PITTSBURGH GAZETTE.

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☞ PITTSBURGH WEEKLY GAZETTE.—The extensive circulation of our Weekly Gazette offers to our business men a most desirable medium of making their business known. Our circulation is between four and five thousand, reaching almost every village and county in Western Pennsylvania and Eastern Ohio.

☞ TO ADVERTISERS.—Neither the Editorial Rooms nor Printing Establishment of the DAILY GAZETTE are opened on Sunday. ADVERTISERS who require their notices to appear in the paper on Monday morning, will please hand them in before 5 o'clock, on Saturday evening.

☞ READING MATTER WILL BE FOUND ON EACH PAGE OF THIS PAPER.

DECISION IN THE LAKE SHORE ROUTE.

To-day we copy the decision of the Supreme Court in the case of the preliminary injunction prayed for to restrain the Franklin Canal company from using the fraudulent road built from Erie to the Ohio state line, forming a link in the present Lake Shore Railroad. The reader will perceive, that although the decision is against the injunction prayed for, it is nevertheless most emphatically against the Company, which, the court asserts have built the road without a shadow of legal right. The injunction could not be granted owing to a technical difficulty, which can easily be removed by the Legislature, and which doubtless will be when the injunction will be ordered by the Court.

We take this opportunity to repeat, lest we should be misunderstood, that we are in favor of giving the right of way across our territory, on proper conditions, to New York, or New Jersey, or Maryland, or any other state. We do not approve of the Chinese policy of exclusion. But every citizen of the state, with proper sentiments of state pride, must resent and resist any and every attempt of a foreign or state company to invade our territory and construct roads without authority, and in violation of law. The honor and dignity of the Commonwealth must be sustained. The Franklin Canal Company cannot complain, if they are restrained from the use of their fraudulent road, for they were timely and repeatedly warned not to proceed with their illegal undertaking.

The opinion of the Court is of the highest importance to our readers, and we bespeak for it a careful perusal.

A WHIG VICTORY.—The municipal elections in Pittsburgh and Allegheny, after quite a spirited contest, have resulted in a most decided Whig victory. The Whig candidates for Mayor, in each city, have been elected by decided majorities; and the Whigs have a large majority in each branch of the Councils of both cities.—This result shows that the Whig sentiment is as strong as ever, notwithstanding the predictions of some faint friends and open enemies, that the Whig party was dead. Our Locofoco friends found it "alive and kicking," on Tuesday, and were compelled to submit to a very severe drubbing from this defunct political organization.—The Whig party has its purposes to perform for the good of the country, and whether in power or out of it, will be found the only really able and efficient opponent of Locofocoism and all its schemes for wasting the public money and embroiling the country in a foreign war.

THE COUNCILS.—The election on Tuesday resulted in giving the Whigs a large preponderance in both Councils. In the Select Councils the members holding over were 6 Whigs and 2 Democrats; elected on Tuesday, 9 Whigs and 1 Democrat. In Common Council, 22 Whigs and 8 Democrats are elected. In joint ballot the vote will be as follows:

	Whig.	Dem.
Select Council,	15	3
Common "	22	8
Total,	37	11

In the Eighth ward, our figures, as published yesterday, elected both Whigs to Common Council. The following is the correct vote:

Whig.		Dem.	
Jno. McAlicer,	131	J. S. Kennedy,	160
Wm. Woods,	161	Lewis Ein,	136
W. Brindly, F. S.	18	S. Martin, F. S.,	3
Wood (Whig) and Kennedy (Dem.) elected.			

CLEVELAND AND MAHONING RAILROAD COMPANY.—By the polite attention of Mr. Darele we have received a copy of a bill introduced by him into the Legislature, to incorporate the Cleveland and Mahoning Railroad Company in the state of Pennsylvania.

This bill permits the company to continue their Railroad into this state "from the point where it shall intersect the west line of this state, in the county of Lawrence, to any point on the line of the Ohio and Pennsylvania Railroad, between the said west line of the state and the New Brighton station," and to connect with the Ohio and Pennsylvania Railroad at such point. The Legislature reserves the right to authorise any Pennsylvania Company to connect with the road, and the bill provides that two of the Directors shall be citizens of Pennsylvania.

THE SIX FEET RAILROAD.—Notwithstanding the partial failure of the late Convention in New York, to make definite arrangements for a great six feet gauge Railroad through the North Western counties of this State, the project is by no means abandoned, and it is now said, that arrangements to that effect have since been completed. The following, from the *Meadville Journal*, of Jan. 11, shows that something is on foot which has created some considerable excitement there:

Our town was thrown into quite an ecstacy on Wednesday last, by the news that arrangements had at length been effected that will ultimately secure to us the completion of the Pittsburgh and Erie Railroad, with the branches East and West. There was *some* excitement and a little powder burned on the occasion, as might have been expected, and our citizens enjoyed themselves in the prospective prosperity that awaited them, should their expectations be realized. We believe that the basis upon which our hopes now rest is as permanent as preliminary arrangement can be. We shall be more certain, however, when we see the road definitely surveyed and laid out, and still better satisfied, when the road is completed and we see the first trains pass along for Philadelphia and New York.

It is said that the Atlantic and Pacific Railroad Co., which has applied to the Legislature of New York for a charter, has already received propositions for furnishing all the locomotives for the road and taking the company's stock, at par, in payment. Similar propositions they have received for a supply of American railroad iron for the entire work.

At a meeting of the Pennsylvania Committee of the Association for the Exhibition of the Industry of all Nations, held on the 1st inst., our townsman, Gen. Larimer, was duly elected a member.

The Clarksburg Register says:—We are informed that the trussel work of the B. & O. Railroad across the Monongahela river above Fairmont has been carried away by the late high water.

CALIFORNIA.—The extraordinary price, of $40 per bbl of flour which prevailed at San Francisco at the last dates, was owing, it is stated, to the operations of speculators who had contrived to maintain a complete monopoly of the article.

The San Francisco Times has the following paragraph:

Kate Hayes was giving concerts at San Francisco with the greatest success. The first choice seats for her third concert brought at auction $1,150 premium. The buyers were the Empire Fire Engine Company. The California Engine Company took the next choice at $25 premium: and the Knickerbocker Engine Company took the right hand proscenium box, at $20 premium. The Empire Company went prepared to bid as high as $5,000.

PENNSYLVANIA RAILROAD.—We understand that the business done on this end of the Central Road yesterday was exceedingly heavy. One hundred and seventy-six cars arrived at the Company's depot, bringing over the route seven hundred and forty odd tons of freight. The largest quantity ever before carried by one train on the line was four hundred tons. This is another encouraging evidence of the popularity of the thoroughfare, even under existing drawbacks in the shape of the Portage plane, unfinished sections of the work, and the difficulties on the Columbia railway. When all obstacles are removed, and the whole length of the Central road is completed, competition outside of this State may be defied.—*North American.*

PITTSBURGH AND STEUBENVILLE RAILROAD.

The annual reports of the President and Chief Engineer of the Pittsburgh and Steubenville Railroad, were presented to the meeting of Stockholders, held on the 10th inst., and appear in the *Journal* and *Post* of yesterday. As the persons having this matter in charge have not ordered or requested their publication in our paper, and have not extended to us the cheap courtesy of furnishing us with a copy, we presume they do not desire the extended publication we could give to them, and we shall therefore content ourselves with making such extracts as we consider are of most interest and utility to our readers.

The report of the President, Henry Graff, Esq., is short. The following extracts contain its substance, and all the facts it presents:

The work was commenced about the 1st of July last, and has been steadily prosecuted since that time, to the value, under the contracts, of eighty thousand eight hundred and ninety dollars. A number of releases for right of way have been obtained, and several claims for damages settled. The route selected has proved in every way as advantageous as was represented to the Board by the surveys at the time of adoption, and the work done, and measurements and estimates since made prove that the original calculation will be ample to cover the cost. For further particulars as to the details of the progress and management of the work, your President would refer to the report herewith presented, of your able Chief Engineer, D. Mitchell, Jr., to whose skill, industry and care, the Company are deeply indepted.

Since your last annual meeting, the Legislature have authorized the Company to extend their road into the city of Pittsburgh to connect with the Pennsylvania Railroad, to construct such bridge or bridges as may be necessary to make the road complete and perfect in all its connections, empowered the city of Pittsburgh to subscribe to the stock of your road 5000 shares, and also conferred other important privileges on your Company. Under the authority conferred by this Act, the city of Pittsburgh, by their Councils, in the most prompt and liberal manner, subscribed the sum authorized, which, with the stock subscribed by individuals, will make fully $600,000.

The payments of stock called for have been promptly met, showing the great interest taken by the stockholders in the speedy completion of the work, thereby enabling the Company not only to meet all its engagements, but leaving us at the end of the year, with a large surplow in the treasury, for the continued and more vigorous prosecution of the same.

Our work, gentlemen, has been started under the most flattering prospects, with the good wishes of the public for its welfare and prompt completion: we have carefully attended to our own business, without attempting to interfere with any roads which might be supposed to be rival routes. We acknowledge no rival—with the Pennsylvania Railroad, crossing the Alleghenies without inclined planes—with our road connecting directly with the same in the city of Pittsburgh, and with the same gauge crossing the river by a bridge, connecting with the Steubenville and Indiana Railroad, crossing the Ohio river at Steubenville by a bridge, and the same gauge continued through to St. Louis,—there will be an unbroken line of road, by which cars, without let or hindrance, can pass over mountain and river, from the Delaware to the Mississippi—*to which road there can be no rival.* Other roads there will and must be—but rest assured your road will be crowded to its utmost capacity, and the mighty West, advancing with giant strides, in agriculture, manufactures, and commerce, will tax all roads with business, until all will be more than content. It will build up new avenues and outlets for its trade never yet dreamed of.

It would seem from the above extracts that the 4 feet 8 inch gauge has been definitely adopted, and that there is but little hope that any change will be made. As the gauge is that of the Central road, and as arrangements have been made to continue through Ohio, to St. Louis we of course cannot interpose any objection. It is, nevertheless, with much regret that we relinquish the idea of seeing a great six feet gauge constructed on this line from New York to Cincinnati.

From the report of the Chief Engineer, D. MITCHELL, Jr., we select the following extracts:

In the report which I had, in part, the honor to submit to you on the 18th day of March last, on the final location of the road entrusted to your management, two lines were presented as having been carefully located from a point near Noblestown to the western terminus of the road. The one designated as the *"Northern Route,"* and passing by Bavington, Florence and King's Creek to the Ohio River at Steubenville. The other, designated as the *"Southern Route,"* passing by Egypt, Burgettstown and Harmond's Creek to the same point. The line eastward from the point of divergence near Noblestown to Pittsburgh being common to both routes. A careful comparison of the relative advantages and disadvantages of these lines, showed that in cost, total ascent and descent, curvature and distance, the Southern, or Harmon's Creek Route, had greatly (the advantage, being $284,314 cheaper, and 238 feet less ascent and descent; 32 degrees less curvature, and 2 miles less distance.

It was, therefore, on the 24th day of May last, adopted by the Board as the route of your road, and a contract entered into on the 12th day of June following, with Messrs. Manfoll, Nicholson & Co., for the grading and masonry, upon complete the whole work, from a point opposite the city of Pittsburgh to the Virginia State line on Harmon's Creek, (about 4½ miles from Steubenville) on terms which are believed to be highly favorable to the stockholders, and advantageous to the contractors. The work embraced in this contract was commenced on the 5th day of July last, since which time it has been steadily prosecuted on all the heavy, and most of the other sections. The total value of the work done thereon, from the commencement to the 1st January, 1853, is $80,890 29

To which may be added, Engineering, and contingent expenses of Engineer Department from Sept. 1851, to January 1, 1853, amounting to 16,098 06

Making the total expenditures under the Engineer Department $96,988 35

The length of your road from the west end of the Bridge over the Monongahela River, opposite the foot of Smithfield street, in Pittsburgh, to the lower crossing point at Steubenville, is about 44 miles, and was estimated to cost (including the Bridge over the Monongahela at Pittsburgh) $1,296,220; this sum does not include the cost of the Bridge over the Ohio River at Steubenville—which, it is believed, should be provided for by an equitable distribution of the stock required to be subscribed towards its construction, between your company—the Steubenville and Indiana Railroad Company, and other parties to be benefitted, which arrangement will not require your company to contribute more than $100,000 towards that object.

Since the date of the report upon the location of your road in March last, the Engineer Corps have been constantly engaged in revising and improving the line, and preparing the work for contractors; the stakeout, and the measurements being now nearly completed, and the final calculations of the work accurately made, I am enabled confidently to state, that the estimate of its cost heretofore presented, will be ample to complete it in the most substantial manner, and also to cover any rise in the price of the iron, required for the track, which may be fairly anticipated.

The question as to the best mode of connecting your road with the Pennsylvania Railroad, in the city of Pittsburgh, is one which recently seems to have arrested a considerable share of public attention and discussion; and having given it some reflection, it may be proper for me to state here, that I consider both the modes proposed—by a high bridge over the steamboat channel, below the mouth of Sawmill Run, continued with a descending grade to the point, at the junction of the Monongahela and Allegheny rivers—or by bridging the Monongahela a short distance above the suspension bridge at the foot of Smithfield street, and continuing the road on the bed of the old canal through the Grant's Hill Tunnel, to the Pennsylvania Railroad, at the canal bridge, in Liberty Street, as entirely practicable, and when it becomes necessary for your Board to decide what plan you each mode of connection, will be carefully and fairly presented for your consideration.

Your road having the same maximum grades, and minimum radii of curviture, as the Pennsylvania Railroad west of Allegheny mountains will, when completed and connected with that road, either at the foot of Liberty street, on the Monongahela, or at the canal bridge in the city, form its main continuation westward.

FOR LIBERIA.—The New Orleans Bulletin of the 1st instant says:

We are informed that the brig Zebra, chartered by the Colonization Society, will leave for Liberia, to-day. She carries out 140 emigrants, over 20 of whom are from this city. Several applications for passage were made, and a large quantity of freight was offered, which the agents were compelled to decline on account of the incapacity of the vessel to receive any more. We regret very much that greater facilities are not afforded for the transportation of passengers and freight. Should the trade continue to increase it may become expedient to establish a regular packet line, with fixed days for sailing, and established rates for freight and passage, which would materially aid the cause of emigration, and induce a trade to spring up which would be advantageous to our city.

We are requested to state that religious services will be held on board the Zebra, to-day, at 12 o'clock. Drs Scott and Clap, and other clergy, have been invited to participate.

FROM WASHINGTON.

Correspondence of the Pittsburgh Gazette.

WASHINGTON, Jan. 10, 1853.

The inauguration of the Jackson statue went off pleasantly and successfully on Saturday, but the banquet in the evening was a failure. The equestrian statue by Mills is unquestionably a fine work of art, and it will be an ornament to the capitol. I am in favor of such things generally, but as to the peculiar merit which entitles Jackson to a monument more than Nathaniel Greene, or Dr. Franklin, or Anthony Wayne, or De Witt Clinton, or Joseph Warren, not to mention a score of other sages and heroes of the revolution and later periods, I confess myself unable to perceive it. Gen. Jackson's defence of New Orleans and his Indian battles in the South were fortunate and glorious, but they were not such events as call out the higher qualities of genius and heroism. His great achievement in civil life was the concentration and organization of a party founded upon the distinctive principle of proscribing those not identified with it. It is absurd to say that Gen. Jackson "put down the United States Bank." The bank expired by its own limitation, and fell through the corruption and mismanagement of its own officers. President Jackson did, perhaps, prevent its recharter, and his hostility may have hastened, by a year or two, its downfall. But that was a mere negative performance. The destruction of the bank of the United States, as the fiscal agent of the Government, might have been reconciled with sound and wise Statesmanship, had it been accompanied by measures suited to the condition of the country. For Statesmanship demolishes only to reconstruct. But the policy of the President of that day and his party repudiated the bank, and foisted upon the country in its place a swarm of swindling and insignificant fiscal pets, which brought upon it more of demoralization, crime and suffering than any calamity that ever befell the nation; and in the very first year of his successor the whole fetid brood died in the ditch of the highway; and in some places the stench of their unburied carcases yet offends the rostrils of the honest and virtuous. Of the two, Mr. Van Buren deserved the greater credit, because he did propose something to fulfil the functions of the rejected institution, which still subsists as the policy of the country. In one year, without noise, without agitation, and without a single effusion of splenotic violence, Sir Robert Peel consummated a total reformation of the Bank of England in its relations with the Government, and made it safe and useful alike for the State and the business community. But who ever pronounced that the crowning glory of that great Statesman's life? Gen. Jackson left the direction of public affairs after six or eight years of convulsion on financial questions, having effected nothing, leaving in fact that very United States Bank standing in all its colossal proportions, a monster as hideous and apparently as dangerous as when he first assailed it.

Though not then an actor in politics I can persuive enough in the history of the days of Jacksonism, to prove that the Constitution and the very existence of the Republic were in hourly danger from the beginning to the end of his administration. The shoving aside of the Supreme Court, the Senate and Congress as interpreters and exponents of the Constitution, the assumption of the responsibility in derogation of the authority of each of these bodies, and of all combined, and the tumultuous enthusiasm of the party which greeted every act and declaration of its chief in support of his pretensions, were symptoms of foreboding augury to our institutions. As Louis Napoleon took the responsibility until the *coup d'etat* and the Empire closed the troubled drama.

The banquet in the evening was given in Jackson Hall, and was attended by about one hundred of the faithful, and by four ladies. Considering that plates were laid for over four hundred, that at least a thousand Democratic members of Congress, and office-holders or office-seekers are now in the city, such a slender attendance argues the entire absence of enthusiasm, and indicates that Jacksonism is on the wane.

The heart-rending calamity that has befallen the family of Gen. Pierce attracts towards him and the stricken wife and mother the tenderest sympathies of a whole people. Sad, indeed, are the auspices which attend his entrance upon power. The petitions of place hunters, and the plans of political leaders, will find in him for many weeks to come a cold and apathetic listener. Now will be seen the immense power our system concentrates in the hands of the Executive.

This providential visitation will almost palsy the action of Government. Parties of great energy and influence have had all their schemes laid to urge on the President elect to assume an attitude of vigorous hostility to Spain, Mexico and Great Britain, not caring even though France were arrayed in opposition to us. It will be impossible to bring the mind of the bereaved father to entertain these suggestions.—Gladly would he devolve all the duties of his station upon the second in rank, but the hand of God has been heavily laid upon him also, and he will depart in a few days for the more genial South, with hardly a glimmering of a hope of returning to the enjoyment of health and power.

Mr. King will sail next week for Havana in a national steamer. If he does not improve in a very marked degree, he will not return to the United States until May or June next.

JUNIUS.

OPINION IN THE LAKE SHORE RAILROAD CASE.

Commonwealth vs. Franklin Canal Co.—Opinion of the Court—Black, C. J. Lowrie and Woodward, assenting.

The Franklin Canal Company was incorporated by the Legislature on the 7th April, 1834, for the purpose of reconstructing and repairing the Franklin Division of the Pennsylvania Canal from the aqueduct over French Creek to the mouth of French Creek. By the act of incorporation the proprietary rights of the State to that division of the Canal, was vested in the Company, together with its corporate power, toll houses, implements, and all property, real and personal, which the Commonwealth owned there, for the use of the Canal. On the 9th of April, 1849, the Company was authorized to construct a railroad instead of repairing the Canal, if they should think it more expedient, and to use the graded line or towing path of the Canal, as the bed of the road, and by another act the privilege was given to the Company, upon increasing its stock to $500,000, of extending Northward to the Lake and South to Pittsburgh.

The Attorney General in the bill before us, complains on behalf of the Commonwealth, that the defendants, instead of doing what the act of incorporation and the subsequent laws extending it, authorised them to do, have proceeded to construct a railroad from Erie to the Ohio State line, without any purpose of making the road a canal. Another section of the same act contains this provision: "That upon the said company's thousand dollars it shall have the privilege of extending from the north end thereof to Lake Erie, and from the south end thereof to Ohio bugh, by such route as the said company shall deem the most expedient and advantageous."—It is on these words that the defendants now rely to make out the lawfulness of constructing a Railroad from the city of Erie to the Ohio State line.

We will not pause for a definition of the word *extend*, nor stop to consider whether the main purpose of the company's existence must be accomplished before an incidental privilege can be exercised. We will not inquire whether a railroad which does not exist can be extended. If the defendants had obeyed their charter in other respects, we would be too anxious to protect them in the prosecution of their enterprise to allow them to be defeated on points so sharp as these.

But assuming that the clause quoted above gives to the Franklin Canal Company the right simply to make a railroad from Pittsburgh to Lake Erie, without any restriction, expressed or implied, as to the part of the work which shall be first done, (and this is the utmost that ought to be claimed,) can we say that they are within the law in making a road from the city of Erie to the Ohio line? To this question the only answer we can give is a most emphatic negative. The more we have reflected on the case and examined the affidavits and arguments of the defendants, the more deeply have our minds been penetrated by the conviction that the charter creates a simple duty which has been most palpably violated.

No human mind can be so perverse as to doubt that the object of the Legislature in passing the Act of 1849, was to make a connection by railroad between Pittsburgh and some harbor on the Lake. Instead of this a connection has been made between Buffalo and Cleveland with no more practical regard for either of the designated termini, than if the corporators had never heard of them. The State contemplated an improvement which would bring a certain portion of the western trade through her own works to her own commercial cities. But the privilege she gave for that purpose have been so perverted as to carry that trade away, increasing the wealth and adding to the advantages of her rivals.

The road made by the defendants begins at the depot of the Erie and North East Railroad, three quarters of a mile away from the lake, and one hundred and ten feet above it, and runs thence as directly as the nature of the ground will permit, to that point on the Ohio State line, where the Cleveland, Painesville, and Ashtabula Railroad meets it, and there it stops. The defendants ask us to give a solemn judgement that this is extending a road which has not been made between Franklin and the aqueduct over French Creek from the North end thereof to Lake Erie. We do not say that there is any obligation to begin at any one place more than another, and if this could be properly called a part of the work required, it might very well be justified. But it is not part of the road chartered; it is the whole of another road not chartered. It bears no resemblance to that described in the act of incorporation. It is different at both ends—different in character, location and objects, and is used at this moment for purposes totally opposite to those which the legislature ever expressed an intention to permit.

But they urge that insuperable difficulties in