THE NEW YORK SUN.

SATURDAY MORNING, OCTOBER 1, 1859.

### Progress in Austria.

THE late war wonderfully quickened the minds of those who control the policy of the Austrian Government. They have discovered that even "legitimacy" cannot safely depend upon military force for its maintenance, and that subjects have rights which Emperors should respect. We have already noticed the Imperial decree, issued since the close of the war, conferring upon the non-Catholic subjects of FRANCIS JOSEPH, in Hungary, Croatia and Slavonia, a measure of civil and political freedom which they have not hitherto enjoyed.

The decree grants to the Prot[illegible]estants the free and public exercise of all [illegible] their religious ceremonies. New chur[illegible]es may be erected, and their pres[illegible] all have unrestricted freedom in their [illegible]uing, as well as in the administration of the sacraments, baptisms, marriages, and other church ordinances. The decree, as might be inferred, has given great satisfaction at Vienna, and it is expected to produce a better feeling toward Austria throughout the Germanic Confederation.

It is further stated, that another decree, destined to regulate, in a uniform manner, and upon liberal principles, religious worship in the Jewish synagogues, in Austria, will soon be issued. Under it, the Jews will acquire the civil and political rights of which they have long been deprived in Austria. They will cease to be excluded from the right of holding landed property, and will be enabled to enter freely into any industrial or commercial operations permitted to other subjects. In fact, it is expected that all persons, whatever their creed, will be assimilated to Roman Catholics in the free exercise of their religion, and in the exercise of their civil and political rights. This will be a great step forward for Austria, and remove from her a stigma which has alienated the sympathies of the liberal-minded men of all countries.

### The Two Million and a Half Debt.

MANY of our citizens are not aware that they will be called upon at the approaching State election, to vote upon a proposed amendment of the Constitution, to provide for the payment of an unconstitutional canal debt of two and a half million dollars. Those who have had the management of the financial affairs of the State, assumed the responsibility of making contracts, and issuing drafts to the contractors, in payment, in direct violation of the provisions of the Constitution. To redeem these drafts, an amendment to the Constitution is necessary, and the Legislature provided last winter for the submission of such an amendment to the people.

Both the political parties, in their State Conventions, have recommended the redemption of the unconstitutional drafts, and as the people of New York are opposed to anything like repudiation, the constitutional amendment will, undoubtedly, be carried. But, at the same time, they owe it to themselves to condemn, in an emphatic manner, the reckless conduct which has exposed them unnecessarily to increased taxation. The Canals have been a fruitful source of speculation, corruption, and fraud, and we fear that they will continue so, while they are under State management.

### New Publications.

A HISTORY OF THE WHIG PARTY. *By R. McKinley Ormsby.* Boston: CROSBY, NICHOLS & Co., Publishers.

This is intended as a hurried glance at the party, with a description of some of its main features, and the process by which political organizations are effected. It also outlines the history of the political parties of the United States up to the present time.

HUNT'S MERCHANTS MAGAZINE. The October number is issued. GEO. W. and JOHN A. WOOD, Publishers, 142 Fulton street.

### The Missing Aeronauts.

The Watertown *Reformer*, of which Mr. JOHN A. HALDOCK, who went up with LA MOUNTAIN, is the editor, has the subjoined speculations about the fate of the lost balloonists:

The most painful apprehensions are gaining supremacy in the minds of our citizens respecting the fate of Messrs. LA MOUNTAIN and HADDOCK, of whom no tidings have been heard since they passed over the towns of Antwerp and Fowler, some forty or fifty minutes after their sublime ascension in this village, on Thursday last, at about 5½ o'clock P. M. The general course, as far as could be observed by spectators here, and those who saw the balloon pass over them in her course, was as near north east as can be judged without instrumental observations, and nearly the whole distance they were judged to be from three to four miles high, passing swiftly at the rate of a mile in a minute and a half—many think even faster than that. They are many conjectures as to their fate. Their generally declared intention was to alight before dark; and the limited supply of food, drink and clothing, with which they supplied themselves, corroborates this supposition. But the ascension was so fine, and their movement away so direct, rapid and smooth, that many believed that, inspired by an ambition to do more than had been talked, and make a reputable voyage, led them to abandon their first purpose, and remain up most of the night, or sufficiently long to pass into the Eastern States. And that, in the execution of this purpose, they have been taken more northwardly than they had hoped, and instead of passing into the settled portions of New England, passed over the interminable forest which stretches away between us and the Gulf of St. Lawrence. An inspection of the map will show that, following the course they passed for the first hour, while within observation, it would carry them over the northern part of Vermont, New Hampshire and Maine, or parts of Canada, adjoining into New Brunswick, and, if still extended, into the Gulf of St. Lawrence. This course, compared with the voyage of the same balloon from St. Louis to Henderson, will be found a parallel extension of it. It may reasonably be inferred that, approaching the Gulf of St. Lawrence, and observing the great expanse of water, they thought it the ocean, and rather than alight on it, or attempt its passage, they preferred to risk alighting in the wilderness of New Brunswick, where they may be now making their way out. But this, of course, is all conjecture. Some think they may have ascended so high as to become stupefied with cold; others, that they were obliged to alight in the woods in the northern part of this State, in consequence of a storm. But when last seen they were above the regions of storm. Others think they crossed the River St. Lawrence and came down in the forests of Canada; some, also, that they have crossed the Atlantic. But whatever theory we adopt, we pray God may grant their speedy and safe return.

The Rome (N. Y.) *Sentinel* has the following:

A rumor was current in our village, brought by the Watertown train due here at 2 40 P. M., to the effect that it was reported in Watertown that a letter had been picked up in Canada (near Bytown, we believe), purporting to have been written by LA MOUNTAIN, stating that Haddock (one of the balloonists) was insane, and that the rope was so tangled up that the valve could not be opened to let out the gas, so as to allow the balloon to come down. We give the story as reported at the depot on the arrival of the cars. We will add that we place no reliance upon it.

The following dispatch came to hand last night by telegraph:

THE SEARCH FOR LA MOUNTAIN.

*Watertown, N. Y., Sept. 30.*—Mr. LA MOUNTAIN was last seen at Harrisville, Lewis County, passing over the New York wilderness, still going due East, and at a great elevation. A reward is offered by his brother, of $1000 for the discovery of the aeronaut alive, and $500 for their bodies, if dead. A party goes to the woods to-morrow to prosecute the search.

### The Bridge Accident at Albion.

The Rochester *Union*, 29th, has the following:

One of the most frightful accidents which ever occurred in Western New York, took place last evening in the village of Albion, involving a fearful loss of valuable life. At the time we write the exact number of killed is unknown, but the dead were well known citizens of Orleans county.

One of the young men from Brockport, who has been practising and walking the rope over the Canal at that place, went to Albion yesterday to give an exhibition of rope walking during the holding of the Orleans County Fair. He extended a rope over the Canal from a block of stores to the Mansion House, just west of Main street Bridge, and about five o'clock in the afternoon commenced walking and performing his feats. The iron bridge near the rope was crowded with people on foot and in wagons, that place being one of the best that could be found for a view of the rope. When the rope-walker was just walking out, and all eyes were fixed upon him, the bridge went down with a crash, carrying into the water, in one promiscuous mass hundreds of people, including all ages and both sexes, and with them, of course, fell the horses and wagons, iron timbers, and other materials of the bridge.

It appears that the largest number of people were on the west side of the bridge, that being nearest to the rope, and that went down first, thus giving the falling mass of human beings, animals and materials a sidewise as well as downward motion. The eastern section of the bridge falling last must have buried many beneath its ruins. As the bridge was of iron, partly cast and partly wrought, it broke into sections and fragments, and went to the bottom of the canal, burying, of course, everything that went before it beneath its weight. The excitement which followed cannot be described—it may, perhaps, be imagined.

Hundreds of people were on the banks of the canal, and upon the buildings around, to view the rope walking. They were almost paralyzed by the shock of the falling bridge, but they of course rushed to the rescue and drew from the water those who were within reach. It was not long before all those who went down and survived the fall were rescued, and the bodies of the dead were soon taken up in considerable numbers. A gentleman who was a witness of the dreadful spectacle, says he thinks that many were injured and perhaps some lost their lives by the horses that went down with the crowd. They floundered, kicked and struggled, and no doubt injured some of the unfortunate people, in trying to extricate themselves.

There were three teams upon the bridge, two carriages and a lumber team. The number of persons upon the bridge is estimated at from two to four hundred, the most of whom went into the water.

At last accounts dams had been thrown across the canal and the water was being drawn off, when the full extent of the calamity would be made known.

### A Kingdom for Prince Napoleon.

A BRUSSELS paper has revived the story that a kingdom is to be prepared in Italy for the nephew of the French Emperor. The writer pretends that France and Austria have come to an understanding in regard to the matter, and that the plan proposed is as follows:—

The Archdukes are to cede to the head of the house of Hapsburg, as chief of their family, the rights which they respectively possess to Tuscany and Modena, and the Emperor FRANCIS JOSEPH, in his turn, is to cede the same to Prince NAPOLEON. The Prince is then to add to these possessions Parma and the Legations, and the whole are to form a kingdom of Etruria, of which he is to be King. Nevertheless, as regards the Legations, the Prince is only to govern them as a vassal of the Church, and is to pay homage and tribute to the Pope. On his part, the Emperor of the French is to use his influence with VICTOR EMANUEL, to induce him to persuade the populations of Central Italy to give their suffrages to Prince NAPOLEON. It is said that it was in order to submit this plan to the Emperor NAPOLEON that Prince RICHARD DE METTERNICH went to St. Sauveur. The persons who put these rumors in circulation add that the Archdukes have given their consent to the plan. The Duke of Modena, they say, will not even ask for a compensation, as he has no children, and as, on his death, his estates revert to the Crown of Austria. Of the Duke of Parma, nothing is said; but as the son of LEOPOLD II, of Tuscany, FERDINAND IV, it is said that an equivalent has been promised him in the re-modelling of the East, which would be the object of the new Austro-French alliance. It is even said that the consensation made to this Prince may be the throne of the Danubian Principalities.

### The English Hunter.

The people of the Far West are laughing at the idea of the Hon. GRANTLY BERKELEY, the famous British sportsman, of hunting buffalo with hounds. The St. Joseph *Daily West* says:

If the hounds can only be persuaded to run the buffalo, the buffalo will certainly run from the hounds; and in a country where the vast herds stretch out as far as the eye can reach, and the game is never out of sight, except at night, there would be no end, it seems, to his sport. But by running over the prairies from which the grass has been burned, the feet of his dogs would be worn out in a day, and they would become a burden and a drawback. If they were kept for antelope and elk alone, the chances are that they would be lost in the first chase, or in case they could be called off, that they would become victims to Indian arrows. Surely if a dog of any description could conduce to Mr. BERKELEY's sport, or aid him in the capture of game, an ordinary cur would be best. Of these we have an abundance; and, asking the gentleman's pardon, for the impertinence of making the suggestion, he had better leave his dogs with us and take ours with him.

## The News by Telegraph.

*Magnetic Telegraph Offices, No. 43 Wall street, and Astor House, main entrance.*

### Yellow Fever—Mexican News.

*New Orleans, Sept. 30.*—We have advices from Brownsville, Texas, saying that the yellow fever is raging there, and for thirty miles above.

General ALVAREZ was preparing to march on the city of Mexico with a force of 6,000 men, consisting of cavalry, infantry and artillery.

The defeat of the Liberals under Gen. DEGOLLADO, at Leon, by Gen. WOLL, is confirmed. WOLL's forces, however, were decimated.

MIRAMON had re-established the decree of SANTA ANNA, of 1843, forbidding foreigners entering Mexico with arms and invading designs, under the penalty of death.

### The Cricket Match.

*Montreal, Sept. 30.*—The match between the United all England six with five of Canada, and the all England six with five of Canada, terminated this evening, the former being victorious. The Englishmen leave in the morning for New York. The score of all England on the 1st innings was 90.

### Later from Havana.

*New Orleans, Sept. 30.*—The Steamship Philadelphia has arrived here with Havana dates of the 27th inst.

It was rumored that General CONCHA would be relieved in November, by General SERANO.

### From Washington.

*Washington, Sept. 30.*—Mr. LISNON, the new Brazilian Minister, accompanied by his family, has arrived in Washington.

Arizona dates of the 15th inst., are received. The presentation of the articles purchased for the Pemos and Maricopa Indians, under the act of Congress of February last, was made by Lieut. MOWRY, on the 10th of September. Between four and five thousand Indians were present. About 2,000 farming implements, several thousand pounds of barley and other grain for seed, axes, &c., besides several thousand yards of cloth, calico shirts, tobacco and beads were distributed.

The reason of these large presents was explained in a speech by Lieut. MOWRY, and in reply the Chiefs expressed great satisfaction at the kindness of their Great Father, the President, and promised to continue in the good conduct which had brought them so great a reward. The Pimos and Maricopas cultivate this year 15,000 acres, and have supplied the Overland Mail Company with large quantities of grain. It is expected that next year their crops will be largely increased through the facilities given them by the Government.

### Pennsylvania State Fair.

*Philadelphia, Sept. 30.*—There was a great and exciting trial of first class steam fire engines this afternoon, at the Agricultural Fair grounds. The competitors were the Hibernia and Washington; they were very equally matched.

The Fair closed this evening, with an address and award of premiums. The Fair was a decided success.

### Agriculture in Tuscany.

The correspondent of the Newark *Advertiser*, gives the following account of the mode of gathering the harvest in Central Italy:

Today—in this nineteenth century—one sees here sunbaked women and girls, cutting, or lacking rather, the grain, with ill-shaped, twelve inch sickles, and stacking it into sheaves by sheaf, on a stony, with the hard, added only by a rough stick. Threshing instruments are almost unknown in Tuscany; and then, what a winnowing, without machines, follows the reaping. It is done in this wise: The grain heaped upon the ground in one place, is thrown by shovefuls through the air to another place, the wind being winnower, and supposed to blow away the chaff, as it passes. Imagine a wooden this behind-the-times operation with his teeth on edge with the sense of gritty bread, and the prospect of eating his "peck of dirt" in Italy before him.

## CITY NEWS.

THE PROTESTANT EPISCOPAL CONVENTION—RESTORATION OF BISHOP ONDERDONK.—The Third meeting of the session of the Episcopal Convention, was held yesterday at St. John's chapel. A resolution was reported from the Committee on Canons, which was adopted, which amends the [illegible]enth article, so that "In all matters which shall come before the Convention, the clergy and laity shall deliberate in one body, and in voting the clergy shall vote by individuals and the laity by congregations." The case of Bishop ONDERDONK who was suspended from the office of Pishop, was taken up.

It seems that after doing a penance of fifteen years, Bishop ONDERDONK, who says in his memorial that he is "not exempt from human frailties," memorializes the house of Bishops, for his restoration to the Bishopric; that he has borne the sentence imposed upon him with bitter anguish, and a painful sense of humiliation, without murmuring or complaint, and he hopes the honor of the church has been amply vindicated by fourteen years of punishment in silence and seclusion. In an accompanied letter to Bishop POTTER, he, (Bishop O.) voluntarily undertakes, in the event of his restoration, to resign the exercise of administrative powers.

In the afternoon a resolution was offered, authorizing the Secretary to transmit to the House of Bishops, the memorial for the restoration of Bishop ONDERDONK. Motions were made to lay the resolution on the table, to postpone action, to amend, etc., which were rejected. The members spoke for and against it, as they felt disposed, and great excitement prevailed, during which a motion was made to adjourn *sine die*, which the President thought was carried.

The following resolution was adopted:

*Resolved.* That the remission of the sentence of the Rt. Rev. Bishop ONDERDONK would be acceptable to this Convention, upon the condition that the restrictions upon the exercise of episcopal powers and offices in this diocese, as set forth in his letter to the Rt. Rev. Bishop POTTER, laid before this convention, be annexed to the same, or such restrictions made relative to the exercise of powers, as the House of Bishops may see fit.

The secretary was accordingly directed to transmit the action of the Convention to the House of Bishops. The majority of the clergy in favor of the measure was 157.

Nothing further of importance occurred. After reading the minutes of the session, the convention adjourned *sine die* at a late hour last night.

FAWKE'S STEAM PLOW.—The plow arrived at the fair grounds at PAGES Garden, on Thursday evening, propelling itself through the streets from the Hudson River Railroad depot, to its destination. Yesterday it was exhibited in motion. The engine part of the machine resembles a railroad locomotive, with the forward portion of the sides and tank removed, leaving only the boiler proper, to which is attached a small sized tender. Under and about midway between the tender and boiler, is placed a large drum or roller which is a substitute for wheels. Motion is communicated to the drum from the pistons on either side of the boiler, by means of cog-wheels. The front part of the machine serves as a fire-box, in which the fireman stands to feed the fire, or, by means of a handy lever, raises or sinks, instantly, by steam, the eight plows following the engine. The front part of the fire-box rests on a guide truck with two wheels, the surface of each of which is probably 12 or 18 inches wide. They move as freely as the front wheels of a coach, being guided by a steering wheel at command of the engineer, who stands on a small platform to the left of the upright boiler. The machine is about 18 feet in length, weighs ten tons, and cost nearly $4,000. On soil adapted for it, an acre can be plowed in 12 minutes—say sixty acres per day.

The plow is on exhibition in a yard one hundred feet square. In this space the engine moved forward, backward, and around, turning in a space of about thirty feet, over a surface purposely left uneven. This progress was made with the greatest apparent ease. It travels equally as well up, over, and down hill, as it does on a level grade. A plowing trial is to be given before long, and Hamilton Park is mentioned as the locality.

PAINTINGS, &c.—A large painting about thirteen feet by nine in size, is exhibiting at 768 Broadway. It represents WASHINGTON resigning the command of the army, and comprises about seventy figures, twenty-nine of which are portraits, four of them being at full length. A. H. RITCHIE, 442 Broadway, is making a steel plate copy, which will be good, for that of DARLEY'S "first blow for Liberty," executed by him, was excellently well done.

GOUPIL & Co., Broadway, opposite TAYLOR'S saloon, have on exhibition a most pleasing sheep sketch, by ROSA BONHEUR, and in their window an oil landscape—a haying scene—so exquisitely well done, that the spectator cannot help a country mania forthwith. It ought to be seen. In the gallery also, is WINTERHALTER'S almost unrivalled picture of "the Wethers."

The new up-town store of this firm, on SEWARD'S block, 772 Broadway, is almost ready for occupancy, for which GOUPIL & Co. are getting ready. A lot of new paintings, by ROSA BONHEUR and others, are in the custom house awaiting its opening day.

ACADEMY OF MUSIC.—The last night of the season, (last night) with Don Giovanni on the bill, was a brilliant one. The last and Grand Farewell Matinee is given to-day at 12 o'clock, the operas being Ernani and the Barber of Seville. These Matinees draw out as much (or more) Beauty and Fashion as do the regular evening performances.

T. P. MEAGHER—LECTURE.—Mr. MEAGHER lectures at Cooper Institute, on Tuesday evening next. His subject will be "JONATHAN SWIFT—the Dean of St. Patricks."

YOUNG LITTLE, THE ERRAND BOY DEFALCATOR.—A correspondent, who calls himself a detective, seeks to make out a case of woe in regard to this affair—whether true or not our readers will judge. He says:

I have just returned to Goshen from an interview with Mr. MORGAN, of the firm of WISSIGER, JANIES & Co., LITTLE's late employers. YOUNG and ELDER, detectives, and LITTLE himself, all agree in stamping this awful crime upon an associate far his senior in years and deeds of dark and fearful daring. It appears that young LITTLE, for several weeks past, has been in the habit of meeting, after business hours, and closely associating with apparently, decidedly aristocratic, gentleman of the fancy order, generally known, among the many aliases he goes by, with the knowing ones, as the "Boston thief."

This fellow became enamored of LITTLE. Seeing him in a responsible situation, dogged him night and day; was always accidentally at the corner of some near street, with a friendly word of recognition, when LITTLE would come from the office on some mission to a bank. Of course, on such occasions, his company was proffered, when the size of the check, which LITTLE happened to have for deposit or otherwise, was disinterestedly discussed. He dressed fine; country people would think him the BEAU BRUMMEL of Broadway; kept a mistress, or rather lived upon a mere pittance which the heart-broken creature could furnish him with from her degraded earnings—for he was what they style a "lover;" was petted among the "played out sports;" poured tales of love and adventure into this dupe's ear; introduced him in gambling hells and haunts of pollution until the boy's head burned with a fever to be a "sport" too, and so expressed himself.—Here the wretch's purpose was half accomplished. He had little trouble in satisfying the boy's conscience that it was no harm to take a few thousand from such rich men as his employers. They would divide, and travel always together. They would see such sights over this wide world as no boy of his age could boast of seeing. He assured his victim that who in a good check came into his hands, he had the power to draw it, place the funds in his (CHARLEY'S) best friend's hands, and no power of mortal man or detective could ever find it. Besides, he adds, it is no crime; they can't do a thing with you even if caught; it is only a breach of trust. You will leave the situation, and what's that after you get the money?

Unfortunately, the boy deposited the money not in CHARLEY's hands, but in his boot. He kept his own counsel, made his own investments, and did not seem to know any "CHARLEY" until lately.

DURING the past month, says the *Post*, while the workmen were making repairs and alterations to Rev. Dr. BELLOWS' church, a large and well-dressed man, apparently about forty-five years of age, entered the building. He walked up the aisle, toward the pulpit, but no particular notice was taken of him at the time, as it was supposed that he had merely come to look at the improvements to the church. About ten minutes after he had entered some of the workmen observed the stranger in front of the pulpit. Here he stood, making all sorts of motions with his arms. He would first raise one and then slap it down on his hips, repeating the motion several times. Then he would go through the same movements with the other hand, and finally flap both hands against his hips. The attention of the sexton was then called to the singular conduct of the man, but lest he might be a maniac, and do injury to some of the church property, he was allowed to proceed a short time longer. At length two of the workmen went round toward the man, pretending to be in search of something in the pews. When they came to him, they looked at him. The man suddenly stopped his actions, and fiercely eyeing the workmen, said: "Do you know me? I am God Almighty; I am the Lord God; begone—away with you, or I'll send you to hell!" In saying this, he raised himself to his full height, and spread out like an excited preacher at a camp-meeting. The workmen, however, said nothing to the man, and he kept on repeating his authority and the punishment he would inflict .. they refused to leave him as directed. A policeman was soon after procured, and the stranger, who was evidently deranged, taken to the Police Court. It was subsequently ascertained that he was a Western man of respectable connections, but unduly excited, as was supposed, by the recent controversy respecting the "Broad Church."

THE "Aurora Guard," of Yorkville, numbering over one hundred men, went to Weehawken, N. J., on a target excursion on Tuesday. A large number of valuable prizes were distributed among the best marksmen. In the evening, the Company gave a Ball in the large rooms of the Third Avenue Railroad Depot. There was a crowded attendance, and the dancing was kept up until day-break. All passed off most pleasantly.

An amusing occurrence at one of our theatres, has grown a few days old, by press of serious news, but it deserves its turn. One night, a lady at LAURA KEENE'S Theatre, rose in the midst of the audience, violently exclaiming, "that it was a season for prayer meeting," and calling upon her hearers to go in and have a good time of it. Of course the woman was deranged, and speedily silenced. The incident was related in a club of "Dodos"—young men of mirth and fun, in the city—where one of the members claimed it as a joke of his own, the lady being asserted to have won $25 by her odd behavior. This was told around as a good thing, until it became fastened on the member who asserted it, who then wanted to get out of the charge, as it had created trouble with the theatre managers. The position became so disagreeable, that he has been obliged to deny it by a public card—quite a warning to jokers.

Postmaster FOWLER, to-day, received an order for one million of the new government self-ruling stamped envelopes, mainly for the supply of hotels, educational institutions, City authorities, etc.

THE Florence Nightingale (Hospital Ship) came up from the lower Bay this morning, and is at anchor off Staten Island, where she will remain until winter, when she will be taken alongside the Public Store Dock, at Quarantine.

REV. DR. DILL, of the Irish Deputation, delivered a lecture last night, at the Presbyterian Church, corner Stanton and Forsyth sts. Well attended.

### Inquests, Accidents, &c.

TERRIBLE EXPLOSION OF A BOILER AT THE GIRARD HOUSE.—A terrible and fatal explosion occurred at the above named house, about half-past 6 o'clock yesterday morning, killing instantly a plumber, named JOHN O'CONNOR, an employee of D. & S. TEITS, No. 5 West Broadway, and severely, if not fatally, scalding and otherwise injuring the engineer. The particulars in the case are as follows:—There was in use at the Girard, on the ground or cellar floor, two steam boilers, one used for heating the house, the other to run a small locomotive engine, for pumping water throughout the building. The boiler attached to the locomotive engine was found to be in a leaky condition, and for the purpose of having the leak stopped, as well as to have new faucets placed on each boiler, on Thursday afternoon the fires were permitted to go out and steam to go down. Arrangements were made to have the boiler repaired on Thursday night; the man that was to have fixed the boiler failed to make his appearance. Mr O'CONNOR, the plumber, fixed the necessary faucets on the boilers, and it being near the dawn of day, laid down on a bench with the intention of staying there till morning, instead of going to his residence, which was in the upper part of the city. A brick wall of sixteen inches in thickness, lay between him and the boiler that exploded. At about 4 o'clock yesterday morning, water was pumped into the boilers, and steam raised by the engineer, who sat himself down in the boiler room, but whether he permitted himself to fall asleep or not is not learned. At about half-post six o'clock, the boiler attached to the engine exploded with a dull, heavy, gurgling sound, jarring considerably the Girard House and the houses in the vicinity, causing the greatest consternation among the inmates of the houses, and an alarm of fire which brought a company of firemen to the scene of disaster.

After procuring lights, the firemen descended to the boiler room, and there witnessed a truly melancholy sight. The exploded boiler had been thrown into the centre of the room, nearly 12 feet from its original foundation, while under the ruins of the boiler was the groaning and writhing body of the engineer, who was severely scalded. In the southeast corner, nearly 20 feet from the boiler's original foundation, the lifeless body of O'CONNOR, the plumber, was found. The bodies were quickly removed to quarters above.

Afterwards, the engineer was conveyed to the City Hospital. The body of O'CONNOR is horribly mangled and mutilated. The left half of the skull, with the brains under it, was completely carried away by the piece of pipe, a portion of which was extracted from the remaining part of his skull. His nose was equally divided in the centre, the front teeth knocked out, the left arm above the elbow broken, each leg broken twice in different places, and otherwise the body was horribly bruised and scalded.

In the boiler room, everything was in the most perfect confusion. The explosion must have been immensely powerful, as the beams and beds composing the ceiling above, are literally torn to shreds and splinters, the lead and iron pipes separated, and the marble flooring in the barber shop immediately over it is scattered and torn to pieces, being mixed up with fragments of broken furniture. The windows were shattered and plaster jarred down in the dining rooms and front part of the house. The boilers, at the instance of the proprietor, underwent inspection a short time since, and were pronounced safe by an experienced and practical engineer. The exploded boiler was of the old Montgomery style, and was made by BLAKE & Co., in 1856, for J. H. DAVIS, at that time proprietor of the Girard.

The body of the deceased O'CONNOR was, yesterday afternoon, removed to his late residence. His brother alleged that the explosion was the fault of the engineer, who, he characterized as an inebriate, and not qualified to take charge of the engines; that he had no experience except as a fireman in the Johnson House, from which place he had been turned away. Subsequently, our reporter learned at the Johnson House that a high opinion was entertained there of the engineer.

Our reporter also visited the engineer at the City Hospital. His statement is that his name is JOHN LOGAN, is 22 years old, has been engaged at boilers since he was ten years old; the boiler was of LOGAN'S locomotive make, was three years old, and made to carry fifty pounds of steam safely; he fired up at half past three, earlier than usual, because he filled the boiler with cold water; at the time of the explosion, the boiler carried a head of thirty-eight pounds of steam; he had, with the plumber, been up all night arranging the fittings to open and clean the boiler out; the boiler blew out at the drum head; thinks that the explosion was caused by want of cleaning out.

The engineer, although only 22 years old, looks very old; he received a bad blow on the back of his head, from a fragment of the boiler, and he scalded down the back, on one knee, and, using his own words, his "hands are biled;" notwithstanding his intense pain he answered the questions of our reporter with alacrity.

The cause of the explosion, further than the above, has not been arrived at, but it will be investigated today by coroner O'KEEFE, who, in the afternoon empanneled a Jury. They, after inspecting the ruins, were discharged until 10 o'clock this morning.

THE FALLING WALL CASUALTY.—Coroner JACKSON held an inquest on Friday, at the 5th ward police station, upon the body of JOHN GAFFNEY, the individual who was killed on Thursday afternoon, by a wall which fell upon him at Nos. 314 and 315 Greenwich st. It was in evidence that deceased was employed to whitewash the walls, which had been recently built, and that he made application to the builder to have some braces, which were in his way, removed, but the contractor and his foreman refused to remove them, and the deceased then knocked them away, and by this means, caused the wall to fail. The jury rendered a verdict as follows:—"That deceased came to his death by injuries received by the falling of an arch wall at Nos. 313 and 315 Greenwich st., and the accident was caused by his carelessness in removing the braces from the wall. We further censure the contractor and foreman in not keeping a strict watch on said braces and walls." Deceased was a native of Ireland, 26 years of age. He leaves a wife and two children, residing at No. 77 Market st.

SUICIDE IN JONES' WOOD.—Coroner JACKMAN held on inquest yesterday, upon the body of an unknown man, apparently a German, found dead in Jones' Wood, near the junction of 71st st. and av. A. A bottle labelled "Laudanum" was in one of his pockets, and a post mortem examination showed that his death was caused by that drug. Deceased was about 25 years of age, and wore a gray sack coat, dark cloth pants, laced boots, white Marseilles vest, &c. A piece of paper on which was written "96 Elm st." and two handkerchiefs, one of which was marked "CAROLINE T. E. SILL," were found on his person. The jury rendered a verdict of "Suicide."

### Police Intelligence.

ARREST OF AN ALLEGED HORSE THIEF.—A young man named JONES, *alias* ROBINSON, *alias* CLIFFORD, was arrested yesterday, on suspicion of being a thief, and after being incarcerated a short time, confessed to having last winter stolen a pair of horses, a sleigh and buffalo robe from a livery stable keeper in Waterford, Pa. He drove his team as far as possible, the first day, and toward evening met a clergyman, with whom he traded it off for a one horse team and $2 to boot. The next day he sold this, and with the proceeds started for New Orleans. Recently he returned to this city, and a boatman who knew him, caused his arrest, and he is now locked up to await further examination.

ALLEGED RECEIVER OF STOLEN GOODS.—JOSEPH POLLOCK complained to the police, of having, while crossing the Battery, been knocked down and robbed of watch chain and seal. The police, as alleged, caught a boy wearing the seal at the corner of Broadway and Wall street. The rest of the articles were traced to some place in a man named COAN BOSSEE, 19 Rector street, who is likewise charged to be a Receiver, and to have induced the theft. Both committed.

### Commissioners of Police.

THE regular weekly meeting of the Commissioners of the Police was held yesterday afternoon, at the Police Head Quarters, in secret session. All the members of the Board were present except Mayor TIEMANN, who was detained at home by a sickness. The complaint made against Dr. ALABSON S. JONES, one of the police surgeons, on a charge of receiving a bribe from patrolman CHAMBERLAIN, of the 3d Precinct, was dismissed. W. E. TOOMBS, a patrolman in the 24th Precinct, was dismissed from the Department for intoxication. The charge against this patrolman was made at the instigation of Commissioner BAILEY, who was making a tour through the Water street dance houses in company with a police captain, several nights since, and in one of the dens policeman TOOMBS was found stretched out, in full uniform, on a lounge, in a beastly state of intoxication; the officer claims that his liquor was drugged. HENRY H. SUTHERS, a patrolman in the 22d Precinct, was fined thirty days for being found in a porter house, in uniform, playing cards.

The resignation of patrolman JOHN B. PERKINS, of the 21st Precinct, was received and accepted.

A resolution was offered by Commissioner BOWEN, and passed, to the effect, that a committee of four should be appointed to select proper persons to act as poll clerks in the Metropolitan District, at the ensuing election, and that of the two clerks to be selected in each election district, one should be a Republican and the other a Democrat. Mayor TIEMANN, Commissioner STILLMAN were appointed to act as a Committee for this city, and Mayor POWELL and Commissioner STRANAHAN for the city of Brooklyn. The Committee are to report at the next meeting of the Board, Oct. 7th. The Board then adjourned.

### LEGAL REPORTS—FRIDAY.

#### Supreme Court.

*The Case of "Little Ella" Burns.—The Application of Francis Whitten.*—This case was summed up, on the part of the petitioner, by Mr. Ashmead, and on the part of the respondent, by Messrs. Larocque and Norton.

Mr. Ashmead claimed that the father was the natural guardian of the child, and also its guardian for purposes of nurture, and that its apprenticeship was void, at the present time, the child having been taken outside the jurisdiction of the law of the State in which the indenture was made; and that, therefore, the father could take it, wherever he found it.

The counsel for the respondent contended that the indenture was valid, it having been filed with the proper officer within six days after it was executed, and that the child was now as much subject to the claim of Mrs. Burns, as it was in Ohio.

Mr. Larocque contended that there was such a difference between the provisions of the Ohio statutes, and the provisions of the Common Law, and the statutes of this State, as not to entitle them to the regard of the Court in the decision of the case. The matter was adjourned, after argument, until Saturday.

Before the summing up commenced, Mr. Cook, by counsel for the relator, was put upon the stand, and testified that he had never advised it to be done, or intended himself to seize the child without process. Doctor Whiting was also allowed to testify that the child was a healthy one, and had not been sick but little. He had been called to attend it on one or two occasions, and he also knew as to the course of study and treatment it was subjected to. He did not think the child would be injured by its reading. He had heard it recite, and never observed that it was exhausted after such recitations.

*The People and Taylor & Brennan vs. the Mayor and 184 others.*—Upon the opening of the Court, counsel for the defendants moved that the complaint in the case be dismissed as against the State, on the following grounds: That its title (even if proved) is of such a character that it cannot maintain an action, either of ejectment, or for profits; and as against the other plaintiffs, on the additional grounds that they have failed to prove a lease from the State; that their pretended lease is void, at any rate, for want of authority in the lessors to make it; that the Commissioners of the said office had no authority to make such a lease. (Sec. 1 R. S. 5th Ed., p. 541. Sec. 7, same p. 592. Sec. 8.)

Counsel then contended that in the contemplation of the law, the tide still ebbed and flowed over all the land in controversy, and the waves still dashed against the bulkheads on West street. The only action the State could maintain against the city, if any, was a proceeding to abate the nuisance which the buildings erected on this property would be held to be. The State could not bring an action of ejectment for premises it had never been seized of; nor could it receive profits for the use of its navigable waters. (U. S. Constitution Art. 1. Sec. 10, 2.) The State cannot, therefore, bring an action for the rents of the markets.

In conclusion, counsel deprecated the position of the State in the contest. Her position was an undignified and melancholy one. She had condescended to come into Court and contend for the profits of a nuisance it had permitted to be set up and continued for a long number of years. It now asked not only for the profits of such a nuisance for the past, but demanded to be put in possession of the nuisance, so as to continue it for the future, and longer have the proceeds.

Mr. Stoughton replied to the argument, contending that the State could recover the profits of a nuisance set up on her own territory by a stranger, from the party so acting in violation of her right, taking in all respects the opposite ground of that on the part of the Corporation.

Judge Dean then moved that the plaintiffs be required to put in separate complaints, as, if the jury found for the plaintiffs, they could not find a common verdict; the plaintiffs, Taylor and Brennan were no longer lessees of the State, and were therefore, only joined for the purposes of recovering the rents and profits. As the judgment in each case must be separate and distinct, the parties should be disjoined. The Court overruled the motion, and directed the case to proceed, holding that Taylor & Brennan were properly joined for the purposes of their action.

Mr. Busted then opened the case to the jury on the part of the defendants. He was not of the opinion of his counsel on the other side—Mr. Stroughton,—that his case did not afford sufficient ground for public excitement. The case was one of the greatest interest; and for that reason, must excite a deep interest in the public mind.

Counsel then passed to the title of the different parties to the property in question. It belonged to the city of New York, first by prescription, and secondly by solemn grant. Beyond time to which the memory of man runneth not to the contrary, the property in question belonged to the city of New York. It was also granted to the city of New York by the Dongan charter of 1686, and by the Montgomery charter of 1730. Mr. Busted then read the Dongan charter, which ceded to the Corporation all the land unappropriated and not patented on Manhattan island to *the* low water mark—meaning, as counsel argued, low water mark in all future time. The Montgomery charter had granted to the city all land four hundred feet *beyond* low water mark. Mr. Busted contended that these charters granted the fee of this property to the Corporation, and that it was as fixed as grants could make it, to any point, *four hundred feet beyond low water mark*, which might by any means, at any time in the future be established. Mr. Evarts suggested that that doctrine would make the city owner, at any time, four hundred feet beyond the point it builded out. Mr. Busted responded, "Yes, if it took them into Jersey City, and annexed that place to the United States of America." The Court said that the doctrine would enable the City of New York to go on filling in the river annually, until the people of Jersey City would be overflowed by the Hudson. Mr. Busted said when that time came, the question would be between the people of Jersey City and the State of New York—it was now between New York State and New York City. Judge Potter then said that all propositions must be so far reasonable as not to be *absurd*; and he was of the opinion that such a doctrine would soon appear ridiculous when followed to its legitimate results—he would take the responsibility to overrule that point at once. The question having been thus disposed of, Mr. Busted then passed to the point that the owner in fee of any property, was entitled to all alluvial formations, or accretions, which also gave the city the right to made land on this or any other border of the city. They should prove, said counsel in closing, that they had only used the land in question, when it had ceased to be land under water, but had become land high and dry, adjacent to the city; and on the principle just quoted, they had a right to it. Mr. Busted then concluded by saying that no matter what was done by the city, some party was after her,—on the principle, "You shall, or you shan't; you will, or you won't; you'll be d—d if you do; you'll be d—d if you don't."

After a recess of three minutes, Mr. Surrell, one of the city surveyors, was called, and stated first, that he fully agreed with the witness for plaintiff, Mr. Smith, in regard to the survey of the grant to Trinity Church: I have, between the years 1847 and 49, seen the land bare between the bulkhead and where the vessels lay; this was between Fulton and Vesey sts.; the formation I refer to as land was alluvium; about this market it was usually very filthy, and created a stench; the boats that came up here were used for ballast and anti market boats.

The witness was then cross-examined as to a survey made by him at the instance of Comptroller Flagg, in 1853; that survey he desired should be made that he might know whether Washington market was inside or