

**GIBSON PEACOCK** Editor.

## OUR IWHOLE COUNTRY.

PHILADELPHIA, WEDNESDAY, MARCH 30, 1864.

F. L. FETHERSTON, Publisher.

BULLETIN' BUILDING 112 SOUTH THIRD ST.

### VOLUME XVII., NO. 300.

### REV. HENRY WARD BEECHER.-A few choice seats for Mr. Beecher's great lecture may still be had at 724 CHESTNUT st. 21\* **EVENING BULLETIN** PHACOCK, CHAMBERS & CO.,

# PROPRIETORS.

## 112 SOUTH THIRD STREET,

## PHILADELPHIA:

TREMS OF SUBSORIFILTA. TREMS OF SUBSORIFILTA. The BULLET'R is served to Subscribers in the fity at 18 conts per week, payable to the carriers. Grass of per annum. RATES OF ADVERTISING. Half Square, 1 times.... 5611 Square, 2 weeks...53 25 1 Square, 3 times..... 7511 Square, 1 month... 5 66 1 Square, 3 times..... 7511 Square, 2 months. 10 66 1 Square, 3 times..... 7511 Square, 3 months. 11 66 1 Square, 1 week....1 7511 Square, 6 months. 29 66 Six lines constitute one square; three lines Parts half a square Less half a square

# NEW WINDOW SHADES, The largest stock, The finest Goods, The finest Goods,

The lowest prices, At W. HENRY PATTEN'S, 1408 Chestnut street. mh18

NEW SPRING MOURNING GOODS daily

# N opened by BESSON & SON. Mourning Store, No. 918 OHESTNUT street. N. B. Wholesale Booms on second floor.

TYRE & LANDELL, 400 ARCH Street, have

this season, for their best custom, Bichest Silks imported; Shawls of exclusive styles; Dress Goods, Paris styles; Spring Mantles, Cloth and Silk. mb30

### MARRIED.

MARRIED. MCCAFFREY-BISHOP-March 24th, 1563, at Pittsburgh, by Rev. Thompson, Mr. Richard Mc-Gaffrey, of Pittsburgh, to Miss Melissa Bishop, of Connellsville, Fayette county, Pa. PRICE-LONG-March 24th, at the residence of the brude's father, East Liberty, by the Rev. H. O. McFarland, Lieut. Wm. P. Price, 77th Regi-ment Pa. Vols, to Miss Jennie Long, all of East Liberty, Allegheny county, Pa. RAYMOND-FARRELL-In Jefferson City, La., on the 30th of January, at the residence of the bride s mother, by Judge Payne, Mr. A. H. Ray-mond to Miss Elenore H. Farrell, of Jefferson City.

## DIED.

**DIED. ANDREWS**—At St. Louis, March 26th, Sarah D. Andrews, wife of the 1 te Joshua Andrews of Philadelphia, Pa, in the 74th year of her age. KELLY—On Sunday evening, 37th instant, Charles Kelly, of Kellyville, aged 6l years. His relatives and friends and those of the family 37e respectfully invited to attend his funeral from his late residence, Kellyville, Delaware county, on Thursday morning March 31st, at 90 clock. **\*** KLETT—This morning, 30th inst., Mrs. Rachel Klett, relict of the late John Klett, in the 60th year of her age.

other age. Due noice will be given of the faneral. \* LITTLE — On Tuesday morning, March 29, Elizabeth O., wife of the late Bobert A. Little, and eldest daughter of the late Jos. Solms. The relatives and friends of the family are in-

wited to attend her funeral, from the residence of her mother, No 124 South Eighteenth street, on

Triday morning at 10 o'clock. 2t MoARTHUR—On the 30th inst., Mrs. Sarah B. McArthur, in the 8th year of her age. Funeral to take place on Friday afternoon at 2 O'clock, from No. 649 North Thirteenth street. \*\*

QUAKER CITY GOLD MINING COMPANY OF COLORADO. – Subscrip-tions will be received at the office of the Sub-scriber, and Pamphlets descriptive of the same can be had on application to E. S. MOSS, mh30-91# No Dock State E. S. MOSS, No. 219 Dock Street

LADIES SOCIABLE, IN FAVOR OF Fourth Ward Bounty Fund, takes place this evening at National Guarda Hall. Tickets 50 cents. Ladies Refreshments found. 1t\* A STATED MEETING OF THE INCORPORATED PENNSYLVANIA SOCIETY, for promoting the Abolition of Slavery, &c., will be held on FIFTH DAY EVENING, alst inst, at 80 clock, at 109 North TENTH eteret

&c., will be held on FIFTH DAY EVENING 31st inst. at 8 o' clock, at 109 North TENTH street second story. DILLWYN PARRISH, President AMOS HILLBORN, JOS. M. TRUMAN, JR., Secretaries. mh30-2t\*

THE GREAT CENTRAL FAIL.—The Committee on Benefits, Exhibitions and Intertainments requests that the proceeds of all Renefits, Exhibitions, &c., public or private, given for the Great Central Fair, be remitted to Mr. GEORGE GLLPIN, Treasurer, 227 Dock street, by whom they will be properly acknew-ledged. GEORGE TROTT, Obsirman, 23 South Tenth street.

FBANOIS WELLS, Secretary, 124 South Thirteenth street. mb30-4th

124 South Thirteenth street, mb30-416 PERSONS HAVING BOOKS, AND M. GAZINES to send to the 25th United States Colored Troops, for their instruction and entervainment during their voyage, will please send them to Héadquarters Supervisory Commit-tee, No. 1210 CHESTNUT street, on or before Thursday morning next. mh29-21ppt ROBT. R. CORSON, Gen'1 Ag't.

The snual assessment for 163 for the above-named district, of persons required to a tax in Car-riages, Pleasure Yachts, Billiard Tables, and Gold

risges, Pleasure Yachts, Billiard Tables, and Gold and Silver Plate, and also of persons required to take out licenses, having been completed, NOTICE IS HEREBY GIVEN That the taxes aforeasid will be received daily by the undersigned, between the bours of 9.A. M. and 3 P. M. (Sundays excepted) at his office, S. W. corner of Third and Walnut streets, on and after MONDAY, the 7th inst., and until and including Saturday, the 2d day of April next ensuing. PENALTIES. All persons who fail to pay their Annual taxes

Saturday, the 2d day of April next ensuing. PENALTIES. All persons who tail to pay their Annual taxes upon Carriages, pleasure Yachts, Billiard tables, and Gold or Silver plate, on or before the aforesaid 2d day of April 1864, will incur a penalty of ten per centum additional of the amount thereof, and be liable to costs as provided for in the 19th section of the excise law of 1st July 1862. All persons who in like manner shall fail to take out their licenses as required by law, on or upon the 2d day of April 1864, will incur a penalty of ten per centum additional of the amount thereof, and be subject to a prosecution for three times the amount of said tax, in accordance with the pro-visions of the 59th Section of the law aforesaid. All payments are required to be made in Trea-sury notes issued under authority of the United States, or in notes of Banks organized under the act to provide a National Gurrency, known as National Banks. No further notice will be given.

National Bangs. No further notice will be given. JOHN H. DIEHL, Collector. mh5-tap25 S. W. cor. Third and Walnut streets.

HOWARD HOSPITAL, NOS. 1518 AND 1528 LOMBARD Street, DISPENSARY DEPARTMENT. Medical treatment and med ines formished grating to the Boor 513

**PEBSONAL.** Rev. Byroa Sanderland, for eleven years paster of the Four-and-a-half street Presbyterian church, in Washington, has received an invitation from the American and Foreign Ohristian Union, to fill the present vacancy in the American Ohapel at Paris, with the understanding that the appoint-ment is for four years, unless earlier terminated by unforeseen providential circumstances. The matter was presented at a full meeting of the con-gregation on Monday, and a resolution was adopted granting him leave of absence for the matter was presented at a full meeting of the con-gregation on Monday, and a resolution was adopted granting him leave of absence for the period designated. In the trying tumes of 1861, when many of his members went off with the secession tide, he stood firm upon the side of the Union. Constitution and the Right, and he dis-tinctly stated in bis letter accepting the call, with reference to the rum rof the recognition of the Southera Confederacy by France, that he would not stay in Paris a single day after such a recogni-tion took place. A private letter from a prisoner in the Richland jail at Columbia. S. C., states that Acting Ensigns Williams and Porter, of the Navy, who were cap-tured in the attempt to storm Fort Sunter, have been released from irons and restored to the usual liberty of prisoners. Among the prisoners recently released from the Libby Prison is Capt. E. Szabad, formerly of Gen. Fremont's staff, and later of Gen. Sickles's staff. He was captured on the 26th of October last, by the 2d Virginia (rebel) Cavalry, while reconnoiver-ing our advance at Bealeton Station. The rebels being clad in our uniform, Capt. S. took them for Buford's cavalry, who were draw mup a short dis-tance to the rear. tance to the rear. The steamer Harvest Moon left Washington yesthe archite in the remains of his son will be ordered by the state of the remains of his son will be boat, in hopes that the remains of his son will be nt down. Senator Hicks has so far recovered from his late Senator Firsts has to far recovered from his fate lillness and from the effects of the amputation of one of his ankles as to enable him to be taken to his home at Cambridge, Md. He hopes to resume his duties in the Senate before the close of the pre-Intelligence has been received of the death in Nuremberg, Germany, of John P. Schenkel, of Boston, of consumption. Mr. Schenkel was for several years a gamemith in Boston, and the in-ventr, of the now selected ordnayne shell which ventor of the now celebrated ordnance shell which bears his name. Capt. Thomas O. Sullivan, Commissary of Sub Francisco, and Capt. Gillman will, for the pre-Francisco, and Capt. Gillman will, for the pre-sent, occupy the position. The Washington correspondent of the Norristown Free Press, states that the full-length portrait of Ex. Press, states that the full-length portrait of form the rotunda of the Capitol, and east among the rubbieh. Sam Cowell, the well known English comedian and comic vocaitst, died on the 11th inst, at Bland-ford, England, from consumption. Capt. H. G. Wilcon, of the Sod N. Y. Regiment, died at Hart's Island, last week, from the effects of the bite of a rat on one of his fingers. Col. Carlos A. Waite, of the 1st United States In-fantry, who has been in command at Annapolts, for a year past, has been relieved, and Ool. A. E. Root, the former commandant at O ump Parole, su-persedes him. Captain Thomas Watkins, of the Parnell Legion, has been appointed Provost Mar-shal of Annapolis, vice Capt. Francis J. Keffer, of 71st Pa. Vols., who has been relieved and ordered to his regiment for duity. sent, occupy the position.

THE DEPARTMENT OF THE SOUTH. AN ATTACK NEAR FORT ROYAL DEFEATED.

## THE EXPEDITION TO PILATKA.

[Correspondence of the N. Y. Tribune.]

[Correspondence of the N. Y. Tribune.] HILTON HEAD, S. C., March 24, 1864.—About 4 A. M. Sunday, March 20, a rebel attack upon Jen-kins s Island and Spanish Wells, Hilton Head Island, was made and frustrated. It had been anticipated and provided for. No sooner was the rebel flotilla of eight boats discovered than a rocket ascended, which called to the scene the gunboat Chippewa, and the picket-boats Croton and Thos. Foulks. After they were fired into, the cries and groans of the wounded were heard, and the sur-vivors, aided by the darkness, escaped. No loss occurred on our side. Ample preparations have occurred on our side. Ample preparations have been made by Col. howell, our Post Commandant, to repel the enemy, wherever they shall appear. From Jackson ville it is announced that the Sumter, a small stern wheel steamboat, laden with tur-

ter, a small stern wheel steamboat, laden with tur-pentine and cotton, has been taken. Two others known to be lingering in the creeks near the St. John's River, between Pilatka and Jacksonville, are probably taken or destroyed before this date. [Corre-pondence of the New South.] PILATKA, FLA., March 16, 1864.—On the 9th inst. an expedition left Jackson ville for this place, arriving the following morning. No enemy was found here. Our forces are now intrenched and hold the town, awaiting patiently for the enemy to come and see us.

hold the town, awaiting patiently for the enemy to come and see us. Reports from deserters and refugees say that Gen. Patten Anderson is between here and Gaines-ville, with 10,000 or 12,000 Confederate troops These reports must be taken with a large grain of salt, as the credibility of Florida corn-cracker not is wholly reliable. And yet the enemy may be in considerable force in our front, and also along the line of the Fernandina and Cedar Keys Raitroad. We learn of a diabolical atrocity that Cham-bers's Cayalry committed on two negroes here. line of the Fernandina and Cedar Keys Railroad. We learn of a diabolical atrocity that Cham-bers's Cavalry committed on two negroes here, something like a year or more ago. These negroes nad run away from Orange Springs, had crossed the St. John's, and were trying to get to St. Au-gustine, for Union protection. They were un-questionably running away from their masters, and were in pursuit of freedom. But they were captured, brcught here, and hang on a tree near the town. They had no civil or minitary trial; had committed no crime, but were executed—simply to 'uput down the nigger' in Florida. One of these poor fellows was cut down before life was extinct --burned alive, as it were, and afterwards his head beaten to pieces with muskets. Such is life in the peninsula of the Confederacy. The scenery here is beautiful; orange groves, bahana trees, pomegranates and other tropical trees and shrubs abound. The bay south of the town is magnificent, and the noble St. John's is here full three miles wide. Only four families were living here where, Pliatka had 500 in-babiants, and four large hotels. It was the head of steamboat trade in the interior of Florida, pre-vious to the war.

of steamboat trade in the interior of Florida, preious to the war.

On the 14th ult., one of our gurboats captured at Lake George a small steamer called Sumter, with a small quantity of course, and turpentine. The Sumter has been unloaded and sent up to the lake again in pursuit of a other Confederate steamer, said to have a large lot of cotton upon

her. Our command, under Col. Barton, will advance

Our command, under Col. Barton, will advance this morning to teel the enemy, and ascertain the correctness of reports as to his being in force Nothing else new or strange. JACKSONVILLE, March 22, 1561.—On Thursday night the enemy's cavalry made a raid at Mag nolia, a watering place on the St. John's river, distant from Jacksonville about 30 miles, and fired all the buildings in the place. Among the build-ings were three large hotels, two of which were capable of accommodating 200 gnests each. In quiet times Magnolia was a popular resort for the clite of Florida, many of whom repaired thither for the benefit of their health. Shortly after Gen. Seymour occupied Jacksonfor the benefit of their health. Shortly after Gen. Seymour occupied Jackson-ville, a small force of men was sent to Magnolia on the steamers Nelly Baker and Cosmopolitan. They made a landing without opposition, in-spected the buildings, took from one of them a quantity of supar and turpentine, and then re-turned to Jacksonville. Medical Director Swift has for some time contemplated establishing a general hospital at Magnolia. It offered nume-rous advantages for the sick and wounded, one of which was a magnificent sulphur spring, which was carefally encircled with a wall of stone. The buildings were large, airy, and in good condition, and in every repect suited for the reception of patients. The rebels, doubtless, had been made aware of Dr. Swift's intention at destroyed the place accordingly. patients. The rebeix, doubless, not been made aware of Dr. Swift's intention at destroyed the place accordingly. Last week the rebeis sent a flag of truee to our lines at Jacksonville. The object was to gain per-mission for two citizens who had been living at Lake Gity to enter Jacksonville where they had formerly resided. The request was granted. Sergeant Finney of Ucapaay H, and Frivats Patterson of Company A, both of the Independent Massachuseus Cavalry Battal on were captured by the enemy while making a reconnoissance within his lines. The same parties had twice be-fore been on a similar scout, and after having pased through and around the rebel camp. suc-ceeded in coming away safely, bringing with them much valuable information. Finney and Patter-son are shrewd, capable men, and their capture was an unfortunate circumstance. The rebel officer who came with the flag of truce, remarked that they were the greatest know-nothing he had ever met with. He coold not get a word of infor-maton from either, and one of them invariably limited his answers to a short "yes" or "no."

CITY BULLETIN. 

SALE OF REAL ESTATE, STOCKS, &c .- Thomas

& Sons' sold at the Exchange, yesterday noon, the following stocks and Real Estate, viz: S112 Lehigh Coal and Navigation Company, 107 per cent.—\$119-84 \$1,200 Schuylkill Navigation loan, 99 per cent .-

£1, 168. S600 Schuylkill Navigation loan, 99 per cent.-

ishare Mercantile Library-\$550. 1 do do do \$8. 1 do do

1 chare Micrcantile Library-\$5 50. 1 do do do \$8. 1 do do do \$8. 1 do second do \$8. Four-story brick dwelling, Twentieth street, between Cherry and Race streets, 16 feet 4 inches front-\$6, 100. Four story brick residence, No. 1815 Pine street, west of Eighteenth street, subject to a yearly ground rent of \$330, \$7, 100-912, 100. Two three-story brick stores and dwellings, Nos. 722 and 724 Arch street, with stabling, &c.; lot 35% feet front-\$31,900. Two four-story brick stores, Nos. 512 and \$15 four-story brick stores, Nos. 813 and 815

Market street, west of Eighth street, 33 feet front-S52, 100. Modern three-story brick residence, No. 515 Franklin street, south of Spring Garden street—

Franklin street, south of Spins Carries S. S7,440. Lot, 6 6-16 acres, Ridge road, northwest of Mil-flin street, S1,250 per acre—\$7,500. Lot, 5 acres, Ridge road, adjoining the above, \$1,600 per acre—\$9,500. Two lots, 10 acres, adjoining the above, \$1,625 per acre—\$16,250. Lot, 4 acres, adjoining the above, \$1,550 per acre—\$6,250.

Lot, aboat 6 acres, Nicetown lane, west side Germantown Railroad, S1, 200 per acre—S7, 200. Total over \$137,060. The sails of the 45, 111 acres of land was postponed until the 26th of April.

A SAD CASE-ONE OF THE RESULTS OF THE

A SAD CASE—ONE OF THE RESULTS OF THE REDELLION.—Officer Boyd Adams is about to send to the Northern Home for Friendless Children, two interesting and respectable children—a boy and a girl, aged about five and six years. The history of these children is another illustration of the misery produced by the existing rebellion. The children formerly resided in Richmond, Va., with their grandiather, who was quite wealthy and owned a large saw mill. Some eight months ago the mother of the children was compelled to leave Richmond. She was furnished with funds and forwarded North with her children. The grandfather of the latter expected to follow them. He made the fittempt but was caught by the rebeis taken back and forced to work in his own mill for the rebel gavernment in the meantume the moary of the unfortunate woman rah out, and she became quite destitute. Her disappointment weighed heavily upon her mind, ad she finally went into a rapid consump-tion. A number of benevolent persons, who be-ceme forunties with the circumstances of the

tion. A number of benevolent persons, who be-came acquainted with the circumstances of the case, provided for the lady for some time, but it was thought best to send her to the Pennsylvania Hospital, and she is now lying in that institution at the point of death. The children, having none to properly care for them, were handed over to officer Adams, and, as before stated, will be taken to be withow Mershaw 10.

to the Northern Home. CLERES OF MARKETS .- The following ap-CLERKS OF MARKETS.— The following ap-pointments of clerks of Market Houses in the city have been made: Whathon and Washington Mar-kets—George W. Shaffer. Eleventh Street Mar-ket—Malcolm Martin. South Second Street Mar-ket—Mahon Webster. Eastern Market-Richard Blaney. Western, Union, and Western Farmer's Markets—John Ackley. Franklin and Farmer's Markets—Thomas Lewis. North Second Street Markets—Thomas Lewis. North Second Street Markets—William Weyant. Callowhill Street Mar-ket—Jamee Parks. Girard Avenue, west of Sixth street-G. W. Metzger. Girard Avenue, from Sixth street to Frankford road—Lewis M. Green. Girarc Avenue, east from Frankford road—Wil-liam Eager. Spring Garden Market—Dasiel Clark. Markets in Filteenth Ward—J. H. Munn. Frank-ford Market—Abel S. Stokes.

was moved about 100 feet yesterday. The bad weather of to-day interferes with the work, or she would have been upon the dry dock this atternoon. BEST QUALITY FLOUR.-Messrs. Davis &

Bichards, Arch and Tenth street, have just received a fresh invoice of Wheat Flour of the finest and most approved brands, fresh ground from the choicest Wheat, to which we invite the attention of our readers.

A GREAT HOUSEHOLD BLESSING.—Indepen-dent of the great advantages in an economic point of view, of every family possessing a sewing machine, the fact that it is the highest promoter of health and; preserver of iffe ever vouchsafed to woman, renders this invention incomparably the most important of this or any former age Still, general as this praise applies to Sewing Machines as a whole, there are poults of difference b-tween the various machines in the market that are of the numet importance to buyers. For all family part poses, for example, the popular Grover & Baker instrument, sold at 730 Chestnut street, is unques-tionabily the best. It not only performs a greater variety of work, with the greatest neatness and durability, but it accomplishes what noother Scu-ing Machine attempt, prominent among which is its capacity tot fine EMBROIDERY. The Grover & Baker machine, we may state, has taken the highest premium over all competitors wherever it has been exhibited. The Stitching Rooms now con-nected with the Agency are a great public conve-nience, as the sewing there done, being executed on the Grover & Baker instruments, is superior to all others in syrenth and elegance of finish. MAGNIFICENT STOCK OF SPRING CLOTHING.— A GREAT HOUSEHOLD BLESSING .--- Indepen

MAGNIFICENT STOCK OF SPRING CLOTHING.— Messrs. C. Somers & Son, No. 625 Chestnut street, under Jayne's Hall, have this season greatly in-creased their facilities for meeting the wants of the public in the way of elegant fashionable Clothing. Their importations are bot only the largest that they have ever mede, and the most exquisite in se-lection, but their increased force of the most talented cutters in the country, and their determi-nation not to be onldone by any rival establish-ment in the United States, cannot fail to secure for them a very large increase of patronage. We have had an advance glimpse of their elegant stock, — bid will be formally onened on the lst of April. MAGNIFICENT STOCK OF SPRING CLOTHING .them a very large increase of paronage. We have had an advance glimpse of their elegant stock, which will be formally opened on the ist of April, and can commend it to genulemen of taste as emi-nently worthy of their attention.

THE IMPROVED ELLIPTIC LOCK-STITCH SEW-Ing MACHINE is the embodiment of all new and late improvements which years of experience have tested and proven to be of the most vital importance to the Operator in sewing fine maternals or fabrics of family use. It is no new fancy experimental machine but of thoroughly established reputation, making a light Lock-stich, asike on both sides of the work, which cannot be raveled. They stitch, hem, bird, fell, run, braid and gather

They sew equally as well the lightest and heaviest fabrics

They sew over the heaviest seams without chang.

They sew over the heaviest seams without chang-ing the tension or breaking the finest thread. They use any No. of Cotton, Thread or Silk, directly from the spool. They run easily, and are almost noiseless. Of a rotary motion, thereby going at great speed, durability, strength and ease. All reversible movements carefully avoided as being fatal to any good machine. Past experience undoubtedly settles these points. Office No. 701 Chestnut street, Northwest corner of Seventh.

CARD .--- WABBURTON'S HATS. --- The new CARD.-WAPBURTON'S HATS.-The new shapes for Spring wear are now ready. Gen-tiemen are respectfully invited to call and examine them. It is believed that the styles now being of-fered will prove very pleasing. The brims are made narrower than heretofore, conforming in this respect to the best fashions of London and Paris, and in com-pliance with the expressed wish of many who give attendion to matters of dress in this city as well as in New York. Broader brims will be kept in stock, or made to order for those who desire them. The prices of silk, as well as felt hats, have necessarily advanced. Nearly every article en-

enjoyment of the public, and finally brought them into a better condition than when received from the State, the plaintiff is not entitled to recover in this action for any delays or detentions caused in the adoption of such mode of repairs. 3. That if such breaches as occurred in the canal-and such failures of locks, aqueetucts and other mechanical structures, as occurred and are com-plained of in this case, were repaired by the Rail-road Company with reasonable promptitude, and efficiency after their occurrence, there can be no recovery in this action for injury resulting from such causes.

such causes. That it was the duty of the Railroad Company to keep up the Canal for the passage of boats, and not for the convenience of thaders carrying on the business of buying and selling goods from boats stopping for longer or shorter periods, for their own cunvenience in trading along the line of the Canal, and therefore plaintiff's cannot recover for any injury alleged to have been sustained by him, in the transaction of such business

5.—That the damage alleged to have been sus-ained by plaintiff, in the business transacted by him is too remote, and cannot be recovered in this action. 6.—If the Court should submit the question of

damage to the jury, under any count of plainliffs. declaration, we request the Court to instruct that there are no circumstances of aggravation.

INTERESTING DECISION ... THE ADMISSIBIL. ITY OF COLORED WIINESSES. Sylvester beeds, Quartermaster's Sergeant, 1s: M. S. M. battery, charged with murder, has recently been on trial at Jefferson City before a general court marital, convened by Special Or ders No. 22, Headquarters District of Missouri. The court found the accused 'mot guilty' as charged, but guilty of murder in the second degree and sentenced him to be dishonorably discharged from the service, ard to be confined at hard labor for the years.

and sentenced him to be dishonorably discharged from the service, and to be confined at hard labor for ten years. This inding and sentence have been set aside by the Judge Advocate of the District, Capt. A. E. Conkin, for the reason that one of the defandani's witnesses was excluded on the ground of being a person of color. In the decision Capt. Conklin 15, we learn, fully sustained by Major Dunn, the Judge Advocate at the department headquarters. The proceedings in this case are disapproved. The proceedings in this case are disapproved. Upon the part of the defence, one Lucy Jack was introduced as a witness, and upon a memoer ob-jecting to her competence upon the ground that she was a negro, her evidence was ruled out by the Court. Thernling of the Court was wrong. It is a general rule of evidence that all persons are com-petent witnesses who are capable of understand-ing, and may be presumed to feel the obligations of an oath. Heretofore the extreme sensitiveness of the American mind has been so far biased as to for stail a judicial decision on this point and pre-cluded the opportunity for full action upon the part of Courts. In the case of Dr. I ellons, assis-tant surgeon in the army, tried at Fort Ningara' the quesion arose, the witness was admitted, and the action of the Court approved. It may be argued that the local statutes of Missouri exclude the witness. This is urue, so far as her local Courts are concert ed. The reviewing authority is not aware of any Federal statute which renders a negro incompetent as a witness, but, on the con-trary, the practice of the Federal Courts process. not aware of any Federal statute which renders a negro incompetent as a winness, but, on the con-trary, the practice of the Federal Courts recog-nizes them as competent. A court-martial and military commission are Federal Courts, and whenever the local statutes conflict with the general or Federal laws and rules, the former must bend or give way to the latter. The excluding of the testimony of this witness throws a doubt ore the whole way to the fatter. The excluding of the testimony of this witness throws a doubt over the whole proceedings in this case, and the prisoner is entitled to the benefit of that doubt It is impossible to approve proceedings, unless it clearly appears from the record that the prisoner had a fair trial and every opportunity allowed him to make a full and legiti-mate defence. The prisoner will be released from confinement an 1 arrest, and returned to duty.

ARUSKMENTS. ARUSKMENTS. THE CHISTNUT.—In company with as many persons as came early enough to get inside of the Chestnut, last evening, we sat out "The Octo-roon." It was one of the most enjoyable enter-tainments ever given in this charming theatre, and was played with a spirit which did honor to every one in the cast. Miss Gimber as Zoe was tender, tonching and beautiful; Miss Ward as Dora. was a real Southern girl, full of the fire, affectation, generosity and careleseness which make up that singular class of beings, while Ge-rest of the ladies of the company played admirably. Mr. Nordaant made the character of McCluskey THE feature of the piece by the intense force and wild passion he infused into it; Mr. Pearson as the In-dian displayed equal power, but with a quieter tone; any delineator of Indian characters could learn many 'opoints'' from Mr. Pearson as the In-dia displayed equal power, but with a quieter tone; any delineator of Indian characters could learn many 'opoints'' from Mr. Pearson as cudler did his part just precisely in good taste-mot in a single instance overstepping the bounds; Mr. Ward's Pete was good-the acting being better than his 'make up;'' Mr. Whiting walked quietly through his character of George Peyton, and was only heavy where fire was needed—we should like to see him in parts where he could dis-play the peculiar talent he showed in the inter-view with Dora just, previous to the sale of Terre-bonne. The other characters do not call for any special notice, though they were all fairly played. ''The Octoroon'' will be repeated this evening. SIMKONS, THE CONJURG.—Washington Sim-mons, the conjurer, who created such a forore in the principal European cities a few years ago, and who has recently returned from Australia, Chana and Japan, is about to give a series of his stanger in o ordinary character. His feats are all per-formed without the ald of apparatus or confeder-ates, and many of the strange things he sccom-played by the overland route from California, stop-ing at Sa AMUSEMENTS. mences at Concert Hall on Monday evening next. THE WALNUT.-Last evening "The Wives of Ireland" and "Ici I'en Parle Français" ware played at the Walnut to a good house. Miss Keene did not appear, owing to a slight indisposition. This evening "The Wives of Ireland" and "The Browns and Smiths" will be played by the full force of the double company. In the first piece all the prominent artists appear, and in the atter-piece Hemple and Peters play Smith and Brown. THE ABOH.—We think with restet of the traffic piece Hemple and Peters play Smith and Brown. THE ARCH. — We think with regret of the termin-nation of the engagement of Mr. and Mrs. Barney Williams, at the close of this week. To-night Mr. and Mrs. Williams appear together in "All Hallow Eve" and in "The Latest From New York." These plays exhibit the finest qualities of the genius of both, and cannot fail to draw an im-mense house. "John Wopps" closes the enter-tainment. On Friday Mr. and Mrs. Williams take their farewell benefit, and after Saturday night they depart for scenes of triumph in other cities. THE MINSTRELS. - This week's range of entar-tainments at the Eleventh Street Opera House is unusually varied, and to-night's bill is one of THE PARORAMA OF THE BIBLE will be exhibited this evening at Concert Hall. This admirable ex-hibition will soon close. NATIONAL HAIL.—The Circus will be very at-tractive this evening, as all the members of the star company appear. OCNORET TO-MORROW EVENING.—At Musical Fund Hall to-morrow evening a concert will be given for the benefit of the poor, under excellent auspices and with a varied programme. auspices and with a varied programme. QuorA or OHESTER COUNT, PA.—The quots... of this county under the last call for 200,000 men, is estimated at about 750. It is said that under the call for 500,000 there was an excess of about 200 credited to this county, which will count for our quotain this call. Mr. Reuben Bernard, the agent -of the county, has had an offer of one hundred men, which of course will be accepted, reducing the number to 450. There has as yet been no re-anlist... ing from the 97th Regiment, Col. Guss, now in... Florids, for the reason that there has not been... until recently a mustering officer in that region. f But as this is now remedied, it is **Bought the** number yet required for this county may be made number yet required for this county may be made up from that regiment. The commissioners conup from that regiment. The commissioners con-tinue to pay the county bounty. THERE OHILDREN BURNED TO, DEATH.-On Wednesday afternoon last, the wife of a mine named Seer, who lives at Walaut Oreck, a Anile or two South of Erie, Pa, left her three ch'idren at home alone, and locked up the house to visit a neighbor. During her absence the house took fire in some way, and burned down. The children perished in the flames. The oldest we is but your years of age. We cannot conceive of anything more heritable than an occurrence of this kind. It shows how careful mothers should, be in leaving their first ones alone with fire ne ar them.

CIEUULAR TO LUANHOLDERS.-B OFFICE OF THE LEHIGH COAL AND NAVIGATION COMPANY, PHILADELPHIA, March 19, 1864.

March 19, 1864. To all holders of Certificates of LOAN or FUNDED DEBT of "THE LEHIGH COAL AND NAVIGATION COMPANY," secured by

AND NAVIGATION COMPANY, "Sectred by their Mortgage of March 7, 1842: The LEHIGH COAL AND NAVIGATION COMPANY have determined, under authority conferred by Legislative enactments, to issue a new Mortgage Loan, having twenty years to run, from the first of April, 1864, and bearing interest at the rate of & per cent. per annum, payable quar-terly:

at the rate of the per cent. For this and the present existing Loan of the Company will be per-mitted to exchange their Certificates for Certificates of the new Loan, at par: Provided, notice of their intention to do so is given on or before TUESDAY, the 19th of April, 1864, at the Office of the Com-pany, where a subscription book is open, and where all information desired will be given. By order of the Board of Managers. EDWIN WALTER, mh29-6trp

mh29-6tro Treasurer

mh29-6trp THE GREAT CENTRAL FAIR-Office THE GREAT CENTRAL FAIR-Office THE GREAT CENTRAL FAIR-Office THE GREAT CENTRAL FAIR-Office COMES AND REVENUES, No. 118 South SEVENTH street, Philadelphia - The under-signed will be at the office, as above, TO-MOR-BOW, from 10 to 4, to furnish information and receive subscriptions. JNO. W. CLAGHORN, Treasurer.

JNO. W. OLAGHORN, Treasurer. It may be proper here to state that these sub-scriptions for one day's "labor," one day's "in-come," or one day's "labor," one day's "in-come," or one day's "revenue," are to furnish to the valiant seamen of our navy and the brave soldiers of our armies DIS-ABLED IN SERVICE those comforts and necessitues not supplied by the Government. It may also be proper to suggest that the Principals, Clerks, or men of different institutions, mills, factories, stores, &c., in Pennsylvania, and New Jersey, organize the movement in their re-spective establishments, and present the matter to call those therein engaged, and by getting up a sub-scription paper more readily afford each one en-gaged in the "establishment," an opportunity to contribute to an object so deserving. Let all ac-eording to their means volustarily and cheerfally Subscriptions and remittances by mail duly receipted for and acknowledged in Philadelphia newspapers. newspapers.

OGMAINTEE FOR A DAY'S LABOR. GREAT CENTRAL SANITABY FAIR. Committee on "Labor. Incomes and Revenues," Office No. 118 S. SEVENTH Street. JOHN W. OLAGHORN,

Treasurer. This committee has a special work, to wit, to ob-tain a day's 'labor,'' a day's 'income' and a day's 'revenue' from every estizen of the three States of Pennsylvania, New Jersey and Dela. ware, for the benefit of our sick and wounded sol-diers.

diers. The committee is now fully organized at the Bove address, and calls for the co-operation of all classes in the community. We want to show what the industrial classes can

do for their soldiers ! What the people can do in their separate trades! What Pennsylvania can do ! What Delaware can do ! What Delaware can do ! What each county can do! What each city and town can do! What each profession can do! What each trade can do! What each occupation can do! What each manufactory can do! What each manufactory do . What each bank, insurance company and rail-coad can do ! What each mine can do ! What each more can do !

What each mine can do! What each mone can do! What each family can do ! What each family can do ! What each family can do! What each boy and girl can do! We want to show the world what American Freemen are ready to do for their soldiers. What labor can do for humanily! There is a great work and the time is short. The work workshops.-in your families. Let the men roganize. Let the women organize. Let the trades organize. Organize everywhere. Let the trades organize. Organize everywhere. Let the workmen give with their employers, the employers with their workmen.

workmen give with their employers, the employers with their workmen. It is easily done. If the workmen will authorize their employers to deduct one day from their week s or month's earnings, and the employers will add to it a day of their profits, the whole will be ac-knowledged together to the credit of the establish-ment. We say to all, go to work at once with us an this great work. Hurry forward your contri-butions. Every acknowledgment will stimulate others to follow your example.

 thers to follow your example.
Circulars, with full instructions, will be sent apon application, by mail or otherwise, to the indersigned To work! To work! to the indersigned To work! BOND, Chairman.
MRS. E. W. HUTTER, Chairwoman of Ladies' Committee.
M. J. MITCHESON, Secretary. apon appli

71st Pa. Vols., who has been relieved and ordered to his regiment for duty. THE DEATH OF THE KING OF BAVABIA. The sudden death of King Maximilian of Bavaria has produced a most painful impression on his subjects, by whom he was both loved and estemed. On the 6th of March, His Majesty scratched the left side of his chest with a pin that was attached to an order which he was fastening to his coat, and on the 10th he was a corpse. In the forenoon of Wednesday the King was closeted with the Archduke Albrecht, and during their conversation he bomplained of a shooting pain at his chest. At 5 o'clock in the afternoon the King felt very ill and went to bed, and in three hours later his physicians feelared him to be in great danger. The person who went after midnight to inquire atter the health of the illustrious patient were told that 'uno change was observable;'' but already at that time the medical men knew that the case was hopeless. At five o'clock in the morning King Maximilian received the last sacrament, and shortly afterwards he had an attack of lock-jaw. Towards 8 o'clock His Majesty began to doze, and at 10 minutes before 2 he was dead. When first the medical men were called in they found a small abscess on the left side of their patient's chest, and in the course of the day the adjasent parts of the body were violently inflamed. The telegraph tells us that the imme-a poisoning of the blood by means of pus. At 4 o'clock in the afternoon of Thursday, the 10th, the eldest son of the defunct Monarch was publicly proclaimed as Louis II. of Bavaria. One of the last public acts of King Maximilian was the sending of instructions to his representative in the German Diet to move that the Estates of Holstein be immediately convoked for the purpose of ex-pressing their opinions and wishes in regard to the sending of instructions to his representative in the German Diet to move that the Estates of Holstein

German Diet to move that the Estates of Holstein be immediately convoked for the purpose of ex-pressing their opinions and wishes in regard to the right of succession. It is believed that the new King will go abead in the Schleswig-Holstein question, and it is very probable that he has already expressed his inability to act in concur-rence with Austria, as the Archduke Albrecht has berg, who is in his 83d year, is so feeble and ill that the persons around him are disposed to think that his days are numbered. The ex-Emperor Ferdinand is also very sick, but for some unknown reason the fact is kept from the knowledge of the public.

FRANCE, MEXICO AND THE UNITED STATES.

FBANCE, MEXICO AND THE UNITED STATES. [Correspondence of the N. Y. Commercial.] LoNDON, March 16.—With regard to the fuure relations of Mexico with foreign powers, and es-pecially with the United States, some interesting features may be rehed upon. It is believed that toward the end of the present month the new mon-arch will send a circular to each power announc-ing his assumption to the throne and inviting the nomination of Ambassedors, Consuls, &c. That this circular will be favorably met and responded to by President Lincoln is stated to be a matter of certainty. According to report ene part of the re-cent mission of Gen. Forey to Washington was to sound the Washington Cabinet on this subject—the result being that it was intimated to him the United States would accredit a Minister to Mexico pro-vided the new empire adopted no Policy directly

States would accredit a Minister to Mexico pro-vided the new empire adopted no policy directly or indirectly antagonistic to the Union. This account of the present posture of affairs coincides with some recent manifestations toward the Confederate representatives in Paris and Erns-sels. Mr. Shidell, it is said, asked an audience of the Archduke, to which a ready assent was given, with the proviso that it met the approval of the Emperor Napoleon. That approval, however, was immediately and distinctly refused. At the same time. Mr. Dudley Mann, from Brussels, con-ten plated seeking a similar favor, but seeing the turn matters were taking, he abstained, and went back to Belgium.

In explanation of the course adopted by the Em-peror Napoleon, his organs in the Court have reasoned with the Confederate partisans to the fol-lowing effect: "You have seen how France has reasoned with the Uonfederate partisans to the fol-lowing effect: "Yon have seen how France has been hampered for two or three years past by her commitments in Mexico. It has occupied the re-sources alike of her army and area yand treasury. The consequence has been that she has fait com-pelled to shape her course with regard to Poland, Italy, and elsewhere, so as not to add to ex-isting difficulties. The prospect now exists of terminating this condition of affairs, and she will not risk it by adopting any step that might plunge her into war with the United States. If England had consented, or would now consent to her proposais for recognition, the case would be different, but as it is, a policy of strict neutrality must be the one for France, and conse-quently tor the new Empire of Mexico. France has undertaken to support the Archduke on his throne, but it must be contingent on his not at the outset dragging her into me complications. If the United States had gone against Mexico, the Emperor Napoleon would at once have recognized If the United States had gone against Mexico, the Emperor Napoleon would at once have recognized the Confederates. All danger of that event having passed, all prebability of recognition has passed with it."

with it." It is further reported, in harmony with the fore-roing, that Mr. Preston (formerly United States Minister at Madrid), who is now on his way to Mexico on a mission from the Confederate Govern-ment to General Almonte, will not be received by the Archduke Maximilian on his arrival to as-

the Archduke Maximilian on his arrival to as-sume the throue. Under these circumstances the Confederate agents do not conceal from themselves that, for the present at all events, their hopes from France are lower than at auy former period, and not unnatu-rally they throw fresh blame on England as the canse of their ill-fortune. At the same time they have no choire but to admit that England is en-tited to their respect from never having cajoled them.

them. P. S.—A statement has been published in one o the morning papers to-day of the conclusion of a six per cent. Mexican loan for twenty-eight mil-lions sterling by Rothschild, Baring and others, but it is destitute of foundation.

ENLISTMENTS. - The warrants for the payment ENLISTMENTS.—The warrants for the payment of the city bounty signed by the Mayor this morn ing smounded to \$17,000. This would indicate the enlistment of only 68 men, a considerable falling off from yesterday. The quota of the city has not yet been filled, and our citizens should redouble their exertions to obtain the requisite number of volunteers. On the lat proximo, according to the proclamation of the President, the government bounties cease, with the exception of \$100, and those who desire to avail themselves of the large inducements for volunteering and at the same time avoid the draft, should enlist at once. THE FIFTENTE WARD.—The citizens of the

THE FIFTBEETH WARD .--- The citizens of the Fifteenth Ward will hold a meeting to-morrow evening at the Baptist Chapel, at Eighteenth and Spring Garden streets, to take further action in regard to filling the quota of the Ward by volunregard to filling the quota of the Ward by volut-wering. Some three hundred men are yet required. All the citizens of the Ward are deeply interested in this movement and these who are able should contribute liberally to provide the necessary bounty. It is to be hoped that there will be a full meeting to-morrow evening. DISTURBANCE AT A CONCERT SALOON.-H. W.

DIFTURBANCE AT A CONCERT SALOON, --- H. W. Wilson, halting from New York, was arrested las night upon the charge of having created a distur-bance at a Concert Saloon on Arch street. It is alleged that he assaulted one of the musicians and also threatsned to use a pistol which he drew from his pocket. Wilson was committed this morning back Dependent. his pocket. Wilson by Ald. Dougherty.

THE FIREMEN. The Presidents of thirteen Fire Comparies located in the Trestdents of intector I birtic held a meeting last evening, at the call of the Ohiet Engineer, to take action in regard to the great fair to be held by the Sanitary Commission. A com-mittee of three was appointed to confer with simi-lar committees from the other districts apon the explicit ubiect.

RAILWAY ACCIDENT .- Alexander McPryon was admitted into the Pennsylvania Hospital yas-terday afternoon with a compound fracture of the leg. He was riding out Market street on a passen-ger car on Monday night, and at Thirteenth street attempted to jump off. He fell and the wheels passed over his leg. His recovery is considered doubtiol.

THE GAS WORKS .- Thirteen ballots were taken yesterday afternoon for Chief Engineer, by the Trustees of the Philadelphia Gas Works. The candidates were Frederick Graeff and Thomas S Siewart, and (ach received six votes. As there was no prospect of an election, the Board adourned.

EXPLOSION AT A PAPER MILL .- A telegraphic despatch announces that the boiler at Jessup & Moore's Paper Mill, on the Brandywine, near Wilmington, exploded last evening, about six o'clock. No particulars are given in the despatch, but it is rumored two or more of the employes in the mill were injured.

OVERFLOWED .- The heavy rain of last night and this morning, and the high northeast wind has caused the water in the Delaware to rise to an unusual height. Many of the wharves along the front of the city were overflowed this morning. As far as ascertained no serious damage has bee

REV. HENRY WARD BEECHER will lecture tomorrow evening, at the Academy of Music, on "Power—The Law of its Distribution." It is a new discourse, and has never been delivered here. Like all of Mr. Beecher's lectures, it cannot fail to draw a vast audience to the Academy.

FIRE. About half-past eight o'clock this morning a fire occurred at Scattergood's store-house on Ton Alley, near Delaware Avenue. The flames were soon extinguished, but a quantity o sumac and other articles were considerably dam. aged by water. The loss is estimated at \$500

RECEIVING STOLEN GOODS .- William Splan was committed yesterday by Ald. Beilter to answer the charge of buying castings alleged to have been stolen from the shop of the Water Department in Observ street. Oherry street.

APPOINTMENTS.-The following appointment have been made in the City Treasurer's office: David Jones, Paying Teller; Thomas D. Stiles, Transfer Clerk; Robert G. Pidgeon, Stock Clerk; Francis M' Cauley, Warrant Clerk.

DISORDERLY HOUSE CASE .- John R. Loep and Mary Brown were before Alderman Jones this morning, charged with keeping a disorderly Candy house at Ninth and Miaple Streets. They were held in \$1,000 bail each to answer at Court.

LIBERAL CONDUCT .--- The clerks and messengers of Oity Councils have agreed to devote one day is salary to the U. S. Christian Commission, in aid of the great fair to be held here in June next. The amount will be about \$22.

CONSECRATION .- The Church of Our Saviour, on Reed street near Seventh, was consecrated yes-terday by the Rt. Rev. Bishrp Stevens. Rev. G. W. Shinn is the rector of the church.

THE TONAWANDA. - This immense iron-clad

necessarily advanced. Nearly every article en tering into their construction being either prepared or produced abroad, can consequently be bought only with gold or its equivalent. Such is the en-banced cost of material and labor that the very lowest grade of silk hat (when made of new stock cannot be retailed for less than five dollars. Ever cannot be retailed for less than five dollars. Every endeavor has been made to maintain the quality, and to keep near to the prices of the times pre-ceding the rebellion. Present prices for fine dress hats are now \$5 and \$7. For blocking or refinishing hats an increase of price is also made necessary. WM. F. WARBURTON, Halter, Chestnut Street, next door to the Post Office. Sparto Operations of the apparent the orbits

SPRING OPENINGS are the uppermost thoughts in the minds of the multitude. One great place to be visited at the present season are the two magni-ficent stores of Charles Oakford & Sons, Conti-nental Hotel, where will be found a stock of Goods for Ladies, Gents and Children, that stand un-rivaled in this city.

GENTS' SILE AND FELT HATS for Spring season, at the great Hat Emporium of Chas. Oakford & Sons, Continental Hotel.

BROWN'S BRONCHIAL TROCHES are recom mended for public speakers and others, for the re-lief of colds and to clear the voice. Their efficacy is strongly attested by Congressmen, Clergymen. Military men and others who use them. As there are imitations, be sure to OBTAIN the genuine.

DEAFNESS AND BLINDNESS .-- J. ISAACS, M.D. DEAFNESS AND BLINDNESS.—J. ISARCS, M.J., Professor of the Eye and Ear, treats all diseases appertaining to the above members with the numest success. Testimonials from the most re-liable sources in the city and country can be seen at his Office, No. 511 Pine street. Artificial eyes inserted without pain. No. charges made for an examination. Office house from 8 to 11 A.M., 2 to 6 P. M., No. 511 Pinestreet. BEST AND PUREST COAL in the city; none

better; please try it. Samuel W. Hess, Broad street, above Race, east side.

FINE CLOTHING, Ready-made and made to r INE CLOTHING, REMY-IMAGE and made to order, in the best manner and most fashionable styles. The subscriber is able to offer to the pub-lis the strongest inducements to purchase clothing of him, and will guarantee to all his customers entire satisfaction. WILLIAM S. JONES, Successor to Robert Adams, S. E. corner Seventh and Market Sts. Strocupper Cropyto ... As bluetering

SEASONABLE CLOTHING. - As blustering SEASONABLE CLOTHING.— As blustering, dusty, nerve-penetrating and chill-producing March is about to leave us, preparations for a change of attire becomes necessary. In lieu of the heavy overcoat, we shall need as a substitute one of Rockhill & Wilson's light and dashing fabrics, and the sombre style of the present must give place to the brighter hues appropriate to the season. To learn just what changes are necessary, it is advi-sable to visit the Brown Stone Clothing Hall of Rockhill & Wilson, Nos. 603 and 605 Chestnut street, above Sixth. street, above Sixth.

"MARYLAND HANS," "MARYLAND HANS."-"MARYLAND HAMS," "MARYLAND HAMS, Just received, another lot of those extra Hams, the best in the world. Also, Newbold, Jersey and Cincinnati Hams. For sale by WM. PARVIN, JR., 1201 Ohestnut street.

1204 Chestnut st

JUST AS WE ANTICIPATED.—The establah-ment of our young friends, C. O. Dittrich & Ce., Merchant Tailors, in the Continental Hotel, is be-coming more popular every day. Their stock is the finest in the city. POUND CAKE, Lady and Almond Sponge, 88 tents, at Morse's, 238 South Eleventh str CORNS. BUNIONS, Inverted Nails, Enlarged

Joints, and all Diseases of the Feet cured without pain or inconvenience to the patient, by Dr. Zacharie, Surgeon Chiropodist, 921 Chestnut street. Refers to Physicians and Surgeons of the VICTORY.-Ice Cream and Water Ices, a

40 cents per quart, Morse's 233 S. Eleventh street.

COURTS. NIST PRIVE-Justice Agnew.—Barnes vs. The Pennsylvania Railroad Company. Before re-ported. In this case the closing address to the jury is being made this morning. The defendants have asked the Court to charge the jury as follows: 1. That the duty of keeping the canals in repair, imposed by the 5th section of the act of May 16th, 1857, is discharged by keeping the m in as good condition as they were in at the time of their trans-fer by the Commonwealth to the Rallroad Com-pany, and if they have beea kept in as good condi-tion by the Rallroad Company, as when received from the State, the plaintiff is not entitled to re-cover, damages alleged to have resulted from such condition of the canal. 2. That the act of Assembly of 16 May, 1857, re-quiring the defendants so to make their ordinary repairs upon the canal as not permanently to sus-pend the navigation, but on the contrary in such manner as to keep open and in repair for the use and enjoy ment of all parties desiring to use and enjoy the same, and if the jury believe that the Bailroad Company, acting under the opinion of competent engineers, did so gradually make their repairs and keep open the canal for the use and COURTS.