THE DAILY EVENING TELEGRAPH.-PHIL

For Additional Only Intelligence see Kills Pa-

SUNDAY CAR QUESTION .- The City Solicitor, in response to a request from the Mayor of the city, has prepared the following paper, showing the state of the law on the interesting subject of Sunday car travel:--

subject of Sunday car travel:-CITY SOLICITOR'S OFFICE, No. 212 SOUTH FIFTH STREET, PHILADELFHIA, May 30, 1866.-Hon. Morton McMichael, Mayor, etc.-Dear Sird-Your favor of the 26th instant was received by me on the 26th instant. You therein inform me "that complaints have been lodged before you organist a Passanger Railway Company for you against a Passenger Railway Company for run-ning their cars on the Sabbath." You add "that you understand the question involved in these complaints to have been determined by judicial authority, and you therefore request of me in formation as to the state of the law, and instrucms as to the action it will be proper for you to take in the premises.

As the subject referred to in your favor has from time to time occasioned much public dis-cussion, and aroused considerable feeling. I have endeavored to bestow upon it a careful examination.

The first legislative set of our infant colony was the recognition of the Christian religion. It was passed in 1700. Judge Duncan (in II S. and R. 402) remarks that "Before this, in 1646, Lord Baltimore passed a law in Maryland, in layor of religious freedom, and it is a memorable fact that of the first legislators who established religious freedom one was a Roman Catholic and the other a Friend."

The act of 1705 recites, "That according to the The act of 1765 recites, "That according to the example of the primitive Christians and for the case of creation, every first day of the week, commonly called Sunday, all the people shall abstain from toil and labor, that, whether mas-ters, parents, children, servants, or others, they may better dispose themselves to read and hear the Holy Scripture at home, and frequent such

meetings of religious worship abroad as may best suit their respective persuasions." It then prohibits the service of process upon the first day of the week, save in the excepted cases of treas on, folony, or breach of the peace, (sec. 4, 1 Smith, 25), and in a subsequent sec-tion, prohibits drinking and tippling in taverna,

tion, prohibits drinking and tippling in taverns, ctc. (sec. 5, 1 Smith. 25). The act of April 22, 1794, prohibits the per-formance of "any workdly employment or busi-ness whatsoever on the Lord's day, commonly called Sunday, works of necessity and charity only excepted." The last act upon this subject was passed February 26, 1855. It prohibits the sale of liquor on Sunday, and imposes penalties for the violation of its provisions. (P. L., 1855, p. 53.) It has no application to the complants to which

It has no application to the complaints to which you allude. The legislation which I have thus sketched has, of course, been the subject of fre-quent discussion in our courts. The only cases, however, which now occur to me as bearing directly upon the question at present before you are Com. vs. Johnson, and Com. vs. Jeandelle. Com. vs. Johnson is reported in 10 Harris, 102. It was a proceeding to recover the fine of \$4 imposed by the act of 1794 above quoted, the detendant being the driver of an omnibus, hired by the month. It was there held, in an able opinion by the present Chief Justice Woodward, that "the running of public conveyances is forbidden by the act of 1794, but that travelling by private conveyance is not forbidden."

The case of Com. vs. Jeandelle is reported in 7 Am. L. Reg. 615. 2 Grant 506. 3 Phil. Rep. 569, and Legal Intelligencer, vol. xvi, p. 354. It is not often that a single individual attains the legal notoriety enjoyed by this defendant. Jendelle was three three here the source the source of the so Jendelle was three times heard upon the charge of a breach of the public peace, for driving a railway car upon Sunday, July 17, 1859. Before the committing magistrate he was bound over. He thereupon sued out a writ of habeas corpus before Mr. Justice Thompson, of the Supreme Court, and after a full hearing he was remanded. The case then came on in regular order before the Criminal Court, at August Sessions, 1859, and was again heard with great patience by Mr. Justice Ludlow. The hearing upon both sides of this qualito vexata was exhausted in the arguments of the array of learned counsel who re-presented the prosecution and the defense. The result was that the defendant was discharged. This seeming conflict of decisions is easily reconciled by the perusal of the two opinions. Mr. Justice Thompson decided:-

1. "That the law gives to the public the right of enjoying the Sabbath as a day of rest and religious exercises, free and clear of all dis-

CITY INTELLIGENCE currences of the day, and at or about the time For Additional Only Intelligence are built Part peace, for the car which he drove moved with-out actual noise or disturbance of any kind for a distance of two squares, when the arrest took place.'

The learned Judge then rules that the de-iendant was not responsible for a breach of the peace because a crowd assembled, there being no evidence of a single act of disorder, nor for

the misbehavior of others after his arrest. He then considers the question whether the driving of the car at the usual rate of speed was

a breach of the peace. The Court allude to the fact that "the cars were to be driven according to a code of printed rules adopted by the Company, and intended to prevent an actual breach of the peace," and then say, "What would have been the result of the experiment about to be tried by the Company is, of course, a master of mere conjecture."

As the arrest was made before "the experiment" was tested, the Court ruled that it was "premature," and that "the detendant was entilled to his discharge." It seems, therefore, clear to my mind, that the

evidence before the two Judges was not the same. It did appear to both that the defendant drove the car on a Sunday, but on the hearing before Mr. Justice Thompson, the witnesses swore to noise "intertering with public worship and disturbing the people," whilst before Mr. Justice Ludlow the evidence was, that the car moved without actual noise or disturbance of any kind."

This is a discrepancy which, unfortunately, is not uncommon, especially in cases where witnesses at the first hearing speak under an excitement which abaies before the final trial of the case.

It would seem, therefore, from these rulings, that the mere running of a car was not ite garded by either Judge as a breach of the public

I have thus endeavored, at the risk of being tedious, to present you an analysis of the legis lation and decisions ruling the case now pre-

sented to your action. In my humble opinion the following views are deducible from the above citations;—

1. That the running of a railroad car on Sunday subjects all the employes of the company engaged in that unlawful act to a fine of four dollars, and in default of payment thereof to an imprisonment of six days. 2. That, in addition to these penalties, the

parties concerned may also be bound over for a breach of the peace where the act is accompa-nied by circumstances which amount to an ininaction of the good order which should be sacredly observed upon the Sabbata.

8. That where the act is unattended with a disturbance of the peace, there can be no arrest. Chief Justice Tilghman presents the whole law of the case in these clear and emphatic words:-

"The violation of the Sabbath is a crime which deserves pupishment, but when that vioation consists of work without noise or disorder, there is nothing in it like an actual breach o the peace." (Com. vs. Eyre, 1 S. & R., 347.)

I would, therefore, respectfully recommend that where the complainants qualify to a state of facts which, in your judgment, constitute i breach of the peace as above defined, warrants be issued for the arrest of all parties concerned in the desecration of the Sabbath, the religious observance of which is justly regarded as the

corner-stone of public morality. Where, however, the evidence does not make out a breach of the public peace, the remedy should be contined to the imposition of the fine. I am, very respectfully, yours,

F. CARBOLL BREWSTER, City Solicitor.

BOARD OF SCHOOL CONTROLLERS .- A stated meeting of the Bourd of Controllers was held vesterday atternoon. Communications were received of the following effect:-From the Second Section, asking that additional ground be purchased on the west of the city lot, Car-Fourth Section, asking that a lot of ground on the west side of Twelith street, above Fitz-water, be purchased for the crection of a schoolhouse upon it; one of a similar purport from the Ninth Section, in reference to the pur-chase of lots of ground in Nineteenth street, above Chesnut, one 53 feet 3 inches by 66, to ground already purchased by the city for a new school house, at a ground-rent of \$500; and also the property adjoining the same on the north, 55 feet, and of the same depth as the above, at a yearly rent of \$720; from the Tenth Section, asking that the lot of ground on Cherry street, east of Twentieth, 40 by 149 feet, also the lot adjoining, 15 feet front on Cherry street, be purchased; from Filteenth Section, asking that \$25,000 of the authorized loan be set apart for the erection of a school-house on lot Twentyecond and Brown streets, the new school to con tain eighteen divisions; from Sixteenth Sectional Board, notliving that they had selected as a site for a school-house a lot on Fourth street, above George, 120 by 100 feet, at \$5:50 per foot; from Nine eenth Section, asking that a lot be pur-chased, at Fourth street and Montgomery avenue, on which to erect a school-house-th lot 140 by 61 feet; from the Twenty-first Section. asking an appropriation of \$15,000 from Councils, for the erection of a school-house of eight divisions, on the city property at the Falls of Schuylkill; from the Twenty-third Section, acking that a lot of ground be taken at White Hall, on which to erect a school-house—the lot 110 by 160 feet—at a yearly ground rent of \$65; from the Twenty-fith Section, asking that \$3500 be appropriated out of the loan, with which to erect an addition to the Irving Grammar School; also, that the Board petition Councils to purchase, at a ground-rent of \$259, the lot on Franktord road and William street, 74 by 150 feet; from the Twenty-sixth Section, asking that a lot of ground be secured at southeast corner of Seventeenth and Christian streets, lot 129 feet square, for \$5 and Constant streets, for the feet square, for 55 per foot. The communications were all referred to the Committee on Property, except that from the Sixteenth Section, which was laid on the table. It was stated that the subject of the purchase of said lot had been before the Comnittee on Property, and had been disapproved by them. The Committee on the Qualifications of Teachers reported that at the semi-annual examination of candidates for certificates of quali fication, 15 males and 241 females attended, Two sets of questions were prepared, under the first of which only two persons were found quali-fied for the principals of unclassified schools, none for principals of grammar schools: under the second set, certificates of the second class were granted to 4 applicants, third class to 23, fourth class to 85. The Committee on Property reported a resolution to the effect that the Board enter into an agreement with Joseph D. Thornton, for the erection of a school house of ten divisions, on the west side of Warnock street, above Oxford, lease of fifteen years, at a rental of \$18.00. with the privilege of purchasing the same at any time after its completion for the sum of \$18,500. Adopted.

Mr. Freeborn moved to amer d by adding the Professor of Anatomy, Physiology, and Natural Professor of Anatomy, Physiology, and Anatomy, History, Mr. Elkin said that as the report of the Com-mittee on the Central High School would be considered on Tuesday next, he thought action at the present time premature. He moved to lay the resolution on the table. Agreed to. Adjourned.

THE APPROACHING REGATTA.-The first grand Regatta of the Delaware Yacht Club will come off on the 19th instant, and the Regatta come off on the 19th instant, and the Regatta Committee are making every preparation to insure success, and to make it one of the most benutiful sights ever seen on our river. Never have our yachtmen evinced so great an interest in any regatta as the coming one of Tuesday. The beats will be divided into five different classes, which will give all a fair chance. To test the qualities and dexterity of both sailing masters and boats, the sailing rules and the regulations of the Committee will be plain and explicit. This will prevent any misuderstandregulations of the Committee will be plain and explicit. This will prevent any misunderstand-ing and contosion on the day of the regatta. The winning boats of the different classes will each receive a *bedutiful prize*, which was made expressly by N. Rulon, Chennut street, near Eleventh. The members of the Club will pre-sent the prizes to the champion yachts of the (19th) regatta. All are invited to partici-pate in the grand regatta. Owners and captains are requested to small the name and size of are requested to send the name and size of boats to John C. Risley, Secretary of the Dela-ware Yacht Club, so that no time may be lost in having the boats properly classified.

HORTICULTURAL DISPLAY .- The show o roses and strawberries at the Pennsylvania Hor ticultural Society's Rooms last night was very well attended. The two principal collections of roses were from the grounds of Mr. R. Buist and roses were from the grounds of Mr. K. Buist and Mr. Thomas Meehan, of Germantown. There were fifty flowers in each collection. Six of the best in Mr. Buist's were:--"Professor Koch," "Cardinal Patrizzi," "Auguste Mil." "M'me Boutin," "Henry IV," and "M'me Dreol." Six best in Mr. Meehan's were:-- "Society of Horti-culture." striped; "John Hopper," "Jacques La fitte," "Countess Cecile de Chabrilliant, "Mons. Bohert ? and "Edward Desforces" Robert," and "Edward Desforses."

of strawberries, twenty-five varieties, all of superb growth. Many of the newer varieties our pomologists are anxious to see were on ex-hibition, particularly Russell's Prolific, Agriculturist, Fillmore, Athlete, Great Eastern, and Rivers' Ehza. These were the most admired for size and heauty. The old Hovey's Seedling was very fine, and considered tetter than many of the new ones. A feature of the meeting was the many quite new ones. There were General McClellan, Starr's Seedling, New Jersey Scarlet. The following awards were made for strayberries:-Best collection, 12 varieties, A. L. Felton; second best, 6 varieties, J. Huston; best new variety, first time, W. Perry; Albany Seed-ling, Charles Fox; Hovey's Seedling, Charles Harmer; French's Seedling, Charles Harmer; Russell's Prolitic, John Perkins; Lady Finger, Jacob Huster; Tromphe de Grand, T. W. Herskine

The following awards were made for roses:-The best 50 roses, to Robert Buist; second best, to T. Meeban; best 25 roses, R. Buist; second best, T. Meehan.

AN ADMIRABLE CHARITY .- The benevolent ladies of our city have been for months past preparing fancy and useful articles for a grand Fair, to be held during this and next week at Concert Hall, the object of which is to procure a fund to erect or purchase a home for aged widows and single women. Truly, this i a noble design, to provide comfort and shelter for those who are drawing near the close of honorable lives. The warm hearts engaged in this labor of love have devoted their time faithfully to the work, and deserve all praise for their perseverance and energy. We sincerely hope it may meet with every encouragement from our citizens.

GETTYSBURG BATTLE-FIELD MEMORIAL Association.-The annual election for a Presi-dent and thirteen Directors of the Gettysburg dent and thirteen Directors of the Gettysburg Battlefield Memorial Association, for the ensu-ing year, was held in Gettysburg last week. The following gentlemen were elected:—President— Hon. Joseph R. Ingersoll. Directors—H. C. Carey, Edmund A. Sonder, William M. Hersch, David A. Stewart, Hon. O. A. Hiester, H. N. McAilister, D. McConaudhy, H. L. Baugher, J. B. Danner, R. G. McCreary, T. D. Carron, George Arnold, A. D. Buchler. The Association has secured one hundred and forty acres of the battle-field.

LADELPHIA, WEDNESDAY	, JUNE 13, 1866.
AMUSEMENTS.	RAILROAD LINES.
RISLEY'S CONTINENTAL NEWS EXCHANGE. Choice Kents to all paces of Amusement may be had an to 6% o'clock any evening.	READING RAILROAD. GREAT THUNK LINE. FOM PHILADELITIA TO THE INTERIOR OF
UNION NATIONAL GIFT CONCERT: TO BE GIVEN AT SMITH & NIXON'S HALL, CHICAGO, ILLINOIS, JULY 5, 1866. 160,000 Gifts, Valued at \$990,000! Number of Tickets, 1,000000!	 ROM. PHILA DELI'HIA TO 'HE INTERIOR OF IENNSYLVANIA, THE SCHUTLRHA, SU-90UE- HANNA, (UMEFELAND, AND WYOMING YAL- LEYS, THE NGETH, NORTHWEST, AND THE 'ANADAS' SUMMER ARRANGEMENT OF PASSENGER TRAIN' JUNE4 1898 Leaving the Company's Depot. at THIRTEENTH and CAII OWHILL Success Philadelphia at the following bours:- MORNING ACCOMMODATION. At 730 A. M. for Reacting, Lebance, Barrisburg, Pots MORNING ACCOMMODATION. At 530 A. M. for Reacting, Lebance, Barrisburg, Pots MORNING ACCOMMODATION. At 530 A. M. for Reacting, Lebance, Barrisburg, Pots MORNING SUBJECT SUBJECT STATEMENT Infra, Roches er, Nia, sra Fals, Buffalo A lentown Wilkesburg, Pitteon, York, Carilelo, Chamborsburg, Facerstown etc. etc. This train connects at BEADING with Fast Pom- olynala Railynea irains for A lentown etc., and the Leban V siley train for Harrisburg, etc.; at POR CILNTON W th Catawinas Bairoad thermits for Y WIL heashurg, Look Bavinas Fallenged thermits for Y WIL heashurg, Look Bavina, Finling etc.; at HARHS
AT ONE DOLLAR EACH ! \$140,000 in Greenbacks! TITLE 10 RFAL ESTATE PERFECT, AND WARRANTY DEEDS GIVEN. I Gin in Beal Estate (several parce s) in and Bear Chicago. 1 Gint in Greenbacks. 1 Gint in Greenb	 incesburg. Lock Baven. Fimira etc.; at HARBIS iuTEG with Northern Central Cumberland Valey, and Schutikill and Susquebauma trains for Northumberland, Williamsport, York Chambersharg, Sinegrove, etc. AFIER-OON EXPRESS Leaves Fhiladelphia at 300 P M., for Reading Potts- ville, Harrisburg etc., commeting with Reading and Columbia Rai road trains for Columbia, etc. READING AC: OM MODATION Leaves Reading at 6 00 A M., stopping at all way sta tions, ariving at Philadelphia at 8 55 A. M. Refurming. Leaves Philadelphia at 8 56 P. M.; arrives in Heading at 756 P. M. Trains for Foliadelphia leave Harrisburg at 8 10 A M. and Potsville at 8 45 A. M. arriving in Philadelphia at 100 P. M. Afternoon trains icave Harrisburg at 2 10 P. M., Potuwille at 245 P. M., arriving in Philadelphia

5 Gitts in Creenbacs, each \$10,000...... 50,000 50,000 10,000 0 Gifts in Greentacks, each \$3000.... 5 Gifts in Greenbacks, each \$2000. 1 Gift in Real Estate, 80 acres 5 miles west of 10,000

1 Gitt in Resi Lstate in Juneau county, Wis-2,200 59,000 40,000

8232,200

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W ALNUT STREET THEATES. W ALNUT STREET THEATES. Begins quarter to 8. THIS (Wednesdav) EVENING, June 13. LAST NIGHT BUT SIX OF MR. EDWIN BOOTH. John Howard Payne's historical tragedy of BRUTUS; OR, IHE FALL OF TARQUIN. EDWIN BOOTH. Shurday, EDWIN BOOTH as RICHELLEU. Friday, EDWIN BOOTH as RICHELLEU. Friday, EDWIN BOOTH as RICHELLEU. Saturday, EDWIN BOOTH as REUTUS. Wednesday, EDWIN BOOTH as REUTUS. Mendesday, EDWIN BOOTH as REUTUS. Wednesday, EDWIN BOOTH as REUTUS. Mendesday, EDWIN BOOTH as REUTUS. Wednesday EDWIN BOOTH as REUTUS. Wednesday EDWIN BOOTH as REUTUS. Mendesday AS REUTUS. MENDESDAY AS REUTUS. MENDESDAY AS REUTUS. MENDESDAY AS REUTUS. MENDES inst. The renowred spectacle of the NAIAD QUEEN has been prepared on a sea o of mag ninude. At 515 F. M., for Bethlebem, Allentown, Mane, Funk. For Doylesfown at 835 A M., 9:30 and 4:15 P. M. For Lansdave at 6:15 F. M. White cars of the Second and Third Streets Line City "assenger Cars run direct to the depot "REALNS FOR FHILADELPHIA. Leave Bethlebem at 6:25 A M. and '2:25 Noon, sn. '15 P M. Leave Bethlebem at 6:40 A. M., 3:15 and 5:30 P. M. Leave Bethlebem at 6:00 A. M. Leave Fort Washington a 10:3: A M. and 2:15 P. M. ON SUNDAYS. Philadelphia for Beth enem at 0 A M. Philadelphia for Beth enem at 0 A M. Bethlebem for Fhiladelphis at 7:20 F. M. Doylestown for Fhiladelphis at 4:30 P. M. HED Street or BERKS Street. 511 ELLIS ULARK. Agen. N EW AMERICAN THEATRE-WALNUT Street, above Eighth. LAST WELK OF THE RENOWNED HANDON BROTHERS. Mad'lle ZANFRETTA, the great Tight Rope Artis's, and the ce-ebrated SIEGRIST FAMILY, who will per-form their wonderul feats even ins. BRILLIANT BALLET TROUPE. Popular Drams and Laughaule Fatce. Matinee every Saturday Afternoon. 611 EASTWICK PARK. SUMMER SEASON. BOATING AND FISHING. WILL OPEN ON THURSDAY, June 14. 6 11 3t Subscriptions received at No. 408 WALNUT Street. GYMNASIUM FOR LADIES, GENTLEMEN, AND CHILDREN, N.E. CORVER OF NINTH AND ARCH STREETS. OPEN LVLRY DAY AND EVENING, ALL SUMMER. Bodily exclose imparts health and strength; the best preventive against sickness of the coming summer 5.24 am Professors HILLEBRAND & LEWIS. THE PIANOS WHICH WE MANU THE THAT TAKEN THE PRANT AND A STREAM AND A 5 28% UNION FIANO MANUFACIURING CO. LIQUORS. CHESNUT GROVE WHISKY. No. 225 North THIRD Street. It anything was wanted to prove the absolute purity of this Whisky, the following certificates should do it here is no a coholic stimulant known commanding such connectation to meach high sources:--measure and the sources:--We have carefully tested the sample of CHESNUT GEOVI. WHISKY which you send us and find that it contains score of the policy students and high that it it sit oil, which is the characteristic and injurious to gredient of the whickles in genera use. BOOTH, GARRETT & CAMAC, BOOTH, GARRETT & CAMAC, No. 225 North THIRD Street. NEW YORK, September 3, 1856 1 have analyzed a sample of CHESNUT GUOVE V HISKY received from Mr Charles Wharton Jr. of Philadeiphia: and having carefully fested it, I are pressed to state that it is entirely prace from prosonor or period that it is entirely prace from prosonor or period that it is entirely prace from prosonor or period to state that it is entirely prace from prosonor or period to state that it is entirely and the prosonor or period to state that it is entirely to the prosonor or period to the prosonor of the period to the period of the period to the period to the period to the period to the period of the period to the period T DELETITIETES Substances. It is an unusually p and fine-fiavored quality of whisky. JAMES R. CHILTON, M. D., Analytical Cl ----BOSTON, March 7 1859 1 have made a chemical analysis of commercial sam bles of CHESNUT GROVE WHISKY, which provest ies of CHESNUT GROVE White a refectly pure an te irre from the heavy Fusil Olis, and perfectly pure an undulterated. The fine flavor of this whisky is derive tom the grain used in manufacturing it. Lespectrully. A. A. HAYES, M. D. Fute Assaysr, No. 16 Boyiston street. For raie by errei, demijohn, or bottle at No. 226 North HILD Street Philadelphia. M. NATHANS & SONS. IMPORTERS BRANDIES, WINES, GINS. Etc. Etc. No. 19 North FRONT Street. PHILADELPHIA. MOSES NATHANS, BORACE A. NATUANS, GELANDO D NATHANS. 119m PARASOLS AT \$1-25, \$1-50, \$1-75, AND \$2. 51k Sun Umbrelias, \$1-40, \$1-50, \$1-75, H. DIXON,

Nations only at 315 P M. 615 N ORTH PENNSYLVANIA RAILROAD.-Dopot THIRD Street above Thompson. For BETHLEHEM. DOYLESTOWN, MAUCE (HUNK, EASTON, WILLIAMSPORT, and WILKEF, BARRE. At 730 A. M. (Express), for Bethlehem. Allentown Mauch hank, Harle'on Willamsport, and Wilkes ATTE. ATTO, At 2:30 P M. (Express) for Beth chem, Faston, etc maching Faston at 6:45 P. M. At 5 15 P. M., for Bethlehem, Allentown, Manc-



terms. JOHN GLENDENING. JOSEPH M. TRUMAN, Jr., 5 22 1m Proprietors.

ASTERN ICE COMPANY.-SEASON OF 1866-8 ibs. daily, 60 cents per week; 12 ibs daily. 75 cents per week: 16 ibs. daily, 90 cents per week; 20 ibs daily, 91 65 per week. Street below Thi'd. 61 Depot. No 241 QUEEN THOMAS J. L'ONS, JOHA S. MYERS.

LEGAL NOTICES.

IN THE COURT OF COMMON PLEAS FOR THE CITY AND COUNTY OF FHILADELFH A. ADELAIDE MERCER, by etc., vs. BERNARD MERCER MERCER In Divorce. March Term. 1966. No. 60. To BERNAED MEBCER. Respondent:-Take notice that d-positicns, op behalf of the lib Hant in the above case, will be taken before Char es N. Mann, Esq., Examiner. at his office, porthwest corner of Fitth and Green streets, on THUR DAY July 12, 1846, at 11 o clocks A. M., when and where you may attend if you think proper. JOSEPH M PILE, 6 12 15t Avtorney for Libellant.

MRS. JOHN DREW'S NEW ARCH STREET THEATRE. OF TIME. Bogins at 8 o'clock. THIRD NIGHT MISS ETTIE HENDERSON.

turbances from merely unnecessary and unallowed worldly employment, and where the law is contravened in such a manner as to disturb that enjoyment, by noise or disturbance accom panying it or incident to it, it is a breach of the

peace. 2. "That driving a public conveyance for hire subjects the party to the penalty of \$4, imposed by the act of 1794," the latter point having been already decided in Commonwealth Johnson, above quoted.

With these rulings Mr. Justice Ludlow agrees. The remaining portion of the syllabus in 2 Grant reports Mr. Justice Thompson as deciding, as matter of law, "that the running of cars on passenger railroads on Sunday, by reason of the noise accompanying them, is a disturbance of the public peace of the Sabbath and the rights or worsh p and of rest, and the drivers of such cars may be arrested and held for a breach of the neace.

If this is the law without gualification or exception, then every conductor and driver m charge of cars running on a passenger railway still more clearly every conductor, englneer, firemen, and brakesman on all the roads using locomotives) on Sunday is liable to arrest. It might be asked, too, how, if this were the law, that very delendant was subsequently discharged -tor, beyond all question, he had driven a car over a passenger railway on Sunday.

The answer to this question is, that Mr. Justice Thompson was hearing the case on habeas corpus. He was not hoiding the Court to which the delendant had been bound over. It was an attempt by the defendant to obtain a discharge from his recognizance without appearing before the Court to which he had been held to answer. Unless it clearly appeare ! that the prisoner was "entirely innocent, the Judge was bound to bail or remand hun." Brightley's Rep. 36,

An examination of Mr. Justice Thompson's

opinion will show:--That the syllabus, as above quoted, is not a correct report of his ruling, and that he did not decide that "the running of cars, by reason of the noise accompanying them, is a breach of the peace."

The learned Judge was speaking of cause in reference to that particular case-not of all cars, but of that car. He says (2 Grant, 510):-"His (Jeandelle's) driving the can at the time of the arrest was accompanied by noise sufficient, as the testimony shows at the time, and by the experience of the preceding Sabbath, to greatly interfere with public worship and disturb the people along the line, and was accompanied by a crowd of persons and some disorderly con-duct, if the witnesses are to be believed. I think this constituted a breach of the peace of the Sabbath, as ordained and established by the act of 1794, and that, under the our cumstances, an arrest was proper. And at page 512 he re marks:-

"The conclusion I have come to is to refuse the discharge of this man. I no further decide upon his case than to refuse his discharge. Let the law hand him over to his proper judges at the proper time. They will decide what is best to be done when they shall have heard all the lestimony in the case."

clear, therefore, that the Judge was speaking of that cuse only, and in reference to, the testimony before him of "noise greatly in-teriering with public worship and disturbing the people.

Before Mr. Justice Ludlow the evidence pre sented a different aspect.

He says, in commenting upon the facts (3 Leg. Int., 514):-"The evidence for the prosecution fails to connect this defendant with the transac tions of the Sunday preceding his arre-t; he is therefore not responsible for the alleged breach of the peace which occurred on that day, and we dismuss the testimony as irrelevant, unless the running of a single car, at the usual rate of speed, is indeed a breach of the peace-a question to be hereaster noticed and determined. The The evidence for the prosecution relating to the oc-

The Committee on Supplies reported that they had made the contracts for supplying coal to the schools for the ensuing winter, as follows:-First District-Day's & Brown, Schuyikill coal,

2240 lbs. per ton, at \$6'95. Second Discrict-G. P. Dunwoody & Co., Schuylkill coal, 2240 lbs. per ton, \$6'16. Third District-C. H. Shinn & Son, Schuylkill

pal, 2240 lbs. per ton, \$6'45. Fourth District—The same as above. Fifth District-Girard Mutual, Schuylkill coal,

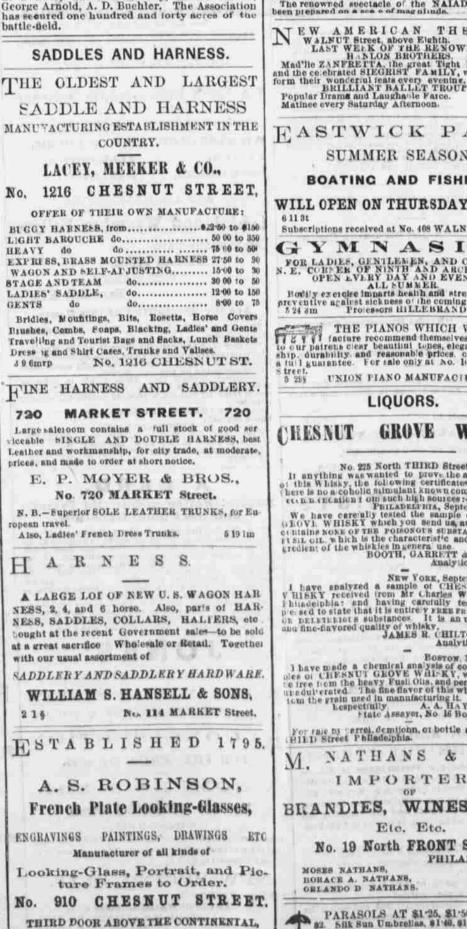
2240 lbs. ner ton, \$7. Sixth District—John Adams, Schuylkill coal, 2240 lbs. per ton. \$7. Seventh District-Clark & Garrigues, Schuyl-

kill coal, 2240 lbs. per ton, \$9. Eighth District-Mammoth Vein, Schuylkill

coal, 2240 lbs. per ton, at \$8:56.

Ninth District-No contract, Tenth District-James Neill, agent, Schuylkill

cosl, 2240 lbs. per ton, \$7:82. A resolution was adopted making but one session in the public schools after the 14 h until the vacation, the session from 8 to 12 o'clock. Mr. Duffy offered a resolution to dispense with the services of Edward W. Vodges, M. D., Pro-fessor of Moral, Mental, and Political Science in the Central High School,



8 155 FHILADELPOIA.

W EST JERSEY RAILROAD LINES, FROM tool of MARKET Street (Upper Ferry), Commencing THURSD Y, May 31 1866, LEAVE FHILADE: PHIA AS FOLLOWS:-8 A. M. Mail for Bildgeton, Salem, and all interme-diate stations

5 A. M. Mail for Bridgeton, Salem, and all interme-diate stations 5 A. M. Mail for Cape May, stopping at Woodbury, Glassboro', Vineland, and Milvilie, and all stations beow Mi lville. Due 12:35 M. 3 F. M. Accommodation, for Cape May, stopping at Woodbury and Glassboro, and all stations below Glass-boro. Due 5:5F. M. 3 30 F. M. Passenger, for Bridgeton, Salem, and all intermediate scattere.

3 30 P. M. Passenger, for Bridgeton, Sa em, and all intermediate stations. 6 P.M. Woodbary Accommodation. RETURNING TRAINS Leave Cape May 630 and 11 A. M. "Bridgeton 7 A. M. and 350 P. M. "Salem 645 A. M. and 350 P. M. "Salem 645 A. M. and 355 P. M. Freight will be received at Second Covered Wharf below WALNUT Street, from 7 A. M. until 5 P. M. That received at or before 9 A. M. will go through the time day.

ame day Freight Delivery, No. 228 S. DELAWAR⁵⁷ Avenue. 5 31 J. VAN RENSSALAER, Superintendent.

Freizht Deilvery, No. 226 S. DELLA WAR, A. A. Vendie. 5 al. J. VAN RENSSALAER, Superintendent. 1866 – PHILADELPHIA AND ERIE RAIL. From and Northwest Counties of Pennsylvania to the ern and Northwest Counties of Pennsylvania to the ity of Frie on Lake Erie. It has been leased and is operated by the Pennsy vania Bailroad Countany. IME OF PASSENCER TRAINS AT PHILADEL "HIA. Arrive Eastward-Erie Mail Train, T A. M.; Erie FX areas Train, I P. M. Leave Westward-Erie Mail. P. M.; Erie Express train 12 M. Passenger cars run through on the Erie Mail and Ex-press trains both ways between Philade phila and irle NEW YORK CONNECTION. Leave New York at 9 A. M., arrive at Erie 930 4. M. Leave Fie at 445 P. M. arrive at Erie 930 4. M. Leave Fie at 445 P. M. arrive at New York 410 P. M. Eles ant Sleeping Cars on at the night trains. For incomation respecting passenger Dusmoss, apply a corner THIRTIE H and MARK IT Streets Phila. And to trepht business, of the Company's Agents, R. K. Kingston Jr., corner thirteenth and Market streets Philadelphia 1. W. Reynolds, arie; William Biown gent N. C. & R. Baltimore. M. H. HOUSTON, General Freight Agent, Phila. H. W. GWINNER General Tieket Agent, Phila.

FOR NEW YORK. -THE CAMDEN AND Amboy and Phiadelphia and Trenton Railroad omyany's Lines. FROM FRILADE CPHIA TO NEW YORK and Way Places, from Wainut Street Whatf, will leave

as follows, viz --At 5 A. M., via Camden and Amboy. Accomb oda 16 P. S. via Camden and Amboy Accommodation. 180
16 P. S. via Camden and Amboy Accommodation. 180
At 8 A. M. 2 and 5 P. M., for Mount Holly, Ewans-ville Pemberion, and Vincentown At 5 A. M. and 2 P. M. for Freeho. 4.
15 and 16 A. M., 12 M. 4, 5, 6 and 11:30 P. M. for Fish bouse, Primyra, Riverton Progress, Delanco Beverly, Edeewater, Furi maton, Fiorence, Borden-town etc. The le A. M. and 4 P. M. lices run direct hrough to Tienton.
LINES FROM KEN-IN GTON DEPOT WILL LEAVE AS FOLLO VS:-At 11 A. M. 4330 6:45 P. M., and 2 P. M. (Night), via Kempington and Jorney City 1 xpress Lines, fare 8:300 The 6:45 P. M. Line will run daily. All others Sundays garcuted.

The 645 P. M. Line will run daily. All others Sundays excepted At 7:30 and 11 A. M., 3, 3:30, 4:30, 5, and 6:45 P. M. and s ionight for Bristol. Trenton, etc. At 7 and 10 15 A. M. 12 M., 3, 4, 5, and 6 P. M., for Corn-ke 1's Torriside Holmesburg, Tacony, Wissinoming, Bridesburg, and Frankford, and at 10 15 A. M. 'Or Bristol Schenck's, Eddineston, and at 10 15 A. M. 'Or Bristol Schenck's, Eddineston, and at 10 15 A. M. 'Or Bristol Schenck's, Eddineston, and at 10 16 A. M. 'Or Bristol Schenck's, Eddineston, and at 10 16 A. M. 'Or Bristol Schenck's, Eddineston, and at 10 16 A. M. 'Or Bristol Schenck's, Eddineston, and St. M. for Holmes-burg and Intermediate stations. At 7:30 A. M. and 3:40 P. M. for Niagara Falls, Bufalo, Chest'er Binghampton. Oswego, Syracuse, Great Bend, chest'er Binghampton. Oswego, Syracuse, Great Bend, Montrose Wilkesbarre Scranton Stoudabarg, Water Montrose Binghampton, I. ambertville, Fleminston, etc. 'The 3:50 F. M. Line connects direct with the scale etc.' The Stor F. M. Line connects direct with the scale term fleming and the for Mauch Chunk, Allentown, Bothle-hem etc.'

hem etc. 15 F. M. for Lambertville and intermediate stations. June 1. 1866. WILLIAM H. GATZMFS, Agent.

MUSICAL INSTRUMENTS.

SCHOMACKER PIANO FORTE SCHOMACKER PIANO FORTE SCHOMACKER PIANO FORTE SLOKE, NO. HES CHESNUT Street - We respectively call the attention of our friends and the public generally of our removal to our new and nandsome Warercomma, GIRAED KOW, No. HOS CHESNUT Street, where we have constantly on bands large stock of our superior and highly finished Square and Grand Pianos Our Instruments have been awarded the highest pre-minums at all the principal exhibitions over heid in this coustry, with numerous testimenials 'com the list-cases aritis's in Americas and Furopa. They are now the leading Pianos and are so hto parts of the wold. Tere as desiring to purchase a first-class Piano at creativ reduced tates shoud not fail to give us a c fl Pianos to rent. Tuning and moving pompily at-tended to. 323 lm No 1063 CHESNUT Street



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