The Pittsburgh Post.

VOLUME XVII. PITTSBURGH, SATURDAY MORNING, OCTOBER 15, 1859. NUMBER 315

The Daily Post.

JAMES P. BARR,
EDITOR AND PROPRIETOR.

TERMS:—Daily, Five Dollars per year, strictly in advance. Weekly, Single subscriptions Two Dollars per year; in Clubs of five, One Dollar.

LOCAL AFFAIRS.

Departure and Arrival of Passenger Trains.

Pittsburgh, Fort Wayne and Chicago Railroad.
(From corner of Liberty and Grant streets, Pittsburgh.)

Leave Pittsburgh.	Crestline.	Ft. Wayne
Express Train..... 12:15 A. M.	6:56 A. M.	1:01 P. M
Mail Train..... 6:50 A. M.	.....	.....
Express Train..... 12:55 P. M.	8:45 P. M.	2:30 A. M

Arrive at Chicago:
Express.....6:47 P. M. | Express.....8,17 A. M

Returning, arrive at Pittsburgh:
Mail, 8:25 P. M. | Express, 3:30 P. M. | Express, 2:20 A. M
(From Federal Street Station, Allegheny.)
New Brighton Accommodation. 9:30 A. M. 5:20 P. M
" " " " 6:05 A. M. 12:10 P. M

Pennsylvania Railroad.
(From corner of Liberty and Grant streets)

	Leaves.	Arrives.
Express Train.....	9:05 P. M.	12:45 P. M.
Mail "	2:50 A. M.	11:50 P. M.
Fast Line.....	4:20 P. M.	12:20 A. M.
The Johnstown Way Passenger Train	6:00 A. M.	1:10 P. M
Johnstown Accommodation.....	2:30 P. M.	11:00 A. M
Fast Turtle Creek "	11:20 A. M.	6:50 A. M
Second " "	4:30 P. M.	12:30 A. M.
Third " "	6:30 P. M.	3:15 P. M

Pittsburgh and Connellsville Railroad.
(From Liberty and Grant streets.)

	Leaves.	Arrives.
Mail Train.....	7:30 A. M.	6:15 P. M
Express Train.....	4:30 P. M.	8:45 A. M

Cleveland and Pittsburgh Railroad.
(From corner of Liberty and Grant streets.)

	Leaves.	Arrives.
Express Train.....	12:15 A. M.	2:40 A. M
Mail Train.....	6:25 A. M.	4:00 P. M
Fast Line.....	1:05 P. M.	8:30 P. M
Accommodation.....	5:00 P. M.	11:00 A. M

Pittsburgh, Columbus and Cincinnati Railroad.
(From Liberty and Grant streets.)

	Leaves Pitts.	Columbus.	Arr. in Cin
Fast Line.....	12:15 A. M.	8:00 A. M.	11:30 A. M
Express Train..	1:05 P. M.	1:50 A. M.	7:30 A. M

Testimonial Resolutions.

Extract from Minutes of Proceedings of the Board of Directors of Pittsburgh Board of Trade and Merchants' Exchange, held Friday, October 14, 1859.

The death of James O'Hara Scully, a member of the Board of Directors of the Association, was announced by David Campbell, Esq., when, on motion, a committee of three were moved to draft resolutions expressive of the feelings of this Board, and Messrs. David Campbell, William H. Williams, and Hon. Wm. F. Johnston appointed as that committee: when the Chairman, Mr. Campbell, reported the following:

WHEREAS, The Almighty, in his inscrutable wisdom, has deemed it to remove from our midst J. O'Hara Scully, a member of this Board, to whom we were all endeared for his many manly virtues and strict business integrity. Therefore,

Resolved, That in the demise of Mr. Scully, the community have sustained a loss that will not readily be supplied. In his business he was liberal and honorable; in his social hours kind and generous and in all the relations of life bore himself with a dignity that commanded admiration and won esteem.

Resolved, That to the family of the deceased, in this trying hour of affliction, we tender our sincere and heartfelt condolence, and trust that they may find consolation in Him who is the widow's stay and the orphan's protection.

Resolved, That a copy of these proceedings be entered upon the Minutes of the Board of Trade, published in the newspapers, and forwarded to the family of the deceased.

On motion, adjourned.

ISAIAH DICKEY, President.
GEO. H. THURSTON, Secretary.

BLAIR COUNTY.—An accident occurred on Friday last, in the neighborhood of East Freedom, which resulted in the death of a man named Keys, and the probable fatal injury of another. It appears that Keys was engaged in driving a wagon-load of pig metal from Sarah Furnace to Duncansville, and having become somewhat intoxicated, left the mules to take their own road. On coming to a small hill on the road, they ran up, overturning the wagon and metal, which fell upon Keys and his companion. Keys died from the effects of his injuries in a few minutes, and his companion is so badly hurt that he is not expected to live.——A little son of Major J. D. Leet, aged about six years, accidentally fell from a porch to the pavement, a distance of eight or ten feet, on Thursday afternoon last. One of his arms was broken and his head severely cut by the fall. His wounds were properly attended to by a physician, and the little fellow is recovering as rapidly as the nature of his injuries will permit.

DR. SCHENCK has concluded to remain until Saturday evening. During his stay here he has visited several patients in the country, which has necessarily occupied a great deal of his time. He will give the remaining portion of his time to the attention of patients in town, and we would advise those who wish to consult him, not to defer it until the last day of his stay, as there is generally a great demand upon his services about that time. We would advise all having a consumptive tendency, to read the Doctor's communication in Friday's *Dispatch*, giving a detailed account of his own case as well as a number of certificates from prominent citizens of Philadelphia, where the Doctor resides. These proofs are so convincing as to satisfy any one that Dr. Schenck fully understands this disease, and knows how to cure it. His price for an examination is three dollars, but persons unable to pay, will be attended to gratis. He will be found at Dr. Keyser's, 140 Wood street.

WASHINGTON COUNTY.—A son of Mr. Thos. Walker, of Washington, while playing about the Canton Thresher of Mr M'Nary, on exhibition at the Fair, had his foot caught in the master-wheel of the machine, while in motion, which resulted in dreadful laceration, the flesh being torn from the bone, on one side of the foot, from the heel to the toes. The boy was placed under the care of a physician, who thinks the foot can be saved.

On Tuesday, a child of Cornelius Weaver, of West Middletown, aged five years and four months, was scalded by falling into a tub of boiling cider. It lingered in dreadful suffering from six o'clock in the evening until near seven the following morning, when death relieved it.

BRAKEMAN KILLED.—A serious accident happened at Columbia, on Tuesday afternoon, which terminated in the death of Samuel Irwin, a brakeman in the employ of the Pennsylvania Railroad Company. Mr. Irwin was standing on the railroad track awaiting the approach of a train descending the grade by its own momentum. He was struck by this train and knocked down, the wheels passing over his arm near the shoulder, and mutilating the limb in a shocking manner. He was carried to his boarding house, and died the same night at 9 o'clock, after suffering intense agony.

THE LANCASTER BANK.—An effort is now being made, which it is thought will prove successful, to compel the stockholders of the exploded Lancaster Bank to "face the music," and do justice to its note holders. Five eminent lawyers of Lancaster are now acting for the creditors and depositors, and are determined to push the matter through in all forms that can be brought to bear. They will not stop short of the highest tribunal in the land to obtain justice for their clients.

FATAL ACCIDENT.—On Sunday of last week, as three children of Samuel Rice, Esq., of Green township, Indiana county, were amusing themselves in a field convenient to the house, an old dead tree was blown down by a passing gust of wind, which fell upon the youngest of the three, a little boy, aged about three years, and killed him instantly. One of the other children who was in the immediate neighborhood at the time, barely escaped with its life.

HORSE FOUND.—A horse, stolen from the vicinity of Salem, Ohio, recently, has been recovered. The thief took him to Wellsville, where he tried to sell him, and finally did dispose of him for seventy-five dollars; but the purchaser, thinking that he might have been stolen, began to question the pretended owner, when the latter went out to hunt proof by which he could identify the property, and never came back again.

LUTHERAN SYNOD.—The Allegheny Evang. Lutheran Synod commenced its annual sessions, in the Lutheran Church, Hollidaysburg, on Friday morning, at 9 o'clock A. M. The opening sermon was preached on the evening previous by the President, Rev. C. Witmer, of Somerset.

Official Returns.

We publish this morning the official returns of the county. The results are as follows:

AUDITOR GENERAL.

Cochrane, Rep.....	8036
Wright, Dem.....	4720
Cochrane's majority.....	3316

SURVEYOR GENERAL.

Keim, R.....	7933
Rowe, D.....	4820
Keim's majority.....	3113

SENATE.

Irish, R.....	7820		
M'Kee, D.....	5070		
Irish's majority.....	2750		

ASSEMBLY.

Goehring, R.....	7884	Davis, D.....	5030
Pressley, R.....	7676	Means, D.....	4786
Varnum, R.....	7837	Stevenson, D.....	4936
Bayard, R.....	7808	Stuckrath, D.....	5029
Espy, R.....	7841	Beaumont, D.....	4862
	39115		24643

Average Republican majority, 2,894.

LAW JUDGE.

Mellon, R.....	7576
Gillmore, D.....	4636
Mellon's majority.....	2939

DISTRICT ATTORNEY.

Miller, R.....	8153
M'Clowry, D.....	4509
Miller's majority.....	3644

TREASURER.

Coulter, R.....	7229
Blackmore, D.....	5575
Coulter's majority.....	1654

COMMISSIONER.

Brandt, R.....	7368
Campbell, D.....	5269
Brandt's majority.....	2099

AUDITOR.

Cornelius, R.....	7231
Symmes, D.....	5131
Cornelius' majority.....	2042

SURVEYOR.

Anderson, R.....	7774
Ketchum, D.....	4728
Anderson's majority.....	3045

DIRECTOR OF POOR.

Miller, R.....	8143
Neel, D.....	4736
Miller's majority.....	3407

OFFICIAL RETURNS

OF THE

ELECTION IN ALLEGHENY CO.,

HELD OCT. 11, 1859.

DISTRICTS.	Auditor Gen'l. (Cochrane, R.)	Surveyor Gen'l. (Keim, R.)	Surveyor Gen'l. (Rowe, D.)	Law Judge. (Mellon, R.)	Law Judge. (Gillmore, D.)	District Attorney. (Miller, R.)	District Attorney. (M'Clowry, D.)	Treasurer. (Coulter, R.)	Treasurer. (Blackmore, D.)	Commissioner. (Brandt, R.)	Commissioner. (Campbell, D.)	Auditor. (Cornelius, R.)	Auditor. (Symmes, D.)	Surveyor. (Anderson, R.)	Surveyor. (Ketchum, D.)	Director of Poor. (Miller, R.)	Director of Poor. (Neel, D.)
PITTSBURGH.																	
First Ward.....	83	163	79	167	91	137	78	165									
Second Ward.....	100	233	199	239	136	177	102	224									
Third ward, 1st pct.	125	196	122	172	149	147	112	164									
" 2d pct.	177	134	217	130	240	108	260	111									
Fourth ward.....	99	254	102	247	130	212	91	251									
Fifth ward, 1st pct.	109	176	103	174	176	174	106	171									
Fifth ward, 2d pct.	247	255	252	257	249	257	241	263									
Sixth Ward.....	163	351	165	354	173	349	160	356									
Seventh ward.....	83	110	112	97	105	112	85	117									
Eighth Ward.....	114	200	114	198	122	192	109	204									
Ninth ward.....	74	216	75	217	76	215	70	221									
ALLEGHENY.																	
First ward.....	57	241	61	241	62	236	63	239									
Second ward.....	122	225	122	225	122	225	122	225									
Third ward.....	175	275	178	276	180	277	171	284									
Fourth ward.....	167	354	169	360	164	358	166	357									
Birmingham.....	70	70	71	70	72	68	71	70									
Elizabeth.....	36	57	34	59	45	52	34	61									
W. Pittsburgh.....	35	51	36	53	37	47	35	49									
Monongahela.....	92	121	92	122	92	123	92	122									
Manchester.....	21	33	22	33	22	32	22	32									
Birm'ham, 1st pr.	86	94	85	94	86	86	87	93									
" 2d pr.	76	171	76	171	76	171	76	171									
E. Birmingham.....	91	177	91	176	93	189	95	187									
Duquesne.....	80	82	80	82	80	82	80	82									
Lawrenceville.....	122	130	122	132	130	122	134	130									
Sharpsburg.....	52	103	52	101	50	104	49	105									
M'Keesport.....	61	186	63	186	60	189	63	186									
South Pittsburgh.....	81	117	78	117	79	119	78	122									
West Elizabeth.....	15	23	15	23	23	16	15	23									
Tarentum.....	32	51	32	50	32	50	32	50									
Townships.																	
Pitt.....	63	130	66	132	74	124	59	135									
Collins.....	30	145	30	145	30	127	30	124									
Plum.....	47	75	47	75	43	76	46	75									
Penn.....	20	84	20	85	21	69	21	78									
Elizabeth.....	71	241	73	246	73	235	72	241									
Mifflin.....	123	110	125	110	119	115	121	116									
Robinson.....	76	92	75	92	75	84	95	90									
Moon.....	79	79	80	79	84	75	84	76									
Franklin.....	61	97	61	97	55	91	59	97									
Baldwin.....	44	119	45	116	46	116	44	117									
Ross.....	56	71	54	75	56	74	56	72									
M'Candless.....	35	48	35	48	36	48	34	49									
East Deer.....	15	56	16	57	21	49	17	56									
Upper St. Clair.....	72	116	73	116	84	118	66	122									
North Fayette.....	64	57	62	58	62	58	62	58									
Neville.....	1	91	1	90	1	91	1	91									
Shaler.....	33	96	32	96	34	96	32	97									
Fawn.....	6	124		122	8	126	9	120									
M'Clure.....	53	53	53	54	55	53	53	53									
Peebles, 1st dist.	30	91	29	91	34	91	28	91									
Peebles, 2d dist.	26	43	25	44	27	36	32	41									
Wilkins.....	95	127	92	128	98	99	96	125									
Patton.....	51	71	51	71	51	71	51	71									
Versailles.....	49	50	48	51	52	48	47	52									
Jefferson.....	47	78	46	79	52	73	45	83									
Chartiers.....	75	115	75	116	85	116	74	128									
Findley.....	79	49	79	48	78	48	82	46									
Ohio.....	21	50	19	50	19	50	19	50									
Reserve.....	66	65	66	64	67	64	62	67									
Snowden.....	41	96	40	97	36	103	38	99									
Pine.....	36	50	36	50	36	50	36	50									
West Deer.....	78	80	78	78	78	79	78	78									
Indiana.....	30	112	30	112	30	112	30	112									
Lower St. Clair.....	195	192	195	192	223	51	188	57									
South Fayette.....	41	118	37	117	39	120	34	120									
Sewickley.....	26	48	26	49	26	48	26	49									
Crescent.....	12	12	12	12	12	12	12	12									
	4720	8036	4820	7933	4936	7575	4509	8153									

ASSEMBLY.

DISTRICTS.	Samuel W. Black, D.	Thomas H. Stevenson, D.	Jacob Stuckrath, D.	Andrew Beaumont, D.	Wm. Davis, D.	Wm. A. Pressley, R.	Wm. Goehring, R.	Wm. Varnum, R.	Wm. H. Bayard, R.	Wm. Espy, R.
PITTSBURGH.										
First ward.....	85	83	82	83	82	168	169	169	171	172
Second ward.....	111	104	104	108	104	220	222	227	227	221
Third ward, 1st pct.	143	143	146	148	152	147	200	197	201	201
" 2d pct.	288	286	284	286	284	128	129	128	129	129
Fourth ward.....	103	101	103	102	102	249	253	253	253	251
Fifth ward, 1st pct.	106	107	107	110	105	176	175	174	172	175
" 2d pct.	260	261	263	258	261	256	246	248	246	249
Sixth ward.....	171	170	168	171	167	356	354	351	353	355
Seventh ward.....	91	95	90	91	91	106	109	109	105	100
Eighth ward.....	113	113	112	112	112	197	201	200	201	200
Ninth ward.....	75	75	75	76	76	214	214	219	214	214
ALLEGHENY.										
First ward.....	69	63	65	70	59	244	234	236	239	245
Second ward.....	81	75	75	91	71	226	225	225	226	232
Third ward.....	184	178	182	186	174	278	257	260	279	272
Fourth ward.....	161	157	163	169	153	367	343	355	363	358
BOROUGHS.										
Elizabeth.....	33	33	33	33	33	70	70	69	69	70
West Pittsburgh.....	40	42	40	40	40	55	55	55	55	53
Monongahela.....	35	35	35	36	36	50	50	50	50	50
Manchester.....	91	81	89	89	77	120	109	114	126	111
Sewickley.....	33	33	37	33	33	42	48	49	53	53
Birm. 1st pct.....	92	89	90	91	89	87	87	89	89	88
Birm. 2d pct.....	90	89	90	89	90	131	131	131	131	130
East Birming'h.....	116	116	116	119	116	164	168	159	159	159
Duquesne.....	30	32	32	35	32	82	81	81	82	82
Lawrenceville.....	131	130	130	130	130	128	127	129	130	130
Sharpsburg.....	53	53	53	53	53	102	102	101	102	102
M'Keesport.....	62	57	57	62	62	188	188	187	188	188
South Pitts'bgh.....	94	77	80	78	79	121	103	112	123	126
West Elizabeth.....	17	15	15	17	17	23	23	23	23	23
Tarentum.....	32	30	32	32	30	89	81	82	84	82
TOWNSHIPS.										
Pitt.....	68	69	68	69	67	123	129	130	131	130
Collins.....	34	13	26	27	28	128	127	123	142	130
Plum.....	47	47	47	47	47	77	77	77	77	77
Penn.....	21	22	21	19	84	80	84	84	84	84
Elizabeth.....	76	76	76	76	76	241	241	241	240	241
Mifflin.....	149	132	149	149	149	98	98	98	98	98
Robinson.....	80	103	78	78	78	83	86	87	88	69
Moon.....	86	87	91	86	86	71	73	72	72	71
Franklin.....	60	60	60	63	60	27	27	27	27	27
Baldwin.....	42	32	46	45	44	112	111	113	110	116
Ross.....	58	59	60	63	59	79	66	70	70	69
M'Candless.....	35	35	35	35	35	48	47	48	48	48
East Deer.....	17	17	17	17	17	57	57	57	57	57
Upper St. Clair.....	73	49	74	75	75	120	121	120	121	149
North Fayette.....	64	63	64	63	63	55	56	57	57	57
Neville.....	1	1	1	8	1	31	17	31	31	31
Shaler.....	35	34	35	36	36	51	55	55	55	55
Fawn.....	10	9	10	10	9	124	121	123	126	124
M'Clure.....	50	55	56	57	52	37	35	34	34	35
Peebles, 1st dist.	37	19	21	17	21	97	85	96	106	96
Peebles, 2d dist.	27	28	28	30	28	46	46	45	47	44
Wilkins.....	28	25	25	25	25	125	121	127	126	125
Patton.....	51	51	51	51	51	71	69	71	71	71
Versailles.....	51	51	51	51	51	79	79	79	79	79
Jefferson.....	49	34	49	49	49	82	82	82	82	84
Chartiers.....	75	91	76	74	75	126	124	126	123	110
Findley.....	50	79	50	79	50	46	47	46	46	49
Ohio.....	22	22	22	22	22	47	46	48	48	48
Reserve.....	69	47	69	81	67	81	44	58	58	55
Snowden.....	43	15	42	41	41	97	93	97	97	93
Pine.....	35	35	35	36	35	50	49	50	50	50
West Deer.....	38	38	38	37	38	79	80	80	80	80
Indiana.....	86	82	86	86	85	117	112	113	113	114
Lower St. Clair.....	200	183	200	201	201	70	70	71	70	80
South Fayette.....	20	50	49	48	110	114	115	114	107	
Sewickley.....	26	27	29	27	32	44	44	46	46	46
Crescent.....	17	17	17	17	17	12	12	12	12	12

TOTALS.

Davis.....	5030	Goehring.....	7884
Means.....	4786	Pressley.....	7676
Stevenson.....	4936	Varnum.....	7837
Stuckrath.....	5029	Bayard.....	7808
Beaumont.....	4862	Espy.....	7841

Verdict for Damages against the Pittsburgh, Fort Wayne and Chicago Rail Road Company.

The District Court has been occupied for some days in the trial of the case of R. P. Duxberry vs. the Pittsburgh, Fort Wayne and Chicago Railroad Company, an action of damages for injuries sustained by plaintiff on defendant's road. The testimony and arguments were concluded on Thursday, and yesterday morning, John H. Hampton, Esq., counsel for defence, asked the Court to charge the jury on the following points:

First. That a person traveling upon the cars of a Railroad Company must conform to all reasonable rules and regulations for entering, occupying, and *leaving* their cars, and if injury befall him by reason of his disregard of such regulations, the Company are not liable in damages, even though the negligence of their servants concurred with his own negligence in causing the mischief. Sullivan vs. the Philadelphia and Reading Railroad Company, 6, Casey 234.

Second. That to justify a person who has been a passenger on their cars, on his arrival at his destination, to depart from the regular platform and station of a Railroad Company by *an unusual way*, there must be proof of some justifying necessity for his so doing, and that this necessity must be more than the existence of some *temporary obstruction* which compels him to leave the ordinary and well known method of getting to a public street from said station. Pennsylvania Railroad Company vs. Pittsburgh *Legal Journal*, August, 1859.

Third, That even if the testimony of the plaintiff's witness, Jeffrey, be believed by the jury, the mere fact that the cars were upon Federal street at the time the plaintiff got out, and thereby temporarily prevented plaintiff from proceeding down Federal street, was not such a justifying necessity as would allow the plaintiff to go from the street along the same to the end of the train, and behind the same on to the track of the Company

Fourth. That if the jury believe there was a safe and convenient platform leading to Federal street, and that plaintiff got out of the cars on the same, and having proceeded along the same toward Federal street, left it without "a justifying necessity," and crossed over the track to the point where he fell, that plaintiff cannot recover.

Fifth. That if the jury believe that there was negligence on the part of the Company, in not sufficiently protecting the outer track, and that the plaintiff went upon the same without a necessity, and was upon the track at the time he fell, then plaintiff cannot recover.

Sixth. That if the jury believe the train had left Alleghany station when plaintiff left the platform, then, as a matter of law, he had no right to go upon the track of the Company, and his negligence in so doing will defeat his right to recover.

Seventh. That the entry of a person, either stranger or a passenger, upon the track of a Railroad Company, unless at a point where there may have a lawful right to be, is negligence *per se*, and if injured, he cannot recover, and that, in determining the right of the party injured to be upon the track, the jury must be satisfied that he was there by some great necessity, which compelled him to be and remain there, and that by the exercise of ordinary caution and prudence, a place of safety could not be found which would render it necessary for him to place himself in a place of peril.

Eighth. That under the laws of Pennsylvania if there be mutual negligence on the part of plaintiff and defendant, the plaintiff cannot recover.

Judge Williams briefly summed up the evidence, which showed that Duxbury arrived in the train from the west on the night of the 6th of January last; that the deceased, who had stepped, is built on covered trestle work on the West side of Federal street; that the train stopped either on the West side of the street, or with the train standing directly across the evidence on this point being contradictory—that the plaintiff got off the train on or near the street on the opposite side from the place to which he wished to go, that he passed some distance to the rear of the train for the purpose of reaching the other side; passed around it, undertook to cross the outer or side track, in some uncovered, diagonally toward Federal street, and in doing so fell through, breaking his jaw and lacerating his face.

With regard to the points submitted by Mr Hampton, the Court affirmed the first, refused the second, as a matter of law on the second to seventh inclusive, and said the eighth depended upon a few well settled principles of law, viz:

First. The plaintiff is not entitled to recover if the injury was the consequence of his own want of ordinary care. Notwithstanding, the company may have been guilty of gross negligence in leaving the outer track of the Railroad open, uncovered and exposed, and without any barrier or protection along the side next the canal, and a nuisance to those traveling on said road.

Second. If the injury was occasioned by the mutual negligence of the plaintiff in leaving the road as he did, and of the Company in having the track open and exposed, the plaintiff is not entitled to recover. When the injury is shown to have been occasioned by mutual negligence, the injured party cannot recover. The law in such case regards the injury as the result of want of proper care on the part of the person injured, and never as the result of carelessness or default of the other party.

Third. But if the track of the Company's road and the trestle work through which plaintiff fell when he received the injury, was dangerous and a nuisance to those having occasion to travel the road, then it is not incumbent on the plaintiff to prove the exercise of ordinary care on his part. But the proof of the want of ordinary care on the part of the plaintiff lies on the defendant. The burthen of proof of the want of ordinary care rests upon the party alleging it.

He then requested the jury to examine into the evidence as to negligence of one or both parties, the relative situation of the track, cars, street and platform—whether they were such as to allow travelers free passage, or whether the localities were such as that, if a person deviated from the usual path it was wilful negligence—whether the proximity of the trestle work to the canal, the manner of lighting, &c., showed wilful negligence by the Company. Had the plaintiff exercised ordinary care, which was all the law exacted? If he had, and negligence by the Company were proven, he could recover. He added that in this case vindictive damages were not required, even if a verdict were found for plaintiff, and submitted the case.

The jury, after being out an hour, brought in a verdict for plaintiff in the sum of $2,041. The case will probably be taken to the Supreme Court.

A MAN AND TWO HORSES KILLED BY A TRAIN OF CARS.—As Mr. Orrin Burdick, a citizen of Stow, was crossing the track of the Cleveland & Pittsburgh Road Wednesday forenoon, in a carriage drawn by two horses, between Earlville and Ravenna, he was run over by the down mail train. The horses were instantly killed, the buggy was torn to pieces, and Mr. Burdick fatally injured, although he lingered until six o'clock next morning. It is very strange that he should have attempted to cross the track at the time, as the locomotive whistled as usual, and the train could be seen for a mile from where he met his death. Mr. Burdick was about forty-five years old.—*Cleveland Plaindealer.*

AN UNFORTUNATE WATCH—OR WATCH OWNER.—In June last an Italian named Alexander Muzaza stole a fine silver hunting-case watch from Michael Tuchaherrerr, was convicted of the offence and sent to the Penitentiary. T. has recently been at work on the steamer Falcon on the wharf, and yesterday took off the recovered watch and hung it up. Missing it soon afterward, his suspicions fell upon a man named John Spelman *alias* Henry Summerville, and he forthwith made his loss known at the Mayor's office. In half an hour Spelman offered the watch at a pawn office, and was arrested and committed to answer the charge of larceny. The owner of the watch declares his intention of selling it, as he thinks it unlucky.

APOLLO THEATRE.—Mr. and Mrs. Waller will appear at the Apollo Theatre on Monday in the fine play of Bertram. They are excellent and popular artists.

THE DOGS AND MONKEYS.—Young America and old America, too, will be delighted to learn that Signor Donetti will give an exhibition of his trained Monkeys, Dogs and Goats, this afternoon, for the accommodation of children and ladies who prefer a day to a night exhibition. Four fine Reindeer will also be exhibited upon the stage.

The performances of these animals are very funny, and the time and patience which it has cost to train them to their present degree of intelligence, must have been immense.

The performance to-night is the last which Signor Donetti will give in this city. Go one, go all, if you wish to see a most amusing performance.

THROWN FROM A WAGON AND KILLED.—A man named Thomas Murray, who had been employed in hauling stone from Ashman's stone quarry, back of Allegheny city, was found dead on the road leading from the quarry, yesterday morning, and his team a short distance below, at the foot of the hill. It is supposed that the horses started and threw him out, inflicting injuries which caused almost instant death. Murray was a man of about thirty-five, and leaves a wife and child. Coroner Bostwick held an inquest on the body, and the jury found a verdict in accordance with the facts.

ARRESTED AND COMMITTED.—On Monday last, three men, James Scahill, Ben Hughes, and Devine, went into a lager beer hall, kept by Mrs Hyde, on Fulton street, near Wylie, and made a violent assault on Mrs. H., striking her on the head several times. Hughes drew a knife, which she knocked out of his hand with a stick. Mrs. Hyde has been unable to go out since, and her life was, she thinks, in danger. Hughes was yesterday arrested by the Mayor's police, and committed to answer a charge of assault and battery with intent to kill.

LOST HIS MONEY.—Augustus Hastler left his home in Rostraver township, Westmoreland county, two weeks ago, with $850, to make an investment in the West. Arriving at Leavenworth, Kansas, he deposited his money in the bank, and having found a suitable place to use it, drew it out of the bank and took it to his boarding house, and put it in his trunk. In the morning, on looking for his money, he found it gone. Some one had robbed him. At last accounts no clue had been discovered to the lost money.

BOY HURT.—On Monday last a lad named James, son of Henry V. Combs, of Lawrenceville, while standing on the frame of a roller, which was in use at the Fair Ground, accidentally pitched off, and the roller passed over him. He was very seriously injured internally, causing a hemorrhage of the lungs, besides being bruised externally. His case at first was considered very critical, but on Tuesday there were hopes he would recover.

ARM TORN OFF.—A young man named Rupert, of Armstrong county, adjoining the Indiana county line, had his arm torn off above the elbow by a threshing machine, while engaged in helping to thresh Buckwheat on Tuesday of last