LOCAL AFFAIRS.

CITY RAILROADS.

INDIGNATION MOVEMENTS OF THE PEOPLE.

The Harlem Railroad Case—Meeting of the Property Holders—Protestations of our Citizens against this Road—Speeches of Dr. Spring, Dr. Frances, Gen. Sandford, and others.

The committee of the Board of Assistant Aldermen, charged with the investigation of the circumstances affecting the application of the Harlem Railroad Company to extend their road through Elm, Crosby, Bleecker streets, &c., met yesterday in the chamber of the Assistant Aldermen, for the purpose of such investigation.

In regard to this matter, the following notice appeared in yesterday's papers:—

Owners of property on Crosby, Elm, Bleecker, Bond, Great Jones streets, Lafayette place, Prince and Marion streets, will you submit to having your property injured, its use destroyed, by permitting railroads to block up the streets? If you are not willing this should be done, then, one and all, attend before the committee, at the chamber of the Board of Assistant Aldermen, at the City Hall, on Tuesday next, the 22d instant, at 3 o'clock P. M., and protest against any monopoly, whether it be the Harlem Railroad or any other, injuring our property. The following is the resolution which has already passed the Board of Aldermen upon this subject and is now attempted to be forced through the Board of Assistants:—

"Resolved, That the New York and Harlem Railroad Company be, and they are hereby permitted, to construct and lay down a double track, to be constructed with a grooved rail, and even with the street, from their depot in Elm street, through Elm street to Howard street, through Howard street, with a single track to Crosby street, up Crosby street to Bleecker street and through Bleecker street, to connect with their double track in the Bowery returning down from the Bowery through Prince street to Marion, through Marion street to Elm street, and through Elm street to the depot with a continuation of the track through Prince street to Crosby street, *with the privilege of continuing said tracks* across Bond street and Great Jones street (if they can obtain the right of way between those streets) to Lafayette place, and through Lafayette place and Astor place, to their tracks in the Bowery; *and that the said company have permission to connect said tracks with any property held by them for depot purposes by suitable turnouts, and to continue directly through from Crosby to Canal street, if they can procure the right of way.*"

The attention of the public generally is invited to the part *italicised.*

In accordance with the above call, at the hour of the meeting of the committee, yesterday afternoon, the chamber of the Assistants was crowded by a highly respectable audience, representatives of property upon the streets named in the above resolution. There were probably two hundred gentlemen present, among whom were the Rev. Dr. Spring, Dr. John W. Francis, A. T. Stewart, Esq., Major General Sandford, Leonard Kipp, Esq., &c.

When the committee had called the meeting to order, the Clerk of the Board of Assistants read the petition for the extension of the Harlem road, and the resolution published above.

Mr. Nathan then rose and said:—I remonstrate against this measure in behalf of the Hebrew Congregational church in Crosby street. We purchased property on this street a great while ago, with the expectation of being allowed to carry on our divine worship without molestation from any street nuisances. He considered these cars would be very annoying.

Leonard Kipp, Esq., followed—He thought this committee had too much good sense to report in favor of this project to the board. He could see no reason why silent, retired streets should be used to run heavy baggage cars through, while there was well calculated for that purpose so wide and fine a street as the Bowery.

Dennis Carrolly, Esq., then said—I rise to protest against this measure of the Board of Aldermen, on the part of the Catholic Orphan Asylum in Prince street. He concurred in the opinion of those who had preceded him.

Mr. Bertine—I rise, as the owner of several houses and lots in Howard street, to protest against this measure. I would rather have a meat market before my houses than to have these railroad tracks. I think them a nuisance, and if they are established I would sell my property for half its present value.

William Chauncey, Esq., Alderman elect of the Fifteenth ward, next spoke—He could see no good reason why the petitioners, who had asked for this measure of the Board of Aldermen, should wish to shift the burden of a railroad track from a fine, wide street like the Bowery, to narrow and confined streets like Crosby. He objected, without good cause, to disturbing the quiet retirement of private citizens, by unnecessary railroad tracks.

George W. Jenkins, Esq.—I am the owner of property on Elm street, and I protest against this measure.

Mr. Hatfield—I own property both on Howard and Elm streets, and I protest against it.

Mr. Knapp—I am the owner of property on these streets, and I protest against it. I have already been injured by this measure. I made a sale of property a few days ago, and owing to this agitation, the man to whom I sold refused to take the property three days after the sale. And for the purpose of establishing this road, foul mouthed slanders have been heaped upon the inhabitants of Crosby street. It has been called a street filled with houses of ill fame, and old, respectable citizens who have lived there for years, have called upon me to know what this meant. I have a house and lot on this street, and have here all the comforts of life, and here intended to make my home. I have raised a large family of children, and have never had the least distrust of the character of the street where I live.

Gen. Sandford—I wish to make an explanation. I did not say that Crosby street was a street of a questioned character. I only said that from the change of property, &c., this street had become the resort of many improper persons. I have noticed this myself, from occasional visits in this street. As to the characters of those who now possess and live in this street, I have nothing to say against them. I am myself acquainted with many estimable people who reside here—I only say it has become the walk and resort of many improper characters.

Mr. Knapp—These characters that are spoken of, I do not know, for I never associated with them in my life. (Laughter.) The public officers and aldermen of the ward may know these people and countenance them, but I do not. (More laughter.) I wish gentlemen who seem to be posted up in regard to this class of improper persons, would name them.

Several gentlemen here entered their protests against the proposed track.

The Rev. Dr. Spring—My domestic relations are as dear to me as to any one upon this floor, and therefore I will be excused for putting in my protest to this measure, with the others who have done so. When this project was first set on foot, I thought it could not for a moment be considered by the Board of Aldermen. The popular voice I thought was against it, and I think so still: and, I may ask, who doubts that if this question was put to vote, ninety-nine out of every hundred of our citizens would vote against the measure? And, sir, I ask the guardians of our rights, are our rights to be trampled upon? I think, as freemen, as fathers of families, as guardians of children, we have a right to ask that our rights be protected. The men of Crosby street are not the moneyed men of this city—they are our plain, honest citizens, who have settled themselves in this street; and when they made their homes there, they did so with the expectation of remaining there for life. I hold it to be the great principle of this country that private should give way to public good. And, sir, I would ask, is the tranquillity of our citizens of no consequence? As affairs are now going on, so in our citizens will be driven across our rivers and away from their present homes. I speak here as a man who feels that he has not long to live; and I speak for my children, and for my children's children, and protest against this measure.

Dr. Francis followed. Gentlemen of the Committee—As affairs are now going on, gentlemen, our citizens will soon have to fly from our city. This project is asked for by a pecuniary body, and by it the peace of our city is threatened. I now live on Bond street, and if this road is established, I will then only have to say that I bought property on York Island, held it till it consumed itself twice over by taxes, and then, finally, had it scattered to the winds of heaven by the encroachments of railroads, as this will be, in consequence of deterioration in its value, if this proposed road is built. As the representatives of the people, and as gentlemen disposed to do good, we look to you for a report against this project. If this railroad be a nuisance, as termed in the petition requesting its removal from the Bowery, then why should it be removed to another portion of our city? If it is a nuisance, then avail yourselves of the power which you justly claim, and put an end to these roads molesting the peace of the interior of the city. (Applause.) Gentlemen, I am done. I protest against this measure.

Mr. Williams.—Gentlemen—As the representative of the heirs of some eighty buildings, I am here not only to protest against, but dare the Common Council to pass this ordinance. (Applause.) We are determined to spend the rent of these eighty dwellings but we will put down this project. (Renewed applause.)

Mr. Donham—Gentlemen of this Committee—I am also a native of New York, have always lived here, and love it no less than those of louder pretensions than myself. I think, sir, the petition upon the desk of the committee is sufficient authority for the action of the committee, and I trust they will regard it in their report.

A Voice—Are you a resident on these streets?

Mr. Donham—I am a resident of New York.

A Voice—That wont do. Do you live on these streets?

Mr. Donham—No; but I have rights as a property holder in this city. I am the Vice President of the Harlem Railroad Company.

Several Voices—Ah! that accounts for your action. You have no right to speak here. (Some confusion.)

Mr. Donham appealed to the committee.

Gen. Sandford advocated the free expression of opinions pro and con.

Mr. John Walch—We who oppose this measure are here; let those who sustain it come here. We want no uncalled for volunteers of the Harlem Railroad to speak here. (Applause.) I speak as a republican, as a citizen, and as one who feels a personal interest in putting these giant monopolies down. (Applause.)

Mr. Attin—I rise to protest against this measure, as one of the trustees of the Presbyterian church in Crosby street.

Major Gen. Sandford—I have listened with great attention to the objections to this measure, and I confess that I have not heard a single objection other than that of private interest. Now, sir, these streets are to be used for the public good, and not alone for private good—as many are to pass over these tracks as those who inhabit these streets, and who own property in this city, as well as those who are present. Gentlemen talk of this railroad company being a moneyed corporation, grasping for gold. Now, sir, what are the facts? This railroad company established the Harlem Railroad, at a time when it was not probable it would realize hardly any profit and it was built entirely for the public good; and up to this time, the capital invested in this road has only paid about four per cent. The object of this project is to relieve the Bowery of the immense travel through it. I think the time will come when all gentlemen will hold up both hands for all the railroads that can be established in our city. (Cries of "Never." "Never.") I have lived for twelve months upon a railroad track in Chambers street, and consider them no inconvenience. Gentlemen have appeared here against this project from entirely private consideration. I say to those gentlemen, when the road is established, and they see its workings, their objections will vanish as mine did after living by a railroad track for twelve months. Gentlemen have spoken of their fear of having their dwellings shaken down by the jarring of these cars. Why, gentlemen of observation all know that the jarring of omnibuses is far greater than that of railroad cars running on a grooved rail. I have had my three story house shaken very perceptibly by the passing of an omnibus, while the cars pass by so quietly that you would hardly hear them, nor feel them, in-doors. As to the effect upon property in those streets through which we wish to extend this road, this property will rise in value, as it has in Church street, West Broadway, and other streets which have been traversed with railroads.

A. T. Stewart, Esq., next took the floor.—The gentleman who has just spoken has told us that railroads are a blessing; I contend, sir, that railroads are a nuisance. I have long been a man of business—for twenty-five years near to you, sir—and have given observation to this matter, and speak understandingly. Now, if railroads are blessings, they will soon be established through Broadway and the Battery will be turned into a car depot. These railroad men are mad; and the ancients had a saying, that "those whom the gods wished to destroy they first made mad." And I tell you, sir, that these men will be punished, as surely as the sun shines.

Mr. Reynolds—I wish now to say one word.

Many Voices—Are you interested in property on these roads?

Mr. Reynolds—I am a tax payer in this city.

Several—You are the President of the Third Avenue Railroad. You have no right to speak.

Mr. Reynolds—The highest tribunals have proclaimed the public streets to be public property, and belong as much to the hod carrier as to him who builds marble palaces for his own luxury.

Here there was much confusion. "You have no right to speak." "You do not own property upon these streets."

One voice sang out, "Put him out."

Several—We should like to see any one put him out. (Much excitement.)

Mr. Reynolds—I am a small man; but if any one should attempt to put me out, I can tell him he would have some work to do. We appear here for no moneyed interest, but we appear here to act for the public good. It is a matter of great public concernment, and, gentlemen, it is your bounden duty to disregard private interests and act only for the public good.

Mr. Shields—I ask for a postponement of this question till the middle of January, 1854; and I call for the ayes and noes of this meeting. (Laughter.)

A Voice—Oh! Mr. Shields, that's right; you're always opposed to all kinds of improvement.

Mr. Shields—No, I am not. I deny it. I am in favor of right. (This motion was not seconded.)

Mr Kipp spoke again, reiterating the arguments already used.

Mr. Shields again pressed his motion, when Mr. Kipp had ended his remarks. He asked gentlemen to speak out. He thought this matter ought to be referred to the next Common Council.

Phillip Burroughs, Esq., seconded the motion.

Gen. Sandford opposed this motion. He wished this matter would be heard out.

After some further argument, a postponement of the question for a few days was asked for. The committee, upon consultation among themselves, declared the meeting adjourned until Saturday next, at three o'clock. The audience then dispersed.

The Ninth Avenue Railroad.

PROTEST.

To the Honorable the Corporation of the City of New York.

The undersigned respectfully represent that the resolutions passed by the Board of Aldermen, and now pending before the Honorable Board of Assistants, authorizing the construction of a railroad track in Greenwich and Washington streets, is without the concurrence and consent of the property owners and residents on these streets; that they deem the proposed railroad prejudicial to their interests, and a violation of their rights and privileges.

That every owner and occupant on the public streets is possessed of certain rights and privileges, in addition to that of a mere public character, which legislation cannot alienate. That property owners are by law enjoined from any act that shall be deemed a nuisance, and have like claims for protection against such acts on the part of others. That they deem a railroad track through narrow business streets like those referred to, a nuisance of the most offensive and detrimental character.

That it would interfere with the cart and carriage way, and so block the streets as to interfere with the ingress and egress of merchandise of the respective stores, and seriously impair the business character of the streets, if not ruin them as such.

That they have inherited from their predecessors the right of carriage, cart, and passenger way, all of which a railway is calculated to supplant from the fact that a concentration of capital, in the hands of a chartered monopoly, is calculated to override and prostrate private interest.

That railroads are of modern date, and were not contemplated in the original construction of streets, nor can they be used for the purposes of both without great injury, or the positive destruction of the one or the other.

The undersigned further represent that, in their view, there would be the same propriety in the construction of canals in our streets as in the contemplated railway. Against the proposed railroad the property owners on these streets have already remonstrated, in which they have been seconded by the veto of the Mayor; and they now solemnly protest against the construction of a railroad in those streets, and against any proceeding of the Common Council in countenancing the same, in any manner or form whatever, and against any attempt on the part of any, under any grant, resolution, or order, of the Common Council, to disturb the ground in these streets for any such purpose, and against their laying any rails in the streets, and against placing any cars there, all of which parties concerned are requested to take notice.

Signed by

Isaac L. Platt,	E. J. Oakley, Merchts Ex Bk,
C. V. S. Roosevelt,	D. R. Martin, Ocean Bank,
William B. Astor,	C. H. Lilienthal,
R. L. & A. Stuart,	Benj. Stagg & Co.,
Robert Goelet,	James M. Hoyt, Jr.,
Howell Hoppock,	Peter Duryea,
Levi Apgar & Co.,	Bush & Gale,
Rowe, Woodruff, & Carter,	A. F. Lagrave,

And a large number of owners and residents.

Meeting of the Society of Universal Democratic Republicanism.

A meeting of this society was held last evening at their rooms, No. 413 Broadway. There were about a dozen members present.

On motion, the chair was taken by Felix Foresti, Esq. The minutes of the last meeting were read and approved.

Mr. Rascetski, a representative from the Polish Republican Society, was proposed for membership, and accepted.

The Secretary informed the meeting that he had received a highly interesting and instructive communication respecting Italy, from Signor Gajani, a distinguished member of the late Roman Assembly, which, with permission, he would read:—

To Col. Forbes, Secretary of the Society of Universal Democratic Republicanism.

Sir—Among the downtrodden nations of Europe anxiously waiting for the hour when they may burst their bonds, there is none which merits greater attention or awakens deeper sympathy than Italy. Neither the several invasions, nor the foreign domination, nor a thousand years of political and religious tyranny, have effaced from the memory of Italians that they are all, from the Alps to Sicily, one nation, nor have sufficed to extinguish among them civilization and the cultivation of the arts and sciences. Never have they been at any previous epoch more ready than they are to-day to rise to assert their rights—and perhaps no previous movement in her history ever presented to Italy a more favorable opportunity to re-acquire her nationality. The belief of this is strong in the minds of all Italians; and a protracted and ferocious oppression has aroused in the masses the courage of despair, so that it is evident that if once they break their fetters, it will not be again possible to re-enchain them.

Both Italians and strangers agree that there can be no salvation for Italy without the destruction of the Papacy, through which monstrous and cruel power Italy has been brought to suffer all the tortures by which for ten centuries she has been lacerated.

The first query which arises in the mind of every one is, of course: What are the means by which Italy can liberate herself from such numerous and potent enemies? The reply is plain: Through the same means which the Netherlands made use of to secure their civil and religious liberty, loosening herself from the iron grasp of the King of Spain, who in those days ruled half Europe, the ocean, and many other parts of the world—that is, by a revolution opportunely commenced and energetically carried on. It happens that among the small States into which, from the force of circumstances, Italy is subdivided, there is one (Piedmont) which is not oppressed in a degree equal to the others, and which since 1848 has been governed by a constitutional monarch, who has a standing army which, though little, might, at the commencement of a revolution, serve as a nucleus. Hence arose in the minds of some the notion of offering to this little king the crown of all Italy—provided he would take the field to gain it, with the assistance of the revolutionary element.

I will not enter into the question as to whether this idea be the best, and whether a fatal necessity obliges the Italians to renounce the hope of securing their liberty for the sake of facilitating the acquisition of their national independence. Let us examine the practical bearings of the case.

Every calm observer will easily perceive that to turn this project to practical utility, two conditions are indispensable: first, that the King of Piedmont resolve in good faith to unite with the revolutionists to carry out the project; and the other is, that such a union be practically useful and possible.

Since it is impossible to be certain of the future intentions of any man, and much more so of any king, we must draw our conclusions according to what line of conduct presents to him the greatest personal advantages. The King of Piedmont, in uniting himself with the revolution must break with all the diplomacy of Europe, and renounce his connection with the other sovereigns, especially with the Pope. Should he succumb in this bold enterprise, he would to a certainty lose his present crown, instead of gaining the one he covets. Does his interest prompt him to incur such a risk? The ambition of grasping the crown of Italy might perhaps entice him to make the attempt, were he certain of securing the prize after the victory. But all of us know, (and the King also knows,) what a revolution is, and that no man can direct or even foresee the result, and that there can be no certainty that after the struggle of the revolution the Italian people, victorious, would ratify the precipitate promises of a few, who, before the termination of the conflict, may have vanished from the scene of action. Besides which, other sources of doubt must operate on the mind of the King. Suppose that the revolutionary wave were to undulate from France or Germany toward Italy, the King of Piedmont would in that case disappear altogether, and nobody would think any more about him. Or supposing that the fortunes of war were to drive him from his kingdom, and that subsequently the revolution were to revive and to conquer, most certainly the revolutionists would not send to find him, to bring him back in triumph.

These considerations, which show a risk inevitable and a gain uncertain, added to the natural repugnance in a king to become a revolutionist, and to break with all his relations and natural friends, cannot be very encouraging for the King of Piedmont, and dispose him very favorably toward the proposed alliance with the revolution. To these difficulties may be added another, which must not be allowed to escape observation, namely, the destruction of the Papacy, against which no king will, in the present day, raise his hand. The Count of Boutenieff, the Russian Embassador, publicly said in Rome, in 1849, that if the Catholic powers had not undertaken to restore Pio IX., the Russian Emperor himself would have done it, since the Pope represents in himself the principle of authority, through which every sovereign reigns.

During the war of independence in Italy, under Charles Albert, the father of the present King of Piedmont, the Pope abandoned Rome, and the Grand Duke fled from Tuscany; whereupon, from each State, the offer was made to the King of Piedmont, before any other government had been established in the place of the former one, to take possession of the vacant seat. Had Charles Albert taken that step he would have become very powerful; he could with the greatest ease have taken possession of Naples, where he was anxiously expected by the population; and having his second son already elected King of Sicily, he could have become master of all Italy—in which case he could have concentrated a force sufficient to have expelled the Austrians from Italy. And why did not the King eagerly seize such an advantageous offer? Because he preferred taking his chance with the limited forces of his own Piedmont—giving as a reason that he would do nothing against the Pope. Yes, indeed. Not only would he do nothing against the Pope, but he actually ordered an army to march to the assistance of Pio IX, and the expedition was stopped only in consequence of the Catholic powers claiming for themselves that honor. These are historical facts, and Gioberti himself, the minister of the King of Piedmont, relates that he ordered the expedition for the Papal restoration, as any one may read in his work, "The Civil Renovation of Italy."

The remark sometimes made, that the present king is less religious than his father was, is not worth much consideration, since the question is not one of religion, but touching the fundamental principles on which monarchy is built; besides which, his mother and his wife are devoted to the Jesuits. The king himself, early in the ministry of Azeglio, allowed the introduction of some reforms relating to the Catholic clergy; but he never hinted at those reforms which in the last century the Court of Rome conceded to Austria, to Naples, and to Tuscany, and afterwards he gave way before the opposition of the bishops and the Pope, withdrawing the law of civil marriages already voted by the national representatives, although a yet more liberal law of the same sort is in operation in Naples. Last year a man accused with corresponding with English Protestant missionaries was condemned to hard labor at Genoa, and about the same time a most rigorous domiciliary visit was made to the venerable and virtuous Monsignor Muzzarelli, (blind,) who was called upon to exculpate himself from the suspicion of being in correspondence with the rector of St. Paul's in London.

The permission accorded to many Italian exiles to reside in Piedmont cannot pass as a mark of sympathy towards revolutionists, since the greater portion of them are from Lombardy, the possession of which province the kings of Piedmont always have desired; and, indeed, whenever any among them venture to manifest liberal and national sentiments, expulsion from the territory, transportation or prison, without the form of a trial, is sure to follow. Such was the case with Garibaldi, who, having miraculously escaped the fangs of Austria, considered that he might freely enter his native State, Piedmont, in defence of which he had, together with the present king, fought against the Austrians; but although he had all the constitutional rights of a citizen, he was nevertheless arrested and kept in confinement till he was eventually, without trial or condemnation, transported to Africa. The notorious crime of having bravely defended Rome was sufficient.

The most convincing evidence that the King of Piedmont has a decided antipathy to any connection with the patriots, is the choice of Count Camillo Benso di Cavour as Minister, and the presence of his adherents in posts of trust. This *coterie* has always shown an invincible repugnance to the union of Piedmont with the rest of Italy. Gioberti, who was a colleague of these men in the councils of the King, has admirably described them in his above mentioned work, in which he shows that they prefer the servitude of Austria to the loss of the separate existence of Piedmont. The Count of Cavour had, through his writings and his speeches, sufficiently shown his real sentiments, without the exposure of Gioberti. His brother, Gustavo, was the principal writer in the reactionary paper *L'Armonia*, and he himself edited the *Risorgimento*—less violent but not less persevering in its opposition to the war of Italian independence, to a progressive policy, and to the Italian refugees, up to the installation of Cavour in the ministry, when the publication of the paper ceased.

It is well known that on the retirement of Azeglio, who abandoned the post of Minister in consequence of the insuperable obstacles thrown in the way of his favorite scheme—the union of Italy under one constitutional king—his portfolio was offered to the Reaction, which had caused him to retire, and in consequence the National Guard of Turin was under arms for eight days; many municipalities sent to the King addresses, which were, in fact, remonstrances, till the extreme Reaction, terrified, abandoned the enterprise. Then the King nominated Cavour Minister, as a sort of compromise between the ultra absolutists and the very moderate constitutionalists. The Piedmontese endure it only to keep out the absolutists, who would replace it.

We may judge from the above that the King of Piedmont is not very likely to be induced to make an effort to reach the crown of Italy by uniting with the revolutionists. Let us, however, see whether, even if he wished to effect it, this union could be practicable and useful.

Monarchy and revolution are two things diametrically opposite the one to the other; to unite them for the purpose of effecting any common purpose appears impossible—history gives us no example of such a combination; we indeed often find that an ambitious aspirant has dexterously turned to his own advantage the work of a popular revolution, but we never hear that a popular revolution has premeditatedly formed a union with a king to assist him to mount a throne. The reason is clear, for as Machiavelli says—

Revolution comes only when the evils of society, caused by bad government, render it necessary; therefore it tends from its very nature to renovate and to bring back the government to its natural principles—which is to live in freedom.

Revolution, placed side by side with monarchy, must either absorb it or be suffocated by it, and by such a union there would not result an increase of force, but a reciprocal consuming of the power of each. The Italians have in their modern history a number of examples direct to the point. In 1820 a very extensive conspiracy, prepared during a long period under the chiefs called Carbonari, was on the point of effecting a great revolution. There was complete concord in the resolution to carry out the object of the revolution, which was the liberation of Italy, and all the best patriots were ready for any sacrifice. But among the chiefs there prevailed that fatal notion of making the movement in accordance with a prince, offering to him the constitutional crown of Italy. Charles Albert and a prince of Naples were in the conspiracy, and both betrayed the Carbonari, and committed terrible havoc among them. The Neapolitan died shortly afterward; but Charles Albert having mounted the throne of Piedmont, continued his persecutions against his fellow conspirators till the year 1847; many were hanged by him, especially in the years 1831 and 1834. Severe reflections cannot justly be made upon the conduct of men who were honest patriots, and showed in their martyrdom their fervent and resolute love of their country; they expiated by their execution the error they had committed in trusting in a prince—yet what else could they reasonably have expected?

In the year 1831 the fatal mistake of trusting in a prince was repeated: the crown of Italy was offered to the Duke of Modena, who feigned acceptance, and having discovered the threads of the conspiracy, betrayed it to Austria and to the other Italian governments. The Italians, when the treason was known, attempted a movement, which was then impracticable, every precaution having been taken beforehand by the princes. The Duke of Modena when he left his State to avoid the fury of the storm, carried away with him, tied behind his carriage, the unfortunate Ciro Menotti, who had been by his companions deputed to treat with him, and the patriot was hanged in presence of the Duke, who coolly watched his dying struggles.

In 1848 some of the liberals of Italy committed the same blunder in reposing confidence in the same Charles Albert of 1820, 1831 and 1834. He rushed into Lombardy so soon as he heard of the insurrection, because he expected to add that province and the duchies to his State, if the popular movement were successful; certainly he did not desire Italy, since he refused under any conditions to interfere with the Pope. And what happened? The revolution, which was triumphant throughout Lombardy, became instantly paralized on the arrival of the King, who checked the popular enthusiasm, brought everything to a state of inaction, allowed time to the Austrians to rally and receive reinforcements, and having lost one little battle, consigned Milan and all Lombardy and Venice to the Austrians, even giving orders to his generals to surrender the city and forts of Venice itself. But in the city there were, under General Ferrari, three regiments of Roman youth, true republicans like all Romans, and these giving countenance to the citizens, sent away the Piedmontese General Olivero and proclaimed the republic. Charles Albert made afterwards another attempt to get the province of Lombardy, and withdrew entirely after a skirmish at Novara.

Charles Albert had nevertheless an army, numerous and strong, with much more money at his disposal than the present King has, besides the sincere support of all the liberals. On the other hand, Venice, Bresica, Bologna, and Rome, abandoned to their own resources, and without a regular army, a sufficient supply of money, arms, and ammunition, performed wonders. Sicily was victorious so long as she combated for liberty—but all her energies ceased so soon as she gave herself to a King, the brother of the present King of Piedmont. All this is easily accounted for; the people, when they rise to assert their rights, sweep all before them—those who fight for a king are merely his mercenaries.

The material resources upon which Italy as a democracy can rely, are much greater than those which the King of Piedmont can offer. He has but a little regular army, his finances are exhausted, and in his troops there are many more than he may suppose, who prefer liberty to royalism; and these are the best and most energetic of his soldiers. Italy has many powerful men of action, whose force would be entirely lost under the union with a king; they would make the personal sacrifice, as was done in 1848, if any material benefit could be expected from it; but since the king would not accept their services with confidence, they would become useless.

There is in Italy much material aid which would fall into the hands of the revolution at its commencement. The arsenals of Naples are plentifully supplied with cannon and every species of warlike stores; the artisans are numerous and skilful. These are treasures which the tyrant cannot carry away with him, even should he manage to escape from the popular vengeance. If the army be disbanded, that is of no consequence: it would in fact be an advantage, because that which was good would remain in the ranks of the revolution, and the rest would most willingly get off to their respective homes, where they had been compulsorily drafted. Other arsenals, excellent, though not so rich, are to be found in Piedmont. There are also several manufactories of arms; that of Bresica is celebrated.

Neither must we exaggerate the forces of the kings, as compared with those of the populations moved by a spirit of independence. We at this moment see the Czar of Russia, who is considered the strongest of modern potentates, acting like a cowardly bully toward Turkey, which country he supposed to be powerless; and yet on the first symptom of popular indignation and of serious resistance from the Turks, the Russian Emperor expresses a desire to profit by the Anglo-Franco negotiation.

It is, therefore, evident that the approaching revolution in Italy, to be successful, must be conducted in the name of, and in favor of, democracy, in which alone it can find sufficient energy to overthrow the Papacy. That if the revolution relies solely on its own strength, it has energy and means to conquer; but if it lean upon any royal staff, it will be, as on all former occasions, ruined. That hackneyed objection, that the people are not sufficiently educated in freedom, is devoid of good sense. Would any one have the people wait to be educated in freedom by the Pope or the King of Naples? That government which is the most free is the easiest and most natural to every people—under freedom alone can man bring to maturity republican virtues. The ancient Romans passed at one bound from the tyranny of Tarquin the Proud to the republic, and though not especially educated for republicanism, left lasting monuments of their grandeur and sagacity; and the modern Romans passed from the Papal, which is the worst of tyrannies, direct to the republic, with the most perfect order. It is a fact that the State which, under the rule of the priests, was the theatre of assassination, private vengeance and universal anarchy, was suddenly transformed into a well-regulated republic, which ruled without employing force, abolished the punishment of death, and, hardly ushered into existence, possessed sufficient life and vigor to oppose an obstinate resistance to the allied armies of France, Austria, Spain, and the tyrant of Naples. It is, moreover, a fact that the Constituent Assembly of Rome, under the most trying circumstances, created by universal suffrage, tried for the first time in Italy, displayed more political sagacity and civil courage than any other national representation convoked in Europe in 1848 and '49. GUGLIELMO GAJANI.

No. 258 Sixth avenue, New York, Nov. 17, 1853.

Previous to this meeting an adjourned meeting of the Ingraham Testimonial Committee was held in the same room, Mr. Morange presiding. It was announced that the sum requisite for the purchase of the medal had been received, and that its preparation would be instantly proceeded with.

The following letters were then read by the Secretary:—

FROM BRADFORD R. WOOD.

ALBANY, Wednesday, Nov. 9, 1853.

Col. Forbes:—Dear Sir—Your note in behalf of the Ingraham Committee inviting me to attend a meeting of the friends of universal democratic republicanism, has just been received. I regret that my engagements are such I cannot attend a meeting of your committee on the 10th inst. Your movement has my cordial sympathy. Though we have not in this country a hereditary aristocracy, yet we have enough, and more than enough, of those who ape them in their opposition to free institutions, who must be met and put down. The mission of this nation is civil and religious liberty everywhere, and at all times, and she must fulfil her mission. The man who denies this, whether by word or act, is no American, even though he were born on Plymouth rock.

I remain, very respectfully,

BRADFORD R. WOOD.

FROM J. W. EDMONDS.

NEW YORK, Wednesday, Nov. 9, 1853.

Dear Sir—I have received your circular of the 1st instant, covering the constitution of the 'Society of Universal Democratic Republicanism,' and have to say that I shall be happy to be received among you as one of your members. A previous engagement will prevent my being with you to-morrow evening; but I beg to assure you of my cordial agreement with your views.

I had occasion, at the municipal banquet to Kossuth to express my sentiments in regard to the duty of this country towards the absolution of the Old World, and I have no reason to change them. I have long felt that when the tyrants of Europe were banded together to suppress the aspirations for freedom among men, it became free men to unite all over the world for its protection. Such I understand to be your views, and I will be happy to unite with you in advancing them. Very truly yours,

H. Forbes, Esq., Sec. J. W. EDMONDS.

The meeting then adjourned.

Trial of John Doscher for the Murder of Patrick McNulty.

COURT OF OYER AND TERMINER.

Before Hon. Judge Edwards.

Nov. 22.—The prisoner, John Doscher, is charged with having, on the morning of the 13th of June, 1853, inflicted sundry wounds on the person of Patrick McNulty, by means of a pistol, in consequence of which wounds he died.

Doscher is a man of medium height, a German by birth, and of rather prepossessing appearance. He is about thirty-five years of age.

After several challenges, the following jury were empannelled:—

Isaac Valentine,	John E. Quackenbush,
John A. Holmes,	Abraham R. Mesier,
Chester Lamb,	John Davenport,
Thomas Egleston,	Henry Buddleman,
Joseph Fisher,	James Ross,
Elisha Fargo,	M. B. Ottinger.

The District Attorney then opened the case for the prosecution. He said:—This case, in its features, will present before you the details of one of those occurrences which too often disgrace our city. The case charges against the prisoner at the bar, John Doscher, the crime of murder, alleged to have been committed on the 13th of June last, at 148 Centre street, in this city. The prisoner was the keeper of a groggery at 48 Centre street. On the night this unfortunate event occurred that place was kept open, it being Sabbath night. About 12 o'clock a party of young men, (among whom was the deceased,) entered the premises. It seems that after entering, some difficulty took place between the inmates of the house, male and female, and the party who entered. On which side that difficulty originated the testimony is conflicting. It is enough to say that there was a difficulty, resulting in a collision between the parties, these parties being composed partly of those who traced their origin to the continent, and others to Erin's green isle. In the course of this difficulty the prisoner at the bar had provided himself with a pistol, and it is alleged that the other party were also armed. The prisoner having armed himself with this implement of death, deliberately discharged it three times into the crowd. Whether he was justified under the circumstances, in so doing, remains to be seen. It is sworn that he discharged it three times into that crowd. One of the discharges took effect on the person of McNulty, who was wounded in various places, and one of the wounds was on his forehead, another on the head, and others on the body. McNulty was taken to the hospital on the 13th of June, and was placed under the treatment of Dr. Agnew, who extracted the ball or shot, and afterwards under the charge of one of the house surgeons. Against the remonstrance of that physician, after he had recovered so far as to be able to walk about, he was dismissed at his own request, and went home. After reaching home, after some little time he was again taken with symptoms which evidently showed that the effects of this wound yet remained. He constantly complained of pain in the head, and Dr. Heisler was called in on the 4th July. The Doctor attended him again next day, and found the pain still continuing; on the 7th comitose set in, and on the 8th he died. From the *post mortem* examination it was found that death had resulted from the wound he had received on the 13th of June, thus placing the prisoner in the position of having been the cause of his death. If these facts be shown before you in evidence, and if the defence does not succeed in mitigating the offence, it falls under the statute, which is as follows:—"The killing of a human being, without the authority of law, by poison, shooting, stabbing, by any other means, or in any other manner, is either murder, man-slaughter, or justifiable or excusable homicide, according to the facts." It is murder in the following cases:—First, when perpetrated from a premeditated design to effect the death of the person killed, or any human being; second, when perpetrated by an act imminently dangerous to others, and evincing a depraved mind, regardless of human life, although with no premeditated design to effect the death of any individual. In the second division this case, unless mitigated by the defence, clearly falls. That section of the statute was intended to meet just exactly such a case as the evidence will represent this case to have been. The case of a person shooting into a crowd, although with no intent to take the life of any particular individual, was always murder in the common law, and it is murder in our statutes. This statute was intended to meet such a case, where a man recklessly discharges a loaded pistol into a crowd, regardless of whom he hits, and regardless of the consequences, although he did not intend to kill any one. The evidence makes out the facts as I have stated them. If the defence fail to mitigate the act, your duty is plain, and you will feel no hesitation in fearlessly discharging it.

The first witness called was

Patrick Shirr, sworn—I resided in June last, at 48 Centre street, on the first floor, level with the street; I know the prisoner at the bar; he kept store in the basement of the same building; his business was liquor selling, and he kept girls also; I knew the deceased Patrick McNulty; he was a marble polisher, and resided in Bayard street; I recollect the occurrence which took place in Centre street; prior to that occurrence I had seen McNulty; I met him in Bayard street, at about eleven o'clock on Saturday night, I believe; we went to Mulberry street and from thence to my store; there were seven or eight young men in company with him; their names were James Leonard, who resides at No. 12 Greenwich street; John Stacon, who lived in Cross street, and worked in Tenth avenue at a foundry; Edward Gillespie, who keeps an oyster saloon in Bayard street, and James Morrison; who lives in Mulberry street, between Bayard and Cross; I reached my house at twelve o'clock at night; they remained in my room between five and ten minutes; there was no difficulty in my room; we did not go into any house in Mulberry street; Mr. Carrol was there at the time; they went from my room into the basement kept by Doscher, they took a drink in my room; I went with them to Mr. Doscher's; there were there Mr. Doscher's barkeeper, and two or three other men whom I did not know; Dorscher was not there at the time. Q. What occurred? A. These young men were skylarking and calling for drinks, and some did not. Q. What did you do at the time? A. I told the barkeeper that I would pay for any damage they might do. Q. In what temper were the parties? A. They were in good humor, and had no intention to do harm to any one; we were talking to the barkeeper; McNulty went to the back part of the store; there was a sort of hall in the rear, and on each side were rows of rooms; they all had doors; McNulty ran out, and a young man before him, and McNulty struck this young man when near the door; I know Doscher's brother; I saw him there that evening; I first saw him after McNulty, striking him; he was passing in front of the counter and going to the rear of the store; he was not the person that McNulty struck; I heard some of the young men say that man has got a pistol in his pocket; that expression referred to Doscher's brother; I don't know who this young man was that Doscher struck; some of the party got hold of Doscher's brother, to take the pistol away; I think they threw him down; the prisoner came in from the street, and went behind his counter; he drew the drawer out, and pulled the pistol out; he said nothing, that I could hear, but drew the pistol out, and fired in the crowd in the centre of the room; the crowd was about twenty feet from him; I heard the reports of two shots after the first, but I can't say that he fired them; after the first shot I heard McNulty say, "I am shot," and passed by me, with his hand on his forehead; there was another person wounded in the crowd—it was John Stacon; after the discharge of the pistol all the young men ran out; when they got outside, Mr. Doscher said, "Look out, they are firing from outside—you'll get shot;" there was no firing outside that I heard of, and I sang out to the party outside not to fire down until I got out; they had stones with them; there were policemen there, but they were not permitted to enter; they broke the door in, arrested all the parties inside, and took them to the station house; I saw McNulty after that occurrence at the hospital, and afterwards in Bayard street.

Cross-examined by Mr. Smith—I keep a porter house in the same building with the defendant; I have a license; at the time of this occurrence I was at the house of Doscher's brother; it was about 11 o'clock; I went in there before I met McNulty; some of them took hold of Doscher's wife, and I told them that she was a married woman, and I did not want her touched; these parties drank twice at Doscher's; they did not drink at any place in Mulberry street; I saw a pistol in the possession of one of the party, but didn't know where he got it; I saw no act of violence committed by the party at Herman Doscher's; when we left Herman Doscher's we went to Bayard street, and then to Mulberry street; we then came to my place in Centre street; there must have been some eight or ten with me, some of them Irish and some Americans; when I went to John Doscher's I heard some breaking of bottles, but not over the heads of any of the party that I knew of; I did not see Morrison present a pistol at the man who kept the oyster stand; I did not see the barkeeper knocked down; I saw an old lady there after the occurrence; she was quite bloody, and was pulled out from under the bed; the wound was in her forehead; I heard the reports of three pistols; there were four or five holding Doscher's brother when he was knocked down; I heard him say nothing and heard no screams; at the time the pistol was discharged I don't know whether there were men coming up in a menacing attitude to Doscher; I did not think he was much frightened; I did not see a pistol snapped down the cellar; Gillespie had the pistol; I have known him perhaps four years; I had known James Leonard three or four months previous to this; he is foreman of an engine company, who held their meetings at my place; I have known Stacon for three or four years; I had known Morrison for the same time; I don't know what his business was or if he had any; I was on a pleasure trip that night; I can't say how many such pleasure trips I have taken with that party; I am not in the habit of travelling with any party, but go for my own pleasure; I have kept my store since last May; before that I kept another place, at No. 82 Centre; it is a couple of blocks from the Five Points; I kept there for one year; before that I was tending bar corner of Bayard and Orange streets; that is about three blocks from the Points; I was there for one year and eight months; before that I tended bar in South street.

Isabella McNulty sworn—I am the sister of Patrick McNulty; he was twenty-six years of age and was a marble polisher; on the 13th of June I was absent from the city and returned on the 15th; he was there for two weeks; when he returned there was a bandage on his head; he was always complaining of his head; Dr. Heisler continued to attend my brother until he died; during this time he continued to complain; he died on the 8th of July, at half-past eight o'clock in the morning; he said nothing of his expectations of living or dying.

Cross-examined by Mr. Smith—I heard my brother complain of sickness about five years ago, when he was bilious; I never heard him complain of any accident from the flying of stone.

Dr. Heisler, sworn—I am a practising physician in this city; I was called in to see McNulty on the 4th of July; he was wounded in the forehead, and it penetrated to the bone; he complained of a severe headache; he was relieved of it the next day, after purging him: it returned the day after, with violence; he was relieved a second time, before he became comitose and died; I did not examine the other wounds; I did not see the whole of the *post mortem* examination; Drs. Agnew and Uhl made it.

Dr. Uhl, sworn—I am a physician, and reside at No. 6 Eighth avenue; I made the *post mortem* examination on the body of Patrick McNulty; I found a wound on the forehead and two small pieces of lead in it, about as large as the head of a pin; they appeared to be part of a bullet; they were not like small shot; on removing the skull I found two drachms of pus escaped, and suppuration of the brain had taken place; the brain was very much softened; there was a small mark on the top of the head, but it was very slight; in my judgment the cause of his death was suppuration of the brain under the external wound; the pus escaped directly under the external wound, between the *dura mater* and the bone.

Cross examined—I examined the whole substance of the brain, and found it in a diseased condition; I found exfoliation of the bone; any severe wound of a bone would produce it, and any blow, also. To Mr. Blunt—It is always caused by some extraneous injury.

Cross-examination resumed—No causes will produce suppuration but external injury; suppuration and softening of the brain are not precisely the same; it is sometimes produced by slight causes and slight blows on the head; it is frequently a long time before it develops itself; I am an assistant house surgeon at the New York Hospital; I am acquainted with the case of Patrick McNulty; he had a wound upon the forehead, which indicated that external violence had been used, such as shot; there were several wounds upon the chest and shoulder; the one upon the scalp looked as if the shot had glanced; he was treated first by Dr. Agnew and by myself; he was discharged at his own request. I was present at the post-mortem examination; the wound upon the forehead was the cause of his death.

Cross-examined by Mr. Smith—I have never seen such a state of brain, except that produced by blows.

Dr. Agnew examined—I have been one of the house surgeons at the New York Hospital since April; I recollect the case of Patrick McNulty; when admitted he was much excited, and said he had been shot; I found a shot on the top of his skull, which I removed; it seemed to be a buckshot; the other wounds appeared to be shot-wounds.

Cross examined—The wound in the forehead was large enough to permit a quill to pass through; I did not probe it.

Edward Baker sworn—I am one of the Sixth ward police; on the night of this occurrence I was on the corner of Broadway and Duane street; on the alarm being given, I went to the premises occupied by the prisoner; officers Timan and Kivelan went with me; I placed a man at each door of the cellar, and then knocked at the door and told the people within that there were officers at the door who would protect them; this I repeated half a dozen times and got no answer; I then went to the station house, and the Lieutenant told me to break open the door; the place was in considerable confusion, and bottles were lying around broken; there were no persons in the basement; I found the bar-keeper in one of the small rooms in the rear; the door was fastened from the inside; I also broke that in; before that there was a demand made for admission at each of the inner doors; no one was in the small room but the bar keeper; in the next I found a young woman, and a man, I believe; in the next one I found the prisoner alone; I found, in all, five persons, among whom was an old lady; we did not arrest her.

The witness was not cross-examined.

John Jourdain, sworn.—I am one of the Sixth ward police; on the night of this homicide I was standing on the corner of Elm and Pearl streets; I heard an alarm and the sound of a pistol, when I proceeded down Pearl to Centre street; I saw a man bleeding from the head near the prisoner's store, which man was Patrick McNulty; I took him to the station house, and then returned to the premises; I entered the place with the other policemen; there were sarsaparilla bottles and tumblers lying about the room, as Mr. Baker described.

The court here took a recess of an hour.

AFTERNOON SESSION.

James Carrol examined.—I live at No. 102 Bayard street; I keep a porter house; I knew Patrick McNulty; I saw McNulty before he was shot, about 11 o'clock, in my own place, 102 Bayard street; he was there about two hours; he might go out and come in again, but he was there at the time; there were Mr. Gillespie, Mr. Sherr, and others whom I don't know; they left after they had taken a drink, quite peacefully; McNulty and myself were in conversation when they came in; some of them drank brandy and some ale; I remained at home, and went to bed; at 11 o'clock the next morning, I heard that McNulty was shot.

Cross examined.—I don't know what McNulty drank that night; I have kept a porter house for twelve months at the same place; I am licensed.

The case for the prosecution was then concluded.

Mr. Smith then opened for the defence; after which—

Herman Doscher was sworn—I am the brother of the prisoner; I remember the night when Patrick McNulty was shot; I saw the parties that were in my brother's place there before; I saw them between 11 and 12 o'clock; this man Sherr was there at the time; my house was then at No. 100 Centre street. Q. What did they do in your house? A. They called for something to drink; they got what they called for, and then one or two other persons said that they would pay me to-morrow and that their credit was good; one of them then seated himself on top of the counter; the rest went into the back part of the store into the back room; I followed them in there and begged them to come out, and one of them told me, "Get out, or I'll break your head;" I went into the barroom again and thought they would come out, but they did not follow me, as I expected; the barkeeper's wife was in one room and she cried out for help; then one of the party shut the door that goes into the barrom and stood at the door and kept it shut; he told me, when I remonstrated, that he would "split me if I didn't stop;" the barkeeper then went into the basement and took his wife into the yard; then my wife, my brother and his wife came in at the door. Q. Was this man Sherr there? A. He was; Sherr said to me, "what are you doing here at this time of night?" then John pointed at me and said, "that is my brother;" then Shirr said, "I didn't know it was your brother," and they should make no more muss if he could stop them; he told John that he shouldn't tell anybody that he was with them, and that he had to go with these boys, for he made his living out of them; he said the boys were going to raise hell that night; he then called the boys out to drink, and said he was acquainted with John, and they must not make any further disturbance there; I told John that they had stolen two pistols from me; John told Shirr about them, and wanted to get them back; he said, "Better say nothing about them now; I'll try afterwards;" they then went out; Patrick Shirr treated them there; I went to my brother's house that evening; when I got there I found a great many; I saw Shirr there, but didn't notice the others, because I was attacked by them; there were from fifteen to twenty strangers there; I walked in and was going behind the bar when they got hold of me; I think two men got hold of me; I had no pistol in my pocket; at the same time they took hold of me I saw the crowd rushing up to the bar, at once, towards my brother; they threw me down; one of them held a chair over me as if to strike; when I was down I couldn't tell how many there were on me; I was not hurt much; I was kept down only a very short time; I saw the bartender get up afterwards; I heard while I was down the bottles breaking; I think I heard four shots from a pistol; I did not see any pistol in the hands of any one but my brother; my brother was very much frightened that night; there was no stranger that was injured there while I was present.

Cross-examined by the District Attorney—When I lived in Centre street, the barkeeper and his wife lived with me; my family consisted of myself and wife; one or two others lived with me at times; I can't tell who they were. Q. How many girls lived with you? A. I don't know; there have been, once in a while, girls boarding with me on that floor; there are four bedrooms on that floor; I don't know whether the people who visited my place came after the girls; the name of my barkeeper was John Bergs; I had seen Mr. Shirr before; I have been indicted for selling liquor without a license, and for keeping a disorderly house; I commenced keeping at No. 100 Centre street, before May; before I went there I kept one in Reade street; I kept a barroom, and can't recollect whether I kept rooms for the accommodation of lodgers. Q. What time did they come in your place? A. At half past 11; they had no music with them; I never have music on Sunday nights; my wife and myself occupied two rooms, and the other two were occupied by boarders, when I had any. Q. Were those males or females? A. Mostly females. Q. Were they married or single? A. That's more than I know. Q. Had your brother boarders in his house? A. I did not take notice. Q. Did your brother and yourself not keep the same kind of a house?

The question was objected to by the counsel for the defence, and ruled out.

Q. Had the difficulty in your brother's house commenced before you got there? A. It had. Q. Was the pistol of your brother not a six-barrel pistol? A. Yes; some time ago I was examined before the grand jury, and said that I heard two reports; the party ran out after my brother fired; I heard no one say that I had got a pistol; I saw some one take pistols from my place, but I did not see more after that; one of them was a two barrel pistol; it was loaded with shot; it was small shot, such as I use to shoot robins with; after these persons went out I fastened the doors; I heard the police knock, but was afraid to open; I was in the kitchen when the doors were broken open.

To Mr. Smith—They were throwing stones down; I don't know whether one man could carry them or not.

James Leonard sworn—I live at No. 12 Greenwich street; I keep a livery stable; I saw Patrick McNulty on the night of the homicide; I saw him in Bayard street; Mr. Shirr, Mr. Gillespie and Mr. Stacon were in company with me; previous to seeing Mr. McNulty we had been to the place kept by the