise called Bill Fisher, as in and by the said warrant I am commanded."

Judge Thompson accepted the return, and ordered it to be filed.

Mr. Wynkoop then asked to be discharged from arrest. Judge Thompson discharged him without hesitation. The Judge then ordered a commitment to be made out for Fisher, to answer at court, and to await the claim of the United States Marshal—under this commitment the sheriff's officer surrendered Fisher into the custody of the keeper of the Moyamensing prison.

A hearing on the *habeas corpus* will probably take place to-day before the court of quarter sessions.

In justice to Colonel Wynkoop, it is but proper to say, that he disclaimed to Judge Thompson any intention to commit a contempt; what he had done, he said, was under a consciousness of performing his official duties. The final return of the marshal, we understand, was made at the suggestion of Judge Kane, to whom he applied in his difficulty for advice.

[For later particulars see telegraphic column.]

PERCUSSION LOCKS.—An order will be issued by the commander-in-chief of New York, and perhaps by the commanders-in-chief of other States, that all muskets belonging to the State, issued to State troops, shall be returned to the arsenals, and pieces with the percussion locks given in exchange. This will be a very judicious measure. We do not know whether or not all the flint locks have been taken from the ranks of the army, and percussion locks substituted, but this will be done as fast as the former can be converted into the latter. It is of the first importance that the army and militia of the United States should use the same weapons in their respective arms.—*United Service Journal.*

CONSCIENCE.—A few weeks ago the store of Stephen Humbo, Cincinnati, was robbed of valuable goods worth $1,500 or $2,000. Last week the city marshal received a letter from the thief, who stated that he was ill and should never recover, and informing where the goods could be found. They were recovered.

A little girl, walking one day in a grave-yard with her mother, reading one after another the praises of those that slept beneath, said, "Ma, I wonder where they bury the sinners."

From the New York Express, July 25.

The War Question.

The Arctic's advices relative to the Eastern question do not enable us to arrive at any settled conclusion whether there is to be actual war or not. Actual war, we say, for a sort of *quasi* war already exists, in the fact that Russian armies have been ordered to invest and occupy Turkish territory. The Czar, so far, concedes nothing; and the tone of the second manifesto he has put forth, over the name of his minister, Count Nesselrode, indicates that he does not mean to concede anything.

There were some doubts expressed a while ago as to which side of the quarrel Austria would espouse. At one time it was quite confidently asserted that she would declare for the Turk; but that impression is summarily disposed of by the news we have now—that, taking advantage of the troubles that are pressing upon her, the Cabinet of Vienna is making some fresh demands of a pecuniary character upon the Porte—demands which were made and resisted before this Russian difficulty sprung up. The well-informed interpret this proceeding as showing conclusively that, when the crisis does come, Austria will be found, as she always is, on the side of the strongest.

The tone of the most influential of the British journals, foremost among them the London *Times*, we see, are endeavoring now to rein in the war spirit there which their own invectives against Russia have all along been evoking. An alliance with Turkey against Russia used to be talked of in Printing-house Square so long as distance lent "enchantment to the view;" but now that war is imminent and at hand, the world all of a sudden is daily treated to a dismal treatise on the disasters which must enure to commerce, the seas of blood which must flow, and the heavy taxes that must be imposed to pay the expenses of a war against one of the first-rate powers of the continent. It is all at once discovered that Turkey has no peculiar claims upon the friendship of Great Britain, though Turkey has all along been flattered with the belief that the sword and purse of England were at her service the moment the Cossacks crossed her boundaries. It is true there is a powerful British fleet waiting orders to enter the Bosphorus; but the signs are, as we interpret, that it will wait there a long while before the English Ambassador at Constantinople will issue orders to that end. Now, we do not say that Great Britain has deserted, or is going to desert, Turkey. We have had the fullest authoritative assurances from her ministry that their influence will be exerted all on the side of peace, but peace failing, they can never consent to stand by and witness the annihilation of the Porte on pretexts so utterly untenable and inadmissible. But what we do note is this: the *Times*, a journal which, of all others, is supposed to echo most authentically English sentiment, and English opinion, and often English *official* opinion, has of late shifted its sails from the war to the peace quarter. See the article (Counting the Cost) we copied on Saturday last; and, in further confirmation of what we say, we may refer to another editorial in the same vein, which will be found in our columns to-day. Some of the generally esteemed more liberal of the British journals, however, we ought to add, begin to suspect that there is to be some backing out on the part of the government from the commanding position it has assumed in the Russo-Turkish quarrel. The *News*, for example, cries out "shame!" "shame!" and expresses the hope that France, at least, will stand by and not betray the Sultan.

But it is exceedingly difficult to say precisely on what ground this "hope" is predicated. If France unsheathes the sword in a foreign war, when will it be put back, or who will put it back, into the scabbard? When a peace is made, will it be in Paris or at St. Petersburgh? Russian troops, within the memory of the present generation, have bivouacked on the Boulevards, and we think Nicholas is a man who believes that what has been done once may be done again. We believe, moreover, that Louis Napoleon sees and feels the full force of these truths, and we are not of those, therefore, who imagine that he is fool enough to rush into a war against Russia and Austria, and we don't know how many more allies, without seeing his way clear; especially without having some better assurance that his position at home is sufficiently stable to warrant the undertaking of any such enterprise—better assurance than the late attempts in Paris to assassinate him seem to warrant.

We consider, then, that Russia will continue to "occupy" the Turkish provinces she has already invested; that the diplomats of the great powers will continue to exert their good offices to bring about, for their own sakes, some sort of a reconciliation, and those efforts in the end will be successful. There will be some additional "notes," "manifestoes," and "circulars;" but the end of it all, we predict, will be—no war. At present the indications are, that whatever concessions are made must come from Turkey, for certain it is, we have seen no disposition as yet, no shadow of a disposition, even, on the part of the Czar, to abate one jot or tittle of the pretensions he has, in the face of all Europe, so arrogantly advanced.

VICTORIA REGIA IN FLOWER.—Mr. Allen's splendid South American water lily, the queen of aquatic plants and glory of the Amazon river, has produced its first flower, which opened partially on Thursday afternoon and completely expanded yesterday afternoon. It is a beautiful and wonderful flower, the perfect consummation of the singular and extraordinary plant which bears it.

When the bud, which was very large, first burst, the outer petals expanded to the great diameter of twelve inches from tip to tip! This was about five o'clock on Thursday afternoon, for it is one of the many peculiarities of this plant that it has always unfolded its buds at that hour of the day. In color the petals were of a pure white, the general form and appearance of the flower partaking of those of the pond-lily and the magnolia. The inner petals remained closed until yesterday, concealing a host of smaller petals of a delicate pink color. During yesterday the flower was undergoing a change, which results in an entire alteration of color of the petals from white to pink. The flower continues for about forty-eight hours, and is immediately succeeded by others. A second bud has appeared upon Mr. Allen's plant, and has reached the surface of the water, while a third is part way up. These flowers will be constantly appearing for an indefinite time, at the rate of about one a week; and it is probable their size will increase as that of the leaves has done Indeed, the second bud is obviously larger than the first one was at the same stage.

But perhaps to most people the leaves will present a more curious study than even the flowers They are truly monstrous. There are four of them now in the tank, which has been enlarged to accommodate their ample and exquisite forms Twenty-eight leaves have appeared thus far, and have been successively cut off and removed to make room for the new ones. The largest one now measures sixty-six inches. Only think of it—five feet and a half. Some of these immense leaves have been sent to Boston on exhibition. Every new leaf that appears henceforth will be accompanied by a flower.

This rare and curious exotic has been visited during the past few days by hundreds of persons, whom Mr. Allen has generously allowed to enter the conservatory free of charge.—*Salem Observer.*