Pittsburgh Gazette.

FRIDAY MORNING, MARCH 6.

CITY AFFAIRS.

OFFICIAL PAPER OF THE CITY.

METEOROLOGICAL OBSERVATIONS for the Gazette, by G. E. Shaw, Optician, No. 55 Fifth street—corrected daily:

	IN SUN.	IN SHADE.
9 o'clock, A. M.	00	30
12 " M.	00	32
6 " P. M.		30
Barometer		29 4-10

Allegheny Councils.

A regular monthly meeting of Allegheny Councils was held on Thursday evening, March 5.

In *Select*, present, Messrs. Ashworth, Bissell, Hopkins, Kirkpatrick, Knox, Riddle, Wright and President Marshall.

Minutes of the previous meeting read and approved.

Petition from citizens of the Second Ward, asking that water pipe be laid on Island lane, from Pasture lane to Fremont street; or on Fremont street, from Jackson street to Island lane, was referred to the Committee on Water, to report.

Henry Irwin, Esq., member elect from the First Ward, to fill the vacancy caused by the death of Mr. George Lewis, was sworn in by Mayor Alexander.

Mr. Knox read the report of Committee on Police. In reference to the petition of St. Mary's church, asking for two policemen to preserve order on Sunday, an adverse report was made, the congregation having sufficient protection at common law. The petition of the police for an increase of salary was duly considered, and a slight advance recommended, as follows: The number of day police to be limited to three, at a salary of $400 each; the salary of the high constable to be increased to $450; increasing the night police to eight (two for each ward) with a salary of $400 each. The owner of the building now occupied as a Mayor's office having demanded an increase of $100 in the rent, the Committee believe it would be better to pay the demand than remove. The following resolutions were offered:

Resolved, That the Chairman of the Police Committee be authorized to enter into an article of agreement with J. B. Herron for the building now occupied by the Mayor and other city officers, for one year from the 1st of April next, at annual rent of $400—provided said Herron will make repairs satisfactory to the Mayor.

Resolved, That the Mayor be authorized to draw his warrants on the Treasurer for the following amounts: Thomas Fox, coal, $40.87½; Zinkand & Andregg, varnishing, $2.00; H. P. Schwartz, alcohol, $1.25; Joseph Johnston, ice, $6.10; John A. Scott, brooms and soap, $1.30.

The report was accompanied with an ordinance carrying out the recommendations relative to the day and night police, and fixing their salaries as stated—also, placing the police under the immediate control of the Police Committee and the Mayor, with power to appoint and dismiss at their discretion.

The report was accepted and resolutions adopted.

The ordinance limiting the number of the police, and fixing their salaries, was read three times and passed.

Mr. Hopkins submitted the following:

Resolved, That the Committee on Water be instructed, in case in their judgment it may be necessary, to lay a water pipe in Morgan alley in the Second Ward.

Referred to the Committee on Water.

Mr. Wright presented a report from the Commissioners of the Market House and City Hall, to whom was referred a communication from Messrs. White and Alexander, asking for an advance on their contract; and also a resolution relative to a slate roof for the City Hall. In view of the advance in labor and material, the Commissioners recommend an addition of twenty-five per cent. to Messrs. White & Alexander, but recommend that no change be made in the original plan of the roof.

The following resolution was submitted:

Resolved, That the Commissioners of the New Market and City Hall buildings be hereby authorized to allow to Messrs. White & Alexander an addition of twenty-five per cent. on the contract price of that portion of their contract remaining unfinished.

Report accepted and resolution adopted. C. C. concurred, provided the twenty-five per cent. be confined to the work on the City Hall. S. C. recede and concur.

Mr. Wright presented the report of the Committee on Streets, with the following resolutions:

Resolved, That the sum of $1,000 be appropriated for cleaning the streets, and the further sum of $500 for repairing paved streets—the work to be done under the direction of the Street Committee—and charge Appropriation No. 9.

Resolved, That an alley be opened from North alley to Strawberry alley, midway between Union avenue, of the width of — feet, a distance of two hundred and fifty feet, and that Wm. McHendry, Richard Brown and James Lockhart, freeholders, be appointed viewers to assess the damages and benefits.

The Committee also reported an ordinance to grade and pave Shanapin street, from Cedar avenue to East Lane, as petitioned for. Also, an ordinance to grade and pave Third street, from East Lane to Chestnut street.

Also, the pay roll of the Street Commissioner, amounting to $14,68, with a recommendation for the payment of the same.

Report accepted and resolutions and accompanying ordinances adopted.

Mr. Wright also presented the reports of the Viewers to assess damages and benefits in the opening of River avenue and Hazlep's alley, with the following resolutions:

Resolved, That the report of the Board of Viewers appointed to view the premises proposed to be taken for the straightening of the north line of River avenue, commencing at a distance of 91 feet 6 inches from the northeast corner of East lane and River avenue, thence east a distance of 97 feet 6 inches to the east line of property of Mr. Ahl, commonly known as the starch factory, be and the same is hereby approved, and the Clerks of Councils are hereby instructed to certify the same to the City Solicitor, to be filed in Court for confirmation.

Resolved, That the report of the Board of Viewers appointed to view the premises proposed to be taken for the extension of Hezlep's alley, from its present terminous to Magee's alley, be and the same is hereby approved, etc.

The report was accepted and resolutions adopted.

Mr. Kirkpatrick presented the report of the Committee on Water, with the following resolution:

Resolved, That the Mayor be authorized to draw his warrants on the Treasurer in favor of the following persons: D. Mohrhoff, slack, $129 15; McIntosh & Hemphill, valve, $23 00; R. Rodgers, oil, $1 75; Brown & Kirkpatrick, lard oil, $39 55; James Reno, fire brick, $7 50; Pay roll of Superintendent, for February, $190 09½; L. McIntosh, water tax overpaid, $2 75; A. Shannon, salary to March 1st, $66 55.

Report accepted and resolution adopted.

Mr. Knox submitted the report of the Committee on Ordinances, with "an ordinance to regulate the cleaning of sidewalks and part of the streets opposite property. The ordinance provides that every person occupying any building of any kind, or lot, within the city limits, shall clean their portion of the sidewalk, every Saturday morning—and at least six feet of streetway—the dirt to be placed in piles, and removed by the Street Commissioner at the expense of the city. The penalty prescribed is not less than two nor more than three dollars for each offense.

Read and laid on the table.

The Chairman submitted the following:

Resolved, That our Senators and Representatives at Harrisburg be, and they are hereby instructed to use their influence to procure the passage of an act exempting the compromise bonds of the city of Allegheny, authorized by the act of 1861, to be issued, from the State tax of five mills. Adopted.

Mr. Riddle, one of the Market House Commissioners, submitted "an ordinance regulating the markets," which was read three times and passed.

The same gentleman presented a resolution authorizing the purchase of the necessary blank books for the use of the Clerk of the Markets; also authorizing the necessary advertising for the sale and leasing of stalls etc. Read three times and passed.

Mr. Kirkpatrick offered the following:

Resolved, That the Committee on Water be and they are hereby instructed to advertise for proposals for repairing the Eastern Water Basin, and go on as soon as practicable and have said repairing made in a manner similar to those made in the Western Basin in 1861.

Read three times and passed.

Mr. Hopkins presented a petition from citizens of the Second Ward, asking Councils to pass an ordinance to prohibit persons from keeping horses, cattle, hogs, mules, etc., in enclosures within the city; and also to prevent the erection of wooden buildings and sheds for the purpose of storing hay.

Read and referred to the Committee on Ordinances.

The President submitted to Councils a verbal proposition from John Irwin, Esq., to sell to the city the property known as the "Island," now in litigation. Mr. Irwin expressed no doubt whatever in regard to the validity of his title, nor was he anxious to sell, but he had stated that the entire tract of about 20 acres could be had by the city for $2,000 per acre.

Some members of Councils suggested that it was not even necessary to refer this proposition to the Committee on City Property, as the question of title would be decided by the Courts in a few days.

In *Common Council*, present, Messrs. Barker, Dill, Heckadorn, Hutchinson, Patterson, A. D. Smith, Stockton, Thompson, Dunlap, Miller, Francis, Borland, and John Brown, Jr., President.

The minutes of the preceding meeting were read and adopted.

Mr. Hutchinson presented a petition from Mr. Frederick G. Weise, the owner of two lots, on Taylor avenue, protesting against the opening of Palo Alto street, and the award of damages allowed him. Read and referred to the Committee on Streets.

A communication from the President of the Young Men's Christian Association was presented by Mr. Barker, which was read and referred to the Library Committee.

A petition from the citizens of the Second ward, requesting that gas posts be placed on Taylor avenue, was presented by Mr. Hutchinson. Read and referred to Gas Committee.

A remonstrance from Charles Morat, against the opening of Palo Alto street, was presented by Mr. Dill. Referred to Street Committee.

On motion of Mr. Thompson, the Mayor was authorized to draw his warrants for $17, to pay the expenses of the special election held in the First ward, for Select Councilman.

Mr. Miller presented a petition from the citizens of the Third ward for a gas lamp on the corner of Third and Chestnut street. Read and referred to the Committee on Gas.

Mr. Thompson presented the report of the Committee on Wooden Buildings, in reference to the petition of Mr. Fischer, of the Third Ward, asking the privilege of making an addition to a frame kitchen. The Committee reported that they had no power to grant any privilege so as to allow either an alteration, elevation or extension of any wooden building whatever.

Read and accepted.

Mr. Dunlap presented the report of the Committee on Markets, with the accompanying receipts of the Weighmasters for February, to wit:

Wm. Scandrett, Diamond Scales	$174 95
John A. White, 2d Ward Scales	289 18
Total	$464 13

Accepted and ordered to be filed.

Mr. Dill submitted the report of the Committee on Printing, with the following resolution:

Resolved, That the Mayor be and he is hereby authorized to draw his warrants in favor of the following persons, and for the amounts set opposite their names:

Neeb, Baur & Co., publishing proceedings of Councils (German) for '62, No. 12	$ 75 00
Wm. G. Johnston & Co., for blank books and stationery, &c., &c., No. 12	166 91
E. G. Cochran, Blank Books, Stationery, &c.	11 47
Pittsburgh *Republikaner*, printing Mayor's Proclamation for 1863, No. 9	10 00
W. S. Haven, Blank Books and Stationery, No. 12	9 50
Pittsburgh *Gazette*, printing City Compromise No. 12	18 00

Report accepted and resolution adopted.

Mr. A. D. Smith presented the report of the Committee on Engines, with the following resolution:

Resolved, That the Mayor be authorized to draw his warrants on the Treasurer for the following amounts respectively: James Reno, coal, 4th Ward engine house, $6,00; A. C. Clendening, repairing hose, $177 80.

Resolved, That the sum of —— dollars be taken from No. 9, (Contingent fund) and the same is hereby appropriated for repairs of hose, coal, lights, etc., for each of the Hope and Columbia Hose Companies in this city—the same to be disbursed and accounted for by the Committee on Engines and Hose.

On motion of Mr. Smith, the blank in the last resolution was filled by inserting $125 00.

The resolutions were then read a third time and passed.

S. C. non-concurred as to the amount ($125.00,) and substituted $200.00. C. C. recede and concur.

Mr. Stockton offered a resolution instructing the Street Commissioner to make certain necessary repairs on Ohio lane. Adopted.

The same gentleman offered the following:

Resolved, That the Committee on Water be authorized to have a fire plug placed on the corner of Isabella Court and Anderson street.

Mr. Dill moved to amend by adding "and a fire plug at the intersection of Webster and Jackson streets."

The resolution, as amended, was adopted.

Mr. A. D. Smith presented the following:

Resolved, That the Committee on Gas be instructed to have four lamps put up in each Ward, at such points as the delegations from each Ward may direct. Adopted.

Mr. Barker, the following:

Resolved, That the Committee on Fire Engines be instructed to procure 500 feet of hose to put in charge of the Columbia Hose Company, corner of Lacock and Anderson streets.

Read and referred to the Committee on Engines.

Mr. A. D. Smith, the following:

Resolved, That the Committee on Engines be authorized to dispose of the fires engines of the city at such prices as they may see fit. Adopted.

The same gentleman submitted the following:

Resolved, That the Committee on Railroads be instructed to take such steps as shall prevent the Pittsburgh, Fort Wayne and Chicago Railway Company from stopping their trains at the crossing of Federal street, thereby obstructing said street.

Mr. Hutchinson moved to insert, "or any other street crossing." Adopted, and the resolution, as amended, read three times and passed.

In all action not otherwise noted there was a mutual concurrence, when Councils adjourned.

MARRIED:

GRAHAM—McNAMEE—On Thursday, March 5th, at the St. Charles Hotel, in this city, by Rev. J. A. Swaney, Mr. FREDERICK P. GRAHAM, of Freedom, Pa., and Miss VIRGINIA McNAMEE, of Shousetown, Pa.

DIED:

BECKHAM—On Thursday evening, at 7 o'clock, Mrs. JANE BECKHAM, relict of the late Major Beckham, aged 76 years.

Her funeral will take place on SATURDAY AFTERNOON at 2 o'clock, from her late residence, No. 40 Sandusky street, Allegheny city.

NIEHAUS—On Thursday morning, 5th inst., at half-past 5 o'clock, CAROLINE W., wife of J. D. Niehaus, in the 27th year of her age.

The friends of the family are invited to attend the funeral on SATURDAY AFTERNOON, at 2 o'clock, from the residence No. 63 Ohio street, Allegheny.

CRAIG—On Tuesday morning, the 3d inst., NEVILLE B. CRAIG, in the 76th year of his age.

The friends of the family are invited to attend the funeral at 10 o'clock on FRIDAY MORNING, from the residence of his son-in-law, John S. Davison, East Pittsburgh. Carriages will leave the corner of Smithfield and Seventh streets from 9 to 9½ o'clock, a. m.

BRICKLE—In Newport, Kentucky, on the 27th of February, at the residence of his brother-in-law, J. L. Carter, of congestion of the brain, SAMUEL BRICKLE, Jr., only son of Captain Samuel and Maria Brickle.

SPECIAL LOCAL NOTICES.

GROVER AND BAKER'S SEWING MACHINES, for family and manufacturing purposes, are the best in use.

A. F. CHATONY, General Agent,
No. 18, Fifth street.

DR. STONEROAD AGAIN SUCCESSFUL.—Mrs. Manier, of Manchester, has been under treatment with Dr. Stoneroad for seven weeks, with open cancer of the breast—the orifice about the size of the mouth of an ordinary teacup. It is now healed up to the diameter of a ten cent piece. Also, in a few days Dr. S. will be able to report Mrs. Marsland, at Mr. Cutler's, near Raney's bakery, Beaver street, Allegheny City, cured of fungoid cancer, of ten years' standing. Call upon the patient. Cancer can be cured. Dr. Stoneroad's office is 139 Grant street.

SAMUEL GRAHAM, merchant tailor, is closing out his Fall and Winter stock of goods at extremely low prices. They consist of all the very latest styles of cloths, cassimeres and vestings, of which a large assortment is adapted for the Spring wear. Gentlemen wishing to save money would do well to call early, knowing that you will pay twenty-five per cent. more for goods in the Sping than at the present time. Don't fail to call and get a good fitting garment. Samuel Graham, Merchant Tailor, No. 54 Market street, one door from Third.

A LARGE assortment of new dress goods will be opened this morning at J. Finch's, corner of Grant and Fifth streets, all of which will be sold at low prices.

CARPETS.—Housekeepers in want of Carpets should bear in mind that the place to get them, is at J. Finch's, corner of Grant and Fifth streets.

DOMESTIC GOODS at low prices can now be had at J. Finch's, corner of Grant and Fifth streets.

WHERE to get carpets at almost old prices, is at J. Finch's, corner of Grant and Fifth streets.

Pennsylvania Legislature.

Correspondence of the Pittsburgh Gazette.

HARRISBURG, March 4, 1863.

HOUSE.—The following debate took place in the morning and afternoon sessions of the House, on the bill to repeal the act for the Commutation of the Tonnage Tax.:

Mr. Smith, of Chester, said: The question is one of legal right. In this case, the right to repeal is restricted on two grounds: First, That the commutation act is a legislative grant. Secondly, That it is a contract. In a contract circumstances, as well as writing, may be considered. In 1846, when it was proposed to give the Baltimore and Ohio Railroad the right of way through a part of Pennsylvania, the Pennsylvania Railroad was projected in order that trade might not be diverted from the State, and from its principal city, Philadelphia.

The fraud in relation to this act, is charged as existing in two ways: First, It is apparent in the act itself. Second, It was procured by fraudulent means.

The fraud does not appear in the act. There is nothing in the act that might not have been done between private parties. The fraud, therefore, if it exist, is in the preamble; and it arises from misrepresentation of the party. In this case the misrepresentation, if there be one, in accordance with principles before stated, is by the company.

There are several allegations in the preamble that are correct, some are not.

First, That the tonnage tax was intended to compensate for diminution of tolls on canals. The act does not show it, and the company itself has practically affirmed that it is not so, by their constant application for its repeal, even before the canals were sold.

Second, That the tax falls on the grain dealers. This is not so, because there being other means of transportation the competition must bring the freight down, and the tax is paid by the company.

Third, The reason for imposing the tax has ceased. Not so, for the tonnage tax was imposed as an unqualified condition.

Fourth, The implied allegation, that the commutation was for the benefit of internal trade and commerce. This is not so, for the reason before suggested, and also for the reason that the reduction of both as set out, is so small as to be inappreciable.

That the act was procured by fraudulent means, we are without evidence. It must be borne in mind that, aside from the question of fraud, the Commonwealth has obliged herself to give up this tax. If there was fraud, however strong our convictions, it will not do for us to act upon them. We must have proof. A jury could not legally convict a man of a crime, however convinced they were of his guilt, if their convictions did not arise from evidence presented to them under the rules sanctioned by law. But if it were proved, we are not competent to pass upon it—it is a judicial question. We can't examine witnesses, nor hear counsel. It would be unconstitutional for us to do so. A party can't be deprived of his property but by the judgment of his peers and the law of the land. The law of the land assigns judges, juries, &c.

There is another consideration even more radical than this; the Commonwealth is a party. This Legislature is the Legislature of the Commonwealth. It is perfectly clear that we cannot repeal this law on the ground of fraud, if we are prohibited from doing it because it is a contract.

Is this a contract or legislative grant, which, being in the nature of a contract, is upon the same footing? The Constitution of the United States forbids us to "impair the obligation of a contract;" the Constitution of Pennsylvania "to *impair* a contract." The purport of both is the same. The law binds a party to perform his undertaking; this is the *obligation*. If it be a gratuitous grant, it is an executed contract in which the granter is bound not to reassert his right, or interfere with the enjoyment. Upon the delivery of the thing granted, the property of the granter is gone—he can no more fall back on his original ownership than if he never had title. This principle applies as well to dealings between a State and a corporation as between individuals; with this qualification, that the corporation is a private corporation—a private corporation is one created for the benefit of specified persons or for specific purposes.

Mr. Smith here quoted numerous cases showing that the contract could not be destroyed.

The company hold their charter under certain conditions accepted by them. The State, instead of conferring upon them an unlimited right to enjoy the property which they might acquire by virtue of their charter, subject only to the burdens which could be imposed upon the acquisitions of a natural person, made it subject to an additional burden; or, in other words, instead of giving up all that belonged to her, retained a part. The grant, then, of what she had retained was as certainly the grant of a franchise to this corporation as was the original grant of the privileges in the charter. And the grant of franchises is not distinguished from the grant of any other property.

If a grant without a valuable consideration is a contract which cannot constitutionally be impaired, much more so, if it be founded on a valuable consideration.

But it is said that the act of 1861 is itself unconstitutional and illegal. Be it so—by whom is the unconstitutionality of the act to be declared? Surely not by one of the contracting parties, nor is an act to be declared by the Legislature unconstitutional—it is a judicial act which has before been remarked, a legislature is not competent to perform.

This act has all the constituent parts of a contract. A contract is an agreement between two parties upon a sufficient consideration, to do or not to do a particular thing. Here are parties, agreement, and a sufficient consideration to do an act.

I sincerely wish that the Constitution and laws allowed this repeal and the reinstatement of this tax. I believe we are obliged to accept this law as irrevocable, and that we should not, under our oaths to support the Constitution, pass this bill to repeal the act of 1861. It is of great importance that we should have the revenue this tonnage tax would afford, but it is of far greater importance that we should maintain the Constitution inviolate.

I do not know that we have any remedy when such a law is passed, neither do I know that we have not a remedy. The charter of a company may be forfeited by wilful abuse of its franchises. A single act of abuse may be a good cause for forfeiture. If a corporation has abused its franchises, it can be reached by *quo warranto* and its charter forfeited, and then the State may resume all her grant.

Mr. Rowland, of Pike, said he was in favor and would vote for the original bill. There are some parts of the amendment of the gentleman from Chester (Mr. Smith) which he would vote for; for instance, upon the product of mines a tax on each ton of 2,000 pounds, two cents. In 1860 we mined and sent to market 11,000,000 tons of coal, at a tax of two cents a ton, which would be lightly felt by the people, there would arise a revenue of $220,000.

There is such a thing as letting corporations extend too widely. This Pennsylvania Railroad commenced a small concern, but like the Banyan tree, it extended its read and branches until it has covered Pennsylvania. In fact it is more like the Upas tree, poisoning the minds of members of the Legislature. The people took good care that those men who voted for the bill of 1861, did not return to their seats here.

When this Pennsylvania Railroad Company purchased the balance of the public works, it was with a provision that they should pay a tax of three mills per ton of freight carried over the road. That was a bargain they made with the State. I hold that the repeal of that bargain was unconstitutional, and hence we have a right to repeal it. The report of the Company shows that they can well afford to pay this small pittance, and yet do a more profitable business than any railroad company in the State. If such had been the case, the income of the State from this one source would have been $400,000, I believe.

The repeal of this tonnage tax carries the cheat and the lie on its face. A man recently told me, at Altoona, that a barrel which, in 1860, cost him $1 25 for freight, since the repeal of the tonnage tax, costs him over $1 50. That man said he was in favor of re-imposing the tax.

[Mr. Pershing, of Cambria, took substantially the same ground as was taken by Mr. Smith, of Chester, and cited numerous authorities, the main object of which was to show that the State has not the constitutional right to tax goods *in transitu* through its territory from one State to another. Our correspondent furnished his remarks in full, but we omit them for want of room.]

Mr. Kaine, of Fayette, said: Will the gentleman pretend to say that no difference by what means an act of Assembly may have been passed; no difference by what fraud and corruption it may have been passed; no difference by what means the rights of the people have been taken from them by a corrupt Legislature, that they have no remedy? That the people in whom is all power, have no power to repeal that Act of Assembly at all? The act was obtained by corrupt means and fraud upon the people; that is the reason why it should be repealed. It is an argument that belongs to the people. If that act of the Pennsylvania Railroad is unconstitutional, it is void, and there is no use of repealing it. The doctrine that the Legislature has no right to repeal nor interfere with a charter by reason of it containing the principle of vested rights, has been established in England and incorporated in the decisions of the Courts of the United States and the Courts of the several States of this Union.

In the Constitution of the State, the people have reserved to themselves the right to repeal any charter, no matter what charter it is that's been passed—no difference how obtained, whether by fraudulent or honest means. Has this Legislature the right to repeal the law passed in 1861, provided no wrong is done the corporation? It has, and also the power to repeal every supplement thereto. That is a question of policy for the Legislature, but there can be no question of right. The right is reserved.

Mr. Smith, of Chester, said the Legislature had the right to repeal any law, except that which is regarded as a legislative grant or a contract.

Mr. Hopkins, of Washington, said this tax should be restored first, because it was voluntarily assumed. Secondly, because its withdrawal from the Treasury creates an indispensible necessity for imposing another tax in its place. Thirdly, because the act which relieved the Company from its payment, was procured by corrupt means. It is established by the most irrefragible evidence, that the passage of the bill of 1861, was procured by direct bribery. If it be conceded that the Representatives of the people may be bought and sold, and by bribery to fritter away the rights of the people, I think it matters but little how soon the whole fabric is overthrown. But, sir, I deny the principle.

If it was competent for the Legislature, in 1861, to barter away that power, why prevent us from bartering away the rest of the revenues of the Commonwealth?

In regard to the amount of tonnage tax in 1860, the tonnage over the Pennsylvania railroad was 1,-852,043 tons. The tax upon which is $308,829. In 1862, the tonnage was 1,989,126 tons, which would yield a tax of $454,654 53.

In the proposed amendment offered by the gentleman from Clinton, precisely the same tax is on a railroad 10 miles long as on a road 500 miles, if there were one so long. It is calculated that it will yield a larger amount of revenue than the tonnage tax. The tonnage carried over the Pennsylvania railroad, last year, was 1,989,126 tons, at four cents per ton, which is a very high average, would yield the Commonwealth $79,565 against $454,654. Now, I think all that is necessary to satisfy every man in this House, that it ought not to be adopted, but ought to be rejected.

Mr. Hopkins said he was not insensible to the power with whom he had to grapple. It is one of the most powerful corporations in the country, if, indeed, it has an equal anywhere. He knew it had $10,000,000 to disperse among the people. It is reaching out and grasping every lateral road, it is penetrating every valley possible to reach. All this he knew was done for the purpose of influencing the votes of members on this floor. In 1861, the Vice-President of the Company signed a writing by which he pledged the faith of the Company to endorse the bonds of a certain railroad company in this State, to the amount of $400,000, provided the commutation bill would pass. The members representing that particular interest voted for the commutation bill, but they did not come back to vote again.

Mr. Hopkins said he knew the road was not built, and he had reason to believe that the gentlemen who represented that district of country were being tampered with by the same instrumentality that influenced their predecessors to vote for the commutation bill. Against this system of legislation, he entered his solemn protest. The amendment is a mere trick, a mere device for the purpose of diverting the attention of members from the main question.

Mr. Glenn, of Washington, said he would vote for the repeal of the act of 1861.

Mr. Johnson, of Crawford, said it is not, at this time, so much a question for the restoration of the tonnage tax, as a question of legislative power. It is necessary to decide that we have power to do what is proposed to be done. One of the difficulties, he apprehended, arose from a misapprehension of the nature of the question. Now as the question is submitted by those who are in favor of the substitute, and opposed to the original proposition, it is denied that it is a mere proposition for the repeal of a simple law. It is alleged it is an attempt at interference with a contract, and it is denied that this Legislature has the power to repeal a contract. When an act of Assembly arises to the proportions either of a legislative grant or a contract, it passes beyond legislative power. No subsequent legislature can repeal the legislative grant of a previous session, nor can any subsequent legislature repeal any law which involves the nature of a contract remaining upon the statute book. When the law is in the nature of a contract, what right has the Legislature to interfere between the State and other parties, than it has between parties of which the State is not one. Remember that we have a debt of $40,000,000; a debt which we will not repudiate, and which we cannot pay. The one proposition to my mind involves nothing more and nothing less than a suit at law in which we must be inevitably worsted.

Mr. Johnson, said his constituents were fully aware of the existing debt, which is principally paid by taxation upon farms and personal property. Their honor will not permit them to entertain the idea of repudiation. They are aware that their farms are mortgaged now and for generations to come, for the payment of this debt and the interest upon this debt, and that the only respite presented is a taxation upon corporations and other legitimate sources of taxation which are not now reached; or if reached at all, in such a slight manner as to afford no adequate relief to those who groan with taxation.

The bill submitted here is a proposition which will pay the State Treasury for the annual reduction of this indebtedness nearly, if not quite, $500,000. To this extent is real estate relieved of taxation—but little more than one-third of the whole taxation of the State for State purposes. It is a small sum in comparison with what it ought to be, still it is better than nothing. It is clearly a question of expediency, and for that reason I will vote for the substitute to the original bill, believing that the original bill would only lead to a contest at law.

Mr. Benedict, of Huntingdon, said if the commutation law of 1861 was and is a contract, every man who believes it to be a contract, and votes for its repeal, does violence to the oath when he has sworn to support the Constitution of the State. The Constitution says we shall pass no laws impairing contracts. If this be a contract, and every man believing it to be such, who votes for its repeal, must answer to his God. The man who threatens another with a fear that he will not return here, to make him vote against the proposition—against his conscience, is against decency and honesty, and does justice to the dollars that bought the men of 1861.

Mr. Hopkins, of Washington, instantly replied that the man who alleges upon this floor the suggestion just made, is a liar and a scoundrel.

Mr. Benedict retorted. I trust my aged friend will not die with the railroad on his brain!

Mr. Hopkins replied that he would rather die with the railroad on his brain than the negro on his brain.

Mr. Benedict said he made no charge against anybody, and should make none.

The reason why this is a contract is that it is simply an agreement between two parties—that's all—those parties having the right and ability to contract. Pending Mr. Benedict's remarks, the hour of 5½ arrived, when the House adjourned till 10½ a. m. to-morrow.

SENATE.—Mr. Mott presented a petition of citizens of Pike county for a National Convention.

Messrs. Stein and Glatz—Petitions of citizens of Lehigh and York counties respectively, praying the enactment of a law to prevent negroes and mulattoes from entering the State.

Mr. Turrell—Petition of citizens of Susquehanna county for the repeal of the militia laws of the State.

Mr. Penny—Bill to authorize the election of additional supervisors of roads in Elizabeth township, Allegheny county.

Mr. Graham—Bill concerning streets and sewers in the city of Allegheny. The bill is twenty-five sections long.

Mr. Lamberton—A supplement to an act to provide for the incorporation of boroughs, approved 1st of April, 1834.

It provides that the Court of Quarter Sessions, whenever it shall appear that an excessive and unnecessary quantity of farm lands shall have been included by the petitioners for the incorporation of a town or borough into a borough within the limits, as set forth in said petition, in pursuance to which this is a supplement, the said Court shall have power to direct a change in the limits of said borough or proposed borough, and for that purpose shall, on application of any person or persons interested in such change, appoint three impartial men, if necessary, to inquire into the facts, and the said Court, shall report the facts, as aforesaid, to the said Court, together with their opinion of the same, and shall annex a plot of the borough as proposed to their said report, and shall show upon said plot the alteration, if any, which they deem proper, and at the term after that time which the report shall be made, the Court shall take such other order thereupon as to them shall seem just and reasonable.

Mr. Penney—A bill relating to the payment of stamp duties.

It provides that all stamp duties required to be paid in any judicial proceeding whatever shall, when paid, be taxed as part of the costs in the proceedings, and by the party required to pay the other costs thereof.

In all cases of judicial sales made by any sheriff, coroner, executor, administrator, guardian or other trustee under any order or process issued out of any Court of this Commonwealth, the stamp duty required to be paid on the deed when executed, shall be taxed with the other costs of the proceedings, and paid out of the bid, and the same rule shall prevail in sales for tax by the County Treasurer or other officers: *Provided*, that the provisions of this section shall only apply to sales made after the first of April next.

It shall be the duty of every officer authorized to enter or record any instrument required by the laws of the United States to be stamped, to enter on the docket or record that the same was duly stamped as required by law, which shall be *prima facie* evidence thereof, and in certifying a copy of such record or instrument, to certify such entry, which shall have the same force and effect as the original entry.

The following bills were passed: A bill to provide for the distribution of State Documents among the different States of the Union; a bill relative to the election of Street Commissioners in the borough of Lawrenceville, Allegheny county; a bill to authorize the election of additional Supervisors in Elizabeth township, Allegheny county; a bill to repeal the law to vacate a certain State road in Greene and Fayette counties.

The bill relative to lateral railroads was reported by the Committee with a negative recommendation. The bill passed a first reading. H.

IF YOU desire any repairs or alterations to your dwelling, or places of business call and leave your order at Cuthbert's Carpenter and Jobbing Shop, Virgin Alley, above Smithfield street. All work promptly attended to.

THE LATEST NEWS
BY TELEGRAPH.

FROM WASHINGTON.

OUR SPECIAL DISPATCHES.

Special Dispatch to the Pittsburgh Gazette.

WASHINGTON, March 5, 1863.

THE DECLINE IN GOLD.

There is general rejoicing here over the sudden tumble in gold in New York, though an explanation of its cause cannot be made as satisfactory as would be desirable. The bogus reports about the capture of Vicksburg, Charleston and Savannah gave an impetus to the downward movement, begun by the Congressional legislation, just before adjournment, taxing and curtailing gold speculation, but nothing is apparent that can fully explain the sudden fall to-day except an increasing confidence in the recent financial measures and in Secretary Chase's financial management. Gold speculators and brokers here all insist that gold must go up again, unless we should have speedy victories, and the tenor of advices from the best informed quarters in New York is to the same effect.

THE ADDITIONAL OATH OF OFFICE.

The negligence of the Senate in not providing for the imposition of an additional oath of office, presented in the act of July 28, 1862, will probably lead to a long debate, Garrett Davis having announced his intention to oppose Sumner's proposition for a new rule to cover the case. The Western men complain about them. New England has the control of the Senate Committees, and insist that there should be a reorganisation upon the fair basis, authorising a resolution empowering the Vice President to constitute the Committee. Passed to day. It was stated to apply only to the extra session, but it is apprehended that they will be continued as formed. The matter was settled in caucus this morning, but in the Senate Mr. Fessenden ignored the caucus arrangement, producing thereby not a little ill-feeling.

No executive business was done to-day, except sending back to the President the pending nominations. A batch of new nominations were received at the Capitol after adjournment.

CONFEDERATE NEWS.

Richmond papers of the 27th contain a dispatch from Lieut. Gen. Pemberton, announcing the capture of the Indianola, which says the Indianola is sunk on the Mississippi side of the river. Her boats and upper works are out near Joe Davis' plantation. The following is the first rebel official dispatch announcing their capture:

Vicksburg, Feb. 22.—I have the honor to report, after a severe and hot engagement, the capture of the Federal iron-clad steamer Indianola, Lieut. Commanding Brown, U. S. A., together with all the officers and crew, by the Confederate steamers Queen of the West and Webb, forming the expedition that was sent out by me for that purpose, under Major J. Brent. The prize is a good deal damaged.

(Signed,) R. J. TAYLOR,
Major General Commanding.

The Government is still without authoritative advices from either Vicksburg, Charleston, or Savannah.

DECISION UNDER THE NEW TAX LAW.

The Commissioner of Internal Revenue has decided that the salt manufacturers of Syracuse who occupy individual works, but have formed a corporation for certain general purposes, concerning the interest of this class of manufacturers, to be treated individually under the excise tax as manufacturers.

SERENADE TO MR. OLIN.

Mr. Olin, Chairman of the Military Committee, was serenaded to-night by the New York regiment from his district. Speeches were made by himself, Diven Brown, of Rhode Island, and Gen. Nye, Governor of Nevada.

APPOINTMENTS FOR ARIZONA.

The Arizona appointments are nearly settled—Gurley, for Governor; McCormick, for Secretary; Ex-Representative Goodwin, of Maine, Chief Justice; Ex-Representative Aldrich, Surveyor General; and Col. Porter, of Cincinnati, Indian agent.

LAND COMMISSIONERS FOR VIRGINIA.

The following commissioners have been appointed for Virginia, under the law authorising the sale of lands on which direct tax is not paid: John Hawhurst, Robert F. Watson, W. J. Bereman.

THE EXODUS OF CONGRESSMEN

To New Hampshire continues. Messrs. Bingham and Kelly, who went yesterday, are followed to-day by Senator Clarke on our side, and Richardson for the tories. Washburne goes for us to-morrow.

TAX COLLECTORS APPOINTED.

The following are the last tax collectors appointed and confirmed: James C. Orr, 1st district of Virginia; Elijah W. Murphy, 2d district of Missouri; Geo. Dennison, Louisiana.

PERSONAL.

The wife of Hon. John F. Potter is lying dangerously ill here.

John P. Hale was in his seat in the Senate to-day, looking weak and thin from illness.

WASHINGTON, March 5.—The main points of business transacted in the Senate to-day were the administration of oaths to Thos. A. Hendricks, of Indiana, and Wm. Sprague, of Rhode Island. They took their seats for the first time. The President *pro tem.*, by a resolution of Mr. Anthony, of R. I., was authorised to appoint standing committees. The executive session was confined to the passage of a resolution to return all the nominations of military officers, &c., which expired with the late session, to the President of the United States.

It was not till after adjournment that the President's private Secretary reached the Capitol with several executive communications.

Some horrible particulars have been received at headquarters in relation to the barbarities committed by the Confederate troops in the district of Corinth, Miss. They are vouched for by General Dodge. Among the cases are, Abe Camadi and Mr. Mitchell, hung, two weeks ago, for being Unionists. They lived on Huckleberry Settlement, Marion county, Alabama. Mr. Hallwork and daughter, of the same county, were both shot for the same cause. The latter was instantly killed. The former is yet alive, but will probably die. Peter Lewis and three of his neighbors were hunted down by 100 bloodhounds, and captured. Mr. Peterson, living at the head of Bull Mountain, was shot.

The sole cause of all these entrages was because of the victims entertaining Union sentiments.

Gen. Dodge is now feeding some 100 of these families.

Their statements are almost beyond belief, but there is positive evidence as to their accuracy.

WASHINGTON, March 5.—The telegram received here from Brigham Young says that a meeting was held in the tabernacle to petition the President to remove Governor Harding and Judges Waite and Drake, and appoint good men in their places. He adds that the majority of the Federal officers, and all other gentlemen, are acting honorably. From this it appears that Chief Justice Denny, Secretary of State Fuller, and the Superintendent of Indian affairs, Doty, are included in the compliment.

Congress altogether failed to provide, by legislation, any measure for quieting the disaffection in the Territory, leaving that duty to the Executive Department.

The printed report of the Committee on the charges preferred against the Commissioner of the Patent Office, Halloway, will be accompanied by a defensive and explanatory statement from that gentleman.

Joseph J. Lewis, of Pa., it is believed, will be nominated by the Senate as the successor to Commissioner of Internal Revenue Boutwell.

The Provost Marshal has issued an order forbidding enlisted men of the army from wearing side arms of any kind whatever, within the limits of Washington, excepting when their duties require them. The reason given for this is to secure the public peace and preserve the property of the government from loss through the negligence and viciousness of boarders and unprincipled soldiers.

The President has recognized Don Mariano Alvarez, as Consul for Spain at New York, and Don Juan De Elemanna San Martin, Vice Consul for Spain at New Orleans.

From the Army of the Potomac.

HEADQUARTERS ARMY OF THE POTOMAC, March 5, 1863.

General Orders No. 18 contains the following:

Citizens, non-residents, will not be allowed to remain within the lines or camps of this army without a permit from the Provost Marshal General. The commanding officers will cause all such persons within their commands to be brought before the Provost Marshal General for his decision and action. The inspection reports of the following regiments and batteries, giving evidence of the necessity of strong exertions on the part of every officer and member of the command to bring them up to a proper state of discipline and efficiency:

No further leave of absence or furloughs will be granted those commands, and all officers absent, therefore, must be recalled, and their leaves revoked, viz: Regiments 12th, 21st, 23d, 26th, 34th, 35th, 42d, 59th, 60th, 78th, 88th, 104th, 105th, 107th and 145th New York; 29th, 68th, 69th, 124th, 125th, 132d, 136th and 155th Pennsylvania; 27th Indiana, and 3d Massachusetts volunteers. Batteries B, 1st New York; Pettis, New York; Puttkammer's, C, 1st New York; Barnes, B, 1st Maryland; Swow, A, 1st New Jersey; Hixamers, C, 1st Pennsylvania; McCarthey's, D, 1st Pennsylvania; Hall's, 12th Ohio; Johnson's, 3d Pennsylvania; Hampton's, C, 1st New York Battallion Lancers.

The following regiments and batteries appearing from Inspectors' reports to have earned high commendation from inspecting officers. It is left to the discretion of the Corps Commander, having regard to the efficiency of the command, to increase the leaves of absence and furloughs to their commands for the fifteen days following receipt of this order to three instead of two enlisted men for every one hundred present for duty, and three officers instead of two, as provided in General Orders, No. 3:

Regiments—1st, 2d and 20th Massachusetts; 10th and 19th Maine; 5th and 10th New York; 5th New York, 11th Pennsylvania, 3d Wisconsin, and 1st Minnesota volunteers. Batteries—5th Maine, Leppeins, A; 1st Rhode Island, Arnold's, B; 1st Rhode Island, Hazard's, K; 4th United States, Seely's, D; 1st New York, Osborne's, B; 1st Rhode Island; Randolph's, 5th United States; Haslett's, C; 1st Massachusetts, McCartney's; 3d New York, Hain's; 2d New York, Blume's K; 1st United States, Graham's; 5th New York, Zaft's, B; 1st Connecticut, Brooker's.

The commandant of the Cavalry Corps will discontinue the leaves and furloughs authorised under General Orders No. 3 to regiments of his command neglectful in discipline, efficiency, care of arms and equipments, animals, &c.

It is expected that commanding officers of corps and divisions will disapprove and refuse leaves and furloughs to those regiments or batteries which are similarly situated. All officers and enlisted men absent beyond the period of their leave or furlough must be tried by court-martial.

All sutlers will confine their traffic to the regiment to which they are appointed and belong. The goods and property of those found violating this order will be confiscated upon proof thereof. Sutlers who use the names or orders of officers to procure transportation, or purchase or sell contraband articles, will be subjected to the same penalties.

From Nashville.

NASHVILLE, March 5.—The enemy, under Van Dorn, advanced again towards Franklin yesterday. The Federal force also advanced six miles, and drove the rebels back. We had two wounded. The rebels lost thirteen killed.

The fight was renewed this morning. No particulars.

Twenty-three men, of Colonel Johnson's Fifth Regiment, while on picket duty, west of Nolansville, were attacked by fifty Confederate Cavalry, who tried to surround and capture them. The Tennesseeans, after 20 minutes fighting, compelled the rebels to surrender. They took the whole party prisoners, arrived in this to-night.

Reinforcements, for Gen. Gilbert, at Franklin, were immediately sent forward, sufficiently large to destroy and capture Van Dorn's command.

It is reported that about 1,000 rebel cavalry are in the vicinity of Harpeth Shoals, waiting to attack on the Cumberland.

Hon. Connelly F. Trigg, Judge of the United States District Court, ordered that no attorney, proctor or other person, who has not taken oath to support the Constitution of the United States, shall be permitted to manage or conduct cases in this Court.

Panic in the New York Money Market.

NEW YORK, March 5.—Sterling bills are sold for gold, and not for currency. The rate is 110¾, payable in gold. Gold is quoted at 152 since the close of the second Board. The excitement on the gold question to-day exceeded any panic ever known in this market. The quotation has not been stationary ten minutes together to-day. The public were selling in small amounts, at whatever rate they could get from the brokers.

The gunboats Oneida and Wachusett, bound for St. Thomas, were spoken on February 21st, in lat. 20° long. 68°.

Excitement in Boston.

BOSTON, March 5.—There was considerable excitement to-day, on State street, owing to the fluctuation in gold. It is reported that a sale of $30,000 was made at 59c.

Markets by Telegraph.

CINCINNATI, March 5.—The news from New York announcing a large decline in gold unsettled the market, for all articles and any prices which could be given would be entirely nominal. No attempt was made to buy or sell. Holders finding it useless to try to sell withdrew, and buyers done the same. An offer of 10c. was made for a lot of 150 bbls prime city lard; 100 bbls old mess pork sold early in the morning at $12; 550 bbls of whisky sold at 45c. before the change. Gold and Demand Notes have declined to 148@150, and silver to 135@140. Exchange firmer but rare are the same. Showing.

NEW YORK, March 5—Evening.—Cotton declining; sales at 85@88c. Flour 10@25c lower for State, $7,60 @8,00 and $9,25 for Ohio, and $8,45@8,90 for Southern. Wheat and Corn nominal. Pork heavy; old mess $14,75; new $17. Lard heavy at 10¾@12½c. Whisky unsettled at 45@47c, closing firmer a. 45@46 offered. Freights nominal.

FROM WASHINGTON.

Mail Dispatches to the Pittsburgh Gazette.

WASHINGTON, March 4th, 1863.

GAUGE OF THE PACIFIC RAILROAD.

The subject of the gauge of the Pacific Railroad having been submitted to the President, he adopted a width of track which did not correspond with that of any other road in the country. Subsequently, the Senate passed a bill which has just been concurred in by the House, fixing the gauge of this road at four feet eight and a half inches, so as to agree with the great majority of other lines. The bill amounts simply to a reversal of the President's decision. It is not certain, therefore, that he will be called upon to approve it.

LOUISIANA MEMBERS.

To avoid legal difficulties in the admission of the newly elected members from Louisiana, the House, last night, passed a bill authorising the Governors of Louisiana and Tennessee to issue writs of election according to the laws of those States. It has been urged against the admission of Messrs. Hahn and Flanders that the Governor, who issued the writs for their election, had no legal right to do so. This bill remedies this difficulty.

NEW SUPREME JUDGE.

Among its closing acts, the House passed the Senate bill providing for an additional Supreme Judge for the Pacific coast. The virtual effect of this bill will be to add one more to the number which is to rescue the control of the Supreme Court from the hands of the school which is represented by Chief Justice Taney.

BOUNTY TO DISCHARGED SOLDIERS.

Another Senate bill, which passed the House during the last hours of the session, provides for paying soldiers discharged from service for sickness, or disability by wounds, the same bounty as if they had served out the time of their enlistment.

ANOTHER VIRGINIA SENATOR.

Under the system of restoring seceded States thus far adopted, East Virginia does not cease to have an organised State Government, in consequence of separating from it the new State of West Virginia. The result will be that East Virginia will give two new Senators, the credentials of one of whom, Hon. Lemuel J. Boden, were on Tuesday presented to the Senate by Mr. Willey, whom he succeeds. It is to be hoped the new State of West Virginia will return Mr. Willey.

JOHN POPE'S CAMPAIGN.

In answer to a previous resolution, the Secretary of War transmitted to the House yesterday, the official papers relating to General Pope's campaign in Virginia. These embrace the reports of all the Generals of Divisions and Brigades, giving statements of casualties, together with a mass of correspondence and dispatches, many of which have been published. The whole is to be printed, and will make an interesting volume.

PASSAGE OF THE BILL FOR THE COLLECTION OF ABANDONED PROPERTY.

Mr. Doolittle's amendment to the bill for the collection of abandoned property and prevention of fraud in insurrectionary districts, which strikes out the section authorising the Treasury Agent to purchase cotton, rice, sugar, and tobacco in those districts, was agreed to on Monday by a vote of 24 yeas to 15 nays, and the bill passed. The reason for this vote was that it was not considered desirable to have the Government become a great dealer in these articles of property, or to furnish means to the rebels to buy munitions of war to carry on the fight with.

MISCELLANEOUS.

THE LITTLE WEDDING.

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Also, the Little Bridesmaid and Groomsman, (MINNIE WARREN and COMMODORE NUTT,) fifty different kinds, 25 cents each.

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As I am now closing up my business, I invite special attention to the following stock of seasonable goods, which it is believed will be found worthy the notice of cash buyers.

A good assortment of SACK and FROCK OVERCOATS. A full variety of CLOTH, CASSIMERE and medium grade BUSINESS COATS; BLACK DRESS COATS, ranging in price from $8 to $20. OF MEN'S PANTS, fine, medium and low grade, a good stock; and well assorted GENT'S FINE PLUSH, CLOTH, SILK and CASSIMERE VESTS.

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A good assortment of JACKETS, PANTS AND OVERCOATS, neatly cut and well made.

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FINE WHITE SHIRTS, from $1 25 to $2 75; GREY AND WHITE MERINO SHIRTS AND DRAWERS; Fine English ½ HOSE; Cotton and Merino Men's all wool and Silk SHIRTS & DRAWERS; an excellent variety of GLOVES, TIES, SUSPENDERS, &c.

PIECE GOODS.

Fine OVERCOATINGS, BUSINESS COATINGS, CLOTHS, CASSIMERES and VESTINGS, which will, as usual, be made up to order, or sold by the piece or yard.

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No charge made until money is collected.

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Dealer in BACON, LARD, SUGAR-CURED HAMS, SMOKED BEEF, &c.

COR. MARKET AND FIRST STREETS,

Pittsburgh, Pa.

TO COAL MERCHANTS.—Sealed Proposals will be received by the undersigned, at his office on Ohio street, for furnishing the Allegheny City Water Works with COAL, NUT COAL and SLACK, for one year from the first day of April, 1863. Payment will be made in cash, monthly. Bids will be received until MONDAY, March 16th, at 12 o'clock m.

JOHN ALSTON,
Superintendent of Water Works.

Allegheny City, Feb. 28th, 1863.