The Daily Morning Post.

J. HARPER, EDITOR AND PROPRIETOR.

PITTSBURGH: WEDNESDAY MORNING, NOVEMBER 17, 1847.

☞ E. W. CARR, United States Newspaper Agency, Sun Buildings, N. E. corner of Third and Dock, and 440 N. Fourth street—is our only authorised agent in Philadelphia.

☞ The communications intended for this day's paper, have been crowded out. They will appear to-morrow.

General Scott's Official Reports.

The long looked for official despatches from the commander in chief in Mexico, have been at length received at the seat of goverment, and are published in the Union of the 13th instant. The despatches are voluminous, (far beyond our limits,) occupying nearly three pages of that paper. We have given, heretofore statements of the most material facts, and therefore need only say, that the despatches from Gen. Scott, as well as those from the several heads of divisions, &c., are of a character to endear our brave officers to all their countrymen, and to excite the highest emotions of regard and sympathy for the brave men, who have been the instruments of accommplishing so much, calculated to excite admiration throughout the world, for their valor and daring.

A part of the troops from Pennsylvania were not in the great engagements, which immediately preceded the occupation of the capital, but we find honorable mention is made of the 2d Regiment in Gen. Scott's despatch of August 28th; which puts to rest the slander circulated respecting its officers, and published here soon after the arrival of the news of the glorious victories at Contreras and Churubusco. Gen. Scott says:

"I regret having been obliged, on the 20th, to leave Maj. Gen. Quitman, an able commander, with a part of his division, (the fine 2d Pennsylvania volunteers, and the veteran detachment of U. S. Marines,) at our important depot, San Augustin. It was there that I had placed our sick and wounded, the seige, supply and baggage trains. If these had been lost, the army would have been driven almost to despair; and, considering the enemy's very great excess of numbers, and the many approaches to the depot, it might well have become, emphatically, *the post of honor*."

Particular reference is also made to the conduct of the brave and unfortunate Lieut. Inons, whose death we have announced.

The Railroad Meeting on Tuesday.

Nearly every person with whom we have conversed appears pleased with the result of the Railroad meeting on Tuesday. We believe the great mass of our citizens have all along been anxious to form a connection with the west, but were desirious of settling the difficulties with Baltimore, before investing capital in a new enterprise. And now that the partnership with Baltimore is finally dissolved, we have no doubt but that every business man and capitalist in the city will go to work in earnest in pushing forward the great Western Railroad, which when completed, will bring to our doors the business and travel of the rich, the flourishing, the mighty west. We have it now in our power to counteract all the movements of the Baltimore and Ohio Railroad Company, and we will be doubly blinded to our true interests if we refuse to embrace the opportunity offered to do so. The Convention which is to assemble at Massillon on the second Monday of December next, should be fully represented; and it is to be hoped that such a feeling will prevail in that assembly as will insure the speedy prosecution and completion of this gigantic undertaking.

☞ By a telegraphic despatch received on Saturday last, we learned that a vote had been given by the Pennsylvania volunteers, at Perote; but from the very limited poll we concluded there must be some mistake about the matter. As the despatch seems now to have confirmation, we give the vote reported, which was—

For Shunk,	66	For Longstreth,	66
" Irvin,	20	" Patton,	19
" Morton,	1		

A typographical mistake occurred in the despatch of the 13th at 7h. P. M.—*Newport* should have been inserted instead of New York, as the port into which the French steam ship put for coal.

The Common Councils, at their sessions on Monday evening, in accordance with the late act of Assembly, requiring the representation in the Common Councils to be fixed for each ward in a ratio corresponding with the number of taxable inhabitants, made the following apportionment:

1st ward	3	5th ward	7
2d "	3	6th "	3
3d "	6	7th "	2
4th "	3	8th "	2
		9th "	1

It will be seen by the above, which we copy from the Gazette of yesterday, that the efforts of a few individuals to rule, and control the city thro' its councils, have not succeeded in the manner that was anticipated. The law has been permitted to go into effect, according to its true legal meaning. This must be gratifying to every good citizen who does not wish to see men, "clothed in a little brief authority," do violence to the feelings and the rights of those who may happen to differ with them in politics. We flatter ourselves, that our timely admonitions to the majority in Councils were not altogether unheeded.

BRAZIL.—Accounts have been received at New York from Brazil, to the 20th of September. It is said that the most friendly relations exist between our new Minister (Mr. Ton,) and the government. At a fancy ball on the 18th Sept, which the Emperor and Empress attended, the former danced with Mrs. Tod, and Mr. Tod with the Empress, receiving from all, the most marked attention. The United States ship Ohio, was still at Rio, awaiting the arrival of the Independence.

DESPATCHES BY ELECTRIC TELEGRAPH.

EXPRESSLY FOR THE MORNING POST.

NEW YORK MARKET.

November 16, 4 P. M.

FLOUR—Genesee sold at $6,12@6,18; and Western at $6,12; on the decline....WHEAT—No change....CORN—Mixed selling at 73c Prime Yellow 75; firm, receipts small....MESS PORK—Western is selling at $15; Prime $10,25....MESS BEEF—Sales at $9@10,37, dull....GROCERIES—A slight decline.

PHILADELPHIA MARKET.

November, 16 5 P. M.

FLOUR and GRAIN—No change....GROCERIES—Holders high; sales small....CORN MEAL—Sales at $3,12; a decline....CLOVER SEED—Sales at $4,12@4,50.

BALTIMORE MARKET.

Nov. 16, 5 P. M.

FLOUR—Howard st. $5.75; City Mills same. Supply small....WHEAT—Prime White $1,25@1,30; Prime Red at $1.20@1,25....CORN—Sales at 68@57 for Prime White....BEEF CATTLE—Sales at $2,37 on hoof....KILLED HOGS—Sales at $6,20@6,12....Provisions and Groceries without change.

Letter from Capt. P. N. Guthrie.

The following letter from Capt. GUTHRIE, of this city, will be read with no ordinary interest by every Pittsburgher. The date of the letter is not so late as many others received here from the Mexican Capital; but the thrilling incidents narrated by the writer will be eagerly perused. It will make the heart of every true Pennsylvanian leap with joy, to know that the name and honor of our glorious old Commonwealth have been nobly sustained by her gallant and patriotic sons in Mexico.

It is proper for us to state, that this letter is published without any authority from the Captain himself, or, probably, any idea on his part that it would be published.

CITY OF MEXICO, Oct. 6, 1847.

Dear Brother:—I herewith enclose a list of my company, showing the sick, wounded and killed, knowing that you will be called on by the friends of many of my men, to know their whereabouts &c. &c. I have made up this report for the benefit and information of all who are interested. In my previous letters I mentioned only the names of the commissioned officers who had fallen, Lieut. Col. Graham, Lieut. Johnson, etc.

My men all behaved in very gallant style through the actions of the 18th and 20th August, and on the 8th Sept.; also in several skirmishes of the Lancers on the 10th, 11th, 12th, 13th and 14th Sept. And I am very proud of them. The action on the 8th Sept. at Molina del Rey, was the hardest and most severely contested battle that has been fought in this country. Sergt. Lenox Rea distinguished himself very much by his acts of heroism—he had five as brave spirits as his own with him. Corporal Wm. M. Smith, John M. Crammer, Thomas Neil, and privates Asbury Harvey, and Alex. Cook. When he penetrated the fort, and followed the enemy right up to one of their batteries, situated immediately under the guns of Chapultepec, and in the very midst of the Mexican Army, took prisoners, three officers and fifty three men, bringing them back along the very front of the Mexican line, deceiving them by his boldness, into the belief, that the situation of affairs was "vice versa." He reported himself and prisoners safely to a Lieutenant of the 5th Infantry; and in a few moments afterwards, had his leg completely torn to atoms by a shell. He is now doing well; and will, in all probability, be sent home by the first train. The other men who were wounded, are all doing well.

Our people at home are very apt to judge victories by the number of lives lost. In that case, I am sure they will think the battle of "Molino del Rey" was a *very great victory*; for we had 750, men and officers, killed and wounded, in the action. The number of the enemy's killed and wounded is not known, but I have heard their *killed* estimated (generally) from 1500 to 2000, and we took 1300 prisoners.

Now observe: We had but 2670 men in the fight; the enemy had (by their own report) 20900 and over. We had, killed and wounded, 750, men and officers. They lost, killed and prisoners, (saying nothing of wounded) 2800 men and officers. Being about 200 more than we had in action, and about 900 more than we had to finish the fight with. If this was not a *wonderful*, as well as bloody battle, then I know not what a fight is. Their breast works are all very superior. The fort of Molina del Rey," is an old foundry and garrison; the walls of which, are about three feet in thickness and about 14 feet in height, covering a front of about a ¼ of a mile, and the whole covered in the rear by the Castle of Chapultepec, which is in musket range and on a mound or knoll, about 4 or 500 feet high. But we were bound to take "Molina del Rey," and we did take it, although it was to us a very dear victory. Some of our old Regiments were driven back, but they soon rallied, and seeing the 11th going in through, they would not be outdone by a new regiment, and they advanced and carried their part of the fort.

I have some remarkable good marksmen in my company; and they can pick off a Mexican as coolly as a hunter can a squirrel. I have a German named Cook, (he lived in Crogansville, near to old Shaw's,) he can shoot at a "Mexicano," and laugh and talk at the same time, with as much pleasure as though he were merely at a "shooting match." Another, Daniel Knox, did particularly fatal execution upon the enemy: he is, at once, one of the coolest and most ferocious chaps I ever knew. * * * * * If you see old Tommy Neal, just say to him, his boy is well and as good a soldier as ever faced an enemy. I know the old man will be glad to hear this.—Say the same to old Mr. Smith, for "Bill Smith" is a gallant and brave man. I know how it will please John Aiken to hear of Lennox Rea and Bill Smith. So just tell John, that these two came up to all I expected, and fought like tigers.

You could scarcely believe, that the fight was not yet over, when the thieving Mexicans, who are all the time in our wake, as peaceful persons, came on the field, whilst the balls were flying like hail stones, and began to plunder our dead and wounded. I saw this myself; and stopped and loaded a musket for a wounded soldier, whose leg was broke; and I had not left him two minutes, until he fired and killed a Mexican, who was approaching to rob him. Our men have been very humane to wounded Mexicans; but the Mexicans have on all occasions murdered our wounded.—But the day we took Chapultepec, (Sept. 13th,) we took no prisoners, nor left any wounded on the field—the soldiers were more like demons than men. It is generally believed, that from four to five thousand of the Mexicans were killed on that day, and the 14th. The whole Mexican army was most completely routed. Santa Anna took refuge in a village about six miles from here, called Gaudaloupe, and the second day after we entered this city, we sent out a small body to attack him, but he "vamoused" toward Puebla, with about 3000 men and 2 pieces of artillery; these 2 pieces are all he has left out of about 80 pieces. From all we can learn, he is now somewhere in the neighborhood of Puebla, and has joined or been joined by Gen. Rea, who came over from San Luis Potosi.

They had taken Puebla, but Col. Child's drove them out, by throwing a few shells amongst them; and we are expecting every day to hear that Gen. Patterson has come up to Puebla, and of course he will give them thunder. The new Congress is now trying to assemble at a city called Toluca, about 40 miles from here; and the scattered troops are assembling in the city of Quaretero; but from all accounts the *people* are not satisfied with the officers who allowed themselves to be so badly defeated under such favorable circumstances, and proclaim loudly against them—calling on the soldiers not to place themselves under their command, but either to form themselves under new leaders, as guerillas, or set themselves to work to affect an honorable peace. Judging from all these and various rumors, it is the general opinion that this army will be on its "winding way," within the next sixty days, either for the United States, the Rio Grande, or California. The opinion prevails, that a peace cannot be made; and in that case the army will be marched on to the disputed boundary, and also (a portion) take possession of the Californias and New Mexico.

I do not think that our army could muster 8000 men at this time; and as we had only between 11 and 12,000 when we started from Puebla; I think Gen. Scott has done wonders. We met an army of 42,000 men, who were in every respect as well if not better equipped than our own, who had the best of fortifications and entrenchments to fight in, and yet we whipped them in every instance most shamefully. You cannot possibly imagine what excellent forts and breastworks they have here; and could you do so, you would say at once that our battles have been truly wonderful. In two of these battles, (Churubusco and Molino del Rey,) nothing but the stubborn determination of our officers and men, to conquer or die, could have succeeded; for they were both real bull beats, and fights of that sort at which science is of no use—a real "knock down and drag out." The battles of Contreros and Chapultepec, and the fights into the city, were really scientific, and cannot be excelled in the annals of war. But even in the storming of Chapultepec, the enthusiasm of the men got the start of science. After waiting some time for the party selected to storm the Castle, they rushed pell-mell into the fort, over breast works and ditches, and straight into the Castle; and our flag had been waving from the top for full ten minutes before the storming party got in. The men had all fought their way to their positions under the walls, and there awited the storming party; but they were too slow, and the Colonels of Regiments had no more power to stay the rush of men, than you who was a few thousand miles off. They gave one grand Yankee shout, and the Colonels had nothing to do but *follow* for dear life. Up to this time, however, a great deal of military science had been displayed by Gen. Pillow—for to him was entrusted the taking of Chapultepec.

ROLL OF Capt. P. N. Guthrie's Company.

ABSENT LIST.

At Pittsburgh.
Andrew Lyon,
Lewis H. Moore,

At New Orleans.
Wm. McAllister,
Samuel Hise,

At Vera Cruz.
George Petriken,
Charles Frank.
Henry Boyle,

At Santa Fe, Mexico.
Fiskus Brown,
Thomas Layton,

At Perote,
Wm. J. Anderson,
Samuel McCartney,
Samuel Sweet,

At Puebla.
James Alexander,
Michael A. Cease,
J. J. Carskaddon,
Henry Davidson,
Patrick Hunter,
John Hannah,
John Kobler,
John Linhardt,
Joseph B. Price,
Wm. H. Bonting,
Arthur Reeves,
Charles J. C. West,
James Smith.

DEAD.

Jesse Flowers, of wound.
James M'Kee, diarrhœa.
D. L. Kilburn, do.
A. J. Avey, do.
Wm. Clark, do.
John M'Spadden, do.
Danl Schleppy, killed.

PRESENT.

At City of Mexico.
Milo Ames,
David Ayres,
Alexander Cook,
John M. Cranmer,
Charles Citron,
Wm. R. Call, *a*
John Cease, *b*
Samuel Coleman,
Andrew Davidson,
John Duff,
Wm. Dorman, *c*
Frederick Eckhart,
Robert Given,
Samuel Guysenger,
Nicholas Guental,
John C. Hardy, *d*
Conrad Hergensoeder,
Asbury Harvey, *e*
Joshua Hudson,
Phillip Hickman,
Thomas Jordon,
Jacob Johnson,
James M. Kelly,
Thomas Kelly,
George Keplinger,
Isaac Lockhart,
Jacob Lyon.
John Little, *f*
Thomas Morrison,
Michael Meehan,
Richard R. Maddeu,
Wm. Mitchel,
John M'Alesse,
Thomas Neil,
Gabriel Neis,
James Nesbit, *g*
John O'Hara, *h*
Isaac Price, *i*
Lenox Rea, *j*
James G. Riddle,
Wm. M. Smith,
George Seip,
J. B. Sterrett,
Albert Ueltschey *k*
George Webb,
Charles West,
Michael White,
Peter Breading
Daniel Knox,
George H. Shiffer.

a, Wounded slightly on the foot, Sept. 8, 1847.
b, Since making this out, of chronic diarrœah, Oct. 9, 1847.
c, Wounded severely on the leg, Sept. 8, 1847.
d, Wounded slightly in the leg, Sept. 8, 4847.
e, Wounded slightly in the groin, Aug. 20, 1847.
f, Wounded severely on the foot, Aug. 20, 1847.
g, Wounded slightly on the leg, Sept. 8, 1847.
h, Wounded in six places, by Lancers, Aug. 20, 1847.
i, Wounded on the leg, slightly, Sept. 8, 1847.
j, Wounded on the leg, by a shell, leg amputated, Sep. 8, 1847.
k, Wounded on the shoulder slightly, Aug. 20.

Letter from Lieut. Kane.

We are indebted to the politeness of M. KANE, Jr., for the following letter from his brother, Lieut. KANE, of the Irish Greens. It will be found very interesting, and we believe it contains the latest intelligence from our Pittsburgh volunteers. The particulars of the death of the gallant Col. ROBERTS, of the 2d Pennsylvania Regiment, are embodied in this letter.

CITY OF MEXICO, Oct. 17, 1847.

Dear Brother:—I embrace this favorable opportunity of sending you a few lines by the British Minister, who will start in a few moments for Vera Cruz. I have quite a number of your letters before me to answer, which I shall do in due time.

We have whipped the Mexicans in six or seven hard fought battles in the Valley of Mexico, and our loss has been very great. The Pennsylvanians have done their part nobly. You will hear how they acted on this reaches you. They were the first Regiment that entered within the walls of the great city of Mexico; and our Company (the Hibernia Greens) was the *third* that marched over the streets of this magnificent Capital. Some of the companies now here do not number more than fifteen to twenty strong. We have lost many of our best men, and amongst them I regret to announce to you the death of Col. Wm. B Roberts, of our (2d Pennsylvania) Regiment. He died on the 3d of October, of Typhus Fever, and bleeding at the lungs. Every thing in my power was done for him, but all in vain. He was sick about two weeks. Our Regiment feels the loss of him very much, and all unite in lamenting the untimely death of a skillful, gallant and devoted officer and soldier. I have had his body embalmed, and will send it home; and, if in my power, will take charge of it myself, together with the remains of Lieut. Sturgeon, whose body was interred at Puebla.

Capt. Porter's health is rapidly improving, though it has not been good since leaving Jalappa. He will be on duty in a day or two. Lieuts. Rankin and Skelby are well. One of our members named *Hague*, died on the 27th of September; his father is a painter in Pittsburgh. You can say to him, that his son received all the rites of the Catholic Church, and was buried decently.

We have now 38 active young men, and as good soldiers as ever shouldered muskets.

I will write to you more at length in a few days.

Yours affectionately,

JAMES KANE.

BANK DIRECTORS.—The following are the names of the Directors chosen for the ensuing year, by the stockholders of the several banks in this city. The election was held on Monday, the 15th inst.

BANK OF PITTSBURGH.

John Graham,	Lewis Hutchinson,
John Irwin,	Geo. W. Jackson,
David Shields,	David T. Morgan;
Christian Aushutz,	George Hogg,
William Holmes,	Geo. A. Berry,
William Croghan,	Geo. Ogden,
Nathaniel Holmes,	

EXCHANGE BANK.

Wm. Robinson, Jr.,	Harmar Denny,
Thos. Hanna,	Wm. Bagaley,
John Grier,	James Anderson,
Geo. Weyman,	D. C. Stockton,
William M'Cully,	MorganRobertson,
S. Stoner,	A. P. Childs,
J. H. Shoenberger,	

MERCHANTS AND MANUFACTURERS BANK.

Thomas Scott,	F. G. Bailey;
P. M'Cormick,	Wm. Morrison,
R. C. Townsend,	Geo. R. White,
John D. Wick,	James M. Cooper,
C. Ihmsen,	Morris Jones,
G E. Warner,	J. W. Burbridge,
A. Hunter,	

BURGLARY.—On Tuesday morning, about 1 o'clock, the Gazette office was entered by a young fellow named Slimmons, who took the change left in the drawer, and a flute. He was caught by some one connected with the office, who gave notice to a watchman, by whom he was arrested. Yesterday morning, he was fully committed by the Mayor.

This is the meanest burglary we have yet recorded; and the chap must have possessed some courage to risk so little. Can not some of the fancy gentlemen make an attrmpt on our office? It is open during the entire night!

LOCAL MATTERS.

Abstract of Decisions in the Supreme Court, Pittsburgh.

Shuff vs. *Morgan*. PER CURIAM: A recognizance to obtain an appeal from an award of arbitrators, entered 9th September, 1846, conditioned (enter alia) to pay defendant one dollar per day, for each day lost, &c., in such appeal, is void. The act of 20th March, 1845, § 1, (Dunlop, 928,) did not adopt the provision of that of 16th June, 1836, § 30, (Dunlop, 705) respecting daily pay, and that condition vitiates the whole

Scott vs. *Barnes*. PER CURIAM: A submission, viz: "*Whereas, David Scott has claims against his father's estate, &c., we agree to refer all matters in controversy,*" &c., does not authorize an award respecting claims of the father's estate against David Scott. Ergo, an award in favor of the executor of the father, is erroneous.

An action on an award of referees will lie before a Justice.

Caspenus & Patterson vs. *Jones*. Judge ROGERS: In an action of dower, non-tenure may be pleaded in abatement, and semble in bar also. The present plea being without conclusion, is of a doubtful character; but because it is a dilatory plea, requires support by affidavit. If, however, plaintiffs enter a replication to it, they cannot move for judgment for want of affidavit, but have waved the objection.

The plea is not a nullity, because of its omission to aver, that defendant was not tenant of the freehold. This must be tested by demurrer, and will not sustain judgment for want of a plea.

Conoway's administrators vs. *Conoway*. Judge ROGERS: The rule in Muntorf vs. Muntorf, (2d Rawb, 180,) recognised in Penrose vs. Pawling, 8 Watts, and Sergeant, 380, enforced in this case, by compelling an administrator of a notoriously insolvent estate to pay costs, *de bonis proprii*. On failure to collect a claim he had purchased on speculation, and administered to recover.

Thornton's Executors vs. *Davidson*. Chief Justice GIBSON: On sci. fa. to revive judgment, the Court cannot enquire whether the person who confessed the original judgment, was the proper representative of the original defendant, or had a special authority to make the confession.

Cardesa vs. Humes, 2 S. and R. 142, Hauer's appeal. 3 Watts and Sergt. 473, enforced.

A sci. fa. issued within the five years, saves the bar of the statute, which extinguishes the lien, if none were issued within that time, although the writ was not served within the five years.

A terre tenant not named in the above writ, nor in the return, cannot avail himself of such omission to escape the lien of the judgment, if he is warned by an alias writ issued after the five years.

The better practice is, not to name the terre tenant in the writ; but the Sheriff should summon him, and return the service.

An alias writ may be issued after a return of "*tarde venet*," and the plaintiff is not bound to accept an appearance after such return. Secus, if entered before.

It was the practice for an alias writ to recite the original mandate and return of its precursor until the popular principle of official rotation had driven every thing like experience out of office.—This and other errors cannot now be prevented, because they have become so general.

An alias scire facias may be connected with its original, by continuances through an intermediate term, or terms, not more than one year.

Wilson vs. *Jamison*. Judge COULTER: The amendment of a Narrration will be presumed in a Court of Error, to have been by consent, unless an objection of defendant appears on the record.

The criterion of the amendment inadmissible in a case after an award, is, that it shall not be such as exacts from defendant a new or different defence from that required prior to the arbitration.

The objection to evidence good in chief, because received as rebutting, deserves little favor in a court of error.

West vs. *Stewart*—Judge COULTER.—Removal of buildings, erected on premises conveyed under covenant of general warranty, is a breach of such covenant. Their erection by a stranger, with leave to remove them, will not save the breach, if the deed is included, or did not except the buildings.—Buildings, if named in the deed, are as much the subject of warranty, as the land itself.

[NOTE.—This decision establishes a rule entirely different from the cases of Crosby vs. Parker, 4 Mass. 110, Jackson vs. Clark, 7 Johns. 217, in which it was held that the word "buildings" in a deed, have no legal operation. And in 11 Pickg. 193, the words, the Mansion "*House and lands thereto belonging*" were not allowed to control the bounds specified otherwise. None of these cases, however, were cited at the bar, on behalf of the defendant in error, during the argument, nor could they have prevailed against the common sense and common parlance construction of the above decision.

NOTATOR.]

Wenty's Appeal—Judge ROGERS.—The only opportunity afforded to the heirs of an intestate, under the 40th section of the Act of 29th March, 1842, (Dunlop 474,) to accept or refuse the property at its valuation, is, at the return of the rule granted for that purpose, and their refusal or neglect at the appointed day, are alike irrevocable.

If the discretion of the Court *may* be ever exercised, in renewing the rule, it should be by consent of all the heirs, and where the property has not, as here, risen in value.

Hill vs. *Roderick*—Judge BELL.—The question in this action, between the same parties, reported in *N. Watts and Sergh*, 221, presented under a different aspect.

It was then decided, that an agreement for a division line, by a tenant, for life, did not bind those in remainder.

But where the will of a testator obviously indicated an immediate partition, and as a necessary inference, a division line, by which each devisee might own in severalty, and improve his own ground, with a full knowledge of its boundaries, it follows, that it was to be a permanent demarkation, and that such consentable line will not be disturbed after a lapse of forty years.

Heirs' Executors vs. *M'Bride*—Judge BELL.—Replevin for property sold under a warrant to levy school taxes. The propriety of raising the question of the validity of the tax, in this form of action, was raised, but not decided, because it was held that the tax was legally assessed.

The School Directors are not restricted to levying a tax on the district, to an amount not more than treble the State appropriation, under the Act of 13th June, 1836, section 4, (Dunlop 625.)

The words of the Act, of 12th April, 1838, (Dunlop 749,) "*without any increase of taxation beyond the amount named*," construed to apply to the sum of $108-910 therein appropriated.

For the purpose of arriving at a correct construction of the Act, the words "*and such sum annually thereafter, as will make the amount of appropriation equal to one dollar for each taxable citizen of the Commonwealth*," transposed, so as to follow at the end of the section.

The result is, that the school tax, levied by the directors, may be three dollars for each taxable, while the State appropriation remains one dollar for such taxable.

QUARTER SESSIONS—Nov. 15. Present, a full bench. The case of *Com. vs. John Sloan*, was resumed.

Cross examined.—Saw Sloan's wife and sister in his house on Sunday evening; was at the fire after 3 o'clock; saw my brother at the fire; was in the counting room after the fire; my brother sent me after the keys of the safe; I was his only clerk; David Galway made out the list of goods furnished to the Insurance Company; it was made out at Galway's store; gave the books; my brother sent me for the keys; said he wanted to see whether the locks were injured; my brother and myself were in the store about 9 o'clock on Sunday, and left for the Fourth Presbyterian church; after that we went to Allegheny, and did not get back until supper time; we dwell together at our mother's house, 7th Ward; I went to Matthew's farm the next morning after the fire, to see whether the property was insured; John sent me; got back about dark.

Henry Haley, sworn.—Met Sloan on Sunday about 1 o'clock, on canal bridge, with his brother; went to Allegheny; came back about 6 o'clock in the evening.

James Scott, sworn.—Am a carpenter; examined the door and augur, the morning after the fire; Sloan handed me an augur; it fit the hole in the door; the door was on its hinges; [door was brought before the Jury;] witness said it was impossible for any man to say from which side the hole was bored; witness explained that it would be easier to saw the door of the safe off while shut than while open; he has experimented upon it; [a clip saw was here produced by Mr. Mahon, which was applied to the door;] witness said that there would be as great a chance of rubbing the iron while the door was open, as while it was shut.

Wm. J. M'Cartney, sworn.—Have examined this safe. The bolts of the inner door could be sawn without opening the door. I could saw either of them off in fifteen minutes with a clip saw; there was space enough for a saw; to saw it open would leave the most marks. I would saw the bolts off while the door was open. [Witness occupied considerable time in explaining the position of the bolts, &c.]

Mr. Miller, sworn.—Saw holes in the door on the morning of the sale of Sloan's; afterwards saw the door in the cabinet shop; the holes had been whittled; they appeared different from what they were when I first saw them. [Witness took the door and explained how the appearance had been changed.]

John M. Irwin, sworn.—Am a chairmaker. A rough augur, like other rough tools, would make a rough hole. Never heard anything against the character of Sloan.

John Smith, sworn.—Examined the bar on the door before it was taken out of the iron clasps.—I put my hand in the hole in the door, and could push the bar out.

Benj. Trimble, sworn.—Have worked many years in iron, would have no difficulty in cutting the bars with the door shut.

Samuel Barton, sworn.—Examined the safe;—concluded could saw the bolts with the door shut in a very short time; it would be difficult to cut them with the door open; could saw them very easy with this saw, with doors shut, and not mark the sides. Sloan has always sustained a good character.

Hugh M. Robb, sworn.—Testified to the good character of Sloan.

John M'Cartney, sworn.—Was at the fire, saw Sloan rolling out liquor, &c. I stopped him from going into the store at one time.

Wm. Craig, sworn.—Have never seen the safe before; [Witness examined safe;] could saw the bolts with this saw; from all appearances this has been sawn with the door shut.

John M'Cracken, sworn.—Testified to the good character of Mr. Sloan.

James Robb, sworn.—Testified to the good character of Sloan.

John Reed, sworn.—Was at the fire; saw two barrels liquor rolled; I knocked the bung out of a barrel and gave some liquor to the firemen. Sloan and I went through the window; saw that the safe was open; Sloan sent his brother for the keys; saw the bolts cut.

John Harvey, sworn.—I found an augur on the outside of the door; the iron of the augur was about one foot long, and the handle was heavy.

QUARTER SESSIONS—Nov. 16 Present: a full Bench.

B. T. Peterson, sworn.—I am a Fire Warden. of the Eagle Fire Company; was in Sloan's store the second day after the fire; Mr, Bayard was there Bayard said that the man who passed a counterfeit note on his wife set the house on fire, and that the person who set fire to the house made the hole in the wall; after Mr. Bayard left, I told Sloan that the hole was made by the order of our Captain, Mr. Gorman, for the purpose of getting the hose on the roof; Mr. Bayard afterwards asked me if I made the hole in the wall; I told him that I did not know that it was either made by Capt. Gorman or at his directions; Mr. B. and I went to see the Captain; he was not at home; I have not spoken to him about it since; it was in Sloan's store that Bayard accused Sloan of passing a counterfeit note on his wife; Sloan said he did not know it was a counterfeit, and that he was willing to redeem it; it was a two dollar bill; Mr. B. said that he could prove that Sloan set the building on fire; Sloan told him to go ahead and prosecute; did not tell Sloan at which fire the hole was made.

Andrew Stewart, sworn.—I have been draying for Sloan since the 1st of January, 1847; I was always of the opinion that he was an upright, honest man; I hauled one load of coffee to Galway's about a week before the fire.

David Anderson, sworn.—Was at the fire; saw Sloan there.

Jno. Beck, sworn.—I am a carpenter; have not examined that door; I examined the safe with a piece of iron of the thickness of a common handsaw, and found there would be no difficulty in sawing off the bolts.

Wm. Day, sworn.—I am an elder of the 4th Presbyterian church; Sloan has been a member of that church for three years; his character is good'

James Irvin, sworn.—Have known Sloan for some years, his reputation was always good.

Thomas Patterson, testified to the good character of Sloan.

James Lowrie and a number of others testified to the good character of Sloan.

Samuel Sloan, recalled.—Made out an invoice of the goods, took a list of damaged; the witness was cross examined respecting the safe.

Mr. Finney, recalled.—Had offered a reward of $800 for the conviction of the incendiary; Sloan called on me the day after the fire, soon after 9 o'clock.

Matthew Sloan, sworn.—I was the means of procuring the insurance, we were insured in $3,000. Sometimes we would not have that amount of stock, and at other times we would have over $5,000

Rebutting Testimony.

Wm. Gorman, sworn.—I am captain of the Eagle. Was at Sloan's fire; don't know any thing about the hole in the wall.

Stephen Bayard, sworn.—Was at the fire; heard loan say that his property was insured, but he did not know whether it would cover the damages.

Testimony closed on both sides.

☞ The jury will hear the charge of the Court this morning.

U. S. DISTRICT COURT—Nov. 10.—Present, Judges GRIER and IRVIN.

United States vs. *Wm. Robinson, Jr., and Harmar Denny*, Sureties of Richard P. Butler, late Military Store Keeper.

Wylie for United States; Wilkins and Forward for Defendants.

☞ There is just now a great excitement in some of the young men's circles in this city the Fancy Ball will "happen" next week, and dresses are to be procured. Each one is emulous to excel all his fellows in the fashion and appearance of his costume. All styles, ancient and modern, civilized and savage, "aborgoine" and oriental, have been considered, and selections made from each of them. Shakespeare's principal characters will be "well represented." It will, indeed, be a gorgeous affair. The ladies will not be dressed in the "fancies," but will appear decked in styles befitting the occasion. Not alone for quality will this Ball be made attractive, but in number it will be grand. The managers have disposed of heaps of tickets already; and the demand has but fairly commenced. The music will be the best the city can afford; particular care has been taken in this matter. Many newly imported cottillions will be called—so we are informed. Of course the supper will be all that dancing people can desire. If there are any of our friends—young folks, we mean—who have not yet resolved to visit the Lafayette on the evening of the 24th, we will now say, do. Did we suppose for a moment that any impropriety would be tolerated by the management, we would write no favorable notice of this Fancy Ball. The gentlemen engaged in getting it up are persons of fine taste, and have too much respect for themselves and their fellow citizens, to permit conduct that would be discreditable. Their object is solely to afford an evening's amusement—an amusement sanctioned by long custom, and uncondemned in any quarter by liberal minded people.

THEATRE.—Our Barney—Barney Williams, we mean—has drawn two large and fashionable audiences. He is eminently deserving all the patronage he has received. We are glad to find that our citizens know how to appreciate genuine worth.

He appears again this evening, on the occasion of the benefit of John Dunn. The beneficiary should not be forgotton on this evening; he offers a good bill, and has plenty of friends.

FIRE.—About 12½ o'clock, on Tuesday morning, a fire broke out in the family Grocery of Messrs. W. Buchanan & Co., at the corner of Wylie and Chatham streets. It was some time before the Engine Companies reached the scene of danger, but after they did arrive the fire was soon extinguished. The building and goods were totally destroyed; but the owners, we are happy to learn, are fully insured. No part of the adjoining property was injured.

FATAL ACCIDENT—Whilst a man named Thos. Livingston was digging loam from a bank, on High street, yesterday afternoon, a slice of earth caved in upon him, and crushed him so severely that he expired in a few minutes. His body was taken home.

☞ Justice can be obtained in any quantity at this time in the neighborhood of the Court House. Three Courts are now in session: the United States District Court, Judges Grier and Irvin; the District Court, Judges Hepburn and Lowrie, Quarter Sessions, Judges Patton, Porter, and Kerr.

Who would be a turkey hen,
Fatten'd in a farmer's pen,
To be devoured by hungry men!

A flock of turkies were driven past our office yesterday, and no doubt they will be guillotined in the most approved style of modern barbarity. The Emperor of all the Turkies, it is said, has entered his solemn protest against Gov. Shunk, for appointing a thanksgiving day.

Monongahela and Coal Hill Turnpike Road Company.

WM. C. ROBINSON, Treasurer, in account with the Monongahela and Coal Hill Turnpike Road Company.

1846. DR.			
Feb. 6.	To Cash rec'd from Thomas Blackmore, balance		$561 63
Mar. 30.	Cash rec'd from J. Beltzhoover, Collector, from 10th Feb. up to this date,	233 50	
Oct. 6.	Cash from T. Healey, acc't.	13 00	
Nov. 17.	Cash from T. Blackmore,	7 84	
Dec. 12.	" " W. Neeley, acc't.	1 50	
" 21.	" " C. Burns, "	9 00	
1847.			
Jan. 19.	" " J. D. Miller, "	36 63	
Feb. 4.	" " W. Hodgson, "	10 00	311 53
Nov. 11.	" from J. A. McKinney, Collector, from 7th April, 1846, up to this date,		3003 78
	Debt due to Company, in hands of Treasurer,	$123 07	
			$3876 94
16.	To Balance on hand,		$1066 23
1846.			CR.
Feb. 6.	By Cash paid McDonald & Elliott, Bill of Stationary,	2 52	
" 20.	" Cash paid Johnston & Stockton, Order and Receipt Book,	4 63	7 15
Mar. 31.	" Paid Dividend this day by order of Board,		254 56
" "	" Cash paid for advertising Dividend,	2 00	
Aug. 25.	" Cash paid Constable & Strichler for Iron Safe,	40 00	
Nov. 17.	" Cash paid T. Blackmore for lumber and limestone,	18 00	
" 28.	" Cash paid Director's Clerk Services,	69 50	
Dec. 18.	" Cash paid Treasurer's Salary,	50 00	179 50
" 31.	" Cash paid Dividend by order of Board,		255 80
1847.			
Nov. 13.	" Cash paid Superintendant's orders from 10th Feb., 1846, to this date,		2113 70
" 16.	" Balance in the hands of Treas. at this date		1066 23
			$3876 94

We, the undersigned, appointed Auditors to examine the Treasurer's accounts, have examined the same, and find them agree with his vouchers, as above stated.

JOHN D. MILLER, WM. BELTZHOOVER, } *Auditors.*

Pittsburgh, Nov. 16, 1847. n17-d1w3

SUGARS—60 Bags White Brazil; 5 Bags Havana White; 15 Bags Loaf; for sale by J. BENNY, Jr.
nov17

SEEDS—10 Bbls Hemp, 2 Bgs. Canary; for sale by J. BENNY, Jr.
nov17

Red and Brown Flannels.

75 PIECES, for sale low to close consignment, by GEO. COCHRAN, No. 26 Wood st.
nov17

ROSE CORDIAL, for sale at the wine store of JACOB WEAVER.
nov17

NOYAUX CORDIAL, for sale at the wine store of JACOB WEAVER.
nov17

CINNAMON CORDIAL, for sale at the wine store of JACOB WEAVER.
nov17

ORGANT—Just received and for sale at the wine store of JACOB WEAVER.
nov17

DUBLIN Brown Stout, for sale whol