# FIRST EDITION

WOODHULL, CLAFLIN & CO.

Taking the Black Veil.

The International Yacht Races.

The "Pall Mall Gazette" and the Oneida

Situation in Spain.

Etc., Etc., Etc., Etc.

### THE PETTICOAT BANKERS.

Woodbull, Claffin & Co. in Trouble-A Little Bill from a Chicago Druggist. The Marine Court was all astir yesterday. The renowned Miss Tennie C. Claffin, of the firm of Woodbull, Claffin & Co., the women brokers of Broad street, appeared before Judge Curtis, in auswer to a suit at the instance of Mr. James Blake, a Chicago grocer. This claim is the first of a series of claims to be preferred against Miss Tennie, for debts contracted during her residence in Chicago. Although a judgment was obtained against her by Mr. Blake, it was not satisfied. This action was instituted on a judg-ment recovered in the Superior Court of Chicago in 1867 in favor of Mr. Blake. For the defense it was said that Miss Tennie never was served with the summons, and that she was absent from Chicago on the day on which the Sheriff returns that he served her with the pro-cess. The Court directed a verdict for the plaintiff for the full claim (\$125.70), with interest

and the costs of the suit. THE ORIGIN OF THE SUIT. When the attorneys for the plaintiff were instructed by the Chicago correspondents to bring this suit and others against Miss Tennie Claffin, it was at once seen what difficulty there would be in proving her identity. The claims were small, although numerous, and it would scarcely pay for the creditors to go to the expense of pay for the creditors to go to the expense of coming here to identify her. So they procured a description of Miss Tennie, and one of the attorneys then called on her at her bankinghouse, and presented his claim in the name of his Chicago client; but she utterly denied all knowledge of such a person, and said that she had never been in Chicago in her life. He then took from his pocket the following written denied and the such that the cook from his pocket the following written denied to the cook from his pocket the following written denied to the cook from his pocket the following written denied to the cook from his pocket the following written denied to the cook from his pocket the following written denied to the cook from his pocket the following written denied to the cook from his pocket the following written denied to the cook from his pocket the following written denied to the cook from the cook took from his pocket the following written description, and read it to her: - "Miss Tennessee Claffin is a charming woman of medium height, brown hair, gray eyes, dark complexion, decidedly plump, and about thirty years of age," remarking, as he finished, "That answers your description are the second of t

description exactly." MISS TENNESSEE'S DOUBLE.

With a smile which would have rivalled Cleopatra's, she acknowledged the correctness of the description, but remarked that there was a lady in St. Louis who had often been mistaken for her, and for whom she had frequently been obliged to pay debts. That was a staggering blow to the attorney, but recovering himself, he respectfully bowed himself out of the sumptuously furnished private office of the firm. He wrote at once to his Chicago client what the result of his Interview had been, and received in reply a request that he should ask certain questions which disclosed a perfect knowledge of her domestic affairs while in Chicago. The attorney did as he had been directed. Miss Tennie at first denied, bat at length acknowledged everything. The attorney again presented his claim, but she asked for time, saying she was at time. This was not satisfactory, however, and hence the suit. Messrs. Genet and Peet, the attorneys for Mr. Blake, about this time ceived other claims for collection against Miss Tennic, among which was a bill from Messrs, W. Ehrman & Co. for sundry drugs supplied during the time

MISS TENNESSEE PRACTICED as physician in Chicago. In this bill there are such items as blood root, I box ley, I syringe, oint-ment prescription, assafertida pills, sngar-coated, and many others of the same nature. In reply to Messrs. Ehrman & Co.'s claim, which was a first sent directly to Miss Clafflu, the following

New York, Feb. 21, 1870.—J. W. Ehrman & Co.—Gentlemen:—Miss T. C. Claffin instructs us to say, in reply to yours of the 18th inst., that the newspapers have created a false impression about her nanctal condition. True, she has appeared as one of the firm, which is furnished means to conduct business with. Her prospects for making a paying business are very good, and she hopes to be able within a very few months to settle all her old claims. Her friends are settling some at 25, holding them for her until she can make it. She will try to get yours admitted for 50 if you should prefer that to letting it

Please reply what you will be willing to do. Yours, spectfully. Woodhull, Clarin & Co.

THE SCENE IN THE COURT-ROOM. Miss Tennie C. appeared in court attended by her partner, Mrs. Woodhull, in all her charms of manner and of dress. Her dress was of black silk velvet. She had a fashionable chignon, surmounted by a hat, bonnet, or what not of the latest Paris style, and her gloves were faultless, both in color and fit. She cast upon Judge Curtis one of her most engaging smiles. as she was called into the witness-box, but after his instructions to the jury, her face assumed an expression of dignified contempt, and. accompanied by her partner, she sailed out of the court-room with the slightest perceptible shake of her gracefully-swaying pauler.

Commodore Vanderbilt, whom Miss Tennie claims to be her financial backer, denies all knowledge of her or her partner, Mrs. Wood-hull.-N. Y. Sun of this morning.

## A TERRIBLE CASE.

A Whole Family Stricken with Small-pox-A Mother and Child Dead in the House at the Same Time.

The Louisville Journal of Wednesday pub lishes this painful narrative: -Yesterday a man, who gave his name as Leonard Zinoblemas, applied to the health offi-

cers for a permit and assistance to bury his wife and child. The story of the man, told in plain, simple words, revealed a terrible case of want and suffering. The entire family, with the exception of himself, had been attacked by that most loathsome and terrible disease, small-pox. The neighbors, dreading contagion, would ren der no assistance, and, being too poor to hire a nurse, he was compelled to quit his work and attend to them as best he could.

His little means soon gave out, and the family, sick as they were, actually suffered for the com-monest necessaries of life. Monday night his wife and one of his children, an infant, died Friendless and penniless, he was forced to apply to the public charity for the means to pay the last sad rites to the loved and lost. He stated that he had not a single cent, and that there was not a particle of food in the house. An investigation of the matter proved that his sad story was true in every respect. The dead were buried and assistance rendered the living. The family live on Clay street, between Broadway and

In this connection, we would call the attention of the proper authorities to the fact that, owing to the want of a proper vehicle to carry small-pox patients to the pest house, they are compelled to remain in the city, thus causing the

disease to spread. If affected persons were re-moved as soon as the fact became known the dread disease could be kept in check, but if, for the want of means to carry them to the pest-house, they are suffered to remain at their homes and communicate the disease to other members of the family, and, as soon as they are able to walk, to go upon the streets, probably with infected clothes on, and thus spread the infection, there will be no limit to the ravages of the disease. The matter should be attended to without delay, and before the disease be-comes epidemic, which it will if the present policy is persisted in.

### THE BLACK VEIL.

Impressive Ceremony in a Brooklyn Convent !—Renouncing the Vanities of the World. The ceremony of "Taking the Black Veil," or nuns' last vows, was witnessed yesterday by a select and invited number of friends at the Convent of St. Francis of Assisium of the Sisters of Mercy, situated at the corner of Willoughby and Mercy, situated at the corner of Willoughby and Clausen avenues, Brooklyn. The young ladies who were the candidates and principal actors in the ceremony were Miss Margaret Noonan, daughter of Mr. Daniel Noonan, of New York, now known in religion as Sister Mary Paula, and Miss Mary Fogarty, daughter of Mr. Edward Fogarty, of Brooklyn, in religion Sister Mary Angela.

The services began at 10 A.M. by the en-

The services began at 10 A.M., by the entrance of the officiant, the Rev. J. Francis Turner, Vicar-General of the Diocese of Brooklyn, arrayed in cope, mantle, and stole. He was attended by two acolytes, and the Rev. Father Taff as deacon. They knelt before the altar, which gleamed like a flashing pyramid, composed of glimmering lights, rare exotics, and symbolic emblems at the opposite end of the chapel. In the meantime, while the Veni Oreator, rendered by female voices alone, with organ accompaniment, swelled in dulcet melody from the gallery above, the Sisterhood swept into the isle in

SOLEMN PROCESSION. The dress of a Sister of Mercy is one of the most picturesque and beautiful of the orders of the Church. It consists of a black habit with a long sweeping train, a white linen cirf and guimp on large collar, and a gracefully arranged black veil. To this dress, on ceremonial occasions, is added a floating white mantle of a cir-cular form. In this unique and medieval cos-tume, thirty or forty nuns, bearing lighted candles, now entered. One, taller and more grace ful than the rest, bore the processional cross. She advanced to the centre of the aisle and remained standing until the others had swept into the stalls on each side, and then was seated in the centre of the aisle. The candidates wearing white veils took their seats in front of the altar, where two chairs had been placed for them back of two cushioned 'prie-dieus." They knelt until the hymn was concluded, after which the "Demand," or first part of the ceremony o profession, was made. The ceremony of

BLESSING THE RINGS AND VEILS with which they were to be invested, followed High Mass was next celebrated by the Rev. Father Danhesse, S. T., of St. Francis Xavier's College, Sixteenth street. The sermon was preached by the Rev. Dr. Friel, of the Church of St. Charles Borromeo, Brooklyn. It was an element discourse upon chastity was an eloquent discourse upon chastity,

At the conclusion of mass the candidates, after receiving the Eucharist, were conducted to the altar by the Rev Mother Superior and Assistant Superior. Here kneeling they pro-nounced and signed their vows, and were invested with their rings and black vells, the white ones being removed by their attendants.

THE DEATH TO THE WORLD. Then followed one of those symbollic acts by which the Church of Rome impresses the minds of her children. While the music thrilled from the organ loft, the candidates retired a few paces from the altar, and after standing some minutes, instantly and simultaneously prostrated them-selves, faces downwards, upon the richly car-peted floor. The action was so sudden, so plainly indicative of death, that a Protestant lady present, who had never witnessed the ceremony before, murmured audibly, "Death to the world." The two siender young forms remained extended in deathlike stillness for fifteen or twenty minutes. Then assisted to rise by the Mother Superior and her assistant, they received the kiss of peace from the Sisterhood, and falling into the procession, left the taper-lighted, flower-perfumed chapel by the same door they had entered. Some tears dimmed the eyes of the mother and sisters of Miss Noonan, but they did not seem tears of sorrow. The occasion was evidently regarded as one of joyful gratulation.

## MISTAKEN IDENTITY.

An Unpleasant Adventure-A Young Man Imprisoned, and After Several Months Proves an Alibi.

The St. Louis Republican of Thursday says:-In the Criminal Court yesterday a singular case of mistaken identity, linked with strong circumstantial evidence, was developed. Smith Jennings, a young man of respectable parentage and connections, living at Bellevue, Calhoun county, Illinois, visited St. Louis with a friend of his named James Long, on October 13th, 1869. They stopped at a boarding-house kept by Mr. W. B. Thompson, near the stock yards. After supper they visited the theatre, and after returning went to bed between eleven and twelve o'clock. About eight o'clock next morning, and after breakfast, they took a stroll about the North Missouri stock-yards, being somewhat acquainted there. After a short stay there they took the cars for the Iron Mountain stock-yards. Returning from there, they concluded to take passage on the steamer Baird for Clarksville. Jennings here parted with his friend Long, and agreed to meet him at the boat before starting time-4 o'clock. The time of starting arrived, but Jennings did not make his appearance, and Long concluded to wait for him. He hunted a number of places in vain, and finally concluded he had given him the slip and started home. On Friday morning he went in search of him to Clarksville, and not finding him there, returned here on Sunday. By this time he had come to the conclusion that he had fallen into some seductive snares which are supposed to beset rustic youths in a large city. He visited police stations and examined the records in vain for the name of his friend. Here he gave up the hunt and returned to Bellevue, where he was rigidly interrogated by Mr. Jennings as to whereabouts of his son. He told him all, and the father immediately came to the city. Here he hunted every place where he thought the young man might be found, in vain. He visited and made inquiries at Alton. Hearing nothing there, he went to Clarksville, where a letter from his son met him, telling him that he was in jail for stealing some rings, but that he was innocent of the charge. The father immediately came to the city and balled him out. Smith Jennings had been incarcerated there nine days. About 3 o'clock in the afternoon of the day that young Jennings and Long arrived in St. Louis, a young man who must have borne

away, the young man managed to abstract two of the gold rings, and replace them with rings of brass, very similar. He was remembered by Mr. Warren's father. Next day, during the afternoon (and after Jennings had parted with Long at the boat), Smith Jennings, in strolling up Washington avenue, concluded to purchase a ring, and, unfortunately, went into Mr. Warren's store. There he called to look at some plain gold rings.

remarkable resemblance to Jennings visited Mr. W. L. Warren's jewelry store on Washing

ton avenue, and asked to look at some plat

gold rings. Three were shown him, and while Mr. Warren's attention was temporarily turned

pointed him out to his son as the thief. Jennings became alarmed at this sort of treatment and started for the door, when he was brought to a halt by the presentation of a pistol in the hands of the junior Warren. He got out of the door, but was immediately captured and held

until a policeman took him in charge. He was examined before Judge Schoener, and held to answer the charge of grand larceny in the sum of \$1000. Mr. Warren was positive of the identity of the thief. The grand jury on the same evidence found a bill against him, and the same evidence found a bill against him, and on Tuesday the trial commenced and closed yesterday. The evidence was clear that Smith Jennings and the ring thief were not one and the same persons. Long swore positively that he was with him all the time from their arrival in the city up to the time they parted at the boat on the afternoon of the 14th. Other witnesses substantiated this, and a clear case of all the was proceed. The case was submitted to alibi was proved. The case was submitted to the jury without argument, and after a very brief absence they brought in a verdict which stated that they, the jury, "do hereby agree not to find the defendant guilty." Judge Primm demanded to know the meaning of such a verdict, and it was amended so as to read "not guilty." The prisoner retired profoundly con-vinced that there was danger in a city where a thief looked the counterpart of himself.

### THE ONEIDA.

The English Press on the Disaster. The Pall Mall Gazette of March 9 says:— When the news came from America that the captain of the Bombay, after running down the Oneida, had calmly pursued his course, leaving the crew of the sinking ship to perish, we at once expressed a confident belief that the story would prove to be untrue. Indignation at the Britisher is a favorite pastime in the United States; and that an American ship of war should be run down by a British packet-boat, a mere mail steamer, seemed very likely indeed to arouse susceptibility and to stimulate accusation. We now suffer the humiliation of suspecting that our confidence was not quite justified by the

So far as they are known, they quite account for the indignation which seems to have spread throughout the Union like fire in prairie grass. In America it is asserted that when the Onelda knew her danger she fired her guns to signal her distress, and that the Bombay nevertheless went on her way regardless. That still seems to us an almost incredible story. But what is the explanation (as far as we know it) on the other side? It is said, in behalf of the captain of the English ship, that he was quite unaware that the collision was at all serious: "he did not think the Oneida could have been much damaged. and continued his voyage to Yokohama." tainly this is very strange. A shock so great as to destroy a ship-of-war is felt so little by the vessel which struck her, that her captain carries on without a suspicion that any harm has been done. Nor does he hear the distress guns. Surely there must be some explanation of all this which does not yet appear; most earnestly we hope so, and cling to the belief that the story is not yet complete. Bad as appearances are for the Captain of the Bombay, it is not possible that he should pursue his course simply indifferent to so dreadful a calamity; still it is difficult now to avoid very grave doubts as to whether he exercised that care and caution the absence of which under such circumstances almost amounts to a crime. However, it is too soon to condemn him. We only hope it is not necessary to say meanwhile, that this calamity weighs very heavily upon all England; and that our anxiety about it is at least as great as the indignation of

### YACHTING.

The International Yacht Races. The Cambria is now in Ratsey's slips, will be launched about the 17th instant, and will be off Brighton on the 14th of April, preparatory to the races, which are expected to take place between this vessel and the American schooner Sappho. It is understood Mr. Douglas, the decided upon Mr. Ashbury's propositions, which are stated to be three races—round the Wight, round Cherbourg and back, and Eddystone and back, with time allowances: or three races over a triangular course, round the Nab and Oares light, with steamer moored twenty miles out at sea (a time race); or three races, sixty miles dead to windward and back (no time); or three races around the Wight (no time). Every care has been taken in the selection of the navigation master to take the Cambria to New York on the 4th of July. Mr. Graves, M. P., Captain Sir James Anderson, Captain Judkins, Captain Lott, of the Russia, Captain Ballantine, of the Montreal line, have advised Mr. Ashbury on the above appointment, and the selected master is one already well known in Liverpool and elsewhere for the remarkably rapid passages he has made across the Atlantic in command of clipper ships. The Cambria's alterations this winter are not numerous; her bulwarks have been raised and more sheer given, and her bowsprit more sheer; additional large portholes on each side to rapidly carry off a heavy sea, and three or four tons of lead ballast will comprise the material alterations .- Bell's Life.

## GENERALITIES.

The Funeral of Francis Lousada.

The funeral of the late Francis Lousada, British Consul for Massachusetts and Rhode Island, took place this afternoon in Trinity Church, Summer street. The remains were at 2 o'clock escorted by friends and connections of the de ceased from his late residence, No. 5 Beacon street, to the church, and placed in the broad aisle. The embalmed body was enclosed in a mahegany casket covered with black broadcloth and beautifully mounted in silver, and bearing a silver plate containing the name of the de

The pall-bearers consisted of F. W. Grantham, Vice-Consul in Boston; Joseph Iasigi, Turkish Consul; Federico Granados, Spanish Consul; John Schumacher, Bavarian Consul; W. Arthur Lauen, French Consul; H. J. Murray, the Eng-lish Consul at Portland; General William Schouer and Judge Russell.

At the conclusion of the services the remains were exposed to view, and then temporarily deposited in the vaults of the church, iglish friends shall decide upon its final restng-place. - Boston Traveller, 24th.

Alexandria and Washington Railroad. The Alexandria and Washington Railroad was, at half-past II o'clock this morning, put into the possession of Samuel M. Shoemaker President of the Alexandria and Washington Railroad Company, by Sheriff O'Neal, of this county, under a writ of habere facias possessionem issued from the clerk's office of the Circuit Court of this county, and at the same time, pursuance of an order of the Circuit Court of the United States for the District of Virginia. the receivers, O. A. Stevens and W. J. Phelps, appointed by a former decree of the said Court. made a formal delivery of the road and its anpurtenances. The trains are now run under new management .- Alexandria Gazette,

-The University of California is to consist of five colleges, to be known as the California Hall, the College of Letters, the College of Agriculture, the College of Mechanic Arts, and the College of Mines. To these are to be added the Astronomical and Magnetic Observatories, the Esculty Lodge and the houses of the Professors. Faculty Lodge, and the houses of the Professors. The colleges are to be each two stories high, with basement and attic, built of brick and iron, the floors supported by iron girders, and thoroughly earthquake proof. All the materials to be used in the construction of the University are of native manufacture and production, with the

# SECOND EDITION

LATEST BY TELEGRAPH

## TC-DAY'S WASHINGTON NEWS.

The President and the Army Bill.

Newspapers and Gen. Butler.

This Morning's Cable Quotations.

Steamer Launched at Chester

#### FROM WASHINGTON.

Senator Wilson's Army Bill. WASHINGTON, March 26 .- The President, in conversation, having read Senator Wilson's Army bill, expressed his approbation of it in most particulars. The President thought at least the grade of Lieutenant-General should be made permanent

He was also in favor of raising all chiefs of staff to the grade of brigadier general, at least. It appears that Logan's bill, notwithstanding it does away with several hundred officers, the increased pay granted to those who remain will amount to considerably more than the expense of the army on its present footing.

General Butler and the Newspapers.

General Garfield was among the witnesses examined yesterday by General Butler's newspaper investigating committee as to the premature publication of the evidence taken by the Banking and Currency Committee in the gold conspiracy affair. General Butler's investigation is grievously agitating some of the correspondents, who have an idea that he means to catechise them about all they know concerning lobby jobs and their connection with disreputable

Thus far Butler appears not to have touched upon the point, but it is said he is reserving that branch for the end of the investigation. His object is said to be a good one, to wit, the expulsion from the reporters' gallery of all newspaper men concerned in lobby schemes.

### FROM THE ISTHMUS.

Latest South American Advices.

New York, March 26.—The steamship Alaska orings Panama and Aspinwall dates of the 17th nst., and \$28,000 in treasure from California. Among the passengers is J. W. Caldwell, Minister from Bolivia to the United States.

Guatemala advices state that the revolution is over and the chiefs of the rebellion been captured or shot.

A slight earthquake was felt at Salvador on the 9th inst. The gunboat Nyack, of the Darien expedition,

had received damage to one of her masts and would be sent to Valparaiso for repairs, the Resaca taking her place. A conspiracy against the Government had

been broken up at Panama by the arrest of some half dozen persons, who were subsequntly released on taking the oath of allegiance. Large quantities of butter shipped from New

York to the Isthmus had been found adulterated with grease. The Government of Ecuador is to demand

satisfaction of the United States for a violation of the law of nations, in that the gunboat Nyack has been making topographical surveys and maps of the Gallipagos islands. There is no doubt that the Senate of Bogota will confirm the treaty with the United States for the construction of the Darien Canal.

South American advices state that the yellow ever has made its appearance at Rio Janei ro. Foreign vessels hereafter are to be per atted o engage in the coasting trade in Brazil.

Chilian advices state that one Orelio Antonio

as proclaimed himself King of Araucaria and Patagonia, and defies the Chilian Government. He is a Frenchman, and has ingratiated himself with the Indians of those territories. would send troops to squelch him, and trouble is anticipated, as the Incians will adhere to the new adventurer. A Valparaiso letter states that Lopez and his

few forces are in great misery. Descritons are very numerous, and his cause is hopeless. The gunboats Nyack, Resaca, and Onward were at Callao Feb. 26. The Kearsarge had gone on a cruisc southward.

The Legislature of Colombia have passed a

bill recognizing the belligerent rights of the The mixed American and Peruvian commission have awarded the following claims to Americans:—S. Crosby & Co., \$10,000; R. Hardy, \$2500; A. Rosenberg, \$21,924; J. Thomas, \$4500; H. Milligan, \$75,000; F. Isaacs, \$3000; Ruden & Co., \$7600; F. Grannan, \$7000; Johnson & Montano, \$11,000; A. Eggart, \$11,000; George Hill, \$6000; and Charles Weile, Inited States Consul, \$35,000.

The sate of the Boston Ice Company was robbed of \$3500 on the night of March 3, at Aspinwall.

## FROM THE WEST.

Execution at Pembina. CHICAGO, March 26 .- A Pembina letter dated March 7 gives the particulars of the execution of a man named Scott. At the time the Schultz

party were captured in midwinter, Scott, a Canadian, was of the party, and he, it is said, had been released on parole.

At the time Major Boulton and Schultz were camped at the Scottish Church, Scott joined Boulton and Schultz the same evening he was released. A few days thereafter, when Boulton's command was captured, Scott was taken with arms in his hands. In due time a court-martial convened, and Scott was tried and found guilty. He was shot in front of Fort Garry.

All is quiet in the Red River settlement now. Bishop Taske had arrived. There is no doubt that Goldy was also shot, as previously reported. The Keekuk Riot.

KEOKUK, March 26 .- The sheriff returned last evening with thirty-seven more prisoners from among the ringleaders of the riot at the Government Works at the Des Moines Rapids. All were lodged in jail to await a hearing. The strikers still refuse to resume work, and swear death and destruction to those who do. It is feared that the canal embankment will be cut and the works flooded.

## FROM NEW YORK.

Ship News. NEW YORK, March 26 .- Arrived, steamers Alaska, from Aspinwall; Northumbria, from Palermo; Saxonia, from Hamburg; and Rhein exception of the glass, which must be imported. I from Bremen.

### FROM THE STATE.

Steamer Launched at Chester. Special Despatch to The Evening Telegraph.

CHESTER March 26. - Messrs. Reaney, Son & Co. launched this morning at their works at this place the iron steam collier Hercules, for the Philadelphia and Reading Railroad Com-pany. Her dimensions are as follows:—Length over all, 208 feet; beam, 37 feet; depth, 15 feet; cargo capacity, 1000 tons coal. The steam collier Achilles, of the same dimensions, sailed two days ago for Boston, with 1000 tons of coal. This company are building two others of 800 tons capacity, one at Messers. Harlan, Hollingsworth & Co.'s Wilmington, and another at Chester.

### CONGRESS.

FORTY-PIRST TERM-SECOND SESSION.

The House met in Committee of the Whole for debate exclusively on the tariff bill.

FROM EUROPE. This Morning's Quotations.

This Morning's Quotations.

By the Anglo-American Cable.

London, March 26—11:30 A. M.—Consols for money,
93%; for account 93%. United States 5-20s of 1862,
90%; 1865s, old, 89%; 10-40s, 86%. Brie Railroad,
21%; Illinols Central, 116%; Great Western, 28%.

London, March 26.—Linseed Cakes quiet. Refined
Petroleum dull at 1s. 8%d. Linseed Oil dull.

LIVERPOOL, March 26—11:30 A. M.—Cotton opened
quiet and unchanged. The sales are estimated at
10.000 bales.

## LEGAL INTELLIGENCE.

The Mercantile Library and the Sunday Ques-tion.

Court of Quarter Sessions.

Court of Quarter Sessions.

This morning Amos Briggs, Esq., appeared in court and filed an answer in behalf of the respondents in the case of the Commonwealth exrelations John C. Granger vs. The Directors of the Mercantile Library Company. Last Saturday, in accordance with the petition of the relator, Judge Read granted a motion for a rule on defendants to show cause why an alternative writ of mandamus shall not issue, returnable to the first Monday of April, 1870, commanding the said respondents to keep the Mercantile Library open as a reading-room on every Sunday be-tween the hours of 2 and 8 o'clock in the after-

noon, or signify to the Court some reason to the The answer of the respondents, after setting forth their standing in court, declares that they are advised by their counsel, and believe, and hence so allege, that there is no power, nor was there at the time of granting said rule, vested in said stockholders, enabling them to order the said directors to open—said library on Sunday. The action of the meeting of stockholders, at which but one hundred and twenty-six were present, ordering the directors to keep the library open on Sunday, is then recited, together with the action of the board in providing for a vote upon the question during the mouth of April, as already given at length in these

columns. The respondents then say that at the next meeting of the board after the passage of the resolution ordering the library to be kept open on Sunday, and at which its passage was communicated to them, there was presented to the directors the petition of two hundred and thirty stockholders, hastily procured, protesting against the opening of the library on Sunday, and requesting the directors not to open the same on that day; thus suggesting to the directors the expediency of obtaining a fuller expression of the sense of the stockholders in the premises before they should take action thereon. Also, that the charter of said company provides that the said "Board of Directors shall have full power to make and alter such rules and by-laws as they may deem necessary for the well-being and due management of the affairs of the company;" and that in accordance therewith the board have established rules for the opening of the library.

The answer further says that the respondents are advised, and accordingly suggest that the opening of said library on Sunday would be in violation of section 1 of the act of April 22d. 1794, which prohibits the performance of worldly

employment on that day. In view of all these circumstances, the respondents deny that it is or was their duty to open the library on Sunday, and pray that the court will discharge the rule for an alternative mandamus, at the cost of the relator.

Judge Read subsequently delivered a short

verbal opinion refusing the rule, upon two grounds-first, that this Court had no jurisdiction over the matter, this not being an original action; and, second, if this Court had jurisdiction, yet this was a proper case for the equity jurisdiction of the Common Pleas, and therefore the Nisi Prius would not take cognizance

#### Commonwealth vs. Jack et al.—Quarter Ses-sions—Opinion by Judge Allison. Rule on behalf of James O'Conner, prosecutor,

to show cause why execution shall not issue against the city for costs.

The bill of indictment, which charges the defendants, Tack et al., with conspiracy, was called for trial in April, 1868, and has endorsed thereon the following entries:—April 23, 1868.— The jury unable to agree, and discharged by the Court from the further consideration of the case: January 26, 1869-Verdict, not guilty, and county pay costs. The prosecutor's costs, as taxed by the Clerk, amount to \$2729.68. To enforce the collection of this claim the present rule has been taken.

The act of the Sist of March, 1860, provides

that "in all cases of acquitals by the petit jury, on indictments aforesaid (other than felony), the jury trying the same shall determine by their verdict whether the county or the prosecutor or the defendant shall pay the costs, or whether the same shall be apportioned between the prosecutor and the defendant, and in what proportion." In this case the jury have deter-mined that the costs shall be paid by the county, and this, in the case of Baldwin vs. The Commonwealth, 2 Casey, 171, was held to include cos,s which had accrued at previous terms of the court, as well as the costs of the term at which the case was decided.

Upon the verdict, which was recorded as of the 26th of January, 1869, no judgment has been entered. There is a finding, or, in the language of the act, a determination by the jury that the county should pay the costs. Is this, under the law of the land, a conclusion of the whole matter? or does the verdict as to payment of costs require the approval by the court, in the form of an order or judgment entered thereon, before execution can issue, at the instance of the prosecutor, for the collection of his taxed costs? If this was the case of a verdict of acquittal, with direction by the jury that either the prosecutor or the defendant should pay the costs, it will hardly be pretended that until the finding of the jury had been followed by judgment or sentence, the mere verdict could be enforced by attachment, and commitment in default of

We speak of a successfal prosecution of a defendant charged with the commission of a rime, as having been convicted and sentenced. In the case of York County vs. Dalhousen, 9 Wright, 375, the court say both ingredients are necessary to accomplish a final result. They are distinct acts or processes towards a result. The one is the act of the jury, and the other the act of the court. The conviction and the sentence are each liable to be attacked, and tested separately-one for errors in the trial or mistakes by the jury, and the other for errors in the

judgment. Chief Justice Thompson, in the case last cited, quotes from Blackstone, vol. 4, page 362, as defining the term "convicted," which is, finding the prisoner guilty in manner and form as he stands indicted. But this conviction is not a final determination. It may be set aside and a

new trial ordered, or it may be followed by sentence or judgment. Punishment of fine or imprisonment, or both, does not follow the verdict unless it is approved by the Court and judgment has first been pronounced on the verdict.

As Blackstone lays it down, "the next stage of a criminal prosecution, after the trial and conviction are past, is that of judgment." This is referred to in this connection, for the purpose of showing that before process can issue to carry into effect a verdict there must be judgment by the court. And this must hold as to every verdict which requires the interposition of the court to carry it into effect. If the determination of the jury in this case, by which the county is ordered to pay the costs, is initself the final result, and is in itself a judgment, then the parties claiming costs do not need the order contemplated by the rule, which need the order contemplated by the rule, which they have taken. Process on a judgment is of right. If the verdict does not give a right to execution, then the prosecutor is before his time, in asking that the rule be made absolute. He should first move for judgment on the ver-dict or on that part of it which disposes, as far as a mere verdict can, of the costs of the prose-

This would of itself be sufficient to require us to discharge the rule, and to refuse the execution, which we are asked at this time to award. But as we think there is a good reason why we should not enter judgment on the verdict for costs against the city, we may as well state them

The conspiracy with which the defendants were charged in the indictment grew out of speculations in oil, to which the prosecutor, O'Conner, and the defendants were parties.

As a consequence of the alleged conspiracy, O'Conner asserted that he had been defrauded out of a large sum of money by the defendants. The indictment was found at the March sessions of 1868, and, after a protracted trial the jury, not being able to agree upon a verdict, were discharged. At the January sessions of 1869, the bill was laid before the jury without evidence, and a verdict of not guilty was rendered. The prosecution was abandoned by the District Attorney with the consent of O'Conner, and by an agreement between him and the defendants, all questions of dispute were withdrawn from the several courts in which they were pending and referred to an arbitrator for final determina-

This, it is true, does not appear upon the record, but was admitted by the counsel for O'Conner in the argument submitted by him, and are the facts which transpired in the publie conduct of the prosecution, and are therefore known to and within the breast of the Court, as the law expresses it.

The act of the 31st of March, 1860, has been cited, and by the terms of which, it is con-tended, the city is fixed for the costs. But this contemplates, in our judgment, something more than a formal verdiet, such as was ren-

dered in this case. The statute does not give to the jury an unlimited and unqualified power over the costs, in every case of an acquittal of a defendant charged with having committed a misdemeanor. Its directions are, that the jury trying the offense shall determine whether the county or the prosecutor or the defendant shall pay the essis, or whether they shall be apportioned be-

tween the prosecutor and the defendant. This implies a trial, and a trial upon the merits. For unless the jury have heard the case upon its facts, unless they have investigated it upon its merits, how can they find the fact which they are required to dispose of, as to who ought to be punished with costs? They may believe from the testimony that the prosecution was groundless, or that it was instituted from improper motives, and in rendering a verdict of not guilty they may, under the law, direct that the person who instituted the prosecution shall pay the costs. Or the evidence may require them to acquit upon the plea of the statute of limitations, or because the testumony does not establish the charge as laid in the indictment, though showing conduct worthy of blame in the defendant. In either case they are is declared by their verdict not guilty in manner and form as he stands indicted. If the jury do not find the charge proved beyond reasonable doubt, and have no reason to impeach the integrity of the prosecutor, they may determine that the costs shall be paid by the county, and if the justice of the case requires it they may apportion all the costs between the prosecutor

and defendant. It is impossible that this can be done with understanding unless the jury have heard the witnesses; for without such light, as can in this way only be shed upon the case, they cannot know where the costs should fall. It certainly was never intended to leave the disposition of an important question in the cause to caprice or to mere guess, or to allow that conclusions should be arrived at by groping in the dark. It is a verdict which involves the payment of money, and to the prosecutor or the defendant, as the case may be, it may be followed by imprisonment, upon default of payment, after sen-

The case before us is an illustration of the oppression which a verdict as to costs may be if followed by judgment. If it had been imposed on the defendants, it might have resulted in no slight inconvenience to them; and to the city of Philadelphia it is a burden which it ought to be required to bear, unless the law and the justice of the case require it at her hands.
We have said that the act of 1860 contem-

tence on the verdict.

plated not a formal verdict merely, but a trial of the question of the gullt or innocence of the defendant. A trial is defined to be the examination, before a competent tribunal, according to the laws of the land, of the facts put in issue in the cause, for the purpose of determining such issue. A trial by jury implies the proper selection and swearing of the the examination of witnesses, or submission of documentary evidence, or both; the right of counsel to address the jury upon evidence, and the formal determination of the issue by the jury, in the form of a verdlet. record does not in this case show a trial upon the merits, and it is admitted by O'Conner, that the bill was submitted as the result of a compromise, without proofs; that this mode of settlement was carried into effect by the agreement of the prosecutor and the defendants.

This verdict is doubtless good as it stands for

some purpose. It would be good as a defense upon a retrial of the defendants, upon the plea of autre fois acquit. But we hold there was no such trial as to warrant the jury in determining that the county shall pay the costs of the prose-cution. To recognize that which has been done as binding on the county would be to permit parties, prosecutor and defendant, in effect, to determine a question which the law says the jury shall try and determine.

The taxation of prosecutor's costs was not appealed from, and this perhaps is conclusive upon the question of their amount, and if he is not satisfied with the views as expressed by us, he has a right to bring suit against the city for the recovery of what he claims to be due to him, and in that way test the liability of the city upon the verdict. Or by application to the me Court for a mandamus to this court to award him execution, he can have the correctness of our conclusions passed on and adjudi-

The application for execution is dismissed and the rule discharged.

Charge of Embezzlement.

Court of Quarter Sessions-Judge Peirce.

Daniel S. C. Folwell and C. G. Folwell, the conveyancers in Tenth street, were this morning on trial upon a charge of embezzlement. They were by power of attorney agents for the management of the estate of Jarvis Webster, deceased, for the benefit of his three heirs, and it is alleged that they collected some \$700 rents due to the heirs and appropriated the money to their own use. On trial.