Pittsburgh Gazette.

PITTSBURGH:

TUESDAY MORNING, NOV. 16, 1858.

OFFICIAL PAPER OF THE CITY.

City and News Items.

MEAN TEMPERATURE.—Observations taken at Shaw's Optician Store, No. 55 Fifth st., Nov. 15th.

	IN SUN.	IN SHADE.
9 o clock, A. M.	....SNOW	31
12 " M.	40	35
6 " P. M.	....	30
Barometer	....29 4-10	

THE DAILY UNION PRAYER MEETING was inaugurated, yesterday, under very promising auspices. It is held in Masonic Hall, Fifth street, in the centre of the business portion of our city, beginning at 12 o'clock, and to continue from forty-five 45 sixty minutes.

At the hour named for opening, yesterday, Rev. E. P. Swift, D. D., (Old School Presbyterian,) who had been desired to conduct the opening services, read over a list of clergy of the various denominations who had been invited by the Young Men's Christian Association, to take the stand. Revs. W. Preston, Episcopal, De-J. Yerkes, Baptist, H. Kendall, New School Presbyterian, W. Collier, Methodist Protestant, and Dr. I. N. Baird, Methodist Episcopal, accordingly took seats on the platform. Dr. Swift then gave out three verses of the 212th Hymn, "Oh! for a closer walk with God." Dr. I. N. Baird led in a brief prayer. Rev. W. Preston read the 24th Psalm, after which, Dr. H. Kendall led in prayer. Dr. Swift then gave out three verses of the 173d Hymn—

"It is sweet to mingle where
Christians meet in social prayer."

after which he made a brief and pertinent address. Prayer by Rev. Wm. Collier.

The 23d Psalm was then sung—"The Lord's my Shepherd," after which prayer by Rev. D. J. Yerkes. Dr. Swift invited remarks, whereupon Mr. John Wallace spoke briefly. Dr. H. Kendall remarked, here, that in subsequent meetings there would be less prominence given to the clergy. The Young Men's Christian Association had desired, on this inaugural occasion, for reasons of their own, to have a strong clerical representation, but at subsequent meetings the laity would be expected to take a prominent part in the proceedings. The reverend gentleman remarked that when any person came in after the meeting had organized, or when any one arose to go out, they would not be considered as trespassing any rules, or as being uncourteous; it would be understood that they had come as early as they could, and remained as long as business would permit. He hoped that the audience would take seats well forward where they could see each other's faces, and promote each other's zeal and attention. He deprecated the habit of taking back side seats, as though afraid of getting in point-blank to the speaker's stand.

Rev. W. Preston led in prayer, after which the 67th hymn was sung. Dr. Swift then read the appointments of clergy who shall conduct the meetings for the balance of this week, (as published elsewhere,) and a few general rules which it was hoped would be conformed to:

Addresses to be limited, as nearly as possible, to three minutes; singing not over eight lines; reading of scripture to about ten verses; this in order that the exercises of the hour might be properly diversified. The meeting will be thrown open to general remarks at 12 o'clock each day, for a few minutes.

Dr. Swift then pronounced the benediction at 12½ o'clock.

The meeting was well attended, there being about 400 persons in the Hall—a good portion females. The Hall is accessible by two wide stairways, on Fifth street, so that the public can drop in without disturbing the audience. It is also comfortably heated and lighted.

BANK ELECTIONS.—Below may be found the names of the directors elected yesterday, in the various Banks of this city, to serve for the ensuing year:

Exchange Bank—Thomas M. Howe, Jas. Anderson, James B. Murray, James H. Hays, William B. Fuse, Benjamin A. Mayer, Alexander W. Wallingford, David McCandless, John A. Wilson, John Campbell, Wm. J. Anderson, John B. Canfield, Edward Gregg.

Bank of Pittsburgh—Jno. Graham, Thos. Bakewell, Robert Beer, George A. Berry, James Dalzell, William Holmes, Jr., Irwin, George W. Jackson, William McKnight, Wm. Morrison, Henry Palmer, Nicholas Voegtly, Jr., Michael Whitmore.

M. & M. Bank—Henry L. Bollman, Robert Galway, Wm. J. Baum, Robert H. Hartley, Robert B. Sterling, William Barker, Thomas Gibson, George Black, Samuel McKee, John K. Wilson, Walter Bryar, Wm. Wilkins, Joseph Richards.

Citizens' Bank—O. Barker, B. L. Fahnestock, Jas. L. Knox, Henry Lambert, B. C. Sawyer, Jas. E. Sellers, S. Harbaugh, A. Hoeveler, R. H. Palmer, John B. Dilworth, James Robb, Thomas Fawcett, W. H. Kirkpatrick.

Iron City Bank—James McAuley, Richard Hays, John Floyd, Thomas McCance, Jacob H. Schwartz, George Albree, John Watt, James Herdman, Robert Robison, John R. McCune, D. Lee Shields, Willis Boothe, Porter R. Friend.

Allegheny Bank—H. Hepburn, John H. Shoenberger, David Campbell, Wm. Bagaley, C. G. Hussey, Wm. M. Edgar, C. H. Paulson, R. T. Leech, Jr., George W. Cass, C. W. Rickelson, James O'H. Scully, Reese Owens, R. Biddle Roberts.

Mechanics Bank—Wm. B. Holmes, Reuben Miller, Jr., George W. Jackson, Samuel McKee, John S. Cosgrave, John Orr, Alexander Gordon, Wm. J. Morrison, W. H. Smith, Henry Hays, James I. Bennett, David M. Long, Robert Dalzell.

It will be remembered that Mr. Zadok Street, of Salem, O., was implicated in some financial transactions in connection with the Shamokin Bank. We publish the following extract from a letter which we have received from Mr. S., in which he alludes to other parties who were connected with that concern:

"SALEM, 12th DAY, 11th Eleventh Month, 1858.

"I notice in the *Gazette* of the 11th the arrest of J. Wood Underhill, in New York, and that a Broker by the name of Jackson was also one of the party. I do not see that D. Robinson, Jr., was detected as one of the party, (he may not be,) but Wood Underhill and Jackson, also Dan. Robinson, Jr., were the party that I had the difficulty with at Shamokin; the two former pretended to control the Bank and D. Robinson, Jr., their cashier. I am not surprised to see the account; such a party will surely ere long be detected. I made a fortunate escape in not getting connected with them, when I reflect their efforts and plans to draw me in to give their bogus Bank a credit. I hope you will keep the public posted up with their movements, as developed.

I should not be disappointed to hear of the whole party coming to a terribly disagreeable end.

Respectfully, your friend,

ZADOK STREET.

PERSONAL.—We are rejoiced to hear of the immense and constantly increasing circulation and patronage of our contemporaries of the city press. While the small fry of Newspaperdom is struggling through what has been generally considered a very dull season, it is refreshing to hear that our neighbors are getting along swimmingly. One is making the "necessary arrangements" for swearing that they are entitled to publish the Letter List. These "arrangements" are presumed to have some reference to the publisher's *conscience*.—Another of the papers expatiates largely upon its peculiar advantages, claims to have upwards of 10,000 readers, to be exceeded by but two papers in the State, and by but a few in New York city! We must humble ourselves and permit these strapping big fellows with their tens of thousands of readers to do all the bragging. We are free to confess that we have no such subscription list as that, that we never did have, and don't expect to have. But if any of our friends who do not read the *Gazette* would like to receive it, we shall be pleased to add their names to our lists; and if any of our friends have anything to sell, and desire to inform the commercial public of the fact, let them try the columns of the old *Gazette*

THE Philadelphia *Bulletin* has an article on old times and our centennial celebration, in which it praises, as follows, the scenery surrounding our dingy city:

"From the top of Coal Hill you can see ten miles down the Ohio and nearly as far up the Allegheny and Monongahela. Mountain, rock, river and cities are at your feet in a glorious panorama, which we, who have traveled from Cape Henlopen to Minnesota, and from the borders of Canada to the Southern line of Kentucky and Missouri, have yet to see surpassed. The mountain scenery of the Susquehanna is grand and lovely; the Delaware Water Gap is superb; but we defy any man to look out from the summit of Coal Hill, from a certain tree we can show him, and say that they surpass this view! At least all Pittsburgh would back us that we speak the truth!

COURT OF QUARTER SESSIONS.—The case of Com. vs. Jas. Blakely and James C. Richey, indicted for conspiracy and for obtaining money under false pretences, was on Monday continued until next term, on motion of R. Biddle Roberts, Esq. The reason assigned was the serious illness of Wm. Campbell, an important witness for the defence.

A motion for a new trial was made in the case of Evans, convicted on Saturday of Murder in the First Degree. On making the motion Mr. Marshall said that as his reasons were founded on the charge of the Court to the jury, he would file those reasons for a new trial as soon as his Honor should file his charge.

NEW MUSIC.—Mrs. Charlotte Blume, No. 118 Wood street, sends us "Topsy's Quadrille," composed by J. H. Tully; also, "Thou Lovely Angel Mine," by C. L. Fischer, a sweet vocal gem from the German, arranged for the piano. (We owe the lady an apology for having overlooked these sheets for several days.)

COMMISSIONED.—The Governor yesterday commissioned John M. Read Judge of the Supreme Court, for fifteen years from the first Monday of December next.—*Harrisburg Union.*

Trial of Christian Jacoby.

COURT OF OYER & TERMINER.—Commonwealth vs. Christian Jacoby. The facts in this case are well known in the community, that is as far as they have been disclosed by the preliminary examination and the occurrence of events that could in no manner be kept secret.

On the Saturday succeeding the fourth of July, 1858, a company of men who were mowing in a field near what is known as Cork's Run, about 21 miles below the city, in Chartiers tp., discovered in a low clump of bushes the dead body of a woman. At her feet lay a large horse-pistol, such as is used by cavalry, and which are worn in a belt around the body, to which they are attached by an ear on the breech of the pistol. Information was immediately brought to the proper officers in the city. The Coroner, together with Dr. Murdock and several reporters for the press, visited the spot. There they found this dead body which, under the July sun, had already reached a state of horrible putrefaction. A bullet hole was found in her forehead, but except that, no other mark of violence was found on the body. An intense excitement throughout the whole community was the result of the publication of the above facts. His Honor, the Mayor, with his accustomed energy, followed out such clues as he could obtain to the perpetrator of this horrible deed. In the course of a couple of days it came out that a man named Christian Jacoby, from Germany, had arrived at the hotel of Mr. Herwig, near the canal, on Tuesday night, the 6th of July, with his family, consisting of a wife, four children and a servant, named or calling herself Anna Sutler; that on Thursday morning he had left the city for Chicago and the further West with the servant girl Sutler and his four children, but without his wife; that on Wednesday evening, the 7th instant, at about 7 o'clock, he had gone out with his wife to walk, and that afterwards she had never been seen.

Officers were immediately dispatched to Chicago. There Anna Sutler and the children were found at a hotel, but Jacoby had gone to Blue Island, a distance of 16 miles from Chicago, to look at some land he designed purchasing. A Chicago officer went down there to arrest him, but Jacoby got wind of it and escaped. He lay in ambush about the country until the last day of August, when he was caught by a public officer, who had traced him, at Danville Junction, Illinois, where he was at work on the railroad under the assumed name of Jacob Krist. He has been in jail here ever since.

On Monday, the Court proceeded to empanel the following Jury:

James McKee,* blacksmith, 1st Ward, Pittsburgh.
Moses Borland, gentleman, do do Allegheny.
Wm. McKee,* Jr., farmer, Mifflin township.
Andrew Weible,* do Shaler do
Chas. R. Johnson, do Penn do
Jno. Anderson, tea merchant, 1st Ward, Allegh'y.
Francis Cuiley, wire-maker, 6th ward, Pittsburgh.
Thos. Hall, carpenter, 23 do Allegheny.
Alex. McClure,* farmer, Mifflin township.
Thomas Dixon, do Wilkins do
Sam'l. Andrews, grocer, 5th Ward, Pittsburgh.
John Lytle, boat builder, Elizabeth borough.

The names above, marked * were not in the late Evans' jury. [James McKee is foreman of this as he was of the Evans' jury.

Challenged Peremptorily—Wm. Arthurs, James Gildea, John Dunn, Christian Hershey, John McGowin, Sr., M. B. Hartzell, B. F. Agnew, John McNealy, Wm. Brown, John Gillespie, William Carter, Henry Burns.

Challenged for Cause—Jas. Brady, Joseph Armstrong, John Hazlitt, Simpson Horner.

Set Aside—Frederic Fry, Joseph Derrington, John Gormley, Wm. Early excused on account of sickness.

Afternoon Session.—The Court convened at 2 o'clock, when H. P. Mueller, Esq., opened the case for the prosecution. He detailed the circumstances which the commonwealth was prepared to prove. The first witness called on the part of the commonwealth was—

Michael Quinn, who being sworn, testified as follows:—Live in Grant street; am employed weighing metal for Nimick & Co; am not a landowner; was morning, on the 10th of July, in a field of Mr. Nimick's, near Cork's Run, about a mile below Canonsburg; two men, John Burns and Christopher Leech, were mowing with me; that day we found the body of a dead woman. We were mowing the meadow and when we came near where the weeds were we got a strong smell, and one of the men said there's something dead about here; mowed a quarter of an hour and came round again, when one said there was a dead dog there; came around to it and saw a shrubbery near by a ditch, when one of the men put aside the shrubs with the heel of his scythe and there I saw a dead woman; saw her face, but couldn't tell any thing about it, because it was all bloated away like; never looked but once, the smell was too strong; saw her feet down from about her knees; one of the men came right to town; had been mowing there two days in the forenoon; the body was in the middle of the field; it was about three hours after she was found before the Coroner came down; the weather was very warm; her feet were toward me as I first saw her; there was a pistol about a foot from her feet, on the ground; I was frightened when I saw the body.

Cross-Examined.—Where we found the body was on a hay perches from the fence beside the road; bushes where she was found were in a hollow growing; did not see any other appearance but the body which was lying on the back; the bushes grew thick together and covered her entirely up; the weather was hot and dry; don't know which of the other two men picked up the pistol, which was a horse-pistol; could not recognize the features of the face at all; one would pass the ditch in going from the fence; you can step across it.

John Burns, sworn—Was mowing in that field that day; came to a very bad smell; said there must; be a dead man or dead woman somewhere about here opened the bushes and saw the legs of a woman; went round towards her head and pushed the bushes away; there was a white handkerchief tight about her neck; her face was a mass of vermin; came up at once for a coroner; pistol shown; I saw the pistol which I picked up about four feet from her; it looked as if she might have shot herself, fell back and dropped the pistol from her hand; she lay in a clump of bushes with her head down and her feet up; left with the bushes grown over; it was not possible for her to have fallen in there, judging from the appearance of the bushes over her; she appeared to have been drawn in there head foremost; never saw a pistol of that kind before; observed her dress slightly; think it was a blue striped; [piece of dress shown;] her dress was thicker than that; but not see any bonnet there.

Cross-examined—Came for the Coroner; was ten minutes after I found the body; could not tell the features of the face at all; face, head and neck all seemed to be the same size; saw no bonnet there; did not observe her hair; her head lay down and her face directly up; the bushes were about four feet high; they were willow bushes, and grew close together; the ground where her head lay was lower than where her body lay; her feet were higher than her body; can't say whether the ground or the bushes kept up her body; didn't examine particularly; the body was about one hundred yards from the road; the grass close around the clump by her feet was a little broken down; didn't notice this any other place; got within twelve feet of her in mowing, before we went to see what it was; didn't bring the pistol with me to the city, but left it with the other man; could not tell whether there was a mark on the face; it was all alike; examined the pistol, but didn't raise the hammer. [The Commonwealth here exhibited portions of the clothing and the shoes, which were taken from the dead body, and the witness thought they were the same.]

Coroner Alexander, affirmed—Made an examination of a woman's body on the 10th of July, at the place before mentioned, in a quick growth; without doubt the woman was picked or dragged in there, the bushes growing over her.

To a juror—Think she must have been thrown in there; am satisfied she was not shot there.

The Coroner recognized the clothing and identified the pieces which he cut out from the gown and the under skirts. Saw a shawl, a fine merino shawl, which was shown and identified. The testimony of the Coroner disclosed the facts in the appearance of the body, which we need not repeat. The facts here are too painful for narration.

The only examination held before the burial was a superficial one; we went up and took samples of the clothing; I discovered the bullet hole in her head just above the ear; do think a man could not have thrown the women in there without carrying the legs with her: saw no bushes broken down; it was possible that the body was dragged in, but one man might have thrown her in there.

Thomas Schansley, sworn—Am undertaker's assistant; drove the body of a woman up from Cork's run; saw the clothing; cut out pieces; gave it to the sexton at the Methodist burying ground. [Cross-examination elicited nothing new.]

D. B. Eaton, sworn—When I arrived, the Coroner, Dr. Murdock and his student were there; the bushes were pressed down around the body and the stomach higher than the head or body; face much swollen with vermin; one hand (think it was the right) upon her waist and the other by her side; hand was fair and apparently that of a woman not accustomed to work; observed the left leg as high as the knee; there were no marks of decomposition on the flesh of the leg; attention was called to the shoe by the Coroner; had shining leather about the toe and around the sides; the shawl had been taken off the body when witness arrived there; it had a spot or discoloration on it, (the spot is found;) called Dr. Murdock's attention to an ear ring in the ear of the corpse and he noticed it.

Cross-examination elicited nothing new.

Mr. O'Neil, of the *Chronicle*, testified to the same facts. He identified a green-headed shawl pin which was found in the shawl.

Isaac Hull, sworn—Am Superintendent of the Methodist Episcopal burying ground in the Seventh Ward; Thos. Schandley brought a corpse to me on the 10th of July, did not bury it at once; kept it till Dr. Murdock came up, when he took the clothing off; (identified the clothing;) Dr. Murdock took the body up again, and Dr. Arthurs and his brother took the head off, sawed it in two to find the ball; they found a bullet in the brain; it had made a considerable fracture, and a little bit of the head adhered to a point of the skull where it had struck.

Mayor Weaver, sworn—(Clothing shown.) That is the clothing which was left in my possession; it was left with me by the Coroner; (chest shown.) I telegraphed to Chicago, to Officer Hagan, to bring back the family and chests of Jacoby to this city; he brought five chests and that is one of them; Mr. Backofen and Mr. Barnhill took an inventory of the goods in the chests.

Cross-examined—Cannot tell what was in the inventory; if is drawn up on paper at my office; can state generally that there were men's, women's and children's clothing; there were beds and German linen; there were two guns; they cannot be produced; were double-barreled guns and were sold at auction; found bullets in the chest; they were all of one size; did not try the bullets in the shot-guns, because I saw the bore was too large; there was a wrench found in one of the chests; we tried it on the pistol and found one end of it unscrewed the barrel of the pistol from the stock and the other end unscrewed the nipple; the clothes and guns were sold about the time it was published in the papers that Jacoby was lost in a swamp; articles were sold about four weeks before Jacoby was arrested. To a juror—found a bullet mould the size of bullets for the pistol in one of the chests

VEHICLE LICENSES.—The various Councils met last night at City Hall, to continue the work of regulating vehicle licenses. Mr. M'Clelfehens absent, Mr. M'Kelvy was chosen President.

After calling the roll and reading the minutes, Mr. Errett moved to reconsider the vote of last evening adopting the proposed act of Assembly. He stated that the basis of distribution fixed in that act was unsatisfactory to the Councils of Pittsburgh, and he made the motion to reconsider in order to come to a better understanding with the other corporations on that subject.

Mr. Coffin and Mr. Fleming opposed the reconsideration and Mr. M'Candless supported it; and the vote being taken, resulted yeas 39, nays 47.

Mr. Errett then said that the Councils of Pittsburgh, failing to obtain justice from the other corporations, would withdraw from all further participation in the conference. As the members rose to leave, a motion was made to adjourn, which the President declared carried.

About half of the crowd then left, when the Allegheny Councils and those of a few of the boroughs, reorganized and put Mr. Fleming in the chair; but the janitor, understanding that the convention had adjourned, at this point turned off the gas, and nothing further was done that we could hear of.

BANK STATEMENT for the week preceding Nov. 15th:

	Circulation.	Specie.	Loans.	Deposits.
B'k Pittsb'gh	275,011	530,262	1,598,176	745,736
Exchange B'k	499,070	266,646	1,345,591	451,165
M. & M. "	150,747	167,607	422,262	265,014
Citizens' "	130,750	90,683	601,092	126,397
Mechanics' "	152,740	79,101	631,859	113,268
Iron City "	171,075	97,822	518,976	167,376
Allegheny "	203,740	101,985	558,417	92,151
	1,619,172	1,334,177	6,106,381	1,965,034
Last week	1,554,168	1,322,359	6,657,883	1,935,183
Increase	65,004	11,818	30,498	
Decrease				29,149

	Treasury Notes & Notes of other Banks.	Due to Banks.	Due by Banks.
Pittsburgh	$ 57,560	$83,794	$171,845
Exchange	167,797	12,761	151,744
M. & M.	38,659	10,498	155,269
Citizens'	13,647	17,167	27,564
Mechanics'	22,620	8,878	91,741
Iron City	23,372	..6	46,016
Allegheny	22,405	23,516	6,336
	$345,979	$156,791	$649,315
Last week	345,793	188,122	629,421
Increase	186	1,328	19,924
Decrease			

ANNIVERSARY.—The Young Men's Christian Association of Allegheny city held their second anniversary meeting this evening, at 7 o'clock, in the South Commons M. E. Church. The exercises will consist in the reading of the annual Report, by the President, and public addresses by Prof. Samuel J. Wilson and Rev. James Prestley. The occasion will be an interesting one, and the public are cordially invited to attend.

THE *Edinburg Review* for October, Scott & Co.'s reprint, has been received and is for sale by Hunt & Miner. It opens on an article on the Court of England during the regency, 1811 to 1820, followed by one of much interest on the trial of Madeline Smith in Edinburg. The other articles are all of much interest, and, for a wonder, there is nothing in this number about India.

BUILDING LOTS.—We would direct special attention to a public sale of valuable building lots in Pitt township, advertised by Messrs. P. McLain & Son, 68 Fourth st. This property was owned by the late Dr. W. A. Simpson, dec'd, and is situated about half a mile from the city, on the South side of Pennsylvania avenue.

LARCENY.—The Rev. Frederick T. Brown, of Cleveland, who is conducting a protracted meeting in Excelsior Hall, Allegheny city, (Dr. Plumbe's,) had a valuable overcoat stolen from the hall of General Robinson's residence, on Friday evening last. The thief has not yet been detected.

CERMONOLITE AND JOURNAL.—J. B. D. Clark, No. 4 Girard House, has laid on our table Vol. VII. of the above named quarterly, devoted to Literature and Art. The quarterly costs 50 cents per number, or $2 per annum. Subscriptions are received by Mr. Clark.

PARLOR AND OFFICE PAPERS, of the most fashionable styles and beautiful variety in material, will be sold this morning, at ten o'clock, on the second floor of Mr. Davis' warehouse, Fifth street. This is a rare opportunity to obtain desirable goods at low prices and should not be neglected.

APPOINTMENT by the Governor: James A. Dunlevy, Notary Public for the city of Allegheny.

A LIST of valuable Stocks, Bonds and Land Warrants will be sold this evening at the commercial sales rooms, No. 54 Fifth street, by P. M. Davis.

THE lovers of good things can have their wants supplied at Burns's, Federal alley, if they believe the having just received, direct from the East, a splendid assortment of jellies, assorted preserves, fresh peaches, pine apples, green gages, &c., which they can sell at unusually low prices, having purchased them at very low cost and took one vial, which caused her to discharge an unusual large quantity of urine. She was immediately relieved of all the dreadful symptoms accompanying this disease, and rapidly restored to good health. The young lady does not wish her name mentioned; her residence, however, is 320 Fifth street, and she refers to Mrs. Hardie, No. 3 Madison place.

☞ Purchasers will be careful to ask for DR. M'LANE'S CELEBRATED VERMIFUGE, manufactured by FLEMING BROS. of Pittsburgh, Pa. All other Vermifuges in comparison are worthless. Dr. M'Lane's genuine Vermifuge, also his Celebrated Liver Pills, can now be had at all respectable drug stores. *Be sure genuine without the signature of* FLEMING BROS.

GALVANIC BATTERY, OR ELECTRO MAGNETIC MACHINES, for Medical purposes, of a very superior kind will be sent to any person charges, wherever an Express runs, upon a remittance of Ten Dollars. Address Dr. GEO. H. KEYSER, No. 140 Wood st., Pittsburgh, Pa. apr6dawly

Telegraphic Markets.

NEW YORK, Nov. 15.—Cotton quiet, with sales of 1200 bales. Flour declined 5c; the advices to-day from Liverpool are failing off. Two hide sales—sales of 400 bbls. state round hoop $5,10@5,50; southern $5,15@5,40. Wheat firm; 2000 bush. sold; Milwaukee red southern $1,04,10. Corn unsettled; white 80@85c; yellow 85@87c. Pork steady at $17,50@17,80. Sugar firm; Muscovado 5¾@5¾c. Linseed oil quiet at 58@59c. Lard steady at 12½c.

Stock Market—Stocks lower. Chicago and Rock Island 61¾; Cumberland Coal 21¾; Harlaem and Milwaukee 6½; New York Central 81¾. Reading 49¾; Michigan Southern 60¾; Illinois and Chicago 71¾; Erie 19¾. Lacrosse Land grants 25¾. Tennessee 6's since 1890, 91; the sales of the interest were at 100.

PHILADELPHIA, Nov. 15.—The Flour market is firmer, and receipts are falling off. Two bbls superfine sold at $5, and 1000 bbls fancy extra family at $6. Rye: corn $4, and corn meal at $3,25 for the second quality. Wheat in better demand, and 6000 bushels at $1,25@1,30 for red, and $1,35@1,40 for white. Rye wanted at 76@76c. Corn in store and in demand, 10,000 bush sold at 65c; afloat 67c; sales retting freely at 48@49c. Provisions and Provisions there is no change. Lard steady and sold at 12½c. Whisky has advanced to 25½@25¾c.

CINCINNATI, Nov. 15.—Flour is more active, and a full demand for extra grades; receipts fair. Whisky higher with sales of 1000 bbls at 24½c. The demand is active, and the market closed buoyant. Hogs opened firm, with a good demand at $3,25 for the average, 200 lbs, but at the close $3,40 was demanded, and four or five to be had for 200 lbs; several averaging 200 lbs, were sold on change at $3,40, to be delivered in the last week in December; slaughterers are trying to make arrangements between themselves, by which they bind themselves not to pay any premiums, they had been paying 50@60c a head, but have discontinued paying this and the last three days should the combination be secured, no more premium will be paid; it is thought the whole scheme will prove abortive, as similar attempts have been made in other years, and always failed; about 8000 head have been sold since Saturday, and 3000 head were received. There is no change in provisions, and not much was done.

BALTIMORE, Nov. 15.—Flour quiet, but steady. Wheat firm with brisk sales. Corn active, but the prices are unchanged. Provisions active but unchanged. Whisky quiet.

ST. LOUIS, Nov. 15.—Mr. Brown, the Utah correspondent of the N. Y. Tribune, arrived from Salt Lake on the 16th ult.

The investigation of the case of the Indians charged with committing outrages on Mrs. Walker and daughter, commenced before Judge Sinclair.

General Johnson went into winter quarters on the 12th.

Heavy rains with high winds prevailed at Camp Floyd.

The story, stating that Indian Agent Hunt allowed Indian squaws to be sold as mistresses to the officers of the troops, is untrue.

Provisions fell to the value of three feet on the mountains, and the ice was three inches thick. Severe trains will be unable to go through the mountains.

Considerable excitement prevailed at Salt Lake City in reference to the Pike's Peak gold diggings. Numbers were leaving for the mines.

NEW YORK, Nov. 15.—The Bank statement foots up as follows: Increase of loans, $218,000; increase of deposits $11,000; increase of undrawn deposits $115,000; decrease of specie $299,000; increase in circulation $215,000.

NEW YORK, Nov. 15.—A slight flurry of snow fell here this morning. At Oswego it is five or six inches deep. A snow storm visited Washington City this morning.

William M'Coy } In the Circuit Court of the
vs. } U. S. for Western District
The County of Washington } of Pennsylvania.

CHARGE.

Gentlemen of the Jury—The case on which you have now to render your verdict is an action of debt for interest due on certain bonds, called coupon bonds, issued by the Commissioners of Washington county.

The declaration sets forth that the defendants "made certain coupon warrants, or promises to pay, in writing," in the form following:

"Washington County Bonds—Warrant for thirty dollars interest on bond No. 108, payable in the city of New York, on the 16th of May, 1857. For the Commissioners.

"A. SELVEY, Clerk."

Sixty of these coupons, for thirty dollars each, payable at different dates, are claimed to be due and owing to the plaintiff, as lawful holder.

The defendants plead they did not assume, and are not so indebted.

To support the issue, the plaintiff has given in evidence—

1. An Act of Assembly passed on the 12th of April, 1851, which, in section 7, 8, 9 and 10, authorizes the citizens of Washington Co., at the next, or some subsequent general election, to decide by ballot whether or not the Commissioners of said county shall subscribe in its behalf, four thousand shares in the capital stock of the Hempfield Railroad Company, the returns of this election to be certified to the Court of Quarter Sessions, and if the judges thereof ascertain that there is a majority in favor of such subscription, they shall make an order on the Commissioners to make the subscription.

The Commissioners are authorized to borrow money to pay said subscription, and to execute bonds or promissory notes in the name of the county, transferable on the books of the Commissioners, there bonds to bear an interest of six per cent., payable semi-annually, and may be received as cash by the Hempfield Railroad Company, in payment of instalments.

2. The plaintiff has given in evidence also, a certificate from the Court of Quarter Sessions, showing that such election was held, and that the citizens of Washington had decided, by a large majority of votes, in favor of making such subscription.

The will of the people of Washington county being thus ascertained, another act of Assembly was passed on the 12th of February, 1852, authorizing the commissioners to subscribe 4000 shares to the capital stock of the Company; to borrow money in behalf of the county, and to make provision for the payment of the principal and interest of the money so borrowed, as in other cases of loans to corporations.

The Commissioners authorized also to issue certificates of loan or bonds in the name of the county, bearing an interest of six per cent. payable semi-annually, and transferable as may be directed by the Commissioners.

The Railroad company are to receive these bonds as cash in payment of the stock subscribed; "and the said company are also to pay or provide for the payment of the interest accruing upon said certificates of loans or bonds, until the said Railroad shall be completed." The Railroad company is moreover authorized to guarantee the payment of the principal and interest of the bonds.

In pursuance of this authority the Commissioners executed and delivered to the Railroad company 200 bonds of $1000 each, and 50 of $500 each, with interest coupons annexed with following form:

Court have read one of the bonds, with guarantee of the Railroad company and coupons.

These bonds, in order to give them more value in the market, are made payable to the holder, and thus by contract made negotiable by delivery. If the commissioners had power to bind the county for the payment of the principal and interest of a bond payable to bearer, the coupons which are appended to them, are the appointed evidence, by the agreement of the parties to show who is entitled as holder of the bond to receive the interest due at a particular date. They are attached to the bonds for the convenience of the officers of the county, and to facilitate their negotiation, and thereby add to their commercial value. The obligation to pay the interest is to be found in the bond, not in the coupon. They are not in words an instrument, in writing of a negotiable nature, and having their negotiability by virtue of the law merchant. In terms these warrants are not made payable to any particular person or his order, or even to bearer. They partake of the nature of the peculiar instrument to which they are attached. They are interpolated by the parties to be evidence of debt in the hands of the holder, and proof of payment when in possession of the debtor. They pass by delivery, and by the contract of the parties the usage of the country are sufficient evidence of a debt to the holder as against the obligor in the case. The payment of modern invention, and should have the effect intended by the parties and be governed by the usage of the country, and not by sharp rules of law applicable to instruments of a different nature. The possession of them is sufficient prima facie evidence, that the holder is the owner thereof, for was so at least, until they were cut off, and as such, entitled to receive the interest. Commissioners of Clinton Co., 1 Ohio State Reports (Ritchie's ed.) 280.

The plaintiff has produced these bonds to which the coupons were attached with the exception of seventeen. Their execution is proved and admitted, and they were delivered to the Railroad company in payment for stock, and to be used by them to raise money for the construction of the road. There is no allegations, or proof of any fraud practiced by the parties to the transaction. The plaintiff has shown a prima facie case, if you believe the evidence, which will entitle him to your verdict, unless the defendant has established some sufficient defence, which we will now consider.

1st. It is contended:

1st. That the County of Washington being merely a subordinate political division of the State of Pennsylvania, is not a citizen of this State, within the meaning of the Constitution or the act of Congress, and cannot be sued in this Court.

To this we answer, that though the metaphysical entity called a corporation, may not be physically a citizen, yet the law is well settled, that it may sue and be sued in the Courts of the United States, because it is but the name under which a number of persons are united as citizens may sue and be sued. In deciding the question of jurisdiction, the Court look behind the name to find who are the parties really in interest. In this case the parties to be affected by the judgment, are the people of Washington county. That county is a municipal corporation and not a private one, only furnishes a stronger reason why a citizen of another State should have his remedy in this Court, and not in a county where the parties against whom the remedy is sought, would compose the Court and jury to decide their own case. This point is therefore overruled.

2d. It is objected, moreover, to the jurisdiction of the Court.

2d. That, the plaintiff being in the position of a mere assignee of the chose in action sued upon, and the same being a case wherein a suit could not have been brought in this Court to recover the contract if no assignment had been made thereof, this Court has, under the act of Congress, no cognizance of a suit for the recovery thereof.

This would be a valid objection if the plaintiff claimed as indorsee of a citizen of the State of Pennsylvania. But he does not claim title through any such assignment, but as holder of the bond, to whom the defendants have directly covenanted to pay the bond and interest. The indebtedness declared on, is the peculiar nature of the security. The defendants have agreed to pay the interest to the holder of the bond, as well as the principal, and not having done so, they are directly indebted to such holder for refusing to pay according to contract.

3. That the County of Washington being a public corporation, erected for purposes of local government alone, and standing upon no contract between the Legislature and the citizens—and the Hempfield Railroad Company being a private corporation merely, organized for purposes of trade and commerce, and as a common carrier of merchandize and passenger beyond the limits of said county, the Commissioners thereof were not, therefore, authorized to embark either the credit or property of the people of said county in the hazard of such an enterprise without their unanimous consent.

4th. That if the same was done under the authority of an act of the Legislature, and without such consent, the County Commissioners were *pro hac vice* the agents of the Legislature only, and the contract so made was not the contract of the people of the said county.

5th. That, as an exercise of mere power on the part of the Legislature, and as practically compelling the people of one county to build railroads in another, and taking the freehold of the citizen without his consent for such a purpose, by authorizing a heavy indebtedness thereupon, the said act of Assembly was no legitimate exercise of the taxing or of any legislative power, inconsistent with the principles of natural justice, with the rights of property, and the fundamental law of every free government, and at war with the great principles enunciated in our Declaration of Rights, and equally at war with the spirit and letter of the Constitution of the United States.

These three points may be said to contain a condensed argument against the constitutional power of the Legislature to authorize the Commissioners to bind the people of the county to pay debts incurred in these disastrous speculations.

This is the great question in the case, and if it were a new one which this Court were compelled to decide without the light of precedents, we should feel oppressed with its magnitude and importance. But, happily, we are relieved from this responsibility. The Supreme Court of your State, the tribunal to whom alone is committed the high function of declaring the constitutional powers of the Legislature, have decided this question, and that decision, this Court, and all the good citizens of the Commonwealth, are bound to submit, as to the declared law of the land. Although, in the course of this trial, I may have expressed opinions which I *possibly* might have entertained had I been compelled to meet this as a new question; as a member of this Court, I must instruct you that the law in question is constitutional, and that the Commissioners of the county had power and authority to bind the county in conformity with the provisions of the acts already referred to; and if the bonds have been so issued and put in circulation, the county is bound by law, as well as by every principle of moral rectitude, to pay them to the bona fide and honest holders. Without further enlarging on this subject, let me refer all who feel desirous to have correct opinions on this subject, in a moral point of view, to an opinion lately delivered by the learned and able Chief Justice of your State.

The following points will be considered together:

6th. That if the instrument sued on here, or the bond with which they are connected, were intended for circulation from hand to hand as marketable commodity, they are bills of credit within the meaning of the prohibition contained in the first clause of the tenth section, of the first article of the Constitution of the United States.

7th. That the act of Assembly of February 14th, 1852, authorizing the subscription by the Commissioners of Washington county, to the capital stock of the Hempfield railroad company, if the same amounted in effect to a lien upon the freehold of the citizen who holds under a Patent from the Commonwealth, it is a law impairing the obligation of the contract between the State and the citizen, and is therefore in conflict with the first clause of the tenth section of the first article of the Constitution of the United States.

8th. That the said recited acts of Assembly in assuming the power to take the property of the citizen without his consent, for a merely private purpose, is equally a violation of the fundamental principles of Republican government, and is therefore in conflict with the fourth section of the fourth article of the Constitution of the United States.

In answer to the first of these propositions, I instruct you that the Constitution of the United States does not forbid States or corporations from borrowing money and giving proper securities therefor, and that such securities are not bills of credit, within the meaning of the Constitution.

2. Nor does a law authorizing a county to borrow money to make a railroad on the credit of the county, and to be paid by the imposition of a tax on the citizens thereof, infringe that article of the Constitution of the United States which forbids a State to make any "law impairing the obligation of contracts."

3. Nor is the Act of Assembly in question in violation of "the fundamental principles of republican government, and therefore in conflict with any article of the Constitution of the United States."

9th. The ninth proposition of the defendant is:

9th. That if the act, under the authority of which this subscription is claimed to have been made, originated in the Senate, then, upon the principles on which such legislation has been examined in this State, the act itself, as a money or revenue bill, would be unconstitutional under the twenty-fifth section of the first article of the Constitution of this State.—*Journals.*

To this I answer, that there is no evidence that said act originated in the Senate; and if it did, it is not unconstitutional for that reason.—