EUROPE.

Washington's Birthday in London.

THE ATLANTIC TELEGRAPH CABLE

Annuities for the Princess Helena and Prince Alfred.

MONUMENT TO LORD PALMERSTON

Revision of the Neutrality Laws Demanded.

THE SLAVE TRADE.

Mr. Gladstone on the Fenian Movement in America.

MORE TROOPS SENT TO IRELAND.

Alarming Increase of the Cattle Plague.

PERUVIAN IRON-CLAD AT BREST.

Sudden Close of the Prussian Parliament.

REDUCTION OF DISCOUNT BY THE GREAT BANKS.

Important Commercial and Financial News.

Etc., Etc., Etc., Etc., Etc., Etc., Etc.

New York, March 8 .- The steamer Java has arrived, with dates to the 24th ult. The steamer Eina arrived out on the 22d, and the Virginia

The new Inman steamship Cdy of Paris arrived at Liverpool, and would sail on March 21 for New York. She averaged fifteen knots on her trip from Greenock.

The American banquet in London on the 22d, in honor of Washington's Birthday, was attended by about two hundred ladles and gentlemen. The Hon, Freeman Morse, Consul at London, presided. Among the guests were Minister Adams, the Secretaries of Legation, Hon. George Folsome, late U. S. Charge at the Hague, Professor Goldwin Smith, Cyrus Field, etc. Letters of regret were read from Hon. John Bright and other distinguished men. The usual toasts and sentiments were drank. Mr. Adams confined his speech to a brief expression of

the nks and patriotic sentiments. An extraordinary meeting of the Atlantic Telegraph Company will be held March 8, to receive the explanations of arrangements made and agreements entered into with the contractors and others for laying the cable during

the present year.

The House of Commons voted £6000 a year and a dowry of £39,000 to the Princess Helena, £15,000 a year to Prince Alired, and the erection of a monument to Lord Palmersten in West

minster Abbey. On the 23d, in the Commons, Mr. Gladstone said that no recent communications had taken place with the United States relative to the joint squadron to the coast of Cuba to stop the

Mr. Laboachere called attention to the neutral-

ity laws, and argued that the interests of humanrequired their revision, and cited cases of Confederate privateers as evidence,

After some debate the Attorney-General admit-ted that the subject was of considerable importance, but he defended the course of the British Government, and trusted that the American people would see ultimately that it was only de strous of maintaining peace. The Government had no objection, and in fact advised Mr. Adams of its willingness to consider the question with the American Government, with the view offren-

dering the law as effective as possible. Mr. Watkin asked if the Government had made any representations to the American Government relative to the Fenian proceedings in

Mr. Gladstone regretted that the subject had been brought up. The Government had no knowledge of any proceedings to justify them in making representations to the American Government. He believed public opinion in America condemned the movement. It would be undig nified to remonstrate so long as no public act was committed amounting to a breach of the neutrality laws.

The Irish police continue actively to arrest suspected Fenians, and troops continue to be sent to Ireland.

The cattle p'ague is still increasing. latest weekly return shows 13,000 cases, the largest yet. The army and navy estimates show a merely trivial reduction The Peruvian iron-clad Huascar remained at Brest under surveillance of the authorities.

The Chillan cruiser Independence had also arrived thers. The captain of an English vessel lying at Brest had been imprisoned for a week; it is supposed for furnishing arms and ammunition to the

The Banks of France, Prassia, and Italy have all reduced their rates of discount.

The Prussian Government has suddenly closed

its Chambers, on the plea that the proceedings of the Deputies in opposition to the Government tended towards strile. The action was quite sident Grabon expressed the hope that the

ole would stand by their Representatives and SHANGHAL January 26 .- Tea is quiet, Ex-

Hong Kong, February 1.—Exchange, 4s. 74d.
A private telegram from Bombay extrastes the deficiency in the new cotton crop at 400,000

Commercial Intelligence. LIVERPOOL, February 24.—Cotten—The demand has been to a fair extent throughout the week, but freely met by holders, and under the influence of the advices from America of increased receipts and a fall in prices, some decline was submitted to, but the reduction in the Bank rate tended to promote a transfer seed of the contraction of the contraction. the reduction in the Bank rate tended to promote a steader seeling at the close. American continued in general demand, and in the early part of the week commanded extreme rates, but during the last two days it receded and closed about jd below the former quotations. Sea I-land Cotton is quest turned and closed about jd below the former quotations. Sea I-land Cotton is quest turned at joid. P lb.

The week's pusiness amounts to 53 6% bales, including 8440 to speculators, and 11 000 for export. The following are the authorized quotations:—

Fair, Middling.

Fair, Middling
 New Orleans
 20

 Mobile
 19

 Up ands
 10

On Friday the market was flat. Sales of 8000 bales, inc uding 2010 to speculators and for export. Stock in port, 418,686 bales, or which 214,650 are American. At sea from India, 520,000 bales. STATE OF TRADE,-the Manchester markets are

Breacstoff.—Flour is dull and unchanged. Wheat is in immed demand at late rates. Corn is in retail demand, and prices rather favor buyers; mixed 23%, 3d @23s. 3d.

3d @23s, 9d.

Provisions—Beef very firm, and new partially 2s. 6d. dearer. Fork—No American on the market. Irish firm at full rates. Bacon—Holders of American demand an advance, and prices tand upwards. Butter is quie but stendy. Choose is in speaunitive demand and 3s @5s. dearer. Lard 1@2s. dearer on the week; American 78s @75s. fallow in fair demand for good at 48s @48s 6d.

Produce—Asbes drooping; Pots, 31s. 6d @30s. 6d. Pearis neglected at 34s.@34s. 6d. Sugars firmer and 2@6d dearer. Coffee is in moderate demand. Rice is in good request, but prices are below the views of

Pears neglected at 383.2038. Od. Sugars firmer and 226d dearer. Coffee is in moderate demand. Nice is in good request, Lut prices are below the views of holders. Berk—sales of Baltimore at 78.3d. Lineed very firm at extreme rates. Cloverseed—sales of American red at 488.250s. Linseed Cakes—sales at 19.10s.25 line 12s. 6d. Jute very flat and lower. Linseed Oil quieter at 41s.241s. 6d. Rosm dat and easier. Spirits of Turpentine quiet at 44s for French. Petroleum dull at 22.2d.22s. 4d. for refined.

London Markers.—Barring reports:—Wheat slow of sale; white American, 49251s.; red, 48249s. Frour keeps scarce at 25222s. Liron quiet; rails and bars, 65.15s.257; Scotch pigs advanced to 77s. 6d. Sugar firm, and 6d.20s. better. Coffee firm. Fea unchanged; commin congou, is id.21s. 14d. Ricconst Linesed firm and tending upwards. Linesed Cakes in good demand; American barrels, £10.15s.25. £11: bags. £10.10s. Linesed Oil, 383.26d.23s. Spirits of lurpenime is offered at 44s. Petroleum, 2s. 3d.22s. 3jd for refined; Spirits, 1s. 5d.21s. 6d. Spirits of lurpenime is offered at 4ss. Petroleum, 2s. 3d.22s. 3jd for refined; Spirits, 1s. 5d.21s. 6d. Spirits of lurpenime is offered at 4ss. Petroleum, 2s. 3d.22s. 3jd for refined; Spirits, 1s. 5d.21s. 6d. Spirits of lurpenime is offered at 4ss. Petroleum, 2s. 3d.22s. 3d. for refined; Spirits, 1s. 5d.21s. 6d. Spirits of lurpenime is offered at 4ss. Petroleum, 2s. 3d.25s. The Latest Commercial News

The Latest Commercial News LIVERPOOL, February 23, P. M.—Cotton—The sales to day amount to only 6000 bales, including 1500 to speculators and for export. The market is

Breadstuffs quiet and without change.
Provisions firm at yesterday's pinces. Rosin still declining.
Loxpon, February 23, P. M.—Consols closed at \$71(2872; Five-twenties, 692/2692; Illino's Central Rai rend, 762/277; Eric Railroad, 532/2532.

The bullion in the Bank of Eng and has increased £527,000.

There has been a stendy demand for 5 20s during the week, and some business done in Eric and Illi-nois Central at the prices given, but other American

LONDON, February 24.—Further arrests of Fenians were made vesterday. A box of groundes and Orsini shells were seized in Dublin.

PARIS, February 24.—The Bourse is flat. Rentes, 691 32c. A revolution has broken out in Romania. Prince

Colla was taken pri oner by the army and forced to sign his abdication. The Legislature manimonaly proclaimed Count Flanders hospodar amids; general satisfaction. Much excitement prevails in the eighboring principalities Ship News.—Arrived from Philadelphia the ship Queen na Laverpool

The Texas State Convention.

New ORLEANS, March 7 .- In the Texas State Convention an effort to base representation in the Legislature on the number of free persons failed, The Committee on the Legislative Department expresses unqualified opposition to negro suf. frage. Provisions have been made for the election of State officers as soon as practicable.

The Finance Committee reported a sweeping ordinance declaring all debts contracted by the State in the late war null, and forbidding the Legislature to assume the payment thereof. Dr. Gener made an able minority report, fa-

voring unlimited suffrage. The Convention passed an ordinance making five years' residence a necessary qualification for legislators. White suffrage will probably be restricted, in order to cut off the blacks.

The steamer General Sedgwick had arrived from New York and discharged. At New Orleans middling cotton, 31c. Freight to Northern ports, \$; to Liverpool, 1@id. Freights are very dull, and several vessels have

been sent away in ballast. The steamer Wellington has arrived from New York. George A. Starr, convicted of killing William L. Sevier, of Versailles, Mo., has been recom-

mended to Executive clemency.

PENNSYLVANIA LEGISLATURE.

HARRISBURG, March 8 .- The Senate is not in ssion to-day.

Rouse of Representatives.

The special order of the day was the consideration of public bills as follows:—
A supplement to the common school law relating to the maintenance and education of destitute orphan children and brothers and sis-

ters of deceased soldiers and sailors. The bill proposed requires every board of school directors, within ninety days, to forward to the superintendent of common schools, a list of the orphan children of satlors and soldiers and brothers and sisters names under sixteen

ears of age, within their district. School directors are also to make arrangements for the maintenance and scho orphans with parties they may select. Relatives of orphans who prefer to support them may, with the sanction of the State Superintendent draw not exceeding sixty doflare per annum for

The bill was discussed at length, its opponents contending that it interfered with the present

From Louisville.

LOUISVILLE, March 7 .- General Palmer has commuted the death sentence of the guerilla; James Harry Wells, alius A. M. Henry, and Samuel A. Berry (one-armed Berry) to ten years' imprisonment in the Albany Penitentiary, subject to the approval of the President.

American Fishermen in New Brunswick. Sr. Jouns, N. B., March 8.—The Lieutenant-Governor of this province has issued a proclamation, warning American fishermen off from the in-shore fishing grounds after the 17th inst.

Fires in Massachusetts. Boston, March 8,-Accounts from Cape Cod report that large fires took place in the towns of Brewster and Sandwich, on Wednesday night.

Arrival of the "Borussia," NEW YORK, March 8,-The steamer Borussia has arrived H.er dates have been anticipated.

Liberal Advances-Quantrell, the Cuerilla-General Mejla Created a Field Marshal-Maximilian's Legal Tenders-A Mutiny Among Belgian Troops-Marshal Bazaine Thinks there will be War with United States - Newspaper Sup-

NEW YORK, Marc's 8 .- The Herald's Mexican correspondence says that all the country in the neighborhood of Tampico is entirely in the possession of the Liberals. The communication with San Luis Potosi is cut off, but has partially been reopened in consequence of the Imperial movement in that direction.

pressed.

turned up in Mexico. Maximilian has created the grade of Field Marshal, and General Mejia is to be the first

Quantrell, the Missouri guerilla, is reported as

appointed. Twenty millions of legal tender paper is to b

ssued by the Imperial Government, The Pelgian troops have refused to fight under the Imperial General Mendez, who shot Arteaga, not caring if the Belgian prisoners should be shot in retaliation. General Bazaine wanted to have every fifth man of the offenders shot, but the Empress interfered in their behalf. The Belgians say they are willing to go home in disgrace, but will not fight under Mendez.

General Bazaine is stated to have intimated that he thought there must be war with the United States. Heavy detachments of troops have been sent

to Queretare and San Luis Potosi, The newspaper Noticioso has been suspended for exposing the falsity of the assertions of the French newspapers in Mexico.

Details of the Fight at San Ignacio. This morning the following was published in

the official newspaper of this department:-TANGANCICUARO, January 30, 1865,-To his Excellency the Minister of War, etc., etc.;-I have the honor to inform your Excellency, that on my arrival at Uruapan, which was on the 26th of this month, I received information through my scouls, that a command of the enemy, under Regules, was in Jiquilpan. Immediately after-wards I arranged a plan to attack him, and to

this end retired my forces to within the limits of the Department of Jalisco.

When there, I divided my command into two columns; the first one, under Colonel Farquet, being composed of 450 of the Guanajuata bat-tation, 100 of the Yturbide battalion, 150 of the With this column was also placed two pieces of light artiliery. The second column, under the orders of Colonel Santa Cruz, consisted of 490 Infantry of battalton of the Emperor, 200 giaetes of the 4th Cavalry Regiment, 100 of the Piedad's and armed citizens from Ario. I went with the

I ordered Colonel Farquet to march with his column via Tinguindin and Reyes, while I moved direct, with Colonel Santa Cruz's column, for Tangancicuaro, the point of my combination. me object which I had in view being to prevent the enemy from sweeping round by the north or south of Zamora, and escaping to the Sierre

My calculations proved correct. Regules, hearing of the advance made in the direction of Reyes, made a countermarch, and passing by Tinguindin, hoped, with forced marching, to each Tangancicuaro as a point of safety Tangancicuaro was exactly the point of combination to which both columns were moving, this move of Regules was exactly what I wanted

As soon as the enemy had reached the Rancho de la Palma and formed so as to meet the column under Colonel Farquet, I moved up in the rear of his position with the other column to the Liano de Espejo, distant two leagues from Tan-gancicuaro. As soon as the enemy was advised of this he formed line-of-battle on the table land of the Rancho de la Palma, and stationed detachments at Cerro de la Lvaguna and Paso de la Cerreta. His cavalry he sent to Las Joyes de Rirgen, to Elias, and to the Llano de Espejo,

routing my position. After I had made my reconnoissances, and cal culated the strength of the enemy's force, which was about 2000 men, I sent a small force directly forward to make a leint attack on the line of entrenchments behind which the enemy po-ted, while with all but a small reserve I made a flank movement to the hill of San Ignacio, This hill we took, together with the first fine of

works, in about fifteen minutes. After this, as the enemy became concentrated, he massed all his cavalry in a small open space and sent his intantry to hold a second line of

Now commenced a lively engagement. Two hundred of my infantry charged the enemy's second line, and did so with such enthusiasm that the enemy was paralyzed and completely defeated.

Just at the time when this charge was made the enemy's cavalry struck one of our flanks and moved up rapidly on one of the pieces o artillery, and actually lanced two of the artil crists, and made prisoners of all the rest.

For the moment the enemy seemed to b gaining the ascendancy. But I at once gave such orders as brought my command again into a position of continuity of live, and then making a grand charge, compelled the enemy to aban don his prisoners and retreat with such precipi tancy that, before the battle was ended, we had quite a number of important captures. The

whole affair lasted about three hours.

By half-past 7 P. M. the enemy had dispersed in all directions. Regules escaped with about three hundred of his command by him, the princical part being mounted.

I have four hundred and eighteen prisoners.

Among these are some officers.

I lost twenty-two killed of the battalion of the Emperor and forty-five wounded in atl. RAMON MENDEZ, General.

FROM BALTIMORE TO-DAY.

Railroad to Hagerstown-The Steamer Cuba ". Henvy Gales-Loss of Schooner, Etc. Special Despatch to the Evening Telegraph

BALTIMORE, March 8.-The city's subscripion for four thousand shares to the

capital stock of the Western Maryland Railroad, to complete said work to Hagerstown, passed the first branch of City Councils yesterday by nineteen majority. It will certainly pass the second branch. The elegant steamer Cuba, Captain Rollins

sailed yesterday for Havana and New Orleans, with full freight and passenger list. Terrible gales have been prevailing since yes

terday, causing very low tide. The schooner Liberty, of Baltimore, sunk yesterday in Chesapeake, Bay. Two of the crew were drowned.

10,000 Volunteers Crdered Out.

MONTREAL, March 8,-The morning papers say that last night orders were received by the milltia authorities to call out 10,000 volunteers within twenty-four hours, and that last night guards were stationed at the armories, and everything put in a state of defense for any emergency that might arise.

FROM NEW ORLEANS.

General Scott-Military Changes - Tho Veto in Louisiana and Texas - Freed. men's Affairs-The Port of Matamoras, Etc. Etc.

NEW OBLEANS, March 7 .- General Scott is still here, and not at Pensacola, as reported, It is rumored that General Steedman succeeds

General Canby, and that General Fullerton will be the President's Private Secretary. Recruiting for the Laberal army is going on

The President's veto of the Freedmen's Bureau bill arrested the contemplated emigration of a large number of Texans to foreign countries.

The irredmen's affairs in Texas are favorable, and in this State more satisfactory. Goods are selling at Houston, Texas, twenty-

five per cent, below the invoice price. The report of the abrogation of the decree making Matameras a free port was erroneous. The law requires the payment of the duties at

Matamoras instead of the interior. Governor Wells has issued a proclamation ordering municipal elections on the 12th in st. Mr. Carr, of Belize, Honduras, is here end avoring to open regular steam communication be tween that port and New Orleans, Governor Austin, in his address to the Belize Legislature, recommends official aid to the undert king. On the 12th inst., daily passenger trams will run on the Jackson road, making close counce-

tions with the roads above. The President has notified the stockholders of the Southern Pacific Railroad that one-half of their accrued dues must be paid by the 15th of April, and the balance by the 15th of June next, or they will be forever barred.

General James Longstreet has been elected President of the Great Southern and Western Life and Accident Insurance Company, just established here.

General Dick Taylor has leased from the State the new canal connecting the upper part of New Orleans with Lake Pontchartrain for \$750,000, payable in annual instalments. General W. P. Benton, the new Collector of

Internal Revenue, has arrived here. Arrival from New Orleans. NEW YORK, March 8 .- The steamer George Cromwell, from New Orleans, arrived at this port

this morning. Latest Markets by Telegraph.

New York, March 8.—Stocks are dull. Chi-cago and Rock Island, 1067; Cumberland preferred, 428; Illinois Central, 116; Michigan Southern, 752; N Y. Central, 91; Pennsylvania Coal, 50; Reading, 988; Hudson River, 104; Canton Co., 43; Missouri 6s. 78]: Erie, 854; Freesury 7:30s, 994; ien-forties, 964; Five-twenties, 1024; Gold, 1814.

S6): Five-twenties, 102; Gold, 131;.

New York, March 8.—Cotten is dull at 43c for middlings. Flour dull; sales of 7500 barre s at 86 85 for State; \$6.75@8 40 for Western; and \$8.20 @15 50 for Southern; and \$7.60@11 50 for Canadian. Wheat and Corn dull; sales unimportant. Beef quiet. Pork heavy at \$26.25 for Mess. Lard firm. Whisky dull.

NEW ORLEANS, March 7.—Cotton unsettled and irregular. Sales of 2000 bales. Receipts to day 2809 bales. Middlings nominal at 441@45. Gold, 131).

Sterling, 42.

Philadelphia Cattle Market, THURSDAY, March 8 .- Boof Cattle are in better demand this week at an advance. About 1500 head arrived and sold at from 151@16, for first quality Pennsylvania and Western steers; 13]@15c, for fair to good; and Halle o P lb. for common, as to

The following are the particulars of the sales :-165 head P. Hathaway, Lancaster county, 142215. Jones McCeso, Chester county, 14@15 A. Christie & Bro., Lancaster co., 14@15}. Owen Smith, Lancaster county, 14@15}. H. Chain. Lancaster gounty, 12:215 E. S. McFillen, Chester county, 14:215 A. Kernedy, Chester county, 14:215 McFillen, Lancaster county, 13@15 ontague & McFillen, Chester co., 1 Mckillen, Lancaster county, 14216 L. Frank, Lapeaster county, 12314. Shomberg & Frank, Western, 12314.

Hope & Co., Chester county, 14@16. B. Hood, Chester county, 14@16. Dryfoos & Brother., Western, 12@14. J. A. Chain & Brother, Pennsylvania, 14@15. Sheep - Prices have advanced; about 6000 head a rived, and sold at from 61@810. W pound gross, as to quality.

as to quality.

Cows are without change, 50 head sold at \$40.0

65 for Springers, and \$50.080 per head for Milen Hogs—Fries are rather better, owing to the light receipts; 800 head sold at the different yards at from \$14.014-50 the 100 pounds nett. cows, as to quality

Philadelphia Trade Report. THURRDAY, March 8 .- Cotton is dull and prices

drooping. Cloversced sells slowly from \$5.50 to \$6.50 for fair and choice quality. We quote Timothy at \$8.871. Finxseed is firmer, and is wanted at \$2.80,

There is very little demand for Flour, and only 1500 bbls, were taken at \$8.75 P bbl. for good Western extra; \$8@9 for Northwestern family; and \$11 to \$14 for fancy lots, menuding 400 bbis, of the latter on terms kept secret. There is very little doing in Rye Flour, and we continue to quote at \$4.75.35. In Corn Meal no change.

The Wheat Market is extremely quiet. 400 bushels

The Wheat Market is extremely quiet. 400 bushels fair red sold at \$2.25; a choice lot of 1000 bushels at \$2.30; and 6000 bushels red and white on secret terms. Rye commands \$5 cents. Corn comes forward slowly, and the demand is limited. Sales of 2500 bushels yellow at 70 cents, in store, and from the cars; and 2000 bushels at 72 cents. Oats are unclanged. Sales of 1100 bushels Delaware, in the cars, at 49 cents. Prices of Bariey are unchanged. 1400 bushels Malt sold at \$1.40.

Irade in Groceries and Provisions is small, and prices generally drooring.

itiky is in limited request. Sales of 125 barrels Pennsylvania and Onio at \$2.25@2.30.

In Paris there are 28,760 street lamps, all of which are regularly lighted before the close of the day, and burn during the whole night. The flame has fixed dimensions, regulated so as to produce a light equal to one and a half of that of a carcel lamp, burning forty-two grammes of oil per hour. There are eighty men belonging to the municipal service, and as many inspectors of the Parislan Company, charged to superintend the efficiency of the whole apparatus; they make their rounds every night, accompanied by men whose duty it is to rexindle any lamps which may have gone out, and take note of those which burn badly.

LEGAL INTELLIGENCE.

Injunction Against the Lombard and South Streets Railway Company.

SUPREME COURT AT NET PRIUS-In Equity-Justice Strong.—The City of Philadelphia, et al., vs. The Lombard and South Streets Passenger Railway Company. In this case, which we re-ported on the argument of the bill in equity and demurrer thereto, Justice Strong this moraing delivered the following opinion:-

ing delivered the following opinion:

The first ground assigned for the demurrer to the compliantants' bail is that the Legislature cannot delegate to the city of Phradelphia the right of assenting to or departing from the exercise of the frauchise conferred by the General Assembly upon the defendants. In support of this reason it is urged that, by the Constitution, all the legislature power of the Commonwealth is vested in the General Assembly; that it is in its nature inaliciable, and that a nelegation to the city of a right to dissent from the exercise of a public franchise granted to a corporation would be an admission of the city to a share in the law-making power. It is undoubtedly true that the Legislature cannot, admit any other body to a participation with riself in the onactment of a law, nor can it delegate to a local legislature, or even to the people of a municipality, the power to determine whether a law shall have vitality or not. But this principle is misappied when it is used to negative the power of the Legislature to grant a trunchise dependent upon certain conditions, one of which may be that before it can be exercised the assent of some person or persons shall be obtained. Such a grant, though buying the form of a law, is, after all, in autistance but a conve ance of a portion of the public in the partial or subject to conditions precedent, as well a Licurch having the form of a law, is, after all, in sutstance but a conve ance of a portion of the public right, and there is no reason why it may not be partial or subject to conditions procedent, as well a unrestricted and unconditional. When the Legislaure cleates a corporation, with power to build a rai way on a street of a city, subject to the assent or dissent of the City Councils to such a use of the street, the assent of the Councils gives no force to the legislative enactment, and the dissent does not destroy it. No legislative power is delegated to the City Councils by such an act. Their interposition is a mere condition attaches to the grant, a restriction of the franchise. The right to build the railway is not conferred absolutely, but is made dependent upon a contingency. Our books are full of cases in which grants of power made by the Legislature, the exercise of which was made dependent upon the action of a portion of the people or the approval or disapproval of some municipal corporation, nave been sustained as legitimate action of the General Assembly. Even the case of l'arker va. The Commonwealth, 6 Barr, 507, relied upon by the counse; of the defondants, recognizes and approves the distinction between a condition in aw, valid under the Constitution, and a delegation or transfer by the Legislature or its functions. Without undertaking to cite those cases, I refer to two only in which the principle, is clearly enunciated. In Commonwealth vs. Pamier, 10 Barr, 214, an act of Assembly directing the County Commissioners to actermane the exact site for, and to erect public buildings in the new county town of Delaware county, if a majority of the veters of the county sioners to determine the exact site for, and to creet public buildings in the new county fown of Delaware county, if a majority of the voters of the county sloud vote in favor of the change, was held to be constitutional. And in Moers vs. The City of Reading, 9 tiar, 188, where it appeared that an act had been passed empowering the corporate authorities of the city to subscribe for shares as the capital stock of a railroad company, and requiring them to submit the question of subscription to a popular election, the result of which should determine their action, Black, C. J., in delivering the opinion of this Court, need this language:—'It is arrand that this is not an exertion of legislative power by the Assembly, but a mere delegation of it to the propie of Reading. We cannot see it in that light that the statutes on our books are in the alternative, depending on the discretion of some person or persons to whom is confided the duty of detertive, depending on the discretion of some person or persons to whom is confided the duty of deternining whe her the proper occasion exists for exercising them. But it cannot be said the exercise of such a discretion is the making of the law. New privileges, conterred upon a public corporation, need not be absolute and peremptery, so far as to force them on the members against their consent. When individuals, or corporators, are merely authorized to de a thing, the doing of it necessarily decends on their own will, and we can see no reason why the acceptance of a new power, tendered to a

vois, and the defendants have no right at all to construct a railway.

The next question raised by the demurrer is, whether, under the act of Assembly by which they were incorporated, the defendants can construct the rimitway over and along the streets named in the bil, to wit:— By Froat or Waler street to Walnut street, thence down Walnut street to Delaware avenue, thence along said measure avenue to Dock street." without the assent of the Crly Councils, or whether they are affected by the ordinances of February 28, 1860, which ordinanced that no person or body corporate shall be allowed to remove the cobble pavement on any of the highways of the the cobble pavement on any of the highways of the city without first procuring the assent or the Councils of said city. The tenth section of that act (P. L. 1861, page 707) enacted that they should be sub-L. Bell, page 707) enacted that they should be subject to all the ordinances of the Councils of the city. This, then, was a condition of the grant of the fraichise, and as the grant is to be construct most strictly against them, the subjection must be regarded as a subjection to the ordinances then existing, one of which was a prohibition against removing cobbic pavement on any highway without first procuring the assent of Councils. The subjection speace of in the act extends to all the powers granted, as well for the construction of the railway as for its subsequent use. There is no reason to justify us in heldor the construction of the railway as for its subsequent use. There is no reason to justify us in helding that any ordinance the City Councils had the power to pass is not one of those to which the tranchite granted to the dejendants was made subservient by the legislative provision that they should be subject to all the ordinances or the said Councils. What authority have I to say that while their conduct in the use of their road shall be subordinated to the conduction of th duct in the use of their road shall be subordinated to city ordinances, their conduct in building their road need not be? The act of Assembly makes no difference, and no reason for a difference is seen. The Legislature recognized a paramoint authority in the Councils, said, I think, with great propriety. This was ruled in this Court on the 31st of March, 1803, by my brother Woodward in a case between the san eparties, in which it was sought to restrain these delandants from removing the cobbs pavements or Lombard and South streets, for the purpose of build-ing their railway. In that case he ruled that the ac-under which they were incorporated thes same act am now considering) did not authorize the detendant to construct a railway on those streets without the consent of the City Councils. I concur with his opinion. It is true that after that decision was made, the defendants obtained a Supplementary Act of Assembly (the supplement of April 14, 1863), by which they were empowered to extend their railway which they were empowered to extend their railway from the intersection of Front and Lombard streets, along said Front to Dock street, and along said Dock street to Delaware avenue, and they were authorized to construct and lay the said railway, without obtaining the consent of the City Councies. This very supplement fortifies the construction I have given to the original act of 1861, for it under that act the consent of the City Councils was not a prerequisite, the last mentioned provision of the supplement was superfluous.

But the supplement covered nothing more than

why the acceptance of a new power, tendered to a pt blic corporation, may not be made to depend on the will of the people when it is expressed by themselves, as well as when it is spoken by the mouths of their officers and agonts." This language, it is

true, was spoken of powers conferred upon a public corporation, but it shows clearly the distinction between making a law, and a conditional grant of power. I conclude then, that the Legislature were competent to grant to the defendant, a right to

build a railway on certain streets of this cuty, and make the exercise of the right dependent upon the assent or dissent of the Chy

Councils, or, in other words, grant a franchis

limited by the condition that the Councils should ascent to the occupation of the streets. But even if this is not so, it will not help the defendants in this case; for, if their right to build a railway is, by act

of Assembly, made dependent upon their obtaining

voic, and the defendants have no right at all to con

prerequisite, the last mentioned provision of the supplement was superfluous.

But the supplement covered nothing more than the railway then authorized. It was the railway as described in the first act, and its supplement, that the defendants were authorized to construct without obtaining the consent of the City Councils. It was that alone. Being a private corporation, the Act of Assembly is not to be held as giving them any more power than plainly appears in the words of the grant. As to the strees and paris of streets which it was contemplated the defendants might occapy in the construction of their railway, then in view of the Legislature, consent of the Councils to the occapation and to the removal of the pavements became no longer necessary. So far the company was reheved from subjection to the ordinance of February 28, 1869. On the 18th day of May, 1865, however, the defendants obtained a further supplementary act, by which they were authorized to extend their railway track north, by Front or Water street, to Wainut street, thence along and Delaware avenue; thence along and Delaware avenue; thence along and Delaware avenue; of atreats. said Delawate avenue to Door street. This is a new extension, along other streets and parts of streets, not in the view of the Legislature when the supple-

ment of 18:8 was enacted. It is not the rallway spoken of in the supplement of 1868. To its con-struction and use, I think, the provision of the first saluction and use, I think, the provision of the first set, making the company subject to all the ordinances of the City Councis, applies. The set of 18 5 did not repeal the tenth section of the act of 1861. It only excepted, partially, from the operation of that section the railway as thin an horized. I am of opinion, therefore, that the defendants have no right to remove the pavements, and construct a railway on the new route described in the act of 1865, without first obtaining the consent of the City Councils. And, if this is correct, the city of Philadelphia, being the legal custodian of the a roots which the defendants process to invade by their extension, has exhibited in its bill a right to the restraining power or this court.

Here i might conclude. This in fact disposes of all the reasons assessed in support of the demurrer,

si the reasons assigned in support of the demurrer, and conducts me to the conclusion that they are without foundation. The bill does present a case for an injunction against the proposed use of those parts of Front. Water, and Walaut streets, and Delawate avenue, defined in the supplement of 1855 as the route of the new extension.

There is, however, mother consideration which is istal to the demurier, though applicable to Delaware ayenue alone.

The pili charges that Delaware ayenue, from Dock to Walnut, is not a his hway over and on which the Commonwealth has any power to grant any iran-Commonwealth has any power to grant any tranchise, except on making compensation to the city of I'll indeping, as trustes under the will of Stephen Girare, and also making compensation to the other complainants, who have added the city by agreements and otherwise in accomplishing the objects councrated in said will (some of which agreements are set out), and that Delaware avenue is not a highway made so by due process of law, or by a plenary edication of the owners of land destate. The demourer admits all the averments of fact contained in the bill, though I agree, it does not admit mere inferences of law. It is argued that the lacis thus charged are averred as legal inferences from other facts. Specifically stated, I do not think so. They are averred directly and positively, and while it is true that reas as are given for the averments, and that those reasons consect of other facts those facts are stated as evidence only in support of the main averments. And looking at them, without relying upon what is urged to be only a legal deduction from them, I am of or infon that they show rights in the complainance superior to any constitutional the compisinents superior to any constitutional power of the Legislature to grant any private corporation the privilege of maxing a railway upon Delaware avenue without providing for compensation to the city of Philadelphia, as a frestee under Girard's will, and compensation to the other complainants, who have made convenients. who have made conveyances or agreements, expressly to subserve the purposes of the trust. Deta-ware avenue is not such a highway as is under the unlimited control of the Commonweath, the mode or use or which can be regulated by the Legislature at its pleasure. The public right is very peculiar, and there is nothing in the fill to diminian the lorce and office of the averaged that the second of the control o and effect of the averment that the avenue is not a highway that the Legislature can appropriate, or grant the use of to a radroad corporation, without

highway that the Legislature can appropriate, or grant the use of to a ra frond corporation, without providing for compensation to the complainants as owners of private preperty.

I will not now spend time to consider the question whether, under Mr. Girard's will, bequeathing \$300,000 to the Commonweath, on the conditions described therein, one of which was that laws should be enacted to enable the making of the avenue, the removal of obstructions, and the prolibition of obstructions enatward thereof, coupled with the acceptance of the legacy, a contract was proferred and concluded, by which the Commonwealth was disabled from authorizing a railroad on the avenue even upon making compensation. This is a grave question, and the present case does not demand an answer to it. It is enough that the trustees for the purposes defined in the will, have not so devoted it to public use as a public highway, that it can be used for a railroad, without their assent, and without compensation made to them.

The demorrer of the defendants is, therefore, overruled, and a perpetual injunction to the defendants will be decreed against extending their railway a org Front or Water street to Walnut street, and down Walnut to Delaware avenue, without first procuring the assent of the city Councils of Philadelphia; and a perpetual injunction will be decreed against constructing a railway along Delaware avenue from Walnut to Deck streets, or on any part thereof.

Court of Quarter Sessions—Judge Ludlow.

part thereof. COURT OF QUARTER SESSIONS-Judge Ludlow. liam was charged the same to have been stolen. The evidence for the Commonwealth showed that the defendant came honestly by the borse, having purchased him from a man to whom he had been entrusted for tale by the prosecutor. This fact being proven, the Commonwealth abandoned the case, and the jury rendered a verdict of not guilty. Ernest P. Steck was convicted or assault battery on one John Hess, and was fined \$5 and

ceny, as builee of \$70. The prosecutor not ap-pearing, the jury rendered a verdict of not the assent of the City Councils to its exercise, and the Legislature had no constitutional power to grant a tranchise thus restricted, the net of Assembly is Alexander Thompson and Morris Kennard, colored, charged with assault and battery on Samuel Mend. also colored, were acquitted.

Jacob Shaltaker was convicted of a charge of

malicious mischief. Sentence deferred.

Thomas A. Steppacher was charged with Iar-

No other cases being ready, the Court adourned till to morrow. THE WEAVER AND GIVEN CONTESTED ELECTION CASE. COURT OF COMMON PLEAS-President Judge Allison and Judge Pierce.-The contested election case was to have been resumed this morning, but the Court stated that they had concluded o refer it to an Examiner to take the testimony. It will therefore be proceeded with before an Examiner appointed by the Court on Monday.

FINANCE AND COMMERCE

OFFICE OF THE EVENING TELEGRAPH, ?

Thursday, March 8, 1866, The Stock Market opened very dull this morn ing, and prices continue unsettled. In Govern ment bonds there is little or nothing doing. 103was bid for 5-20s; 104} for 6s of 1881; 994 for 7.30s; and 90 for 10-40s, coupons off. State and City loans are dull. New City 6s sold at 901@

901, the former rate a decline of 1. Railroad shares are the most active on the list. Catawissa preferred sold at 32, an advance of #; Pennsylvania Railroad at 55], an advance of 1; North Peansylvania at 35@354, no change; Lehigh Valley at 62, a slight decline; and Reading at 494, a decline of 4 on the closing price last evening; 115f was bid for Camden and Amboy; 29 for Little Schaylkill; 53) for Norristown; 544 for Minehill; 26 for Elmira common; 23] for Catawissa common; 204 for Philadelphia and Erie; and 44 for Northern Central.

In City Passenger Railread shares there is very little doing. Chesnut and Walnut sold at 51 @514; and Hestonville at 33@331, the former rate a decline of 4; 40 was bid for Fifth and Sixth; and 18 for Thirteenth and Fifteenth. PHILADELPHIA STOCK EXCHANGE SALES TO-DAY

Reported by De Haven & Isra., No. 40 S. Third street | S700 City 6s, new. 904 | 10 sh Lehigh Nav... 52 | 10 sh 10 sh N Penna... 35 | 10 sh FIRST BOARD. 300 sh do... 2 100 sh do... 53 35 300 sh do... 12 100 sh do... 12 300 sh do... 101 sh 300 sh do... 101 sh 30 5 100 sh do... 101 sh do... 101 sh 100 sh 100

BARPER, DURNEY & CO. quote as follows:-PHILAD'A GOLD EXCHANGE QUOTATIONS.