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VOLUME LXXXIII. PITTSBURGH, TUESDAY, FEBRUARY 11, 1868. NUMBER 35.

FIRST EDITION.

MIDNIGHT.

Pennsylvania Legislature.

(Special Correspondence Pittsburgh Gazette.)

HARRISBURG, Feb. 10, 1868.

HOUSE OF REPRESENTATIVES.

PETITIONS.

Mr. RIDDLE, of Allegheny, to authorize the School Directors of Hampton township to refund to John Grubbs and William Williams monies advanced for bounties.

One from Pittsburgh and Duquesne borough for a steam ferry from Canal street to Herr's Island.

Also, one from Robinson and Chartiers townships against the repeal of the act to prevent horses, cattle, &c., from running at large.

Mr. WILSON, a remonstrance against the passage of a supplement for the Monongahela Valley Railroad.

Also, against the Peoples Passenger Railway.

Also, a petition for a change in the fees for inspection of platform scales in Allegheny county.

Mr. BECKERT, one from eight hundred citizens and miners of Allegheny and Westmoreland, against the use of large screens, and unjust measures of coal and coke.

Also, from Duquesne borough for annexation to Allegheny city.

BILLS INTRODUCED.

Mr. RIDDLE, of Allegheny, changing the name of George Glenville Tuck to George Glenville Tuck Jeremy.

Providing for the sale of franchises of turnpike companies to pay indebtedness.

Authorizing the appointment of two additional Notaries Public for Allegheny city.

Enabling the School Board of the Fifth ward, Allegheny city, to borrow thirty thousand dollars for school purposes.

Mr. WILSON, of Allegheny, an act enabling East Birmingham to issue one hundred thousand dollars in bonds for funding.

Relative to Western House of Refuge, enlarging counties to pay costs of children admitted.

Incorporating the Wilkinsburg Gas Company.

Mr. JACKSON, of Armstrong, extending the act relative to livery stable keepers in Allegheny to Armstrong and Butler.

Changing the name Back street in Kittanning to Grant avenue.

Authorizing the State Treasurer to examine into the claims of George W. Cass, Washington McClintock and Addison Leech, in consequence of the abandonment of the Western Division of the Pennsylvania Canal.

To take the sense of the people of Freeport Borough, Armstrong county, upon the question of a prohibitory liquor law.

Exempting persons attending funerals, schools, seminaries, colleges and churches, &c., from payment of tolls on the ferry over the Kiskiminetas at Leechburg.

Mr. NICHOLSON, Beaver, preventing fishing with seines and nets in rivers and creeks in Beaver county.

Authorizing the appointment of an additional Notary Public at Beaver Falls, Beaver county.

Mr. DEISE, Clinton, prohibiting the confinement of persons in Asylums without judicial examination.

Mr. MEER, Centre, providing a penalty for carrying oil or fluids on cars and compelling railroad companies to provide seats for passengers.

Mr. BECKERT, Allegheny, incorporating the Pennsylvania Chaise Company.

Annexing a portion of Duquesne borough to Allegheny City.

Mr. DEISE, Clinton, extending to canal companies the privileges of railroad companies to deepen, widen and improve canals and increase facilities for the transportation of property.

Mr. HERR, Dauphin, establishing a penitentiary for the Middle District of Pennsylvania.

The Committee on Pensions introduced a bill for the payment of pensions to soldiers of 1812 and their widows.

Adjourned at half past one o'clock p. m.

SENATE.

REMONSTRANCES.

MR. ERRETT, of Allegheny, presented remonstrance from Town Council, of Duquesne Borough, against the loss of a portion of its territory.

Also, against the passage of an act authorizing compensation of school board of Elizabeth for services as bounty board.

Mr. TAYLOR, of Beaver, a petition asking for an extension of the limits of Bridgewater borough.

BILLS INTRODUCED.

Mr. ERRETT, incorporating the Consolidation Savings Bank of Pittsburgh.

Incorporating the Pittsburgh and Colorado Silver Mining Company.

Incorporating the Liberty Driving Road Company for a turnpike between East Liberty and Pittsburgh.

Authorizing Hampton township to levy a tax to reimburse Wm. Wilkins and John Grubbs for bounty money advanced.

FORTIETH CONGRESS.

(By Telegraph to the Pittsburgh Gazette.)

WASHINGTON, Feb. 10, 1868.

SENATE.

Mr. RAMSEY presented a petition of citizens of Colorado, asking admission as a State. Referred.

Mr. CONKLING presented a petition for the improvement of the harbor of Buffalo.

Mr. FESSENDEN offered a resolution of inquiry into the facts regarding the forcible ejectment from a horse railroad from Washington to Georgetown, of a colored employee of the Senate on Saturday last.

Mr. BUCKALEW objected and it went over.

Mr. POMEROY introduced a joint resolution relative to the ocean mail steamship service between the United States and China. Referred.

Mr. DAVIS offered a resolution asking information from the Secretary of War relative to chartering and hiring vessels during the war. It was discussed without action until the expiration of the morning hour.

Mr. HENDERSON introduced a bill to set apart the Indian territory in Nevada and other territories; also, authorizing the distribution of the surplus of condemned property among the Indians. Referred.

The supplementary reconstruction bill came up.

Messrs. HARLAN and TIPTON spoke in favor of the bill.

HOUSE OF REPRESENTATIVES.

BILLS AND RESOLUTIONS INTRODUCED.

In aid of the Union Pacific Railroad, Eastern branch.

To provide for a commission to investigate the claims on account of Indian depredations.

To allow respondents in criminal proceedings to testify in United States Courts held in States where the same was allowed by statute.

To provide for the exportation of distilled spirits in bond.

To provide for the gradual return to specie payment by the purchase of legal tenders on a sliding scale for gold, commencing on the first of December, and that on and after the first of June, 1871, the United States pay all legal tenders dollar for dollar in gold.

To equalize contracts hereafter made for the payment of gold.

For retiring United States notes and a free national banking system.

Extending provisions of the act for the legal protection of officers of the revenue to all civil and military officers, for acts done during the rebellion under the authority of Executive Government of the United States.

Authorizing rules and regulations by the Secretary of the Treasury for the registration of certain vessels on western and northern lakes, in payment of Internal Revenue tax.

In reference to continuance of Freedmen's Bureau in Tennessee.

To grant relief to Indiana volunteers of 1864.

Relative to abilitional bounty.

To regulate terms of United States Courts in the Western Districts of Mo.

In aid of the Atlantic and Pacific Rail Road.

Relative to payments of pensions to drafted men.

For fees and inspection of steamboat boilers made of material other than vertical plates of wrought iron.

Asking for correspondence relative to the imprisonment of Antonio Pellitier, a citizen of the United States, and confiscation of his property in Hayti. Adopted.

Relative to the amendment of the bankrupt law, to the effect that a majority of the creditors assist petition before a debtor can be compelled to go into involuntary bankruptcy.

To print 10,000 extra copies of the correspondence between the President and General Grant.

Requesting the Committee on Reconstruction to report whether further legislation is necessary to insure the more speedy restoration of the late rebel States to full political rights with sufficient guarantees.

Declaring it inexpedient to have any change or reduction of the banking system.

Mr. PAINE offered a resolution declaring that the seat of government ought to be removed to the Valley of the Mississippi. Rejected—yeas, seventy-seven; nays, ninety-seven.

The SPEAKER presented several Executive documents, including an extract from the proceedings of the Mississippi Convention relative to the cotton tax being applied to the relief of the poor, and resolutions of the Georgia Convention asking a loan of thirty millions of dollars to Southern planters.

The House next drew for seats, after which

The SPEAKER presented a message from the President in reference to the trial and conviction of American citizens in Great Britain, with a partial report, and on other subjects, which was appropriately referred.

Mr. PRICE, by unanimous consent, introduced a resolution relative to the Rock Island Bridge, with the remark that it was simply explanatory of the law and had no money in it.

Mr. SCOFIELD said he took issue with the gentleman from Iowa as to there being no money in the bill. There was not only money in it but a good deal of money. It was neither more nor less than a plan to build a bridge across the Mississippi, half at the expense of the Government, and to donate it to the railroad. The next thing would be to give subsidies to a new railroad, and he might come in asking from Congress an appropriation to build a bridge across the Allegheny river at Warren.

Mr. PRICE remarked the speech of Mr. Scofield was a good one. If it contained anything, which it did not contain, that was a very small spice of truth. When the gentleman stated it was proposed to build a bridge across the Mississippi and donate it to a railroad, he stated what had no foundation in fact. He did not believe in gentlemen heading in big talk of reform and economy and raising a howl about this being a railroad bridge.

The SPEAKER notified Mr. Price the expression about "raising a howl" was not parliamentary.

Mr. PRICE said he would withdraw the "howl," and substitute some other dictionary word—"noise" would probably do. By the joint resolution the ownership of the bridge would remain in the government and not go to any railroad company. If the gentleman (Mr. Scofield) made his speech as attorney of the Railroad company, it might be all very well, because this act was not what the railroad men liked, but what the government wanted.

Mr. SCOFIELD rejoined, that though the gentleman (Mr. Price) had charged him with mistating facts, he had stated some at all, but wanted the House to "go it blind."

After some further discussion, from which it appeared that the bridge in question is to be built at the joint expense of the Government and Railroad Company, and that this act is necessary for the regulation of the right of way, &c., the joint resolution passed—Yeas eighty-five, nays forty-five.

Mr. STEVENS, of Pennsylvania, asked leave to offer a resolution that the evidence taken on impeachment by the Judiciary Committee be referred to the Committee on Reconstruction, and the Committee have leave to report at any time.

Messrs. RANDALL and BROOKS objected.

Mr. STEVENS moved to suspend the rules.

Mr. ELDRIDGE suggested there would be no objection, if the gentleman would consent that fifty thousand copies of that testimony be printed for the use of the public.

Mr. STEVENS said he had no objection.

The SPEAKER remarked all motions for printing extra copies of documents must be referred to the Committee on Printing.

Mr. ELDRIDGE went on to say he thought the verdict of the people would have been conclusive on that testimony.

The SPEAKER asked Mr. Eldridge whether he desired to offer such resolution for reference?

Mr. ELDRIDGE said he did.

The SPEAKER said there being no objection, the resolution of Mr. Eldridge was referred to the Committee on Printing.

Mr. BROOKS said he would not object to Mr. Stevens' resolution, if a resolution be added and adopted directing the General of the Army to send a copy of the President's last letter to him to the Secretary of War to send to the House.

Mr. STEVENS said he agreed to that. There being no objection, that resolution was adopted, and then all objections having been withdrawn, Mr. Stevens' resolution was adopted.

The House then went into Committee of the Whole on the state of the Union. Mr. WILSON, of Iowa, in the Chair, and resumed the consideration of the legislative, executive and judicial appropriation bill.

Mr. LAFLIN, Chairman of the House Printing committee, stated the cost of printing for the year 1866 and 1867 at $454,333, currency, against $655,210 in 1866 and 1867, on a gold basis.

The twenty per cent. additional compensation was added to the salaries of employes of the Congressional Library, and female employes in the Public Printing Office.

A discussion arose relative to an appropriation of $100 000 for the payment of judgments which may be rendered by the Court of Claims.

Without decision the Committee rose.

Mr. PILE made a personal explanation in reference to Mr. Johnson's remarks concerning himself on Friday, and reiterated that the latter's resolution, before mentioned, was a "burlesque on common sense," and his speech was a burlesque on the resolution. Mr. PILE expressed pride at his record both in the church and army, and said Mr. Johnson's personal remarks in silent contempt.

Mr. JOHNSON asked a minute to reply, but Mr. WASHBURNE, of Illinois, objecting, said he would take the floor to-morrow.

The SPEAKER presented a communication from the Secretary of the Navy transmitting the papers in the Court-martial case of Second Engineer Sawyer for speaking disrespectfully of the President of the United States, and suspended for one year.

Mr. SCHENCK, while admitting that disrespect to a superior officer should be punished, he characterized the action of the informer in the case as a poor, mean, dirty, pimping business.

Some debate ensued, during which Mr. SCHENCK added it was contemptible for the Secretary of the Navy Yard to watch over the conversation of officers. The testimony would show the witness in the case had spoken as disrespectfully of Congress as Mr. Sawyer had done of of the President, and, therefore, he wanted it printed.

Mr. ELA said he was informed employes at the Portsmouth yard were discharged because they had expressed Republican sentiments, and he hoped all appropriations for detectives and spies at the Navy Yard would be stricken out.

After further debate the papers were referred to the Naval Committee.

House adjourned.

NEW YORK.

(By Telegraph to the Pittsburgh Gazette.)

NEW YORK, February 10, 1868.

TRIAL OF DR TYNG.

The trial of Rev. S. H. Tyng, Jr., for violation of an Episcopal Canon in preaching in a dissenting church, commenced to-day.

TURKS AND SPANISH BULL.

A Havana special says: Dr. Larrabal, author of General Simon Bolivar's life, had arrived at the Mexican capital and was interesting himself in favor of the liberation of Cuba from Spanish rule. There are rumors here that raids are taking place in Mexico against the persons and property of the Spanish residents in retaliation for Cuba's harbouring of General Santa Anna.

SECOND EDITION.

THREE O'CLOCK A. M.

FROM EUROPE.

Continued Fenian Excitement.

Patrolmen Attacked in Cork.

Grand Jury Meeting at Dublin.

Bills Found Against Fenians.

Prizes to American Inventors.

Customs Conference in Germany.

The Rebellion in China.

Earthquake Shocks at Shanghai.

(By Telegraph to the Pittsburgh Gazette.)

GREAT BRITAIN.

LONDON, February 10.—The Marquis D. Azeglio, Ambassador of Italy, has sent his resignation to the King of Italy, and requests to be recalled from London at an early day.

LIVERPOOL, February 10.—The, protracted strike of the coal heavers has ended. The men have all returned to their stands and cabs are now running through the streets as usual to the great relief of the people.

LONDON, February 10.—The guards of constables and soldiers in the rounds around Warwick jail, where the Fenian prisoner Burke is still confined, have been doubled and many additional precautions taken, in consequence of reports that the Fenians threaten to rescue their leader by force. Much excitement exists in Warwick, and the citizens volunteer in large numbers to serve as special constables.

McCormick, is a private dispatch dated Paris to-day, reports that on the 5th inst. an official journal published at the trial of improved agricultural implements on the Imperial farms last year, and awards finally made to successful inventors by the special commission appointed by the Emperor. A grand prize is given McCormick for his reaping machine, and a gold medal, together with an object of art, to Wood, of Hoosic Falls, New York, for his mowing machine. Upon both these gentlemen the Emperor has conferred the decoration of Chevalier of the Legion of Honor. Other grand prizes were awarded to the Emperors of France, Austria and Russia.

CORK, February 10.—Last night a squad of policemen were fired upon by the city were confronted by a crowd of men in the street, who commenced an attack with stones and clubs. The policemen being greatly outnumbered, fell back on the nearest station and were chased some distance by the mob, some of whom, during the flight of the police, fired upon them with pistols and other fire arms. None of them were hurt. As soon as they reached the neighborhood of the station the pursuit ceased, and when the police, reinforced, sallied out the crowd had dispersed. As the night was dark and thick some of the attacking party could be distinctly seen or recognized, and though the officers are actively searching for the suspected ring leaders they have not yet been able to effect any arrests.

CORK, Feb. 10.—The police succeeded in arresting many persons who were suspected of having been part in the riotous attempt to rescue Capt. Mackay. It is reported that among the arrested two men have been identified as the men who shot the two policemen on that occasion, but no accusations have yet taken place nothing definite is known as to the charges or evidence against them.

Some persons were also arrested on suspicion of having been concerned in the assault on the police last night.

The recent disturbances in the peace have caused the Government officials here to redouble their exertions.

DUBLIN, February 10.—*Evening.*—The Grand Jury to whom the cases of the accused Fenians now in prison in this city are to be presented, to-day assembled in the Court House. Lord Fitzgerald, Chief Justice of the Court of Appeals, delivered the charge to the jury, in which he deplored in strong languages the outrages which had been perpetrated and the useless agitation and lawless spirit now prevailing in Ireland. The Grand Jury then withdrew to their chamber and commenced their labors. Two indictments have been found against the prisoner Lennon for treason, the other for murder, he being charged with shooting a policeman at Stepaside. The prisoner Pigot had been indicted on a charge of sedition.

CHINA.

LONDON, February 10.—Dispatches from China and news to the latest date received, state that the Portuguese delegate Burlingame left Pekin on his mission for the Emperor of China, and arrived at Shanghai, from which place he was to proceed direct to the United States.

Shocks of an earthquake were felt at Shanghai, Ningpo and other surrounding districts. No destruction of property or loss of life is reported. The oscillations were not violent, but the unusual occurrence caused great consternation among the Chinese, and wherever the phenomenon was felt the wildest panic prevailed.

Intelligence in regard to the rebellion in north China is not very definite. The Imperialists report a battle had taken place since the conflict at Shinting, and claim that the rebels were defeated in all these encounters, and Imperial arms are rapidly gaining ground they had lost.

GERMANY.

BERLIN, February 10.—The National Customs Conference, which will soon assemble here, is regarded not only as important to the interests of commerce, but as likely to advance in no small degree the progress of German unity. The National party, taking advantage of the opportunity, are assiduously laying plans to give a political character to the approaching Conference, which it is expected will embrace representatives from all sections of the Fatherland.

FINANCIAL AND COMMERCIAL

LONDON, Feb. 10.—*Evening.*—Consols 93½@93¾ quiet at 71½; Illinois Central 77½; Erie 47½.

LONDON, Feb. 10.—*Evening.*—Linseed cakes declined to 10 pounds 5s. Linseed oil 28 pounds 10s.

ANTWERP, Feb. 10.—*Evening.*—Petroleum closed better; standard white 41 francs.

FRANKFORT, Feb. 10—United States bonds 75¾.

LIVERPOOL, February 11.—*Evening.*—Cotton closed at an advance of ¼d; middling uplands 8½@8¾; do. Orleans, 8½@8¾; sales 15,000 bales. Breadstuffs—Corn has advanced to 43s 6d; Wheat 15s 5d for California white; 14s 3d for red western; Barley, Oats and Peas unchanged. Provisions—Pork dull at 73; Lard advanced to 54s 6d for fine American; others unchanged. Produce—Spirits of Turpentine advanced to 30s 6d; Refined Petroleum is 1116; Sugar steady.

—Hon. James Guthrie, of Kentucky, has sent his resignation as United States Senator to the Governor, on account of his continued sickness and inability to go to Washington, and the Legislature has determined to elect his successor on Tuesday, the 18th inst., at eleven o'clock a. m.

FROM WASHINGTON.

The Supreme Court and Reconstruction.

The Georgia Bill Dismissed.

The Question a Political one.

Court Has no Jurisdiction.

The Supreme Court Decisions

Timber Lands for Naval Purposes.

Nominations Made and Acted Upon.

The Stanton-Grant Matter.

(By Telegraph to the Pittsburgh Gazette.)

WASHINGTON, Feb. 10, 1868.

In the Supreme Court of the United States to-day Associate Justice Nelson announced the opinion in the case of the State of Georgia against Hon. E. M. Stanton, Secretary of War, General Grant and Major General Pope.

The last named at the time the bill was filed was commanding the Third Military District, composed of Georgia, Florida and Alabama, designated by the act of Congress, approved March 2, 1867, entitled "An act to provide for the more efficient government of the Rebel States," and the act supplemental thereto, passed the 23d of the same month. The bill filed by the State of Georgia prayed for an injunction to restrain and restraining the defendants from carrying into effect the several provisions of these acts and set forth the existence of Georgia as one of the States of the Union, and claim that on the surrender of the Confederate army in 1865, at the close of the civil war, that State was in the position and enjoyed all the rights belonging to a State in the Union under the Constitution and laws of the United States, and was entitled to the full representation in both Houses of Congress. The bill further sets forth that the intention and delegated powers of Congress were apparent on their face and by their terms, viz: the overthrow of the existing State Governments and the creation in the place of another not authorized by the Constitution, and that in furtherance of this intent the Secretary of War, Grant and Major-General Pope, acting under orders from the President, were about setting in motion a portion of these statutes to take military possession and subvert the Government of Georgia, thereby subjecting the people thereof to military rule; that the State was wholly inadequate to restrain the execution of the act in question, and therefore insisted protection ought to be afforded by a decree of the Supreme Court in the premises.

The bill moreover prayed: *First*, That defendants might be restrained from issuing any order or doing any other act which might be a source of injurious to said State which might be required of them by act of Congress. *Second*—To restrain the defendants from enforcing registration in Georgia as prescribed in the last named act. *Third*—To restrain the defendants from seeing or causing to be administered the oath provided for in that act. *Fourth*—To prevent an election or carrying out such election from being received according to the acts in question. *Fifth*—From holding or causing to be held any convention as prescribed therein.

Associate Justice Nelson, having set forth the premises, but at greater length than is necessary, said in substance, that a motion had been made by counsel for defendants to dismiss the case for want of jurisdiction, and as such it appeared on the face of the bill. He claimed the Court had no jurisdiction in the case, because of the subject in the bill or over the parties presented. The first ground was supported by the assertion that the subject is political, and not a judicial question, therefore it was not a subject of cognizance by the Court. The second ground was so generally admitted that the Court considered it unnecessary for the counsel for the State of Georgia to argue it, but on other grounds it was found a mistake. The question of jurisdiction of boundary, between these two States, which was the subject of controversy in the case of Florida against Georgia the United States were allowed to intervene, claiming the proprietary of a large portion of lands situated within the disputed boundary ceded to the United States by the State of Georgia, and which had been forfeited as a proprietor. The case bearing most directly on this one is that of the Cherokee Nation against the State of Georgia. A bill was filed in this case and an injunction sought to restrain the execution of certain acts of Georgia against the Cherokee Nation. The latter claimed to be a distinct political state or foreign nation. The acts of the Legislature, if carried into execution, would have the effect of annulling the laws of the Cherokees and subjected them to the authority of the State. It was, therefore, decided that the Cherokees were not a foreign nation in the sense referred to in the Constitution of the United States. Justice Marshall said they were a quasi nationable on another ground, namely: it involved a political question.

Justice Nelson referred to several high authorities in support of the above views, and concluded that the question now did not belong to the Judiciary, and that the Court could have no right to pronounce nearly on the constitutionality of the institution or of State laws. It might, however, decide on all statutes properly filed in the Court. By the adoption of the second section of the third article of the Constitution of the United States, it is provided the judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States and treaties made or which shall be made under their authority, to all cases affecting ambassadors, other public ministers and consuls, to all cases of admiralty and maratime jurisdiction, to controversies to which the United States shall be a party, to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State or the citizens thereof and foreign States, citizens or subjects.

The bill filed by the State of Georgia prays for an injunction to restrain defendants from executing certain parts of the acts of Congress, being apprehensive that injury to the State would thereby result, but according to law and precedent, in order to entitle the parties to relief, a case must be properly presented for the exercise of judicial power, and the case must refer to the rights of persons and property, and not to political questions merely, which do not belong to the judiciary either in law or equity. In view of the principles under the Constitution and statutes, which the Court had endeavored to explain, the question was whether the Court could take cognizance of the question now before it. The Court was called on to restrain defendants, who represented the Executive Department from putting into execution certain acts of Congress, which it was claimed would overthrow the existing State government of Georgia, and establish a different one in its stead. In other words, destroy the corporate existence of the State. Such is the substance of the bill. It called for the judgment of the Court on a political question, and not one involving persons and property. No question of person or property, or threatened danger to them, was presented in the bill in a form justifying judicial action by the Court. It was true the bill set forth political rights as in danger, and among other things that Georgia owned certain property, the State Capitol, Executive Mansion, and other real and personal property, and that by putting those acts of Congress into execution the State would be deprived of the possession of such property; but it was apparent this reference was only incidental and not specific matter of remedy. The relief asked would call for a bill different from the one now before the Court.

Having for the reasons stated arrived at a conclusion, it was unnecessary to examine the question of jurisdiction in connection with the defendants. The Court dismissed the bill for want of jurisdiction. This decision, the Judge remarked, also disposed of the case of the State of Mississippi against Secretary Stanton, General Grant and Major General Ord, involving a similar question.

Chief Justice Chase said he did not concur in all the reasons, but assented to the conclusion, believing the Court had no jurisdiction in the case.

SUPREME COURT OPINIONS.

In the Supreme Court to-day the following opinions were delivered:

No. 77. Lowry, appellant, versus Sypher, administratrix of Keane; appeal from Circuit Court of the United States, District of Iowa. Justice Davis delivered the opinion of the Court affirming the decree of the Circuit Court with costs.

No. 201. Haight, plaintiff in error, vs. Pittsburgh, Fort Wayne & Chicago Railroad Co.; in error to Circuit Court of the United States for the Western District of Pennsylvania. Justice Grier delivered the opinion of the Court, affirming the judgment of the Circuit Court, with costs and interest.

No. 81. West et. al. plaintiffs in error, vs. City of Aurora, Ind.; error to Circuit Court of the United States for the District of Indiana. Chief Justice Chase delivered the opinion of the Court affirming the judgment of the Circuit Court, with costs.

The Chief Justice announced the Court will adjourn for the term on the first Monday in April.

TIMBER LAND FOR NAVAL PURPOSES.

The President sent a message to the House to-day, enclosing a communication from the Secretary of the Navy relative to the depredations upon and future care of reservations of lands for the purpose of supplying timber for the navy. The lands thus reserved are placed under the control of the Navy Department, and are scattered through Florida, Georgia, Mississippi and Louisiana, embracing 26,000 acres. Secretary Welles says if these lands are to be retained for the purpose for which they have been reserved, he will need an appropriation of $20,000 for salaries and other necessary expenses will be required.

NOMINATIONS MADE AND CONFIRMED.

The President to-day sent the following nominations to the Senate: Charles Tuckerman, New York, Minister resident to Greece; Captain Green, Commodore in the Navy on active list, vice Commodore Oliver Price, retired; Commodore John Cooper, Captain on active list, vice Captain Green, nominated for promotion.

The Senate confirmed the following: T. Scott Sheerin, Pa., Consul of Oaxaca; James W. Hendricks, Minister of Land Office at Humboldt, California; L. E. Webb, Superintendent of Indian Affairs, New Mexico; William A. Britan, Assessor Internal Revenue First District, Mississippi; Felix G. Clark, Register Land Office at Des Moines, Iowa; George M. Hallett, Receiver of Public Money at Colorado; Irwin G. Stanton, Register of Land Office at Central City, Colo. Ambrose Campbell, Register Land Office at Marquette, Mich. Grant and Major-General Pope, acting under orders from the President, were about setting in motion a portion of these statutes to take military possession and subvert the Government of Georgia, thereby subjecting the people thereof to military rule; that the State was wholly inadequate to restrain the execution of the act in question, and therefore insisted protection ought to be afforded by a decree of the Supreme Court in the premises.

The bill moreover prayed: *First*, That defendants might be restrained from issuing any order or doing any other act which might be a source of injurious to said State which might be required of them by act of Congress. *Second*—To restrain the defendants from enforcing registration in Georgia as prescribed in the last named act. *Third*—To restrain the defendants from seeing or causing to be administered the oath provided for in that act. *Fourth*—To prevent an election or carrying out such election from being received according to the acts in question. *Fifth*—From holding or causing to be held any convention as prescribed therein.

Associate Justice Nelson, having set forth the premises, but at greater length than is necessary, said in substance, that a motion had been made by counsel for defendants to dismiss the case for want of jurisdiction, and as such it appeared on the face of the bill. He claimed the Court had no jurisdiction in the case, because of the subject in the bill or over the parties presented. The first ground was supported by the assertion that the subject is political, and not a judicial question, therefore it was not a subject of cognizance by the Court. The second ground was so generally admitted that the Court considered it unnecessary for the counsel for the State of Georgia to argue it, but on other grounds it was found a mistake. The question of jurisdiction of boundary between these two States, which was the subject of controversy in the case of Florida against Georgia the United States were allowed to intervene, claiming the proprietary of a large portion of lands situated within the disputed boundary ceded to the United States by the State of Georgia, and which had been forfeited as a proprietor. The case bearing most directly on this one is that of the Cherokee Nation against the State of Georgia. A bill was filed in this case and an injunction sought to restrain the execution of certain acts of Georgia against the Cherokee Nation. The latter claimed to be a distinct political state or foreign nation. The acts of the Legislature, if carried into execution, would have the effect of annulling the laws of the Cherokees and subjected them to the authority of the State. It was, therefore, decided that the Cherokees were not a foreign nation in the sense referred to in the Constitution of the United States. Justice Marshall said they were a quasi nationable on another ground, namely: it involved a political question.

Justice Nelson referred to several high authorities in support of the above views, and concluded that the question now did not belong to the Judiciary, and that the Court could have no right to pronounce nearly on the constitutionality of the institution or of State laws. It might, however, decide on all statutes properly filed in the Court. By the adoption of the second section of the third article of the Constitution of the United States, it is provided the judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States and treaties made or which shall be made under their authority, to all cases affecting ambassadors, other public ministers and consuls, to all cases of admiralty and maratime jurisdiction, to controversies to which the United States shall be a party, to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State or the citizens thereof and foreign States, citizens or subjects.

The bill filed by the State of Georgia prays for an injunction to restrain defendants from executing certain parts of the acts of Congress, being apprehensive that injury to the State would thereby result, but according to law and precedent, in order to entitle the parties to relief, a case must be properly presented for the exercise of judicial power, and the case must refer to the rights of persons and property, and not to political questions merely, which do not belong to the judiciary either in law or equity. In view of the principles under the Constitution and statutes, which the Court had endeavored to explain, the question was whether the Court could take cognizance of the question now before it. The Court was called on to restrain defendants, who represented the Executive Department from putting into execution certain acts of Congress, which it was claimed would overthrow the existing State government of Georgia, and establish a different one in its stead. In other words, destroy the corporate existence of the State. Such is the substance of the bill. It called for the judgment of the Court on a political question, and not one involving persons and property. No question of person or property, or threatened danger to them, was presented in the bill in a form justifying judicial action by the Court. It was true the bill set forth political rights as in danger, and among other things that Georgia owned certain property, the State Capitol, Executive Mansion, and other real and personal property, and that by putting those acts of Congress into execution the State would be deprived of the possession of such property; but it was apparent this reference was only incidental and not specific matter of remedy. The relief asked would call for a bill different from the one now before the Court.

Having for the reasons stated arrived at a conclusion, it was unnecessary to examine the question of jurisdiction in connection with the defendants. The

CITY AND SUBURBAN.

FOURTH STREET FIRE.

Investigation of the Causes—The Fire Department Vindicated.

The fact of the disastrous fire on Fourth street occurring in the same establishment and but a few hours after the first had been extinguished gave rise to the opinion that the fire department, which was under the charge of Assistant Engineer McElroy at the time, had been negligent or direlict in their duty, as it was believed that the first fire had not been extinguished thoroughly and as a consequence the second resulted from it. This impression, we believe, originated with some of the firemen, who it appears were chagrined and disappointed because they were not permitted, as has been the custom, to flood the building with water, Mr. McElroy allowing but one stream to be set in the building, which, under the circumstances, was amply sufficient to extinguish the fire. These reports, which reflected considerably upon the competency of a faithful and efficient officer, having become generally circulated, in order to place the facts before the public Chief Engineer Hare ordered an investigation at the matter yesterday, which took place before His Honor, Mayor Blackmore, at three o'clock p. m. The following testimony was elicited:

Seth Wilmot, Lieutenant of the police, testified that he was on duty the night of the fire; was the first to discover it, and gave the alarm; was in the building when the engine left it; was satisfied that the fire was effectually extinguished, and thought the second fire broke out in a building adjoining the one in which the first had been extinguished.

Officer Rook, of the police, had also been present at the fire, examined the premises after the building after the fire, and was fully satisfied that it was thoroughly put out. He first discovered the second fire in the third and fourth stories. The first fire was not near a span. The Assistant Engineer had a bucket and tub of water, in case the fire should break out again before he left the premises.

John D. Baily, N. Grafton Murphy, Fire Marshall; George Wilson of the Eagle Hose Company, William Hanlin, James Mullen and William Lynch, of the Duquesne, and John Mattern, all testified that they had been at the fire, and were fully satisfied before leaving that it was thoroughly extinguished; that the Assistant Engineer had done his duty effectually.

Chief Engineer Ham stated that he was fully satisfied that the Assistant had performed his duty faithfully, and that no blame attached to him whatever.

Meeting of the Firemen's Association

A regular quarterly meeting of the Firemen's Association was held Monday evening, February 10th, at the rooms of the Association in City Building.

In the absence of President McCarthy, on motion of Mr. Torley, Joseph Irwin, of Duquesne, was elected to the chair, and Col. W. B. Neeper, of the Vigilant, appointed Secretary *pro tem.*

Members present—Messrs. Kincaid, Wilson and Reese, of the Eagle; Sims and Wall, of the Allegheny; Hamlin, of the Duquesne; Johnson, Irwin and Cowles, of the Niagara; Torley, Neeperand Kincaid, of the Vigilant; Swint and Little, of the Relief, and Cobb and McKee, of the Independence.

In motion, the reading of the minutes was dispensed with.

Mr. Reese moved that the names of the gentlemen referred to in a bill which all knowledge or complicity in the scheme was pointedly denied. *The Leader*, however, stands committed to the effect that "Bloodsucker" had been paying attention to her for some time, and in July last, under promise of a speedy marriage, effected her ruin. He continued his attentions until September, when he left the town, since which time she heard nothing of him until her attention was called to the attempted elopement published in the morning papers of this city, and upon inquiry found that he was the identical "living eater" who had deceived her. A warrant was issued, but Mr. Amateur has not been heard from yet.

The Elegant, beauty and variety of the large stock of goods found at Bates & Bell's, No. 21 Fifth street, to say nothing of the very reasonable prices at which offered, are attractions sufficient to throng their salesrooms with purchasers. The firm have determined to close out their entire stock preparatory to the opening of the spring trade, and all kinds of dress and general dry goods are offered to patrons at decided bargains. The shopping public are invited to call in and examine the goods and inquire the prices.

Fire in Uniontown.—About four o'clock yesterday morning the dwelling and grocery store of Peter Kreemer, corner of Market and Mechanic streets, in town, Pa., was destroyed by fire. The family were in bed when the fire broke out, and the building being a frame one, the flames made such rapid progress that they had time to get anything out of it, and the family themselves barely escaped becoming a prey to the devouring element. The fire is supposed to have been caused by a defective chimney.

A Vicious Tinker.—Joseph Redman yesterday made information before Alderman Humbert against William Coughlin, tinker, of Allegheny, for assault and battery. Cohen, it appears, is a tinker, or tinner, and the prosecutor alleges that he went into Redman's shop to light a cigar, when the defendant, who was working with a hot soldering iron, burnt his face with the iron, and then struck him in the face. A warrant was issued for his arrest.

Fresh Groceries, in large quantity, choice quality and splendid variety, at the popular house of McKnight & Co., No. 104 Federal street, Allegheny City, are offered to the public with the assurance that which their stock will prove inferior to that of no other house in the same line of trade, and that prices will be found equally reasonable and within the reach of all. A purchasing visit will satisfy our readers of these truths.

There will be a grand skating contest at Duquesne Park, Allegheny City, on to-morrow afternoon. Prizes of an elegant character will be awarded to the best lady and gentleman skater. Contestants from the city are invited to enter, and a good time to visitors is promised.

New Hose.—At a meeting of the Commissioners on Engines and Hose, held last evening, it was resolved to purchase a thousand feet of hose—five hundred feet for each company.

Boots, Shoes and Gaiters—Of the very latest style, can always be had at Robb's, 89 Market street. He keeps a splendid stock always on hand and sells at the lowest prices.

The City Councils will meet this afternoon at three o'clock in their respective chambers, City Building.

We have received from Mr. W. A. Gildenfenny Blackwood's Magazine for January.

STATE NEWS.

—The Republicans of Mifflin county have adopted the Crawford county, system of nominations.

—In the Dauphin county court, the suit of the Commonwealth against the Pennsylvania Railroad and Canal Company, for not keeping their bridge in order across the dams was decided against the Company. The case will go to the Supreme