Daily Morning Post.

LEXEY HARPER ..... THOMAS PHILLIPS
Harper & Phillips, Editors & Proprietors.

PITTSBURGH:

THURSDAY MORNING.....MARCH 4, 1852.

DEMOCRATIC TICKET.

FOR PRESIDENT OF THE UNITED STATES:

JAMES BUCHANAN,

OF PENNSYLVANIA:

Subject to decision of the Democratic General Convention.

FOR VICE PRESIDENT:

WILLIAM R. KING,

OF ALABAMA:

Subject to the same decision.

NATIONAL DEMOCRATIC CONVENTION,
Baltimore, Md., Tuesday, June 1, 1852.

☞ The opinion of the Court on the Wheeling Bridge Case, was received at too late an hour on Tuesday evening to allow of its publication yesterday. We insert it this morning, and its great length must be our apology for the absence of our usual variety of news.

THE TARIFF.

We observe that many of our cotemporaries, both Whig and Democrat, are renewing a discussion of this question, a question, which to our mind, is the most unprofitable to all parties, that could be started. There is no actual ground of difference on this matter, if it was regarded in its proper sense, and treated as a leading national question, instead of being used as a hobby by political tricksters on which they have for years past endeavored to ride into office.

The Whig party is responsible for all the trouble and turmoil that has been created on the Tariff question for the last twenty-five years. Being destitute of any principle on which they could rally, they cast around for some catch-word, and at last they found the *Tariff*. It was made their watch-word and their battle cry, and the burden of all their falsehoods against the Democrats who choose to oppose their vagaries on that question.

Many of the details of their Tariff bills were opposed by the Democrats, for the very sufficient reason that they were unequal and oppressive upon a large portion of the community, who derived no benefit corresponding with the amount of Tariff tax they were compelled to pay. This inequality engendered a spirit of opposition among a portion of the people, which for a time threatened a civil war. But, fortunately for the country, Gen. JACKSON was then the head of the General Government, and his unswerving integrity and indomitable determination to maintain the laws of Congress, forced the recusants to abandon their contemplated treason. But, at the same time that JACKSON had conquered a peace, in favor of the Tariff as it was, the "father" of the measure killed it, by making a compromise with the nullifiers. To use the expressive language of our cotemporary of the Gazette, he "put the knife to the throat of the Tariff," and there is not the slightest doubt but that the throat of that Tariff was cut in a most essential manner—at least we were so informed many years ago, by the editor of the Gazette.

We have had some experience in politics, and we have always thought that politicians and political journals committed a great mistake in making the Tariff a party question. It is a matter that does not properly belong to either the Whig or Democratic party, in an especial manner; but one in which the whole community is interested. The object of a Tariff, is to benefit the industrial portion of the people, and, as the Democrats are called the "dirty shirt" portion of the sovereigns of the country, we should be in favor of a Tariff. We are free to say that we are: but not such as the patrons of kid gloves and Parisian fashions may desire. We go in for the Tariff that will protect labor, and cleanse the shirts of the industrious producers, and not the arrangement that will give advantages to the idle speculator who desires to attain wealth by filching from the industrious working men the hard earned profits of their toil.

It is a fact well known to every observer, that for the last quarter of a century, the Whig party have not argued the Tariff question as a national measure, but have always struggled to make it a partizan hobby. In doing so, they deprived the working men of our country of better material aid than ever Kossuth dream't of. They have, by their folly, made a question which should have been discussed calmly and without vituperation, a matter of party strife, and done more injury to the industrial portion of our citizens, than party Protective Tariffs could remedy.—If Whiggery will stop its folly on this question, and treat it as a matter in which the whole people have an interest, without abusing those who do not choose to adopt their partizan views on the subject, we have no doubt but the Tariff question can be settled in a manner that will be satisfactory to those who have a real interest in it, we mean the workingmen and the producers of the country, and the collateral claims of others will be benefitted in proportion afforded to honest labor.

We have no hesitation to say, with HENRY CLAY,—good while authority—that we are not in favor of "Protection for Protection." But we have always advocated such an adjustment of duties as would give reasonable protection to our own State. The Pennsylvanian who would oppose such measures, does not belong to the Democratic party, nor is it probable that one of its members can be found, who is willing to acknowledge that he is a believer in the Tariff vagaries of Whiggery.

If politicians will let this question alone during the coming Presidential campaign, we are certain that they will do what will be agreeable to the majority of the people, and serve the policy of just protection more essentially, than the most eloquent of them could do by making five hundred stump speeches.

VIRGINIA GOLD MINES.—The Richmond Whig states that Commodore Stockton, who some time suspended work at his mines in Fluvanna county, Va., has resumed operations on a larger scale, with prospects of a very favorable business. Several other gold mines in Virginia are doing well. The mines of Mosely & Co., and the Garnett mining company, in Buckingham county, are now paying large dividends. The Whig has been shown a large rock, weighing 168 lbs., with gold visible all through it, taken from the Garnette vein.

AMNESTY IN MEXICO.—Mr. Welch, said to be a well-known resident of Jalapa, has been imprisoned at Vera Caur by the Mexican authorities, on the charge of being necessory to the revolutionary movement on the Rio Grande. He sternly protests his entire innocence, and has written an appeal to the American Government, which has been transmitted to Washington, and also an address to the British Minister, being a native of England.

MURDER AT RICHMOND, VA.—A young man named Wm. P. Jackson, aged 19 years, overseer in the tobacco factory of Messrs. Walker & Harris, undertook, on Wednesday week, to correct a slave named Jordan Hatcher, belonging to Parmelia Godsey, when the fellow seized an iron poker and struck him a violent blow across the head, seriously fracturing the skull, from the effects of which he died on Friday. Hatcher has been arrested.

Mrs. Montague, of Mareng county, Ala., has received from a slave in California, a lump of pure gold, just as it was picked up, weighing about three pounds, and valued at something over $600.

Mr. Buchanan in Baltimore.

We learn from the Baltimore Sun, that a correspondence has lately passed between a large number of the citizens of that city and the Hon. James Buchanan, tendering him a public dinner. The Sun says, that among the signers are Hon. John Nelson, Wm. Fell Giles, Jas. M. Buchanan, Judge Frick and Stump, Wm. P. Preston, Wm. Pinkney Whyte, Wm. P. Pounder, John A. Bowen, L. W. Williams and others. In the course of their letter they say:

"We feel desirous of tendering to you some evidence of our earnest appreciation of your distinguished public services through a long series of years, and particularly throughout the recent struggle in our neighboring State, where the combined elements of faction had raged so furiously as to sadden the hearts of the Union-loving democracy of the country."

Mr. Buchanan replies at length from Wheatland, Lancaster county, February 23d, declining the invitation, but goes on to premise that "the Democratic party never was in greater peril than at present," and therefore suggests that they mutually forget and forgive past dissentions. He speaks of their former triumphs upon the National bank, Independent treasury, public lands, and veto questions—says the compromise measures are now a "finality"—and asks on what issues then can the Democracy go before the country, and confidently calculate upon the support of the American people at the approaching Presidential election? He answers unhesitatingly:

"We must fall back, as you suggest, upon those fundamental and time honored principles which have divided us from our political opponents since the beginning, and which, from the very nature of the Federal Constitution, must continue to divide us from them until the end. We must inscribe upon our banners a sacred regard for the reserved rights of the State—a strict construction of the Constitution—a denial to Congress of all powers not clearly granted by that instrument, and a rigid economy in the public expenditures."

The balance of the letter is devoted to the alleged tendency to extravagance, and our expenditures having reached the enormous sum of fifty millions annually, he expresses the conviction that they might be considerably reduced below the present standard, not only without detriment, but with positive advantage both to the Government and the people. He adds:

"Money from the National Treasury is constantly demanded to enrich contractors, speculators and agents. * * * Claims, which had been condemned by former decisions and had became rusty with age, have been again revived and have been paid, principal and interest.—Appropriations have seem on general rush to obtain money from the Treasury, on any and every pretence."

He considers it the duty of the Democracy to correct this, as it will bring the doctrine of State rights into contempt, and cause the corrupting power of money to be felt throughout the length and breadth of the land.

In the course of his letter, Mr. Buchanan says:—

"To the city of Baltimore I have ever been attached by strong ties. In early life, I had selected it as the place where to practise my profession; and nothing prevented me from carrying this purpose into effect, but my invincible reluctance, at the last moment, to leave my native State. The feeling which prompted me, in 1814, during the last war with Great Britain, to march as a private in the Baltimore regiment to which you kindly allude, resulted from a patriotism so universal throughout Pennsylvania, that the honor which may fall to the lot of any one of the thousands of my fellow citizens who volunteered their services on that trying occasion, scarcely deserves to be mentioned."

☞ We are asked by a correspondent, who signs himself "*A Whig*," to give the public the names of the members of the Police Committee of the Councils, so that the persons may be known whose folly is jeopardizing the peace and protection of the city. Whether the writer is sincere or not we cannot say; but this we can answer, that, judging by their acts, they belong to a class to be found in all communities whose vanity is unbounded as their judgment is restricted. Shakspeare described such characters as apes, puffed up with a little brief authority, playing their fantastic tricks so as to make angels weep. Whether the angels are shedding tears over the follies of our Police Committee, or searching for them with a microscope, is also a matter which it is impossible for us to determine; but we cannot be mistaken in saying, that if the safety of our city is to be entrusted into such hands as their's, we have again fallen into fearful times.

Is it party spirit that has made the Police Committee lose their reason? We cannot believe it. Viewing their conduct in every aspect, we can come to no other conclusion than that it is an insanity, resulting from insuperable vanity. They are quite as mad in their way as Joe Barker was in his.

☞ They must be experimenting, meddling, doing ing something to distinguish themselves; for if they did not how was it possible to know that such individuals existed? We have read of a youth who fired an Ephesian temple for the sake of notoriety; and actuated by similar notions this Committee would seem to be ready for quite as unenviable an immortality. Order, and peace, and safety to persons and property, which have been restored out of the chaotic condition in which Mayor Guthrie found them, they would now jeopard upon the hazard of a die, simply to gratify their ambitious longings. We believe it would be policy in our citizens who have something at stake in the community, in order to avert the mischief which is likely to be perpetrated by them, to get up some sort of a fandango and rig the gentlemen up with caps and bells, and have them hauled around the city for the admiration of their friends! Perhaps that would satisfy them; and thus would the city be delivered from those fatulent humors which are vexing its stomach in order to get a vent of some kind. We hope the Councils will have the good sense to rid the Mayor of the petty vexations to which he is subjected by the foolish Police Committee; and at the same time insure a continuance of the excellent police organization which has been the protection of the city for the past year.

Great Gale in Cleveland.

We learn from the Cleveland papers that a tremendous gale took place in that city on Saturday night. Whether it was the winding up of the Spiritual Knockers, or caused by the bass like notes of the "Black Swan," we have not heard. The Plaindealer says that at seven o'clock going out of doors was a matter of serious risk. The frolicsome zephyrs would not only whisk off one's hat and umbrella, but turning a corner the unhappy venturer stood a very reasonable chance of being sprawled at full length, if not carried over the way. Serious apprehensions were felt about roofs, chimneys and liberty poles, and in many cases fears were realized. About 8 o'clock the quiet denizens of the American House were startled by a tremendous crash overhead. The house appeared to be slamping in. Four chimney stacks on the roof towards Superior street had been upset. They fell through to the first floor below, doing very considerable damage (say $500,) to the furniture, carpeting and beds. Three servants were sleeping there at the time.

THE LADIES' FESTIVAL.—Every body should remember that this interesting affair comes off this evening. We have no doubt but it will be one of the most interesting entertainments ever given in our city, and the lady or gentleman who is absent, will miss an enjoyment that no subsequent Festival can recompense.

While the process of erasing the words "Liberte, Egalite, Fraternite," from the public buildings in Paris has been going forward, the Reds have amused themselves by chalking in their place, as a substitute, "Infanterie, Cavalerie, Artillerie."

WHEELING BRIDGE CASE.

Judge McLean's Opinion.

The opinion of the Supreme Court in this case was delivered by Mr. Justice McLean. After a statement of the history of the case and the manner in which it came before them, and declaring the grounds on which the Court had jurisdiction, the opinion proceeds:—

The fact that the bridge constitutes a nuisance is ascertained by measurement. The hight of the bridge, of the water, and of the chimneys of steamboats, are the principal facts to be ascertained. If the obstruction exists, it is a nuisance. To ascertain this a jury is not necessary. It is shown in the report, by a mathemetical demonstration. And the other matters, connected with the case, as to the benefit of high chimneys, lowering of them in passing under the bridge, and shortening chimneys, are matters, of science and experience, better ascertained by a report than by a verdict. And the same may be said of the statistics which are in the case.

The object of the suit was, not the recovery of damages, but to enjoin the defendants from building the bridge which would injure the plaintiff. If the bridge be a material obstruction to the navigation of the Ohio, it is not denied that the plaintiff would be injured. The ground of defence taken and maintained is, that the bridge is not a material obstruction to commerce on the river. On this point there is no doubt. A jury in such a case, could give no aid to the court, nor security to the parties. Having had notice of an application for an injunction, before the defendants had thrown any obstruction over the river, they cannot claim that their position is strengthened by the completion of the bridge.

But it is said, the bridge constitutes no serious obstruction to the navigation of the Ohio; that only seven steamboats, of two hundred and thirty, which ply upon the river as high as Pittsburgh, are obstructed; and that arises from the height of their chimneys, which might be lowered at a small expense; in passing under the bridge; that by the introduction of blowers, the chimneys might be shortened without lessening the speed of the boats; that the goods and passengers which are conveyed on the public lines of communication between Pittsburgh and Philadelphia, could be as well conveyed on boats of lower chimneys, and consequently, the State as proprietor of those lines, if at all injured, is injured so inconsiderably as not to lay the foundation of this procedure; that none of the packets or the other boats on the river are owned by the State of Pennsylvania.

That the bridge constitutes an obstruction, is shown by the report of the commissioner, the answer of defendants, the proof in the case, and by the admission in the argument of the counsel for the defendants. The report of the commissioner is considered, as to the fact of the obstruction and the extent of it, of the same force as the verdict of a jury. The report having been the result of a most arduous and scientific investigation of the facts, is entitled to the full weight of a verdict. In 1847 two cases, 380.—The fact of obstruction was a plain and practical question, but it was connected with other matters involving questions of science, which were to be settled on the opinion of experts, and report being fairly made, the court will, generally, assume it as a basis of action, unless it shall be shown to have been made under improper influences, or through a mistake of facts. 1 Railway Cases 576. Shelford on Railroads, 420.

In his report the commissioner says, "the boats running in that line and passing the site of the present suspension bridge, in 1840, previous to the time when the first cables were thrown across the eastern branch of the Ohio, at Wheeling, were the Clipper, No. 2; the Hibernia, No. 2; the Brilliant; the Messenger, No. 2; the Isaac Newton, the New England, No. 2; and the Monongahela."

The Clipper No. 2 came out in March 1846 was 215 feet long, and had chimneys 64 feet high. The Hibernia No. 2 came out in 1847.—She was 225 feet long, and her chimneys were 72½ feet high from the water. The Brilliant came out in February 1848, was 227 feet long, and had chimneys 70 feet high. The Messenger No. 2 came out in the winter or spring of 1840; was 242 feet long, and has chimneys 76½ feet high. The Isaac Newton was 182 feet long, and had chimneys only 63½ feet high. The New England No. 2 was 222 feet long and her chimneys were 65½ feet high. The dimensions and height of the chimneys of the Monongahela, the commissioner says, "I have not been able to ascertain from the evidence."

"There were also two other regular packets running past Wheeling in the spring and summer of 1849, previous to the erection of the bridge; the two Telegraphs, running as regular packets between Pittsburgh and Louisville. The chimneys of the Telegraph No. 1, were 80 feet high, and those of the other Telegraph were 79 feet 9 inches high.

"Not more than two or three of these nine packets have their chimneys prepared for lowing, at the close of the navigation in the summer of 1849. And of the five largest, only one of them could have gotten under the bridge on a twenty feet stage of water with the chimneys standing; and that one, the Brilliant, could not have gotten under when the water was more than twenty-one feet upon the Wheeling bar. And neither of the two Telegraphs could have gotten under the bridge at a 12 feet stage of water, with their chimneys standing.

"If the bridge, says the commissioner, had been erected in 1847, therefore, and those nine packets had then been running, two of them could not have gotten under the bridge for nearly three months, when the water was 15 feet and over. Two of them would have been unable to get under for 33 days, when the water on the bar was 20 feet and over; another, the Brilliant, from 19 to 25 days when the water was 29 feet and over, and the other four as much as 10 days when the water was 29 feet and over, unless they had lowered or cut off their chimneys.

"The passenger of three of the Pittsburgh and Cincinnati packets which were running on the Ohio before the erection of the bridge, had been actually stopped, or obstructed by such bridge previous to the order of reference in this cause; the Messenger No. 2, the Hibernia No. 2, and the Brilliant.

"The first of these boats arrived at the bridge on the 10th of November, 1849, on her downward passage, upon a 20 feet stage of water, and had to cut her chimneys before she could pass the bridge. She was detained there about 7 hours, but I believe she did not loose her trip of passengers. She was subsequently detained at the bridge 7 hours, and was obliged to cut off her chimneys a second time.

"On the 11th of November, 1849, the Hibernia No. 2, reached the bridge on her upward trip. They attempted to get her under the bridge by sinking her deeper in the water with coal ballast. But in attempting to pass the bridge, the top of one of her chimneys caught upon a projection from the under side of one of the flooring timbers, and injured the chimney so that it had to be taken down and repaired. The boat was detained thirty-two hours at Wheeling on that occasion; and was obliged to hire another boat to take her passengers on to Pittsburgh, except such of them as preferred to cross the mountains by the way of Cumberland.

"On the 18th of the same month, the passage of the Hibernia No. 2, was again obstructed by the bridge, on her downward passage; by which she lost an entire trip. Finding she could not get under the bridge in time to save her trip, she transferred her freight and passengers to another boat and returned to Pittsburgh. And the passage of the same boat was again obstructed by the bridge in coming up the river last spring. On that occasion she arrived at Wheeling between 9 and 10 o'clock in the morning, and finding she could not get under the bridge she gave up the trip, and landed her passengers, who proceeded east by way of Cumberland.

"The Brilliant was obstructed by the bridge on the passage up on the 12th December, 1849, and had to wait until her chimneys could be cut off, to enable her to pass under the bridge. The chimneys were cut off at great risk to the lives of those who were engaged in the operation; and the boat passed under the bridge, and proceeded to Pittsburgh, after a detention of four or five hours.

"In the winter and spring subsequent to the erection of the bridge, the Buckeye State, the Keystone State, and the Cincinnati, three new packets, were brought into the Pittsburgh and Cincinnati lines in the places of the New England No. 2, the Isaac Newton and the Monongahela. They were all of much larger dimensions, and had much taller chimneys, than the old boats for which they were substituted; and their chimneys were hinged and rigged for lowering." The chimneys of the Buckeye State were 74 feet 8 inches high, those of the Keystone State 77 feet 5 inches, and those of the Cincinnati 81 feet 7 inches.

"Two accidents have occurred to those new boats, in passing under the bridge since they came out. The Keystone State on her downward passage, the 4th of March last, in attempting to pass under the apex of the bridge upon a 13½ feet stage of water, could not get near enough to the Wheeling shore to pass under the apex of the bridge. And in attempting to drop down about 20 feet further west, one of the chimneys struck the bridge, and tore away all the guys or fastenings of both chimneys, except one guy rod, broke the westerly chimney in two, broke off the hinge from the other chimney, and tore up some portions of the hurricane deck to which the guy rods were fastened. And if the remaining guy rod had given way, both chimneys, weighing together about four tons, would have fallen down."

A somewhat similar accident, it seems, from the report, occurred to the Cincinnati in October, 1850.

On the practicability and safety of lowering the chimneys, a great number of witnesses were examined. And the commissioner says, altho' there was great conflict in the testimony, appreciate the danger to the limbs, and lives of the passengers in the operation, yet, he says, when the facts sworn to are examined, there is a decided preponderance against the safety of lowering the chimneys. And he remarks, "the very elevated as well as large chimneys, used upon the Cincinnati and Pittsburgh packets, and other boats of that class, cannot certainly with any felicity or safety, be lowered by hinges at the tops. They are therefore obliged to lower them at the hurricane deck, by means of a derrick. The weight of the parts of the two chimneys which must be let down upon those large boats, is estimated by the witnesses to be from three to four tons. This enormous weight hanging over the cabin, or rather over the berths of passengers, in process of lowering, would probably prove disastrous in the extreme, if by any accident the chimneys should come down by the run; which is very likely to occur, from the carelessness or stupidity of the green hands that the owners and officers of western boats are so often obliged to employ.

And if to the difficulties stated in the report there be added the darkness of night, a snow storm, or the falling rain congealing on the roof of the boat and covering it with ice, and a high wind which, generally, is experienced in a storm, it would be impracticable, while the boat was proceeding at the rate often or twelve miles an hour, to lower the chimneys, and this must be done or the boat must land. During this operation the pilot, on whom the safety of the boat and the lives of the passengers in a great degree depend, must, from his position, be in imminent danger.

The expense of lowering the chimneys, if practicable and safe, would constitute no inconsiderable item. The time lost in raising and lowering chimneys is variously estimated by the witnesses at from one to three hours. Take the minimum of such estimate, and according to the calculation of Col. Long, the expense of the boat amounts to $8.33 per hour. Each packet will have to lower its chimneys every time it passes under the bridge, which will be, ordinarily, sixty times a season, amounting to the sum of $499 80 a charge on each packet. To this may be added the apparatus for lowering the chimneys estimated at $400, which with its repairs, may be estimated at one hundred dollars per annum during the life of the boat, which averages five years. And it is in proof that stationary chimneys will last five years, but if subject to be lowered, they will only last half that time. The cost of chimneys for a boat is stated at one hundred and twenty dollars, which would add an increased expense to each boat of two hundred dollars per annum. These sums added together make a total of $799 80, which sum multiplied by seven, the number of the packets, make the sum of $5,598 60, which the owners of these packets must necessarily pay as an annual tax, by reason of the obstruction of the bridge, if they run their boats and lower their chimneys.

But it is contended, that the difficulty of passing under the bridge may be obviated by shortening the height of the chimneys, without lessening, materially, the speed of the boat.

That high chimneys increase the speed of the boat, is proved in the case also practically and scientifically.

Professors Renwick, Byrne and Locke, say, that by a law of nature the force and velocity of a draft depends upon the height of the chimney—the force and velocity being increased by the difference in the weight between the column of air within the chimney, and an outside column of equal height and diameter: so that a reduction of the chimney involves a diminution of that force with which nature supplies air to combine with fuel for combustion, and by consequence there follows a diminution of heat developed in the furnace, or steam generated in the boiler, and of power by which the wheel is moved and the boat propelled.

The commissioner in his report says "the deduction of science also shows that the draft is increased by elongating the chimneys." In this question economy of fuel is not the object to be obtained, but the greatest practicable speed, consistent with safety. And this is attained where there is no defect in the furnace, by the combustion of the largest amount of fuel. Forty-three bushels of bituminous coal are consumed per hour by each of the Pittsburgh packets.

The commissioner says "in relation to the question whether chimneys as high as those now in use upon the Pittsburgh and Cincinnati packets, and some of the larger boats on the Ohio, are necessary for obtaining the maximum of speed desirable in the navigation of the river, there is a diversity of opinion among the witnesses, especially among those who are not acquainted with the scientific principles of chimney draft in reference to the combustion of fuel for the generation of steam. But I think there is a great preponderance of the testimony, even of that class of witnesses, in favor of the necessity of very high chimneys upon the large Ohio steamboats."

And he further remarks "rejecting the deductions of science on the subject, the teachings of experience show, that as boats upon the Ohio have been gradually improved in their dimensions, from time to time, and the heights of their chimneys increased, they have been enabled to run with greater speed, to the evident advantage of commerce and of travel upon the rivers. And the fact that several different projects, for procuring artificial draft such as blowers, as an available substitute for the draft of tall chimneys, have been tried upon the Western waters and have failed and been abandoned, is very strong evidence in favor of the necessity of natural draft for the combustion of wood and bituminous coal upon the steamboats navigating the Ohio."

There is no better evidence of utility, than the progress made in the structure of steamboats and of the machinery by which they are propelled. Men who are engaged in navigation learn by experience and adopt that which will be most conducive to their own interests.

It appears from the statement of Scowden an Engineer, that the chimneys of the Hibernia called the Cincinnati were 84 feet high from the surface of the water when light, and about 74 feet high from the centre of the flues. Her chimneys were shortened eight feet, and it diminished her speed up stream from a mile to a mile and a half per hour. Captain Haslep states that adding eight feet to the chimneys of the Telegraph in 1840, increased her speed about half a mile an hour up stream.—And by Captain Doval that the Clipper's chimney being cut off eight feet, in order to pass the Wheeling bridge, reduced her speed about three hours between Cincinnati and Pittsburgh. And it may be fairly inferred that a reduction of twenty feet would reduce the speed between Cincinnati and Pittsburgh about four hours.

According to this estimate, the cost of the boat per hour being, as above stated, $8 33 if there should be an average loss of four hours in each trip it would amount to $33 32. This sum multiplied by 60 the average number of trips each season, would amount to the sum of $1,999 20, and this being multiplied by seven the number of the packets, would make the sum of $13,994 40 an annual loss by the owners of the packets, by reducing the height of their chimneys so as to pass under the bridge at the different stages of the water.

But it is said these seven packets are the only boats obstructed by the bridge of the two hundred and thirty which ply upon the Ohio, and run to Pittsburgh.

The transportation of goods and passengers by these packets will show their relative importance, as instruments of commerce, between Cincinnati and Pittsburgh. From the evidence it appears that they convey about one half of the goods in value and three fourths of the passengers, between those cities. Taking the Keystone State as a criterion, each packet transports annually thirty thousand nine hundred and sixty tons of freight, and twelve thousand passengers. The line was established in 1844, and it appears from the proof, that since that time it has transported between the above cities, nearly a million of passengers.

It is in proof that the life of these packets averages five years, when their places in the line must be supplied by new boats. If to their original cost of construction, there be added the expense of running them for five years, adding nothing for repairs or accidents, a total sum will be expended of $1,680,000. The amount of capital is appropriated every five years in running this line of packets. The structure of the bridge cost less than one-eighth of that sum.

The speed of these boats, their excellent accommodations and their general good management, recommended them to the public, as shown by the large amount of goods and passengers they convey. And any change in their structure, or in the production of the propelling power, which shall impede their progress, would not only impose upon their proprietors a most onerous tax, but it would greatly lessen their profits, by reducing the amount of freight and passengers. And no part of the amount would, probably, pass to other boats on the river, but to the northern or southern lines where greater expedition is given.

In the report of the Commissioner a statement is made of the stages of water, at Wheeling, for twelve years, beginning on the 10th of March 1838, and ending on the 9th of the same month 1850.

The highest part of the bridge by actual measurement from the ground is 91-31 feet. This elevation is only at a single point 254 feet from the face of the eastern abutment. From the apex it defects east and west, being at the distance of forty feet westward only 89-48 feet above the ground, and at the same distance east only 89-77 feet above the ground. The chimneys on the seven packets require a space of about thirty feet in width to pass under the bridge within the eighty feet allowed, and the depth of water and a sufficient headway, must be deducted, to show the height of the bridge for the passage of boats. The headway required, as appears from the report of the Engineer, should be between the tops of the chimneys and the lowest parts of the bridge from two to three feet. This would reduce the space, say two feet and a half to 87-27 feet.

In the twelve years above stated the water was at the stage of twenty-one feet and over, 219 days; consequently, no boat whose chimneys were 66½ feet high, could have passed under the bridge. Twenty-one feet of water, are substituted for twenty feet in the table reported, that statement following a foot of water, below the measurement. The water, in the above period, was twenty-six feet and over, eighty-three days, during which time no boat could have passed under the bridge whose chimneys were sixty-two feet high. The water was twenty-eight feet and over, fifty five days during the twelve years, which would have prevented a boat from passing under the bridge whose chimneys were sixty feet high. Within the same period the water was sixteen feet and over five hundred and thirty-four days; consequently boats whose chimneys were seventy-two feet high, during that whole time could not have passed under the bridge.

In his report the Commissioner says, "the bridge is 980 feet between the bases of the two abutments. At the highest point of the bridge for the distance of about fifty-six feet in width, there is a clear headway, for the passage of steam boats with their chimneys standing of ninety-one feet above extreme low water. But this space of fifty-six feet in width is not over any part of the river at extreme low water.—The water upon the Wheeling bar must be about four feet deep, to bring the easterly edge of the stream under the western extremity of the fifty-six feet. And it must be more than fifteen feet deep upon the bar to enable a steam boat drawing five feet to avail itself of the ninety-one feet headway above low water mark for the whole width of fifty-six feet."

"It follows from this statement of facts, that a steamboat drawing five feet of water, and whose chimneys are seventy-nine and one-half feet high, can never pass under the apex of the bridge, at any stage of the water, without lowering her chimneys."

From the data referred to, the defendants counsel contend that in a few years at most, there will be a concentration of railroads at Wheeling, and at other places on the Ohio, connecting the eastern with the western country, which from their speed and safety must take from the river the passengers and a considerable portion of the freight now transported in steamboats. That these roads crossing the Ohio river will reach the commercial ports of the interior, and diffuse a larger amount of commerce than that which is now transported on the Ohio. And it is intimated that the Wheeling bridge may be used by the railroad cars; but it is clearly proved that the bridge is not calculated for such a transportation.

The transportation on these roads may be, there can be no doubt, like similar roads in other parts of the country, their cars will be loaded with freight and passengers. But it may not follow that the Ohio and our other rivers will be deserted or their business reduced. We have an extent of river coast, counting both shores, exceeding twenty-five thousand miles, through countries the most fertile on the globe. This is a greater distance than the combined railways of the world. That our railroads, as avenues of commerce, may develop our resources in a greater degree than is now anticipated, must be the desire of every one. But the great thoroughfare provided by a beneficient Providence, should neither be neglected or abandoned.—They will still remain the great arteries of commerce.

Past experience teaches us, that however the facilities of commerce may be multiplied, her tracks will be filled with productions which enrich the country and add to the comforts and enjoyments of its rapidly increasing population. The rewards of labor will give an irresistable impulse to enterprise which must secure to our country a prosperity unequalled in history. Our internal commerce is more than three times as great as our foreign, and the increased lines of intercourse will cause both to rapidly advance. The protection of the river commerce is by no means hostile to any other. The multiplication of commercial facilities, will, in the same proportion, increase the articles of trade.

If viaducts must be thrown over the Ohio for the contemplated railroads, and bridges for the accommodation of the numerous and rising cities upon the banks of the river, it is of the highest importance that they should not be so built as materially to obstruct its commerce. If the obstructions which have been demonstrated to result from the Wheeling bridge, are to be multiplied as these cross ways are needed, our beautiful rivers will, in a great measure, be abandoned. An experience of forty years shows how much may be done in the structure of steamboats, in the improvement of their machinery, and the propelling power, to increase the speed and safety of those engaged in the business, under a continual reduction of expense. But if the limit of advance, in this respect, has already been passed, and a retrograde movement is necessary, by rejecting the improvements recommended by ingenuity and experience, we close our eyes to one great source of our prosperity. What would the West now have been if steam had not been introduced upon our rivers, and their navigation had not remained free. Without an outlet for the products of a prolific soil, and the instruments of mechanical ingenuity, the country would have made but little advance.

It is said that the interest of commerce requires navigable waters to be crossed, and that in such a case the inquiry should be, whether the benefit conferred upon commerce by the cross route, is not greater than the injury done. In the case of the King vs. Sir John Morris, 1 Barn. & Adol. 441, it was held that the injury cannot be balanced against the benefits secured. And in the case of the King vs. George Henry Ward, 3, ib. 26, 384, it was held where the jury found an embankment complained of was a nuisance, but that the inconvenience was counterbalanced by the public benefit arising from the alteration, it amounted to a verdict of guilty.

If the obstruction be slight, as a draw in a bridge which would be safe and convenient for the passage of vessels it would not be regarded as a nuisance, where proper attention is given to raise the draw on the approach of vessels. Of this character is the complaint of the plaintiff against the bridge, that it obstructs sea-vessels built at Pittsburgh. Sails cannot be used to advantage on the Ohio or the Mississippi, consequently there can be no necessity of raising the masts until it becomes necessary to hoist the sails. Such vessels float down the river or are towed by steam vessels.

It is true the injury done to the State of Pennsylvania may seem to be small, when compared to the magnitude of this subject. It applies to all our rivers, and effects annually a transportation of many millions of passengers, and a commerce worth not less than six hundred millions of dollars. It would be as unwise as it is unlawful, to fetter in any respect this vast commerce.

In all the charters granted for the construction of bridges, over navigable waters, it is believed all the States, not excepting Virginia, have provided that their navigation should not be obstructed.

The bridge company had legal notice of the institution of the suit, and of the application for an injunction, to stay their proceeding, before their cables were thrown across the river. This should have induced them to suspend, for a time, their great work, alike creditable to the enterprise of their citizens, and the genius and science of the Engineer who planned the bridge and superintended its construction. It is a matter of regret, that by the prosecution and completion of the bridge they have incurred a high responsibility.

For the reasons and facts stated we think that the bridge obstructs the navigation of the Ohio, and that the State of Pennsylvania has been and will be injured, in her public works, in such a manner, as not only to authorize the bringing of this suit, but to entitle her to the relief prayed.

Believing from the estimates in the case, that the obstruction to the navigation of the river may be removed by elevating the bridge, at an expense, which, when added to the original cost will leave a reasonable profit to the stockholders, on the entire capital expended, we have endeavored to ascertain the lowest point of elevation, which will secure this object. And on a full view of the evidence, we are brought to the conclusion, that an elevation of the lowest parts of the bridge, for three hundred feet over the channel of the river, not less than one hundred and eleven feet from the low water mark, will be sufficient—the flooring of the bridge descending from the termini of the elevation, at the rate of of four feet in the hundred—this will give a level headway for boats of three hundred feet in width, and will enable those whose chimneys are eighty feet high, to pass under the bridge, when the water is thirty feet deep, from the ground, leaving the tops of the chimneys two feet below the lowest parts of the bridge. If this or some other plan shall not be adopted which will relieve the navigation from obstruction on or before the first day of February next, the bridge must be abated.

We do not deem it necessary to provide against the floods, which seldom occur, and which, when at the highest, overwhelm the lower parts of our cities and towns on the banks of the Ohio, and necessarily suspend, for a short time, business upon the river.

On the above opinion being pronounced, and the two dissenting opinions, Mr. Johnson, of counsel for defendants, suggested to the court that the Engineer of the bridge had informed him that the obstruction to the navigation of the Ohio might be avoided by making a draw in the suspension bridge, or in some other manner, for less expensive to the Bridge Company, and equally convenient to the public, than by elevating the bridge as required in the opinion.

On this suggestion the court observed that, as they were desirous of having the obstruction removed in a manner that shall be most convenient and least expensive to the Bridge Company, they requested the counsel to file in writing his suggestions and give notice to the other side, that both parties may be heard in regard to them.

☞ I. O. of O. F.—The members of the order are hereby requested to attend the funeral of our late Brother, —— DAVIDSON, of Mechanics Lodge, No. 9, from his residence, on the Philadelphia Turnpike, first house on the City side of the Toll Gate, on THURSDAY, the 4th instant, at 2½ o'clock, P. M.

The members will meet at the Odeon Buildings, at 1 o'clock in full regalia.

H. LAMBERT, D. D. G. M.

mar3:2t

☞ U. S. of A.—The members of Pennsylvania Camp No. 4, U. S. of A., are respectfully requested to meet at their Cantonement, Wood street, Pittsburgh, at 1 o'clock, on Thursday, the 4th instant, to attend the funeral of Bro. Brother JOHN DAVIDSON, which will leave his late residence, on Penn street, Ninth Ward, at 2½ o'clock, P. M.

The members of the Order generally are invited to attend. By order of the W. C.

E. S. NEAL, R. S.

mar3:2t

☞ Wanted.—A few Men, to become Agents for one of the best institutions in America. None but those who can give good references, as to moral character and business capacity, need apply. To such a are possessed of the foregoing requisitions, good remuneration will be given. Apply at NO. 39 SMITHFIELD ST., corner of Third and Smithfield.

feb26

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A FIRST RATE second hand Omnibus, modern style, which has been running but a few months. Will be sold very low. Apply at Brown's Hotel, corner of Smithfield and Third streets.

mar3:2w BROWN & CONNELLY.

TO the Honorable the Judges of the Court of General Quarter Sessions of the Peace, in and for the county of Allegheny:

The petition of John Oberly, of Tarentum borough, in said county, respectfully sheweth, That your petitioner hath provided himself with materials for the accommodation of travelers and others, at his dwelling house in the borough aforesaid, and prays that your Honors will be pleased to grant him a license to keep a public house of entertainment. And your petitioner, as in duty bound, will pray. JOHN OBERLY.

We, the subscribers, citizens of the borough aforesaid, do certify that the above petitioner is of good repute for honesty and temperance, and is well provided with house room and conveniences for the accommodation and lodging of strangers and travelers, and that said tavern is necessary.

R Bell, J