Pittsburgh Gazette.

OFFICIAL PAPER OF THE CITY.

SATURDAY MORNING, JULY 28, 1860.

CITY AFFAIRS.

METEOROLOGICAL Observations for the *Gazette*, by G. E. Shaw, Optician, 55 Fifth St.—corrected daily:

	IN SUN.	IN SHADE.
9 o'clock, A. M.	94	72
12 " M.	110	82
6 " P. M.		74
Barometer		29 6-10

TAX PAYERS, TAKE NOTICE—

Those who wish to save 5 per cent.

upon their

CITY, WATER AND BUSINESS TAXES,

must pay the same

AT THE CITY TREASURER'S OFFICE,

On or before August 1st.

POSTERS! POSTERS!—

We have a large number of

DOUBLE MEDIUM

Blank Posters,

INTENDED FOR

CALLING REPUBLICAN MEETINGS,

which can be had on application at

Our Counting Room;

ON VERY MODERATE TERMS.

STREET RAILWAYS AND THE RIGHT OF WAY—*Important Case Before Mayor Wilson—Decision to be Given To-Day*—Louis Feathers, (a driver in the employ of John McClaren & Co., coal merchants of this city,) whose arrest at the instance of N. P. Sawyer, Esq., President of the East Liberty Passenger Railway, for obstructing the track and detaining the cars on that road, we noticed in Friday's *Gazette*, had a hearing before Mayor Wilson yesterday.

For the prosecution, one of the employees of the road, named Wm. Britton, testified that he saw Feathers drive up Fourth street and stop in front of Dr. Simpson's residence, and when the driver of a car that came along requested him (Feathers) to move his wagon so as to allow the car to pass, the defendant rejoined, with an oath, that he would do no such a thing until he had unloaded the coal. He (witnesses) then took out his watch and timed the length of the detention of the car, and found it to be ten minutes, at the end of which time the coal wagon left.

Mr. John Fleming one of the passengers in the car, on his way to Oakland, testified that when the car stopped, the driver, after some conversation (which he did not hear) with the defendant, left the car and started for the office of the Company, on Third street, after the agent. He (witness) also timed the length of the detention, and found it to be eleven minutes.

Wm. Church, another witness, thought that the defendant could have backed off of the track if he had wished to be accommodating.

The next witness was the driver of the car, Robert Christian, who testified that the detention, as near as he could judge, was of about 10 minutes duration. The driver of the coal team halloed to him as he was coming along the track to stop his horses, and he (defendant) then drove his own horses right across the track, in front of the car, at Dr. Simpson's curb stone, and stopping, said he would be "darned" if he would move until he got his load off. He (witness) then told him that he could not wait that long, for it would take half an hour to do that.

For the defence, Wm. Bingham, a delivery clerk in the Adams Express Co.'s office, was called, and testified that he was standing in front of the Express office when he first saw the coal wagon, which was then in front of the Farmers' Deposit Bank, (next door to the Express office and four doors below Dr. Simpson's) and the car was opposite B. McKain & Son's office, two doors above Dr. Simpson's house. One wheel of the coal wagon was in the centre of the track and the other on the right hand side of it, the horses heading for Dr. Simpson's door. The driver of the coal wagon unloaded the coal as quick as he could, and it would have been next to impossible for him to have turned out for the car and get back in the same place, unless he had gone around the square again, or had gone on the pavement in front Mr. Mackenzie's office.

Col. Ed. Simpson testified that the coal wagon was driven as close to the curb as it could be without going over it; thought it would have taken longer to have backed out of the way than to unload. John McClaren, the owner of the wagon, said that it had over 112 bushels of coal in it at the time and that the two horses hitched to the tongue of the wagon could not have backed it out of the way. He (McClaren) said he had delivered two or three wagon loads of coal to Mr. Mackenzie since the road had been in operation, and that the cars had always waited until the loads were off before they passed. The only difficulty he ever had with the company was when he had driven up in front of Mr. Fagan's house, on Fourth street, to unload some coal there, and to oblige one of the car drivers had driven on the pavement, and afterwards had to pay a bill for the damages it had caused.—Mr. J. F. Mackenzie, solicitor of the company, took the grounds that when their charter was granted them, they (the company) had the right of the track in preference to all others, and read the Act of Assembly to that effect. Mr. O. H. Rippey appeared for the defendant and took the ground that the detention of the car, by his client, was not intentional, but that after he got on the track he could not get off without going around the whole square, and he thought he had as much right there as any person else.

The penalty for the offence is a slight one, ($5,) but the question is an important one. It arises every day on all of the roads, and causes great annoyance both to the passengers and to the officers of the companies. Chief Justice Shaw of the Supreme Court of Massachusetts recently decided a case in Boston somewhat similar to this one. His opinion, which must be considered good common sense, as well as good law, and, therefore, applicable every where that railroads exist in cities. He took the ground that the leading object of chartering city railroads was the accommodation of travel, and not profit to their proprietors. The privilege having been granted to lay the tracks necessarily carries with it all incidental rights and powers necessary to the full use and beneficial enjoyment of the grant; and when such grant has for its object the procurement of an easement for the public, the incidental powers must be so construed as most effectually to secure to the public the full enjoyment of such easements. He said:

"It appears that the proprietors of the horse railroad, having received a franchise, had laid down a railway track, and had procured horse cars, with suitable conductors, and were in actual use of the track. The cars could only pass on one precise line. The wagon could deviate to the right or the left within the limits of the travelled part of the road. The public, by the grant of the franchise, had granted the right to move on that precise line, and had given to all passengers the right to be carried on that line at the usual rate of speed at which passengers are carried by horses, subject only to occasional necessary impediments. The cars cannot so move, and the passengers cannot be so carried, whilst the wagon moves on the track. No impediment is shown to prevent the wagon from turning out. The wagon, therefore, is for the time being an unnecessary obstruction to the public travel, and therefore unlawful.

It is said that it is usual for those in charge of heavy and slow teams, to drive them with one wheel on the track, and that they could be driven much more easily in that place than in any other part of the street. This is no justification. Whilst the track was not required for the cars, perhaps the teamster had a right so to use it. But, when required for the cars, which could pass in no other mode, he had no legal right to consult his own convenience, to the great inconvenience, the actual injury of the equal rights of another.

It is no excuse that the defendant did not get upon the track in the first instance, with the intention of obstructing the passage of the cars, or that he did not slacken his rate of speed at their approach; it is a nuisance, if, for his own benefit, he violates the rights of others; and if this consists in the violation of a public right, indictment is the appropriate remedy for its vindication and redress. Nor is express malice, a disposition or desire to cause damage to another, as in case malicious mischief, necessary to the completion of the offence. It is a nuisance if one wilfully seeks and pursues his own private advantage, regardless of the rights of others, and in plain violation of them, it is a wrong done. And as every man must be presumed to intend all the necessary natural and ordinary consequences of his own acts, it is a wilful and intended wrong; it is malice—a thing done *malo animo*—in the sense of the law; and no other malice need be proved, to show the act to be a nuisance."

Judge McClure, in the Court of Quarter Sessions, last winter, when a driver of this road was being tried for assaulting a man who refused to move his wagon out of the way of the cars, gave it as his opinion that no man has a right to obstruct the road, and detain the cars, which prosecutor had. As near as we can recollect the circumstances were somewhat similar to the present case. Mr. Wilson will give his decision this morning, and should it prove to be adverse to the defendant, he will carry the matter to a higher court.

LARCENY.—John W. Takyer was arrested by the police, yesterday, for stealing a skiff on the Allegheny river, worth $7, belonging to Bailey & Burdell of the Fifth Ward. He will have a hearing this morning before Mayor Wilson.

COUNTRY RESIDENCE OR EAST TENNE.—We invite attention to the advertisement in to day's paper of W. O. Leslie, Esq., who offers country residences for sale, at Linden Grove, near Oakland, on very favorable terms.

There is a very strong tendency now prevailing to country residences near the city. All who can afford it are looking out on pleasant spots on which to build; and the construction of street railroads from the business part of the city to the edge of the beautiful country surrounding us, has furnished such excellent facilities for getting out and in that it is almost as convenient, so far as access is convenience, to live in the country as in the town.

Within the past five years very many of our citizens have found country houses within five miles of the city, and the number is now largely increasing. The impulse to find a country home is a very natural one, and it will, no doubt, be largely gratified as the opportunities to that end increase.

The lots offered by Mr. Leslie for sale are situated in a very beautiful, retired and attractive spot. Purchasers can suit themselves as to the size of the lots, and they will find, upon an examination of them, some very romantic and delightful spots, such as it does the eye good to look upon. He offers them, too, upon terms so easy as to furnish an absolute temptation to purchase.

The Pittsburgh and East Liberty Passenger Railway runs within a short distance of the place, and a branch track is to be constructed to Linden Grove, so that persons purchasing there may be sure of possessing a sure and reliable method of conveyance to and from the city.—The business part of the city.

Those who contemplate moving to the country on the first favorable opportunity, should by all means examine the property offered by Mr. Leslie. A very short time will suffice to go out and look at it, and Mr. LESLIE will furnish all needed information upon application to him.

THE RIOT IN THE DIAMOND.—A large number of spectators were in attendance yesterday afternoon at the Mayor's Court, to hear the examination of the alleged Diamond rioters. It will be remembered that there was a evening a disturbance, which finally ended in a riot, occurring in a tavern in the Diamond, known as "Hefner's Exchange." During the melee the proprietor was badly beaten, and at one time he was thought to have been fatally injured. The next day Ernest Lewis, John J. Sabits, Alfred England, David Fawcett, John Davis, Wm. Forgey and Chas. Stafford were arrested by the police as the rioters, and held to bail for a hearing yesterday afternoon.

Mr. Swartzweider appeared for Hefner, the prosecutor, and Messrs. John J. Case and J. J. Seibenick for the defendants. Nothing was elicited which went to implicate the defendants as the rioters, any more than that they were present at the time of the affray, but Mayor Wilson thought it would be better to have the matter go before the Grand Jury, and accordingly held Lewis, England, Stafford and Forgey to bail in $500 each. The rest were discharged.

INJUNCTION GRANTED.—The Supreme Court yesterday granted an injunction in the case of the Lawrenceville & Sharpsburg Plank Road Company vs. the Borough of Lawrenceville, restraining the borough from interfering with the toll gates of the Company. It will be remembered that a few days since a report appeared in our columns of a suit that was brought before Alderman Donaldson by the President of the Company against the officers of the borough for trespass, in taking down a new toll gate the company had just erected on Butler street. The Alderman gave judgment for $5, the cost of the gate, in favor of the company, but they took an appeal and carried it to the Supreme Court, with the above result.

THE "Republican Pocket Pistol" is the title of a small little work published in pamphlet form and edited by Wm. H. Burleigh, Esq., of New York. The object of this work will be to present, in the most concise form practicable, the principles and aims of the Republican party; the issues involved with the Slave Power and its Democratic allies; and the sentiments of the leading Statesmen of the country, past and present, in reference to those issues. It will be published on the 5th of each month, and can be had at the low price of 5 cents per single copy, or 25 cents during the campaign. Mr. Burleigh is well known to the public, and his name is a sufficient guaranty that his work will be well done. For sale at Hunt & Miner's.

BOOKS IN PRESS.—Messrs. J. B. Lippincott & Co. have in press a volume on taining the occasional productions of the late Richard Rush. They are political, diplomatic and social essays, and include a glance at the Court and Government of Louis Phillipe and the French Revolution of 1848.

The same publishers have also in press a volume by Charles J. Legaretti. It contains historical, political, biographical, and social recollections. Both these volumes will, undoubtedly, be exceedingly interesting, and their appearance will be anxiously awaited.

DISORDERLY CONDUCT.—Alderman Rogers, of the Third Ward, yesterday committed, in default of $200 bail, a young colored individual with the very appropriate and striking name of Charles Whalip, who claims the right to a gentleman's house, on Fourth street, to unload some coal there, and to oblige one of the car drivers had driven on the pavement, and afterwards had to pay a bill for the damages it had caused.—Mr. J. F. Mackenzie, solicitor of the company, took the grounds that when their charter was granted them, they (the company) had the right of the track in preference to all others, and read the Act of Assembly to that effect. Mr. O. H. Rippey appeared for the defendant and took the ground that the detention of the car, by his client, was not intentional, but that after he got on the track he could not get off without going around the whole square, and he thought he had as much right there as any person else.

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Notice to Builders and Contractors.

THE UNDERSIGNED (formerly Foreman for ROWLAND PARRY,) would respectfully inform those for whom he has done work, and the public generally, that he is now prepared to furnish SLATE of different colors, (green, blue and purple,) or put on SLATE ROOFS in the most approved manner. Orders for Roofing or Repairing of Slate Roofs (if left at the office of ALEX. LAUGHLIN, near the Water Works) will be promptly attended to. THOMAS PAREY.

jy21:3md

PAPER MILL FOR SALE.—The undersigned will dispose of his PAPER MILL, situated in Canton, Ohio, on the Pittsburgh, Fort Wayne & Chicago Railroad, now in operation about four years. The mill is of the very best kind, built by J. L. Reverre & Co., Boston, and is in excellent order. The machine cylinder is 42 inches wide, and two stories high, the lower story being twelve feet and the upper fourteen.

The building is of brick, one hundred feet long, thirty-two wide, and two stories high, the lower story being twelve feet and the upper fourteen.

Steam is plenty and easily obtained.

The mill is in constant operation, and any one wishing to purchase can witness it running for themselves. It will be sold as a bargain. For particulars, inquire at the mill, by letter, or of myself, in Manchester.

JAMES ANDERSON.

jy7:2m

CEDAR CHESTS AND FUR BOXES, to protect Woolens and Furs from the ravages of the moth—made to order at short notice.

T. B. YOUNG & CO.

jy16

EGGS—3 bbls. just received and for sale by

H. DALZELL, & CO.

jy14

THE LATEST NEWS.

BY TELEGRAPH,

RECEIVED AT THE DAILY GAZETTE OFFICE.

LATEST FROM EUROPE.

Arrival of the City of Washington.

ST. JOHNS, July 27.—The steamship City of Washington, from Liverpool on the 18th, via Queenstown on the 19th inst., passed Cape Race at 4 o'clock this morning. The news yacht of the Associated Press succeeded in obtaining the Cape Race cannister which contained, however, no summary of news, but merely two newspapers from which the following summary of European intelligence is compiled:

The British government is said to have received intelligences of a fearful massacre of Christians at Damascus. Five hundred men were killed, among whom was the Dutch Consul. The American Consul was wounded.

The two vessels which passed over to Garibaldi are merchant steamers.

It is confirmed that the steamer Veloce has passed over to Garibaldi.

NAPLES, 14th.—The Patriots are constantly traveling the streets.

The moderate party is full of apprehension concerning the stabling of an inspector of the former police on the 12th, in the Strada de Toldo.

A proclamation of Garibaldi against the Bourbon dynasty has been distributed.

The ministry has been dismissed and a new cabinet formed.

NEW YORK, 27.—The rain storm yesterday p. m., did considerable damage in this vicinity; several houses were inundated in Williamsburg, one was struck by lightning, and the inmate, Mrs. Parry, killed.

A New Yorker named Purple was stabbed twice with a bowie-knife, at the St. Nicholas, last night, by a Philadelphian named Hyman.

Great excitement exists at Occaquan, Va., near Alexandria, in consequence of the Republicans raising a banner bearing the names of Lincoln and Hamlin. The citizens have attempted to demolish it; the Republicans resisted, and dispatched messengers to neighboring towns for arms and ammunition. Gov. Letcher ordered Gen. Hatten to call out his troops to protect the Republicans, but the General preferred resigning his command. At last accounts it was expected the military of Alexandria would be called out. Occaquan contains 300 Republicans, and was the residence of Mr. Underwood, the ostracised Republican.

NEW YORK, July 27.—Sam'l C. Paxton, President of the Corn Exchange Bank, died suddenly yesterday of congestion of the brain.

The shipment of specie for Europe to-morrow, will reach a million and a half dollars.

Last night the land near Fort-Bergen Hill on the line of the Jersey City and Bergen horse railway sunk 10 feet, probably owing to an under stratum of quicksands.

ALBANY, July 27.—Much feeling is expressed today on the removal of Messrs. McQuade, Bigby and Godfrey from the custom house, and the appointment of Messrs. Farrell, Griffin and Blanchard. The three newly appointed officers are all prominent in the movement which defeated Mr. Fleming for Congress, and elected John H. Reynolds, by a union with the Republicans. One of the appointees is the editor of the Evening Standard (Breckinridge,) and the working editor of the Morning Knickerbocker, (Republican.)

The Albany Wide Awakes turned out in great numbers last night, to attend the dedication of a wigwam at Troy. Some five hundred went up in uniform.

HARRISBURG, July 26—*Thursday Evening.*—The Democratic Convention adopted to-night, unanimously, a series of resolutions endorsing the platform and nominations of the Democratic State Convention at Reading; and also the platform and nomination of the Baltimore National Democratic Convention; condemning the plan of the State Democratic Committee for fusion as anti-democratic and in opposition to the known wishes of the masses of the Democracy, and finally declaring it to be the duty of the State Committee to call another Convention of delegates for the purpose of preparing an electoral ticket pledged to support the action of the Baltimore National Convention, and the regular Democratic candidates—Douglas and Johnson.

MONTPELIER, Vt., July 26.—The Democratic State Convention, to nominate State officers and electors at large, was held here to-day. P. Dillingham, of Waterbury, presided, and Messrs. E. M. Smalley, of Burlington, and Wyman, of St. Albans, were appointed Secretaries. John G. Saxe, of Burlington, was nominated for Governor; Stephen Thomas, of West Fairley, for Lieutenant Governor; James S. Thornton, of Montpelier, for Treasurer. The ticket at large—Isaac Bawditch and P. Dillingham, of Windsor. The Convention was large and enthusiastic, and unanimous for Douglas and Johnson.

ST. LOUIS, July 27.—A party of seventy international excursionists, composed of members of Parliament, various public officers, members of the press, prominent agriculturalists, and others from the east, coast, arrived here this afternoon and visited some of the principal objects of interest. The excursion was projected by J. B. Austin, of the Central Railroad, in connection with the Michigan Central and other Western Roads. The party leave for Iowa on a special train this evening.

WASHINGTON, July 27.—The United States Court of Pleas has adjourned to meet on the 15th of October next. But little business has been transacted during the present year, counsel in many cases preferring to await definite action on the Congressional bill proposing to so change the law, and establishing that tribunal as not to make its awards final, without giving the right to appeal.

BOSTON, July 27.—Martha Allen, aged 17 years, died suddenly at Mansfield, and was buried. Circumstances led the county Coroner to order the body disinterred, when it was found that she had died from an attempt to procure an abortion. An inquest will be held to-morrow. A young man in Mansfield has been arrested as the instigator of the crime.

CHICAGO, July 27.—Francis A. Hoffman, who was nominated for Congress at the last Republican State Convention and who published his intention to withdraw, has, it is understood, in accordance with resolutions passed at two Congressional Conventions, declined to withdraw his resignation and has consented to run as a candidate for that office.

PHILADELPHIA, July 27.—The factory of Potts & Klitz, at Cooper's Point, near Camden, was demolished during the thunder storm yesterday afternoon. Eight men took shelter from the rain in the building, of whom three were killed and three seriously injured. The building was two hundred feet long. Loss, $4000.

CONCORD, N. H. July 27.—This morning about 5 o'clock, Jas. S. Willington, a merchant of Warren, N. H., stepped up to Mr. Wyatt and shot him through the heart with a revolver. He died instantly. Willington is under arrest. The cause was trouble about an old debt.

Wyatt was a young man and leaves a wife and one child.

BRUNSWICK, Mo., July 26.—The passenger train from Portland, on the Kennebec and Portland Railroad, was thrown off the track, near Bowdoinham. Two passenger cars were turned over, but no one killed. One man had his arm broken, and several others were injured more or less.

ST. JOHNS, N. F., July 27.—The Prince of Wales' squadron passed Cape Race at 5 o'clock last evening. The Hero was boarded by the new yacht of the Associated Press and messages from the squadron were sent ashore, but not till 10 o'clock this morning, the crew having lost their way in the thick fog.

SENECA FALLS, N. Y., July 27.—The Democracy of Seneca county, held an immense Douglas ratification meeting at this place last night. Over 3,000 persons were present.

LOUISVILLE, July 27.—River falling rapidly with 3 feet 10 inches water in the canal. Weather clear. Mercury 80°.

GRAND BALLOON ASCENSION AT Iron City Park!

ON SATURDAY, JULY 28rd, at 4 o'clock P. M., PROF. S. WILSON will ascend with his new AIR SHIP, the GREAT WESTERN, which he has constructed in this city, at great expense, for the purpose of making long Aerial Voyages, and with a view of crossing the Atlantic Ocean, by the great Eastward Current. Several persons can have the pleasure of an Aerial Voyage by paying $25.

PROF. WILSON will lecture on AERIAL NAVIGATION, at CITY HALL, on FRIDAY EVENING, July 27th, at 8 o'clock. He will give highly interesting accounts of his Ascensions from California, Mexico, Cuba, and other parts of the world, also, a description of the terrific ascension of the two HARVEY CHILDREN, who were cast off accidentally with his balloon.

PROF. WILSON having made more than two hundred ascents, is confident that he can make a voyage from Pittsburgh to Europe in less than THREE DAYS, with his two GREAT WESTERN and AMERICAN EAGLE, with ease, comfort and safety.

The "American Eagle" cost over $2,000, and is made of the best silk. The "Great Western" is made of fine cotton, and will carry up at least twenty persons when well inflated with hydrogen gas. The two Air Ships will carry 5000 pounds, and will remain in the air long enough to pass around the globe, if required.

Several persons can ascend with the Aeronaut on Saturday, by paying $25. They will please give notice the day before the ascension.

Americans, assist us, and we will guarantee to astonish the world.

Our ship across the Atlantic. The Statesmen and Grand Old Men of the Eastern Hemisphere.

Our ship across the Pacific. Gov. Downie, of California.

Our ship across the Isthmus and Many Cook from California are due to-day and to-morrow.

Our ship across receding steadily at Cincinnati on Friday, while the weather was clear and warm.—Freights were offering to moderate quantities from that port for the Pacific.

The Economy is running between Cincinnati and St Louis in the Express line.

The river is slowly declining with also four feet water to Cairo, and over one foot of bluff to Keokuk.

The Ohio at Louisville, with four feet and a half on the falls, is but below St Joseph.

The Illinois is falling.—St. Louis Dem.

Richmond Register.

ARRIVED.	DEPARTED.
Telegraph, Brownsville	Telegraph, Brownsville,
Jeffers'n, Brownsville	Jeffers'n, Brownsville,
Col. Bayard, Elizabeth,	Col. Bayard, Izzat stik;

Telegraphic Markets.

NEW YORK, July 27.—Ashes continue steady at $5 12 for Pots and $6 25 for Pearls. Cotton exhibits a firmer feeling to-day—sales 1500 bales middling at fields at 10c. Flour—sales 10,000 bbls at a range of 10@15c for inferior and forwarding, and 20@30c per bbl for prime to choice, with a few small lots of bbls at about the same range, the market closing dull, and to-day's sales were only 100 bbls inferior and ordinary at 14@25 3 per bbl—N. O. Pic.

Imports by Railroad.

PITTSBURGH—2 cases mdse; 10 do Thompson; 30 bbls whiskey; 25 sacks flour; 25 do Cooper; 185 do corn shovels and hoes, 1 sack feathers, 2 doz brooms, 81 Robinson, Fetterman & Co;