SPECIAL NOTICES.

EXTENSION OF STAY.

DRS. C. M. FITCH & J. W. SYKES,

Will continue their office at

No. 191 Penn street,

OPPOSITE ST. CLAIR HOTEL, PITTSBURGH, PA.,

TILL APRIL FIRST, 1858,

Where they may be consulted daily, (Sundays excepted,) for CONSUM[illegible], ASTHMA, BRONCHITIS and ALL OTHE[illegible]NIC AFFECTIONS connected with, or predisposing to PULMONARY DISEASE.

DRS. FITCH [illegible] SYKES feel that they cannot too earnestly or [illegible] frequently admonish invalids of the EXCEEDIN[illegible] [illegible]ER OF DELAY IN PULMONARY DISEASE —its symptoms often seem so trifling as to beget a delusive feeling [illegible] even while the disease is making rapid progress, an[illegible] the patient neglects himself till a cure is next to impossible.

Office Hours---10 A. M. to 4 P. M.

☞ No charge for consultation.

A list of questions will be sent to those wishing to consult by letter. Address

DRS. C. M. FITCH & J. W. SYKES,

fe12 191 Penn street, Pittsburgh, Pa.

☞ HOOFLAND'S GERMAN BITTERS, THE GREAT REMEDY FOR NERVOUS DEBILITY.—J. M. HULSHZER, Doylestown, Pa., June 20, 1853, says:—"My wife has been afflicted with a nervous debility since September, 1851, since which time I have been unable to find any physician or medicine that would benefit her in the least, until one day I called at the store of Dr. Harvey, of this town, for some tincture of iron, and described to him the afflictions of my wife; he then handed me a lot of papers to read, among which I found one describing your German Bitters. I immediately procured a few bottles from him, and am pleased to state that the use of the Bitters has done her more good than all the medicine she has heretofore taken. I wish you to send me a half dozen bottles.

See advertisement.

For sale by FLEMING BROS. and Dr. GEO. H. KEYSER, Pittsburgh. fe26:2wd&w

☞ THERE IS NOTHING IN THE WHOLE LIST OF medicine creating such a stir among invalids as Dr. SANFORD'S INVIGORATOR OR LIVER REMEDY. It gives such quick relief as to convince the patient of receiving benefit almost as soon as the medicine is taken. We do not know of a single instance where it has been taken without benefit, and in nearly all cases a complete cure is effected by its use. It has acquired its wide popularity simply because it does what it is recommended to do. It is constantly enlarging its circle of friends, carrying healing on its wings, and joy to the hearts of those suffering from Liver Complaint, Jaundice, Dyspepsia, or general debility. [fe12:1md&w

PITTSBURGH LIFE,
FIRE AND MARINE INSURANCE CO.,
Pittsburgh, February 16th, 1858.

☞ DIVIDEND NOTICE.—The Board of Directors of this Company have, this day, declared a dividend out of the profits of the last six months, of FOUR DOLLARS per share, applicable to the reduction of stock notes.

fe17 1m F. A. RINEHART, Secretary.

OFFICE OF THE
PITTSBURGH, FT. WAYNE & CHICAGO R. R. CO.
Pittsburgh, March 1st, 1858.

☞ NOTICE TO STOCKHOLDERS.—The first annual meeting of the Stockholders of the *Pittsburgh, Fort Wayne and Chicago Railroad Company* will be held at the Rooms of the Board of Trade in the city of Pittsburgh, on TUESDAY, the 30th day of March, at 2 o'clock, P. M., at which time the Report of the Directors and Officers, of the operation of the Company, for the first seventeen months of the consolidation, will be presented and read.

The election for a new Board of Directors will be held at the same place, on WEDNESDAY, the 31st inst., between the hours of 9 A. M. and 6 P. M.

Stockholders, and the representatives of counties holding stock, will receive special FREE tickets to and from Pittsburgh, for the occasion, on application to the different Station Agents. Blank forms of proxies may be obtained at the General Office in Pittsburgh, or at the office in New York, No 37 William street.

Stockholders of either of the three Companies now merged by the consolidation, who may not have converted their stock, will not be entitled to any votes at the above election

The transfer books will be closed from the 20th inst. to 1st prox. [mr1] T. D. MESSLER, Secretary.

PITTSBURGH STEEL WORKS.

ISAAC JONES......JNO. L. BOYD......WM. McCULLOUGH

JONES, BOYD & CO.

MANUFACTURERS OF

CAST STEEL.

ALSO,

SPRING, PLOW AND A. B. STEEL,
SPRINGS AND AXLES.

Corner Ross and First Streets,

jy25 PITTSBURGH, PA.

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D. B. ROGERS & CO.,

MANUFACTURERS OF
ROGERS' IMPROVED PATENT
STEEL CULTIVATOR TEETH,
CORNER ROSS AND FIRST STREETS,
PITTSBURGH, PA

JAMES A. FETZER,

Forwarding and Commission Merchant

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Flour, Grain, Bacon, Lard, Butter, Seeds, Dried Fruit and Produce generally,

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HARDWARE.

SAMUEL FAHNESTOCK, No. 74 WOOD street, Pittsburgh, has on hand a large

STOCK OF HARDWARE,

Which he will sell very low for CASH. In addition to his Locks, Hinges, Knives and Forks, and Spoons, and a large assortment of Carpenter's Tools, he has received a large supply of Sausage Cutters and Stuffers;
Shovels, Tongues and Pokers;
Sleigh Bells, and Enameled
ct29 Preserving Kettles.

J. W. TUCKER,

ATTORNEY AT LAW,

ST. LOUIS, MO.

OFFICE (FOR THE PRESENT,)

NO. 126 THIRD ST., NEAR CITY HOTEL,

REFERENCES:

Hon. J. L. Orr, Speaker U. S. House of Representatives.
Hon. L. M. Kennett, } St. Louis.
Hon. Saml. Treat, Judge U. S. District Court, } St. Louis.
James H. Lucas & Co., } St. Louis.
Rev. D. R. M'Anally, D. D. } St. Louis.
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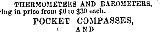

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AT MANUFACTURER'S PRICES.

HYDROMETERS

or weighing spirits, the cheapest and best articles ever brought to this city.

THERMOMETERS AND BAROMETERS,

varying in price from $6 to $30 each.

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AND
SURVEYOR'S COMPASSES,

always on hand at G. E. SHAW'S,
Practical Optician, 58 Fifth Street.
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[illegible] No. 90 Fourth street.

J. & T. GROUTT, Importers of Brandies, Gin, Win, &c. Dealers in fine Old Monongahela Rye Whisky, Peach and Apple Brandy: also, RECTIFIERS AND DISTILLERS, corner of SMITHFELD and FRONT Streets, Pittsburgh, Pa.

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LIQUOR MERCHANTS,

NO. 37 DIAMOND ALLEY,
Near Wood street,
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PALM, TOILET,
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DAVID H. WILLIAMS.

CIVIL ENGINEER AND CONTRACTOR FOR THE ERECTION OF GAS WORKS, for from five burners and upwards, and for Heating Buildings, public or private, by Steam, Hot Water or Furnaces.

my8:1yis PITTSBURGH, PA.

F. J. BUSHA,.............................C. GUTENDORF.

BUSHA & GUTENDORF,

MANUFACTURERS OF

STEAM BOILERS,

And all kinds of Sheet Iron Work.

Penn street, near Water, Pittsburgh, Pa.

☞ ALL ORDERS PROMPTLY ATTENDED TO. [fe25:1y

COD FISH.—5 drums extra No. 1 Cod Fish just received, and for sale by

MILLER & RICKETSON,
fe25 Nos. 221 and 223 Liberty street.

PIANO AT A BARGAIN.—An elegant Rosewood, Chickering Piano, only in use three month, in perfect order in every respect, will be sold at a very great bargain. The owner is now in the West, and wishes to sell at once, and for cash. The subscriber will guarantee the Piano to be perfect, and unblemished. Apply to

fe24 JOHN H. MELLOR

GLYCERINE.—I have just received a large supply of pure English Glycerine Also, a large lot Glycerine Cream, superior to anything now in use, for chapped hands, lips, etc. JOS. FLEMING,

fe2? Corner Diamond and Market street.

GREASE.—White Grease for Wagons, Omnibuses, Carts, Drays, Carriages, etc., in barrels and kegs, for sale by [fe31 HENRY H. COLLINS

FLOUR.—

150 barrels Superfine, Extra and Extra Family Flour.
20 " fresh ground Rye Flour. Just received,
and for sale by JAMES A. FETZER,
mr8 Corner Market and First streets.

LOCAL AFFAIRS.

The Penn Street Crossing.

The injunction asked for by the Pittsburgh, Ft. Wayne and Chicago Railroad Company against the Mayor and Police of Pittsburgh, was granted yesterday in the District Court. Below we give the opinion delivered by Judge Hampton, as President Judge:

HAMPTON, P. J.—The bill sets forth the act of Assembly, incorporating the Ohio and Pennsylvania Railroad Company, approved the 11th of April, 1848, with its various supplements, together with an act bearing date the 16th of April, 1856, by which that company, together with other companies in Ohio, Indiana and Illinois, were, by virtue of the legal enactments of those States respectively, consolidated into one corporation, known by the name of the "Pittsburgh, Fort Wayne and Chicago Railroad Company," possessing and enjoying all the rights, privileges and franchises granted or conferred upon the original corporation.

That under their original charter they constructed their road from Crestline, in the State of Ohio, to Federal street, in the city of Allegheny. That by the terms of their charter they were bound to connect their road with the Pennsylvania Railroad at or near the city of Pittsburgh. That in order to complete this connection as speedily as possible, and to prevent any difficulty between themselves and the city of Pittsburgh, they applied for the passage of an ordinance by the latter. That on the 9th of January, 1854, an ordinance was passed granting them the right of way across Penn street, to connect with the Pennsylvania Railroad on Liberty street, in said city. That said ordinance contained a proviso limiting the time for completing such connection to two years from the date of its passage, and requiring the selection of one of the routes named therein within six months thereafter. That by a supplemental act of the Legislature, passed the 14th day of December, 1854, they were authorized to construct their road on its present route west of the Aqueduct and Canal, in the city of Pittsburgh, to Liberty street, there to connect with the Pennsylvania Railroad. That they proceeded with all possible speed and at a great expense to erect a bridge across the Allegheny river, and construct their road from Federal street, in Allegheny city, to the line of Penn street, in the city of Pittsburgh, and that the same was completed and opened for use in September last, and has been in constant use ever since. That they have purchased grounds on the north side of Penn street for a depot, at an expense of $150,000, and have also purchased a lot of ground extending from Penn to Liberty streets on the line of their road. That they were prevented from completing their road within the period of two years by causes over which they had no control; but that within that period they entered into extensive contracts, and expended the sum of $120,000 in the prosecution of the work.

It further states that on the 27th day of January last, they commenced operations on Penn street, preparatory to laying their track across the same, when their engineer and workmen were arrested by the Mayor and his officers, and held to bail, to answer for a supposed offense, in the Court of Quarter Sessions That the city authorities have threatened by letters and verbal declarations that they will prevent the company, by force, if necessary, from constructing their road over Penn street, and forming a connection with the Pennsylvania Railroad on Liberty street. That by reason of the wrongful conduct of the city, her officers and agents, they are wholly estopped, hindered and prevented from completing the connection

They, therefore, pray the Court to enjoin the said defendants their servants and agents, from interfering with their alleged rights in the premises, and from preventing the construction of said road, and from using it when made.

The facts set forth by the complainants' bill, being verified by the President's affidavit, and not denied by answers or affidavits on part of the respondents, must be taken as true for the purposes of the present application. If these facts clearly established the right of the company to lay down the track of their road across Penn street, and connect the same with the Pennsylvania Railroad on Liberty street, the preliminary injunction prayed for must be granted; otherwise it must be refused.

This right is claimed on two grounds:

1st. Under their charter of the 11th April, 1848; and its supplement, passed 14th December, 1854.

2d. Under the ordinance passed by the City Councils the 9th of January, 1854.

The learned counsel for the respondents resists this application on these grounds:

1st. Because the legislature has no power over the streets of Pittsburgh, they having been laid out and dedicated to the public by the Penns, on ground embraced within the limits of one of their manors, which was never confiscated, and the title to which was never vested in the State.

2d. Because the Company failed to complete their road within the time specified in the ordinance, to wit; the period of two years—by which failure all the rights and privileges granted by the same were forfeited.

3d. That the Company, in case they failed to agree with the city on the terms upon which they might cross Penn street, was bound by their charter to apply to the Court of Common Pleas for the appointment of viewers.

These objections will be considered in their order hereafter.

Let us first consider the rights of the complainants, under their charter and its supplement, and secondly, their rights under the ordinance of the city Councils.

By the first section of the act of the 11th of April, 1848, chartering this company, it is provided, "That the said Railroad Company shall connect at or near the city of Pittsburgh with the Pennsylvania Railroad Company." This consent the bill alleges, has been duly obtained.

The first section of a supplement to this act, approved the 14th of December, 1854, provides: "That the Ohio and Pennsylvania Railroad Company is hereby authorized to connect its Railroad with the Pennsylvania Canal and the Pennsylvania Railroad, in the city of Pittsburgh, by erecting its proposed bridge across the Allegheny river, alongside of the Canal Aqueduct erected there" The Company is prohibited from approaching nearer to the Aqueduct or Canal than two hundred feet, at any point between the Collector's office, in Allegheny, and Liberty street, in the city of Pittsburgh, without the consent of Canal Commissioners.

Whatever powers are granted by the charter of a private corporation, either in express terms or by necessary implication, may be exercised by the company, but beyond that it cannot go. In regard to this kind of grant, the ordinary rule of construction is unused, and the charter is to be construed liberally in favor of the public, and most strongly against the grantors. A doubtful charter, or a doubtful power under a charter, cannot exist. When the power is expressly given, there can be no room for doubt; so when the implication arises naturally and necessarily out of the express powers, the right is equally clear. If the powers or privileges be coupled with conditions, they must be strictly complied with; but if no conditions be annexed, the powers granted may be exercised in a reasonable manner, having due regard to the rights of others whose interests may be affected thereby.

In the Commonwealth vs. Erie and North-East Railroad Company, (3 Casey, 344-5.) Black, C. J., says: "The right of a company to build a railroad on the street of a city depends, like the lawfulness of all its other acts, upon the terms of its charter. Of course when the power is given in express words, there can be no dispute about it. It may also be given by implication: for instance, if a company be authorized to make a railroad by a straight line between two designated points, this implies the right to run upon, along, or across all the streets or roads which lie in the course of such line. So also when an act of incorporation directs a road to be made between certain termini, by such route as the granters of the privilege shall think best, it may be located on an intervening street or other common highway, if in the judgment of the Directors it be necessary or expedient to do so."

By applying these rules of construction to the act of December, 1854, let us enquire whether this company has the right to cross Penn street and connect their road with the Pennsylvania Railroad on Liberty street as claimed in their bill? This act, as we have already seen, authorized them to erect their bridge over the Allegheny river, where it now stands, and to construct their road so as to connect with the Pennsylvania Railroad, on Liberty street, at a point not not less than two hundred feet from the canal. Here we have two points expressly given, only a few hundred feet apart, with Penn street lying directly between them in such a position as to render it utterly impossible to connect these two points without crossing this street. What, then, is the clear, distinct, and necessary implication arising out of this express power granted by the Legislature? If a railroad company were expressly authorized to construct their road along Liberty street from its eastern extremity to the Point, this would involve the necessity of crossing, perhaps, a dozen other streets in its progress; and yet it would scarcely be thought necessary by any one to name each one of those streets and confer special power on the company to cross the same. In such case the right to cross all intermediate streets would be clearly implied: otherwise the power to construct their road between the two given points would be rendered nugatory. So here, if the complainants are denied the privilege of crossing Penn street, the express power of connecting the two given points, conferred by the act, becomes a dead letter on the statute book.

This right is rendered still more clear, when we take into consideration the fact that this company is *compelled* by its original charter to connect with the Pennsylvania Railroad *at or near* the city of Pittsburgh; and its route, in order to form that connection, is specifically designated by the supplement of December, 1854, and the privilege so granted is not coupled with any conditions whatever as to the terms on which it shall be exercised or enjoyed. Thus it is abundantly manifest, that their right to cross this street, and form the connection with the Pennsylvania Railroad, on Liberty street, could not be more clear, distinct and certain, if the power were specifically given in express terms.

But there is another aspect of this question, which renders the right claimed by the company still more impregnable Under their original charter and its supplement, requiring them to form this connection, and designating the route, they have erected their bridge, purchased the right of way, and property for a depot, and constructed their road at a vast expense, to the line of Penn street, within a few feet of the point of intersection with the Pennsylvania Railroad, on Liberty street. All this has been done on the faith of a contract with the public; for it is now the settled doctrine, says Mr. Justice Woodward, (3 Casey, 39,) both in England and the American courts, that an act of incorporation is a bargain between a company of adventurers and the public. If this be so, even the Legislature itself could not interfere with the rights of this company under their charter, without at the same time protecting the corporators from injury, and that only by an express reservation in the charter itself.

But the Legislature has not attempted to exercise any such power, nor has the State interposed any obstacles or objections to the connections sought to be formed. This right, it seems, is claimed by the corporate authorities of the city of Pittsburgh, who derive all their powers over the streets of the city from their charter granted by the Legislature. The mere statement of such a proposition carries with it its own refutation.

Let us consider, in the second place, the rights of the company under the ordinance passed by the City Councils on the 9th of January, 1854. The provisions of that ordinance are as follows:

SECTION 1. Be it ordained and enacted by the citizens of Pittsburgh in Select and Common Councils assembled: That the Ohio and Pennsylvania Railroad Company be, and is hereby authorized to extend a single track of its railroad into the city of Pittsburgh, from the Allegheny river to Liberty street, along either St. Clair street, Hand street, or by a line on either side of the Aqueduct and Pennsylvania Canal, with the necessary turn outs at its depot in the city of Pittsburgh: Provided the said Railroad Company shall select one of the routes within six months, and shall complete the road upon the same within two years from the date of this ordinance.

SECTION 2. That the Ohio and Pennsylvania Railroad Company, whenever any portion of its track shall be constructed in any street under this ordinance, shall conform to the street grades, and shall construct a track not inferior to that laid on Liberty street; Provided that such street shall be kept open for convenient uses of common trade, and obstructed as little as possible during the construction of said railroad.

SECTION 3. That, if the route by the aqueduct should be adopted, the consent of the city is hereby given to the extension of the present piers and abutments of said aqueduct, by good and substantial masonry, erected in connection with the present walls, and in such manner as not in any degree to diminish their security, so as to support the superstructure of a railroad bridge, which shall be entirely independent of the superstructure of the said aqueduct: *Provided*, That the said bridge shall not interfere with the free use of the aqueduct for the purposes for which it is now used, and that the Railroad Company shall be responsible for any injury that may be caused to the aqueduct by the erection and use of said bridge, and that the said bridge shall not be used for any other than railroad purposes, without the consent of the City of Pittsburgh.

SECTION 4. That, upon completion of a railroad bridge upon either of the routes authorized by this Ordinance, it shall be the duty of the Ohio and Pennsylvania Railroad Company to provide convenient and suitable buildings for the accommodation of freight and passengers, within the corporate limits of the City of Pittsburgh.

The bill asserts that the Company, relying on the faith of this Ordinance, selected the present route of their road, within six months, and proceeded in good faith to construct the same; and that, on the 27th of July, 1854, they entered into a contract with Messrs. Henderson, Allston & Company for building the foundations and piers of the bridge over the Allegheny river at the place where it now stands. That they proceeded with the work thereon, and, within two years from the passage of said Ordinance, they made other contracts, expended large sums of money and incurred liabilities to the amount of one hundred and twenty thousand dollars, for carrying on and completing said road, and forming a connection with the Pennsylvania Railroad.

The bill then sets forth the causes, specifically, which operated to prevent the completion of their road within the two years prescribed by the Ordinance, and alleges that they could neither have been foreseen, prevented, nor controlled by the Company.

These facts, as we have already said, are to be taken as true, for the purposes of our present inquiry; and they raise the single question, whether the Company, by not completing their road within the two years limited by th

Ordinance, forfeited all their rights and privileges granted by the same? If so, they are estopped from claiming the right to cross this street under its provisions.

This ordinance seems to have been framed under the provision of the 11th section of the general railroad law of Ohio, which was adopted by our own legislature, so far as this road is concerned. By that section it is enacted, "If it shall be necessary, in the location of any part of any railroad to occupy any road, street, alley or public way, on ground of any kind, or any part thereof, it shall be competent for the municipal or other corporation or public officers, or public authorities owning or having charge thereof, and the Railroad Company to agree upon the manner and upon the terms and conditions upon which the same may be used or occupied, and if said parties shall be unable to agree thereon, and it shall be necessary in the judgment of the Directors of such Railroad Company to use or occupy such road, alley or other public way or ground, such company may apply to the Court of Common Pleas of the county, &c.," for the appointment of three disinterested freeholders to determine the manner and terms upon which the same shall be used.

This ordinance under consideration was evidently framed and adopted in reference to this section, and is consequently to be regarded as an "agreement" between the contracting parties. It specifies the "manner, terms and conditions upon which" any of the streets therein named or included may be used or occupied by the company. The company accepted the same, and proceeded to lay out and construct their roads and bridges according to its provisions. If the company had completed their road to the line of Penn street, and sought to cross the same within the period of two years, in order to form the connection with the Pennsylvania Railroad on Liberty street, it will not be pretended that the city could have prevented them from so doing.

The ordinance then is to be received in the light of a contract between the company and the city corporation, and if the rights and privileges thereby conferred upon the complainants be not forfeited by mere lapse of time, they may still proceed to form the connection sought for on Liberty street.

It will be perceived by reference to the ordinance that not a farthing of revenue was to be divided, nor any pecuniary advantage secured to the city, by its provisions. Nor is it alleged or proved to us by affidavits or otherwise, that the city corporation has lost a single dollar by the failure of the company to complete their road within the period of two years, while on the other hand it appears that a large sum of money, amounting to over a hundred thousand dollars, has been expended by the company on the faith of this contract. No doubt individual citizens may have sustained a loss by reason of this road not having been sooner completed, but that loss cannot be set up here by this corporation as a defence to the complainants' bill; more especially as the company are now endeavoring to repair that loss by a speedy completion of the road.

What then is the rule in equity applicable to this state of facts?

The time here specified is clearly not of the essence of the contract, but the city corporation could derive no benefit from its performance, nor sustain any loss from its breach. Its condition could not have been altered either for the better or the worse by the completion or non-completion of the road within the time. If this be so, it follows, of course, that equity would not decree a forfeiture of the rights of the other party, when the delay has been satisfactorily accounted for, and when so large an amount of money has been expended in the part performance of the contract in good faith, and when the consequences of such forfeiture would be so disastrous to the complainants. Such a measure could only be insisted on when the opposite party could not be placed in *statu quo*, or compensated in on the damages for the loss he may have sustained (2 Story's Eq. I. P. p771, 2, 5, 6.)

This ordinance then being still in force as an agreement between the parties, excepting merely the question of time, it is to be regarded as full compliance with the 11th section of the act referred to, and binding on the respondents.

Thus it appears that the complainants are entitled to the injunction prayed for on both grounds of claim, unless the grounds taken by the respondents are sufficient to defeat them, which will be next considered.

The right of a Supreme Legislative power in a State to authorize the construction of a railroad on the streets of a city, or other public highway, has been so often asserted here and elsewhere as to leave no room for doubt or cavil. It has been settled in England, (1 Barnwell & Ald. 30.) in Massachusetts, (23 Peck. 328,) in New York, (7 Barb. 509,) and in Pennsylvania, (6 Wh. 43, 1 Har. 559, 3 Cas. 354.)

But the learned counsel for the respondents contends, that although the Legislature possesses this power over the highways of the Commonwealth generally, yet that the city of Pittsburgh is situated within the limits of one of the *Manors* of the Penns which was not confiscated at the time of the Revolution, and the title thereto was not vested in the Commonwealth, and consequently the Legislature does not possess the same sovereignty over the streets here as elsewhere.

It is difficult to perceive how this position, even if true, could avail the defendants, who claim the right to control and regulate the use of these streets, when all the power or authority they possess is derived by their charter from the Legislature, which they say has no power on the subject. Such a doctrine would be fatal to the exercise of that salutary control over the streets of this city rightfully vested in them by their charter, and which is so essential to the public good.

But the position is not sound. Sovereignty in all governments, over all the territory within the State, must be vested somewhere. In monarchies, it is vested in the crown; in republics, it is vested in the people, who may delegate such powers to the Legislature and other departments of government, for the time being, as they deem necessary and proper for the public welfare. The sovereignty of the State, as the organized agent of the people, extends to every foot of her territory, except, perhaps, where she has parted with that sovereignty over certain portions thereof to the United States for purposes connected with the necessary operations of the General Government.

Some have supposed that the right of eminent domain, as this sovereignty over the soil is sometimes denominated, arises exclusively or even partially from the extra allowance of six per centum of the lands granted by the State to her citizens. This is doubtless a wise and equitable measure, but is not the foundation of sovereignty in the State, otherwise no more than that allowance could be taken by the State for public purposes, and when that was exhausted, the sovereign power of the Commonwealth would be exhausted likewise. Whereas in fact there is, and can be, no limit to the amount that may be taken, provided adequate compensation be made therefor.

The second and third grounds assumed by the learned counsel for the respondents have already been considered and disposed of, in our examination of the plaintiffs' rights under their charter and the ordinance passed by the City Councils.

We have thus disposed of all the questions raised by the counsel on both sides, and taking the facts set forth in the bill to be true, we are clearly of the opinion that the preliminary injunction prayed for should be awarded.

In exercising their privileges, the company will be required to use all needful care and caution to protect the rights and secure the safety and convenience of the public. This street is a great thoroughfare, over which thousands of our citizens are accustomed to pass every day, whose comfort and convenience must necessarily, in some degree, be disturbed by the trains occasionally passing over it. But such inconvenience, perhaps, would be found to be very small, when compared with what it would be if all the freight, carried by each road to be forwarded by the other, had to be hauled on drays from one depot to the other.

But this inconvenience, whatever it may be, the law says must be borne for the public good. In the language of Chief Justice Black, "If such conversion of a public street to purposes for which it was not originally designed, does operate severely upon a portion of the people, the injury must be borne for the sake of the far greater good which results to the public from the cheap, easy and rapid conveyance of persons and property by railway. The commerce of a nation must not be stopped or impeded for the convenience of a neighborhood." (3 Casey, 254.)

It is not the province of the Courts to make, modify, or repeal the law, but to ascertain and declare what it is. If it be wrong, let it be altered by the legislature. Its justice must always be vindicated by its own majesty, and in a country like ours, where the law-making power is vested in the people, the citizen who resorts to force for the redress of grievances, admits himself to be unfit for self-government, and an enemy to the peace and good order of society. Might is not the safest arbiter of right, for a strong arm can be wielded as well on wrong as the right side of a cause and the number and weight of the blows, unlike the number of witnesses and the weight of their evidence, may hinder and obstruct, rather than aid and promote, the cause of justice. Instead, therefore, of attempting to execute the threats complained of in the bill, let the respondents patiently await the final decision of the law, when, if their cause be just, its justice will be made manifest before the whole community, and thus will they triumph without disgrace, and enjoy their victory without remorse.

Let the decree be drawn up by counsel under the rule, and let the complainants file a bond, with approved security, in the sum of $10,000.

Sentence of Kelly.

At ten o'clock yesterday morning James M. Kelly was brought into Court, and Judge M'Clure proceeded to read his decision in the application for a new trial. It is a very lengthy document, and occupied an hour and a half in reading. The motion for a new trial was overruled. The Court, after the conclusion of the decision, was about to pass sentence on him, when the prisoner's counsel requested a postponement, which was granted. At two o'clock in the afternoon he was again brought into Court. On being asked if he had anything to say why sentence of death should not be passed on him he said: "During my trial Richards swore I had admitted to him that I struck the Dutchman several blows with an iron bar; this is false. Abraham Gordon, in his deposition, also stated that I was acquainted with him, which I was not. If I should come to the scaffold for this murder, I will die an innocent man." Judge M'Clure then addressed the prisoner as follows: "James M. Kelly—the sentence of the Court is that you be taken hence to the place from whence you came, and thence to the place of execution, and there be hanged by the neck until you be dead, and may God have mercy on your soul." During the delivery of the sentence the prisoner grew ashy pale, but exhibited no other signs of emotion. He was soon afterwards remanded to jail. His case will probably be taken to the Supreme Court on a writ of error.

The Ellmaker Suit.

The following order was made on Saturday, March 6th, in the case of Ellmaker against the county:

Ellmaker vs. The County of Allegheny and the Pennsylvania Railroad Company. In equity, and now to wit March 6th, 1858. This case having come up for hearing, and after hearing, St. George D. Campbell, for the complainant, and John R. Large and T. Williams for the County of Allegheny, and Theodore Cuzler, for the Pennsylvania Railroad Company. It is hereby ordered and decreed that the complainants and others, holders of the bonds issued by the County of Allegheny, in payment of the subscription made by the said county to the capital stock of the Pennsylvania Railroad Company, may surrender the bonds so held by them.

Miss Bridges' Reading.—We hope none of our readers will forget the reading of Miss Eloise Bridges this evening at Masonic Hall. The programme is a very good one, consisting of the "Relief of Lucknow," the "May Queen," and selections from "Widow Bedotte" and Longfellow. This lady deserves a more liberal patronage than has been extended to her since her advent among us, and we hope she may receive it this evening. She seems to have a perfect conception of whatever she undertakes, and, with a good figure and a fine voice, her entertainments are very pleasing.

Munroe Stewart Dead.—Yesterday afternoon, about three o'clock, this unfortunate man died at Passavant's Infirmary. Although to outward appearances he seemed to be improving, yet the disease had reached his throat, and since Saturday he has been unable to speak or to take any nourishment. The immediate cause of death was strangulation, from inflammation of the throat. Thus is the M'Keesport tragedy ended; all who were accused of the murder are dead, and their cause will now come before a higher tribunal.

Runaway.—A pair of horses attached to a carriage returning from a funeral became frightened at a train of cars on Federal street, Allegheny city, yesterday afternoon, and started off at full speed down street. They were not stopped until two of the wheels came off, and the carriage was badly broken. Some ladies who were in the carriage at the time escaped without injury.

The Theological and Miscellaneous Works, comprising a very valuable collection from the library of a clergyman removing, to be sold by catalogue on the second floor of Davis' new Auction Building, are now arranged for examination, and specially deserve the attention of all readers.

Firemen's Association.

This body met at Neptune Hall, on Monday evening, for the purpose of considering the new constitution. There were only fifteen members present out of twenty seven, and as this did not constitute two-thirds, five members, who had been absent for several meetings, were expelled, thus forming a quorum of all the members.

The new Constitution and By-Laws were then taken up, and after some trifling amendments adopted. They were then ordered to be printed for the use of the Fire Department.

The Secretary was instructed to notify the Presidents of fire companies of the above action, requesting them to call meetings of their companies at an early day, and report their action to an adjourned meeting of the Association on the last Monday of this month.

Messrs. Collingwood, Hays, M'Curdy, Montgomery and Kaye were appointed a committee to confer with the Committee on Fire Engines and Hose, concerning the wants of the Association.

The Association then adjourned to meet as above.

Unjust.—A German named George Unger made information before Mayor Weaver, yesterday morning, against one George Thompson. Unger states that he was at work and Thompson came and took his rule away. He charged him with taking it, which Thompson denied, when Unger threw open his coat and found the rule. Thompson became indignant, and struck Unger a severe blow on the nose. A Constable came up, arrested Unger, and took him before an Alderman, by whom a fine of $6,50 was imposed. A warrant has been issued for the arrest of Thompson, and a charge will probably be preferred against the Constable.

Sale of Stocks.—The following stocks were sold last evening at the Commercial Sales Rooms, No. 54, Fifth street, by P. M. Davis, Auctioneer:

5 shares Citizens' Bank..............................$51 25
4 " Lawrence Co. bonds $500 each at... 30 ℔ cent.

Mayor's Office.—Mayor Weaver had twelve common cases before him yesterday morning. The charges were of the usual character, for vagrancy, disorderly conduct and drunkenness. Six of them were sent up, and the rest paid their fines and were discharged.

Concert.—We are glad to announce to our readers that Thalberg and Vieuxtemps, with some other celebrities, will give a concert at City Hall in a short time. See notice in our advertising columns,

We learn that Capt. Abrams, a steamboat captain, fell down yesterday afternoon on the corner of Water and Market streets, and broke his leg.

We call attention to a notice in our advertising columns headed "Found."

CITRATE OF MAGNESIA:

A mild and efficient purgative, pleasant to the taste, and mild in its operation. Always on hand, fresh, by

CHAS. H. SUPER,
Corner of Penn and St. Clair streets,
Opposite St. Clair Hotel.

☞ THE SUCCESS WHICH ATTENDS the use of DR. J. HOSTETTER'S CELEBRATED STOMACH BITTERS evinces at once its virtues in all cases of debility and disease of the Stomach. Certificates almost without number have been published, attesting its almost miraculous power in removing those painful and fearful diseases. And at this time it seems idle to do more than call attention to the great remedy of the age, in order to awaken public attention to its excellence. It is the only preparation of the kind that is reliable in all cases, and it is therefore worthy of the consideration of the afflicted The BITTERS are pleasant to the taste, agreeable in their effects, and altogether valuable as a tonic or remedy for indigestion.

For sale by druggists and dealers generally, everywhere, and by

HOSTETTER & SMITH,
Manufacturers and Proprietors,
f&20—lc] 58 Water and 58 Front streets.

FORNEY'S DAILY "PRESS"
delivered regularly, by
JOHN PITTOCK,
Office, at Hunt & Miner's.

FURNISHED HOTEL FOR SALE.
THE RAILROAD HOTEL,

AT LATROBE STATION, on the Pennsylvania Railroad, forty miles east of Pittsburgh, built of brick, three stories high, 96 feet front, 54 feet deep, contains 40 fine large rooms newly and completely furnished, ready for immediate occupation. There is a frame stable for thirty horses, convenient out-buildings and one acre of ground attached to the premises. Price, including furniture, $12,000 One half may remain on Bond and Mortgage. If not sold before 1st of April, it will be rented at $950 per annum. Address O. W. BARNES,
mr2.lmd Latrobe, Pa.

Safety and Economy in Light.

WHY WILL YOU BURN CAMPHENE AND FLUID, when you can get a cheaper and better light. Pure Kerosene oil, made from the gas of Cannel Coal, produces the cheapest, most brilliant, steady, pleasant, and safe portable light ever offered to the public, and no danger of explosion; more brilliant than gas, and quite as cheap; lamps of the most simple and easily managed construction. For sale by T. D. & G HODKINSON,
No. 79 Smithfield street.

☞ Beware of a counterfeit already in the market, made from Camphene, with a little Coal Oil to scent it. [fe27:1y

REMOVAL.

THE
Cleveland & Pittsburgh Railroad,
AND THE
Pittsburgh, Columbus & Cincinnati
RAILROAD,

ON AND AFTER FRIDAY, FEBRUARY 19th, 1858, the Freight business of these roads, in the CITY OF PITTSBURGH,
Will be transacted at the
NEW AND COMMODIOUS DEPOT,
ON PENN STREET, ABOVE WAYNE,
ADJOINING THE PENNSYLVANIA CANAL.

The attention of Merchants, Manufacturers, and Shippers is invited to the superior facilities afforded by these Roads,
FOR SPEED, SAFETY, AND LOW RATES,
And for the prompt transportation of Freights, by
CONTINUOUS RAILWAY CONNECTIONS,
From Pittsburgh to Cleveland, Toledo, Detroit, Chicago, Columbus, Dayton, Indianapolis, Cincinnati, Louisville and St. Louis; and all the Western, North-western, and South-western States.

Freight is sent to most of the above places in the same cars in which it is loaded at this Depot.

THROUGH RECEIPTS GIVEN TO ALL IMPORTANT POINTS.

For further information, apply to
fe18 JOHN P. GLASS, Agent

L. HIRSHFELD & SON,
DEALERS IN
Gents' Furnishing Goods, Clothiers
AND
SHIRT MANUFACTURERS,
No. 83 Wood street.

THE subscribers respectfully announce, that SHIRTS made by them are guaranteed to fit; will be forwarded to any part of the Union, on receiving from the parties sending the orders their personal measurement in inches, according to the formula given below.

Remember, the size must be carefully and accurately taken, as all necessary allowances are made by the cutter of the establishment.

First, Size around the neck.
Second, Size around the wrist.
Third, Size around the chest, immediately below the armpits.
Fourth, From the middle of shoulder, length of arm to wrist joint.
Fifth, Height of person, from the shoulder to the knee-pan.
Sixth, Whether, with or without collars; if with collars, the style.

This plan is quite unique, and will be of great value to gentlemen at a distance, who find it impossible to obtain at home Shirts to satisfy them in style and fit.

Also, on hand a full assortment of Shirts of our manufacture. Any orders addressed to us by mail, will be promptly attended to.

P. S. Please state by what conveyance they are to be shipped. L. HIRSHFELD & SON,
mr4 No. 83 Wood street, Pittsburgh, Pa.

RYE FLOUR.—20 Barrels Rye Flour, just received, and for sale by
JAMES A. FETZER,
mr1 Corner Market and First streets.

MILL FEED.—
1000 lbs Rye Middling;
1000 " Wheat "
1500 " Wheat Shorts;
1500 " Rye Bran and Shorts, just received and for sale by JAMES A. FETZER,
mr1 Corner Market and First streets.

LINSEED OIL.—12 barrels to arrive, and for sale by [fe27] ENRY H. COLLINS.

CIDER—2 bbls. received and for sale by
[illegible] HENRY H. COLLINS

EGGS.—6 bbls. fresh Eggs, just rec'd and for sale by JAMES A. FETZER,
fe10 Corner Market and First streets.

MENS' WOOL HALF HOSE—Of a very superior quality fine wool, and sold just at EASTERN COST, at HORNE'S,
fe16 77 Market street.

CORN.—64 sacks ear Corn for sale by
[illegible] JAS. A. FETZER, 89 Water street.

MECHANIC CORSETS.—A fresh stock of best manufacture, and all the various sizes of French Corsets, received by express, and for sale at the lowest prices. JOS. HORNE.
mr2 71 Market street.

WHITE SHETLAND WOOL.—Just received this morning, a full supply of White, Black and Fancy Colors of Shetland Wool at HORNE'S,
mr2 71 Market street.

FIG LEAF TOBACCO.—A large supply of Bown's celebrated Fig Leaf Tobacco, received this day by JOS. FLEMING,
mr2 Corner Diamond and Market st.

APPLES.—
30 barrels choice Russett;
60 " assorted Apples, received and for sale by JAMES A. FETZER,
fe3 89 Water street.

WALL PAPERS! WALL PAPERS!! WALL PAPERS!!!—W. P. MARSHALL & CO. are preparing for immense sale of Wall Paper this spring. Come and see, at 87 Wood street. fe1

COMMERCIAL.

PITTSBURGH MARKET.

Carefully Reported by JOSEPH SNOWDEN, *Superintendent of the Merchants' Exchange.*

PITTSBURGH, March 9, 1858.

FLOUR...The market is unchanged. The sales to-day amount to 298 bbls. viz:—From first hands: 85 bbls extra family at $4,62@4,75; 14 bbls. extra from wagon at $3,75; 16 bbls. extra from wagon at $3,75. From store: 50 bbls. at $4 for superfine, $4,50 for extra and $4,87 for extra family; 20 bbls. extra family "Anchor" brand at $5: 10 bbls. extra at $4,50; 50 bbls. extra and extra family at $4,87@$5; 28 bbls. extra family at $5; 16 extra at $4,06.

GRAIN...Sales 150 bush. red wheat from wagon at 70@75c.; 60 bush Rye, prime, from first hands at 54c.: 100 bush. Oats from store at 29c; 40 bush Corn from wagon at 50c.

FEED...Sales 4 tons Shorts, from mill, at 50c. ℔ 100 lbs.

HAY...Sales from the city scales of 24 loads at from $10 to $14 ℔ ton.

BUTTER...Sales 11 bbls. prime roll at 15c.; 150 lbs common do. at 13c.; 6 kegs packed at 11c. ℔ lb.

CHEESE...Sales 30 boxes W. R. at 9c. ℔ lb.

EGGS...Sales 9 bbls. at 11c. ℔ doz.; 1100 doz do at 11c; 900 doz. at 10½c.

BACON...Sales 3000 lbs. at 7½ for shoulders, 8½ for sides and 9½ for Hams. Small sale sugar cured Hams at 11c

OIL...Sale 10 bbls. Lard No 1 at 85c. ℔ gallon

CIDER...Sale 9 bbls. sweet from store at $4,50@$5 ℔ gallon.

BEANS...Small sales at $1,12½ ℔ bush.

SOAP...Sale 20 boxes Rosin at 5c. ℔ lb.

SUGAR...Sale 3 hhds. and 10 bbls. N. O. at 7¼@7½c ℔ lb.

MOLASSES...Sales 17 bbls. N. O. at 34@35c. ℔ gallon.

CLOVERSEED...Sales 25 bush. at $4,75 ℔ bush from first hands; 29½ bush. from store at $5.

HOPS...Sale 600 lbs. at 7½c. cash, from store.

DRIED FRUIT...Sales 150 bush Apples from store a $1,37, and 27 bush. do. at $1,40 ℔ bush.

COFFEE...Sales 78 bbls. rectified at 11@12c. ℔ lb.

WHISKY...Sales 78 bbls. rectified at 20@22c. ℔ gallon.

Cincinnati Market.

CINCINNATI, March 9.—Flour in moderate demand at $3,70@3,75 for superfine, and $3,80@$4 for extra; the receipts are light. Whisky steady at 16½. There was not much done in Provisions; there were but few orders in the market and it closed tame, though holders were very firm Mess Pork is not saleable at anything over $15. Cloverseed $4,87@4,90, and dull. Linseed Oil firm at 58c, and in good demand. Groceries are buoyant Sugar and Molasses are unsettled in prices Cheese is in fair demand at 7½ for selected W. R.; 9@10c for English dairy and 17 for Morton's Pine Apple. Butter is dull at 13@15 for roll. The Money Market is unchanged; sight exchange on New York 1 ℔ cent prem, and on New Orleans ½@1 ℔ cent prem and dull.

New York Market.

NEW YORK, March 9.—Cotton quiet; 4000 bales sold Flour heavy; 7500 bbls sold. Wheat very dull, and nominal. Corn firm; sales 24,000 bush. Mess Pork has declined 5c; sales at $16,80@16,85. Bacon steady at 8⅛@8½. Linseed Oil has advanced 2c; sales at 60@61c. Tobacco 6@17c. Tallow 10¾@11c. Whisky has declined ½c; sales at 22c. Coffee steady at 9½@11⅜; Molasses firmer at 31@33 Freights on Cotton to Liverpool ⅛d; on Flour 1s 6d.

New York Stock Market.

NEW YORK, March 9.—*Evening.*—Stocks firm. Chicago and Rock Island 85, Cumberland Coal 21; La Crosse and Milwaukee 10¾; Michigan Southern 28½; N. Y. Central 91⅝; Galena and Chicago 92¼; Erie 31¼; Cleveland and Toledo 48⅝; Cleveland and Pittsburgh 14; Milwaukee and Mississippi 38; Missouri 6's 84½; Tennessee 6's 89¼; North Carolina 6's 94¼. Stocks advanced after the close of the Board.

RIVER NEWS.

HARDY & M'GREW, Steamboat and General Agents, Corner of First and Ferry streets.

RIVER, WEATHER, ETC.—The cry is still no change. That hyperborean blusterer, Old Winter, continues to hold everything in his icy embrace. The following is the prognostication of the weather prophets: New moon on the 15th. weather moderate; 16th, rain; 17th, general breaking up; 18th, river rising rapidly; 19th, ice moves off; 20th, boats ditto. We shall see what we shall see.

A question has arisen in Louisville as to whether the fact that the Lockard was not lying at the wharf when she was burned will not vitiate her insurance. She was covered by fire risk while lying at the landing, but not under way The general impression is that she was on fire while lying at the wharf, in which case the policy of insurance would hold good.

Capt. Abrams fell on the pavement, corner of Water and Market streets, day before yesterday, and broke his leg. He was carried to the Lafayette House, on First street, where he still remains.

The river is rising at Memphis, and the weather is cold. So says the Memphis *Appeal* of last Thursday.

The David Gibson is still in a desperate condition on the Falls, at Louisville, and fears are entertained that she will be a total loss.

PORT OF PITTSBURGH.

3 FEET 6 INCHES WATER IN THE CHANNEL.

STEAMBOATS.

NASHVILLE.

For Nashville.

The fine steamer QUAKER CITY, Captain McDANIELS—Clerk, SAMUEL COOLEY—will leave for the above, and all intermediate ports, on TUESDAY EVENING.
For freight or passage, apply on board. fe1

For Nashville.

The splendid new light draught steamer POLAND, Capt. R. GRACEY, will leave for the above and intermediate ports on SATURDAY, the 28th inst., at 4 o'clock P. M.
For freight or passage apply on board. nov25

For Nashville.

The fine passenger steamer CLIFTON, will leave for the above and all intermediate ports. on WEDNESDAY, at 10 A. M.
For freight or passage apply on board, or to
de16 FLACK, BARNES & CO., Agents.

MEMPHIS.

For Memphis and New Orleans.

The fine passenger steamer ALMA, Capt. ROBINSON, will leave for the above and all intermediate ports, on SATURDAY, at 4 P. M.,
For freight or passage apply on board, or to
ja20 FLACK, BARNES & CO., Agents.

ZANESVILLE.

For Mariette and Zanesville.

The steamer EMMA GRAHAM, Capt. MONROE AYRES, will leave for the above and all intermediate ports on every TUESDAY, at 4 o'clock, P. M.
For freight or passage apply on board. [ja6

ST. LOUIS.

For St. Louis.

IOWA...MOORE, Master.

The light draught, fast running passenger packet IOWA, MOORE, Master, will leave for the above and all intermediate ports, on SATURDAY, the 6th inst., at 4 o'clock P. M.
For freight or passage, having superior accomodations, apply on board, or to HARDY & McGREW, Agents,
fe4 Corner First and Ferry streets.

AUCTION SALES.

DAILY SALES AT NO. 54 FIFTH ST., At the new Commercial Sales Rooms, No. 54, Fifth street, every week day, are held public sales of goods in all variety, suited for the trade and consumers, from a large stock which is constantly replenished with fresh consignments, that must be closed forthwith.

AT 10 O'CLOCK, A. M.,
Dry Goods and fancy articles, comprising nearly everything needed in the line for personal and family use; table cutlery; hardware; clothing; boots and shoes; ladies ware, &c.

AT 2 O'CLOCK, P. M.,
Household and kitchen furniture, new and second-hand; beds and bedding; carpets; elegant iron stone China ware; stoves; cooking utensils; groceries, &c.

AT 7 O'CLOCK, P. M.,
Fancy articles; watches; clocks; jewelry; musical instruments; guns; clothing; dry goods; boots and shoes. book stationery, &c. [se8] P. M. DAVIS, Auct'r

HANDSOME COUNTRY VILLA AND HOUSEHOLD FURNITURE, AT AUCTION.—On THURSDAY MORNING, March 18th, at 11 o'clock, on the premises, will be sold, the elegant residence of J. W. Kerr, Architect, situate at the village of Sewickley, (opposite the Railroad Station,) which has lately been erected of the best materials, superior workmanship, and in modern style, embracing every convenience that could be desired, and finished in the best manner, with Marble Mantles, Ornamental Stucco Cornice, etc. having a constant supply of pure wholesome water in the first and second stories, as well as the basement.

The ground, which contains upwards of one and one-third acres, is highly improved with Gravel Walks, Ornamental and Fruit Trees, Shrubbery, etc. The property cost upwards of $5500, which may be examined on application to the owner, at his office, No. 26 St. Clair street.

Also, a quntity of handsome Household Furniture, among which are one superior Rosewood Case 6½ octave Piano Forte, made by Nunns & Clark, Side Board, Dressing Bureau, Tables, Fancy Floral Stand, Chairs, Bedsteads, Bedding, China, Glass and Queensware, Carpeting, Kitchen Utensils, etc., etc. Terms at sale. (mr9) P. M. DAVIS, Auct'r.

WAREHOUSE AND LOT AT AUCTION.—On TUESDAY EVENING, March 16th, at 7½ o'clock, at the Commercial Sales Rooms No. 54 Fifth street, will be sold, that valuable Lot of Ground, situate on the South side of Second, near Market street, having a front on Second street of 20 feet ¾ inch, and extending back 79 feet 10 inches, on which is erected a Two Story Brick Dwelling, No. 78, lately occupied by Cummins, Tunks & Co., subject to an annual ground rent of $126, payable quarterly.
Terms at sale. (mr9) P. M. DAVIS, Auct'r.

THEOLOGICAL LIBRARY—On THURSDAY EVENING, March 11th, at 7 o'clock, on the second floor of the Commercial Sales Rooms, No. 54 Fifth street, will be sold, the most complete and valuable collection of Theological works ever offered at public sale in this city. Among them will be found Chalmer's Posthumous works, 9 vols.; McCheyne's Sermons; Pulpit Cyclopedia; Davies' Sermons, 3 vols.; Cumming's works; Spencer's Sermons, 2 vols.; Armageddon by Baldwin, Goldsmith's Animated Nature, 2 vols.; Cecil's works, 3 vols.; Patrick, Lowth, Whitby, etc.; Commentary on the Bible, 4 vols.; Mosheim's Church History; Collateral Bible, 3 vols., quarto; Dwight's Theology, 4 vols.; Religious Library, 25 vols.; Evangelical Library, 15 vols.; Burnes' Notes on New Testament, 6 vols.; Burton's Commentary, 5 vols.; Encyclopedia American, 14 vols.; Nicholson's British Encyclopedia, 12 vols.; Bancroft's History of the United States, 5 vols.; Clark's Commentary on the Bible, 6 vols; Doddridge's Family Expositor; Acne's Introduction to the Study of the Bible, 2 vols.; Notes on the Parables and Miracles by French, 2 vols.; Blair's Sermons, 4 vols; Scott's Commentary on the Bible, 6 vols.; Works of William Jay, 3 vols, etc. Catalogues are now ready, and the Books will be open for examination on Wednesday morning.
mr8 P. M. DAVIS, Auctioneer.

IF YOU WANT YOUR CLOTHING
MADE TO ORDER, CALL AT CHESTER'S,
A brilliant assortment of
SEASONABLE PIECE GOODS
on hand at CHESTER'S GOTHIC HALL,
Corner of Wood street and Diamond alley.
☞ We Study to Please. ja30

RYE.—100 bus. Rye, for sale by

AMUSEMENTS

PITTSBURGH THEATRE.

MISS KIMBERLY........Lessee and Manageress
J. G. HANLEY........................Stage Manager.

PRICES OF ADMISSION:

Boxes	50c.	Private Box, large	$8 00
Second Tier	25c.	Private Box, small	5 00
Third Tier	15c.	Colored Box	25c.
Single Seats in Private Box,	$1.	Colored Gallery	15c.

ALTERATION OF TIME.

Doors open at 7 o'clock. Performance to commence at 7½ Box office, for sale of Tickets, open from 10 to 3 o'clock.

IMMENSE SUCCESS of the Star Sisters, LUCILLE and HELEN; and Mr T. HAMILTON. House crowded in every part. Unparalleled delight and enthusiasm. New programme of Songs, Conundrums, Dances, etc.

WEDNESDAY and THURSDAY EVENING'S, March 10th and 11th, will be presented for the first time in Pittsburgh, a remarkable play full of Fun, Flash and Frolic—Wit and Meriment—Dancing, Singing, Minstrelsy, etc. Organ Grinding, Banjo Playing—all the well known popular songs of the day—Fireworks Bonfires, Illuminations, etc, Shaker Dances, Pawnbrokers' Shops, Fashionable Gambling Hells, Fortune Tellers and Astrologists, concluding with a Grand Carnival and Masque Ball, entitled the

THREE FAST MEN: or, THE FEMALE BLUEBEARDS, Played in Boston by the Star Sisters, eighty-seven consecutive nights, to crowded houses—convulsed with laughter from beginning to end.

Jenny Fairlove, (A Strong Minded Girl,)	Miss Lucille.
Lovely Nancy, (An Organ Girl,)	Miss Lucille.
Miss Tambo, (Female Minstrel,)	Miss Lucille.
Count Navarino, (The Fop,)	Miss Lucille.
Harry Helm, (The Sailor,)	Miss Lucille.
Belcher Que, (A Sporting Man,)	Miss Lucille.
Maria, (something of a Witch,)	Miss Helen.
Petite Charm, (The Street Singer,)	Miss Helen
Guitar, (The Minstrel.)	Miss Helen.
Mungo Jim, (The Little Sweep,)	Miss Helen.
Young America	Miss Helen.
Jerry Blossom	Mr T. Hamilton.
Frank Fairlove (first appearance,)	Mr. Myron.
Maria, (first appearance,)	Miss Lizzie Safford.

☞ Owing to the great length of the play no other piece can be performed on the same evening.

☞ In active Rehearsal, THE FEMALE FORTY THIEVES—and Mr. English's great Drama, THE HOT CORN GIRL And also, a new Drama, PITTSBURGH GALS AND ALLEGHENY BOYS.

"RELIEF OF LUCKNOW," AND THE MAY QUEEN.

Go and See the Old Lady

WIDOW BEDOTT!

And the Indian Maiden

HIAWATHA,

IN COSTUME—FOR ONE NIGHT ONLY.

Miss Eloise Bridges,

The celebrated Dramatic Reader, takes pleasure in announcing to the citizens of this place, that she will give another of her Drawing-Room Entertainments at

MASONIC HALL,

On Wednesday Evening, March 9, 1858.

Tickets of Admission, TWENTY-FIVE CENTS. Doors open at 6½ o'clock. Reading to commence at 7½ o'clock mr9:2t

The Beautiful Collection of Paintings,

INCLUDING THE EASTERN SLAVE MARKET, CLEOPATRA, DEATH OF LEANDER, and the famous

CIRCASSIAN MODEL OF BEAUTY,

Are now on Free Exhibition at the TONTINE HOUSE, No. 93 Third street. Call and see them.

jy17 GEO. SCHNECK, Proprietor.

JOHN W. M'CARTHY, BILL POSTER!

WILL ATTEND TO THE POSTING and DISTRIBUTING of all kinds of BILLS FOR CONCERTS LECTURES, EXHIBITIONS, &c.

All communications either by mail, telegraph, or otherwise—directed to the office of the Morning Post, will receive prompt attention ap7

BUSINESS CARDS.

CHAS. HUMPHREYS, C. J. HOFFMAN, JOHN WRIGHT

Humphreys, Hoffman & Wright, FLOUR FACTORS, PRODUCE AND GENERAL COMMISSION MERCHANTS,

75 NORTH WHARVES AND 155 NORTH WATER ST.,
Above Vine Street, PHILADELPHIA.

REFER TO

Conrad, Thompson & Co,	Philadelphia.
Thompson, Clark & Young,	"
Siter, Price & Co.,	"
Caleb Cope & Co.,	"
Barcroft Beaver & Co,	"
Canby, Neville & Hughes,	"
E. M. Lewis, Cashier F. and M. Bank,	"
Jos. G. Mitchell, Cashier Merch's Bank.	"
Morris L. Hallowell & Co,	"
McCutcheon & Collins,	"
John M. Kennedy & Co.,	"
Raiguel & Co.,	"
Pickett, Mathews & Co.,	Maysville, Ky.
Shrewsbury & Price,	Madison, Ind
W. H. Langley & Sons,	Gallipolis, Ohio.
Lawrence & Mathias,	Louisville, Ohio.
A. D. Bullock & Co,	Cincinnati, Ohio.
W. Holmes & Co.,	Pittsburgh, Pa.
Bagaley, Cosgrave & Co.,	"

nov18:1y

TERRA COTTA OR STONE WATER PIPES,

From two to six inch calibre.

PRICES from 12 to 30 Cents per Foot.

ALSO—ROCHESTER

PEARL STARCH

For Sale Wholesale at Manufacturers Prices by

HENRY H. COLLINS,
FORWARDING AND
COMMISSION MERCHANT,
AND WHOLESALE DEALER IN
CHEESE, BUTTER, SEEDS, FISH,
AND PRODUCE GENERALLY.

No. 25 WOOD STREET, PITTSBURGH. [jeif

CHARLES W. LEWIS, ALDERMAN, And Ex-Officio Justice of the Peace,

OFFICE ON THE CORNER OF WYLIE AND FIFTH STREETS.

All business connected with this office will be attended to with promptness Conveyances of all kinds done with legal accuracy—such as Deeds, Mortgages, Bonds, Powers of Attorney, &c. Titles to Real Estate examined.

To the members of the Bar he tenders his services as Commissioner to take Depositions to be read in the several Courts of this State, and elsewhere. His office is one of the main Police Stations of the city, and consequently his facilities in executing business of that kind are very desirable. [fe10:1y

W. W. WALLACE'S STEAM MARBLE WORKS.

MARBLE MANTELS,

A Large and Beautiful Stock always on Hand And Made to Order.

OWNERS OF PROPERTY, CONTRACTORS AND OTHERS, are invited to call and examine our stock of MARBLES, as we are persuaded that but few persons in the community are aware of the low prices at which we are selling MANTELS. A good, plain, Marble Mantel costs but little, if any, more than a good Wood Mantel, whilst it is always neat, is an ornament to a room, and (unlike a Wood Mantel) is not liable to take fire.

MONUMENTS, TABLETS AND GRAVE STONES always on hand.

WASHSTANDS AND FURNITURE TOPS, AND IMPOSING STONES made to order by machinery. Marble of all kinds sold low to the trade.

Our stock is the largest in the West, is manufactured by machinery and will be sold at the lowest prices.

W. W. WALLACE,
Nos. 319, 321 and 323 Liberty street,
fe12:1m Pittsburgh.

Plaster, Cement and Grindstones.

PLASTER PARIS, for Stucco Work, etc. CEMENT, for Cisterns, Fire Walls, etc. GRINDSTONES, all sizes and best quality, for Farmers and Mechanics, at 319 Liberty street, Pittsburgh, Pa.

fe12:1m W. W. WALLACE.

GO AND SEE GEORGE P. WERTZ'S First Premium Blind Factory,

CORNER THIRD AND MARKET STS., PITTSBURGH.

THOSE WISHING TO FURNISH THEIR house with VENITIAN BLINDS, of the most exquisite and elaborate finish, will find it to their interests to give me a call before purchasing elsewhere. My work is got up by the best mechanics (not apprentices.) Every attention is given to the wants of customers. Prices low. All work warranted. No. 72 THIRD Street, Pittsburgh. [my8:1yis

ROBERT DALZELL........................JAMES E. BREADING

ROBERT DALZELL & CO., Wholesale Grocers, Commission and Forwarding Merchants and Dealers in Produce and Pittsburgh Manufactures, No. 251 Liberty street, Pittsburgh, Pa. nov25:y.

BOWN & TETLEY'S SHOOTING GALLERY, No. 136 Wood street.

FOREIGN FRUITS!

REDUCTION IN PRICES,
AT THE PAGODA TEA STORE.

We are now selling Turkey Currants at 8c ℔ lb.
French and Zante Currants, at 10c and 16c ℔ lb.
New Valencia Raisins for cooking, at 12½c ℔ lb.
New Malaga " " at 15c ℔ lb.
New Smyrna Figs 12½ and 15c ℔ lb.
New German Prunes at 12½c ℔ lb.
Also, Citron, Lemon and Orange Peels, Spices, etc.

Raisins, Currants, Figs and Prunes, whole sale at the lowest market price. HAWORTH, BRO. & BROWNLEE,
mr6 Corner Diamond and Diamond alley.

TWO STORY BRICK HOUSE FOR RENT, situate on Miller street, near Centre avenue, containing a hall, two parlors, dining room and kitchen, 4 chambers and finished garret, gas and water fixtures. Rent $200 per year. S. CUTHBERT & SON,
mr6 51 Market street.

A HOUSE OF SIX ROOMS FOR RENT, situate on Ewalt street, Lawrenceville, with a large lot of ground, fruit trees, shrubbery, etc. A good stable, wash-house, etc., $180. S. CUTHBERT & SON,
mr6 51 Market street.

A HOUSE OF EIGHT ROOMS TO LET, with large lot of ground, fruit trees, grape vines, etc., situate on Pasture lane, Allegheny. Rent $150.
mr6 S. CUTHBERT & SON, 51 Market street

SWEET CIDER.—3 bbls received this day. Price 20 cents ℔ gallon.

HAWORTH, BRO. & BROWNLEE,
in the Diamond

YE WOODS. 200

MEDICAL.

ONLY ONE BOTTLE —OF— DR. SANFORD'S INVIGORATOR,

IS REQUIRED TO CURE ANY ONE troubled with Liver Complaints, unless the most desperate of cases, when the *second* bottle will, with scarce a single failure, restore the patient to health and vigor. We wish to call the attention of all to these facts, that the Invigorator is compounded by a physician who has used it in his practice for the past twenty years with a success almost credulous, and that it is entirely vegetable, being composed wholly of gums.

Some idea of the strength of these gums may be formed when it is known one bottle of the Invigorator contains as much strength as one hundred doses of Calomel without any of its deleterious effects.

We know there is nothing now before the American public, prepared with such skill by a scientific man, particularly for diseases of the Liver, as Dr. Sanford's Invigorator, or Liver Remedy. It has attained a reputation second to no other article in the world, simply because it rests on its own merit. To convince all by trial that it is all its proprietors claim it to be, if any of our readers are suffering from such diseases as are described in Dr. Sanford's advertisement, we know of know remedy that will so surely cure them as the Invigorator.

The Invigorator cures Sick Headache. Take one or two teaspoonfuls at each attack and it will soon disappear. For an overloaded stomach, or when food rises or sours, take the Invigorator after eating, and it will not prove disagreeable or oppressive. For Heartburn, Palpitation, or Difficult Breathing, take a teaspoonful once or twice daily. For Loss of Appetite, Langnor or Listlessness, the medicine is invaluable. It will restore the appetite and make the food digest well. Nightmare, take a teaspoonful on retiring, and the demons of dream-land will all be fairies. After eating a hearty dinner, take a dose of Invigorator and it will relieve all oppression or fullness. The Invigorator is a Liver Remedy of unequaled virtue, acting directly on that organ, curing Dyspepsia, Jaundice, Billious Attacks, Dysentery, Piles, Worms, and all Female Obstructions, for which it has no equal.

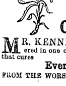
We know there is nothing now before the American public prepared with such skill by a scientific man, particularly for diseases of the Liver, as Dr. Sanford's Invigorator, or Liver Remedy. It has attained a reputation second to no other article in the world, simply because it rests on its own merit. To convince all by trial that it is all its proprietors claim it to be, if any of our readers are suffering from such diseases as are described in Dr. Sanford's advertisement, we know of no remedy that will so surely cure them as the Invigorator.

There has lately been brought to our notice a medicine that seems to possess wonderful, curative and healing properties in diseases of the Liver, Stomach and Digestive Organs. It came to us with so many testimonials in its favor that we have noted its effects in some of the worst cases of continual dibility, caused by deranged liver, and in every instance the effect was to relieve or give a permanent cure, Dr. Sanford's Invigorator, or Liver Remedy is what we refer to. We always have been credulous about cures by patent medicines, but we are convinced that this medicine, for family use, is not overrated by the host of recommendations it has. Our advice is, for all troubled with Indigestion, Debility or Bowel Complaint, to get a bottle and try it; our word for it, relief will be experienced.

BLESSINGS TO THE INVALIDS who use Dr. Sanford's Invigorator, for it will relieve them of their pains as soon as it is taken into their stomach. Pain and misery cannot exist where the Invigorator is used, for it will as surely drive them away, as daylight will banish darkness, of this there can be no doubt to those who try it, for it carries conviction with every dose taken. Another evidence is the thousands of certificates from those who use it or have been cured by it, Try one bottle, if it does not benefit, then we are mistaken.

PRICE ONE DOLLAR PER BOTTLE.

SANFORD & CO., Proprietors, 345 Broadway, New York
For sale by G. H. KEYSER, 140 Wood street, Pittsburgh
ja1:3mdaw:2p



THE GREATEST MEDICAL DISCOVERY OF THE AGE.

MR. KENNEDY, of Roxbury, has discovered in one of our common pasture weeds a remedy that cures

Every kind of Humor,

FROM THE WORST SCROFULA DOWN TO A COMMON PIMPLE.

He has tried it in over eleven hundred cases, and never failed except in two cases, (both thunder humor.) He has now in his possession over one hundred certificates of its value, all within twenty miles of Boston.

Two bottles are warranted to cure a nursing sore mouth.

One to three bottles will cure the worst kind of Pimples on the face.

Two or three bottles will clear the system of biles.

Two bottles are warranted to cure the worst canker in the mouth or stomach.

Three to five bottles are warranted to cure the worst kind of Erysipelas.

One to two bottles are warranted to cure all humor in the eyes.

Two bottles are warranted to cure running of the ears and blotches among the hair.

Four to six bottles are warranted to cure corrupt and running ulcers.

One bottle will cure scaly eruption of the skin.

Two or three bottles are warranted to cure the worst kind of ringworm.

Two or three bottles are warranted to cure the most desperate case of rheumatism.

Three to four bottles are warranted to cure salt-Rheum.

Five to eight bottles will cure the worst case of scrofula.

A benefit is always experienced from the first bottle, and a perfect cure is warranted when the above quantity is taken.

ROXBURY, MASS

DEAR MADAM,—The reputation of the Medical Discovery, in curing all kind of humors, is so well established by the unanimous voice of all who have ever used it, that I need not say anything on the subject, as the most skilful physicians and the most careful Druggists in the country are unanimous in its praise.

In presenting the Medical Discovery to your notice, I do it with a full knowledge of the curative power, in relieving all, and curing most of those diseases in which you are unfortunately so liable. That most excruciating disease to an affectionate mother,

NURSING SORE MOUTH,

Is cured as if by a miracle; your own temper is restored to its natural sweetness, and your babe from short and fretful naps to calm and sweet slumbers; and the Medical Discovery becomes a fountain of blessing to your husband and household.

In the more advanced stages of

CANKER

it extends to the stomach, causing

DYSPEPSIA,

which is nothing but canker of the stomach; then to the intestines and

KIDNEYS,

creating a sinking, gone feeling, and an indifference even to the cares of your family.

Your stomach is

RAW AND INFLAMED,

your food distresses you, and you can only take certain kinds, and even of that your system does not get half the nourishment it contains as the acrimonous fluid of the canker eats it up; then your complexion loses its bloom and becomes sallow or greenish, and your best day is gone. For want of nourishment your system becomes loose and flabby, and the fibres of your body become relaxed. Then follow a train of diseases which the Medical Discovery is peculiarly adapted to

CURE;

Palpitation of the heart, pain in the side, weakness of the spine and small of the back, pain of the hip joint when you retire, irregularity of the bowels, and also, that most excruciating of diseases, the

PILES.

How many thousands of poor women are suffering from this disease and pining away a miserable life, and their next door neighbor does not know the cause. I wish to impress on your mind that good old proverb, "An ounce of prevention is better than a pound of cure." In the

MEDICAL DISCOVERY

you have both the preventative and the cure, with this great and good quality, that it will never, under any circumstances, do you any injury.

No change of diet ever necessary—eat the best you can get and enough of it.

DIRECTIONS FOR USE—Adults one table spoonful per day—Children over ten years dessert spoonful—Children from five to eight years, tea spoonful. As no directions can be applicable to all constitutions, take sufficient to operate on the bowels twice a day. Yours truly,

DONALD KENNEDY.

Price $1,00 per bottle. For sale by
Dr. GEO. H. KEYSER,
sep4:daw No 140 Wood street, Pittsburgh, Pa

A RETIRED PHYSICIAN

75 YEARS OF AGE, whose sands of life have nearly run out, discovered, while in the East Indies, a certain cure for Consumption, Asthma, Bronchitis, Coughs, Colds, and General Debility. The remedy was discovered by him when his only child, a daughter, was given up to die. He had heard much of the wonderful restorative and healing qualities of preparations made from the East India Hemp, and the thought occurred to him that he might make a remedy for his child. He studied hard and succeeded in realizing his wishes. His child was cured, and is now alive and well. He has since administered the wonderful remedy to thousands of sufferers in all parts of the world, and he has never failed in making them completely healthy and happy. Wishing to do as much good as possible, he will send to such of his afflicted fellow-beings as request it, this recipe, with full and explicit direction for making it up, and successfully using it. He requires each applicant to inclose him one shilling—three cents to be returned as postage on the recipe, and the remainder to be applied to the payment of this advertisement.

Address, DR. H. JAMES,
No. 19 Grand street, Jersey City, N. J.

CAUTION—I have no son-in-law authorized to send my recipe, as has been advertised [fe23:1m—is

BOWMAN'S VEGETABLE COMPOUND

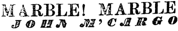
Will cure
Coughs,
Quinsy,
Phthisic,
Bronchitis,
Asthma,
Inflammation of the Lungs,
Influenza,
Croup,
Hoarseness,
Bleeding of the Lungs,
Consumption.

For sale by GEO. H. KEYSER,
Pittsburgh,
And J. P. FLEMING. Allegheny City.
fe10:daw

DYSPEPSIA AND FITS.

DR. TRACY DELORME, the great curer of CONSUMPTION, was for several years so badly afflicted by Dyspepsia that for a part of the time he was confined to his bed. He was eventually cured by a prescription furnished by a young clairvoyant girl. This prescription, given by a mere child while in a state of trance, has cured everybody who has taken it, never having failed once. It is equally as sure in cases of FITS as of DYSPEPSIA. The ingredients may be found in any drug store I will send this valuable prescription to any person on the receipt of one stamp to pay postage Address

DR. TRACY DELORME,
GREAT CURER OF CONSUMPTION,
fe23:1m—is New York Post Office.



MARBLE! MARBLE!! JOHN M'CARGO

HAS A BEAUTIFUL SELECTION OF

MONUMENTS, GRAVE STONES, Enclosures, Posts, &c., &c.

The public are respectfully