THE COURTS.

SATURDAY'S PROCEEDINGS.

[Reported for The Press.]

Supreme Court.—Judges Lowrie and Judge Woodward sitting. Argument resumed in the case of The Fairmount and Arch-street Passenger Railway Company vs. The City of Philadelphia. Mr. Price, for the plaintiffs, argued that the Arch Street Passenger Railway Company was a corporation created by the Legislature of Pennsylvania, and was authorized to construct a railway from the Schuylkill River, along Arch street, to the city limits, and was also authorized to connect with other roads. The company had built the road, and had been in the quiet possession of it for years, when the City of Philadelphia had passed an ordinance requiring them to pave the road between the rails, and to keep it in repair. The company had refused to do this, because it was not their road, and they had not the means to do it. The City had then taken possession of the road, and had paved it, and had put the cost of the work upon the company, and had collected it by distraining the property of the company. The company had paid the money under protest, and had brought suit to recover back the money. The City had pleaded that the road was a public highway, and that the City had a right to pave it, and to charge the cost of the work upon the company. The plaintiffs had replied that the road was not a public highway, but was a private road, and that the City had no right to pave it, and to charge the cost of the work upon the company. The City had demurred to the replication, and the plaintiffs had joined in demurrer. The question was, whether the City had the right to pave the road, and to charge the cost of the work upon the company. Mr. Price argued that the City had not the right, because the road was not a public highway, but was a private road, and because the City had no power to compel the company to pave it. Mr. Price argued that the City had no power to compel the company to pave the road