BY MAGNETIC TELEGRAPH.

REPORTED & TELEGRAPHED FOR THE PITTSBURGH DAILY GAZETTE

THE CASE OF PROFESSOR WEBSTER.

Boston, July 6, 1850.

The wife and three daughters of Professor Webster appeared before the Council yesterday afternoon, and pleaded in aid of the petition for the husband and father, for a commutation of punishment.

Mrs. Webster said that she had been unwavering in the belief of her husband's innocence until he made his confession. She also stated that it was chiefly through her means and representations that the petition for pardon, and protestation of innocence was sent in.

After their withdrawal, the Council sent for Dr. Putnam, and stated that they, having great doubts on certain points in the confession, had consulted, separately, three eminent surgeons, and a document had been prepared for him to communicate to Professor Webster.

Before the document was read, the doors were closed, but it was understood that one of the questions propounded was, whether such a stick as that described in the confession would give such a blow as to cause death in ten minutes. All three of the physicians consulted considered that it would not.

The other questions are stated to have been answered adverse to the confession.

The opinion is universally expressed that no commutation will be granted.

New York, July 6.

The American steam ship Pacific, Capt. Nye, sailed from this port for Liverpool to day, at noon, with over 100 passengers, and $275,000 in specie.

LATE AND IMPORTANT FROM HAVANA.

Mobile, July 1.

The British steamer arrived here yesterday, bringing dates from Havana to the 27th ultimo.

The Conjoy prisoners are still closely confined, and the Consul is not allowed to communicate with them.

Genl. Campbell's correspondence with Mr. Clayton has embittered the Spaniards against him, and they have threatened to assassinate him, as before reported.

The Germantown is at anchor in the harbor, ready to receive him in the event of his leaving the city.

Havana is still under martial law.

The cholera has almost entirely disappeared.

Mr. Edmund Doyle, an American merchant at Cardenas, has been imprisoned on some frivolous charge.

CHOLERA IN CINCINNATI.

Cincinnati, July 6.

The reports furnished the City Clerk, under the new Ordinance, for the past week, up to 8 o'clock tornoon, show that the total number of deaths were 187, of which 115 were of cholera, and the reports are not so full as they should be.

Meeting of the Board of Health.—The Board of Health met this afternoon, and reported 93 deaths in the past 23 hours, of which 65 were of cholera.

CINCINNATI MARKET.

Cincinnati, July 6.

The market generally remains in a dull and quiet state.

Flour—Prices continue to recede. Straight brands were offered freely to day at $4, with sales of small lots at $4@4 06 ₱ bbl.

Grain.—Nothing was done in Corn. Sale of 1400 bushels Oats at 46c.

Groceries.—The market is inactive. Prices are unchanged, and holders are firm. Small sales of fair to good fair Sugars at 4@5c, and of Coffee at 10¼@10½c ₱ lb.

Whiskey.—The market is heavy, with sales at 21½ @21½ ₱ gallon, the market closing with a downward tendency.

PHILADELPHIA MARKET.

Philadelphia, July 6.

Flour—Receipts are light, with a moderate export demand. A slight decline has been experienced since last week. The market is steady at yesterday's quotations.

Grain—But little is doing in Wheat—receipts are small, and the demand inactive. The demand for Corn having fallen off, prices have declined, with sales of Southern yellow at 63c ₱ bu.

Provisions—The market generally remains inactive, and sales are mostly in a retail way. Sales of Mess Pork at 11 12 50@11 50. In Bacon, transactions are limited. Last to sell at 7@7½c, for hams and sides.

Groceries—Coffee is firm, but the demand is less active, with a moderate inquiry from the trade. Sales of Porto Rico Sugar at 4¾@5c ₱ lb.

Tobacco—The market is very firm but sales are confined to the wants of the home trade, at full prices.

Wool—The receipts are more full, but the demand being active, and fully equal to the supply, prices are well sustained. The sales of the week reach some 60,000 lbs. Domestic fleece is mostly within the range of 23 to 25c ₱ lb. on the usual credit.

NEW YORK MARKET.

New York, July 6.

noon report.

Flour—The market is without material change, but the demand is rather better. Sales of domestic at 4¾, 23. of common to straight, $4,25@4,31½; and of Michigan at $4,37½@4,62½.

Grain—There is no transactions in Wheat, but holders are steady. Corn is in good supply, with limited demand. Sales of damaged at 37½c; of prime white at 60@62c, and of Western yellow at 60 @62½c ₱ bu.

Provisions—There is little doing in Pork, but the market is firm, with sales of 500 brls at $10 62½@10 75 for Mess, and $8 50@9 for prime. Only a small business in Beef, ruling in Lard, at 9½@7½, in tierces and brls. Cut Meats are dull, with no change in prices

Groceries—The market is dull, and the tendency in favor of buyers. Sales are very limited.

Linseed Oil—In bdls very firmly at 77@80c, for English.

Money Market—There is little increased demand for money, but the supply is ample. Paper of good quality is scarce, and goes at 4@6 ₱ ct, for short time, and 6 @7 for long. On call, the rates are 4@5 ₱ ct—the latter on good collaterals, and the former on Government stocks.

WILKINS HALL,
FOURTH STREET, PITTSBURGH, PA.

THIS magnificent establishment being now complete, is ready for business, the proprietor would respectfully solicit a share of the public patronage. He trusts by giving his full attention to the business, to make the house a pleasant and comfortable resort for the citizens of Pittsburgh and for the country generally.

Good attendants will be in waiting, and every exertion made to render the establishment worthy the countenance and support of an intelligent community.

The SPACIOUS HALLS, suited for Parties, Concerts, Lectures, Balls, and public meetings, will be let by the evening or week, on as liberal terms as any other in the city.

The BAR and RESTAURANT, equal in style and beauty to any in the world, will be kept furnished with Fine Wines, Choice Liquors, Cordials, Porters, Ales, and all the best Lagers, constantly on draught. Poultry, Game, Fish, Soup, Oysters, and Clams, served up in the best style.

The DINING and ICE CREAM SALOON, being on the first floor, and easy of access, will be constantly supplied with all the Luxuries and Delicacies of the season, and tables, with each meal, will be set with as the markets afford.

Boarding by the day, week, or year. Dinners or Suppers for individuals or parties, furnished on short notice.

Gentlemen with their families, visiting the city can be supplied with refreshments of all kinds at any hour of the day.

Good Stabling and an extensive Livery Establishment is connected with the Hall.

Dinner at 1 o'clock. Breakfast and Tea at the usual hours.

Entrance for Ladies to the Ice Cream and Dining Saloon, No 67 Smithfield street.

jan22-dtf E. H. VAN RENSSELAER

TIAR—25 brls N C Tar just rec'd for sale by ROBISON, LITTLE & CO

SOAP—50 box just received for sale by ROBISON, LITTLE & CO

GREASE—3 brls to arrive, for sale by ISAIAH DICKEY & CO

SHEEP AND LAMB PELTS—20 doz dressed with wool on, a beautiful article, to arrive, for sale by ISAIAH DICKEY & CO

LIQUORICE BALL—10 cases Sicily small stick for sale by B A FAHNESTOCK & CO

COOPERS' ISINGLASS—Sheet and shred, for sale by B A FAHNESTOCK & CO

MOLASSES—120 l'rs N O Molasses; 15 brls S H do for sale by ROBISON, LITTLE & CO 255 Liberty st.

SUGAR HOUSE MOLASSES—35 brls just landing for sale by J S HILLWORTH & CO

GUM ARABIC—100 lbs sorts for sale by B A FAHNESTOCK & CO Cor First and Wood sts.

CREAM TARTAR—100 lbs assorted, for sale by B A FAHNESTOCK & CO

TAR—24 barrels N C Tar, 24 bl bris do for sale by WICK & McCANDLESS

CHEESE—104 box W R Cheese, 44 box extra Cream Cheese, for sale by WICK & McCANDLESS

FLOUR—100 barrels for sale by WICK & McCANDLESS

DRY HERRING—500 box rec'd for sale by WICK & McCANDLESS

BACON—13 casks Hams; 3 casks Sides; 3 casks assorted, on hand, for sale low, to close. ISAIAH DICKEY & CO Water & Front sts

CHEESE—74 box on hand, for sale by ISAIAH DICKEY & CO

COPAL VARNISH—10 brls good quality for sale by ISAIAH DICKEY & CO

HERRINGS—20 brls on hand and for sale by ISAIAH DICKEY & CO

EMERY—10 kegs assorted; 5 kegs best London, for sale by J SCHOONMAKER & CO

BLACK SAND—2 brls for sale by J SCHOONMAKER & CO

A. MASON & CO, No 62 Market street, will this day open, and are prepared to show their friends and the public their attention, as formerly. jel7

EAST INDIA CASTOR OIL—Far superior to the best American cold pressed Oil, entirely free from taste or smell, in 10 gal cans, for sale by J SCHOONMAKER & CO

ROSIN—50 brls No 1, for sale by J SCHOONMAKER & CO

SALTPETRE—35 sacks crude, to arrive, for sale by ISAIAH DICKEY & CO Front & Water sts

SOUR FLOUR—19 brls suitable for starch or sizing, for sale by [jel17] McGILLS & ROE

CORN—400 bu Yellow, in store, and for sale by [jel15] McGILLS & ROE

SCYTHE SNEATHS—40 doz patent, for sale by WICK & McCANDLESS

EPSOM SALTS—10 brls for sale by WICK & McCANDLESS

WADDING—30 bales glazed extra and white WICK & McCANDLESS

TWILLED BAGS—60 doz for sale by J & R FLOYD

BUCKETS & TUBS—50 doz Beaver Buckets; 6 doz do Tubs, for sale by J & R FLOYD

WRAPPING PAPER—300 reams assorted for sale by J & R FLOYD

24 CASES Bacon Sides and Shoulders, just rec'd and for sale by A CULBERTSON 136 Liberty st

COMMERCIAL RECORD.

PITTSBURGH BOARD OF TRADE AND MERCHANT'S EXCHANGE.

COMMITTEE FOR JULY.

JAS. MARSHALL.....JAS M COOPE.....ROBT. BRUCE, JR.

PITTSBURGH MARKET.

Office, Pittsburgh Gazette, Monday Morning, July 8, 1850.

The market, on Saturday, was generally quiet, and sales limited. So far as quotations are concerned, we have no marked change to notice from our last report. The weather continues very warm and dry, and the river continues to recede slowly.

FLOUR—The receipts of Flour are barely worth noticing, and sales have been confined to small lots to the regular home trade. The market continues dull at former rates, say from first hands $5, and from store, in dray load lots, at $5 16 @ 5 25 ₱ bbl, according to quality and brand.

WHISKEY—The receipts have been fair, and we notice fall supplies in market. The ruling price for rectified is 20c ₱ gallon.

BACON—The market continues quiet and inactive We notice sales in lots of 500 to 1000 lbs, at the following rates: plain Western and city cured hams, 7@7½; Sides 5½, and Shoulders at 4½@4¾ ₱ lb. Extra sugar cured canvassed hams are sold by the tierce at 6½@6¾ ₱ lb. For rough cut country meat, 4½, 5½, and 6¾, for shoulders, sides and hams, are about the ruling rates.

LARD—Very little is doing in Lard, and prices are nominal, say 6½@7c, according to quality, in bris and kegs.

ASHES—This is the dull season for all articles under this head, and sales during the week have been comparatively light, with no marked change in figures. Sales have been to a limited extent, at the following rates:—Pearl Ash, 6@6½; Saleratus, 5½@5½; Potash, 4½@4½, Soda Ash, 2½@3c, as in quality; Scorchings 3½ @3½ ₱ lb.

FISH—We notice a further decline in No. 3 Mackerel, during the past week, and they may now be quoted at $7 25@7 50 ₱ brl. Other descriptions are without change, and may be quoted as follows: No. 2 Mackerel $11, and No. 1 at $15 ₱ brl. Salmon, $18 ₱ brl, and $8 ₱ half brl. Shad, $13; Herring $6, and Codfish at $1 25 ₱ cwt.

FEATHERS—We note sales in small lots at 31@32c ₱ lb, for good Western.

OILS—Moderate sales of Linseed at 55@100c, of No 1 Lard at 81@85c, according to quality and terms of sale. Winter bleached whale, 90c; unbleached, 75@ 70c. Winter bleached sperm, $1,50; do unbleached, $1,45, Fall do, $1,35@1,40 ₱ gall. Tanners' Oil may be quoted at $16@18 ₱ bbl.

SOAP—Sales of City and Country at manufactured resin soap, at 4½c ₱ lb.

RIVER COMMERCE.—We take from the Merchants' Exchange Books the following list of imports of some of the principal articles of commerce, during the month of June, 1850.

Flour brls	2147	Molasses, brls	631
Bacon, hhds	5945	Corn, bush	10,055
do brls	1159	Oats, bush	1150
Lard, brls	1000	Feathers, sacks	313
do kegs	47	Hams, sacks	343
Whiskey, hhds	5251	Hemp, bales	91
Tobacco, hhds	2551	Lead, bars	1
do boxes	220	Ginseng, sks and bls	179
Sugar, hhds	771	Lead, pigs	6
do brls (prin. loaf)	5	Pig Iron, tons	64
Lard Oil, brls	1267	Blooms, tons	31
Wool, bales	3131	Cheese, boxes	1118

NEW BARGES ON MARKET.—For week ending July 1.—Sperm—Continues in active demand for large speculation, and sales to the extent of 1500 bris have been made of about 1100 bris each, at very steady to up to-date prices, and a cargo of 250 do on private terms. In Nantucket, sales have been made of 2400 bris at 18c. In manufactured we have no sales of 400 gals unbleached winter at 112c; 4000 do pressed at 112c; 1000 do do at 110c; and 4000 do bleached do at 115c ₱ gall. Whalebone—We have to notice the revival in the market, which remains dull. The only transact on which has come to our knowledge is a parcel of 1000 bris handsome N W Coast, reported at 63c ₱ gall.—Whalebone—Sales of 10,000 lbs Polar at 36c, and 24,000 do do, understood to be at same price.—Whaleman's Shipping List.

The river from this to the mouth of the Ohio is in a fine stage, with at least 12 feet water in the channel and rising. The Missouri, from last accounts, was bankfull and swelling. The Upper Mississippi was rising rapidly at St. Peters, a few days since, and all the tributary streams were swelling fast. On the 15th ult. the Illinois continues low and falling, with about 20 inches water on the principal bars; but our information from the Missouri and Upper Mississippi be correct, a little flood may be expected at this point in a few days. We, however, apprehend no such remark, and, unless aided by heavy rains, the rise from both rivers will not affect the stage of water opposite this town than a few feet.—St. Louis Reveille, July 3.

New York & Boston Wool Market.

For the wk. end. July 6, 1850.

The arrivals and sales for some days past have been considerable, sales reaching some 15 000 lbs. Saxony Fleece at 45@48, part of it cash. Full blood Merino, 1 to 3 fine S'erino, at 34@36@41c, cash. Some few mix sold at 31@32c, for low grades, 33@35 for medium, and 37@40 for fine. 25,000 lb. pulled sold at 32@35c for Lambs, and 36@37 for county. The competition among buyers is keen, in consequence of the scarcity, the business resting more into tangibility. In foreign, we hear of sales of 150 bales of washed Buenos Ayres at 15@18c, 7 mos. We submit our quotations to correspondents present sales:

	N. Y. Prices.	Boston Prices
American Saxony, Fleece ₱ lb.	45@46c.	44@46
American Full Blood Merino	34@41	40@42
American, ¾ Blood and ¾	32@37	38@39
American, ¾ Blood and ¼ Merino,	31@32	36@37
Superfine, Pulled, County,	35@36	33@34
No 1 Pulled, do	34@35	32@33
Superfine, Pulled, City,	31@31	—@—
No 1 Pulled, do	15@16	—@—
South American, Washed & Picked,	21@23	—@—
South American, Unwashed,	7@9	—@—

[Mer. Ledger

PORT OF PITTSBURGH.

RIVER.—There were 3 feet 9 inches, in channe last evening, and falling

ARRIVED.

Michigan, Brice, Beaver.
Lake Erie, Clark, Beaver.
Fashion, Peebles, Elizabeth.
Atlantic, Parkinson, Brownsville.
Baltic, Jacobs, Brownsville.
Beaver, Gordon, Beaver
Camden, Hendrickson, McKeesport.
Vesuvius, Charles, Glasgow.
Shenandoah, Coles, St Louis.
Genesee, Osborne, St Louis.
Wm. Penn, Johnston, Marietta.
Reveille, Rees, Wheeling.
Ironsides, Linton, Wheeling.

DEPARTED.

Michigan, Brice, Beaver.
Camden, Hendrickson, McKeesport.
Fashion, Peebles, Elizabeth.
Baltic, Jacobs, Brownsville.
Atlantic, Parkinson, Brownsville.
Beaver, Gordon, Beaver.
Vesuvius, Charles, Glasgow.
Lake Erie, Clark, Beaver.
Friendship, Cincinnati.
Cashier, McClain, Bridgeport.
Allegheny Clipper, Cincinnati.
Hamburg, Colwell, St Louis.
Cyprian, Hanks, Wheeling.
Reveille, Rees, Wheeling.

BOATS LEAVING THIS DAY.

BEAVER—Youghiogheny, 3 p. m.
WHEELING—Ionian, 10 a. m.

FOR MARIETTA.—The regular packet Wm. Penn will leave as above this day, at 10 A. M.

FOR WHEELING.—The fine, light draught steamer Ionian, leaves at 10 o'clock, this morning.

IMPORTS BY RIVER.

WHEELING—Per CINDERELLA, 100 tons iron Clark & Chrisman; 81 bris tobacco, 1 bale do, 3 sks wool, O'Connor, Atkins & Co; 25 bris flour, W Bagsley & Co; 16 sks wool, 3 pkgs leather, Graff & co; 7 bgs, 2 brls peaches, Sellers & Nicols; 1 case oil, 1 empty casco, 7 pgs fax seed, R S Sellers; 4 sks wool, W Bingham; 2 cases do, Rice & Jones; 25 sks do, Bell & Liggett; 3 sks brls, G W Smith, 2 brls potatoes, A Nicholson; 4 brls mdse, Ellis, Robinson & Co.

BEAVER—Per Gen. Scott, No. 1 boat—20 pkgs iron, R Edwards & Co; 11 sks wool, J C Bidwell; 6 do do same; 9 sks rags, M Leech & Son; 1 lot moving furniture, J C Bidwell.

A. WILKINS & CO.,
EXCHANGE BROKERS,
S. E. Corner of Third and Market sts.

ALL TRANSACTIONS AT MOST LIBERAL RATES. je25

LIFE INSURANCE.
J. Fibbey, Jr.,
Agent for the Penna. Life Insurance Co. of Phila.

OFFICE of the Western Insurance Company No. 92 Water street, Pittsburgh.

Pamphlets, with all necessary information, and blank forms will be furnished.

Husbands can insure their lives for the benefit of their wives and children; creditors the lives of their debtors.

The whole profits of the Company are divided among the holders of Life Policies.

The dividends of the past two years have been eighty per cent each year.

FLOUR—150 brls S F Flour, in store, for sale by J S DILWORTH & CO 31 Wood st

LEMON SYRUP—Just prepared and for sale by the gallon or bottle, by R N WICKERSHAM Cor Wood & Sixth sts je25

NOTICE.

THE Annual Meeting of Stockholders in the Atlantic and Ohio Telegraph Company will be held agreeably to Charter, on Thursday, the 18th of July, at 11 o'clock, A. M., at the Company's Office, No 101 Chestnut st, Philadelphia, for the purpose of electing nine Directors to serve for the ensuing year, and to transact such other business as may be brought before the meeting. By order of the president.

W McKEE, Secretary.

je20-d1d

WASHINGTON HOUSE,
Chestnut street, above Seventh street, Philadelphia

IS central, in the immediate vicinity of the most important public institutions, the best and most fashionable places of business, and the attractive public squares of the city. In the important requisites of light and ventilation, two principal objects aimed at in the recent enlargement and thorough improvement of this House, it is not exceeded, perhaps, by any establishment in America. To strangers, therefore, its position is peculiarly desirable. The subscriber returns thanks to his friends and the public for the liberal patronage they have extended to him, and assures them that he will endeavor to merit a continuance of their favors.

A. P. GLASS

je19-d2w

Choice Building Lots in Allegheny.

THE Councils of the City of Allegheny have prepared a plan of the property bought from the Theological Seminary, and are now prepared to dispose of lots to individual purchasers on perpetual lease. The Property now offered will be found very desirable for private residences. The lots are laid out with a front of from 24 to 25 feet on the West Common, and run back 200 feet to an 80 feet street.

For further particulars, those wishing to purchase, will please call on either of the undersigned.

JAMES MARSHALL,
D. C. STOCKTON,
JNO. T. LOGAN,
ABRAHAM PATTERSON,
WILLIAM JOHNSTON,
Committee on City Property

je25-d1w

BROOMS—143 doz on hand and for sale by WICK & McCANDLESS je27

LOCAL MATTERS.

REPORTED FOR THE PITTSBURGH DAILY GAZETTE

ALLEGHENY BRIDGE CASE.

Writs of Quo Warranto Refused.

On Saturday, Judge McClure read the following opinion in the Allegheny Bridge Case.

Commonwealth ex Relatione Janies Todd, vs. Allegheny Bridge Company.	No. 219 of June Term 1850.

The hearing was on a rule "on the President Managers and Company for erecting a bridge over the Allegheny river, opposite the city of Pittsburgh in the county of Allegheny," to show cause why a writ of Quo Warranto should not be issued against them, to answer the Commonwealth by what warrant they claim to have and enjoy the franchise, offices, liberties and privileges as a body corporate and politic under the name and style of the President, Managers and Company, for erecting a bridge over the Allegheny river, opposite the city of Pittsburgh, in the county of Allegheny.

The act of 14th of June, 1836, entitled "an act relating to writs of quo warranto and mandamus," prescribes the form and manner, and cases in which the several courts of Common Pleas, may issue such writs concurrently with the Supreme Court.

This is a large power vested in the Common Pleas, and implies a corresponding degree of care and responsibility, and caution in its exercise.

This preliminary rule to show cause, has been argued with signal ability, and the whole ground explored as though the proceedings had reached a final stage. The importance of the case demands our serious and patient attention and careful review.

First—The information sets forth that the bye laws of said corporation, regulated the yearly amount of toll, charged foot passengers, at three dollars, and that by virtue of a resolution of the company, the relator was compelled to pass passing, for three dollars a year, but was charged two cents for each and every time he crossed, which amounted to a much larger sum than three dollars, and that refusing to pay the toll of two cents, or three dollars, is a misuser of the corporate franchise, and works a forfeiture thereof.

Second—That the corporation has not acted in conformity with the requirements of the 14th section of its charter of incorporation, and concludes that by this time the bridge should have been redeemed and declared free, and prays process to issue against said corporation, to answer the Commonwealth by what authority and warrant it has, and exercises its franchises.

As to the first, it appears, as the records of the Court of Quarter Sessions exhibit, that James Todd, the relator, had a personal encounter on the bridge which ended for the time by the conviction of the toll gatherer for an assault and battery. Todd and the company seem not to have been good friends since, for the company, by a resolution, excluded Todd from the privilege of crossing by-the year, and charged him two cents a trip, and he, not to be t hiddhand, seeks to forfeit the charter for this alleged infringement of his rights, and with him it seems he has mixed up the Commonwealth who has ceased to be a corporator by sale of her stock, and on whose behalf the Attorney General has not appeared, nor so far as we know, given his sanction.

[See digest, "quo warranto and mandamus."]

Section 10th of the charter, authorizes the corporation to charge tolls as follows, namely: "*for every foot passenger two cents,*" and so on, with a long enu meration for wheel carriages, sleighs; oxen, sheep, swine, &c.

On the 27th of November, 1810, with a view to destroy the rival competition of *ferries*, established, or feared in those days of small things, the company resolved that they would "cause to cross passengers, travel, in order that they might swell the number of their customers by *reducing the rates.* This they could do, but could not increase them, and each succeeding year the profits of the whole family was a separate contract for each separate year, and not forever, for as a family increased, the toll would increase per year.

When their contract for the year expired with Todd, they refused to renew it, and fell back on the 10th section, charging him and his family two cents a head. They could have acted at first with him as a yearling, or any body else, although it might have been harsh, and an invidious distinction. If so, they could refuse to renew the contract when the year was out.

In the case of "the people ex relatione Marcy and others against the Hillsdale and Chatham Turnpike Company," in 4th Cowen, 750, and 1st vol 151, the Attorney General moved for a rule to show cause why an information in the nature of a "quo warranto" should not be filed against them. After reading affidavits, the rule was granted, "the property had been taken and appropriated without preliminary compliance with the law, which violation was not disputed, Kent, Chief Justice—Per Curiam. "The public are no very interested in the controversy, and that is a sufficient reason for not granting this *extraordinary* remedy."

Is this great public interested in the controversy, asked my brother James Todd shall pay three dollars a year, or two cents a head, in the premises? He got into grips with a toll collector and punished him in the Session, but not content with that, he now seeks, as a matter of right, to defeat by this proceeding the Treasury of Allegheny County, or from the funds of said corporation.

Now this does not contemplate a forfeiture, but an exemption from tolls altogether. As stated in the *report of the Commissioners shall be final and conclusive in any case which may arise in regard to the franchises of the Corporation.* Here we differ from Judge Webster in the Concord case—commissioners appointed to report filed, and the mode prescribed by the Legislature here has been either overlooked or disregarded.

The Court grants or refuses leave in its discretion, but where the injury is of a *private nature*, permission will not be granted. (Commonwealth vs. Arrison 15 S. and R., pp. 127 and 132 per Tighman Justice.)

As to the second, Mr. Todd as an individual, here retires, and we shall swim in deeper water and therefore with more buoyancy.

It is here necessary to recite Section 14 of the Charter of Incorporation.

Section 14. "And be it further enacted by the authority aforesaid, that the said President and Managers shall, at the end of every third year from the date of the incorporation, until three years are passed, during which the bridge shall be erected, lay before the General Assembly of this Commonwealth an abstract of their accounts, showing the whole of their capital expended in the prosecution of the work, and the tolls and other profits arising from said toll, received during such period, together with an exact account of the costs and charges of keeping the said bridge in repair, and all other contingent expenses, and if it shall appear that the clear annual income and profits thereof, may be ascertained and known, and if after three years after the said bridge shall be completed, it shall appear from such account, that the clear annual income and profits will not bear a dividend of six per cent, per annum on the whole capital stock of the said company so expended, then it shall be lawful for the said President, Managers and Company to increase the tolls, herein allowed to be taken, so much on each particular item in proportion, as will raise the dividend to the per centum aforesaid, and so on, at the end of every ten years, *after the said bridge shall be completed*, they shall render the General Assembly, a like abstract of their accounts for the three preceeding years, and if at the end of any one of such periods (trial period), it shall appear from such abstract, that the clear profits and income of the said company will bear a dividend of more than fifteen per cent on the said capital stock, the same shall continue to be and for the redemption of the said bridge, so as to render it free, save that there shall always be a small toll or other revenue, for the keeping it in repair. This excess shall be laid on the said bridge, or other productive funds, and the dividend or annual product, shall also be added to this fund, and all private donations in like manner; but if by the operation of the foregoing rule, the income shall be a sufficient fund to free the bridge at a period less than the said term of *forty* years, then it shall be redeemed and become free, on the said term of forty-five years from the date thereof, and of the profits thereof for the residue of the said term of forty years, which may then be unexpired; and if the said fund shall be adequate to the purpose before mentioned, at any intermediate time after the expiration of the forty years, declare it a free bridge, providing at the same time, the means of keeping it in repair, and the company shall be obliged to render an account of such money, as shall be allowed on *a fair appraisement by disinterested persons to be appointed in such manner as shall be appointed by law.* The like appraisement shall take place on the sinking fund to be adequate to the redemption of the bridge, and the establishment of a toll be not thought more eligible for keeping the bridge in repair, but if the said bridge shall not be redeemed at the end of the term before, or at the expiration of the said term of forty years, the said corporation may and shall continue to hold the same on the terms of this act, beyond the said term, and the profits to same shall be paid for or annexed herein directed."

On February 17th, 1816, the act 1810, which had expired by its own limitation was renewed and made perpetual. The Governor subscribed 1500 shares, which stock vested in the Commonwealth, who had, and reserved all the rights, estate, and emoluments appertaining to shares held by individual stockholders. (See Pamphlet Laws, 1814, and 16, p. 71.)

A statistical exhibit of the affairs of the company was made the basis of an agreement by the counsel for the incorporation, beginning March 20th, 1810 when the Company was chartered, and coming down to the present time; a few of which statements we shall note as it was argued that the charter was not forfeited, nor the bridge were in a condition to be charged free.

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1849—First	dividend of	15	per cent.
1845—Second	do	do	do do
1846—Third	do	do	do do
181 —Fourth	do	do	do do
1848—Fifth	do	do	do do
1849—Sixth	do	do	do do
1850—Sixth	do	b	do do

Also it was stated that annual reports were made to the Auditor General, before and since the State sold her stock (under oath) notwithstanding the Auditor General by letter of December 20th 1844, giving notice that future reports would not be required in pursuance of the Act of 27th of March, 1824.

(See Dunlop's Digest 2nd Ed., page 766, Act of June 1836.)

Section Fifth.—"In case any corporation as aforesaid, shall forfeit by misuser or non user, its corporate rights, privileges or franchises, or shall do, suffer, or omit to do any act, matter or thing who'eby a forfeiture thereof shall by law be created, or shall exercise any power, privilege or franchise not granted or appertaining to such corporation in any such case, the writ aforesaid, may be issued upon the suggestion of the Attorney General, or his deputy in the respective county, or of any person or persons desiring to prosecute the same.

Section Third.—"Wrenever the Attorney General shall have reason to be sove that any association as aforesaid have acted as a corporation, or exercised any of the franchises or privileges thereof without lawful authority, or that any corporation has forfeited its corporate rights, privileges or franchises as aforesaid, or exercised any power, privilege or franchise not granted or appertaining to such corporation, it shall be his duty to file, or cause to be filed, a suggestion as aforesaid, and to proceed thereon for the determination of the matter.

Writs of quo warranto in the form and manner herein after provided, may also be issued by the several Courts of Common Pleas, concurrently with the Supreme Court, in the following cases &c. Section 5th before quoted, applies to this case.

Section 6 recites section 14, and on this alone allegiant misuser, asks process of law to answer the *Commonwealth* and seeks a forfeiture of the charter

We have power to forfeit, but no power to declare this bridge free. The direct and prayer of the relator is to forfeit the charter, and yet the argument and section recited, would call for a judgement that the bridge was free.

Section 16 does not contemplate a forfeiture, but *a free bridge*, nor would the Commonwealth thank us for forfeiting a charter where she was a stockholder once to the amount of $40,000, at the instance of a relator who had a fight with the toll collector, and did not own a cent of stock, for although she has sold out, she might have, or think she has, a deep interest still in an excess fund under Section 14, at a date previous to her selling out.

This charter of incorporation possesses features rarely to be found in charters. The Legislature possesses not only its law making power, (which cannot be contracted away) but the citizens and Commonwealth has, or had, a deep pecuniary interest and the charter takes good care to let us know that in various ways.

Section 14.—And if the said fund shall be adequate to the purpose last mentioned, *the legislature* may at any time after the expiration of the said term of 40 years, declare it a *free bridge*, and declared free, and pays process to issue against said corporation, to answer the Commonwealth by what authority and warrant it has, and exercises its franchises.

As to the first, it appears, as the records of the Court of Quarter Sessions exhibit, that James Todd, the relator, had a personal encounter on the bridge which ended for the time by the conviction of the toll gatherer for an assault and battery. Todd and the company seem not to have been good friends since, for the company, by a resolution, excluded Todd from the privilege of crossing by-the year, and charged him two cents a trip, and he, not to be t hiddhand, seeks to forfeit the charter for this alleged infringement of his rights, and with him it seems he has mixed up the Commonwealth who has ceased to be a corporator by sale of her stock, and on whose behalf the Attorney General has not appeared, nor so far as we know, given his sanction.

[See digest, "quo warranto and mandamus."]

Section 10th of the charter, authorizes the corporation to charge tolls as follows, namely: "*for every foot passenger two cents,*" and so on, with a long enu meration for wheel carriages, sleighs; oxen, sheep, swine, &c.

On the 27th of November, 1810, with a view to destroy the rival competition of *ferries*, established, or feared in those days of small things, the company resolved that they would "cause to cross passengers, travel, in order that they might swell the number of their customers by *reducing the rates.* This they could do, but could not increase them, and each succeeding year the profits of the whole family was a separate contract for each separate year, and not forever, for as a family increased, the toll would increase per year.

When their contract for the year expired with Todd, they refused to renew it, and fell back on the 10th section, charging him and his family two cents a head. They could have acted at first with him as a yearling, or any body else, although it might have been harsh, and an invidious distinction. If so, they could refuse to renew the contract when the year was out.

In the case of "the people ex relatione Marcy and others against the Hillsdale and Chatham Turnpike Company," in 4th Cowen, 750, and 1st vol 151, the Attorney General moved for a rule to show cause why an information in the nature of a "quo warranto" should not be filed against them. After reading affidavits, the rule was granted, "the property had been taken and appropriated without preliminary compliance with the law, which violation was not disputed, Kent, Chief Justice—Per Curiam. "The public are no very interested in the controversy, and that is a sufficient reason for not granting this *extraordinary* remedy."

Is this great public interested in the controversy, asked my brother James Todd shall pay three dollars a year, or two cents a head, in the premises? He got into grips with a toll collector and punished him in the Session, but not content with that, he now seeks, as a matter of right, to defeat by this proceeding the Treasury of Allegheny County, or from the funds of said corporation.

Now this does not contemplate a forfeiture, but an exemption from tolls altogether. As stated in the *report of the Commissioners shall be final and conclusive in any case which may arise in regard to the franchises of the Corporation.* Here we differ from Judge Webster in the Concord case—commissioners appointed to report filed, and the mode prescribed by the Legislature here has been either overlooked or disregarded.

The Court grants or refuses leave in its discretion, but where the injury is of a *private nature*, permission will not be granted. (Commonwealth vs. Arrison 15 S. and R., pp. 127 and 132 per Tighman Justice.)

As to the second, Mr. Todd as an individual, here retires, and we shall swim in deeper water and therefore with more buoyancy.

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