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AMUSEMENTS.

NEW NATIONAL THEATER

Lewis Baker, Sole Lessee; D. A. Sarzedas, Stage Manager; W. C. Trumbour, Treasurer.

Sixth week of the engagement of the celebrated
M'lle Louise Wells' Equestrian and Dramatic Troupe.

BENEFIT OF M'LLE LOUISE WELLS.

FRIDAY EVENING, May 20, will be acted the interesting drama, called

NICK OF THE WOODS.

Tells Dee, M'lle Louise Wells; Jibbenainosay, Bloody Nathan, Nick of the Woods, Avenger, Reginald Ashburn, Spirit of the Waters, Mr. G. J. Arnold; Roaring Ralph Stackpole, Mr. Leffingwell; Richard Braxley, Mr. Hamilton; Rowland Forrester, Mr Mortimer; Edith Forrester, Mrs. Griffin.

To conclude with the beautiful military drama, called the

FRENCH SPY.

Victoire de Merie, Henri St. Aime, Arab Boy, M'lle Louise Wells; Mohammed, Mr. Jennings; Tony, Mr. W. P. Aymar; Achmet Bey, Mr. Leffingwell.

Saturday, Benefit of Mr. G. J. Arnold.

The Manager takes pleasure in announcing an engagement, for a few nights with the popular Martinetti Troupe, who will appear on Monday next.

Wood's Theater

CORNER SIXTH & VINE STS., CINCINNATI.

George Wood, Manager; O. C. Bryant, Stage Manager; P. B. Unsten, Treasurer.
Notice—Time Changed.—Doors open at 6½ o'clock; Performance commences at 7½ o'clock.
Price of Admission.—Dress Circle and Parquette, 50 cents; Family Circle, 25 cents.
Seats can be secured at the Box Office from 10 A. M. until 4 P. M.

BENEFIT OF
MISS MAGGIE MITCHELL,
When she will appear in three capital pieces, assuming seven characters, with songs and dances.

FRIDAY EVENING, May 20, will be presented the beautiful drama, in two acts, called
THE YOUTH OF FREDERICK THE GREAT.

Prince Frederick of Prussia ..... Miss Mitchell
King Frederick ..... Mr. Elsler
Count Senderoff ..... Mr. Smyth
Captain Rosenburg ..... Mr. Collier
Inez, Princess of Brunswick ..... Mrs. Bryant
Queen of Prussia ..... Mrs. Glassford

To be followed by the beautiful Protean comedy, in one act, called
THE LADY'S STRATAGEM.

Margaret Wilton, Greek Boy, Moll Tozer, Captain Eugene Charlemagne, Gizelle, (with songs and dance,) ..... Miss Mitchell
Sir George Colborn ..... Mr. Smyth
Overture ..... Orchestra.

To conclude with the laughable burletta called
ANTONY CLEOPATRA.

Cleopatra, (with song, "Why don't the men propose?") ..... Miss Mitchell
Antony ..... Mr. Collier
During the piece, Pas Styrien by Miss Mitchell and Mr. Collier.

Look out for "The French Spy."

In preparation, the new piece called "The Little Savage," and "My Grandfather's Will; or, the Man of Straw."

SIG. DONETTI'S
—GREAT—
MONKEY AND BURLESQUE
DRAMATIC TROUPE.

COMPOSED ENTIRELY OF ACTING MONKEYS, DOGS AND GOATS, (as they have appeared in the principal Saloons of Paris, London, New York, Boston, Philadelphia and New Orleans,) in LAUGHABLE PANTOMIMES,
COMIC INTERLUDES,
TIGHT AND SLACK ROPE PERFORMANCES,
GRAND SPECTACLES,
EQUESTRIANISM, &c., &c.
With magnificent Costumes and Appointments, will exhibit at
Smith & Nixon's Hall,
For One Week,
Commencing MONDAY, May 23d; also on WEDNESDAY and SATURDAY AFTERNOONS, for Children and Families.
When last here, this wonderful Troupe drew to the above Hall the largest houses ever brought together in this city, and the Manager, relying on the additions and improvements since made in it, appeals with confidence to the amusement goers of Cincinnati, both young and old. Also,
Sig. Donnetti's World-Renowned
DIORAMIC DISSOLVING VIEWS,
As a grand finale to the Drama, WITHOUT EXTRA CHARGE.
The whole to conclude with the Terrific Ascention of the
Dog John Bull in the Fire Works!
☞ Doors open at 7 o'clock. Performance to commence at 8. Afternoon Performances—Doors open at 1½; to commence at 3 o'clock.
☞ Admission, for Ladies and Gentlemen, 25 cents. For Children, this being an entertainment peculiarly attractive and fascinating to families, Tickets will be put at the unusually low rate of 15 cents.
☞ To relieve the Ticket Office at the Door, Tickets can be procured during each day at Messrs. Peters & Sons' Music Store, and at entrance to Messrs. Smith & Nixon's Piano Rooms. my19-1w.

One Week Only.

MADAME BLANCHE THE world-renowned Planet Reader and Female Botanical Physician, has arrived and taken rooms at the United States Hotel, corner of Sixth and Walnut streets, where she can be consulted on all kinds of business. Also, for persons born in March, April, May, June, September, October and December, she will select numbers in any legalized lottery that will draw capital prizes. Parents having children born in these months, can get their numbers and draw prizes on them.
The Madame is a thorough physician, and cures without fail, (of which she has ample proof,) all diseases of females, inflammation, ulceration, and falling of the womb, coughs and colds. Also, all the diseases of the spine, curvature of the spine, cure and straitem, without injury to the general health, and in a very short time. Also, all kinds of chronic diseases that human flesh is heir to; the worst form of womb disease cured in from four to six weeks.
For particulars call on the Madame, at her rooms in the Hotel, or see small bills. Office hours from 9 A. M. to 9 P. M. Terms—Reading the planets: ladies, $1; gents, $2; lottery numbers, $3; talismans, $10 to $20. Treating of diseases, extra. n.y12-cm

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NEW AND INTERESTING ENTERTAINMENT EVERY DAY AND EVENING.
THE LARGEST COLLECTION OF ANTIQUITIES IN THE UNITED STATES.
N. E. Corner Sycamore and Third Sts.

CONCERTS AT MOOR'S GARDEN.

MENTER'S CORNET BAND, will give Concerts this week at Moor's Garden, on WEDNESDAY and FRIDAY EVENINGS, May 18th and 20th. my17-b

To the Ladies.

THE BOUDOIR
Double-Thread Sewing Machine

THE BEST AND CHEAPEST
Double-thread Sewing Machine ever offered in the Cincinnati market.
This Machine possesses advantages over any thing now in use.
Office in Melodeon Building, corner Fourth and Walnut, up stairs.
Agents wanted in the West and South.
☞ Send for circular. Address
W. E. Braman & Co.
ap22-1y

STRANGER'S GUIDE.

THE AVONDALE AND READING ROAD OMNIBUSES leave their Office, No. 171 Walnut street, at 8, 10, and 11 A. M.; at 2, 4:30, and 6 P. M. Sundays, 10 A. M. and 5 P. M. m4-aw*

AGRICULTURAL IMPLEMENTS & SEEDS.
Wilder, Robinson & Co., 230 Walnut street.

BOOKS AND STATIONERY.
Applegate & Co., No. 45 Main st.
Anderson, Gates & Wright, 112 Main st.

BURNING FLUID AND COAL OIL.
Chas. A. Junghanns, corner Third and Mill sts.

CABINET MAKER'S HARDWARE.
McAlpin, Hinman & Co., 103 Walnut st.
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CIGARS AND TOBACCO.
Kennet, Dudley & Co., 12 Main st.

FANCY GOODS AND JEWELRY
Gardiner's Auction House, 154 Main s

FLUID INK MANUFACTURER.
J. J Butler, 39 Vine st.

FOREIGN & DOMESTIC FRUITS.
John Hitchell, 6 College Building, Walnut st

LOOKING-GLASSES, ETC.
Wm. Wiswell, jr., 70 West Fourth st.

MEDICINES.
Dr. C. W. Roback's Scandinavian Blood Pills and Blood Purifier, No. 6 East Fourth street, second building from Main.

PAPER MANUFACTURERS.
Bachelor, DeCamp & Co., 61 Walnut st.
Pollock & McCall, 232 Walnut st.
Nixon & Chatfield, 77 and 79 Walnut st.

PHYSICIANS AND SURGEONS.
Dr. W. H. Swander, 167 Longworth st.
Dr. W. H. Beck, 87 Broadway.
Dr. J. C. Beck, 87 Broadway.

SADDLERY & CARRIAGE TRIMMINGS.
Hunter, Edmeston & Co., 168 Main st.

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T. W. Wright & Co., No. 10 West Second st.

SEWING MACHINES.
Geo. B. Sloat & Co., 52 West Fourth street.

SUGAR-CANE AND GRAIN MILLS.
Hedges, Free & Co., 6 Main st.

WATCHES AND JEWELRY.
Beggs & Smith, 6 West Fourth st.
Oskamp & Bro., 108 Main st.

WINDOW SHADES AND OIL CLOTHS.
Snowden & Otte, 21 West Fourth st.
Sawyer & Kirk, 8 College Hall, Walnut st.

WIRE CLOTH AND PRODUCTS.
S. G. Burnett & Co., 27 Walnut st.

THE PRESS.

Printed by "Caloric."

Local News.

☞ See "Local News" on Third Page.

The Late Homicide on Western Row.

FURTHER PARTICULARS.

Testimony before the Coroner.

Antecedents of the Deceased, and the parties Implicated in the Murder.

The deed of blood so foully consummated on Western Row last Wednesday night, is the absorbing topic of conversation on our streets, and a thousand tales are afloat in regard to the homicide and its antecedents.

John Clawson, who stands implicated by the testimony before the Coroner as the principal in the murder, is the son of a respectable manufacturer in this city. He is of slight and fragile form, very thin visaged, and as we saw him in the Court room, yesterday morning, has a very haggard and care-worn look. He is not more than 28 years of age. As he took his seat at the prisoners dock he looked nervously and anxiously about him, and the muscles of his face were in continual play as if suffering severe mental agony. His two brothers, more youthful in appearance, did not seem to realize their unfortunate position, but had the appearance of persons arraigned for some slight misdemeanor and expected to be let off with a light fine. Adams is about the same age with the elder Clawson. He has considereble of the b'hoy look, and to all outward appearances was totally indifferent as to the result.

Judge Pruden appeared as counsel for the prisoners. They were brought into Court, and remanded without bail, until Saturday next, when the examination will take place.

We give below the testimony adduced before the Coroner.

Alonzo Cameron, sworn.—This afternoon I was at Mr. Seitzer's, and was invited by Mr. Clawson to go to Mr. Hardin's to get something to eat; he then told me he had some family trouble, and asked my advice in relation to the matter; I told him I knew what I would do, but further than that I would not say; we then went down street; he further said he wanted to get a divorce from his wife; we then went to the Telegraph House, and there we met Wm. Adams; then some talk took place, and Wm. Adams and deceased went out, and then I heard a pistol fired, and then I went out and saw nobody there; I then went in search of Mr. Mahone, and found him at Ross' drug-store; this afternoon he told me he suspected Mr. Mahone was having improper intercourse with his wife; Mr. Clawson has changed his clothing; he had on a suit of light clothes.

Wm. McLaughlin, sworn.—Am bar-keeper at the Telegraph House; this evening, about half-past 11 o'clock, deceased and Wm. Adams had an altercation, and Adams invited him out and said he could whip him; Adams said, "I will show you Mahone, whether I have any friends or not;" then Adams said, "Come on John, here's the son of a ——!" Then I heard the report of the pistol, and saw the flash; then saw the deceased put his hands to his face and run down the street; in a few moments John and William Clawson came into the house and seemed much excited; then I heard foot steps running up street.

Wm. M. Hunter, sworn.—Was in the drug store, corner Eighth and Western Row, when deceased came in and exclaimed "Gentlemen I'm shot;" as he came in some one assisted in getting him on a lounge; I called for a bucket of cold water and a sponge to wash the man; Dr. Symmes Moore was there and felt deceased's pulse; he said it was no use, that the man was dead; I asked deceased who shot him, he said John Clawson did it.

H. H. Robinson, sworn.—Was passing along Western Row, and stopped in at the corner of Eighth and Western Row, to get some soda; just at that moment a man came in and said, "Gentlemen, I'm shot;" I said, "for God's sake tell who shot you;" then a crowd came in, and I heard a response that 'twas John Clawson.

Andrew Gillin, sworn.—I have known for some time there was a difficulty existing between Clawson and deceased; This evening about 11 o'clock I was at George Seitzer's and deceased was there; I started to go home, when I heard some loud talking, and I turned back and heard the report of a pistol, and I came up and saw some one run away, and went in pursuit of him; I overtook the deceased at the corner of Western Row and Eighth streets; found him in the drug store; I asked him who shot him, and he said it was John Clawson; Have heard Mahone say that Clawson threatened to shoot him.

John Gates, sworn.—Live at the Telegraph House; This evening Mahone and Adams was there and got into some trouble; Adams told Mahone to come out on the pavement; As soon as they went out, heard Adams say, "It's all right, come on, John;" then John and Charles Clawson both came around the corner of Western Row, and I saw John Clawson shoot Mahone; I could not be mistaken; am certain John Clawson is the person, although I did not see his face.

Wm. Heckweider, sworn.—Yesterday afternoon I was at the corner of Fifth Street and Western Row; met John Clawson, and he wanted me to go over the river with him; he said he wanted me to get some evidence to get a divorce from his wife; saw him again about 9 o'clock; he had a cane in his hand, and said he was mad; he appeared much excited; have heard that Clawson and Mahone have had trouble about a woman.

William A. Smith, sworn.—Am boarding at the Telegraph House; was there to-night about eleven o'clock; Mahone was present and several other gentlemen; they asked me to go out serenading with them; just then Mr. Adams stepped up and spoke to Mahone, and asked him to sing a song; Mahone said he did not feel like it; Adams replied, "I don't care, I can sing better than you can," and walked forward and flourished a cane, and said, "I can whip you any how;" Adams dared Mahone out; Mahone said he did not want to raise a fuss; both went out and I followed; they began to talk about something; Adams said he would show him whether he had any friends; heard him say, "Come on, John;" the prisoner then came round the corner; Adams said, "There goes the d—— son of a ——, catch him;" his was after the pistol was fired.

T. S. Hilton, sworn.—Was at the Telegraph House and saw the deceased, Adams, and several others; Adams asked Mahone to sing a song, and Mahone declined; Adams said he could whip him. Mahone said he could not; I caught Mahone by the shoulder and said, "Never mind him—come in and take a drink." Just at that moment a pistol was fired; It was in the hands of Clawson, who was within five or ten feet of him; Then Mahone ran to the corner of Eighth street and Western Row, saw the prisoners run; When I went to the Drug Store I heard Mahone was dead; I could not be mistaken. Adams called out, "Here is the d—d son of a ——, now kill him." Adams came in to rope the deceased out and get him killed.

S. C. Wade, sworn.—Was at the Telegraph House at half-past 11 o'clock; was with deceased, and went to see a lady; then we got some cigars, and then met the Clawson boys; we were going out serenading; we then went to the Telegraph House, and got a drink; we met Adams, and Adams wanted deceased to go to Gano street to see some woman; Dick said he did not want to go; then Adams said, "You d—d son of a ——, I can whip you;" Deceased said he did not want to raise any fuss in the house; Then Adams said, "Here is the d—d son of a ——; shoot him!" or "kill him!" I recognize the prisoner, Mr. Clawson, as the man who fired the pistol; saw but two persons come 'round the corner; have heard that John Clawson had bought a pistol to shoot Dick Mahone; never heard any of the Clawson boys say they would kill him, or make any threats.

The testimony here concluded, and the jury, after a short consultation, returned a verdict that the deceased came to his death by a pistol shot, the pistol being in the hands of John Clawson, and that Charles and William Clawson and William Adams were accessory to the murder.

John Clawson, when scarcely out of his teens, while on a visit to Flemington, N. J., became enamoured with and married the daughter of a merchant of that village. Their honeymoon had hardly waned, when his wife proved inconstant, and fled with Harry Smith, a young Englishman, then doing business in this city, and who left a wife to share the guilty embraces of an other. Mrs. Clawson and Smith lived in lewd intercourse for about two months, when she professed repentance, and solicited so earnestly to return to her husband, that he at length consented. Years rolled on, but the void she had created in his now desolate heart, could never be filled, and their marital life was embittered by many contentions. Two or three months since, she again left her husband, and was seen in the streets with dissolute women and "fast young men," and the now discouraged husband determined to abandon her and to apply for a divorce.

Previous to their last separation, Mahone had been a frequent visitor at Clawson's house, and was on the most friendly terms with Clawson. The husband now more than susptets that Mahone was improperly intimate with Mrs. C., not only since their last separation, but subsequently. A few weeks since Mahone took Mrs. Clawson to a ball, and while on the floor dancing with her, he observed Clawson enter the room with a notorious prostitute. He also notieed that Clawson had been drinking. Fearing a difficulty, he left the room with Mrs. C. A short time subsequent to this occurrence, Clawson met Mahone at the Telegraph House, and called him into the yard. He there, as Mahone afterward related to a friend, drew out of his pocket a four-barreled pistol, which he displayed to Mahone, and told him that on the night he saw him at the ball with his wife he had a great mind to follow him and shoot him; but a feeling of auld lang syne came over him, and he could not do it. Mahone manly replied that it would be the act of a coward to shoot a man in the dark.

We learn that Clawson has frequently been seen since their last separation, talking on the street corners with his wife, and has also had many conversations with Mahone.

Mahone would never admit to any one that he had had improper intercourse with Mrs. C., but has frequently said that she was annoying him, and that he was anxious to get rid of her. He left Cincinnati for Louisville a few days since, in order, as has been said, to accomplish that purpose, and only returned on the day of the murder.

The state-rooms of two passengers on the steamer Superior, while that vessel was lying in port, Wednesday night, were entered by thieves, and $12 stolen from one and $20 from another.

A shoe store on Walnut street near Seventh, was robbed by burglars, on Wednesday night, of about $200 worth of boots and shoes.

STATEMENT

OF

"The Cincinnati Street-Railroad Co."

As this Company have instituted proceedings in the Probate Court to appropriate to their use certain streets of the city of Cincinnati, for the purpose of laying down rails for a Street-Railroad, they deem it proper to state the reasons which have impelled them to adopt this course.

This Company was duly organized on the 6th of November, 1858, under the general incorporation act of the State of Ohio, passed May 1st, 1852, and immediately after their organization, petitioned the City Council to grant to them the right to use certain streets, for the purpose of laying down their rails. This petition was referred by the City Council to a committee of seventeen—one from each Ward—which committee, after a full investigation of the subject, reported to Council, on the 12th of January, 1859, in favor of granting the privileges asked for, and submitted to Council an ordinance in accordance with the report.

Although a large majority of Council were clearly in favor of granting this privilege by the passage of the ordinance, yet its passage was defeated by the inability of the committee to take it from the table on which it had been laid, by adjournment of Council, it requiring a two-thirds vote of the whole Council for this purpose: which in practical operation amounted to about three-fourths of those who were in actual attendance. There scarcely ever being more than three-fourths of all the members present, this enabled a few enemies of the proposition, through the instrumentality of this rule, to defeat the will of the majority, and prevent the action of Council.

On the 9th of February, this Company again called the attention of Council to this subject, by presenting a petition, signed by about eight thousand of our citizens, asking that the privilege might be granted "The Cincinnati Street-Railroad Company." This petition was referred to a committee of three, who reported on the 2d of March in favor of granting the privilege; and this committee submitted an ordinance in accordance with the report. The same difficulty occurred in this case as in the other, and no action was had by the Council on this ordinance, on account of their inability to suspend the rules.

In the meantime, whilst the factious opposition of a few members, delayed action upon the petitions of this Company, other Companies composed of non-residents, and persons having no community of interest with our citizens, organized themselves, claiming substantially a right to construct all the lines proposed to be constructed by "The Cincinnati Street-Railroad Company," and intimating that by law, they had some priority of right over "The Cincinnati Street-Railroad Company."

And one of these Companies has presented a communication to Council, clearly indicating this claim, and leaving as a fair inference that if Council did not negotiate with them, they intended to adopt other means to appropriate the use of the streets.

Now, as "The Cincinnati Street-Railroad Company" is the *pioneer* in this enterprise, and is composed exclusively of our own citizens, and any citizen desiring to become interested in street-railroads in this city can do so by becoming a subscriber to the capital stock of this Company. And as this Company have spent much time and labor in bringing this subject to the attention of Council and the notice of the people, they feel that it is due to them, as well as to our citizens, to protect themselves in their legal rights. Fearing some action of these other companies to appropriate the use of the streets, they have taken the opinion of Judge Gholson on the subject, and are advised that this Company are in danger of losing their rights by delay, which opinion is herewith published and referred to.

In conclusion, we would say that by taking this course, this Company do not mean to shut the door to a negotiation with the city for this privilege, but are ready at any time to enter into any fair and reasonable arrangement that may be proposed. Neither do they expect to deprive other companies of obtaining similar privileges.

OPINION OF JUDGE GHOLSON.

The general incorporation act of May, 1852, provides that any number of natural persons, not less than five, may become a body corporate for the purpose of constructing a railroad. They are required, under their hands and seals, to make a certificate, specifying, "1. The name assumed by such company, and by which it shall be known. 2. The name of the place of the termini of said road, and the county or counties through which such road shall pass. 3. The amount of the capital stock necessary to construct such road." Such certificate being acknowledged and recorded in a manner prescribed, the company are authorized to carry into effect the objects named in the certificate in accordance with the provisions of the act.

As to the construction of the road, it is provided that the corporation "shall be authorized to construct and maintain a railroad with a single or double track, with such side tracks, turn-outs, offices and depots as they may deem necessary between the points named in the certificate; commencing at or within, and extending to or into any town, city or village, named as the place of the termini of such road, and construct branches from the main line to other towns or places within the limits of any county through which said road may pass."

It is also provided, that "If it shall be necessary in the location of any part of any railroad, to occupy any road, street, alley, or public way, or ground of any kind, or any part thereof, it shall be competent for the municipal or other corporation or public officer, or public authorities, owning or having in 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, street or other public way or ground, such Company may appropriate so much of the same as may be necessary for the purposes of such road, in the same manner and upon the same terms as is provided for the appropriation of the property of individuals by the tenth section of this act. Provided, that every Railroad Company laying down any such track or tracks, upon such public street, road, alley, or other public ground, shall be responsible for injuries done to private property by such location, lying upon or near to such public ground, which may be recovered by civil action, brought by the owner or owners, at any time within two years from the completion of such track or tracks, before the proper Court."

Under the provisions of the act of May 1852, "The Cincinnati Street-Railroad Company" has been formed, and in the certificate the termini of the road proposed to be constructed are Pendleton and Cumminsville, in the County of Hamilton. In the location and construction of the road from one of these places to the other, it is proposed to occupy parts of certain streets in the city of Cincinnati.

I am asked if it is competent for the City Council of Cincinnati and the Company to agree upon the manner and upon the terms and conditions upon which the streets may be used and occupied; and if no agreement can be made, whether it is competent for the directors of the Company to make an appropriation for the purposes of the road in the manner prescribed by law for the appropriation of the property of individuals.

The language of the law very plainly contemplates that a Railroad corporation may be formed for the purpose of constructing a road, both termini of which are in the same county. If the proposition were to construct a road from a point within the city of Cincinnati to a point on the western boundary of Hamilton county, as in the case of "The Cincinnati, Harrison and Indianapolis Railroad Company," no one, probably, would doubt the power to form a company for the purpose, or the power to appropriate, by the proper proceeding, the use of the streets of any intervening town or village. This appears quite clearly to be within the language of the law. Is the plain meaning of the words of the statute to be altered or disregarded, because it happens that it is a city—and a large one—the streets of which it is proposed to use. It can not be fairly claimed that such a use would be so unjust or inconvenient to the city, or its inhabitants, as clearly not to have been within the intention of the Legislature. So far as the test of experience has been applied, and opinions have been expressed by those who have informed themselves upon the subject, the consequence would be directly the reverse; and instead of damage and inconvenience, usefulness and convenience would result—contributing much to the growth and prosperity of the city, and the comfort of its inhabitants. But if a possible inconvenience or even injustice in the view of some were to ensue, I do not understand that this would permit a departure from the plain language of the law. On the contrary the rule of construction is, that the words of a statute when clear should be adhered to, without reference to any supposed consequences; and that words are to be modified or varied only when their import is doubtful or obscure. It has been said, "we assume the functions of legislators when we depart from the ordinary meaning of the precise words used, merely because we see or fancy we see an absurdity, or manifest injustice from an adherance to the literal meaning."

It may possibly be urged that this is not an ordinary railroad, that it is a street-railroad, and therefore not a kind or description of road within the scope or object of the act. That it is to be a street-railroad, as distinguished from any other railroad, which, in its route, passes through the streets of a city or village, is perhaps only to be inferred from the name given in the certificate—a name undoubtedly selected from the importance the railroad will acquire from passing through the streets of Cincinnati. In a legal view, on the face of the proceedings, there is no difference, and the name of a thing ought not to be allowed to condemn it; but the uses and purposes for which it is intended must be regarded. Now, the uses and purposes, as I understand them, are within the general scope and objects of the act; and, indeed, are precisely those which the law contemplates, and for which it has in terms provided—they are the transportation of passengers and property. Indeed, it may be said the law contemplates the case of railroads running for short distances in view of the very matter of transportation of passengers and property. It provides for the rate to be charged for such transportation, when the distance exceeds thirty miles, and allows, in case of a transportation for a less distance, such reasonable rate as may be from time to time fixed by the Company or prescribed by law.

The railroad proposed being within the letter of the statute, and the uses proposed within its general scope and object, I can not suppose that any court would undertake to determine that because the length of its route will be less, and the passage over it more frequent, than have been usual heretofore in the State, the law does not authorize its construction. The point of legality will not be made to turn upon a mere question of degree or discretion, as to which persons are so apt to differ, but will be decided upon a fair construction of the meaning of the words in which the Legislature has expressed its intention. I am, therefore, of opinion that the City Council have authority to agree with the Company as to the use of the streets, and that in the event of an inability to agree, the Company have the right to appropriate, pursuing the course prescribed by law.

After the organization of "The Cincinnati Street-Railroad Company," another company was organized, which also proposes to construct a railroad substantially between the same termini. I am asked whether prior organization will give a prior right to obtain, either by agreement or appropriation, the use of the streets for the purpose of locating and constructing the road.

It is manifest that the Legislature, in the general incorporation act of May, 1852, acted upon the principle that no special or peculiar privileges were to be conferred, but that the machinery of a corporation might be used by all alike, to accomplish the purposes prescribed; and first among those purposes was the construction of railroads. There is no limit in the law to the number of railroads which may be constructed between any two termini. It is a matter left to individual enterprise, and the privilege of becoming a corporation is one of the means placed within the reach of individuals. By no words of expression does the law give preference to the corporation which shall be first organized.

The last as well as the first is allowed to construct its road, and the same means of obtaining a right of way is given to both. The result, to my mind is obvious, that priority of occupation is the only test to decide as to priority of right. If the company first organized, fails to take prompt steps to occupy, either by agreement or appropriation, the ground upon which the road is proposed to be constructed, there will be no right to complain that a company subsequently organized, has used greater dilligence, and pre-occupied the same ground.

It is, therefore, my opinion, that "The Cincinnati Street-Railroad Company," by its prior organization, has obtained no priority of right to the use or occupation of the streets for the location and construction of its road. And it is my advice, if "The Cincinnati Street-Railroad Company" has been unable to agree with the City Council, and there be any danger of a conflict, as to route, with another company, that proceedings should be instituted for the appropriation of such parts of the streets as the purposes of the road may require.

W. Y. GHOLSON.

Cincinnati, May 19, 1859.

The Portsmouth Journal, an excellent weekly published at New Hampshire's only seaport, records the death of Mr. Jacob Brown, at the age of 92. At sixteen his father gave him a yoke of steers—a start in life not unusual in that day in the neighborhood of Old Strawberry Bank, as Portsmouth was then styled. Young Brown sold the steers for $100. This sum he put at interest at the New England rate of six per cent, resolving to keep it distinct from his other property. He adhered to this determination strictly, and entered upon manhood a tenant on the farm of another, receiving one-half of the crops for his labor and management—not touching his $100, but remaining a tenant until he became able to buy the farm. At the age of 75 his $100 had become $1,000, and at the time of his death it had reached $6,000. His entire property, accumulated during 70 years of active life, amounts to about $50,000, which, in his own language, is "the result of temperate and frugal but not parsimonious habits, and looking carefully after those little leaks through which property frequently disappears.

Sea Serpent.—Some of the Gay Head Indians, who were codfishing off Norman's Land, last week, saw the veritable sea serpent. He was heading directly for the proposed fort on the point. The Indians were very much frightened, and instead of chasing him, he chased them, so they reported.—*New Bedford Standard.*

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Important Testimony.
From Hon. J. W. Chapman, Judge of First Judicial District, Indiana.
MADISON, Ind., 1858.
Dr. Geo. W. Phillips, Cincinnati, Ohio:—Having used several small bottles of your "Cough Syrup," personally and in my family, and having seen its effects on others, in numerous instances of severe cold and coughs, I most cheerfully recommend it as an infallible remedy in all such cases. If this Syrup were in general use, I confidently believe a large majority of the colds, accompanied by coughs, that now terminate in Consumption, would be effectually arrested. In fact, I can see no necessity for any, who can obtain this remedy, being thus afflicted.
Respectfully yours, J. W. CHAPMAN.
Read This, Also.
From Hon. B. Storer, LL. D., Judge of the Superior Court of Cincinnati.
CINCINNATI, Dec. 5, 1856.
Dr. G. W. Phillips—Dear Sir: Your Cough Mixture has been used with great success in my family. I believe it to be a most safe and efficacious preparation for the cure of ordinary colds, as well as of chronic affections of the throat and lungs. Many of my neighbors, who have felt the good effects of this medicine, assure me that they regard it with great favor.
B. STORER.
DR. G. W. PHILLIPS,
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New and Invaluable Remedy for the Cure of Rupture.
A CERTAIN CURE.
The undersigned prepares a Plaster out of Swiss Alpine herbs, which he can recommend to all suffering of Rupture, as a remedy which will cure this painful disease in the oldest of cases, in a short time, without pains. Having proved its most wonderful healing power during many years' practice in Switzerland and Germany, he would invite all ruptured persons to give it a fair trial. One pot of it, (the price of which is $3,) will effect a cure in most cases. It is for sale at A. TAFEL'S Drug Store, north-east corner of Sixth and Main streets, Cincinnati.
DR. C. ZURCHER.
☞ Letters for further information to be addressed to C. Zurcher, Box 84, Cincinnati, Ohio. 248

Office of Cincinnati Equitable
INSURANCE CO.
AT the Annual Meeting of the members of this Company, on the 2nd inst., the following gentlemen were elected Directors for the ensuing year, viz.

Griffin Taylor,	John Whetstone,
R. R. Springer,	B. Matlack,
Charles Andress,	D. K. Cady,
Mack E. Reeves,	J. W. Canfield,
Joseph Jones,	S. S. Smith,
George Carlisle,	John A. Simpson.

GRIFFIN TAYLOR, President.
JOSEPH K. SMITH, Sec'y and Treasurer.
T. T. KECKLER, Assistant Secretary.
JOSEPH JONES, Surveyor.
FINANCE COMMITTEE.
G. Taylor, George Carlisle, M. E. Reeves.
COMMITTEE ON ACCOUNTS.
R. R. Springer, B. Matlack, Jno. A. Simpson.
COMMITTEE ON LOSSES.
John Whetstone, Joseph Jones, Charles Andress.
The Company has been in successful operation for thirty-three years, and regularly increasing as its mode of insurance is understood. Every information will be given by calling at the office, No. 85, North side of Third street, between Walnut and Vine. [my12-10t] JOSEPH K. SMITH, Sec'y.

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IT has been successfully used for a number of years, in this city, and has never been known to fail in affecting a prompt cure. You who are afflicted try it.
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CINCINNATI, May 2, 1859. my2-am

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