HOME MATTERS.

COURT OF QUARTER SESSIONS.—The Court assembled yesterday at the usual hour.

Messrs. Woods and Sewell asked permission of the Court to introduce a motion providing that the Court shall appoint a Keeper or Superintendent of the common Jail for the purpose of keeping the vagrants at work. The power to do so was vested in the Court by the Act of Assembly of 1767. The act authorising the vagrants to work, was made in the year 1705.

Mr. Darragh replied that the object of the gentlemen should be drawn up in writing, in order that he might see whether any part of it affected Sheriff Magill. If it did not, he had nothing to say on the subject.

The Court requested the gentlemen to present their object in the shape of a petition so that an issue might be had upon it. He would appoint Wednesday for argument on the subject.

His Honor then read the following important decision in the Rea case, noticed some days ago. We have condensed it, as it was too long to publish entire:

Judge M'Clure stated that as this case came up for the first time upon the construction of a local Act of Assembly, which applies to this County alone, and the pleas and arguments being based upon the Act, the case merits the careful attention of the Court, not only on account of the present case, but others similar that might come up for decision hereafter.

The refusal to grant license was based entirely upon the facts that the tavern was "unnecessary." His Honor then recited the Act of Assembly. There is a plea to the indictment set out at length, and reciting this Act of Assembly; a replication and formal issue joined upon the record.

The plea also sets forth that defendant has recommendations, in the language of the general license laws. Also, that the house is "necessary" as a tavern; admits that the license was refused by the Court at the March term, 1852, and sets forth also that the defendant keeps tavern, and sells vinous, spirituous and malt liquors by less measure than a quart, and has done so ever since his license was refused.

The argument of defendant's Counsel is based upon the local Act of Assembly, which applies to this County, and is, that the fair construction of this Act of Assembly renders it imperative to grant a license where the twelve petitioners come into Court and testify under oath that the tavern applied for is necessary; and that the word "may" in the Act means "must."

Three remonstrances are filed against Henry Rea's application in March term, 1852. One remonstrance is signed by 192 women, the second by 117 persons, and the third by 146. There are 605 remonstrants residing in the Sixth ward, and remonstrating against granting license to Henry Rea on the ground that the tavern was unnecessary, and that lodging had been refused by applicant, and that the house of Henry Rea always has been, and they fear, will be a drinking house. Many of these remonstrants are known to this Court to be of the highest respectability. The Court admits the signers to Rea's petitions were the very best, and all well known to the Court. These signers and others were examined under oath at the March term referred to, as well as many witnesses on behalf of remonstrants. After a protracted investigation, the Court refused this license on the ground that it was not necessary, and that decision was based upon the testimony of the witnesses for the license, and not upon those for the remonstrants. All the signers of the petition did by no means swear to all they had certified in the petition. Some thought a tavern necessary, and some did not, and some thought a stable was necessary, and some thought that when certain plank roads in progress or contemplated, were finished, a tavern would be necessary.

The Court chose to refuse the license on the ground that the tavern was not necessary, without assigning other reasons, for this one was sufficient.

It is argued from the words of the Statute that "may" means "must," and that the act of Assembly and the payment of license in the treasury make a *contract* between the State and the applicant.

If it be a contract, the powers of the Court would only extend to the enforcement of the contract, to grant license, but by action.

The important word "may" is sometimes used permissively and sometimes imperatively. Words of permission shall in certain cases be obligatory.

When a statute directs the doing of a thing for the sake of *justice*, the word "may" means the same as the word "shall." The statute 23, Henry VI., chapter 10, says the Sheriff *may* take bail; the construction is that he *shall* be bound to bail. If a statute says a thing *may* be done, which is for the public benefit, it shall be considered that it *must* be done. Duarris on Statutes, page 706.

This is no question of justice, but expediency, nor of "public benefit"—far from it. The plea alleges that this tavern is necessary. Section 3 of the Act of the 25th of February, 1834, is in these words, "No court shall license any inn or tavern which shall not be necessary to accommodate the public and entertain strangers and travellers."

Now what is there to prove that it *is* not necessary?

1. Four hundred and fifty-five names to remonstrances, alleging it is not necessary.

2. Witnesses produced in open Court on behalf of remonstrants, who swore it was unnecessary.

3. The failure of the signers of the tavern petition to convince the Court that it was necessary.

4. The decision of the Court at March term deciding, after a full hearing, that it was not necessary.

What more does the petitioner want? If four hundred and fifty-five remonstrants, or half the number, will not convince, what will? The Court know well that the tavern is not necessary, and so decided.

The granting of this license would have been a plain and palpable violation of law, with the mass of evidence the Court had before it.

In all the legislation on this subject, for one hundred and forty-nine years, there is no act to be found where the Legislature says the "Court *shall* grant a license," but there are very many sections of acts, wherein the Legislature says unquestionably that the Court shall not" grant a license, unless certain requisitions are complied with.

This act in question was made to throw obstacles in the way of granting licenses, —to restrain the Court. The powers granted to this Court in licensing are not mandatory, but permissive, and are circumscribed with certain restrictions.

The law demands that twelve persons shall certify that petitioners for license, amongst other things, shall be of good repute for honesty, temperance &c., and that the tavern is necessary for strangers and travellers. It is admitted that Henry Rea is an honest, temperate and respectable man and that his certifiers are excellent men and good citizens.

But what is ruled and decided here must apply to all cases, and if *may* means *must*, and the act of Assembly is imperative on the Court, as the learned counsel contend, then the Court is bound to grant license in all cases where the certifiers swear to the truth of the contents of the petition, whether the Court believes them or not, whether they swear true or false, and whether the Court knows of its own knowledge and from the evidence its senses, whether a house should be licensed or not. This would be to dispense with the rules of evidence, the effect of evidence, and to repeal the current of legislation on this subject for a hundred years.

His Honor stated that he had read petitions where the signers had certified that petitioner was a temperate man, when in fact he had been drunk for twenty-five years; another where the petitioner fell with a drunken apoplectic fit in the Court House, and could not be awakened. He had read petitions certifying to the tavern accomodations, when the whole house was a room eight by ten, and its sole furniture a few glasses, a counter, a whiskey barrel and its contents; no bed where the victim might more himself sober, but the curb stone was his pillow, when his last dime was spent.

But the act itself was plain. "If it shall appear by the oath or affirmation of the said signers that such inn or tavern is necessary, the Court may grant such license, and not otherwise."

If it shall appear, to whom? to the applicant? to the signers of his petition? the witnesses? the counsel for the applicant? certainly not.

If it shall appear *to the Court!* In this the act is plain and explicit, for any other construction is to make every petitioner the judge in his own case, or if not the petitioner, then his certifiers, the sole judge in every case.

This case is withdrawn by the pleadings from the jury, and it is a misdemeanor only with which the defendant is charged.

But here there is admission of criminality on the part of the defendant. He admits all that the indictment charges him with, and his plea is in effect and fact a plea of guilty.

The Court will therefore proceed to pass sentence, having adjudged in favor of the Commonwealth, and against the defendant.

The prisoner was then fined $60 and costs on three indictments for keeping a tippling house.

The Court then said that in the matter of the motion for a new trial for J. H. Cassiday, they had considered the arguments advanced by counsel, and examined the authorities. The motion was over-ruled.

J. H. Cassiday was then brought into Court and sentenced to pay the costs of prosecution, and undergo six months imprisonment in the county jail.

The rest of the day was occupied in uninteresting Orphan's Court business.

ON WEDNESDAY NIGHT, the distinguished Neal Dow, the Father of the Maine Law, will give a Lecture in the Fifth street Protestant Church, on the practical operation of that Law in Maine. The great reputation of this gentleman will undoubtedly secure a most crowded house. The price of tickets has been fixed at ten cents.

MASON'S METROPOLITAN SERENADERS.—Last evening Masonic Hall was well filled by a fashionable audience on the occasion of the first Concert of Mason's Metropolitan Serenaders. Cool White is as popular now as he was some years ago when he attracted crowded houses every night for fifty-two performances, and bids fair to be as successful. All the performers are good, and the character of their songs is of the first order. To-night another Concert will be given at the same place.

A fellow in Manchester was charged with the larceny of a pair of Shoes from the store of Mr. Wagoner of that borough, on yesterday. On proceeding to his house, the stolen shoes were found, and he arrested. At the time of the arrest he was in bed. He was dealt with according to law.

NEW CARS.—We noticed yesterday two new and large cars on the track of the Central R. R. on Liberty street, near the wharf. They are destined for the Steubenville and Indiana Railroad. They are called the "Clyde" and "Samuel Hanna."

TAKEN OVER.—Walthour, convicted of Manslaughter, and sentenced to four years and three months' imprisonment in the Penitentiary, was taken over yesterday. He was in very good health, and seemed resigned to his fate.

UNWELL.—Edward Campbell, Esq., our gentlemanly Prothonotary, was, we are very sorry to say, too unwell yesterday to attend to his duties.

WORKMEN are busily engaged in placing beautiful iron bannisters on all the outside flights of steps of the Court House, thus rendering them more secure during slippery weather.

YOUNG MEN'S MERCANTILE LIBRARY AND MECHANIC'S INSTITUTE.—New members added during the month of January, 1853:

Loreen F. R.	Pentland A. W.
Miller W. G.	Boaten Charles W.
Macrum N. G.	Macrum David,
Leonard G. W.	Copley John S.
Boies David A.	Robinson Charles M.
Cuddy James;	Rhodes Jos H.
Bidwell D. W. C.	Ihmsen Dominick,
Forsyth W. H.	Livingston L. R.
Stebenick J. J.	Kier Samuel M.
Haworth John,	Black George,
Collins Henry H.	Kirkpatrick W. H.
Morrow Wm.	Wright James H.
White James, Jr.	Rutton H. D.
Stackhouse Samuel,	Hamilton Thos. B.
Acheson Marcus W.	Bernhaum J. H.
	F. A. McNAMARA, Librarian.

DISTRICT COURT.—The following cases were disposed of before Judge Shannon, President.

Robert McKeever vs. Robert C. Holmes, list 385, No. 471, November term, 1852; action to recover the value of a quantity of flour. Selden for plaintiff; Shaler and Staunton for defendant. No verdict returned.

Alexander Scott vs. Pitt township, No. 480, July term, 1850. Judgment by default.

Seigle vs. Miller, Church & Co., action to obtain the value of a bill of exchange for $600, accepted by defendants. Snowden for plaintiff, and Selden and Cochran for defence.

Before Judge Williams.

Alexander Hunter vs W. W. Wallace, list 108, No 40, November term, 1851, action of ejectment. Williams for plaintiff; Hampton & Son for defence. No verdict.

THEATRE.—The drama of Uncle Tom's Cabin, which has drawn such crowded houses, will be played to-night for the last time, by Gardner and the popular and magnificent drama of the Three Guardsmen. The bill is a magnificent one.

POLICE NEWS.

Mayor Parke of Allegheny city, committed three persons to Jail yesterday, for vagrancy and drunkenness.

A man named Drain laid a complaint before Mayor Parke, against Charles Bailey for drunkenness and abuse of his family. The officers on proceeding to Bailey's house, found him in the cellar. His children, the oldest not over thirteen years of age, were found in the garret, which they had barricaded in order to secure themselves from their father's brutal assaults. Bailey was committed to Jail.

High Constable Hosley arrested a man on Saturday night, who was found hiding under a corn shuck near the outer railroad depot of the Ohio and Pennsylvania Railroad in Allegheny city. He had set another shuck on fire close to him. On his person was found a bunch of matches, and some letters. He was committed to jail.

Mayor Parke held Lydia Craig to bail in $200 for an assault and battery on Mary Matson. They both reside in the Third ward, Allegheny.

PICKPOCKETS ARRESTED.—Lewis and Silas Trausue were arrested yesterday afternoon by officers Gillespie and Jaskins, in the auction room of P. M. Davis, on the corner of Wood and Fifth streets, for picking the pocket of a woman. She saw them at it, and immediately proceeded to the Mayor's office, and made the information. Her pocket book, containing $8, was taken from her. When on the road to the Mayor's office, Lewis broke away, and led the officers quite an exciting chase as far as Seventh street. He was there recaught. On their persons were found a number of parcels of money, pocket books, and purses, which were no doubt all stolen. Those having lost money will please call at the Mayor's office, and examine that taken from the thieves. They were finally committed.

PETTY LARCENY.—A German runner was committed to jail by Alderman Parkinson yesterday, for stealing various trifling articles to the amount of a dollar, from a man named John Beck.

FALSE PRETENCE.—Anthony Waller was arrested and brought before Alderman Parkinson, for obtaining $6 from Charles Waller, by representing that he had money due him, out of which he would repay prosecutor the $6. He had no such money. The matter was finally settled by defendant refunding and paying costs.

AUCTION SALES.

Peremptory Sale of Dry Goods.

ON Wednesday morning, February 2d, at 10 o'clock at the Commercial Sales Rooms, corner of Wood and Fifth streets, will be sold, for cash, by catalogue, a general assortment of DRY GOODS, &c., to which we invite attention.

Broadcloths, Cassimeres, Satinetts, Tweeds, Flannels, Blankets, Alpaccas, Lasting Cassimeres, Linseys, Ginghams, Prints, Barred Lizzy, Bleached and brown Muslins, coloured Cambric, Hosiery, Gloves, Ties, Needles, Thread, Buttons, Hooks and Eyes, &c.

fel P. M. DAVIS. Auct'r.

Winter Clothing at Cost.

IN order to make room for Spring Stock, I will sell the balance of my Winter Stock at first cost, consisting in part of Sup. Beaver, Loose Sacks Coats, Cloth, Fatinetts, Pilot, Yarn, Pelt, do. do. Sack Coats in great variety. BOYS CLOTHING of every material suitable for the season. The largest Stock in the City. Merchant Manufacture—Every article warranted to be as represented. Terms cash.

WE STUDY TO PLEASE.

CHESTER, 74 Wood street.

ja20

ONIONS—100 bags Superior Onions, for sale low, to close consignment.

ja20 R W POINDEXTER, 62 Water street.

TOBACCO—125 kegs Fine Six Twist Ky., on consignment, and for sale by

ja20 R W POINDEXTER, 62 Water street.

SUGAR 28 hhds. N. O. Sugar, for sale low to close consignment, by

ja21 J. & H. FLOYD.

RIO COFFEE—150 bags prime Rio Coffee, in store and for sale by

ja24 McGILLS & ROE.

LARD 25 kegs prime Country Lard, for sale by (ja24) McGILLS & ROE.

CARRIAGE FOR SALE—A second-hand Rockaway, nearly new, in good repair, for sale by

ja21 McGILLS & ROE.

LARD—30 kegs Leaf, small size, suita ble for families, just received and for sale by

ja24 VON BONNHORST & MURPHY.

MAGAZINES for February, just rec'd: Godey's Ladies' Book for February. Graham's Magazine " Peterson's " Gleason's Pictorial—$1.50 per volume, or 6 cents a copy. Subscriptions to the above Magazines, or any of the Periodicals received by

ja22 W. A. GILDENFENNY & CO. 19 Fourth street.

NEW FIGS—50 drums Smyrna Figs; 50 boxes extra Roman do. do. received and for sale by W. A. McCLURG & CO.

ja22 Sixth and Wood streets.

DYE STUFFS—

10	barrels ground Cuba Fustic:	
20	" chipped	"
50	" Logwood.	
5	" Peach Wood.	
5	" red Saunders.	
5	" ground Tumeric.	
15	" Logwood.	
10	" Camwood	
10	" Hyperi Wood.	
500	pounds Sicily Sumac.	
2500	" Quercitron Bark. For sale by KIDD & CO. 60 Wood street.	

ja22

LARD—3 bbls. prime Family: 3 kegs do. do. in store and for sale by R DALZELL & CO.

LARD—104 kgs No. 1 Lard, rec'd for sale ja23 BELL & LIGGETT, Water st.

BUTTER—7 bbls Roll; received and for sale by (ja22) BELL & LIGGETT.

FEATHERS—16 sacks rec'd and for sale (ja22) BELL & LIGGETT.

Needle Work, Edgings and Insertings.

LADIES wanting to purchase above kinds of Goods, will find an unusually large assortment at the Store of Murphy & Burchfield, and at lower prices for quality than usually sold. Also, a good assortment of Bobbinet Edging.

ja21

LUDLAM'S SPECIFIC—1 gross for sale by (1471) KIDD & CO.

BY TELEGRAPH.

LATEST FROM EUROPE.

ARRIVAL OF THE AFRICA.

NEW YORK, Jan. 31.

The steamer Africa arrived last evening from Liverpool, which she left on Sunday, the 16th, and brings 67 passengers.

The French government has made a contract with Virginia for tobacco at 96f 97c per 100 kilogrammes; Kentucky 71f 31c; and Maryland 85f 33c.

Minister Rives has presented his credentials to Napoleon.

It is reported that a territorial difficuly exists between France and Austria.

The India mail has been telegraphed. Pegu has been taken and annexed to the Qape.

The markets to Australia are active.

The Daily News announces that Kossuth is coming to America to stir up the Democrats.

The Africa brings a large amount of Coleman & Stoifeldt's bills.

E. Wartshmann of Amsterdam has failed for £30,000, in consequence of the Brest forgeries.

Mr. Ingersol has been invited to dine at Birmingham.

The ship Provincialist, from Philadelphia for Liverpool, has been lost at sea. The crew were saved.

A large foreign fleet was wind-bound in the Mersey at Liverpool.

The Philadelphia steamship Company have contracted for a new screw steamer of 2,200 tons.

The French government has 530 screw steamers of 100 tons, to ply between Cherbourg and the ports of America.

The first Imperial ball was a grand affair; about 2,000 were present.

The death of Madais is not confirmed.

The Baltic is open at Riga, but the weather is unprecedented.

In consequence of scandal relative to Gen. St. Arnaud's speculations, the Emperor has ordered a Commission to inspect every part of the public service.

There are some sharp criticisms in the London papers on Mr. Ingersoll's Manchester speech. He is charged with some quarters of toadying incense to the British institutions.

Various reasons are given for the delay in the sailing of the Africa; one relates to difficulties with the British Consul with Cuba, on account of the alleged imprisonment of British subjects. Another, relative to a final settlement of disputed points with the United States, which it is desirable the Government should be enabled to arrange before Mr. Fillmore's term of office. Another, in order to forward to Canada the cabinet decision relative to the clergy reserves.

The ship Europa from Liverpool for Philadelphia, is out 30 days, having put into Madeira on the 5th inst., short of water.

COMMERCIAL NEWS.

LIVERPOOL MARKET.—Tallow dull, at 1s decline. Irish Butter has risen too high for shipment to America. There has been no American Bacon yet received, but a small consignment of new Pork has arrived. Tobacco unchanged in prices. Sugar and Coffee unchanged.

CORN.—At latter demand for the past two days has sprung up, particularly in the better qualities of American. The sales for the week were 43,700 bales, of which 6,800 were on speculation, and 2,860 for export. On Saturday the sales reached 6000 bales, of which 2000 were on speculation; the market closed steady at the following rates: Pair Orleans 6d, middling 6½; fair uplands 5½; middling 5½.

Breadstuffs.—Wheat is in fair demand at the full rates of last week. For flour the extreme prices of last week were obtained. Indian Corn held firm, and in demand for floating cargoes.

PROVISIONS.—No sales of Pork. Lard nominally 66, retail.

McHenry quotes Irish bacon is. dearer, with an advancing tendency. Beef is in good inquiry. Irish butter has advanced.

The loss of the ship Provincialist, from Philadelphia, with 600 hhds of bark, has induced a speculative demand, held at above 10s.

Breadstuffs have improved, with a speculative feeling. Wheat is held 1d. dearer. Flour 3@6d. advance. Corn is quiet.

Beef is in demand, and holders ask higher rates.

Bennison quotes breadstuffs as firmer. Wheat 1@2s. dearer on the weeks sales. No quotable change in flour, but firmer. Baltimore and Philadelphia 27s. 9d.@28s. 3d. White wheat 7s. 5d.@8s.; for red, and 7s.@7s. 4d. for mixed.

The Portuguese Tariff sets unfavorably to English interests.

The weather continues wet.

The metal markets are fully sustained, except Scotch pig, which is two or three shillings lower.

At Manchester trade was quiet, and prices uninfluenced.

LONDON.—Business was generally dull. Coffee flat; Sugar 6d. lower. Breadstuffs dull. Markets are looking up. Bullion in the Bank of England has declined £200,200. In American stocks there is no change, the demand for the investment having been moderate during the past month. Consols 99¼@99¾ for money and account. Freights to New York, 17s. 6d. for fine goods.

HAVRE.—The Budget for 1854 is prepared. Funds are buoyant; fives closing at 105f. 25c. Threes 80f. 20c.

METAL MARKETS.

Notwithstanding the late advance in Copper and Lead, both are in extensive demand, and higher rates are expected. Tin is steady. A large business has been doing in plates. Charcoal is in extensive request. Rails and bar Iron are without alteration, and the makers cannot execute orders as fast as required. Scotch pig is a shade easier.

There have been three meetings this week of the iron and coal masters of Staffordshire and Shropshire, which are exciting more than ordinary interest.

Before the business commenced at the Birmingham meeting, a rumor was prevalent that an advance of 2s. per ton was contemplated, but it was not intended to make any change, and the prices decided upon the previous week would be firmly maintained. The meeting was rather excited, but determined upon maintaining the prices. Buyers are anxious to effect a reduction, and £10 15s. were offered for bars, but not a ton sold for less than £11, regardless of quality.

It has been announced that one of the largest houses in the copper trade has issued a notice of an advance of £5 per ton. If circulars are not actually issued an advance to the above extent will certainly take place.

CONGRESSIONAL

WASHINGTON, Jan. 24, 1853.

HOUSE.—Mr. Buell's death was announced and the usual resolutions were passed. The House then immediately adjourned.

SENATE.—A Committee was appointed to act with a Committee from the House to count the return of votes for President and Vice President.

Mr. Hale presented a memorial from the Pennsylvania Society for the abrogation of Slavery, and for the relief of free negroes unlawfully held in bondage; and also asking for the repeal or modification of the Slave Act to some constitutional conformity.

Mr. Cooper presented a petition from Philadelphia praying for the construction of a post Railroad from Philadelphia to New York.

Mr. Cass presented various petitions praying for the intervention of this government to protect American citizens abroad in their religious worship. Referred.

Mr. Buell's death was then announced.

PENNSYLVANIA LEGISLATURE.

HARRISBURGH, Jan. 31.

SENATE.—The Senate, on motion of Mr. Darsle, took up and passed a supplement to an act incorporating the Pittsburgh Savings and Trust Company.

HOUSE.—The bill to charter the Cleveland and Mahoning Railroad Co. passed the Committee of the Whole. Upon a second reading, a debate ensued, and the House adjourned without disposing of the bill.

The Governor has signed the bill to charter the Board of Colportage of Pittsburgh.

RAILROAD ACCIDENTS.

PHILADELPHIA, Jan. 31.

The Rail broke near Christiana on the Central Railroad, yesterday morning at eight o'clock, while the Pittsburgh train was passing. We have as yet no names of those injured, but learn that two gentlemen said to be contractors of the Pittsburgh Cathedral had both legs and arms broken. Their recovery is hopeless.

The last car containing ten persons fell down an embankment and the stove set fire to the car, which was entirely destroyed, besides some valuable baggage belonging to the passengers.

THE LATE RAILROAD ACCIDENT—FURTHER PARTICULARS.

PHILADELPHIA, Jan. 31.

The following are the sufferers by the railroad accident which occurred at Christiana, on Sunday morning last: Mr. Bartberger, Pittsburgh, both arms and one leg broken, not expected to live; Mr. Morgenroth, Pittsburgh, seriously, though not fatally injured; doing well; J. Dordell, of Chester county, collar bone broken; Dr. F. B. Taylor and Mr. Sickle, slightly hurt.—The two most seriously hurt were on the platform at the time.

LOUISVILLE, Jan. 31.

W. Howard, under sentence of death for the murder of Henry Driskans, escaped from jail on Saturday night. The Governor offers $500 for his apprehension. He has but one eye, is heavily built, and has a downcast look.

PHILADELPHIA, Jan. 31.

Christopher Soohan, a laboring man, was killed by a stab in the street, at Southwark, on Saturday night. Levin, a comrade in company with him, has been arrested on suspicion, and has been committed for trial. The evidence against him is only circumstantial.

WASHINGTON City, Jan. 31.

The Hon. Zeno Scudder, of Mass., lies dangerously ill.

In the Supreme Court this morning, Judge Nelson pronounced a decision in the Kane Extradition Case, which pronounces that the prisoner is in confinement under the treaty and the act of Congress, without any lawful authority. 1st Because the Judiciary possesses no jurisdiction to entertain proceedings under the treaty, without a previous requisition made under the authority of Great Britain, upon the President, and his authority previously obtained. 2d, That the Commissioner is not an officer within the treaty or act of Congress, upon whom the power is conferred to hear and determine the question of criminality upon which the surrender is to be made. 3d, Because there was no competent evidence before the Commissioner to warrant his action. 4th, That the Circuit Court ought to have discharged the prisoner, instead of remanding him into custody. Its decision is therefore a proper subject for review by this Court under a writ of habeas corpus. Other opinions are being read.

NEW YORK, Jan. 31.

James G. Nicholson, formerly clerk of the steamboat Martha Washington, implicated in the conspiracy and destruction of that boat, was traced to Gramercy Hotel, in this city, but passed the officers on the stairs, they not knowing him, and escaped.

NEW YORK, Jan. 31.

The Herman arrived at this port on Friday evening. The City of Glasgow is below at Philadelphia.

BALTIMORE, Jan 31.

New Orleans papers dated 24th are received. The Brownsville Flag of the 12th says, that the war steamer Estado de Mexico was reported at the mouth of the river with troops destined to attack Matamoras.

The steam ship Yacht, at New Orleans, reports that the spars, hull, and cargo of the schooner Sans, of Rhode Island, had come ashore on the beach of North Braxos harbor. Nothing has been heard of the Creole.

PHILADELPHIA, Jan. 31.—Flour for shipment, $5 37, with small sales, buyers offering $5 31. Sales of Rye Flour or Corn Meal. Wheat inactive; $1 01@$1 20, white $1 25. Rye wanted at 86. Corn scarce, and worth 56. Oats dull. Whiskey, 25½ for bbls. Cloverseed dull at $6 36@$6 37.

CINCINNATI, Jan. 31.—Flour quiet; only 600 bbls. sold at $4 25@$4 50. Whiskey, 20c. Cheese dull at 8½ for selected, and 9 for choice. Butter in moderate demand at 14@16. Bulk meat has further declined, but a large business done, the sales reaching 2,000,000 lbs, chiefly sides, two-thirds for the English market, with the exception of 200,000 lbs. shoulders and sides for the Atlantic. The prices are not made public, but the sides ranged from 6 to 6¼. Lard has declined, with a sale of 500 bbls. No. 1 at 9, and 260 at 9¼. Nothing done in barreled pork. Provisions will also be received, at the same time and place, for the laying of the track from Vincennes to Illinois State line, (145 miles,) and all necessary ridings.

Profiles, Plans, and Specifications will be exhibited on and after the 20th inst., at the office of the undersigned, in St. Louis, and also in Vincennes.

SANGER, CAMP & CO.

St. Louis, January 29, 1853.

ja31-2w Refer to Josiah King, Eagle Cotton Works, Allegheny.

Notice.

PERSONS intending to make application for assignments on the Night Watch, are requested to hand written applications, accompanied with references as to the Mayor, or any Member of the Police Committee, on or before the 15th inst.

ja21 W J HOWARD, Jr., Chairman of Com.

Dissolution.

THE Partnership of R. Robison, S. B. Robison, and Thomas Little, heretofore existing under the firm and style of ROBISON, LITTLE & CO., is this day dissolved by mutual consent, the said Little withdrawing from said firm. The business will be continued at the same place by S. B. Robison and R. Robison, under the firm and style of R. Robison & Co., who are duly authorized to receive, settle, and collect all debts due or becoming due to said firm of Robison, Little & Co., and to settle and pay the debts of the same.

R. ROBISON,
SAMUEL B. ROBISON,
THOMAS LITTLE.

SCOT. ROBISON. SAML. B. ROBISON.

R. Robison & Co.

WHOLESALE Grocers, Produce Dealers, and Commission Merchants, No. 255 Liberty St., Pittsburgh. ja10

Dissolution.

THE partnership of the undersigned, in the Flouring business, under the firm of WILLIAMITH & CO., was dissolved by mutual consent, on the 1st instant. Both parties will attend to, and use the name of the firm, until the same is fully settled.

WILLIAMITH,
T. A NOBLE.

Pittsburgh, Jan. 5, 1853.

Notice.

THE Pittsburgh City Mills will hereafter be conducted by the undersigned, under the firm of WILLIAMITH & CO.

GEO. DICKINSON.
J. C WILMARTH.

ja6:tf

NOTICE.

THE style of the firm of S. P. SHRIVER & CO. No. 130 and 132 Second street, Pittsburgh, is this day changed to SHRIVER, DILWORTH and Co., partners remaining the same.

SAMUEL P SHRIVER,
JOSEPH DILWORTH.
JOHN S DILWORTH.

January 1st, 1853.

J. S. DILWORTH & CO. having declined as the Wholesale Grocery Business in favor of Shriver Dilworth & Co., will continue to act as Agents for the sale of Hazard and Laflin & Smith's Powder and Safety Fuse. They solicit their attention to Cleveland Commission and Produce Business, at their old stand, No. 91 Wood street, Pittsburgh.

ja1

S. P. SHRIVER. JOSEPH DILWORTH. JNO. S. DILWORTH.

Shriver, Dilworth & Co.

WHOLESALE Grocers, Produce and Commission Merchants, Dealers in Pittsburgh Manufactures, Nos. 130 and 132, Second street, Pittsburgh. (ja1

Notice to Shippers.

IT WILL be necessary to send dray tickets with all produce, giving marks, consignees, and destination. Orders must be sent to the office the same day the shipment is made, or the same will not be passed, either for collection. Charges will be paid on demand.

N.B. No freight will be received after 4 o'clock P. M.

GEORGE G. FRANCISCUS,
Freight Agent, Pennsylvania Railroad.

ja6

Notice.

OFFICE OHIO AND PENNA. R. R. CO.,
PITTSBURGH, January 3, 1853.

THE annual meeting of the Stockholders and election of Directors of the Ohio and Pennsylvania Rail Road Company, for the ensuing year, will be held at the office of the Company, in Pittsburgh, on Tuesday, the 25th day of January, 1853, between the hours of 10 a. m., and 3 p. m., (meeting at 12.)

The Transfer Books will be closed till, and the semi-annual interest due the 1st January, 1853, will be paid on and after 1st February, 1853. By order of Board of Directors.

ja18:dw3 BROOKS, Secretary.

Notice.

HAVING associated with us Hugh Jones and George J Duff—the General Hardware Business will be continued under the name and style of WHITMORE, WOLFF & CO.

WHITMORE & WOLFF.

ja11:lm

Dissolution.

THE Partnership of R. Robison, S. B. Robison, and Thomas Little, heretofore existing under the firm and style of ROBISON, LITTLE & CO., is this day dissolved by mutual consent, the said Little withdrawing from said firm. The business will be continued at the same place by S. B. Robison and R. Robison, under the firm and style of R. Robison & Co., who are duly authorized to receive, settle, and collect all debts due or becoming due to said firm of Robison, Little & Co., and to settle and pay the debts of the same.

R. ROBISON,
SAMUEL B. ROBISON,
THOMAS LITTLE.

SCOT. ROBISON. SAML. B. ROBISON.

R. Robison & Co.

WHOLESALE Grocers, Produce Dealers, and Commission Merchants, No. 255 Liberty St., Pittsburgh. ja10

Dissolution.

THE partnership of the undersigned, in the Flouring business, under the firm of WILLIAMITH & CO., was dissolved by mutual consent, on the 1st instant. Both parties will attend to, and use the name of the firm, until the same is fully settled.

WILLIAMITH,
T. A NOBLE.

Pittsburgh, Jan. 5, 1853.

Notice.

THE Pittsburgh City Mills will hereafter be conducted by the undersigned, under the firm of WILLIAMITH & CO.

GEO. DICKINSON.
J. C WILMARTH.

ja6:tf

NOTICE.

THE Mechanic's Bank of New York, the American Exchange Bank, and the Marine Bank, give notice that they will receive uncurrent money of the Eagle Bank and Bank of the States of New York and New Jersey, and all states to par in Philadelphia, at a discount of one fifteenth of one per cent for the New England, and one eighth of one per cent. discount for the other bank notes, being the same rates adopted by the Metropolitan Bank.

The American Exchange Bank of New York gives notice that it will receive the notes of the Wooster and Ohio Exchanges' Bank of Oswego. The notes of this latter Bank are discredited some days since, and have since fallen to about 82½ cents per dollar. The Marine Bank will receive the notes of the Bank of Utica at par.

The gross receipts of the Madison and Indianapolis Railroad, for the year ending the 31st of December, was upward of $300,000 against $172,400 of the first year of operation. The official report will be published shortly. The capital stock paid of the Company is about $1,000,000. The net earnings of the year are at least 10 per cent. after paying interest on the bonds.

The Stockholders of the Cleveland, Columbus, and Cincinnati Railroad Company held a meeting on the 20th inst., when a survey was ordered for the Northern Branch of this road, a distance of 58 miles. Wooster lies near the centre of coal mines, where the quality of coal is very superior, and the quantity apparently inexhaustible.

In the Illinois Legislature an act has been passed to incorporate the Fort Wayne and Chicago Railroad Co. The Central Railroad Co. have petitioners for an extension of time to build the first fifty miles of their road.

Within a week or two past, the Bounty Land Warrants of the Soldiers of the last war have fallen 30 cents in price, under a speculative demand from the West, and the sales are reported at 70 cents for 160 acres, 65 for 120 acres, at $85; and 160 acres at $115. The prominent dealers in Washington are paying $42, $51, and $60 from first hands. At the Government minimum rate for 160 acres, the Warrants are nominally equivalent to $50, $100, and $200, or $1.25 per acre.—N. Y. Times.

TO LET AND FOR SALE.

A LARGE CITY LOT TO LEASE.—The Lot of Ground, at present occupied by John McClure, Esq., as a Lumber Yard, on Liberty street, Wayne and Virgin alley, will be leased for a term of years from April 1st, 1853. Apply to

JOHN S. IRWIN, No. 53 Market st.,
Or, ROBERT ROSS, Attorney, 4th st.

A VALUABLE FLOURING MILL FOR SALE OR EXCHANGE. Situated on the Monongahela river, in Washington county, opposite Cockaport. Erected in three stories high, 33 by 80 feet; has three run of stones, propelled by steam and water power; is now in full operation; has a large custom, and is capable of manufacturing 300 barrels of flour per day. Connected with the Mill are five acres of Land, with a good Coal Bank, and commodious Dwelling House. Price $6,500. Ingiure on the Land. Apply to R. M'LAIN.

ja20 Real Estate and Loan Agent. No. 91, 5th st.

To Let.

A DWELLING HOUSE on Federal street, Allegheny, about half a square from the Diamond. Inquire at the yard—which is large. Rent low.

ja23 Market street between Third and Fourth.

Third Street Property For Sale.

(Opposite Third Presbyterian Church.)

CONSISTING of a comfortable Brick DWELLING HOUSE, arranged with Hall, Double Parlors, Dining-Room, Kitchen, and Back House, on the first floor; with Five Rooms and Bath-Room on the second floor. Also, a Frame Stable and Carriage House, with large Paved Yard. The lot is 24 feet wide in front, and 80 feet in depth to a 20 feet alley. Price of $73 00, which may be bought out at considerable less than Price, $1,500, cash in hand; balance on one and two years.

ja18 R. H. CLAIN.

For Sale.

A LOT OF GROUND, 26 feet 8 inches front on Third street, and 180 feet in depth to Second street, situated on the corner of Third and Aiken.—A Lot on Second street, 80 feet front on Second street, and 80 feet in depth, with three Brick Houses erected (each three stories high) with two-story Brick buildings, ten rooms in each dwelling—all well finished. For terms, &c., inquire of THOMAS GIBNEY, or

ja22:1ap] JOSEPH WOODWELL.

To Let.

THE HOUSE in Seventh street, above Cherry alley, now occupied by Mr. Mylor. Inquire of

ja21

For Rent.

A BRICK YARD and STONE QUARRY, in the Eighth Ward, near the Pennsylvania Avenue; also several DWELLINGS and STORES in Penn street, near the Canal Basin. Inquire of

ja26:2ap DAVID GREER, 52 Hand street.

For Rent.

A SMALL well-finished STORE on Third street, next door to the Gazette Office.

ja25 R. D. MARKS, 84 Market street, between Third and Fourth streets

For Sale.

SIXTY-TWO Acres of Land, situated on the Ohio River, 15 miles below Pittsburgh. About one half of the tract consists of first-class River Bottom, the balance being of Upland. It is well adapted either for Farming or Gardening; and situated on the Ohio River, affords a fine Site for a Country Seat near the City. This property presents unusual inducements to those who wish to engage in Gardening, and will be found specially for a Country Home. For information, enquire of

ja23:1f A. & J. M'CANDLESS, Att'y at Law, No. 54 Grant street.

For Rent.

WAREHOUSE No. 114 Second street, two doors from Wood. Apply to

ja25 J. SCHOONMAKER & CO. No. 25 Wood street.

For Sale or Rent.

TWO STORES with Dwellings attached, on the corner of Market and First streets. The stores and dwellings are arranged so as to throw into one, for a tavern. I will rent the whole house low to a good tenant, or will sell them separate, or will sell the property at a bargain on easy terms, or will exchange it for a good farm. For terms, apply to

ja22 CORNELIUS ENNEY, Liberty st.

For Sale.

A VALUABLE FARM—Containing 120 Acres, situated in Baldwin Township, Allegheny County, 6½ miles from the City, on the Brownsville road and new Plank Road from here to Finleyville. Possession given immediately—title indisputable. For further particulars, apply to

J. & R. PEARSON,
ja24 Pittsburgh.

For Rent.

THREE Store Rooms, with Dwellings attached, on Market street, between Second and Third streets. Inquire of J. O'HARA DORY, Secretary, No. 61 Third street.

To Let.

NO. 15 Wood street, adjoining our Ware House, with a superior FIRE and THIEF PROOF VAULT. Counters and Shelving.

The location and arr