Pittsburgh Gazette.

PITTSBURGH:

TUESDAY MORNING, DEC. 29, 1857.

OFFICIAL PAPER OF THE CITY.

News of the City and Neighborhood.

COURT.—The December term of the Criminal Court commenced its session yesterday. Oath was administered to the Grand and Traverse jurors. The usual charge was then given by Judge McClure to the Grand Jury. Afterwards the Judge made quite a lengthy address to the traverse jurors. He alluded to the fact of the amelioration of our penal code by the Legislature of the State, and quoted from the preamble, to show the spirit and object of said enactment. He added:

Here then we have this great authority, with minds intent on moderation and mercy, when in the very act of abrogating severe penalties, and sustaining mild ones, while ameliorating the penal code, solemnly prescribing and declaring in terms plain and literal, as follows:

1. That government should endeavor to reform and not exterminate offenders.

2. That the death penalty should never be inflicted where it is not absolutely necessary for the public safety.

3. That the penalty of murder in the first degree shall be death.

From which it follows:

1. That the death penalty for murder in the first degree *is absolutely necessary for the public safety.*

2. That for this crime government *should not endeavor to reform, but must exterminate.*

3. That the penalty of death for murder in the first degree is not a severe and excessive, but a moderate punishment for that crime.

The uncertainty in the administration of justice, especially in the highest crimes, is owing, in some measure, to the cumbrous and complicated machinery of trial.

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Chief Justice Hale, Chief Justice Tilghman, Chief Justice Gibson, and other Judges of large *experience in England*, and the United States, have judicially declared that the great ninety demanded in criminal proceedings was, and is, a reproach to the criminal law of England and of Pennsylvania. I mention these great names, omitting others of equal authority, because it is well known that the natural disposition of them all was eminently humane and merciful, and their complaint for this reason comes with the greater force.

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Chief Justice Hale, who was the *perfect model* of a great magistrate, whose name is now, after the lapse of two centuries, a household word in England and the United States, in declining judicial preferment, assigned as a reason 'an infirmity, which unfitted him for that employment,' which was 'too much pity, clemency and tenderness' in cases of life.

For his weak direction, he composed eighteen rules, which he held in perpetual remembrance, and to each and all of which, in his administration of justice, he rigidly and practically adhered. Two of these rules were as follows:

Rule 8. That in capital cases, though my nature prompt me to pity, yet to consider *there is a pity also due to the country.*

Rule 15. *In criminals of blood, if the fact be evident, severity is justice.*

To men of reflection these rules are self-evident propositions. The criminal law does not punish the guilty for the purpose of inflicting suffering. The law punishes the guilty in order to protect the innocent, and this protection can only be afforded to the innocent by punishing the guilty.

The Judge then passed on to say that it is the *certainty* of punishment which deters from crime, and added:

There exists in all large communities a numerous class of respectable persons, otherwise good citizens, who indulge in a morbid and active sympathy for those who have been convicted of criminal offences. The high flights of crime seem to possess for such persons a kind of fascination, exciting curiosity and sympathy to their highest pitch. They are not aware of the mischief they are doing, without intending it, for even the errors of the good are respected and imitated. The active exertions of this bastard benevolence thwart and embarrass the law at every turn and stage of its proceedings. Next to the abuse of intoxicating drink, it ranks in the catalogue of the causes of crime. It aids, it comforts, it promotes, it encourages, it abolishes crime, and then it exerts its energies and yields its power to prevent its punishment.

The following suggestive remarks are also worthy of careful consideration:

There is one serious impediment and practical mischief in the way of the administration of justice in crimes of the highest grade, to which it has become the *duty* of this Court to advert. It is this that juries are frequently found disliking the responsibility and possible consequent incident to the trial of such cases, upon such occasions, will absent themselves, and their numbers are from this cause sometimes diminished, that the whole panel may be exhausted by peremptory challenges, and other legal objections. The case must then be tried by talesmen, and the doors are thus thrown wide open to fraud. If I do not say but that talesmen are as good, and honest, and capable as the regular panel can be, but it is plain and apparent that a prisoner may, by the agency of his friends, secure from any portions of the county, or cities, the attendance and personal presence of *those who come by invitation*, for the purpose of being called as talesmen. These can thrust themselves in this way, and an honest Sheriff becomes the first unsuspecting victim of the fraud. The moment one such talesman is sworn as a juror, the rights of the commonwealth are stricken down.

* * * * * * *

Whenever a jury, through whimsical and ill-founded scruples or notions, or from any other cause, or from no cause at all, suffer those who are clearly proven guilty to escape, they make themselves answerable for the augmented danger of the innocent, and such conduct resembles that of one who discharges a loaded musket into a crowd, careless of whom it may kill. Each erroneous acquittal cheapens human life.

Whenever the man who has money and friends or respectable connections is acquitted, on evidence that would have insured his conviction had he been destitute, when the rich malefactor fares one whit better in a court of criminal justice than the poor culprit; when broadcloth and fine linen stand a better chance of impunity than destitution and rags—however it may be called, it is a court of justice no longer.

* * * * * * *

When adequate protection and redress cannot be had in the legally constituted tribunals, society will protect itself, in a manner sudden and terrible, without stopping to inquire into the legality of the means or the constitutionality of its commission.

When a community grows sick, by the neglect of those who are entrusted with its health, it cures itself with a convulsion. When the disease grows desperate, by desperate remedies it will seek relief. When the atmosphere of justice becomes stagnant or impure, a storm will purify and will disturb it too.

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I have said that men clothed with public responsibility and trust are responsible for the consequences of their conduct. Whenever, from a criminal neglect or disregard of duty, those who are proven guilty are suffered to run at large; whenever, from weak and sufficient causes, the community, having lost confidence in the regularly-organized tribunals, goes to work upon its own motion, exterminating the odious and execrated Deity and insulted justice will look for the blood of the slain in the skirts of those whose criminal agency has been instrumental in bringing such a state of things about, and they will find some of it there.

These remarks of admonition and warning are painful to make, but it becomes a magistrate to speak plain. They are prompted by a sense of duty and an ardent desire to see the law fairly and equally administered."

All the above remarks are plain enough. They simply mean that if a man commits the crime of murder, he ought to die for it. It is right, and the maudlin philosophy of canting prison and jail visitors, who spend so much sympathy on the murderer that they have none left for his victims, is as much out of place as a dancing lunatic at a funeral. We hope and trust that in the trials soon to commence, justice will have its due and every obstacle be removed out of the way of a fair, solemn and impressive trial, and thereafter of condign punishment upon the guilty.

ANNIVERSARY.—The third anniversary meeting of the Penn Literary Society will take place this evening, in Lafayette Hall, Wood-st. From the character of the society, and a programme of the exercise before us, we think the public who may visit that Hall this evening will be well entertained. The exercises will consist of Declamation, Essays, Dialogues, Music and Debate. The Society's fine Portrait of WILLIAM PENN will also be on exhibition. For price of tickets, &c., see advertisement.

THE confessions of Fife and Charlotte Jones went off like hot cakes yesterday. The whole is a quite stale story now. It only amounts to facts that were fully developed on the trial here and that lately held at Washington resulting in the conviction of Bill Jones. It amounts to a tissue of disgusting details of vice and crime, and places in the light of a hero and a heroine two hardened wretches who would do well to hold their peace.

MESSRS. HUNT & MILLER, Masonic Hall, send us "Peterson's Philadelphia Counterfeit Detector and Bank Note List" dated Jan'y 1st, Vol. 7, No. 1, published by T. B. Peterson & Brothers, and corrected by Drexel & Co. It is a well printed, and neatly got up quarto of 32 pages, and all doubtless prove a valuable counting room companion.

MEETING OF COUNCILS.—*Select Council.*—Present: Messrs. Galway, Kincaid, Little, Mackin, Martin, Miller, Moorhead, Morrow, Reed, Varnum, Wade and Ward.

Mr. Galway in the chair.

Minutes of preceding meeting read and approved.

Mr. Galway presented a petition for the erection of two gas lamps on Hand-street. Referred to Committee on Gas Lighting.

Mr. Mackin presented a report of the Committee on city property, with a resolution authorizing additional appropriation of $74 80 to complete the repairs upon the Relief Engine House. Resolution adopted.

Mr. Wade, from the Committee on Engines and Hose, presented a report, with the following statement:

Amount of appropriation to nine Companies, $400 each.....$3600

Neptune Engine-house.....800

Duquesne do.....2000

Niagara do.....2000

R. H. Hartley for hose.....900

Other expenses.....2700

Total.....500

Report accepted.....$9800

Bill of Lake Loomis, amounting to $11 10, was ordered to be paid; also bill of B. E. McGowin, City Regulator, for $487.

Mr. Kincaid, from the First Ward, called up a resolution laid upon the table at a previous meeting, and relative to publishing the report of the Guardians of the Poor in the papers authorized to do City printing. Some argument was had upon the resolution, when it was finally adopted by the following:

Yeas—Messrs. Galway, Kincaid, Little, Miller, Moorhead, Morrow, Varnum, Wade—8.

Nays—Messrs. Martin, Reed, Ward—3.

After a recess of a few minutes, the correspondence between the Mayor and the President of P., Ft. W. & Chicago R. R. was laid before the Select Council from the Common Council. This correspondence has been published in the city papers already. A paper, however, subsequent to those already published was also submitted, asking that the question of crossing Penn street be submitted to a committee of Councils. A resolution found below was adopted in C. C. The Select Council concurred with C. C. by the following vote:

Yeas—Messrs. Galway, Kincaid, Little, Mackin, Martin, Miller, Moorhead, Morrow, Varnum, Wade, Ward—11.

Nays—Mr. Reed—1.

Mr. Wade, in consideration of the fact of the sickness of the President of S. C., moved that the President pro tem., Mr. Galway, act in the committee under the said resolution. Carried.

Messrs. Varnum, Moorhead, Ward and Miller were appointed the committee on part of S. C.

Mr. Varnum offered a resolution of thanks to James M'Auley, Esq., for the able manner in which he has discharged his duties as President of this Council during the year now closing. Unanimously adopted.

Council then adjourned.

Common Council.—Present: Messrs. Ahl, Barnhill, Bennett, Berger, Black, Brown, Edgar, Henderson, Herdman, Hodkinson, Holmes, Kim, McCollister, McFarland, Moore, Meyer, Quinn, Robb, Shafer, Smyser, Taylor, Wilkinson, President Ernest.

Minutes of the two preceding meetings read and approved.

Mr. Berger presented the following preamble and resolution:

WHEREAS, This is the close of this session of Councils, and nothing has been definitely done in regard to granting, or refusing the right of way to the P., Ft. W. & C. R. R. to place a track across Penn street, and,

WHEREAS, In the estimation of this Council a plan might easily be adopted to give the said Railroad Company the privilege of placing a track across Penn street that would be satisfactory to all parties, to wit: by the Railroad Company lowering their track across said street at least four feet and raising Penn street at the crossing by a gradual rise from the Canal bridge and from Wayne street to the crossing, connected by a substantial bridge sufficiently high to allow a train of cars to pass underneath without interfering with, or obstructing the travel on Penn street, at any time. Therefore, be it

Resolved, That a Committee of ten be appointed—four from the Select and six from the Common Council, including the Presidents of said bodies in connection with the City Solicitor and the City Regulator, to investigate this matter closely and make the best arrangement they can for the interest of the city of Pittsburgh with said Railroad Company.

The resolution was taken up and Mr. Brown moved to amend by adding a proviso that said crossing be effected either over or under the street. The amendment was adopted.

Mr. Brown also moved to strike out the words "with power to act." Adopted. The resolution as amended was read three times and passed.

C. C. concurred.

Mr. Bennett presented several communications relative to the crossing of Penn street by the P., Ft. W. & C. R. R. Read and ordered to be filed.

The President presented the following:

Resolved, That the Committee on Joint Building be and they are hereby instructed to confer with the Market House Association as to the arrangement and furnishing of the new Council Chambers. Read three times and passed. S. C. concurred.

The resolution relative to the erection of lamps on Liberty street, at last meeting read three times and passed, came back from S. C., action non-concurred in, and resolution referred to the Committee on Gas Lighting. Common Council adhere to their former action, and appoint Messrs. Wilkinson and Shafer a Committee of Conference. S. C. adhere to their action and appoint Messrs. Martin and Moorhead. The Committee report in favor of action of S. C., which report was adopted.

A resolution from S. C. requiring the Street Committee in conjunction with the City Solicitor to take legal proceedings to prevent the P., Ft. W. & C. R. R. from crossing Penn street. In S. C. read three times and passed.

On a motion to concur, the yeas and nays were called, with the following result:

Yeas—Messrs. Ahl, Black, Brown, Holmes, Kim, M'Collister, Moore, Meyer, Reese, Robb, Shafer, Taylor, Wilkinson—13.

Nays—Messrs. Barnhill, Bennett, Berger, Edgar, Henderson, Hodkinson, M'Candless, M'Farland, Quinn, Smyser, President Ernest—11.

There being objection to the passage of the resolution, it was laid over under the rule.

The President presented an ordinance defining the duties of the City Regulator, which was read three times and passed.

Mr. Taylor offered the following:

Resolved, That the Mayor be and he is hereby authorized and directed to prevent the P., Fort W. & C. R. R. Co. from crossing Penn street until such time as said Company shall have authority granted by Councils to do so. Read three times and passed. Adjourned.

TEN PINS.—We hear of numerous cases of absolute destitution and suffering even now, at the portals of winter, while there is yet several months of severe weather to be expected and endured. The scarcity of work and the scarcity of money is being felt, and we hear of cases of want which call loudly for the most active benevolence. We hope that each *individual* will do what he may to seek out and relieve the destitute in his neighborhood. Our various benevolent organizations have all they can do, and more applicants than they can relieve; so that we must not rest our consciences by handing over our charities to the societies. Let each family who have enough and to spare organize themselves into benevolent societies, and do all they can. There is need of our largest benevolence we repeat, and it is better to give than to receive.

THE LECTURER.—The celebrated lecturer, Wendell Phillips, is engaged to lecture before the Y. M. I. Association on the night of January 14th, 1858. His lecture is considered one of the finest he ever wrote—"The Lost Arts." Mr. Phillips is one of the most learned and polished gentlemen of this nation, and is filled by his culture and his habits of thought and life to make this what we have no doubt it will be, a worthy lecture to inaugurate the course for the winter.

Y. M. C. A.—The officers for the year 1858 were elected last evening. There was a large meeting and a spirited contest, there being three tickets in the field. The following was the result:

President—R. C. Totten. *Vice Presidents*—W. H. Kincaid, 1st; G. B. Russell, 2d. *Corresponding Secretary*—W. W. Mair. *Rec. Secretary*—J. W. McFarland. *Treasurer*—David Robinson. *Librarian*—Samuel W. Spencer.

At a meeting of the Franklin Loan Association, on Saturday, it was determined to wind up its affairs. The vote stood 270 to 47. A man named Robt. M'Fee was instantly killed on Saturday at Altoona by the explosion of a blast in a coal mine near that place. A Company called the Washington Guards, at Johnstown, have offered their services for the campaign in Utah.

FOUND.—The body of a boy named J. W. Koontz, said to belong at New Brighton, was found in the river near the foot of Wood street, yesterday morning. An inquest was held and from the facts adduced a verdict of accidental drowning was rendered.

NEW POST OFFICE.—A post office has been established in Ceredo, the settlement of Eli Thayer in Virginia, and W. Boyd Wilson appointed Postmaster. The Post office address of the new town is, therefore, "Ceredo, Wayne Co., Va."

A list of very desirable Bank and Insurance Company Stocks are to be sold at the Commercial Sales Rooms, No. 64 Fifth street, this Evening, by Mr. Davis.

A LARGE stock of winter gloves and gauntlets; also a full variety of well made clothing can now be had for low rates at Carnaghan's, Federal st., Allegheny city.

Telegraphic.

NEW YORK, Dec. 28.—The steamship Northern Light has just arrived, with California dates to the 5th instant. She brings $2,000,000 in gold from California.

Among her passengers is General Walker, who, with one hundred and fifty of his men, were captured by Commodore Paulding, of the United States frigate Wabash. The General is on parole. The men were placed on board the United States sloop-of-war Saratoga, to be conveyed to Norfolk.

The Isle and river steamers on the San Juan have been handed over to Garrison & Morgan. These steamers had been captured by General Walker, but were retaken by an expedition from the Wabash.

Fort Castello had also been captured by General Walker, and a party of fifty Americans, under Colonel Anderson, still held possession of it, as well as the river San Juan. Anderson has a supply of provisions for three months, with six pieces of artillery and an abundance of ammunition.

Captain Engle, of the Wabash, is a passenger on board the Northern Light, and is a bearer of despatches to Washington.

The river steamer Clorigan, seized by Commodore Paulding, was put in charge of the American consul at Greytown.

The expedition that captured General Walker and his men consisted of three hundred and fifty men, landed from the frigate Wabash.

At Greytown Commodore Paulding arrived on the 6th, and soon received news that the filibusters under Anderson had surprised the garrison at Castillo, on the river San Juan.

In company with the Wabash came the English line-of-battle-ship Brunswick, and English steamer Leopard. Next day the U. S. steamer Fulton, from Boca del Toro, came into port, but as the rain came down in torrents, with a choppy sea outside, nothing was done. Commodore Paulding had sent word to Walker that he considered him a pirate, and would take him and all his men prisoners. Walker sent Capt. Ferguson on board the Wabash to tell the Commodore that he should resist to the last. This was on the 5th, and Capt. Ferguson was detained on board the Wabash until the marines and sailors were sent ashore. These, united with the men from the Fulton and Saratoga, made a force of 750 men, on the point and 300 in the boats. The forces on shore surrounded the filibusters' camp, and the boats advanced to the headquarters of the pirate chief. An officer thereupon jumped on shore and called upon Walker to haul down his flag and surrender to the United States. After all his boasting, the man of destiny made no resistance, but surrendered himself and his whole force.

The whole affair did not occupy ten minutes. The flag was hauled down and Walker carried a prisoner on board the Fulton. Just as the steamer Morgan came down the river she was immediately surrounded by armed boats and taken possession for the United States. She was under command of Dobbins, and a filibuster, with Mr. McDonald, an agent of Garrison & Morgan, on board.

There were also on the steamer Cary or fifty Costa Ricans, taken prisoners by Anderson at Castillo, and on board the steamer La Virgin.

English steamer Leopard left for Aspinwall with the filibusters were made prisoners; the English steamer Leopard left for Aspinwall with them.

Heavy rains had commenced falling in California, reviving trade, and imparting new vigor to mining operations.

Six hundred Chinese have left San Francisco in vessels bound to China ports.

Mortimer has been elected President of Nicaragua, and he is making active preparations for an energetic war on Costa Rica. He has sent a force of 400 men against Col. Anderson, for the purpose of re-capturing Fort Castillo.

WASHINGTON CITY, Dec. 28.—The War Department to-day received official despatches from headquarters of the army for Utah, dated Black's Fork, two miles below the mouth of Ham's Fork. Nothing later than the 10th of November. No molestation by command and the numerous trains guarded by it, reached there on the 3d November. No molestation or disaster was attempted by the Mormons, which may be attributed to the presence of the cavalry, and the judicious dispositions and vigilance of Col. Smith. On the 6th of November, Col. Johnston was to march on to Fort Bridger and dislodge any force he might find there, and also await the approach of Col. Cook; when, as the approach of winter was too near to attempt the passage of Wasach and Range in mid-winter with a probability of success, he would send on the district mentioned in his letter from South Pass and occupy it until an advance shall be practicable.

The communication from Brigham Young to Col. Alexander, and from Elder Taylor to Capt. Marcy, and the orders of D. Wells, commanding the Nauvoo Legion, which Col. Johnston encloses, and the acts of the Legislative Assembly of the last session, show, he says, a matured and settled design on the part of the Saints of Mormon to hold and occupy the territory, independent and irrespective of the United States occupying, as they do, an attitude of rebellion and open defiance to the government, and with no apparent overt acts of treason, Col. Johnston has not ordered the advance whenever they are met with arms, they may be treated as enemies. Col. Johnston reiterates the necessity for prompt and vigorous action, or the United States must submit to the usurpation of their territory. The conduct of the Mormons shows a determination not to acknowledge the authority of the United States, or any other outside of their church. The supply of subsistance must be forwarded early in the spring; it should reach the army by the 1st of June. Should a long time elapse without hearing from him, Col. Johnston says it must be attributed only to the difficulty of sending expresses across the mountains during the winter. The troops are in excellent health, and are animated with an ardent desire to discharge their duties faithfully.

ST. LOUIS, Dec. 28.—Kansas advices of the 22d to the Republican, state that the "Constitution and Slavery" was carried by a large majority. The remainder of the State ticket was also elected. There was a free town hundred and sixty-five votes for Atchison, Leavenworth, Lexington about the same. It is reported that the Lecompton body were gone to Lecompton to seize the Territorial archives. A letter dated Lawrence the 21st, says that Gov. Lane has gone to Fort Scott, and avowed his intention to destroy that place. Another letter says the pro-slavery settlers and Shawnee reservation and carry away into the desert.

Denver has assumed the Governorship of the Territory, and issued an address, in which he exhorts the citizens of Nebraska to appeal to the ballot box for the settlement of all difficulties. He makes copious extracts from the President's instructions, as indicating the line of policy he designs to pursue. He also states that Calhoun has resigned himself, and the presiding officers of both houses of the Territorial Legislature to be present at the counting of the election returns, on the 21st.

ST. LOUIS, Dec. 28.—Gentlemen from Kansas report that the whole vote at Lecompton was 1327; the majority for slavery was 625. No votes were received at Lawrence, and the poll-books were not opened at Leavenworth. The slavery majority at Lexington is 50. We have nothing here from Leavenworth.

The Republicans from the Lawrence Convention will decide whether to go into the January election for State officers; many favor such a course, with the view of controlling the State government. Stanton's name is not mentioned for Governor.

NEW YORK, Dec. 28.—Gen. Walker delivered himself to Marshall Rynders, who has made arrangements to accompany the prisoner to Washington to-morrow, in order to ascertain the intentions of the President.

PHILADELPHIA, Dec. 28.—A mass meeting was held at Jayne's Hall, this evening, to endorse the President's message, especially that part recommending the speedy admission of Kansas as a State under the Constitution framed in pursuance of lawful action.

Telegraphic Markets.

NEW YORK, Dec. 28.—Cotton: sales 200 bales; closed with a declining tendency. Flour is dull; 9000 bbls sold at $4.60 for Southern, a decline of 5c. Wheat heavy; sales of 63c, and 62@64 Canada. Corn heavy at 72@76. Pork is dull and lower. Michigan 13@13 50. Lard dull at 10½@11c.

PHILADELPHIA, Dec. 28.—Coffee is selling slowly at 12@12½ and Timothy at $2.50@2.75. Flour is in moderate demand, and the market is dull; 300 bbls superfine sold at $5, and 1,200 for extra family and fancy brands at $5.50@6 per bbl. Rye Flour is steady at $4, and Corn Meal at $3.50. Wheat is dull and prices are nominal; there is very little demand; small sales fed at 120@125 for white, and 115@120 for red. Rye is dull at 70@72c. Corn meets a limited inquiry, but the receipts are large; sales of 5,000 bushels new yellow at 55@56c. White 56 and Yellow 58c. Oats are dull at 38@39c. Seeds are unchanged. Cloverseed is in demand at $6.50@6.75 for Timothy, and $2.50@2.75 for Flaxseed. Provisions are unchanged, and we repeat our quotations:

Dumbeck Bar Proper b.....7½

Juniata do.....7½

Iron Plow Wings.....6

Ditto Nails 9 keg.....5.50

Ditto Nails 8 keg.....5.50

Ditto Nails 6 keg.....5.50

Ditto Nails 4 keg.....5.50

Cut Spikes 3 to 4½.....6.50

Ditto 6 to 8.....6.75

Ditto 10 to 20.....7.00

Ditto 30 to 40.....7.00

Ditto 50 to 60.....7.00

Ditto 70 to 80.....7.00

Ditto 90 to 100.....7.00

Ditto 120 to 160.....7.00

Ditto 200 to 240.....7.00

Ditto 300 to 400.....7.00

Ditto 500 to 600.....7.00

Ditto 700 to 800.....7.00

Ditto 900 to 1000.....7.00

Ditto 1200 to 1600.....7.00

Ditto 2000 to 2400.....7.00

Ditto 3000 to 4000.....7.00

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