

THE MARKETS.

PHILADELPHIA, Tuesday, Jan. 9, 1855.—Flour market dull, with no demand for export.

Sacrament will be administered in the Presbyterian Church of Bedford, on next Sabbath morning.

Gro. W. Hammersly, Esq. (Whig) has been elected Clerk of the Senate, and Henry Pettibone, Esq. (Dem.) Assistant Clerk.

We are under obligations to Hon. S. L. Russell, Hon. J. Glancy Jones, and Hon. John L. Dawson, of the National House of Representatives, for valuable Public Documents.

We invite the especial attention of all Preachers who favor the doctrines of Know-Nothingism to a "High Example" dedicated to them by the Washington Union.

Having adverted to various subjects of congratulation, in regard to the public affairs of my own State, I may be indulged in a brief reference, also, to the happy aspect of our common country, and the elevation it has reached among the nations of the earth.

State Legislature.

The Pennsylvania Legislature assembled at Harrisburg on Tuesday, the 21st inst. The House called to order at 11 o'clock, A. M. by Col. WM. JACK, Clerk.

Nominations were made for Speaker, and a vote was taken which resulted in the election of Hon. HENRY K. STRONG, (Whig) of the city of Philadelphia.

The Senate did not meet until 8 o'clock, P. M.—Thirty-one Senators were in attendance.

On the 29th ballot Hon. WM. M. HESTER, of Berks, a sound and radical Democrat, was chosen Speaker, the announcement of which was hailed all over the State with lively satisfaction.

The following, says the Reading Gazette, are some of the Bills already reported in the House: To incorporate three new banks—the City Bank of Philadelphia, the Bank of Newcastle, and the Coal and Iron Bank of Pennsylvania.

To incorporate three new banks—the City Bank of Philadelphia, the Bank of Newcastle, and the Coal and Iron Bank of Pennsylvania; to confer on COLOR-ED PERSONS the right of suffrage and all the rights of citizenship.

To deprive WHITE FOREIGNERS of the same rights, until after 21 years' residence in the country; to abolish the Board of Canal Commissioners, and to provide for the better regulation and management of the Public Works.

To enlarge the Governor's patronage, by placing all the officers on the Public Works at his disposal. The canal board is democratic, and is likely to remain so for three years.

The proceedings of the "Moot Court" which will be found in another column will be read with interest and profit. The "Opinion" embraces much valuable legal information.

Sentence of Arrison, the "Infernal Machine" Man.—The motion for a new trial in the case of Wm. H. Arrison, the young medical student, convicted at Cincinnati, of "murder in the first degree" in causing the death of Mr. and Mrs. Allison, by means of an "infernal machine," having been refused, he was called up before Judge Flinn, on Saturday, to receive sentence.

Governor's Message!

We have received the last annual message of His Excellency WILLIAM BIGLER, and will lay it before our readers, entire, in the Gazette of next week. It is written with marked ability, and will be read with unusual interest.

Having adverted to various subjects of congratulation, in regard to the public affairs of my own State, I may be indulged in a brief reference, also, to the happy aspect of our common country, and the elevation it has reached among the nations of the earth.

The more fruitful sources of our national prosperity, undoubtedly consist in the freedom, industry and intelligence of our people; and in the rich natural resources of our country, united to an advantageous commercial intercourse with a warring world.

We have before us the plain written compact of our fathers, to which they reflectively consented and subscribed, and so bound us who have succeeded them.

When has it been otherwise with nine-tenths of those who composed the late whig party? Was there ever an imhatched up by the restless and discontented of that party, that was not immediately adopted as a plank in their platform, and blindly endorsed by the masses as well as the leaders?

During the period which remains of my official term, I shall readily and cheerfully cooperate with the General Assembly in all proper measures, to advance the public weal; and I earnestly invoke upon our labors, and the labors of those who may follow us in our public vocation, the kindly care and keeping of that Great and Beneficent Being who holds the destinies of nations as well as of individuals.

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lines of nations as well as of individuals, as it were, in the hollow of his hand, and without whose continued smile there can be neither national or individual prosperity.

EXECUTIVE CHAMBER, Harrisburg, January 3, 1855.

Trouble Brewing in the M. E. Church. The Rev. Dr. Bond, editor of the New York Christian Advocate, in a late number of his paper, thus speaks of difficulties that are threatening the M. E. Church:

"We are no prophet, nor the son of a prophet, yet we venture to predict that mischief is now brewing in our church—agitations, convulsions, and disruptions, such as we have never witnessed before."

And the Rev. Dr. might have proceeded, and informed his readers of the cause of those "agitations, convulsions, and disruptions," in the church. It does not require the wisdom of a "prophet nor the son of a prophet" to point out the monster that is now eating, like a cancer, at the vitals of christianity.

Dr. Bond is an able writer, and we take it, a man of good judgment, but he, like many others, was caught in the spider's web that had been spread for smaller insects, and forthwith he commenced to work in the harness that had been prepared for his well proportioned lions.

We hope, therefore, that Dr. Bond will take warning, (for the respectable denomination whose mouth-piece he professes to be will not bear with his enormities much longer), and looking at things as they are, retrace his steps and attend to his legitimate duties hereafter.

Many of the whigs of our State are now heartily exulting over the election of Myron H. Clark as our next Governor. We could share in their exultation if we did not see before us a clouded and portentous future.

When has it been otherwise with nine-tenths of those who composed the late whig party? Was there ever an imhatched up by the restless and discontented of that party, that was not immediately adopted as a plank in their platform, and blindly endorsed by the masses as well as the leaders?

An Apprentice to learn the Printing, will be taken at the office of the Bedford Gazette on favorable terms.

Moot Court Proceedings.

A. against B.—CASE STATED. The owner of a lot of ground, contracted with B to dig a cellar upon it, conditioned that B should have for his services, all the excavated earth.

The opinion of the Court was delivered, Dec., 1854, by BLODGET (JOHN A.) JUSTICE. In this case there is some little discrepancy between the pleadings and the facts stated as above.

We will first consider it as having been discovered in its original primitive locality. B, by virtue of his contract with A, was to have excavated the earth within certain defined limits. The true question, then, is, Does the right of title to this piece of earth, pass from A to B by virtue of the phrasing of the contract; or is Gold embraced by, or included in, the term Earth?

It is said by Blackstone in his Commentaries (vol. 2, page 18) that "every word includes not only the face of the earth, but every thing under it, and over it, mines and minerals included."

It is also said, by the counsel for the plaintiff, that a never contemplated paying into B a lump of gold, worth \$2,000, for merely digging a cellar. We have no doubt that if A had been aware of the existence of this treasure, the contract would never have been made, and it is equally presumable, that the grantor who sold the lot in question to A would not have parted with it had he been cognizant of the treasure.

It is equally absurd to say that A, after having passed a portion of the premises to B, for a valuable consideration, under the terms of the existing contract, had thrown up Iron ore, would it not have passed to B by virtue of his contract with A? Iron is only a different mineral. Intrinsicly, Iron is more valuable than silver or gold, and one single plough share, in point of practical worth and real utility is infinitely more precious, than the most brilliant diamond ever adorned the brow of beauty.

Suppose further that B, within the limits designated by his contract, had thrown up a quantity of coal (mere carbon) would not the coal have passed to B, by, and under the term Earth? Or suppose it had been Lime-Stone, in great demand, or marble, equal to the Parian or Italian, in quality, it still would have been nothing but carbon and would have passed to B. Realizement, therefore, might have been excavated which are still nothing but carbon in its pure and crystallized state and all of them (not primitives) but of secondary formation, they too would have passed to B under the comprehensive term Earth.

Had B dug deeper than he was warranted, by virtue of his contract, he might have been treated as a trespasser ab initio—or had he excavated any substance lying deeper than his contract warranted him to go. The lot, also, might have been waived and under a conversion of such substance an action of trover brought. But not having exceeded the limits of his contract in the appropriation to his own use, of all substances excavated by him, his conversion is not wrongful, but fully justified by the terms of his contract.

Contracts, untailed by fraud, entered into and executed in good faith, where there is no legal disability subsisting in the parties to the contract, must be enforced. And the mere circumstances of the party of the first part, or of the party of the second part, deriving a greater benefit than was originally contemplated, makes no difference.

Had the gold been placed on the lot of A, buried for concealment, the maxim Cujus est Solum, &c. would not apply. The maxim only applies to the benefit of the party of the first part, in its natural or native state, and certainly would not divest the true owner of a treasure that had been perhaps stolen from him and there concealed. In such case there would have been a legal disability in A to bring trover, as he had neither a right of property nor the right of possession. Neither would A be entitled to the property against the original owner, although he may have bought out the right of C, the true owner. C, the finder, had the right of property and the right of possession against A, B, and all the world, except the rightful owner. (3d S. N. P., title Trover, p. 1146—and cases there referred to; Also VIN. AB. Tit. Treasure Trover.) C having parted with his right to B does not better the condition of A.

REMARKABLE CASE OF SECOND SPEECH.—A New York letter mentions the following extraordinary incident, in connection with the loss of the Arctic: A young gentleman lately residing in this city, fell through a hatchway in his father's store some time last summer, and was severely injured, one side of his body becoming completely paralyzed, and after a while he entirely lost the faculty of speech. In this position he remained until the 27th ultimo, (about the time of the accident to the Arctic, on board which steamer it was known that the young man's father was a passenger,) when he suddenly started up in his sleep, and exclaimed, to the surprise of all present, "My father is drowning!"

NEW FIRM AND NEW GOODS! The subscribers having purchased the entire Stock of Goods of Geo. W. Horn, in the town of Schellburg, beg leave to announce to the public generally, that they have now on hand, and will continue to keep, a large and well selected assortment of DRY GOODS, GROCERIES, HARDWARE, QUEENSWARE, Tinware, Oils, Drugs, Fish, Molasses, and, in fact, every article usually found in Country Stores, to which they invite the attention of purchasers, satisfied that they can give satisfaction to all who give them a call.

LATER FROM EUROPE. The steamer Asia has arrived at Halifax, bringing five days' later news from Europe.—At Sevastopol the Russians continued to make frequent sorties, chiefly directed against the French. Reinforcements continue to arrive for both the allied armies.

We rejoice to learn that our old and valued friend, Rev. Jacob Ziegler is not only well, but doing well, as will be seen by the following card which we find in the last No. of the Gettysburg Compiler: Mr. Editor—Permit me, through your paper, to return my sincere thanks to the ladies of the Ger. Ref. Congregation, of this place, for the agreeable surprise they occasioned my family, a short time since, in the way of a regular old fashioned pastoral donation.

Peer Boy's College. The Printing Office has indeed proved a better College to many a poor boy, has graduated more useful and conspicuous members of society, has brought more intellect and turned it into practical, useful channels, awakened more mind, generated more active and elevated thought, than many of the literary colleges of the country.

At Berlin, on the 20th inst. by Rev. C. L. Loos, Major General A. H. COFFROTH, of Somerset, to Miss ELNORA, daughter of Jacob Kimmell, Esq. of the former place.

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The highest price will be paid for Hides, and for all kinds of Grain. Lumber and Produce, of every description, will be taken in exchange for Goods, at the highest prices. All kinds of Leather will be kept at the Store for sale. Give us a call.

A. J. SNIVELY, JAMES BURNS, Jr.

Jan. 5, 1855.

BEDFORD COUNTY, SS:

At an Orphans' Court held at Bedford, in and for the County of Bedford, on the 20th day of November, A. D. 1854, before the Judges of the said Court—

On motion of JONAS P. REED, Esq., the Court grant a Rule upon the heirs and legal representatives of John Stoler, late of Liberty Township, deceased, to wit: Abraham and Philip, residing in the County of Whitney and State of Indiana; John Stoler, and Susan, intermarried with John Clapper, residing in Ashland County, Ohio; Catharine, intermarried with Isaac Kensingler, Mary, intermarried with David Barkshuser, and David Stoler, residing in Liberty Township, Bedford County, to be and appear at an Orphans' Court, to be holden at Bedford, in and for said County, on the second Monday (twelfth day) of February next, to accept or refuse to take the real estate of John Stoler, deceased, at the valuation, which has been valued and appraised in pursuance of a Writ of Partition or valuation issued out of the Orphans' Court of Bedford County and to the Sheriff of said County directed, or show cause why the same should not be sold by order of the said Court.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal of said Court, at Bedford, the 6th day of December, A. D. 1854.

D. WASHBAUGH, Clerk.

ATTEST: HUGH MOORE, Sheriff.

Jan. 5, 1855.

BEDFORD COUNTY, SS:

At an Orphans' Court held at Bedford in and for the County of Bedford, on the 24th day of November, A. D. 1854, before the Judges of the said Court—

On motion of A. KINC, Esq., the Court grant a rule upon the heirs and legal representatives of Dr. William Watson, late of the Borough of Bedford, deceased, to wit: Margaret, intermarried with Dr. Samuel Smith, residing in Allegheny County, Maryland; Dr. William H. Watson, John Watson, Mary Jane, intermarried with Alexander King, Louisa H., intermarried with Esy L. Anderson, Susan, who was intermarried with James Brown, since deceased, leaving issue one child, Eliza Brown, a minor, of whom William H. Watson is guardian, Eliza H., intermarried with Edward Harrison, all residing in the County of Bedford; Isabella A. intermarried with George Smith, residing in Allegheny County, Maryland; Anna, intermarried with John P. O'Neal, residing in the City of Philadelphia, Percival, since deceased, without issue, and Laura V., intermarried with John C. Brashaw, residing in the City of Washington, to be and appear at an Orphans' Court, to be held at Bedford, in and for said County, on the 2d Monday (12th day) of February next, to accept or refuse to take the real estate of said Dr. Wm. Watson, deceased, at the valuation, which has been valued and appraised, in pursuance of a writ of Partition or valuation issued out of the Orphans' Court of Bedford County and to the Sheriff of said County directed, or show cause why the same should not be sold by order of the said Court.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal of said Court, at Bedford, the 6th day of November, A. D. 1854.

D. WASHBAUGH, Clerk.

ATTEST: HUGH MOORE, Sheriff.

Jan. 5, 1855.

LIST OF LETTERS

REMAINING in the Post Office at Bedford, Pa., Dec. 21st, 1854. Persons calling for letters in this list will please say they are advertised.

- Anderson James A Miller Abalom
Anderson John McDaniel Jovi
Blackford James Moodhart Edwin
Blair William McFerrin Wm
Brand Samuel Miller Simon
Burkey Isaac Miller Noah
Burdollar Jacob McLary David
Brodley Alexander Maguire Terree
Buchanan J Hon Marshall F
Barnshuels Elizabeth Mortimore James
Buchanan H G Mower Wayne
Bernes Susan Mickle William
Barhart Joseph Pencil David
Chestnut John Price Alex
Clancy John Points Moses
Carr Samuel Reed John J
Clark John Russell Ann Mrs
Davis Eliza Mrs Riding John
Debnangh George Rodgers Wm
Davison Wm Suter David L
Dobson Mary A Mis Shiley & Brothers
Duell Michael Schab Joseph
Dunn James Schab John
Ellienger Ann M Miss Smith Cristian Mrs
Fluke Wm S Schley G
Ferguson Susan A Smith Casper
Flanagan James Suter Lewis
Flickinger John Thomas C K 2
Fitzgerald Cornelius Thompson Sarah Mrs
Ferguson Joseph Werick Valentine
Feather Mary A Miss Wheeler Mary Miss
Fisher Christian Wissing Sarah Miss
Gardner David Wasoner S G
Gorden Francis 2 Wilson Rebecca B
Gorden Mary Mrs Summers Samuel
Gleen Margaretta Miss Huff Hannah
Hartman Mary Mrs Hoag Jos G
Hay David Hardman Levi Hoag G W
Leipheimer Moritz Elvains M
Lysinger Wm Livingstone M

ANDRIS SAUPP, P. M.

Bedford, Jan. 5, 1855.

NOTICE.

Letters of Administration having been granted to the undersigned on the estate of Abraham Sparks, late of West Providence Township, Bedford County, all persons indebted to said estate are requested to make immediate payment—and those having claims will present them properly authenticated for settlement.

SOL. SPARKS, JOHN CESSNA, Administrators.

Jan. 5, 1855.